



## ACKNOWLEDGEMENT OF THE SUBSTANCE ABUSE PREVENTION POLICY

I have received a copy of Larimer County's Substance Abuse Prevention Policy (attached) and understand that in order to continue my employment with Larimer County I must abide by the terms of that Policy.

I agree to notify my Appointing Authority if I am convicted of or plead guilty or no contest to a Drug or alcohol related offense, which offense occurred during work hours, while I was conducting County business or while I was on-call, no later than five (5) days after such conviction or plea.

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Signature

Attachment: Human Resources Policy and Procedure 331.4, Section XIV, Substance Abuse Prevention

# **HUMAN RESOURCES POLICY AND PROCEDURE 331.4**

## **XIV. SUBSTANCE ABUSE PREVENTION**

### **A. Purpose and Scope**

Larimer County is committed to supporting its employees' health and maintaining a safe and productive work environment for the well-being of employees, free from the negative effects of Drugs and alcohol (reference K). Larimer County recognizes that employees will sometimes need to take over-the-counter medications and medications prescribed by their health care providers (Drugs). It is appropriate and not a violation of this Policy for employees to possess and correctly use these Drugs. However, if an employee's use of any Drugs or alcohol appears to negatively affect the employee's ability to perform her or his job safely or effectively, then the County may, in its discretion, take appropriate action. This Policy is in furtherance of this commitment.

### **B. Definitions**

1. **Drug:** Any chemical substance that produces physical, mental, emotional or behavioral change in the user. Drug includes illegal and legal "Controlled Substances: under Federal and State law, medications prescribed by a licensed health care provider and over-the-counter medications.
2. **Non-Negative Test:** The result of a Drug or alcohol test that indicates an applicant or employee is under the influence of alcohol or under the influence of Drug(s).
3. **Substance:** As used in this Policy, "substance" means Drugs and/or alcohol.

### **C. Prohibited Conduct/Activities**

1. Lawful use of Drugs by a County employee during work hours, while conducting County business, while on-call, or during non-work hours, which use appears to affect the employee's ability to perform her or his job safely or effectively, is prohibited. Employees taking prescribed or over-the-counter Drug(s) should consult with their health care provider(s) to determine whether the Drug has any side effects that might impair job performance or safety.
2. Unlawful use, manufacture, distribution, dispensation, or possession of Drugs by a County employee during hour hours, while conducting County business or while on-call, is prohibited.
3. Unlawful use, manufacture, distribution, dispensation or possession of Drugs by a County employee during non-work hours which appears to affect the employee's ability to perform her or his job safely or effectively or which adversely affects the reputation of Larimer County in the eyes of the general public or threatens Larimer County's integrity, is prohibited.

4. Use, manufacture, distribution, dispensation or possession of alcohol by a County employee during work hours, while conducting County business or while on-call, unless specifically required by the employee's job and authorized by the employee's Appointing Authority, is prohibited.
5. Use of alcohol during non-work hours, which use appears to affect the employee's ability to perform her or his job safely or effectively or which use adversely affects the reputation of Larimer County in the eyes of the general public or threatens Larimer County's integrity, is prohibited.
6. Because the possession and use of marijuana is illegal under Federal law and because its use is not compatible with employment by the County, the County will not accommodate the possession or use of marijuana for medical or any other purpose during work time, or an employee being under the influence of marijuana during work time.

#### D. Criminal Actions

An employee who is convicted of or who pleads guilty or no contest to a Drug or alcohol related offense, which offense occurred during work hours, while the employee was conducting County business or was on-call, must notify his or her Appointing Authority within five (5) days of such conviction or plea.

#### E. Mandatory Notification

An employee who reasonably believes that another employee may be in violation of this Policy is required to report the situation immediately to his or her supervisor and/or to the Larimer County Human Resources Department. The supervisor or Appointing Authority is responsible to immediately report to the Human Resources Director, the Assistant Human Resources Director or a Human Resources Generalist the violations or concerns about possible violations of this Policy, whether or not the supervisor or Appointing Authority perceives the violation to be credible. The Appointing Authority or designee in consultation with Human Resources will take appropriate action.

#### F. Testing:

1. Human Resources, in coordination with Risk Management, shall be responsible for managing this Policy and the testing program.
2. The applicable County Department/Office will pay the costs of specimen collection and testing for alcohol and Drugs.
3. Testing Programs:
  - a. Unless otherwise noted, these testing programs apply to all Appointed, Regular, Limited Term, and Temporary positions.

