

**COUNTY BOARD OF HEALTH  
POLICY # HR-03611  
ALCOHOL AND DRUG FREE WORKPLACE**

Approval:		<i>6/3/20</i>
	District Health Director	Date



**Public Health**  
Prevent. Promote. Protect.

**1.0 PURPOSE**

The purpose of this policy is to promote and provide for an alcohol and drug free workplace.

**2.0 AUTHORITY**

The County Board of Health (CBOH) Alcohol and Drug-Free Workplace Policy is published under the authority of CBOH and in compliance with the following:

- 2.1 Federal Drug-free Work Place Act (US Code: Title 41, Ch, 81, §8101 - 8106)
- 2.2 Schedules of Controlled Substances (US Code: Title 21, Ch, 13, §812)
- 2.3 Georgia Drug-Free Public Work Force Act (O.C.G.A. §45-23-1 through 9)
- 2.4 Rules of the State Personnel Board - Rule 21

**3.0 SCOPE**

This policy applies to all CBOH employees, and must be adhered to by all employees.

**4.0 POLICY**

- 4.1 It is the policy of the County Board of Health (CBOH), in accordance with the Federal Drug-free Work Place Act and the Georgia Drug-free Public Work Force Act, to maintain an alcohol and drug-free work place. CBOH will make a good faith effort to ensure that an alcohol and drug-free work place is maintained and will continue a drug-free awareness program.
- 4.2 The County Board of Health prohibits the manufacture, distribution, dispensation, possession, or use of alcohol, illegal drugs, unauthorized drugs, inhalants, or other controlled substances during an employee's working hours or while on CBOH premises or worksites. Employees violating this policy are subject to disciplinary

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action, up to and including termination of employment.

- 4.2.1** No one who is under the influence of illegal drugs, inhalants, or alcohol may enter, work, or remain on the CBOH's work premises, operate CBOH vehicles (whether owned or leased), or represent CBOH in any capacity. The unauthorized use of legally obtained drugs (including drugs prescribed by a health care professional) that may adversely affect job performance or safety is also prohibited. An employee using legally obtained drugs must notify his/her supervisor and obtain prior authorization before operating a CBOH vehicle, or reporting to work if use of the drug(s) could impair the employee's ability to perform his/her job safely.
- 4.2.2** All employees must be informed of the State's Drug and Alcohol Free Workplace Program and related policies and procedures. An employee who refuses to be tested as defined by and required under this policy, fails to appear for a scheduled test, or disrupts the testing process will be terminated. A P.O.S.T. certified employee whose test result is confirmed positive for alcohol or verified positive by the Medical Review Officer (MRO) for illegal drugs will be terminated. Other employees whose alcohol test result is confirmed positive or whose drug test is verified positive by the MRO will be subject to disciplinary action, up to and including termination.
- 4.3** An employee who chooses not to sign the Drug-Free Workplace Notice will be immediately terminated from his/her position.
- 4.4** CBOH has three testing programs that serve to promote an alcohol/ drug-free and safe work place. These alcohol/drug testing programs are as follows:
- 4.4.1** Pre-employment (Drug Testing Only)
- 4.4.1.1** Applicants/employees offered employment in jobs designated for pre-employment drug testing with duties similar to those listed below are required to successfully complete a pre-employment drug test.
- 4.4.1.1.1** Providing health care and/or treatment services;
- 4.4.1.1.2** Administering and dispensing medications;
- 4.4.1.1.3** Providing case management, in-home visitation, investigation and tracking;
- 4.4.1.1.4** Performing health related lab testing;
- NOTE:** Pre-employment drug testing is not required when current CBOH employees who have previously been tested move between jobs subject to pre-employment drug testing with no

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break in service.

**4.4.1.2** Employees in a job subject to pre-employment drug testing will be directed to report for testing on their first day of employment.

**4.4.2** Reasonable Suspicion (Alcohol and Drug Testing)

**4.4.2.1** Alcohol and/or drug testing may be required when there is reason to believe that an employee is not free of alcohol and/or illegal drugs while in the work place or performing assigned duties.

**4.4.2.2** Reasonable suspicion may occur due to an employee's appearance, behavior, speech, odors or other evidence found or reported. Factors that may lead to a reasonable suspicion include, but are not limited to, the following:

**4.4.2.2.1** An on-the-job accident or occurrence where evidence indicates that an employee's action or inaction was in whole or in part the cause, and/or the employee demonstrated in some way that the employee may not be free of alcohol and/or drugs;

**4.4.2.2.2** An on-the-job incident, such as a medical emergency, that is likely to be a result of alcohol or illegal drug use by an employee;

**4.4.2.2.3** Direct observation of an employee's behavior that may render the employee unable to perform assigned job duties and/or responsibilities or which may pose a threat to the safety or health of the employee, other employees, clients, patients, customers or the general public;

**4.4.2.2.4** Verifiable information that an employee may be under the influence of alcohol or illegal drugs;

**4.4.2.3** Supervisors/managers do not have the authority to direct an employee to submit to reasonable suspicion alcohol or drug testing prior to receiving explicit approval through appropriate lines of authority from HR.

