



ADMINISTRATIVE POLICY

SECTION 500 – Health, Safety & Security	POLICY 507
TITLE Alcohol and Drug-Free Workplace Policy	IMPLEMENTED BY PROCEDURE
SPONSORING DEPARTMENT Human Resources & Risk Management	R&O N/A
ADOPTED July 2, 2026	REVIEWED N/A/ REVISED: N/A

PURPOSE

The purpose of this policy is to promote a safe, healthful, and productive work environment by establishing standards and procedures governing the use of alcohol, drugs, and controlled substances. This policy complies with federal and state laws, including the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101–8106), the Omnibus Transportation Employee Testing Act of 1991, and Federal Motor Carrier Safety Administration (FMCSA) regulations (49 CFR Parts 40 and 382).

This policy should be read in conjunction with Policy 801 Vehicle and Equipment, and Policy 508 Driving and Driver Qualification, and with Washington County's Personnel Rules & Regulations.

APPLICABILITY

This policy applies to all Washington County elected officials, employees (regular full-time, part-time, and temporary), and volunteers. Employees with Commercial Driver's Licenses (CDL) are subject to additional requirements in accordance with applicable law.

1. **Authority to Impose Stricter Standards.** A department may establish and enforce stricter standards than those in this policy. Such standards must be consistent with federal and state law, the Washington County Personnel Rules and Regulations, and any applicable collective bargaining agreement. To ensure this, departmental policies must be submitted in writing to the Chief Human Resources Officer and the Risk Manager for approval prior to implementation. Human Resources and Risk Management will coordinate review by County Counsel for legal sufficiency. Once approved, departmental policies shall be distributed in writing to affected staff and retained by Human Resources. However, this review requirement does not apply to policies established by the Sheriff's Office.

2. Where a departmental policy imposes stricter standards on a subject covered by this policy, the departmental standard governs for that department's personnel. In all other respects, employees remain subject to the requirements of this policy.
3. Sheriff's Office. Employees of the Sheriff's Office are subject to the Sheriff's Office Drug and Alcohol-Free Workplace Policy (SO Policy 209) and related departmental policies.
4. Collective Bargaining Agreements. This policy establishes baseline countywide standards for all employees. Nothing in this policy is intended to diminish rights established under an applicable collective bargaining agreement.

DEFINITIONS

The following definitions are applicable to this policy only.

1. "Alcohol" means ethyl alcohol and all beverages, mixtures, or preparations containing ethyl alcohol.
2. "Breath Alcohol Concentration (BrAC)" means the alcohol level measured by a breath testing device, expressed in grams of alcohol per 210 liters of breath.
3. "CDL Employee" means an employee who is required to hold a valid Commercial Driver's License as a condition of employment to operate a commercial motor vehicle (CMV) as defined by 49 CFR Part 383.
4. "Commercial Motor Vehicle (CMV)" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property that: (a) has a gross combination weight rating (GCWR) or gross vehicle weight rating (GVWR) of 26,001 pounds or more; (b) is designed to transport 16 or more passengers, including the driver; or (c) is of any size and is used to transport hazardous materials requiring placarding under 49 CFR Part 172, Subpart F.
5. "Confirmation Test" means a second analytical procedure performed on a specimen that has screened positive, using a different chemical principle than the initial screen (e.g., gas chromatography-mass spectrometry), to verify the presence of a specific substance.
6. "Controlled Substance" means any substance classified in Schedules I through V of the federal Controlled Substances Act (21 U.S.C. §§ 811–812), as modified under ORS 475.005.
7. "County Business" means any County-sanctioned activity performed within the scope of an individual's assigned duties.
8. "Designated Employer Representative (DER)" means a County employee authorized to receive drug and alcohol test results and to take immediate action to remove employees from safety-sensitive duties when required. The DER is designated by the Risk Manager or designee.
9. "DOT" means the United States Department of Transportation.

