

IV. POLICY OVERVIEW.

Pursuant to §§ 48-1901 et seq., Scotts Bluff County (COUNTY), has a vital interest in maintaining safe, healthful, and efficient working conditions for all of its employees. Being under the influence of a drug or alcohol on the job poses serious health risks, not only to the user, but to all those who work with or otherwise come into contact with the user. The possession, use, or sale of an illegal drug or alcohol on the job also may pose unacceptable risks for safe, healthful, and efficient operations.

The COUNTY recognizes that its own health and future are dependent upon the physical and psychological well being of its employees. The COUNTY stance against alcohol and drug use in the workplace is not a “moral” issue; rather, it is an issue that affects our health, our safety, our families, and our pocketbooks. Studies show that drug and alcohol use in the workplace may be the single greatest factor responsible for industrial accidents and injuries, declining productivity, employee theft, and low employee morale.

The Drug-Free Workplace Act of 1988 requires federal contractors and recipients of federal grants to publish and implement a drug-free workplace program. In addition, the U.S. Department of Transportation and Federal Highway Administration has issued regulations that require drug testing for truck drivers under circumstances not required for other employees.

Accordingly, it is the right, obligation, and intent of the COUNTY to maintain a safe, healthful, and efficient working environment for all of its employees and to protect COUNTY property, equipment, and operations from the risks associated with drug and alcohol use in the workplace.

Employees will be provided with informational literature regarding the dangers of drug and/or alcohol use in the workplace.

V. POLICY APPLICATIONS.

The provisions of this Policy apply to all COUNTY employees, including all required testing for controlled substances.

VI. “OVER-THE-COUNTER” AND PRESCRIPTION MEDICATION

An employee is to use common sense about performing COUNTY business, or while in or about a COUNTY facility or work site when using and under the influence of a legal drug (such as “over-the-counter” and prescription drugs) if such use may affect the safety of the employee or others. If the employee is in doubt about the effects of a certain drug, he/she should consult a physician and let the elected/appointed official or supervisor know if there may be or are any adverse side effects. The offending employee will be subject to disciplinary action, up to, and including discharge, if a workplace problem results from the employee’s use of “over-the-counter” and/or prescription drugs

VII. AVAILABLE TREATMENT AND COUNSELING.

In an effort to assist employees in overcoming drug and alcohol dependency, the COUNTY will refer interested employees to counseling and treatment for chemical dependency. The employee will submit claims to the insurance carrier for partial payment of any required treatment; however, the COUNTY will not pay for any cost of treatment that is not covered by the employee’s health insurance plan.

The COUNTY will pay the cost of any drug and/or alcohol testing that it requires of employees. Any additional tests that the employee requests will be paid for by the employee.

While the COUNTY strongly encourages voluntary referrals for drug and/or alcohol counseling and treatment, voluntary requests for assistance will not prevent disciplinary action for violations of the COUNTY's Drug-Free Workplace Policy. In addition, employees who undergo voluntary counseling or treatment must continue to meet all established standards of conduct and job performance.

VIII. PROHIBITED CONDUCT.

- A. The employee is not to use or is not to be under the influence of, or possession of alcohol or any illegal controlled substance while performing COUNTY business or while in or about a COUNTY facility or work site. The offending employee will be subject to disciplinary action, up to, and including discharge.
- B. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee is strictly prohibited while performing COUNTY business, or while in or about a COUNTY facility or work site. The offending employee will be subject to disciplinary action, up to, and including discharge.

VI. TESTING FOR CONTROLLED SUBSTANCE.

All tests shall be conducted pursuant to requirements set forth in § 48-1903, § 48-1904, and § 48-1905.

A. Pre-Employment Testing.

The COUNTY will require all applicants the COUNTY intends to hire to be willing to be tested for the use of controlled substances as a pre-qualification condition to employment. Applicants who refuse to submit to such testing upon request by COUNTY, will be disqualified from further hiring consideration.

B. "Reasonable Cause" Testing.

The COUNTY will require current employees to submit to testing for controlled substances when the elected/appointed official or supervisor of employee believes it has "reasonable cause" to suspect a violation of this Policy. While "reasonable cause" cannot be defined with precision, it certainly includes, but is not limited to, irrational or unusual behavior; or reporting to work in an apparent unfit condition.

Employees who are requested to undergo "reasonable cause" testing will be transported by a COUNTY representative to a designated clinic or laboratory. The employee will be required to sign a consent form authorizing the testing. Refusal to sign the form or submit to the drug test, as well as any attempt to invalidate or tamper with the test, will subject the employee to disciplinary action, up to and including discharge.

All "reasonable cause testing requested by the employee's supervisor or COUNTY elected/appointed official, must be approved in advance, when possible, by the COUNTY Personnel Director or his/her designee, or, when the Personnel Director or his/her designee is not available, the County Health Officer may approve for the Personnel Director.

C. Post-Accident/Injury Testing.

After a "reportable accident" involving the driver of a COUNTY vehicle, the driver is required to have a urine sample taken and a drug test performed, and the results of the test communicated to the COUNTY. A "reportable accident" is defined as an accident which results in the death of a human being or bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

an accident which resulted in one or more vehicles being towed, or which results in total damage to all property aggregating \$10,000 or more based upon actual costs or reliable estimates.

D. Random Testing.

Some departments are under Federal regulations, which require random testing. Random testing in these departments will be carried out per Federal regulation for their employees.

VII. REVIEW OF AND ACCESS TO TEST RESULTS.

Any employee who tests positive for a controlled substance under this Policy will be provided a copy of his/her test results. Any applicant, upon written request within sixty (60) days of his/her rejection for employment, will also be provided a copy of his/her test results.

If the employee receives notice that the employee's test results were confirmed positive, the employee will be given the opportunity to explain the positive result following the employee's receipt of the test result. In addition, the employee may have the same sample retested at his/her expense.

VIII. ADVERSE EMPLOYMENT ACTION.

If there is reason to suspect that the employee is working while under the influence of an illegal drug or alcohol, the employee will be suspended with or without pay at the supervisor's or elected/appointed official's discretion until results of a drug and/or alcohol test are made available to the COUNTY by the testing laboratory.

IX. CONFIDENTIALITY.

The COUNTY will make every effort to keep the results of drug and alcohol tests confidential. Only persons with a need to know the results will have access to them. The employee will be asked for the employee's consent before test results are released to anyone else. Be advised, however, that test results may be used in arbitration, administrative hearings and court cases arising as a result of the employee's drug testing. Also, results will be sent to federal agencies as required by federal law. The results of drug testing in the workplace may not be used against the employee in any criminal prosecution.

X. POSTING.

Besides being outlined here, the COUNTY's Anti Drug/Alcohol Policy may be obtained in the office of the Personnel Director for Scotts Bluff County, Administration Building, 1825 10th Street, Gering, Nebraska.

Adopted: 6-9-97

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