

## **LYON COUNTY DRUG AND ALCOHOL TESTING PROCEDURES**

Established January 1, 1996

The drug and alcohol testing program applies to all positions, which require a CDL. The following instructions are specific to Lyon County's procedures. If there are any questions, please call the County Contact Person (CCP). Phone numbers are located immediately below. ALL DRUG TEST ARE SCHEDULED THROUGH THE CCP OR DESIGNEE.

### **LYON COUNTY CONTACT PERSONS**

CCP: County Contact Person	Jeff Williams 315 1 <sup>st</sup> Avenue, Suite 100 Rock Rapids, IA 51246 712-472-8230 (office) 712-472-2611 (home)
CCP Designee	Gary Vogel 315 1 <sup>st</sup> Avenue, Suite 100 Rock Rapids, IA 51246 712-472-8230 (office) 712-472-2374 (home)
SAP Substance Abuse Professional	NW IA Drug & Alcohol Treatment Unit, Inc. 315 1 <sup>st</sup> Avenue, Suite 206 Rock Rapids, IA 51246 712-472-3442
MRO: Medical Review Officer	C.J. Cooper & Associates Inc. 3279 7 <sup>th</sup> Avenue, Suite 100 PO Box 241 Marion, IA 52302-0241 800-241-3926
Alcohol Testing	Preliminary – QED administered by the CCP or Designee; if positive test result on the QED then backup ran by Northwest IA Health Center, Sheldon, IA 51201 712-324-5041
Drug Testing (Urine Sample Collection)	Pioneer Medical Center 803 S Greene Street Rock Rapids, IA 51246 712-472-3716 or after hours Northwest IA Health Center, Sheldon, IA 51201 712-324-5041

### **PRE-EMPLOYMENT DRUG TESTS**

- A. Are required for all applicants for positions requiring a CDL and employees (temporary and permanent) moving into a position requiring a CDL. Any former

employee returning to work after being taken off the payroll must be retested, unless they have been tested within the prior six months.

- B. Referral letters to applicants must include a statement that the person selected will be required to take a drug test and be subject to random drug and alcohol tests after hire.
- C. During the interview, applicants must again be told if selected they must successfully pass the drug test before beginning work.
- D. The selected applicants are given an offer of employment letter which clearly states that this offer is contingent upon successfully completing the pre-employment drug test. The supervisor will contact the CCP to schedule the test at the nearest collection site. Applicants must not be allowed to report to work or be placed on the payroll until they have passed the drug test. This is because once they become employees, they must be offered evaluation and treatment if recommended as a result of a positive test.
- E. Test results are normally received by the CCP within 2-5 days after testing. CCP will notify the employee and employer.
- F. Pre-Employment Drug Test – Positive Results
  - 1. The applicant will not be hired by Lyon County into a position required a CDL. Any tentative offer of employment will be withdrawn.
  - 2. If the employee is already on board (in a temporary or non-CDL position), contact CCP for assistance.
  - 3.

G. Pre-Employment Drug Test – Negative Results

- 1. The applicant may be placed on the payroll. Note on the payroll document (P-1) that the drug test has been completed.

**RANDOM ALCOHOL AND DRUG TEST**

- A. A list of employees to be tested is generated periodically by our consultant (DATA) and sent to the CCP.
- B. The CCP will schedule the test(s) at: Alcohol Tests: Preliminary – Annex Building administered by the CCP or CCP designee. Upon positive results of any alcohol; Northwest Iowa Health Center, Sheldon, IA 712-324-5041. Drug Testing: Urine samples – Pioneer Medical Center, 803 S Greene, Rock Rapids, IA 712-472-3716 or after hours, Northwest Iowa Health Center, Sheldon, IA 712-324-5041.
- C. Tests will be scheduled to allow ample time in pay status to travel to the test site, complete the test, and return to work.

D. The CCP will notify the employee of the scheduled test and direct the employee to take a chain of custody form and a picture ID with them to the test site immediately. Note: refusal to test or provide adequate sample shall be grounds for immediate termination.

E. Random Drug Tests – Positive Results

1. Employees will normally be notified by the Medical Review Officer (MRO) of a positive or questionable test within 2-5 days of the test.
2. The MRO will offer the employee an opportunity to provide an explanation of the result. If the explanation resolves the problem, the MRO will notify the CCP of a positive result. The employee may request and additional confirmation test of the original sample. The MRO will arrange for the confirmation test which is paid for by the employee. If a confirmation test is requested, the employee will be placed on suspension without pay until the result is received. If the employee's second test is negative, back pay will be granted.
3. CCP will notify the division. The employee must be put on suspension without pay for 24 hours, pending investigation, immediately. A signed copy of the suspension letter must be returned to the CCP.
4. The employee will remain on suspension with pay while he or she completed a substance abuse evaluation. If the substance abuse evaluation determines that the employee is dependent, the employee will be offered the opportunity to enter a treatment program.
  - a. The valuation must be done by a substance abuse professional (SAP).
  - b. Lyon County will pay once only for a SAP treatment with vacation or sick leave pay while under treatment. If there is a second offense, the employee will pay the entire cost of their treatment without the benefit of sick leave or vacation pay. The third offense will result in immediate dismissal without recourse.
  - c. The employee may select the SAP, however, Lyon County will only pay for treatment by the Northwest Iowa Drug and Alcohol Treatment Center.
  - d. Contact the CCP for a list of SAP's near you, or refer to list attached.
  - e. If treatment period exceeds vacation and sick leave available, the employee will continue treatment without pay, until the SAP authorizes return to work.
5. When the SAP certifies that the employee is able to return to work, a return to work test will be scheduled. Several subsequent drug tests will be performed in the next 12 months as directed by the SAP. Any refusal to follow the recommendations of the SAP will result in immediate termination.

