

Survey to Chief APOs

Issue: Probation Officer Drug Testing

Question: (from Franklin County)

My PJ requested that I seek information from other County Adult Probation Departments to see if they have a random drug testing policy for Probation Officers. If so, is this run by the County or the Courts? Also, what is the frequency? I am only seeking a response from those counties that have random testing program not testing for just workers' comp claims or vehicle accidents.

Blair County – does not

Carbon County - Probation officers are randomly picked monthly for urine screens. Court Administration oversees this and it comes from their budget. Juvenile and Adult are the only departments that have to do this. I have asked why no other departments have to do this. I get the “well this is the way it has always been” answer.

Clarion County – Does not

Cumberland County – Pre-employment drug testing occurs. Random testing during employment does not occur. Although, HR does reserve the right to test if there is reasonable suspicion that an employee’s job performance many have been adversely affected in any way by drug/alcohol use.

Elk County - Does not

Fayette County – Same as Cumberland County

Greene County – Human Resources conducts random drug screens on Probation Officers, Sheriff’s Deputies, and jail guards. Probation test results go to Court Administration, not Human resources. Testing is paid for by Human Resources.

Indiana County – Does not

Jefferson County – It is the County’s policy that all county employees are subject to yearly random drug screens through a third party. (see addendum)

Lebanon County - Lebanon randomly tests prior to sending someone to Firearms. If there is suspicion of someone being under the influence or drug use affecting work performance, I would get approval from the P.J. to have someone tested. No testing occurring on a regular/random basis.

Lehigh County - All full-time probation officers (not probation aides) are randomly tested once a year. This is operated through the courts (only my department) and paid for out of my budget.

Luzerne County - Luzerne has followed a policy developed by our Court years ago. We test upon new hire and any subsequent testing addresses impairment in the performance of their responsibilities. Any staff member who appears impaired may be subject to immediate testing (Probation Services conducts our own testing with a Supervisor) and the employee shall submit to testing upon the request of the department head.

Impaired includes “under the influence or a substance to any degree that the employee’s motor abilities (e.g., sight, hearing, balance, reaction, reflex, etc.) or judgment are affected.” Such impairment and testing (both breath and drug) result in violation of the drug-free workplace policy, referral will be made to the Human Resource Court Administrator for appropriate review and necessary action, including referrals and disciplinary action up to and including termination.

If there is an accident with a departmental vehicle or if the individual is a party to an incident where property damage or personal injury results, testing is mandatory.

Northampton County – Does not. However, the overall county HR policy allows “the right to test all other employees for drug and/or alcohol impairment for post-offer, pre-employment and/or in cases of reasonable individualized suspicion.”

Schuylkill County – Does not

Somerset County - We randomly drug test Probation Officers twice a year. I pick two dates at the beginning of the year and schedule a nurse to collect the samples, she then processes them with our contracted drug testing company (Redwood Labs). My costs are \$100 for the Nurse and then costs associated with the drug screen. I have a separate account with Redwood for employees, this helps assure confidentiality within the department, as only my Deputy and I can review the results.

Westmoreland County - Please see the attached document to answer the question. Staff in “safety sensitive positions” are tested randomly and monthly. On the testing day of my choosing, I direct four randomly chosen staff to report to HR to have a drug screen (oral fluid) conducted. This is paid for through the APO budget and we use an outside testing vendor to conduct the testing. (see addendum)

York County - York’s policy is weak. It is in place through the county, not the courts. Two supervisors must observe behavior that would be alarming or raise concerns that someone was using before we can send for a drug test. Potential employees do have to pass a drug test during the initial application process.

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ARTICLE TWENTY-FIVE

DRUG AND ALCOHOL POLICY

I. POLICY

It is the policy of the County to maintain a workplace that is free from the effects of drug and alcohol use so that employees are fit to perform their work duties and report to work regularly and on time. The manufacture, distribution, possession, use or presence in the body, or working while under the influence of drugs or alcohol while on duty, on Jefferson County property, or while utilizing a Jefferson County vehicle is strictly prohibited.

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For purposes of this policy, the word "drugs" is defined as including, but not limited to marijuana, cocaine, crack, PCP, LSD, heroin and other opiates, methamphetamines, and amphetamines, and any other controlled substances regulated by the United States Department of Transportation.