**4.4.2.3.1** Supervisors/managers who observe behavior or other indicators that lead to reasonable suspicion are to immediately contact HR to discuss the specific circumstances.

**4.4.2.3.2** Approval/Disapproval of reasonable suspicion

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testing will be determined by HR and the District Health Director.

**4.4.2.4** When it is determined that employees will be tested due to reasonable suspicion, they are to be accompanied and transported to the testing site.

**4.4.2.5** Since alcohol metabolizes rapidly, reasonable suspicion alcohol testing is to be completed at the closest testing site as soon as possible. Employees are not to be permitted to drive to or from the testing site.

**4.4.3** Random Drug Testing

**4.4.3.1** Employees in the following jobs are subject to CBOH Directed Random Drug Testing:

**4.4.3.1.1** Jobs that have duties where inattention to duty or errors in judgment by the incumbent while on duty will have the potential for significant risk of harm to the individual, other individuals, or the general public.

**4.4.3.2** A random selection of specific positions in jobs subject to Directed Random Drug Testing will be made periodically.

**4.5** Refused Alcohol Testing or Drug Testing

**4.5.1** Employees are considered to have refused alcohol testing under the following circumstances:

**4.5.1.1** Expressly refusing to submit to testing;

**4.5.1.2** Engaging in conduct that clearly obstructs the testing process;

**4.5.1.3** Failing to immediately report for testing after receiving notification;

**4.5.1.3.1** Random testing – The notification must specify a date and time by which each individual must report for testing. The date and time should be as soon as possible, but not later than two business days following the date the individual receives notification to report.

**4.5.1.3.2** Reasonable Suspicion – employee must report immediately for testing.

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- 4.5.1.4 Failing to remain readily available for testing; or,
- 4.5.1.5 Failing to provide adequate breath for alcohol testing without a valid medical reason (a medical statement must be received which indicates that the employee is under treatment for condition which supports the inability to provide adequate breath).
- 4.5.1.6 Failing to provide adequate urine for drug testing without a valid medical reason (a medical statement must be received which indicates that the employee is under treatment for a condition which supports the inability to produce a urine sample); and,
- 4.5.1.7 When the testing laboratory and the Medical Review Officer determine that the sample has been adulterated or substituted.
- 4.5.2 HR must be advised when an employee refuses alcohol and/or drug testing.
- 4.5.3 Employees who refuse alcohol testing are to be immediately separated from employment.

## 5.0 DEFINITION OF TERMS AND ACRONYMS

- 5.1 **CBOH** – County Board of Health
- 5.2 **HR** – Human Resources
- 5.3 **HRA** – Human Resources Administration
- 5.4 “Adulterated Sample” means a specimen that contains a substance that is not expected to be present in human urine or a substance that is expected to be present but is at a concentration so high that it is not consistent with human urine.
- 5.5 “Alcohol” means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl and isopropyl alcohol.
- 5.6 “Alcohol Concentration” or “Alcohol Content” means the alcohol in a volume of breath expressed in terms of grams of alcohol per two hundred and ten (210) liters of breath as indicated by an alcohol test.
- 5.7 “Alcohol Confirmation Test” means a breath test using an evidential breath testing device (EBT) capable of printing results and approved by the National Highway Traffic Safety Administration (NHTSA) and placed on its “Conforming Products List of Evidential Breath Measurement Devices” used to determine whether an individual may have a prohibited concentration of alcohol in a breath specimen. Such testing must be performed by a certified Breath Alcohol Technician. It can be a second test following an alcohol screening test which indicates an alcohol concentration of 0.02

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percent or greater.