- b. This Policy and these testing programs do not apply to employees covered by Risk Management's Department of Transportation Regulatory Policies and Procedures, specifically Administrative Policies and Procedures 390.15 and 390.15.1 (reference C).
- c. The following substances will be tested for:
  - 1) Amphetamines
  - 2) Cannabinoids
  - 3) Cocaine
  - 4) Opiates
  - 5) Phencyclidine (PCP)
  - 6) Ecstasy and MDA/MDEA and/or
  - 7) Alcohol
- d. Pre-Employment
  - 1) Except for those jobs listed in Section (F)(3)(d)(2) below, all job applicants shall be required to undergo a post-offer, pre-employment Drug screen. All offers of employment are contingent upon a satisfactory result of testing. Applicants who refuse to submit to testing shall not be considered further for employment. The contingent offer of employment shall be withdrawn for any applicant who tests Non-Negative pursuant to this Policy.
  - 2) The following Temporary positions are not subject to pre-employment Drug testing:
    - a) Positions which work less than twenty hours in a pay period
    - b) Election Judge positions
    - c) Senior Tax Work-off positions
    - d) Other Temporary positions as designated by the Human Resources Director in consultation with the Risk Manager.

#### 4. Reasonable Suspicion

- a. Employees may be required to submit to a Drug or alcohol test based on a reasonable suspicion that the employee may be in violation of this Policy. Please see the Supervisor's Guide to Reasonable Suspicion Testing (enclosure 5).
- b. Situations that may warrant reasonable suspicion testing include, but are not limited to:
  - 1) Observations: Specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee while at work. The supervisor will promptly document his or her observations regarding the need to conduct reasonable suspicion testing. Please see the Supervisor's Reasonable Suspicion Physical Assessment Checklist (enclosure 6).
  - 2) Non-Negative Test: An employee testing Non-Negative for alcohol or Drugs as part of a law enforcement required test while performing work-related duties and/or during work time. For example, an employee who tests Non-Negative for alcohol during a roadside sobriety test.
  - 3) Injury or Accident: The particular circumstances surrounding an on-the-job injury or accident.

- c. In order to assist supervisors regarding reasonable suspicion protocols, where time and circumstances permit, the requesting supervisor shall consult with the Human Resources Director, Assistant Human Resources Director or a Human Resources Generalist prior to contacting an employee about a possible reasonable suspicion substance test.
- d. If a reasonable suspicion test is required, arrangements must be made to transport the employee to the appropriate testing site (enclosures 3, 4 and 5). In no event shall the employee be authorized to drive to the testing site. The supervisor must complete an Employer Authorization for Substance Testing form (enclosure 3). If the testing is conducted after 6:00 PM and before 8:00 AM, the supervisor must contact the appropriate after hours on-call testing staff (enclosure 4).

#### 5. Non-Negative Test Results

Any applicant or employee with a Non-Negative test for alcohol or Drugs will have that result verified through a confirmatory testing method prior to the County taking any action against the employee. The result of the confirmatory test shall be considered final. Test results under this Policy shall be handled to reasonably ensure privacy, minimize intrusion, establish proper chain of custody and maintain confidentiality. Second sample testing (other than confirmatory testing) of a Non-Negative result shall be at the employee's sole and absolute expense. Second sample testing must be performed by a Substance Abuse and Mental Health Services Administration (SAMSHA) certified lab.

#### G. Employee Assistance and Education

Larimer County provides an Employee Assistance Program (EAP) for employees seeking assistance for Drug or alcohol addiction, abuse or concerns. Larimer County also provides Drug and alcohol addiction and abuse education to its employees. County organizational units which have direct grants or contracts with Federal agencies must implement a Drug addiction/abuse education program for the employees of that department or office. The Human Resources Department should be consulted in the design and implementation of any Drug or alcohol addiction/abuse education program. The Human Resources Department will assist Appointing Authorities to provide Drug and alcohol addiction/abuse education programs for all employees.

#### H. Acknowledgement

All County employees are required to acknowledge the requirements of this Policy in writing by reviewing and signing an Acknowledgement of the Substance Abuse Prevention Policy form (enclosure 2).

#### I. Enforcement

The County may take action against an employee who:

- 1. tests Non-Negative for Drugs or Alcohol;
- 2. refuses to submit to testing;
- 3. adulterates a test specimen;
- 4. is convicted of or who pleads guilty or no contest to a Drug or alcohol related offense; and/or

5. otherwise violates this Policy.

Such action may include, but is not limited to, mandatory attendance and successful completion of a Drug or alcohol abuse assistance program or similar program at the employee's expense as a condition of continued employment, random Drug or alcohol testing, and/or Adverse Action up to and including dismissal from employment. The severity of the action imposed will be consistent with the Appointing Authority's judgment regarding the severity of the violation. Disciplinary action will comply with the provisions for disciplinary action provided in Human Resources Policy and Procedure 331.8 (reference A).