



General Employee Drug & Alcohol Testing Policy 2.06

Board Approval Date: 09-23-1997

Supersedes Policy Dated: 05-27-1997

The abuse of drugs and alcohol is a nation-wide problem which affects persons of every age, race and gender. Winona County recognizes that work performance and safety problems are created when employees use or abuse illegal drugs and/or alcohol. Winona County has established the following policy to balance our respect for individuals with the need to maintain a safe, productive and drug-free environment.

POLICY

This policy applies to **all Winona County employees, and job applicants to whom a job offer has been made.** All employees are strictly prohibited from using, possessing, selling, transferring, or being under the influence of drugs or alcohol, while performing job duties or while on Winona County premises. Any employee found to be in violation of this policy is subject to discipline up to and including termination of employment.

Definitions

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.

Confirmatory test; confirmatory retest. “Confirmatory test” and “confirmatory retest” mean a drug or alcohol test that uses a method of analysis allowed under one of the programs listed in Minn. Stat. § 181.953, subd. 1.

DHHS. The Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

Drug means a controlled substance as defined in Minn. Stat. § 152.01, subd. 4.

Drug and alcohol testing. “Drug and alcohol testing,” “drug or alcohol testing,” and “drug or alcohol test” mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, subd. 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.

Medical Review Officer (MRO) means a licensed physician responsible for receiving laboratory results generated by an employer’s drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his or her medical history and any other relevant biomedical information.



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Reasonable suspicion means a basis for forming a belief on specific facts and inferences drawn from those facts.

Refusal to submit (to an alcohol or drug test) means that an employee:

- a. Fails to provide adequate blood for alcohol testing without a valid medical explanation after he or she has received notice of the requirements for blood testing; or
- b. Fails to provide adequate urine for drug testing without a valid medical explanation after he or she has received notice of the requirements for urine testing; or
- c. Engages in conduct that clearly obstructs the testing process.

Substance Abuse Professional (SAP) means a licensed physician or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorder.

Circumstances Under Which drug and Alcohol Tests shall be required or requested

During the Application Process: All initial job applicants for positions at Winona County are required to undergo testing for drugs if a job offer is made. The job offer is contingent upon a negative drug test report and the applicant's written agreement authorizing former employers to release to Winona County all information on the applicant's alcohol tests with a concentration result of 0.04 or greater, positive drug test results, and refusal to be tested within the preceding two years.

Reasonable Suspicion: A drug and/or alcohol test shall be requested if Winona County has reasonable suspicion that an employee: 1) Is under the influence of drugs or alcohol; 2) Has violated Winona County's written work rules prohibiting the use, possession, sale, or transfer of drugs, or alcohol while the employee is working or while the employee is on the employer's premises or operating the employer's vehicle, machinery, or equipment, providing the work standards are in writing and contained in the employer's written drug and alcohol testing policy; 3) Has sustained a personal injury, as that term is defined in Section 176.011, subd. 16, or has caused another employee to sustain a personal injury; or 4) Has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.



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Follow-up Testing: An employee shall be subject to drug and alcohol testing, without prior notice, when an employee is currently undergoing chemical dependency treatment and for a period of up to two years following the completion of a treatment program which resulted from a County drug and alcohol test.

Drug and Alcohol Testing

A blood test will be requested for alcohol testing. A urine test will be requested for drug testing. The testing laboratory shall prepare a written report indicating the drugs, alcohol or their metabolites tested for and whether the test produced negative or positive test results, and shall send the report to the Personnel Officer within three working days following a positive confirmatory test or when the initial screening test result was negative.

Within three working days following receipt of the written report of the test results from the testing laboratory, the Personnel Officer shall inform the applicant or employee in writing of the following:

- a. A negative test result on an initial screening or a positive test result that has been verified by a confirmatory test;
- b. The right to request and receive a copy of the test results report;
- c. The right to request, within five working days after a notice of a positive test result, a second confirmatory test of the original sample at the applicant's or employee's expense (unless the test result is negative in which case the County will pay for the test) at the original testing laboratory or another licensed testing laboratory;
- d. The right to submit further information to the Personnel Officer within three working days after notice of a positive test result to explain that result
- e. The right of an employee who has been suspended without pay to be reinstated with back pay if the outcome of the initial test, confirmatory or employee-requested confirmatory retest is negative;
- f. The right of an employee who has made a timely request for a confirmatory retest to suffer no adverse personnel action if the confirmatory retest does not confirm the result of the original confirmatory test.

The Personnel Officer will immediately inform the County Administrator in writing of a negative test result on an initial screening, or will inform the County Administrator of a positive test result after the applicant's or employee's information and retest rights have been exhausted.



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No adverse personnel action will be taken on the basis of a positive test result on an initial screening test unless the positive result is verified by a confirmatory test.

Licensed Testing Laboratory

The testing laboratory shall be Medtox Laboratories Inc., 402 West County Road D, St. Paul, Minnesota 55112, 800-832-3244, 612-636-7466, which is a lab certified to perform controlled substance testing according to DHHS regulations.

Chain of Custody Procedures

A Winona County representative will transport the employee to the designated testing facility. The employee will be required to complete any necessary forms required by the collection site. Testing facility representatives and Medtox shall maintain the proper chain of custody controls during all testing and/or handling of samples and documentation.