- 5.8 “Alcohol Screening Device” (ASD) means a breath or saliva device other than an EBT that is approved by NHTSA and placed on a Conforming Products list for such devices.
- 5.9 “Alcohol Screening Test” means an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.
- 5.10 “Breath Alcohol Technician” (BAT) means an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath-testing device in accordance with the regulations of the United States Department of Transportation.
- 5.11 “Chain of Custody” means the procedure used to document the handling of the urine specimen from the time the individual gives the specimen to the collector until the specimen is destroyed.
- 5.12 “Collector” means a person who instructs and assists individuals, who receives and makes an initial inspection of the specimen provided by those individuals, who initiates and completes the Custody and Control Form (CCF) and who is trained according to either United States Department of Transportation standards for DOT regulated donors or Health and Human Services standards for non-DOT-regulated donors.
- 5.13 “Donor” means an individual who has provided a urine sample in the course of completing a drug test.
- 5.14 “Drug Testing” or “Drug Test” means the collection and testing of urine administered in a manner equivalent to that required by the regulations of the State of Georgia (Official Code of Georgia 34-9-415) and the Mandatory Guidelines for Federal Workplace Drug Testing Programs (HHS Regulations, 53 Fed. Reg. 11979, *et seq.*, as amended). This definition is applicable to all types of drug testing of applicants and employees in P.O.S.T. certified and other non-regulated/non-safety-sensitive positions.
- 5.15 “Drug Testing” or “Drug Test” means the collection and testing of urine administered in a manner equivalent to that required by the rules and regulations of the United States Department of Transportation (49 CFR Part 40 and Part 382, 14 CFR Part 121 Appendices I & J, 33 CFR Part 95, and 49 CFR Part 655). This definition is applicable to *all types of* drug testing of *applicants and* employees in safety sensitive positions.
- 5.16 “High-Risk Work” refers to those duties where inattention to duty or errors in judgment by the incumbent while on duty will have the potential for significant risk of harm to the individual, other individuals, or the general public.

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- 5.17** "Illegal Drug" includes but is not limited to marijuana/cannabinoids (THC), cocaine, amphetamines/meth-amphetamines, opiates or phencyclidine (PCP), or any controlled substance as defined in O.C.G.A. 16-13-21. The term illegal drug does not include any drug used pursuant to and in accordance with a valid prescription or when used as otherwise authorized by state or federal law.
- 5.18** "Individual" means an applicant or employee as defined elsewhere in this policy.
- 5.19** "Medical Marijuana" or "low THC oil" means an oil, prescribed by a physician for medical use, containing no more than 5% tetrahydrocannabinol (THC), and an amount of cannabidiol (CBD) that is at least equal to the amount of THC.
- 5.20** "Medical Review Officer" means a properly licensed physician who receives and reviews the results of drug tests and evaluates those results together with medical history or any other relevant biomedical information to confirm positive results.
- 5.21** "Reasonable Suspicion" for non-DOT regulated testing refers to the employers' judgment that an employee has violated the State's Alcohol and Other Drug Free Workplace Policy. This judgment should be made as a result of an employee's behavior, appearance, speech, body odor, and/or job performance that is observed by a supervisor/manager or reported by a reliable individual and verified. The decision to test must be based on specific, timely, and describable observations of physical, behavioral, or performance indicators.
- 5.22** "Reasonable Suspicion" for DOT regulated testing refers to the employers' determination that reasonable suspicion exists that a safety-sensitive employee may have broken a substance abuse prohibition. The decision to test must be based on specific, timely, and describable observations of appearance, behavior, speech, and/or body odor. One or more of the referring supervisors/managers must be trained in the detection of the misuse of alcohol and the use of controlled substances.
- 5.23** "Safety-Sensitive Position" means any position whose incumbent is required to undergo drug and alcohol testing by regulations of the United States Department of Transportation (49 CFR Part 382.103, 14 CFR Part 121 Appendices I & J, 33 CFR Part 95, and/or 49 CFR Part 655). In general, such positions are those where the duties require possession of a valid commercial driver's license, but also includes other positions subject to drug and alcohol testing as required by the FAA, FTA, or Coast Guard, and other positions subject to drug and alcohol testing as required by federal law or regulation.
- 5.24** "Screening" means the collection and testing of bodily substances administered per professionally valid procedures in accordance with accepted medical and legal standards.
- 5.25** "Split Specimen" means part of the DOT regulated urine specimen that is sent to the first laboratory and retained unopened, and which is transported to a second laboratory in the event that the individual requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted

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test result.

- 5.26** "Substance Abuse Professional" (SAP)" means a properly certified professional who evaluates employees who have violated drug and/or alcohol regulations or policies and makes recommendations concerning education, treatment, follow-up testing, and aftercare. For Federally regulated transportation positions, a Substance Abuse Professional must meet all US DOT qualification requirements.
- 5.27** "Substituted Sample" means a specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

## **6.0 RESPONSIBILITIES**

- 6.1** HR is responsible for issuing and updating procedures to implement this policy.
- 6.2** The expense of ordered alcohol and/or drug testing based on the programs described in this policy is the responsibility of CBOH.

