



Drug-Free Workplace Policy

Section: Human Resources	Attachment(s): • Observed Behavior/Reasonable Suspicion Form
Policy #:	
Effective Date:	
Adoption Date: 04/24/1997	
Revision Dates: 12/05/2013, 7/17/18	
Issuing Department: Centre County Human Resources	
Responsible Officer: Human Resources Director	
Required Review Period:	

Section 1: Policy Statement

Centre County Government, in accordance with the Federal Drug-Free Workplace Act of 1988 will provide a Drug-Free Workplace for its employees, elected officials, contractors, interns, volunteers, and job applicants.

Workplace is defined as any County owned or leased property; location where County business is conducted; or site where an employee is considered “on duty”, including in County vehicles or private vehicles being utilized for County business.

A Drug-Free Workplace supports a safe working environment and a better quality of life for employees by implementing ongoing drug-free awareness initiatives and by restricting the use of:

- Prescription drugs outside the guidelines of use as prescribed by a physician,
- Controlled substances defined by Title 21 of the Code of Federal Regulations, Controlled Substances Act, as annually updated, and
- Open containers of alcoholic beverages.

Centre County Government has zero tolerance for the unlawful possession of controlled substances and the unlawful use of alcohol, illegal substances, or the misuse of prescription medications during work hours on County property, in a County vehicle, or in County buildings.

Violation of this policy will result in an immediate disciplinary review, the consequences of which may be termination of employment.

Section 2: Overview

The Centre County Drug-Free Workplace policy:

- Supports workplace health and safety,
- Prohibits the manufacture, use, and distribution of alcohol and controlled substances in the workplace,
- Establishes restrictions on the workplace-related use of legal substances, such as alcohol, legalized marijuana, and prescription drugs,
- Establishes the specific consequences of violating this policy,
- Encourages employees to voluntarily seek help with drug and alcohol problems, and
- Provides services for employees and their family members.

Section 3: Provisions

a. Extent of Coverage:

Any individual who conducts business for Centre County Government, is applying for a position, or is conducting business on behalf of Centre County Government, and is doing so in a County workplace is covered by this Drug-Free Workplace Policy.

Furthermore, this policy applies during all working hours, whenever conducting business or representing the County, while on call, paid stand by, while on County property or elsewhere in accordance with job responsibilities, and at County sponsored events.

The illegal manufacture, distribution, dispensation, possession, or use of a controlled substance outside the guidelines of use as prescribed by a physician, or the possession of open containers of alcohol on Centre County property, or in its buildings, is prohibited.

All Centre County Government employees are prohibited from ingesting alcohol or using illegal substances while performing County business.

All Centre County Government employees are prohibited from consuming alcohol or illegally using controlled substances during break or lunch periods if they are returning to duty.

All Centre County Government employees are prohibited from reporting to work or remaining at work in an unfit condition as a result of the use of alcohol or drugs.

In cases of employee violations, law enforcement or other appropriate agencies will be used when necessary. Entering the County's property constitutes consent to searches and inspections. If an individual is suspected of violating the Centre County Drug-Free Workplace Policy, he/she may be asked to submit to a search or inspection at any time. Searches can be conducted on lockers, wallets, purses, briefcases, lunch boxes, desks, workstations, vehicles, and equipment.

b. Drug-Free Awareness Initiatives:

Centre County will establish an ongoing drug-free awareness program to educate all employees about: (1) the dangers of drug abuse, and (2) the specifics of the Centre County Drug-Free Workplace Policy.

To ensure all employees are aware of their role in supporting the Centre County Drug-Free Workplace Program:

- Employees will receive a copy of the policy annually and when updates are adopted.
- The policy will be reviewed in orientation sessions with new employees.
- Brochures will be available about the dangers of alcohol and drugs.
- A listing of drug and/or abuse treatment programs available by third party providers will be available by request.
- At adoption of major revisions, employees will receive a minimum of 60 minutes of training on the effects and consequences of drug use on personal health, safety, and the work environment.
- At adoption of major revisions, supervisors and department heads will receive a minimum of 120 minutes of training concerning the physical, behavioral, and performance indicators associated with reasonable suspicion for drug use and symptoms of alcohol abuse. The training will also teach supervisors how to appropriately respond/talk to an employee if a problem is suspected.
- On an as needed basis new supervisors will receive training concerning the physical, behavioral, and performance indicators associated with reasonable suspicion for drug use and symptoms of alcohol abuse. The training will also teach supervisors how to appropriately respond/talk to an employee if a problem is suspected.