Refusal to Undergo Testing and Consequences of Refusal

All applicants and employees have the right to refuse to undergo drug and alcohol testing. If an individual refuses to undergo drug and alcohol testing required by Winona County, no such test shall be given. Attempts to delay the taking of the test, or failure to take the test at the appointed time and place designated by Winona County, may be considered a refusal to test.

An applicant who refuses to take a drug and alcohol test shall be disqualified from further consideration for the conditionally offered position and the applicant's name shall be removed from the current eligible list from the class.

An employee refusing to take a drug and alcohol test requested by Winona County will be considered insubordinate by Winona County and will be subject to disciplinary action including possible dismissal.

Consequences of a Confirmed Positive Test

Any person found in violation of this policy is subject to discipline up to and including discharge. Disciplinary actions taken pursuant to this policy may be appealed following the procedures established in the Winona County Personnel Policy or any applicable collective bargaining agreement, but not both.



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Nothing in this policy limits or restricts the right of Winona County to discipline or discharge an employee for conduct which violates Winona County's policies or rules provided the employee is not tested for drugs or alcohol.

An employee with a confirmed positive test:

- a. Shall be placed on probation period of up to 12 months from date of returning to work.
- b. May receive a suspension and/or demotion.
- c. Shall be terminated if he/she fails to successfully complete the rehabilitation program.

Employee Rights

All employees subject to the drug testing provisions of this policy have the right to request, at employee expense, a retest of the urine and/or blood sample(s) within five working days of receiving notice of a confirmed positive test result.

If the employee requests an analysis of the urine and/or blood sample(s) within five working days of having been informed of a verified positive test, the MRO shall direct, in writing, the laboratory to provide the sample(s) to another certified laboratory for analysis. If an employee has not contacted the MRO within five working days, the employee may present to the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances unavoidably prevented the employee from making timely contact. If the MRO concludes that there is a legitimate explanation for the employee's failure to contact within five working days, the MRO shall direct the analysis of the sample(s).

If the confirming retest is negative, no adverse action will be taken against the employee.

Winona County will not discharge an employee who, for the first time, receives a verified positive drug or alcohol test result unless:

1. The employee refuses to meet with a substance abuse professional for the purpose of an evaluation for drug use/alcohol/abuse and recommendations for an educational, counseling, or treatment program; or
2. The employee fails to enter the recommended program or fails to successfully complete the program; or
3. The employee fails an unannounced follow-up alcohol and drug test after the successful completion of the recommended program.



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Rehabilitation

Winona County values its employees and is willing to recognize and provide assistance to those employees whose use of drugs or alcohol may be the result of a problem such as alcoholism or chemical dependency. Employees who suspect they suffer from such problems are encouraged to use the Employee Assistance Program by calling 1-800-550-MCIT for additional consultation and referral.

Winona County encourages all employees who may have a problem with substance abuse or alcoholism to come forward and work with Winona County in resolving the problem.

Any employee who participates in a rehabilitation program will follow normal procedures for requesting a medical leave of absence. The employee will be required to admit themselves into any prescribed program and actively participate in the same. Subsequently, proof of admission into the program, regular attendance and “drug/alcohol free” participation will be required. Winona County will also require participation in any recommended or prescribed aftercare or similar follow-up treatment. Failure to participate in any such prescribed program or failure to attend any scheduled after-care or follow-up sessions will disqualify the individual from further employment. In addition, the employee will be required to notify Winona County of the identity of the rehabilitation program counselor and authorize that counselor to communicate with the Winona County about the employee’s progress.

Confidentiality of Test Results

All drug/alcohol test results and required records are considered private data. Test results will be provided to the Personnel Officer, and if a test result is positive, those results will be provided to the employee’s Department Head. Any information concerning an individual’s test results and records shall not be released without the written permission of the individual except as provided for by regulations or law.

Alcohol and Controlled Substances Contact Person

The Winona County designated contact person is the Personnel Officer; Phone 507-457-6353. The contact person will coordinate the implementation, direction, and administration of Winona County’s General Employee Drug and Alcohol Policy. The contact person is the principal contact for the collection site, the testing lab, the MRO, and the person tested. Employee questions concerning this policy should be directed to the contact person.



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Training

Any supervisor/management personnel responsible for determining whether an employee must be drug/alcohol tested based on reasonable suspicion will be required to complete at least one 60 minute period of training on the specific, contemporaneous physical, behavioral and performance indicators of probable drug/alcohol use.

This form is to be used only if testing is required.

**Winona County
Drug & Alcohol Testing Policy
Acknowledgment Form**

Name: _____ **Social Security #:** _____

I acknowledge that I have reviewed the Winona County Drug & Alcohol Testing Policy. I further acknowledge that I am taking the following over the counter or prescribed drugs:

DRUG NAME	PRESCRIBING PHYSICIAN	PRESCRIPTION #

Please state any other reasons that may cause a positive test result:

Signature

**Acknowledgment
Winona County
General Employee Drug and Alcohol Policy**

By my signature below, I _____ hereby acknowledge that I have received and read the General Employee Drug and Alcohol Policy of Winona County.

Employee Signature

Date

Signature of Department Head/Supervisor

Date

*******Please return this form to the Personnel Department when completed*******