

**CALHOUN COUNTY
BOARD OF COMMISSIONERS
POLICY STATEMENT**

SUBJECT: CONTROLLED SUBSTANCES, ALCOHOL, & SMOKING PROHIBITION	DATE APPROVED: 11/2/2023	EFFECTIVE: Immediately	POLICY NO. 212
		REPLACES: 327 of 6/6/2019	

PURPOSE: In compliance with the Drug-Free Workplace Act of 1988, Calhoun County has a longstanding commitment of providing a safe, healthy, professional, and productive work environment. As such, Calhoun County is committed to the prohibition of drug and alcohol use on all County premises. To protect and enhance indoor air quality and contribute to the health and well-being of all employees and visitors, all County facilities and vehicles are also smoke-free.

SCOPE AND RESPONSIBILITY: This policy applies to all employees and applicants for employment with Calhoun County. For Road Department employees covered by DOT regulations, please refer to Policy 513 for additional requirements and if there are conflicting provisions, then Policy 513 supersedes. The Administrator/Controller or designee is responsible for administration of this policy.

DEFINITIONS:

"County Premises" includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased, or managed by Calhoun County or any site on which the County/employee is conducting business.

"Illegal drug(s)" means a substance whose use or possession is controlled by federal, state, or local law, but that is not being used or possessed under the supervision of a licensed health care professional. Federal Controlled Substances are listed in Schedules I-V of 21 C.F.R. Part 1308 and includes marijuana as a Schedule I illegal drug, and as such marijuana shall be treated as an illegal drug for purposes of this policy.

"Under the influence of drugs or alcohol" means any confirmed positive test result for alcohol, illegal drug use, and/or prescription drugs when there is not a valid prescription from a physician.

"Smoke-Free" prohibits the use of traditional tobacco products, including but not limited to, cigarettes, cigars, pipes, hookahs, chew, snuff, as well as all electronic smoking devices such as vapes, e-cigarette's, e-pipes, e-hookahs, e-cigars, or any cartridge of other component of the device or related product.

"Refuse to Cooperate" means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure.

POLICY: It is expected that Calhoun County employees will report to work fit for duty and free of any adverse effects of drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications, however, employees must consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor.

In accordance with Michigan law and Calhoun County Public Health Department regulations, County facilities shall be entirely smoke-free environments. Tobacco and other smoking related products defined above shall not be used in any County facility or vehicle (For More Information: See Facility Use Policy #210 and Vehicle Use Policy #415). The use of tobacco or other smoking related products outside of the facilities and vehicles is restricted to areas designated for smoking at each building, or no less than 25 feet away from any County building that does not have a designated smoking area.

Calhoun County will assist and support employees who voluntarily seek help for drug, alcohol, or smoking cessation problems before becoming subject to discipline or termination under this policy. As applicable, such employees may be referred to the Employee Assistance Program, allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers and/or otherwise accommodated as required by law. Employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or require driving, or if they have violated this policy previously. However, once a drug or alcohol test has been initiated by the employer, the employee shall be subject to discipline, up to and including termination of employment for violations of this policy.

Work Rules:

1. Calhoun County employees are prohibited from:
 - a. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug or illegal drug paraphernalia on County premises.
 - b. Consuming alcohol on County premises.
 - c. Using or possessing medications without a valid prescription, as well as buying, selling, or distributing medications to someone other than the person to whom the medication had been prescribed.
 - d. Taking prescribed drugs that adversely affect their ability to safely and effectively perform their job duties, or failing to disclose prescription related restrictions.
 - e. Being under the influence of an illegal drug or alcohol as defined in this policy while on County premises or while performing the duties of employment.
 - f. Using tobacco related products, including but not limited to, cigarettes, cigars, pipes, hookahs, chew, and snuff while in a County facility or vehicle.
 - a. Using electronic smoking devices such as vapes, e-cigarettes, e-pipes, e-hookahs, e-cigars, or any cartridge or other component of the device or related product while in a County facility or vehicle.

Required Testing:

1. **Pre-Employment.** Depending on the job role, such as safety-sensitive positions, the County may require applicants to submit to drug testing for illegal substances. This drug test will be the final stage before hiring after an employment offer has been made, but contingent upon the candidate successfully clearing the drug test. Candidates have the right to refuse drug testing and thus decline the job offer. Candidates who test positive for illegal substances are deemed to have failed the drug test, and as such the contingent offer of employment shall be rescinded.
2. **Reasonable Suspicion.** Employees are subject to testing based on observations of employee behavior, conduct, and appearance that provide a reasonable suspicion of being under the influence of drugs or alcohol. The specific observations must be made and documented by a supervisor/manager and Human Resources should normally be consulted before sending an employee for testing. Specific observations and behaviors that may create a reasonable suspicion that an employee is under the influence of drugs or alcohol, include, but are not limited to, the following examples:
 - Odors (smell of alcohol, body odor or urine).
 - Movements (unsteady, fidgety, dizzy).
 - Eyes (dilated, constricted or watery eyes, or involuntary eye movements).
 - Face (flushed, sweating, confused or blank look).
 - Speech (slurred, slow, distracted inability to verbalize thoughts).
 - Emotions (argumentative, agitated, irritable, drowsy).
 - Actions (unusual behavior, twitching).
 - Inactions (sleeping, unconscious, no reaction to questions).
 - Physical evidence of drugs
 - Reports from colleagues that an employee admitted to using drugs or was seen with drugs
3. **Collection and Testing Procedures.** Candidates for employment and employees subject to drug and/or alcohol testing will have such testing performed at a County designated facility. The facility will transmit all positive drug test results to a Medical Review Officer (MRO) to confirm the results. Any positive test will be deemed to be a violation of this policy. Individuals with positive test results may request to have their specimen sent to another federally certified laboratory to be tested at the candidate's or employee's own expense. All information obtained relative to drug and alcohol testing will be kept confidential to the extent required by law.
4. **Inspections:** Calhoun County reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband.

5. Crimes Involving Drugs: Calhoun County does not desire to intrude into the private lives of its employees but recognizes that employees' off-the-job involvement with drugs and alcohol may have an impact on the workplace. All employees who are convicted of, plead guilty to or are sentenced for a crime involving an illegal drug are required to report the conviction, plea or sentence to HR within five days in accordance with the Federal Drug-Free Workplace Act of 1988. Calhoun County reserves the right to take appropriate disciplinary action for illegal drug use, sale, distribution, or other similar crime while off company premises.

VIOLATION(S):

Candidates that are required to take a drug test but decline to participate or who test positive for an illegal drug, will not be hired to work for Calhoun County. Employees that refuse to cooperate in a drug/alcohol test or inspection, test positive for an illegal drug or alcohol use, or otherwise violate any provision of this policy, shall be subject to discipline, up to and including termination of employment. Depending on the circumstances, drug and alcohol treatment or other assistance may be available to employees. Law enforcement personnel may also be notified, as appropriate, when criminal activity is suspected.

OTHER:

In the event of conflicting language between this policy and the provisions of a collective bargaining agreement, the provisions of the collective bargaining agreement prevail.