

*Kingman County
Kansas
Personnel Policy Manual*

Policy #37
Use & Possession of Alcohol & Drugs

Commission Approved
Date: 6/02/2014

37 Use and Possession of Alcohol and Drugs.

Sheriff Office and Public Works are not subject to this policy. See Section 2.1 of the Sheriff Office Policy and Procedure Manual and Kingman County Public Works Drug and Alcohol Testing Policy 2002.

As a part of its commitment to safeguard the health of its employees and provide a safe place for its employees to work Kingman County has established this policy on the use or abuse of alcohol and illegal drugs by its employees. Substance abuse, while at work or otherwise, seriously endangers the safety of employees and creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased health care and benefit costs, workers' compensation costs, decreased morale, decreased productivity, and a decline in the quality of products and services provided by Kingman County. Kingman County has established this policy to detect users and remove abusers of alcohol and illegal drugs from the workplace. It is also the policy of the Kingman County to prevent the use and/or presence of these substances in the workplace in accordance with the following guidelines.

37.1 SCOPE

As a condition of employment, employees are required to abide by the terms of this policy. This substance abuse policy primarily governs actions in the areas of alcohol and drugs. Other Kingman County policies may apply in these areas to the extent that they do not conflict with this policy.

If an employee's behavior and/or job performance raises concern that the employee is impaired due to use of a controlled substance or alcohol, this concern should be reported immediately to the appropriate department head or the human resource administrator.

37.2 DEFINITIONS

A. "ILLEGAL DRUGS"

"Illegal drugs" are drugs or controlled substances that are (1) not legally obtainable or (2) legally obtainable but not obtained or used in a lawful or prescribed manner. Examples include, but are not limited to, cocaine, marijuana, opiates, amphetamines, and phencyclidine (PCP) as well as prescription drugs that are not lawfully obtained and/or not properly utilized. The term "illegal drugs" also includes mind-altering and/or addictive substances that are not sold as drugs or medicines but are used for the mind- or behavior-altering effect (e.g. glue, peyote).

B. LEGAL DRUGS

"Legal drugs" are those prescribed or over-the-counter drugs that are legally obtained by the employee and used for the purpose for which they were prescribed and sold.

C. KINGMAN COUNTY PROPERTY

The term “Kingman County Property” includes work sites; parking lots; vehicles; offices owned, rented, utilized or serviced by Kingman County or by Kingman County; employee-owned or employee-rented vehicles on the property of Kingman County and locations where the employee represents Kingman County in any capacity.

D. ON DUTY

The term “On Duty” includes all working hours as well as meal periods and break periods, regardless of whether on premises, and all hours when the employee represents the Kingman County in any capacity.

E. COVERED EMPLOYEES

The term “Covered Employees” applies to any employee.

37.3 DRUG USE PROHIBITIONS

- A. The use, sale, purchase, possession, manufacture, distribution or dispensing of illegal drugs on Kingman County property or while on duty is against Kingman County policy and is cause for immediate termination.
- B. It is also against Kingman County policy for any employee to report to work or to work with the presence of illegal drugs in the employee’s body. Employees who violate this policy are subject to disciplinary action, up to and including termination.
- C. The use of legal drugs can also affect the safety of the employee, fellow employees or members of the public. Therefore, any employee who is taking any legal drug that might impair safety, performance or any motor function [must advise his or her Department Head before reporting to work under such medication. A failure to do so may result in disciplinary action. Improper use of “legal drugs” is prohibited and may result in disciplinary action up to and including termination].
- D. Refusal to submit to, efforts to tamper with, or failure to pass a drug test will result in disciplinary action, up to and including termination.

37.4 ALCOHOL USE PROHIBITIONS

- A. The consumption, possession or being under the influence of alcohol on Kingman County property or while on duty is prohibited and will result in disciplinary action, up to and including termination. There may be occasions, however, removed from the usual work setting, at which it is permissible to consume alcohol in moderation (e.g., Kingman County picnics, dinners, receptions, conferences, civic activities, sporting events etc.).
- B. Notwithstanding the exception mentioned above, it is always against Kingman County policy to report to work or to work under the influence of alcohol and such action will result in disciplinary action, up to and including termination.
- C. Employees asked to submit to an alcohol test and the test result is .02 or higher will be considered positive.
- D. Refusal to submit to, efforts to tamper with or failure to pass an alcohol test will result in a disciplinary action, up to and including termination.

