

<p style="text-align: center;">COUNTY OF WASHINGTON</p> <p style="text-align: center;">Pennsylvania</p>	<p style="text-align: center;">DRUG AND ALCOHOL POLICY</p>	<p style="text-align: center;">PAGE: 1 of 14</p>
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POLICY

The policy of Washington County is to help ensure that the workplace and all County premises are free from the adverse effects of drugs or alcohol as a result of use by its employees, to help ensure efficient production and quality services to the public, and to comply with federal requirements relating to the Drug Free Workplace Act. The County also recognizes its employees interest in being free from unwarranted intrusions. The County, therefore, has established this policy for identifying and handling drug and alcohol abuse as it concerns employees of the County and candidates selected for employment.

SCOPE

This policy applies to all employees of Washington County. This policy shall also apply to job applicants who have received and accepted an offer of employment, which is contingent upon the successful completion of the drug screen.

County premises are deemed to include all property, facilities, land, buildings, structures, fixtures, installations, and all County owned leased or rented vehicles or while the employee is operating his/her owned, leased, rented, or borrowed vehicle and is conducting County business. County premises shall also apply to other County work locations or the travel to and from those locations while in the course of County employment.

The County provided benefits associated with supervised rehabilitation programs as described herein apply only to those employees enrolled in County group medical programs. Such benefit coverages shall be in accordance with the provisions set forth in the applicable medical insurance contracts and summary plan documents. Those employees not enrolled in a County group medical program will be responsible for all associated rehabilitation costs.

PROCEDURES

The County will not tolerate the manufacture, purchase, promotion, sale, distribution, possession, transportation, use or presence in the body of alcohol, illegal drugs, or any controlled substance which may impair safety or job performance of an employee included, but not limited to Marijuana, Cocaine, Crack, PCP, LSD, Heroin and other Opiated and Amphetamines, while on duty on County premises or while conducting business for the County at any location. Specifically, no employee shall:

- Use, possess, or have presence in the body of any illegal drugs.
- Use, possess, or have presence in the body of prescription drugs, which are not prescribed for the employee and/or are not prescribed by a licensed medical practitioner.
- Abuse legal drugs (prescription or over-the-counter drugs) or report for duty or remain on duty while under the influence of any legal prescription or over-the-counter drugs to the extent that job performance is adversely affected.
- Report for duty or remain on duty while having a blood alcohol concentration of .05 or greater.
- Consume alcohol for at least eight (8) hours after an accident and/or injury for which a post-accident drug or alcohol test is required.

The County is legitimately concerned about the effects that some legally prescribed or over-the-counter drugs may have on employees and their ability to perform their work. Therefore, each employee should inform his/her supervisor in the event they are taking any legally prescribed or over-the-counter drugs in accordance with instructions issued by his/her physician so as to not be subject to disciplinary measures. The appropriate supervisor will report such use to their management who in turn will advise the County Human Resources Director. However, before a determination is made in regard to the employee's ability to perform his/her job duties, the County's physician will consult with the employee's physician.

The County recognizes that substance abuse is a complex illness that can generally be successfully treated. Any employee experiencing such an illness will not jeopardize his/her job security or be subject to disciplinary action solely by voluntarily requesting assistance, as long as such request precedes any violation of this policy or other County or department policies and as long as the employee's request precedes notification by the employer of suspected substance abuse.

While rehabilitation is the responsibility of the employee, any employee seeking medical attention for such problems and who is insured under one of the County's group medical insurance programs, will be entitled to the benefits as provided by the County's group medical insurance program.

Any infraction, however, of this policy or other County Policy or department rules, practices, and procedures which precede or follow an employee's request for assistance will be subject to appropriate disciplinary measures. Such measures may include suspension and/or termination.

Employees who voluntarily seek assistance by entering into a formal treatment program for a drug or alcohol problem and who do not violate this policy or any other policy, rule, or practice of the County will be granted rehabilitation leave, subject to appropriate medical verification, as follows:

- Employee must follow Sick Leave and FMLA provisions when rehabilitation coincides with work time.
- Employee will be granted leave of absence without pay status when sick leave and other paid leave is exhausted and during the period of documented rehabilitation including the period prior to work recall.
- Employees who are required to possess a current vehicle-operating license

(regular or CDL) to perform the essential functions of their position and lose such license as a result of a violation of this policy will be considered to be unable to meet the basic job requirements.