10. "Employee" means regular (full-time and part-time) and temporary paid County staff, including elected officials unless otherwise specified.
11. "Employee Assistance Program (EAP)" means the confidential counseling and referral service provided by the County to assist employees with personal problems, including substance use concerns.
12. "FMCSA" means the Federal Motor Carrier Safety Administration, a division of the U.S. Department of Transportation.
13. "FMCSA Drug and Alcohol Clearinghouse" means the secure, online database established under 49 CFR Part 382, Subpart G, that provides real-time information about CDL and commercial learner's permit holders' drug and alcohol program violations.
14. "Last Chance Agreement" means a written agreement between the County and an employee who has violated this policy, setting forth specific conditions the employee must meet to maintain employment.
15. "On Duty" means the period during which an employee is engaged in compensable work activities on behalf of the County, or operating a County vehicle or equipment.
16. "Reasonable Suspicion" means a set of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, body odor, or performance of an employee that would lead a trained supervisor to suspect that the employee is under the influence of alcohol, drugs, or a controlled substance.
17. "Refusal to Test" means conduct that includes, but is not limited to: declining to take a required test; failing to appear at a collection site in a timely manner; failing to provide a specimen without a valid medical explanation; tampering with, adulterating, or substituting a specimen; leaving the collection site before the testing process is complete; failing to permit an observed or monitored collection when required; or failing to cooperate with any part of the testing process. A refusal to test is treated as a positive test result.
18. "Safety-Sensitive Functions" refers to CDL-regulated activities under FMCSA and means the tasks and activities associated with the operation of a commercial motor vehicle as defined in 49 CFR § 382.107, including driving, inspecting or servicing a CMV, loading or unloading a vehicle, remaining in readiness to operate a vehicle, and performing driver requirements related to accidents.
19. "Substance Abuse Professional (SAP)" means a licensed physician, psychologist, social worker, employee assistance professional, or certified addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of substance use disorders, who meets the qualifications specified in 49 CFR Part 40, Subpart O.
20. "Third-Party Administrator (TPA)" means an entity contracted by the County to administer aspects of the drug and alcohol testing program, including random selection, scheduling, and compliance management.

21. “Under the Influence” means a condition in which an employee’s mental or physical abilities are impaired by alcohol, drugs, or a controlled substance such that the employee cannot safely or effectively perform assigned duties. For purposes of alcohol testing, an employee is considered under the influence at a BAC of 0.04 or greater. CDL employees are additionally subject to removal from safety-sensitive functions at a BAC of 0.02 or greater, as provided in Section 6.4 of this policy.

GENERAL POLICY

Washington County is committed to providing an alcohol- and drug-free, and safe work environment for all. The County recognizes alcohol and drug dependency as treatable health conditions and encourages employees with substance abuse concerns to seek assistance through the EAP or their health insurance benefits. The County will consider leniency when an employee seeks help voluntarily or voluntarily comes forward before being identified through a policy violation or testing event.

The County uses a Third-Party Administrator (TPA) to manage and administer testing procedures, random selection, and other program elements. The County’s Designated Employer Representative (DER) serves as the primary point of contact for testing coordination and result reporting.

POLICY GUIDELINES

1. Prohibited Conduct

- 1.1. No employee shall use, possess, manufacture, distribute, dispense, or sell a controlled substance on County premises, in County vehicles, or while conducting County business.
- 1.2. No employee shall report for duty, remain on duty, or perform County work while under the influence of alcohol, drugs, or any controlled substance.
- 1.3. No employee shall use, possess, distribute, or sell alcohol while on duty, on County premises, in County vehicles, or while conducting County business, except as lawfully required in the performance of official duties (e.g., law enforcement operations) with prior supervisory authorization.
- 1.4. No employee shall operate any vehicle or equipment on County business while under the influence of alcohol, marijuana, or a controlled substance. County vehicles shall not be used to transport alcoholic beverages or marijuana under any circumstances, except for substances confiscated as evidence or used in law enforcement training.
- 1.5. No employee shall use, possess, distribute, or sell drug paraphernalia while on duty, on County premises, in County vehicles, or while conducting County business.
- 1.6. No CDL employee shall:

- 1.6.1. Use alcohol within four (4) hours before performing safety-sensitive functions (49 CFR § 382.207).
 - 1.6.2. Report for duty or remain on duty while having a breath alcohol concentration of 0.04 or greater (49 CFR § 382.201).
 - 1.6.3. Use alcohol within eight (8) hours following an accident requiring post-accident testing, or until tested, whichever occurs first (49 CFR § 382.209).
 - 1.6.4. Report for duty or remain on duty when the employee has used any controlled substance, except when the use is pursuant to instructions from a physician who has determined that the substance will not adversely affect the employee's ability to safely operate a commercial motor vehicle (49 CFR § 382.213).
- 1.7. Marijuana and cannabis provisions applicable to CDL and non-CDL employees are addressed in Section 2 of this policy.
2. Marijuana and Cannabis Provisions
 - 2.1. CDL Employees. Marijuana remains a Schedule I controlled substance under federal law (21 U.S.C. § 812). FMCSA regulations do not recognize recreational or medical marijuana use as a legitimate explanation for a positive drug test. CDL employees who test positive for marijuana are subject to the same consequences as a positive test for any other prohibited substance, regardless of Oregon state law authorizing recreational or medical use (49 CFR § 382.213).
 - 2.2. All Other Employees. No employee may use, possess, or be under the influence of marijuana while on duty, on County premises, or while conducting County business.
3. Prescription and Over-the-Counter Medications
 - 3.1. No employee shall operate any vehicle or equipment on County business if taking any medication that may impair or affect their ability to operate the vehicle or equipment safely.
 - 3.2. It is the employee's responsibility to determine whether any medication — whether prescription or over-the-counter — may impair their ability to safely perform their assigned duties, including operating a vehicle or equipment. Employees should consult their healthcare provider, pharmacist, or medication labeling.
 - 3.3. Employees taking any medication that may impair their ability to safely perform their duties shall notify their supervisor before beginning work or as soon as practicable. This includes, but is not limited to, medications bearing warnings such as "do not operate heavy machinery" or "may cause drowsiness."
 - 3.4. Supervisors may require an employee to provide a written physician's release verifying that a vehicle and/or equipment can be safely operated while the employee is taking a medication. Supervisors may also assign the employee to alternative duties or place the employee on leave, in coordination with Human Resources.

- 3.5. CDL employees must inform their supervisors of the use of any prescription or nonprescription medication that could impair their ability to perform safety-sensitive functions. CDL employees are responsible for obtaining a determination from their physician as to whether the medication may reasonably impair their ability to operate a commercial motor vehicle (49 CFR § 382.213).
- 3.6. Use of a prescription medication in accordance with a valid prescription and a physician's instructions is not, by itself, a violation of this policy. However, an employee remains subject to this policy if the medication impairs the employee's ability to safely perform assigned duties.

4. Employee Classifications for Alcohol and Drug Testing

The following table defines which employee categories (CDL or all employees) are subject to various test types:

Test Type	CDL	All Employees
Pre-Employment	Required	Case by Case*
Random	Required	No
Reasonable Suspicion	Required	Required
Post-Accident	Required	Case by Case**
Return to Duty	Required	Required
Follow Up	Required	Per Last Chance Agreement (LCA)

*Non-CDL employees are not subject to mandatory pre-employment drug or alcohol testing under this policy. However, pre-employment testing may be required for certain non-CDL positions as specified by departmental policies, by an applicable collective bargaining agreement, or by Human Resources for certain position descriptions.

**Non-CDL employees are not subject to mandatory post-accident testing. However, post-accident drug and/or alcohol testing may be required on a case-by-case basis when a trained supervisor has reasonable suspicion that impairment was a contributing factor. See Section 5.4.3.