II. SCOPE

This procedure applies to all Court employees regardless of the number of hours regularly worked and is inclusive of both full time and part time employees (hereinafter "Employee" or "Employees"). This policy shall be construed in accordance with all applicable rules and regulations of the Jefferson County Courts.

III. PROHIBITED CONDUCT

- 1) **Illegal Drugs** – Employees shall not sell, manufacture, distribute, dispense, use, possess, purchase, obtain, be under the influence of, or test positive for the illegal use of drugs while on work premises, while on-duty, during lunch or other breaks, while representing Jefferson County off-site or while operating a County owned vehicle.
- 2) **Prescription Drugs** – Employees shall not illegally sell, manufacture, distribute, dispense, use, possess, purchase, or obtain prescription drugs at any time; or be under the influence of, or test positive for, prescription drugs illegally obtained or used while on work premises, while on duty, during lunch or other breaks, while representing Jefferson County off-site or while operating a County owned vehicle.

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In addition, while on duty, while on work premises, during lunch or other breaks, while representing Jefferson County off-site or while operating a County owned vehicle, Employees shall not be under the influence of legally obtained prescription drugs that affect an Employee's ability to perform the essential functions of his/her position. It shall be a violation of this policy for Employees to fail to report, as required below in Section IV, use of a prescription drug that inhibits his/her ability to perform the essential functions of the position.

- 3) **Alcohol** – Employees shall not possess, use, distribute, or be under the influence of alcohol, while on work premises, while on-duty, during lunch or other breaks, while representing Jefferson County off-site or while operating a County owned vehicle. Specifically, no Employee shall report for duty while having alcohol concentration of 0.04 or greater or remain on duty while having an alcohol concentration of 0.02 or greater; report to work within (8) hours after using alcohol; or consume alcohol within (8) hours following an accident or before a post-accident alcohol test is performed (whichever is sooner). In no way is this test requirement intended to delay necessary medical treatment for injured people following an accident, to prohibit an employee from leaving the scene of an accident to obtain medical assistance for themselves or others.
- 4) **Violations** – Employees violating this policy will be subject to discipline and/or discharge as set forth herein.

IV. DUTY TO REPORT

Use of Prescription Drugs – Whenever an Employee is using legally prescribed drugs, it is the Employee's responsibility to ask the prescriber whether the drug or medicine, if taken as prescribed or directed, is likely to affect his/her ability to perform the essential functions of the Employee's position. If so, the Employee is obligated to report that fact to the President Judge and/or his designee.

V. TESTING REQUIREMENTS

A. Forms of Tests – Testing for drugs requires Employees to provide a urine sample. Testing for alcohol will require a breath sample. The drug and alcohol testing program will be administered by a third party selected by Jefferson County.

B. When Tests are Required

1. **Random Testing** – Each year, Jefferson County will conduct random testing through its third party. The third party will use a random process to select at least 50 percent of all "safety sensitive" Employees to be tested for the use of drugs each year. Additionally, at least 10 percent of the "safety sensitive" Employees will be randomly tested for alcohol use each year. Testing will be performed quarterly. Random testing must be unannounced. Any "safety sensitive" Employee who communicates to other Employees that they have been randomly chosen to be tested will be subject to discipline up to and including discharge. Each "safety sensitive" Employee notified of

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selection for random testing will proceed to the third party immediately.

2. Reasonable Suspicion Testing – All Employees will be required to be tested when any supervisor determines that there is a reasonable suspicion to believe that the Employee is under the influence of drugs and alcohol. Reasonable suspicion for alcohol must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the Employee, immediately before, or during the work day. Reasonable suspicion for drugs must be based on the same factors as alcohol, except that indications of the chronic and withdrawal effects of drugs may also be considered. The supervisor must record, in writing, the basis for reasonable suspicion within 24 hours of making the determination. The conduct necessitating testing, if at all feasible, shall have been witnessed by a second supervisor.

An Employee is to be brought for testing as soon as reasonably possible. In addition, a test for alcohol should be conducted within two (2) hours of observation, and in no event later than eight (8) hours after observation. If an Employee is not tested for alcohol within two (2) hours, the supervisor must record, in writing, the reason for the delay and/or the reason for failing to test the Employee at all within eight (8) hours of observation.