- Employees holding positions requiring a CDL license will be subject to the requirements as set forth in the federal law or implementing regulations. Therefore, if this policy conflicts with the standards set forth in the federal law the federal law standards apply.
- Upon the loss of license, (first occurrence only) the County will make an attempt to utilize the employee's skills in other areas of the Department. If the employee's skills, in the County's opinion, cannot be utilized within the Department and the employee is not attending a substance treatment program that coincides with his/her work time and which requires use of paid sick leave, the employee will be placed on unpaid leave of absence until such license is restored or for 90 calendar days, whichever is less. Accumulated unused sick leave must be utilized to attend a formal substance treatment program that is otherwise scheduled during the employee's normal work time. Verification of dates, time of attendance and satisfactory completion of the substance treatment program must be provided to the County by the employee's Substance Abuse Professional (SAP).

Testing Requirements:

In order to help ensure a workplace that is free from drug and alcohol use, all County personnel will be required to undergo Pre-employment, Reasonable Belief, and Mandatory Post-Accident testing. In addition to these testing requirements, those employees, (except SEIU bargaining unit members), who hold positions in the Washington County Correctional Facility and/or Sheriff's Department will also, in the sole discretion of the County, be required to undergo at any time Random Drug and Alcohol testing in accordance with the requirements set forth in this policy, unless otherwise specifically exempted. Drug and/or alcohol testing will be conducted under the following circumstances:

1. Pre-employment (Drug Only) – after the job offer and acceptance but prior to employment.
2. Random (Drug and/or Alcohol) – when the employee's position, except SEIU bargaining unit members), is in the Washington County Correctional Facility and/or Sheriff's Department. This test may be implemented when, in the sole discretion of the County, circumstances warrant such action. Testing will be undertaken on a completely random basis.
3. Reasonable Belief (Drug and/or Alcohol) – when supervision has reasonable belief that an employee has violated a specific prohibition of the policy.
4. Mandatory Post-Accident (Drug and/or Alcohol) – when an employee is involved in a work-related motor vehicle incident which causes serious bodily injury or substantial property damage.

Listed below are drugs and/or substances and cutoff levels for the initial screen and confirmation test, which will be included in each drug screening. (Drug screens indicating the cutoff levels or greater will be considered a positive test – failed.):

The following threshold concentrations are used for analysis:

DRUG	SCREENING THRESHOLD	CONFIRMATION THRESHOLD
AMPHETAMINES	1000 NG/ML	500 NG/ML
BARBITURATES	300 NG/ML	300 NG/ML
BENZODIAZEPINES	300 NG/ML	300 NG/ML
COCAINE METABOLITE	300 NG/ML	300 NG/ML
OPIATES	300 NG/ML	300 NG/ML
PHENCYCLIDINE (PCP)	25 NG/ML	25 NG/ML
MARIJUANA METABOLITE	20 NG/ML	15 NG/ML
METHADONE	300 NG/ML	300 NG/ML
METHAQUALONE	300 NG/ML	300 NG/ML
PROPOXYPHENE	300 NG/ML	300 NG/ML

Alternate explanations should be explored for any positive finding.

The County has selected a certified medical review officer and a certified laboratory to perform drug screening to employees and candidates for employment. The certified medical review officer will require one urine specimen to be divided into two specimens in the donor's presence; one part of the specimen is labeled "Primary" and one part labeled "Split". All specimens are tested using an EMIT Immunoassay System with an additional confirming gas chromatography and mass spectrometry (GC/MS) test on all EMIT tests. The specimen labeled "Split" will be retained by the certified laboratory for any further testing of a positive (failed) result. Drug screening collection procedures will be monitored by the certified medical review officer and collection site representatives on a chain-of-custody basis.