- 4.1. CDL Employees. Employees required to hold a valid CDL under federal regulation (49 CFR Part 383) as a condition of their position are subject to all testing requirements mandated by FMCSA (49 CFR Part 382) and this policy. CDL positions are identified in job descriptions and include, but are not limited to, equipment operators, bridge maintenance workers, traffic maintenance workers, and utility workers in LUT, as well as any other County position requiring a CDL. A listing of CDL-designated positions is maintained by Human Resources.

CDL employees may also be subject to additional testing requirements imposed by departmental policies adopted under Section D of the Applicability provisions of this

policy, or by an applicable collective bargaining agreement, provided such requirements do not conflict with FMCSA regulations or other applicable federal law.

- 4.2. All Other Employees. Employees not classified as CDL are subject to the prohibitions in Sections 1 through 3 of this policy and to reasonable suspicion testing and return-to-duty testing following a violation. They may not be subject to pre-employment, random, or post-accident drug or alcohol testing under this policy. However, employees in this category may be subject to additional testing requirements imposed by departmental policies adopted under Section A of the Applicability provisions of this policy, or by an applicable collective bargaining agreement.

5. Drug and Alcohol Testing

All testing under this policy will be conducted in accordance with the procedures specified in the implementing Administrative Procedure. DOT-mandated testing for CDL employees must comply with 49 CFR Part 40 in all respects. Non-DOT testing conducted under the County's independent authority will follow procedures consistent with 49 CFR Part 40 standards to ensure reliability and legal defensibility, but will be conducted using separate forms and, when necessary, separate specimen collections (49 CFR § 40.13).

5.1. Pre-Employment Testing

- 5.1.1. All applicants for positions requiring a CDL must submit to and pass a pre-employment drug test as a condition of employment. A negative test result must be received before the applicant performs any safety-sensitive function (49 CFR § 382.301).
- 5.1.2. Current County employees who transfer, promote, or are reassigned into a CDL position must submit to and pass a drug test before assuming the duties of the new position.
- 5.1.3. Applicants who test positive, refuse to test, or provide an adulterated/substituted specimen will be disqualified from employment for a period of not less than twelve (12) months from the date of the test result.

5.2. Random Testing

- 5.2.1. CDL employees are subject to unannounced random drug and alcohol testing conducted at the rates established by FMCSA (currently not less than 50% of CDL positions annually for drugs and 10% for alcohol, subject to adjustment by the FMCSA Administrator) (49 CFR § 382.305).
- 5.2.2. Random selection will be made by a scientifically valid method administered by the County's TPA. Each employee in the testing pool has an equal chance of being selected each time selections are made. Employees may be selected more than once in a calendar year.
- 5.2.3. Random alcohol testing may be conducted only just before, during, or just after the performance of safety-sensitive functions (49 CFR § 382.305(m)).

5.2.4. Random drug testing may be conducted at any time the CDL employee is on duty, regardless of whether the employee is currently performing, about to perform, or has just completed safety-sensitive functions. There is no timing restriction on random drug testing comparable to the restriction on random alcohol testing in Section 5.2.3.

5.2.5. An employee selected for random testing must report to the designated collection site immediately upon notification, or as soon as practicable.

5.3. Reasonable Suspicion Testing

5.3.1. Any employee may be required to submit to drug and/or alcohol testing when a trained supervisor has a reasonable suspicion that the employee is under the influence of alcohol, drugs, or a controlled substance while on duty. (Note: See Section 10 regarding required supervisor training.)

5.3.2. Reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the employee's appearance, behavior, speech, body odor, or work performance. These observations must be documented using the County's Reasonable Suspicion Testing Checklist before the test is administered.

5.3.3. Before directing an employee to submit to reasonable suspicion testing, the observing supervisor should, when practicable, consult with Human Resources (or with a second trained supervisor, if after hours) to corroborate the grounds for testing. The exception is the Sheriff's Office, where one supervisor may make this determination. In field or shift circumstances where consultation is not practicable, a single trained supervisor's observations are sufficient.

5.3.4. The supervisor must arrange safe transportation for the employee to and from the collection site. Under no circumstances shall an employee suspected of impairment be permitted to drive.