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After an Employee is tested for drugs, the Employee is to be relieved from duties until the Employee's test results come back. If an Employee's test is negative, the Employee will be paid for any work time lost. If the test is positive, the Employee will not be paid for any of the time lost and will be treated in accordance with Section VI of this Policy.

3. Post-Accident Testing – As a condition of continued employment, an Employee involved in work-related motor vehicle accident may be tested for the presence of drugs and/or alcohol. Under no circumstances will an Employee involved in a work-related motor vehicle accident be allowed to drive themselves to the testing facility, home or anywhere else. The County shall provide transportation to the testing facility. The Employee will provide a saliva, urine, blood, and/or breath sample for alcohol and/or drug testing as soon as possible after a work-related motor vehicle accident, but in no case later than eight (8) hours after the accident. Staff members must be tested for alcohol as soon as possible after a work-related motor vehicle accident, but in no case later than eight (8) hours after the accident. A staff member may not consume alcohol until the Employee has been tested.

C. Procedures to Follow When an Employee Is Tested

1. Inform the Employee in as private a setting as reasonably appropriate that the Employee has been scheduled for drug and/or alcohol testing.

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2. The County will attempt to notify a union representative either before, or as soon as reasonably possible after, an Employee is tested.
3. In cases of Reasonable Suspicion Testing, the Employee is to be transported by the Employee's supervisor or another designated person to the collection site.
4. Employees are required to follow all instructions communicated to them by the individual at the collection site.
5. Any Employee who refuses to submit to testing, tampers or attempts to tamper with the testing, including but not limited to, the giving of the specimen, the chain of custody, or the testing procedure, will be subject to termination of employment.
6. In a situation where an Employee is unable to provide a sufficient urine sample, the person administering the test at the collection site will instruct the employee or applicant to drink up to forty (40) ounces of fluid, distributed reasonably through a period of up to three (3) hours or until the Employee has provided a new urine specimen, whichever occurs first.

If the Employee refuses to drink fluids as directed or to provide a new urine specimen, the collection site person will terminate the collection and notify the County that the Employee has refused to submit to testing. The County shall consider this situation to be a refusal to test under this policy.

If, after following the directions of the collection site person as described above, the Employee still cannot provide a sufficient urine specimen within

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three (3) hours of the first unsuccessful attempt to provide the specimen, the collection site person shall discontinue the collection and notify the County. The County will then direct the Employee to obtain as soon as possible after the attempted provision of urine, an evaluation from a licensed physician, who is acceptable to the County, to determine whether the Employee's ability to provide an adequate amount of urine is a result of a "medical condition". To be a result of a medical condition there must be an ascertainable physiological condition (e.g., a urinary system dysfunction) or a documented pre-existing psychological disorder. Unsupported assertions of "situational anxiety" or dehydration will not constitute a "medical condition".

The physician will provide to the MRO a brief written statement setting forth his or her conclusion and the basis for it, which will not include detailed information on the medical condition of the Employee. Upon receipt of this statement, the MRO will report his/her conclusions to the County in writing. If the physician determines, in his or her reasonable medical judgment, that a medical condition has or, with a high degree of probability, could have precluded the Employee from providing an adequate amount of urine, the employee's failure to provide an adequate amount of urine shall not be deemed a refusal to test. If the physician cannot so determine, the Employee's failure to provide an adequate amount of urine shall be regarded by the County as a refusal to take a test and the provisions regarding refusal to test shall be applied.

If an Employee is unable to provide a breath sample for an alcohol test, the Employee shall submit to an immediate blood alcohol test. If the Employee refuses to submit to the blood alcohol test, then the County shall consider it a refusal to test and the provisions regarding a refusal to test shall be applied.

D. Notification of Test Results

The County will notify its Employees of verified positive tests for drugs/alcohol. Employees who test positive will also be advised specifically what substance was discovered.

VI. CONSEQUENCES OF VIOLATING POLICY

Employees violating this policy will be subject to discharge.