Employees or candidates for employment who have a positive drug test result (failed) on the "Primary" specimen may request the "Split" specimen be sent for testing to a certified laboratory of their choice (at the employee's or candidate's for employment cost) to confirm or refute the original results of the "Primary" specimen. If a negative result (passed) is obtained, the employee or candidate will be reimbursed for the cost of the drug screen and all records pertaining to the first test will be nullified. The employee or candidate for employment must advise the County's Human Resources Department of their request for this additional test within 24 hours of their notification of a positive result. If the employee or candidate for employment does not request a test of the "Split" specimen in a timely manner, the first test on the "Primary" specimen will stand.

Pre-employment Testing

All applicants for County employment will be tested for drugs prior to commencing employment with the County. An applicant testing positive for drugs will not be considered for employment with the County. If an offer has been tendered prior to a positive test result, the offer will be immediately rescinded. Applicants for employment who test positive for drugs and therefore, will not be considered for employment must wait ninety (90) calendar days to again reapply.

Random Testing:

The County, in its sole discretion, may implement a random drug/alcohol testing procedure, (except SEIU bargaining unit members), for those employees who affect public safety or security and who are employed in the Washington County Correctional Facility and/or Sheriff's Department. In this event, the County will use a random process to select employees from the bargaining units for drug and/or alcohol screening.

If the County determines the need at any time for random drug/alcohol screening, at least 33% of all employees of the unit (except SEIU bargaining unit members) will be tested for the use of controlled substance. Additionally, at least 15% percent of those employees from each unit will be randomly tested for alcohol use. Positive results for either drugs and/or alcohol will result in mandatory rehabilitation or disciplinary action up to and including suspension pending discharge as hereby described in this policy.

Random testing must be unannounced. Any employee who communicates to other employees that they have been randomly chosen to be tested will be subject to discipline up to and including discharge.

Reasonable Belief Testing:

An employee will be required to be tested when a supervisor or management representative determines that there is a reasonable belief that the employee has violated one of the specific prohibitions indicated in this policy. The supervisor or management employee is to make every reasonable attempt to have his/her observations verified by another supervisory management employee before taking action. If the circumstances do not reasonably allow substantiation by a second management employee, then the single management employee may proceed with substance testing as provided for in this policy. The management representative will inform the employee in as private a setting as possible that the employee must undergo testing for the presence of a controlled substance.

The test for alcohol should be conducted within two (2) hours of observation, and in no event later than eight (8) hours after observation.

The supervisor or management representative, if applicable, must record, in writing, the basis of reasonable belief within twenty-four (24) hours of the determination. If an employee is not tested for alcohol within two (2) hours, the supervisor must also record, in writing, the reason for the delay and/or the reasons for failing to test the employee at all within eight (8) hours of observation.

Any employee who is determined by reasonable belief to have violated one of the specific prohibitions is to be relieved of duties without pay and cannot return to work until the test results are received. If the drug/alcohol screen reveals negative results (passed), the employee will be returned to work on his/her next regularly scheduled

shift following receipt of the test results, providing other discipline issues are not involved, and will be paid for all regularly scheduled work time that he/she missed. If the drug/alcohol screen reveals positive results, the employee will, as a result of a first offense, be suspended without pay effective the first regular work shift following the day his/her drug/alcohol screen until proof is received that the employee has entered a substance abuse rehabilitation program. Upon receipt of such proof, the employee may use his/her accumulated but unused sick time if it's documented that the rehabilitation program coincides with his/her work hours. If a positive drug/alcohol screen represents the employee's second offense within the time period as set forth in this policy, the employee will be suspended without pay pending termination.

Mandatory Post-Accident Testing:

- Employees will provide urine specimens for drug testing as soon as possible after a serious work-related motor vehicle accident, but in no case later than eight (8) hours after the accident. Employees must be tested for alcohol as soon as possible after a serious work-related motor vehicle accident (as defined below), but in no case later than eight (8) hours after the accident. An employee may not consume alcohol until the employee has been tested.

