

POLICY 407
DRUG-FREE AND ALCOHOL-FREE WORKPLACE
Effective 05-01-2021, Resolution No. 014-21

Johnson County Government is committed to providing exemplary public service, being good stewards of its resources, protecting the health and safety of its employees, and protecting public safety. Employee use of drugs and alcohol can interfere with these commitments by creating health and safety risks, increasing the risk of damage to property, increasing absenteeism, and negatively affecting job performance and morale. Accordingly, it is the policy of Johnson County Government to maintain a drug-free and alcohol-free workplace.

For purposes of this policy and all related Human Resources Procedures the following definitions apply:

“Alcohol” includes cereal malt beverages.

“Being under the influence of alcohol or drugs” means having any detectable concentration or level of alcohol or an unauthorized controlled substance in one’s body.

“Drug” or **“controlled substance”** means any drug or substance identified as a “controlled substance” under the federal Controlled Substances Act or the Uniform Controlled Substances Act as adopted by the State of Kansas, as those definitions may be amended from time to time.

“Unauthorized controlled substance” is a controlled substance that the employee does not have a legal right to possess or use.

Prohibited Conduct

The following conduct is prohibited while an employee or official is on duty, conducting County business, or otherwise representing Johnson County Government except where required as part of the employee’s assigned job duties; while the employee or official is in a County vehicle either on or off duty; and while the employee or official is off duty but on County property or at a County-sponsored event except where the conduct would be permitted by members of the public:

- Being under the influence of, using, or possessing an unauthorized controlled substance or alcohol.
- Being under the influence of or using an authorized controlled substance or other substance where the use jeopardizes the safety of the employee or others, risks damage to property, or impacts the efficiency of operations. Employees are responsible for consulting their health care provider regarding any adverse side effects of drugs and notifying their supervisor if they are unable to perform their assigned duties safely.
- Manufacturing, cultivating, dispensing, distributing, or purchasing a controlled substance or alcohol (or attempting the same).
- Being in possession of drug paraphernalia.
- Testing positive for an unauthorized controlled substance or alcohol or refusing to submit to a drug or alcohol test authorized by this policy or required by law.
- Engaging in any conduct that jeopardizes the integrity or reliability of a drug or alcohol test.

- For employees governed by Department of Transportation regulations, reporting to duty within four hours after having consumed alcohol. Employees must notify their supervisor if they cannot report to duty due to consumption of alcohol during this timeframe.

Employees are also prohibited from using an unauthorized controlled substance or alcohol while on call.

Drug and Alcohol Testing

It is the policy of Johnson County Government to identify and remove from the workplace employees who may be under the influence of drugs or alcohol. The County may require employees to submit to drug and alcohol tests as necessary to serve the purposes of this policy.

Required Approval. All drug and alcohol testing programs must comply with constitutional limitations and with applicable federal and state laws and regulations. Prior to implementation, all drug and alcohol testing programs must be in writing and approved by the County Manager after consultation with the Department of Human Resources and the Legal Department except that elected officials may approve drug and alcohol testing programs consistent with this policy for employees of their offices. No applicant or employee may be asked or required to submit to a drug or alcohol test except as part of an approved testing program.

Employees Subject to Testing. All employees are subject to drug and/or alcohol testing when there is reasonable suspicion that the employee is under the influence of drugs or alcohol in violation of this policy. Employees may be subject to drug and/or alcohol testing as a condition of returning to work after a positive drug or alcohol test or after completion of a drug or alcohol treatment program and may be subject to random testing for a period of time following their return to work. The County Manager may authorize pre-employment, random, and post-accident drug and/or alcohol testing programs for employees in safety-sensitive jobs. The County Manager is responsible for defining safety-sensitive jobs.

Use of Samples. Samples obtained for the purpose of drug and/or alcohol testing will be used solely for that purpose. No other tests, including genetic tests, will be conducted or permitted. Samples will be destroyed or retained in a manner consistent with applicable federal and state laws and regulations.

Violations/Positive Tests

An offer of employment will be withdrawn from any candidate for employment who tests positive for any unauthorized controlled substance or alcohol on a pre-employment drug or alcohol test. Employees who violate this policy and any related procedures and employees whose drug or alcohol use impacts the workplace may be subject to corrective action up to and including separation from employment. In addition to or as an alternative to corrective action, and at the County's discretion, employees may be offered an opportunity to participate in a treatment program and return to work subject to a Return-to-Work Agreement. A Return-to-Work Agreement merely establishes expectations for returning to work and does not guarantee continued employment or change any employee's status as an employee at will.

Law enforcement will be notified if an employee is believed to have engaged in potentially criminal conduct in violation of this policy.

Treatment and Assistance

The County recognizes that drug and alcohol addiction are treatable illnesses that can negatively impact the employee's health, work life, and personal life. The County encourages employees to seek help if they are concerned that they or a family member may have a substance abuse problem. Help is available through the Employee Assistance Program. Employees are responsible for all costs of treatment, including treatment required by the County, that are not covered by the employee's health insurance or other benefit plans.

United States Department of Transportation (DOT) Regulations

In addition to compliance with this policy and the related procedures, employees subject to DOT drug and alcohol regulations must comply with those regulations. Employees subject to DOT regulations are subject to this policy and to the drug and alcohol tests authorized under this policy as well as drug and alcohol tests required or authorized by DOT regulations. The minimum sanctions required by DOT regulations will not affect the County's ability to impose greater sanctions including separation from employment.

Duty to Report Policy Violations

Employees who have reason to believe that another employee is in violation of this policy must immediately report their belief and the basis for the belief to a supervisor or manager or to the Department of Human Resources.

Reporting Arrests and Convictions

Employees convicted of a criminal drug violation must notify their supervisor by the end of their first shift following the conviction or within five calendar days of the conviction, whichever occurs first. Departments/agencies/offices that have been awarded federal or state grants or contracts must notify the appropriate agency as required by the terms of the grant or contract or as otherwise required by law.

Confidentiality

All drug and alcohol test results and all medical information received by the County in the process of administering this policy will be treated as confidential and will not be disclosed except as permitted or required by law.

Procedures

The County Manager will develop procedures to implement this policy, the requirements of the federal Drug-Free Workplace Act, and the requirements of applicable Department of Transportation regulations.