Department heads, assistant department heads and supervisors have a responsibility to:

- Inform employees of the Drug-Free Workplace Policy
- Observe employee performance
- Document negative changes and problems of performance
- Inform contractors, interns and volunteers of the Drug-Free Workplace Policy
- Contact Human Resources if a reasonable suspicion has been observed (see Observed Behavior/Reasonable Suspicion Form)
- Refer employees to the employee assistance program
- Clearly state consequences of policy violations

Section 4: Procedures

a. All Employees and Applicants for Employment

Centre County Government employees prescribed a Schedule I controlled substance defined by Title 21 of the Code of Federal Regulations, Controlled Substances Act, as annually updated and under a physician's care are restricted from driving or operating a vehicle.

Reasonable suspicion will be cause to test an employee for drug and/or alcohol abuse if he/she exhibits behavior that a trained supervisor or medical examiner/administrator deems unfit for performance of his/her duties. Trained supervisors will use the Observed Behavior/Reasonable Suspicion Form to observe the behaviors of the individual.

Employees and applicants for employment will be screened using either a urine test, breath test and/or hair follicle test for the presence of controlled substances. Examples of reasonable suspicion include, but are not limited to the following:

- Physical signs consistent with prohibited substance use or misuse of alcohol such as the odor of alcohol, slurred speech, or lack of coordination.
- Evidence of the manufacture, distribution, dispensing, possession or use of controlled substances, illegal drugs, alcohol or other prohibited substances.
- Occurrence of a serious or potentially serious accident that may have been caused by the employee's use of drugs or alcohol.
- Physical assaults and flagrant disregard or violations of established safety, security, or other operating procedure.

Employees or applicants for employment may request a retest for a positive test result within five working days after notification by Centre County Government of such positive test result. This retest is at the expense of the individual regardless of the result. If the employee or applicant for employment believes that the positive test result was affected by taking lawful or prescribed substances, the individual must provide additional information to substantiate the claim within five business days. Current employees may be suspended without pay pending the receipt of this information. Once Centre County Government has determined whether there is evidence to indicate that test results are incorrect, the County will advise the individual of its decision.

All drug testing information will be maintained in the employee's confidential medical file.

All employees will notify the Human Resources Office, in writing, of his/her conviction for a violation of a criminal drug statute no later than five (5) days after conviction. The County will perform a disciplinary review and take appropriate action in accordance with the Disciplinary Procedure Policy within 30 days of being informed of a conviction. Federal contracting agencies will be notified when appropriate.

b. Safety and Security Sensitive Employees

It is unlawful for any Centre County Government safety and security sensitive employee to be a user of any controlled substance. All safety and security sensitive employees shall report for duty and be unequivocally able to perform their duties.

Safety and security sensitive employees are defined as:

- Transportation Department Vehicle Operators, Facility Management Vehicle Operators and any County employee who transports a non-County employee on County business in a county owned vehicle or their personal vehicle.
- Persons involved in controlling vehicle movement in response to County operated services including dispatchers, schedulers, and any administrative or supervisory personnel "standing in the shoes" of these traffic controllers.
- Personnel involved with security; either as primary or secondary responsibility, or any employee who carries a defensive weapon.
- Emergency Communication personnel.

In order to promote and maintain a drug and alcohol free environment, the County will utilize a program of drug screening and confirmation testing prior to employment or transfer into safety and security sensitive positions and during employment should an employee exhibit behavior unfit for performance of his/her duties. The Observed Behavior/Reasonable Suspicion Form will be used to make this determination.

- A urine test or hair follicle test will be conducted as part of their pre-employment physical examination.
- A urine test, breath test, blood and/or hair follicle test will screen for the presence of controlled substances.
- The County will pay the costs of the screen and confirmation tests for the hired applicant. These tests will be conducted and successfully passed as negative after the employment offer is extended and accepted.
- A candidate who tests positive for a safety / security sensitive position will not be hired and may not re-apply for such a position for two years.
- An employee who holds a safety / security sensitive position and tests positive will receive immediate disciplinary action, up to and including termination.

c. Vehicular Accidents / Citations and Gross Misconduct

A vehicular accident/incident will be cause to administer a drug and/or alcohol test when an employee is involved in a vehicular accident/incident during their work hours in the following instances:

- Any related event on or involving County property or personnel that results in a fatality.
- Anytime an employee must be transported to a medical facility and the employee is cited under state or local laws for a moving violation arising from the accident.
- Anytime a vehicle incurs disabling damage that requires it to be towed from the scene of the accident and the employee is cited under state or local law for a moving violation arising from the accident.
- Any related event on or involving County property that results in personal injury to an employee or member of the public which reasonably requires medical attention.
- Any related event that causes significant or unusual property damage as determined by the County Administrator.
- Any motor vehicle citation related to impaired driving.