A serious work-related motor vehicle accident is when one of the following incidents occurs while the employee is operating a County owned leased or rented vehicle or while the employee is operating his/her owned, leased, rented, or borrowed vehicle and is conducting County business:

- a fatality of any person involved in the accident;
- bodily injury that requires any person involved in the accident to be treated in a hospital as an inpatient;
- damage to any motor vehicle while on County business that requires the vehicle to be towed away from the scene by a tow truck or another vehicle;
- A traffic citation received by the operator under the state or local law for a moving violation arising from a serious motor vehicle accident while on County business;

An employee subject to Post-Accident Testing must remain readily accessible for eight hours. If, as a consequence of an accident, the employee is seriously injured and cannot provide a specimen at the time of the accident, the employee must provide the necessary authorization to allow the County to obtain hospital records and other documents that will indicate whether there were any controlled substances and/or alcohol in his/her system at the time of the accident.

Positive results for either drugs and/or alcohol will result in mandatory rehabilitation or disciplinary action up to and including suspension pending discharge as hereby described in this policy.

Return to Duty Testing:

If the County offers an employee return to duty after the employee has been referred to an alcohol and substance abuse professional and the employee has completed or is undergoing all required treatment, the employee must be tested for

alcohol and drugs and receive a negative report (passed) prior to being returned to duty. This applies to employees who were enrolled in a rehabilitation program and provide a physician's slip.

Follow-up Testing:

Any employee who has returned to duty after a positive alcohol or drug test will be subject to unannounced follow-up tests for a period of up to two (2) years. There will be at least a minimum of six (6) follow-up tests given during the first 12 months following the return to duty.

Employee Testing Procedures:

The employee will be informed, in as private a setting as reasonably appropriate that he/she has been scheduled for drug and/or alcohol testing.

If the employee is a member of an authorized labor union, the County will attempt to notify a union representative.

In cases of Reasonable Belief Testing and Mandatory Post-Accident Testing, the employee is to be accompanied by a supervisory/management employee to the collection site.

Employees are required to follow all instructions communicated to them by the individual at the collection site.

If an employee refuses to be taken for testing, or refuses to cooperate in any way with the testing procedures, the employee shall be subject to disciplinary action up to and including termination of employment.

Notification of Test Results:

The County will notify the affected employee of verified positive tests for drugs or alcohol. Any employee who tests positive may be advised specifically what substance was discovered by contacting the medical review officer at the testing facility.

Violation of Policy:

An employee will be deemed to have violated this policy at the time the employee tests positive for alcohol or drugs (in accordance with policy testing levels), regardless of whether a supervisor, or any other person(s), determine that the employee is impaired or that the employee's job performance was adversely affected. Such employee will be removed from his/her position, without pay, and be given an opportunity to seek assistance by a substance abuse professional through their health insurance plan. Employees must follow FMLA, Leave of Absence and Collective Bargaining Agreement (if applicable) provisions when rehabilitation coincides with work time.

- A test is positive for alcohol when the result is .05 or greater for Post-Accident, Reasonable Suspicion, and Random Testing. A test is positive for alcohol when the result is .05 or greater for Return to Duty and Follow-up Testing. A test is positive for drugs whenever it exceeds the standards as set forth in this policy.

An employee will also be deemed to have violated the policy when he/she refuses to be tested when requested or fails to cooperate in any way with the testing procedures.

Rehabilitation/Discipline Issues:

With the exception of Mandatory Post-Accident Testing (as provided for in this policy), it is the general intent of the parties, barring other independent violations of County policies or department rules, practices and procedures, or employee acts of misconduct, to provide an employee with one opportunity during a two (2) year time period to test positive for alcohol use and a six (6) year time period to test positive for drug use beginning with the date of the testing to avoid termination for either/or drug/alcohol violation of this policy provided they seek assistance and comply with all of the requirements as set forth in the following paragraph. A second violation of this policy for either/or drugs/alcohol irrespective of the nature of the first offense, within the aforementioned time periods will cause the violator to be suspended without pay pending termination.