A. What Constitutes a Violation of Policy?

1. Employees will be deemed to have violated this policy whenever he/she tests positive for alcohol or drugs, regardless of whether a supervisor, or anyone else, determines that the Employee is impaired or that the Employee's job performance was adversely affected.
2. Employees will also be deemed to have violated this policy when they fail to cooperate with the testing requirements as set forth in this policy.
3. If an Employee refuses to be taken for testing or refuses to cooperate in any way with the testing procedures, he/she shall be deemed to have voluntarily resigned employment.

B. Employee to be Removed from Position



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Employees who test positive will immediately be removed from his/her position without pay.

VII. TESTING PRACTICE

The laboratory shall initially divide each sample into two (2) separate samples. The first sample should be tested, and the second sample shall be stored at the laboratory for later testing by another laboratory if requested by the County or the employee. If an Employee tests positive on the first test of the sample, the laboratory will perform a confirming test on the same sample. If the second test proves negative, no record of the first false positive will be retained and the Employee will continue their employment. If the second test on the first sample proves positive, the laboratory's testing shall be considered complete. Nevertheless, the Employee may request that the second sample be tested within forty-eight (48) hours of the notification of the positive test result. If the second sample proves to be positive, the Employee shall be removed from his/her position. The County shall bear the expense of said tests on the first sample, while the Employee shall be responsible for the expense of testing on the second sample if they so desire.

VIII. RECORDKEEPING

- A. **Maintaining Records** – All of the records relating to the administration and results of this policy will be maintained for a minimum period of five (5) years. Individual negative test results will be maintained for a minimum of twelve (12) months.
- B. **Medical Review Officer** – There shall be a Medical Review Officer who is a licensed Doctor of Medicine or osteopathy with knowledge of drug abuse

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disorders to review drug test results. The Medical Review Officer shall retain the reports of individual test results for a minimum of five (5) years.

C. Personnel Files – The County shall retain in the employee’s personnel file information indicating only the following:

1. The Employee submitted to a drug and/or alcohol test;
2. The date of such test;
3. The location of such test;
4. The identity of the person or entity performing the test; and
5. Whether the test finding was “positive” or “negative”.

D. Access to Test Results and Findings – No person may obtain the individual test results retained by the Medical Review Officer, and no Medical Review Officer shall release the individual test results of any Employee to any person, without first obtaining written authorization from the tested individual, unless otherwise requested by law.

IX. Miscellaneous

A. The County reserves the right, upon reasonable suspicion, to ask for consent to search an Employee’s vehicle or personal property of any Employee during working hours, or while on County property or designated workplace. Any Employee refusing to consent to or cooperate with a reasonable search or investigation will be relieved of duty and removed from County property or workplace resulting in appropriate disciplinary action up to and including possible termination, for insubordination.

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- B. This policy will be limited by any applicable federal or state law or municipal ordinance and shall be made part of the applicable collective bargaining agreement. Any portion of this policy which directly conflicts with such a law, ordinance, will not be implemented but shall be servable and shall not affect the validity and enforcement of the remainder of this policy.
- C. Any failure to implement the policy, or any part thereof, any variation, addition, or omission to the procedures set forth in the policy shall not confer any contractual or other rights or claims in favor of the Employee not otherwise conferred by law.

ARTICLE TWENTY-SIX

HEADINGS

Section 1: Any headings preceding the text of the several articles hereof are inserted solely for the convenience of reference and shall not constitute a part of this Agreement nor shall affect its meaning, construction or effect.

ARTICLE TWENTY-SEVEN

WAIVER

Section 1: Both parties acknowledge that this Agreement represents the results of negotiations between the parties conducted under and in accordance with the Public Employee Relations Act No. 195 and constitutes the entire agreement between the parties for the life of this

**WESTMORELAND COUNTY COURT OF COMMON PLEAS
DRUG AND ALCOHOL TESTING POLICY
JANUARY 27, 2016**

PURPOSE

The purpose of this policy is to establish procedures for testing employees of the Westmoreland County Court Departments (that is, Adult Probation and Juvenile Probation, the Law Library, Judicial Chambers, Domestic Relations, Magisterial District Courts, and the Jury Service Center) for the use of illegal drugs or alcohol.

APPLICABILITY

This policy replaces all previous Drug and Alcohol Policies for the Westmoreland County Adult Probation and Parole Department and the Westmoreland County Juvenile Probation Department and will be applied in conjunction with any other applicable Westmoreland County Court or Department policies. This policy governs all court departments.