5.3.5. For CDL employees, alcohol testing may be conducted only just before, during, or just after the period of the work day that the employee is performing or could be called upon to perform safety-sensitive functions (49 CFR § 382.307).

5.4. Post-Accident Testing

5.4.1. DOT Post-Accident Testing for CDL Employees. Post-accident drug and alcohol testing is required for CDL employees following any accident involving a commercial motor vehicle when:

- A. There is a fatality (all surviving CDL drivers must be tested, regardless of fault or citation);
- B. The CDL driver receives a citation for a moving traffic violation and there is bodily injury to any person requiring immediate medical treatment away from the scene; or

C. The CDL driver receives a citation for a moving traffic violation and any vehicle involved must be towed from the scene.

5.4.2. Testing timelines for CDL post-accident testing. Alcohol testing must be administered within two (2) hours of the accident. If not administered within two hours, the County must prepare and maintain documentation explaining why. If alcohol testing cannot be administered within eight (8) hours, the County will cease attempts and document the reasons. Drug testing must be administered within thirty-two (32) hours of the accident. The CDL employee must remain available for testing and must not consume alcohol for eight (8) hours following the accident or until tested, whichever occurs first (49 CFR § 382.303). The employee's supervisor, manager, or designee is responsible for arranging transportation for the employee to and from the collection site. Under no circumstances shall an employee involved in an accident requiring post-accident testing be permitted to drive themselves to the collection site.

5.4.3. Post-Accident Testing for non-CDL employees. Under the County's independent authority, post-accident drug and/or alcohol testing may be required for any employee involved in a work-related vehicle accident or safety-related incident when a trained supervisor has reasonable suspicion that alcohol or drug use may have been a contributing factor. Such testing is non-DOT testing and must be conducted on separate forms from any DOT testing. The employee's supervisor, manager, or designee is responsible for arranging transportation for the employee to and from the collection site. Under no circumstances shall an employee suspected of impairment be permitted to drive.

5.5. Return-to-Duty Testing

5.5.1. Before returning to duty following a violation of this policy, CDL employees must be evaluated by a DOT-qualified Substance Abuse Professional (SAP) in accordance with 49 CFR Part 40, Subpart O. The employee must complete any education or treatment program recommended by the SAP, provide verification of successful completion, and test negative on a return-to-duty drug and/or alcohol test (below 0.02 BAC for alcohol). The SAP will determine whether follow-up testing is required and, if so, the frequency and duration in accordance with Section 5.6.

5.5.2. Before returning to duty following a violation of this policy, non-CDL employees must complete an assessment through the County's EAP. The employee must complete any treatment or counseling program recommended through the EAP assessment, provide verification of successful completion to Human Resources, and test negative on a return-to-duty drug and/or alcohol test (below 0.02 BAC for alcohol). Follow-up testing may be required as specified in Section 5.6 or in a Last Chance Agreement. The County reserves the right to require evaluation by a

qualified Substance Abuse Professional in lieu of EAP assessment when circumstances warrant.

5.5.3. The cost of SAP evaluation for CDL employees is the responsibility of the County, as required by federal regulation. The cost of EAP assessment for non-CDL employees is covered under the County's EAP benefit. The cost of any recommended treatment program is the responsibility of the employee, who may use available health insurance benefits, EAP sessions, or other personal resources. Employees may use accrued leave during the treatment period in accordance with the County's leave policies.

5.6. Follow-Up Testing

5.6.1. CDL employees who return to duty following a drug or alcohol violation are subject to a minimum of six (6) unannounced follow-up tests in the first twelve (12) months following the employee's return to duty. The SAP may require follow-up testing for up to sixty (60) months (49 CFR § 382.311).

5.6.2. Non-CDL employees who return to duty following a violation are subject to unannounced follow-up testing for up to twenty-four (24) months, or as specified in a Last Chance Agreement.

6. Consequences of Violations

6.1. Employees who violate the prohibitions in this policy, test positive for a prohibited substance, or refuse to submit to a required test are subject to disciplinary action up to and including termination.