Provided, however, that nothing in this policy is to be interpreted as construing a waiver of management's responsibility to maintain discipline or the right to take disciplinary measures in the case of poor performance, a serious or potentially serious work-related accident, or misconduct in any form that may result from alcohol or drug abuse. An employee who tests positive must:

- be examined by a substance abuse professional ("SAP") in accordance with the employee's health insurance coverage. If the employee has no health insurance coverage, he/she will still be required to meet the provisions of this section.
- comply with all recommendations of the SAP.
- assure periodic reports are submitted to the County from any person or group providing any in-patient, out-patient care or aftercare, confirming that the employee is complying with the out-patient or other recommendations.
- pass a return to work drug and alcohol test.
- sign an agreement releasing all medical information relating to drug or alcohol use to the County in order that the County can ensure that the employee can perform the job safely; and providing for follow-up testing upon demand for a period of time designated by the County; and further providing that employee will be subject to immediate discharge for a second violation of this policy.

Any person who otherwise fails to comply with the requirements of this policy following a positive substance test shall be subject to discipline up to and including discharge.

Employees covered by a collective bargaining agreement shall have the right to challenge the imposition of such discipline within the applicable terms and provisions of the labor agreement.

Training Programs:

For All Employees:

The County will establish a training program, which will address alcohol and controlled substances, and review the requirement under this policy and the DOT regulations (for CDL employees).

For Supervisors:

Supervisory personnel training will consist of at least 60 minutes of training on alcohol misuse, and at least an additional 60 minutes of training on drug use. Also, three (3) Union representatives may attend each training session.

Recordkeeping:

Maintaining Records:

All of the records relating to the administration and results of the County's alcohol testing program for those employees who test positive for alcohol will be maintained for a minimum period of two (2) years or for that period required by Department of Transportation regulations, whichever is longer. Employee negative alcohol test results will be maintained for a minimum of twelve (12) months.

All of the records relating to administration and results of the County's drug testing program for those employees who test positive for drugs will be maintained for a minimum of twelve (12) months.

There shall be a Medical Review Officer who is a licensed doctor of medicine or osteopathy with knowledge of drug abuse disorders to review drug test results.

Personnel Files:

The County shall retain, in the employee's confidential personnel file, information indicating the following:

- the employee submitted to a drug and/or alcohol test;
- the date of such test;
- the location of such test;
- the identity of the person or entity performing the test; and
- whether the test finding was "positive" or "negative".

Annual Summary Report

The County will also maintain an annual calendar year summary of the records related to the administration and results of the testing program for its employees maintaining Commercial Drivers Licenses under DOT regulations.

Access To Test Results and Findings:

No person may obtain the individual test results retained by the Medical Review Officer, and no Medical Review Officer shall release the individual test results of any employee to any person, without first obtaining written authorization from the tested individual, unless otherwise requested by law.

MISCELLANEOUS

The County reserves the right, upon reasonable suspicion, to ask for consent to search the employee's personal vehicle or other personal property during working hours, or while on County property, at his/her designated workplace, or while the employee is in the course of his/her employment.

- Any employee refusing to consent to, or cooperate with, a reasonable search or investigation will be relieved of duty and removed from company property or workplace, resulting in appropriate disciplinary action up to and including suspension pending discharge for insubordination.
- Third party or contractor employees, while on County property, will also be subjected to this policy with violations resulting in removal from the premises.

The County accepts no liability in the event of an alleged breach of any of the provisions of procedures set forth in this Policy.

This Policy and any accompanying document executed or delivered pursuant to or in connection with the Policy are not intended to confer any contractual or other rights or claims in favor of the County's employees.

Any failure to implement the Policy, or any part thereof, any variation, addition, or omission to the procedures set forth in the Policy shall not confer any contractual or other rights or claims in favor of the employee not otherwise conferred by law.

Definitions

Alcohol- the intoxicating agent in the beverage alcohol, ethyl alcohol (ethanol), or other low molecular weight alcohols, including methyl and isopropyl alcohol

Alcohol Use- the consumption of any beverage, mixture, or preparation, including ANY MEDICATION containing alcohol

Controlled Substances- all substances as defined by 21 U.S.C. 802 and includes all substances listed on Schedules I through V as they may be revised from time to

time (21 CFR 1308) Generally, the controlled substances covered by this act include but are not limited to Cocaine, Marijuana, Opiates, Phencyclidines (PCP), and Amphetamines, 49 CFR part 40

Drug- any substance other than alcohol that is an illegal drug or controlled or non-controlled substance, or over-the-counter drugs as defined previously in this policy