Specific procedures follow for pre-hire testing of department personnel, random testing of safety-sensitive employees, testing of any employee when reasonable suspicion exists, in post-accident situations, and in post-critical incident situations and for reporting pharmacological conditions that could affect the ability to perform duties.

DISCUSSION

Employees have the right to work in an environment where safety is not jeopardized by fellow employees who engage in illegal drug use or are under the influence of alcohol. The safe and efficient operation of court departments is dependent upon employees who are free of illegal drugs and not under the influence of alcohol.

Substance abuse is a major contributor to criminal activity and is particularly detrimental to departmental missions. The use of illegal drugs undermines the employee's ability to carry out duties by causing aggression. Employees involved in illegal drug use or who are under the influence of alcohol are more susceptible to corruption and pose an unacceptable risk based on issues of safety, public trust and civil liability.

Probation Officers are officers of the Court responsible for supervising offenders and for protecting the public. The use of illegal drugs by probation officers undermines the officer's ability to respond properly to family members or others who are not offenders,

and impairs judgment. The use of drugs or alcohol affects the ability to supervise offenders, impacts public perception, and negatively reflects upon the Court as an institution.

DEFINITIONS

Critical Incident: An event outside the range of usual human experience that would be markedly distressing to a reasonable person. A critical incident is any situation that may cause participants to experience unusually strong emotional responses that have the potential to interfere with their ability to function, either at the scene or later, whether at work or away from work. (Example: Use of force resulting in serious bodily injury or death.)

Drug and Alcohol Testing for Reasonable Suspicion: The testing of an employee when management has reasonable suspicion to believe that the employee may have used illegal drugs or is under the influence of alcohol.

False Sample: Any specimen which has not been submitted by the individual at the time and place ordered or any sample to which an adulterant has been added.

Illegal Drugs: Any drug or substance found in Schedules I through V of the Controlled Substance Drug Device and Cosmetic Act (35 P.S. § 780-104). This also includes illegal use of non-prescribed controlled substances (prescription drugs).

Lost Time: Time away from work due to an on-the-job injury.

Pharmacological Condition: For purposes of this policy, it is the prescribing of a narcotic or any drug that may affect an individual's ability to perform his or her duties.

Post-Accident Drug and Alcohol Testing: Testing for illegal drug use or for being under the influence of alcohol following an employee accident resulting in the following:

- (1) Death or personal injury to another person requiring immediate treatment;
- (2) Property damage in excess of \$1,000.00; or
- (3) Personal injury or lost time of an employee under circumstances which give rise to reasonable suspicion of drug or alcohol use.

Random Drug Testing: A process of selecting safety sensitive employees to be tested which results in an equal probability that any employee subject to the process will be selected and does not allow management the discretion to waive the testing of any employee selected. The District Court Administrator, in consultation with the Chief

Probation Officers of Adult and Juvenile Probation, will determine the percentage or number of employees who will be randomly selected.

Reasonable Suspicion: The amount of knowledge that is sufficient to cause an ordinarily prudent and cautious person to suspect someone of either being under the influence of alcohol or using or possessing illegal drugs. Reasonable suspicion must be directed at the specific person, be based on specific articulable facts, and be based on the logical inferences and deductions that can be drawn from those facts.

Reasonable suspicion may be based upon observation (for example, slurred speech, disorientation, a pattern of abnormal conduct or erratic behavior); evidence that an employee has tampered with a previous drug or alcohol test; arrest or conviction for a drug or alcohol-related offense; the identification of an employee as a focus of a criminal investigation into illegal drug possession, use or trafficking; information provided by reliable or credible sources; a canine alert on an individual, independently corroborated information, or; other factors.

Regularly Scheduled Drug Testing: The supervision and monitoring of employees who have voluntarily admitted that they have a substance abuse problem, have been through a treatment program and have returned to work.

Safety Sensitive: Safety sensitive positions are those positions in which drug impairment constitutes an immediate and direct threat to public health or safety. "Safety sensitive employees" shall include: Directors and Deputy Directors of Adult and Juvenile Probation; Probation Officer III (Supervisors) of Adult and Juvenile Probation; Probation Officers I and II in Adult and Juvenile Probation.