## **7.0 PROCEDURES**

The Georgia Drug-free Public Work Force Act was passed in 1990. This Act declares that illegal drug activity is a serious threat to public health, safety and welfare. The Georgia General Assembly has, therefore, declared that the public work force must be free of any person who would knowingly commit criminal drug offenses.

### **7.1 Illegal Drugs or Alcohol**

- 7.1.1** Selected applicants or employees who have not previously signed a document containing this information are to sign a copy of the Drug-Free Workplace Notice. The signed notices are to be maintained in employees' official personnel files.
- 7.1.2** Employees who engage in unlawful/illegal drug-related activity are subject to disciplinary action up to and including termination from employment.
- 7.1.3** Since alcohol metabolizes rapidly, Reasonable Suspicion alcohol testing is to be completed at the closest testing site as soon as possible.
- 7.1.4** Employees who test positive for an illegal drug(s) are given an opportunity by the Medical Review Officer to request a re-analysis of the same specimen by another laboratory. The cost of such re-analysis is the responsibility of the employee.
- 7.1.5** HR will designate each position approved for random drug testing in the PeopleSoft system to be included in the pool of positions to be pulled for random drug testing.



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- 7.1.6 The State Drug Testing Vendor will create a pool of positions pulled from PeopleSoft. PeopleSoft files are uploaded to the Drug Testing Vendor's website for randomization. Agencies will be notified of testing date and when to retrieve the rosters.
- 7.1.7 HR will notify the selected position incumbent to report for random drug testing.
  - 7.1.7.1 HR is to issue the notification directing each selected employee to report for testing. This notification must be signed by HR.
- 7.1.8 HR is to provide each selected employee with the drug testing form.
- 7.1.9 Employees directed to report for alcohol testing are to use Breath Alcohol Testing Forms available at the testing site.
- 7.1.10 Once directed to report for drug testing, employees are to immediately report to an authorized collection site with a picture ID and the appropriate testing form.
- 7.1.11 Drug testing is conducted by collecting a urine sample. The sample is tested by a certified laboratory that follows specific collection and chain of custody procedures to ensure that the test is not compromised. Laboratory reports are forwarded to a Medical Review Officer for review and final determination of results.
- 7.1.12 On the testing date, IF an employee selected for testing is:
  - 7.1.12.1 on any type of paid or unpaid leave,
  - 7.1.12.2 attending mandatory training or training away from the work site, or
  - 7.1.12.3 on an extended assignment away from the work site performing duties not subject to testing:

THEN, the following action is to be taken:

  - 7.1.12.4 The employee must be directed to report immediately for testing upon returning to assigned duties IF the employee returns within 30 calendar days of the official testing date;
- 7.1.13 For the Alcohol Testing, a breath test is conducted by a certified Breath Alcohol Technician at a breath testing site. If a test result shows an alcohol concentration of 0.02 or greater on the first test, a confirmation test using an evidential breath testing device must be conducted not less than fifteen or more than twenty minutes after the first test.

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**7.1.14** Employees whose test result shows an alcohol concentration of less than 0.02 will be given a copy of the completed alcohol testing form. Employees are to send this copy of the completed alcohol testing form to HR immediately upon return to work.

**7.1.15** Employees whose test results show the presence of alcohol or illegal drugs are not to return to duty or be allowed to drive a vehicle. Employees will be placed on leave without pay until a determination of appropriate disciplinary action is made by HR and the District Health Director.

**7.1.16** Employees should be assisted with making arrangements for transportation.

## **7.2 Substance Abuse Testing Results**

**7.2.1** Rejected or Unsuitable Sample: A donor whose sample is rejected or determined to be unsuitable by the testing laboratory is subject to retesting as indicated in Sub-Rules 478-1-.21B through 478- 1-.21G. The retesting may be conducted as an observed collection at the discretion of the appointing authority or as required by federal regulations for return-to-duty and follow-up testing.

**7.2.2** Adulterated or Substituted Sample: A donor whose sample is determined by the MRO to be adulterated or substituted is considered to have refused substance abuse testing.

**7.2.3** Negative Result:

1. Upon receiving a negative test result, the applicant/employee fulfills the applicable testing condition of employment.
2. Negative drug test results may be utilized by the appointing authority that ordered the testing for any appropriate purpose for a period of 30 calendar days after the date the test was administered.