Medical Review Officer- a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the County's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an employee's confirmed positive test result together with the employee's medical history and any other biomedical information

Reasonable Belief- a belief that the employee has violated the alcohol or controlled substance prohibitions, based on specific contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee

Refusal to Submit to Testing- An employee is subject to disciplinary action up to and including discharge if that employee:

- Refuses or fails to provide adequate breath for testing without a valid medical explanation after the employee has received notice of the requirement for breath testing;
- Refuses or fails to provide adequate urine for controlled substances testing without a valid medical explanation after the employee has received notice of the requirement for urine testing;
- Engages in conduct that clearly obstructs the testing process;
- Refuses to cooperate or attempts to hinder rehabilitation efforts provided in his/her behalf.

COMPLIANCE

- A. Pursuant to the Drug-Free Workplace Act of 1988, the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in an employee's workplace is prohibited and appropriate action, specified herein, shall be taken against those employees for violations of such prohibition.
- B. The County will establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace, and make available counseling and employee assistance programs.

- C. Under no circumstance will the County employ or keep on the job an employee whose current unlawful use of controlled substances prevents him/her from performing the duties of his/her job or whose employment, by reason of such current use of controlled substances, would constitute a direct threat to property or the safety of others.
- D. Any employee found to be under the influence of unlawful controlled substance in the workplace, as defined by the aforementioned Act, will be suspended immediately.
- E. An employee who is suspended for the use of controlled substances will be given the option of voluntarily seeking counseling and/or rehabilitation or termination. The County strongly encourages the employee to voluntarily seek counseling.
- F. It will be the employee's responsibility to co-operate and follow the recommendations of the counselor and/or rehabilitation program.
- G. Any benefits to which an employee is entitled will continue during the counseling and/or rehabilitation period.
- H. Accrued sick leave will be granted to eligible employees for treatment or rehabilitation on the same basis as any other illness.
- I. All personnel records pertaining to the employee's illness will be confidential and no disciplinary action will be instituted while the employee is voluntarily attempting to seek treatment for his/her illness.
- J. Employees found selling, or convicted for selling, controlled substances in the workplace will be suspended and/or terminated and reported to the proper authorities.
- K. In addition to the provisions of the Drug-Free Work Place Act, employees convicted for unlawfully selling controlled substances outside the workplace will be suspended and/or terminated as determined by the County.
- L. As a condition of employment, Washington County employees will abide by the terms of this policy and shall notify the County of any criminal drug statute conviction for a violation in the workplace no later than five (5) days after such conviction.
- M. In addition to the provisions of the Drug-Free Workplace Act, Washington County employees shall notify the County of any criminal drug statute conviction for a violation outside the workplace no later than five (5) days after such conviction.

Interpretation and Administration

The Human Resources Department is responsible for the overall implementation and administration of this policy under the guidance of the County Solicitor.

The Board of Commissioners is responsible for the ultimate authorization and control of this policy and will implement this policy following adoption.

ADOPTED this 16th day of August, 2007, per minute 819.

COUNTY OF WASHINGTON

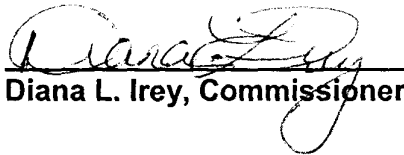


Larry Maggi, Commissioner



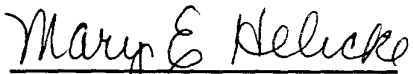
Bracken Burns, Commissioner

Co-Chairmen


Diana L. Irely, Commissioner

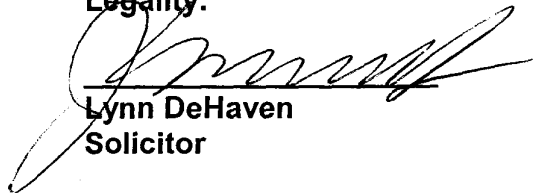
ATTEST:

Approved as to Form and



Mary Helicke
Chief Clerk

Legality:



Lynn DeHaven
Solicitor



Timothy McCullough
Director of Human Resources

per minute # 819
dated 8-16-07