

**DEKALB COUNTY GOVERNMENT
DRUG-FREE WORKPLACE POLICY**

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DRUG-FREE WORKPLACE POLICY

1.1.0 Statement of Intent

- 1.1.1. The County desires to implement certain procedures to improve the quality of life for our employees, provide a safe and productive work environment, and to save money on health care costs.
- *(Adopted 02/19/1992)*
- 1.1.2. DeKalb County recognizes the problem of alcohol and other substance abuse in our society. Furthermore, the County considers substance abuse as a serious threat to the quality of life in our community. We are addressing this problem by introducing a this substance abuse policy. This policy is in compliance with the Drug Free Workplace Act.
- *(Adopted 07/15/1992)*
- 1.1.3. DeKalb County Government has a vital interest in maintaining safe, healthful, and productive working conditions for its employees and the public. An employee whose work performance is adversely affected by the use of illegal drugs or alcohol may cause personal injury, decreased productivity, decreased morale, increased medical expenses and other work related problems. Eliminating substance abuse will help our county government become more efficient and effective.
- *(Adopted 02/19/1992)*
- 1.1.4. The ultimate goal of this policy is to balance our respect for individual privacy with our need to keep a safe, productive, drug-free environment. We encourage those who use illegal drugs or abuse alcohol to seek help in overcoming this problem. In this way, fully rehabilitated abusers who remain drug-free can remain at work or return to work in good standing.
- *(Adopted 02/19/1992)*
- 1.1.5. DeKalb County understands that employees and job applicants benefit from the responsible use of prescription drugs. However, abuse of prescribed medications will be treated in the same manner as the abuse of illegal substances. This policy does not prohibit the lawful, responsible use of alcohol or other legal drugs.
- *(Adopted 07/15/1992)*

1.1.6. The purpose of this policy is to insure a safe and productive workplace; provide notice that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, including cannabis, is prohibited in any and all of the County's workplaces; specify the actions that will be taken by the County for violations of the drug laws; require compliance with the drug free work place policy; require the employee to notify the employer within five (5) days of any finding of guilty for a violation of the drug laws where such violation occurred in the workplace; establish a drug free awareness program to inform employees about the dangers of drug abuse in the workplace, the County's policy for maintaining a drug free workplace, available drug counselling, rehabilitation and employee assistance programs, and the penalties that may be imposed for drug violations; and to assist the employee in selecting a course of action in the event drug counseling, treatment, and/or rehabilitation is required.

■ (Adopted 02/19/1992)

1.1.7. The Employee is invited to read the Drug Free Workplace Act. The Act requires the County to provide a copy of this policy to each employee and to post a copy of this statement in a prominent place in the workplace. The County is also required to notify the State and/or Federal funding agency(ies) within 10 days after receiving notice from the employee that he or she has been found guilty of a violation of the drug laws. Furthermore, the County is *required* to impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is found guilty of a violation of the drug laws. All sanctions for violation of this policy shall follow guidelines already established for the employee(s) in question. *Please note that the County may be denied State and/or Federal funds for violations of the Drug Free Workplace Act.*

■ (Adopted 02/19/1992)

1.1.8. With these basic objectives in mind, the County has established the following policy.

■ (Adopted 2/19/1992)

1.2.0. Definitions

- 1.2.1. "Legal Drug" - includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used solely for the purpose for which they were prescribed or manufactured.
■ *(Adopted 2/19/1992)*
- 1.2.2. "Illegal Drug" - any drug: (a) which is not legally obtainable; (b) which may be legally obtainable but has not been legally obtained; or (c) which is being used in a manner or for a purpose other than as prescribed.
■ *(Adopted 2/19/1992)*
- 1.2.3. "Under the Influence" - an employee shall be determined to be under the influence of alcohol or other drug, if, in the course of employment for the County:
■ *(Adopted 2/19/1992)*
- 1.2.3.a. the employee's normal faculties are impaired due to consumption of alcohol or other drugs, and/or
■ *(Adopted 2/19/1992)*
- 1.2.3.b. the employee has a blood alcohol level of .04 or higher, and/or
■ *(Adopted 2/19/1992)*
- 1.2.3.c. the employee is affected by an illegal drug, alcohol or both in any detectable manner.
■ *(Adopted 2/19/1992)*
- 1.2.3.d. the symptoms of influence are not confined to those consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of influence can be established by a lay-person's opinion.
■ *(Adopted 2/19/1992)*