6. If the employee refuses to participate in the evaluation, does not complete treatment, or has a positive result on the return to work test, he/she will be immediately terminated.
7. A signed and dated copy of any letter must be sent to the CCP and kept on file.

F. Random Alcohol Breath Tests – Negative Results

The MRO will notify CCP of the negative result within 2-5 days of the test. No additional notifications will be made.

G. Random Alcohol Breath Tests – Positive Results

Lyon County will use three strikes and you're out procedure on alcohol testing.

1. If the alcohol level is .02 to .039 for the first occurrence, the employee will be taken off duty for 24 hours (without pay). If no other positive results have occurred, this will be counted as one half of a positive test. The employee shall talk to the CCP or CCP Designee before being allowed to return to work. The employees does not need to be retested before returning to duty, but will be observed closely for any signs of alcohol use or abuse. If the employee has already had a positive test result, this shall count as a full positive test when applying the three strike rule and the rules for the .04 or more shall apply.
2. If the alcohol level is .04 or more: The employee will be taken off duty for 24 hours with pay, pending evaluation.
  - a. The employee will have a substance abuse evaluation with a professional SAP. The employee must consent to the evaluation or he/she will be terminated.
  - b. The employee will be placed on sick leave or vacation pay after the initial 24 hours pending the results of the evaluation. Lyon County will pay once only for a SAP treatment with vacation or sick leave pay while under treatment. If there is a second offense, the employee will pay the entire cost of their treatment without the benefit of sick leave or vacation pay. The third offense will result in immediate dismissal without recourse.
  - c. The employee may return to work if:
    1. The SAP finds the employee is not dependent.
    2. The employee complies with the recommendations of the SAP.
    3. The SAP releases the employee to return.
  - d. The employee needs to be retested before returning to duty and will be observed closely for any signs of alcohol use or abuse.

- e. If the employee refuse the evaluation, or does not comply with the recommendations of the SAP, the employee will be terminated.

### **POST ACCIDENT TESTING**

- A. Is required only when an employee is operating a Lyon County vehicle that required a CDL and is involved in an accident, involving personal injury, damage resulting in a vehicle being towed, or a citation is issued. The operator must be transported by another County employee to the testing site.
- B. The foreman or designee must contact the CCP as soon as possible. Alcohol tests should be done within two hours, if at all possible, after the accident. Drug testing must be accomplished within two hours after the accident. If test cannot be done during these time periods, the CCP or designee must document in writing why the tests were not administered.
- C. If the employee is injured and must be taken to a hospital, testing is still required if any of the circumstances in Section A occurred. The hospital may be asked to obtain a urine sample for a drug test and conduct a blood alcohol test. As an employee of Lyon County, and as a holder of a CDL, implied consent laws will prevail.
- D. If the employee was cited for being under the influence and is in custody, tests administered by law enforcement officers are acceptable. If not tested while in custody, employees will be tested at a later time if possible.
- E. Post Accident Tests - Results
  - 1. Follow the same procedures for random tests.

### **REASONABLE SUSPICION TESTS**

- A. If anyone notified the CCP that he/she suspects an employee of being under the influence of drugs or alcohol, the CCP must investigate the situation.
- B. The CCP must provide written documentation of the procedure that was followed.
- C. The CCP will assist with the investigation and arrange testing if necessary.
- D. If testing is needed, someone must take the employee to the testing site. The employee MAY NOT DRIVE.
- E. Reasonable Suspicion Tests – Results

Follow the same procedures as for random tests.

### **WRITTEN RECORDS**

- A. All test results and related documents will be kept in a locked, secure facility in the Lyon County Engineer's Office, with access limited to the CCP, designee, and secretary only.
- B. Shops and persons may NOT keep any written material related to the test process or test results.
- C. Written test results will only be provided to an employee or their designee at his or her written request.

- D. If a grievance, lawsuit or hearing occurs, the CCP or designee will release information to the decision markers.
- E. A copy of this policy shall be given to each employee. The employee shall sign and date acknowledgment or receipt which shall be kept on file by the CCP. Refusal to sign receipt shall cause termination of employment.

**THREE STRIKE RULE**

It is understood that Lyon County's three-strike rule shall consist of the following:

Lyon County will pay once only for a SAP treatment with vacation or sick leave pay while under treatment. If there is a second offence, the employee will pay the entire cost of their treatment without the benefit of sick leave or vacation pay. The third offense will result in immediate dismissal without recourse.

Any combination of positive test results as noted above in a ten year period shall count toward this procedure.

**SEVERABILITY**

If any section, provision, or part of this policy shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the policy as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**If there are any questions, please contact the County Contact Person or your supervisor.**