Treatment Program: A program licensed by the Pennsylvania Department of Health's Bureau of Drug and Alcohol Programs for the treatment of drug and alcohol abuse.

Voluntary Identification: The process by which employees make known to management their substance abuse problems and seek treatment. Employees may inform their Supervisor or Chief Probation Officer. Employees who do not voluntarily identify themselves to management prior to being ordered to report for drug testing may not exercise this option.

DRUG AND ALCOHOL FREE WORKPLACE POLICY

The Departments maintain workplaces free of the use of illegal drugs or alcohol. Employees must be free of illegal drugs at all times and cannot be under the influence of alcohol while at work. Employees who fail to comply with this drug and alcohol free

policy will be subject to disciplinary action, up to and including termination. Employees are subject to testing as follows:

- (1) All new employees shall be tested after the offer of employment has been accepted and prior to being hired. Employees transferring into a safety sensitive position in another department must also be tested.
- (2) All employees shall be tested for drug use and for being under the influence of alcohol when reasonable suspicion exists, in post-accident situations and in post critical incident situations.
- (3) All "safety sensitive" employees shall be required to submit to random drug and alcohol testing.

PROCEDURES

(1) Voluntary Identification and Treatment

- a) Employees identifying themselves as having an illegal substance abuse problem will be referred to an Employee Assistance Program for evaluation and referral for treatment. Such identification may be made to a supervisor, the Chief Probation Officer, court official or a representative in the Human Resources Department. Employees may use appropriate leave to participate in treatment programs.
- b) Employees must successfully complete the prescribed treatment program (successful completion as defined by the treatment program) within the time prescribed by the program as a condition of continued employment in the department. An employee that successfully completes the program will be subject to regularly scheduled testing for a period of two (2) years thereafter.
- c) An employee may only voluntarily identify him/herself once. An employee shall be allowed the option of resigning in lieu of termination on the occasion of an attempted second voluntary identification.

(2) Substances to be Included in the Drug Screening Test:

Specimens will be tested for the following substances:

- a) Marijuana
- b) Cocaine
- c) Opiates
- d) Phencyclidine (PCP)
- e) Amphetamine
- f) Benzodiazepines

- g) Barbiturates
- h) Ethanol
- i) Oxycodone
- j) Methadone
- k) Other illegal substances, if necessary

(3) Random Drug Testing for Safety Sensitive Employees

- a) All safety sensitive employees will be informed in writing of the requirement that they submit to random drug testing. The Chief Probation Officer shall be responsible for this notification. An acknowledgment form will be signed by the employee and will be retained in the employee's official personnel file.
- b) The drug testing contractor will be responsible for the development and implementation of a system that randomly selects safety-sensitive employees for drug testing. The District Court Administrator shall have the right to access records to ensure that testing is random.
- c) Employees will be required to provide a sample to the contractor in a fashion consistent with the County's contract. Employees taking prescription medication are required to inform the collector of the medication they have taken (not the reason for taking the medication) on the day they provide the sample. The department reserves the right to require the employee to provide verification from the prescribing physician to the Court Administrator and/or County Human Resources.
- d) Employees who test positive for illegal drug use on the initial screen will have their test results verified by the contractor through a second confirmation test using an alternate testing methodology with greater sensitivity than the initial test.
- e) Employees who are confirmed to be positive will be subject to discipline in accordance with the disciplinary guidelines established by the Court, specifically, Court Personnel Policy Number 2 of 1990. In addition, employees who are found to have violated Section VII(B)(xi) of the Code of Conduct for Employees of the Unified Judicial System (UJS), which provides that an employee of the UJS "shall not be impaired by alcohol, drugs, medications or other intoxicating substances while on duty," may be subject to discipline as outlined in the UJS Code of Conduct.
- f) Employees who submit false samples will be subject to discipline in accordance with the disciplinary guidelines established by the Court, specifically, Court Personnel Policy Number 2 of 1990.
- g) Employees who refuse to submit to random drug testing will be subject to discipline in accordance with the disciplinary guidelines established by the Court, specifically, Court Personnel Policy Number 2 of 1990.