1.3.0. Policy and Work Rule

- 1.3.1. The County's desire is to employ a work force free from abuse of alcohol and free from use of illegal drugs either on or off the job. This policy, however, relates only to the individuals behavior while in the scope of County employment. Any employee determined to be in violation of the drug free workplace policy is subject to disciplinary action, which may include termination even for the first offense. This policy sets forth a Standard of Conduct for Employees of the County.

■ *(Adopted 07/15/1992)*

1.3.4. Alcohol Abuse

- 1.3.4.a. An employee reporting for work or engaged in County business or on county premises who is under the influence of alcohol or impaired by alcohol or other drug will not be admitted to the workplace or allowed to engage in County work. If possible, the employee's supervisor should first seek another supervisor's opinion to confirm the employee's impairment. Then the supervisor should consult privately with the employee regarding impairment. If, in the opinion of the supervisor, the employee is considered impaired, the employee should be directed away from the County worksite. The supervisor or other responsible County employee should arrange for safe transportation, depending on the circumstances and the extent of the observed impairment. The supervisor or responsible employee should take reasonable steps to prevent the impaired employee from driving a motor vehicle.

■ *(Adopted 07/15/1992)*

- 1.3.4.b. An employee who is under the influence of alcoholic beverages at any time while on County business or on County property, shall be guilty of misconduct and is subject to discipline including discharge or suspension without pay from employment, even for the first offense.

■ *(Adopted 2/19/1992)*

1.3.5. Illegal Drug Use

- 1.3.5.a. An employee bringing onto the County's premises or property, having possession of, being under the influence of, possessing in the employee's body, blood or urine in any detectable amount, or using, consuming, transferring, selling or attempting to sell or transfer any form of illegal drug as defined above while on County business or at any time during the hours between the beginning and ending of the employee's work day is guilty of misconduct and is subject to discipline including discharge or suspension without pay from employment, even for the first offense.

■ *(Adopted 2/19/1992)*

1.3.6. Employee Assistance Program

- 1.3.6.a. The County plans to maintain an Employee Assistance Program (EAP) which provides help to employees and their families who suffer from personal problems, including alcohol or drug abuse. It is the responsibility of each employee to seek assistance from the County's employee assistance program or some other source before alcohol and drug problems lead to disciplinary actions. Once a violation of this policy occurs, subsequent use of the EAP on a voluntary basis will not necessarily lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action.

■ *(Adopted 07/15/1992)*

- 1.3.6.b. The County encourages its employees to seek professional help for personal problems including substance abuse. The employee's decision to seek prior assistance from the County's Employee Assistance Program will not be used as the basis for disciplinary action and will not be used against the employee in any disciplinary proceeding without prior consent of the employee. On the other hand, using the EAP will not be a defense to imposition of disciplinary action where facts of a violation of this policy are obtained outside of the EAP. Accordingly, the purposes and practices of the Drug Free Workplace Policy and the EAP are not in conflict but are distinctly separate in their applications.
- *(Adopted 07/15/1992)*
- 1.3.6.c. Through the Employee Assistance Program, the County may provide appropriate assessment, referral to treatment, and treatment of drug and alcohol abuse (subject to the provisions of the County's health insurance plan). Employees using the County's Employee Assistance Program may be granted leave with a conditional return to work depending on successful completion of the agreed upon appropriate treatment regimen which may include random testing.
- *(Adopted 07/15/1992)*
- 1.3.6.d. The County will provide for an EAP as long as a majority of the Board determines that it is financially prudent and in the interest of good government to do so. This Statement and Policy do not create a legal obligation for the County to provide an employee assistance program and the EAP may be discontinued without prior notice to employees.
- *(Adopted 07/15/1992)*