37.5 TESTING EVENTS

A. PRE-EMPLOYMENT TESTING

1. Applicants will be advised of the Kingman County pre-employment testing requirements in writing following an offer to hire and prior to referral for a physical and/or drug and/or alcohol testing. Applicants will be asked to sign the Applicant Drug/Alcohol Testing Consent Agreement.
2. All applicants considered final candidates and who have received an offer for a position will be tested for the presence of illegal drugs and/or alcohol and must receive negative test results as a part of the hiring process.

B. POST-ACCIDENT TESTING

Employees who are involved in an accident may be tested for the presence of drugs and/or alcohol following an accident or other occurrence that involves one or more of the following covered events: a fatality, an injury to an employee or other individual, or damage to vehicles and/or other property. Employees on duty that are involved in an act of violence may be tested for the presence of drugs and/or alcohol.

D. REASONABLE SUSPICION TESTING

Employees will be required to submit to a drug and/or alcohol testing if reasonable suspicion exists that an employee is violating, or has violated this policy. Any Department Head or employee who believes another employee is violating this policy should report his or her belief to their Department Head or Human Resource Administrator.

E. FOLLOW-UP TESTING

Any covered employees who have participated in a substance abuse counseling or rehabilitation program and all Department Head referrals due to work performance problems will be subject to unannounced follow-up testing as determined by the Human Resource Administrator and / or the Board of Kingman County Commissioners for a twelve-month period following completion of the program.

F. ADDITIONAL TESTING

Additional testing may also be conducted as required by applicable state or federal laws, rules or regulations, or as deemed necessary by the Kingman County. Upon initial implementation of this substance abuse policy, all current employees will be subject to testing.

37.6 TESTING PROCEDURES

1. Kingman County will determine for which drugs and/or alcohol testing will be performed.
2. Specimen samples will be analyzed by an appropriately licensed or certified laboratory.
3. Employees normally will not be informed of the results by Human Resource Administrator unless it is requested.

4. The testing laboratory will report the finding of a confirmed positive test result to the Human Resource Administrator (HRA). The HRA will contact the employee to verify the positive result. Following the verification of a positive result by the HRA, the Board of County Commissioners will be informed of the positive test result.
5. An employee may request and receive from the HRA a copy of the test result report.
6. If an employee challenges the validity or accuracy of the verified positive result, he/she may appeal, in writing, to the HRA, within three (3) working days of the employee having been notified of the positive result.
7. The employee will be responsible for all costs associated with conducting any requested retest.

37.7 DISCIPLINARY ACTION

- A. Any violation of the Kingman County substance abuse policy, including a verified positive drug or confirmed alcohol test, will result in discipline up to and including termination.
- B. Any employee engaging in the use, sale, purchase, possession or distribution of drugs or alcohol on duty or on Kingman County property is subject to disciplinary action, up to and including termination. Any employee may be subject to criminal charges.

37.8 INVESTIGATION

- A. To ensure that illegal drugs and alcohol do not enter or affect the workplace, Kingman County reserves the right to search all vehicles, containers, lockers or other items on Kingman County property in furtherance of this policy. Individuals may be requested to display personal property for visual inspection upon Department Head or HRA request.
- B. Failure to consent to a search or to display personal property for visual inspection will be grounds for termination or denial of access to Kingman County premises.

37.9 ARREST OR CONVICTION FOR DRUG-RELATED CRIME

- A. If an employee is arrested or convicted of a drug-related crime, Kingman County may investigate the circumstances and Kingman County may require a drug test.
- B. As a condition of employment, an employee shall notify their Department Head or HRA of any criminal drug statute conviction or for any plea of guilty, nolo contendere or suspended imposition of sentence that has been entered on a criminal drug statute charge. The employee must give notice in writing to their Department Head or HRA within five (5) days of such conviction, plea or imposition.

37.10 CONFIDENTIALITY

Results of an applicant's or employee's test for the use of illegal drugs or alcohol shall be remitted to the HRA. In order to effectively address the employees with drug or alcohol problems, it will be necessary for the Department Head or HRA to consult with other persons in the process. However, such results may be disseminated only on a need-to-know basis.

Employees are encouraged to approach their Department Head or HRA at any time with any questions they have about Kingman County substance abuse policy as stated herein.

37.11 VOLUNTARY ASSISTANCE

Employees who feel they have a problem with drug or alcohol abuse may voluntarily request assistance from the County by contacting the HRA. The County will attempt to assist the employee by referral to a qualified drug and alcohol treatment center. The expense of treatment will be paid by the employee's insurance or the employee. Conscientious efforts to seek such help will not jeopardize the employee's job. However, the employee's continued employment with the County will depend upon successful rehabilitation from drug and/or alcohol abuse and continued satisfactory performance on the job.