(4) Reasonable Suspicion Testing

- a) If reasonable suspicion exists as defined previously, any employee may be required to submit to drug and alcohol testing. Whenever possible, the facts will be discussed with the Department Head before ordering the drug test. The Department Head and the Supervisor in charge must agree that reasonable suspicion exists and approve the ordering of the drug or alcohol test. The suspected employee will be transported to the sample collection site by a person designated by the Department Head, Deputy or the Supervisor in charge. The results should be provided to the Department Head, subject to audit by the District Court Administrator.
- b) Refusal to submit to drug and alcohol testing will result in discipline in accordance with the disciplinary guidelines established by the Court, specifically, Court Personnel Policy Number 2 of 1990.

(5) Regularly Scheduled Testing

- a) Employees who have voluntarily identified themselves as illegal drug users and have successfully completed a treatment program, will be tested on a regular basis. This testing will be at least bi-monthly and may be at any time during working hours for a two-year period.
- b) Refusal to submit to drug testing will result in discipline in accordance with the disciplinary guidelines established by the Court, specifically, Court Personnel Policy Number 2 of 1990.

(6) Post-Accident Drug Testing

- a) After an accident that results in more than \$1,000.00 in property damage, death, or personal injury to another person, the Department Head, Deputy or the Supervisor in charge may require the employee to submit to drug testing if the employee is physically able to do so. An accident that results in personal injury or lost time shall make the employee subject to drug and alcohol testing provided the circumstances of the accident give rise to reasonable suspicion. The employee will be transported to the sample collection site by a person designated by the Department Head, Deputy, or the Supervisor in charge to submit to drug and alcohol testing. The results should be provided to the Department Head.
- b) If an accident results in hospitalization or death and if blood specimens are taken for drug and alcohol tests, they must be taken by medical personnel.

- c) Refusal to submit to drug and alcohol testing will result in discipline in accordance with the disciplinary guidelines established by the Court, specifically, Court Personnel Policy Number 2 of 1990.

(7) Post-Critical Incident Drug Testing

- a) After a critical incident, the Department Head or Supervisor in charge will require the employee to submit to drug and alcohol testing if the employee is physically able to do so. The employee will be transported to the sample collection site by a person designated by the Department Head, Deputy or the Supervisor in charge to submit to drug and alcohol testing. The results should be submitted to the Department Head, subject to audit by the District Court Administrator.
- b) If a critical incident results in hospitalization or death and if blood specimens are taken for the drug and alcohol tests, they must be taken by medical personnel.
- c) Refusal to submit to drug and alcohol testing will result in discipline in accordance with the disciplinary guidelines established by the Court, specifically, Court Personnel Policy Number 2 of 1990.

(8) Testing of New Hires

Persons who have been made an offer of employment, shall, after accepting such offer, be drug tested as a condition of employment. The procedure used for pre-hire testing shall be consistent with procedures adopted by the County. Absent any county procedure, the department shall request that the drug contractor take a sample and report the results to the Department Head. A person who fails to pass such testing shall not be processed as a new hire. This policy shall also apply to new employees transferred from other county or Court departments into a safety sensitive position.

(9) Pharmacological Condition

All departmental employees must report whenever a pharmacological condition arises. The department shall keep confidential any medical information shared by an employee. An employee prescribed a drug that may affect the ability to perform their regularly assigned duties, including carrying a firearm, will turn into the department any assigned firearm while using that prescribed drug. In addition, that employee's duties and responsibilities will be addressed.

(10) Confidentiality and Retention of Drug Test Results

The results of any drug or alcohol test will be confidential. The results will be reported to the Department Head, or, in the event the Department Head is selected, results will be reported to the District Court Administrator. The Department Head will only release the information to the Supervisor and/or Firearms Coordinator (on a need to know basis to take action) and to the Court Administrator, Administrative Judge and the President Judge. At the employee's request, a copy of their drug or alcohol test results will be provided. The Chief Probation Officer will maintain a separate locked confidential file for drug and alcohol test results.

(11) Training for Supervisors

Safety sensitive supervisors will receive training and information on areas such as:

- a) Referral to an Employee Assistance Program.
- b) Procedures and requirements for drug testing.
- c) Chain of custody.
- d) Signs of possible drug use.
- e) Confidentiality.