Gross misconduct is an act performed by an employee or employees during their work hours that is often but not always considered illegal. Examples include intentional and aggressive actions that result in injury to individuals and damages to property.

Examples include:

- Any event which appears to involve a violation of County rules which poses a safety threat to employees or members of the public. This includes threats to oneself and others, physical fights, bullying or harassing actions.
- A physical altercation between two or more individuals. In such cases, any and all employees involved will be tested unless it can be shown that one or more employees were only attempting to restrain those individuals fighting.

Following a vehicle accident or incident of gross misconduct, tests shall be administered as soon as possible but not to exceed eight (8) hours for alcohol and thirty-two (32) hours for drug testing. The County will provide funding for this testing if payment is not an obligation of the employee by law.

The following additional policy provisions apply:

- Any employee leaving the scene of an accident or incident without appropriate authorization prior to submission to a drug and/or alcohol test or fails to refrain from the use of alcohol or drugs prior to testing will be considered to have refused the test and will be discharged.
- If an employee refuses to have a urine/breath test in any of the instances identified, the County has the right to suspend or discharge the employee.

For additional information, please review the Centre County Government Vehicle Use Policy.

Section 5: Definitions

Contractor: An independent entity or unit of person(s) responsible for performance under a contract defined as a legally enforceable agreement between a Federal agency and the County. Employees of the contractor who are directly engaged in the performance of work under the contract must comply with a drug-free workplace policy. "Directly engaged" is defined (by the Drug-Free Workplace Act of 1988) to include all direct-cost employees and any other contract employee who has other than minimal impact or involvement in contract performance. Excluded are contractors who provide commercial items customarily sold, leased, or licensed or offered for sale, lease or license to the general public for purposes other than governmental purposes (as further defined in U.S. Code, Title 41, Subtitle IV, Chapter 81, Section 8102 – Drug-Free Workplace Requirements for Federal Contractors).

Controlled Substance: Any substance whose manufacture, sale or use is in some way regulated by the government is a controlled substance. Controlled substances include both illegal and legal drugs. The primary difference between illegal and controlled substances is that controlled substances that are not outright illegal have been deemed to have some medical purpose, while illegal substances have no acceptable medical use. All controlled substances, per Title 21 of the Code of Federal Regulations, Controlled Substances Act, fall within five schedules according to their addiction potential and medical value (Schedule I being the most addictive and Schedule V the least). This classification is based on whether a drug has a currently accepted medical use in treatment in the United States and their relative abuse potential and likelihood of causing dependence when abused.

Illegal Substance: Illegal substances are: (1) drugs that cannot be legally manufactured, bought or sold in the United States; or (2) become illegal when a person uses them without a prescription, takes more than the recommended dosage or mixes them together to alter the drug's effects. Most illegal drugs are also controlled substances, but not all controlled substances are considered illegal.

Controlled Substances Act: The 1970 federally enacted Controlled Substances Act that regulates the manufacture, importation, possession, use, distribution, and classification of controlled substances which includes Medical Marijuana defined below.

County Sponsored Events: County sponsored events are those events offered by the County and/or other community organizations not managed by Centre County Government but Centre County Government personnel may assist with these events in various ways.

Employee: Department heads, assistant department heads, supervisors, full time employees, part time employees, on call employees, and temporary employees.

Medical Marijuana: Regulated under both federal law and the PA Medical Marijuana Act (Act 16 of 2016), can be prescribed in Pennsylvania provided the patient has received a certification from a medical provider and an identification card issued by the Pennsylvania Department of Health. Regardless of how it is used, whether recreational or medical, marijuana remains illegal under federal law and is classified as a controlled substance. As a recipient of federal grant funds, the County must comply with federal law and implement a drug-free workplace program that prohibits the manufacture, use, and distribution of controlled substances by a County employee while on duty or in any County workplace.

Prescription Drug(s): A substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease. Prescription drugs are prescribed by a doctor, bought at a pharmacy or dispensary, prescribed for and intended to be used by one person, and regulated by the US Food and Drug Administration

Section 6: Related Forms and Policies

Centre County Government – Observed Behavior / Reasonable Suspicion Form

Centre County Government – Reasonable Suspicion Testing and Release of Information Authorization Form

Clearance of Care Service Employee Policy

General Safety Rules Policy

Recruitment, Selection, Appointment Policy

Tobacco-Free Workplace

Vehicle Use Policy

Repealer:

All prior policies and/or directives or parts of policies and/or directives that are contrary to the provisions of this policy are hereby repealed to give this policy full force and effect.