**7.2.4** Positive Result:

1. An applicant/employee who tests positive for alcohol or use of an illegal drug(s) is subject to disciplinary action and disqualification as outlined in Sub-Rules 478- 1-.21A through 478-1-.21G.
2. A limited exception is available when a drug test result is positive for marijuana and the MRO notated the result to indicate that the donor provided proof of eligibility to lawfully use medical marijuana. (i) This exception gives an appointing authority the option to order and pay for an assessment by an occupational healthcare professional of the employee's ability to safely perform assigned duties. Based on the

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employee's ability to safely perform assigned duties. Based on the assessment, the appointing authority would determine appropriate employment action. (ii) The exception is not available for federally regulated testing or for preemployment testing for a high-risk position.

### 7.3 REPORTING DRUG RELATED CRIMINAL CONVICTIONS:

**7.3.1** Employees are required to notify their supervisors and/or other authorized officials of any drug related arrest and/or criminal convictions within FIVE (5) CALENDAR DAYS of the date of occurrence. A determination of appropriate action will be made on a case-by-case basis by the supervisor and/or other authorized official after consultation with HR.

**NOTE: "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of a sentence by any judicial body.**

**7.3.2** Employees who fail to report criminal drug arrests and/or convictions are subject to disciplinary action, up to and including termination from employment.

**7.3.3** The Federal grantor must be notified of any convictions for drug-related offenses committed in the work place by employees who work in program areas funded by Federal grants or contracts. This notification must be provided within 10 calendar days of becoming aware of the conviction.

**7.3.4** Within 30 calendar days of becoming aware of a conviction that must be reported to a Federal grantor, the following must occur:

**7.3.4.1** The employer must take appropriate personnel action against the employee, up to and including termination.

**7.3.4.2** Require the employee to satisfactorily participate in a drug-abuse assistance or rehabilitation program approved for those purposes by a federal, state or local health, law enforcement, or other appropriate agency.

**7.4** Information regarding arrests and/or convictions is confidential and should be shared only on a "need to know" basis.

**7.5** Minimum Sanctions:

**7.5.1** The suspension, termination and disqualification sanctions prescribed in this policy are minimum sanctions. CBOH may implement additional or more stringent sanctions.

**7.6** Applicants with a drug related conviction are disqualified from working for any CBOH or state entity for two (2) years from the date of conviction.

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**7.7** Employees who are convicted of a drug related crime:

**7.7.1** First Offense:

Employees are suspended without pay for a period of not less than three (3) months and are allowed to return only after meeting the following requirements:

**7.7.1.1** The employee agrees to an assessment and recommended treatment by a substance abuse professional chosen by the appointing authority. The treatment will be at the employee's expense;

**7.7.1.2** The employee provides certification of satisfactory completion of the recommended treatment program;

**7.7.1.3** The employee agrees, in writing, to a Return-to Duty contract that includes but is not limited to a Return-to Duty alcohol and/or other drug test and periodic unscheduled follow-up tests for up to five (5) years. Failure to comply with the contract and/or a positive test will result in immediate termination.

**7.7.2** Subsequent Offense:

The employee shall be terminated.

**7.8 PERSONAL USE OF ILLEGAL DRUGS**

**7.8.1** Employees who notify their supervisor (or other authorized officials if the supervisor is unavailable) of personal use of illegal drugs will not be separated from employment solely on the basis of the admitted drug use for up to one (1) year if the following conditions are met.

**7.8.1.1.** The notification of illegal drug use must be submitted in writing to the supervisor or other authorized official prior to an arrest for a criminal drug offense and **prior** to being notified of required drug testing.

**7.8.1.2** The notification must indicate that the employee is receiving or agrees to receive treatment under an approved drug abuse treatment and education program at the employee's expense.

**7.8.1.3** The employee must provide to the supervisor or other authorized official monthly documentation from the treatment provider, which shows that the employee's attendance and progress in the treatment plan are satisfactory.

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**7.9** Since treatment for substance abuse is considered a serious health condition, any absence from work to participate in a drug abuse treatment and education program will be charged to available family leave.

**7.9.1** The opportunity to maintain employment while in treatment is available to each employee only once in a 5-year period.

**7.9.2** While participating in a drug abuse treatment and education program, employees' work duties may be modified if practical to protect persons or property.

**7.9.3** Statements made by employees to supervisors or other authorized officials to comply with this policy are not admissible as evidence against them in any civil, administrative or criminal proceeding.

**7.9.4** Employees who notify their supervisor (or other authorized officials if the supervisor is unavailable) of personal use of an illegal drug(s), will not be protected from the mandatory sanctions that must be imposed if convicted of an illegal drug offense.

**8.0 REVISION HISTORY**

<b>REVISION #</b>	<b>REVISION DATE</b>	<b>REVISION COMMENTS</b>
0	April 11, 2016	Initial Issue
1	June 24, 2019	Updates and Annual Review
2	May 29, 2020	Revision

**9.0 RELATED FORMS**

*None*