6.2. Immediate Removal from Duty. An employee who tests positive or is reasonably suspected of being under the influence will be immediately removed from duty and transported home or to a safe location. The employee may not drive and may not return to work until authorized under this policy.

6.3. Adulterated or Substituted Specimens. Providing an adulterated or substituted specimen, or otherwise tampering with the testing process, is an act of intentional dishonesty and will be treated as a separate and independent basis for disciplinary action up to and including immediate termination, regardless of any underlying test result. Employees who adulterate or substitute a specimen are not eligible for a Last Chance Agreement for the act of adulteration or substitution itself.

6.4. Impairment Involving a Motor Vehicle Accident. An employee who is found to be under the influence of alcohol, drugs, or a controlled substance and is involved in a motor vehicle accident resulting in physical damage to any vehicle, equipment, or property, or in bodily injury to any person, may be subject to immediate termination. This provision applies to both CDL and non-CDL employees and to accidents involving County vehicles, personal vehicles used on County business, or County equipment. Employees terminated under this section are not eligible for a Last Chance Agreement.

- 6.5. CDL Employees — Positive Test or Refusal. A CDL employee who tests positive for a prohibited substance, tests at 0.04 BAC or greater, or refuses a required test must be immediately removed from safety-sensitive functions. The employee must be evaluated by a DOT-qualified SAP, complete any recommended treatment, pass a return-to-duty test, and be subject to follow-up testing before returning to safety-sensitive duties (49 CFR Part 40, Subpart O). Discipline, up to and including termination, may also be imposed.
- 6.6. CDL Employees — BAC of 0.02 to 0.039. A CDL employee who tests at a BAC of 0.02 or greater but less than 0.04 must be removed from safety-sensitive functions for at least twenty-four (24) hours (49 CFR § 382.505). While this does not constitute a violation requiring SAP referral under FMCSA regulations, the employee may be subject to disciplinary action under this policy.
- 6.7. Last Chance Agreements. In instances where the County determines that an employee's conduct warrants termination, the County may, at its sole discretion, offer continued employment under the terms of a Last Chance Agreement if mitigating circumstances exist, including any protections afforded under the Americans with Disabilities Act (ADA). A Last Chance Agreement will include, at a minimum:
- A. Mandatory evaluation by an SAP or qualified substance abuse counselor, and successful completion of any recommended treatment program;
 - B. A negative return-to-duty test;
 - C. Unannounced follow-up testing for up to twenty-four (24) months;
 - D. Agreement that any subsequent positive test, refusal to test, or violation of the agreement's terms will result in immediate termination; and
 - E. Review by County Counsel and signatures of the employee, department director, and Human Resources.
- 6.8. The offer of a Last Chance Agreement is discretionary and does not create a precedent or entitlement. Some positions, by the nature of their duties, may carry higher accountability. Factors including, but not limited to, the following will be considered: whether the position requires a CDL; whether the employee carries firearms; the employee's work history; and applicable CBA provisions.
- 6.9. Conviction Reporting. As a condition of employment, employees must notify their supervisor and Human Resources in writing within five (5) business days of any criminal drug statute conviction for a violation occurring in the workplace or while conducting County business. This requirement is mandated by the Drug-Free Workplace Act of 1988 (41 U.S.C. § 8104). The County will notify the appropriate federal granting or contracting agency within ten (10) calendar days of learning of such a conviction.
7. Employee Assistance and Self-Disclosure

- 7.1. The County encourages employees to voluntarily seek help for substance use concerns through the EAP or health insurance benefits. Use of the EAP is confidential and will not be reported to the County unless the employee voluntarily chooses to disclose or the EAP perceives a threat to the employee or others.
- 7.2. Timely Self-Disclosure. An employee who voluntarily discloses a drug or alcohol problem before being identified through a testing event, before being involved in a work-related incident, and before being confronted by a supervisor regarding suspected impairment will not be subject to discipline for the substance use itself. However, the employee must immediately cease safety-sensitive duties (if applicable), cooperate with evaluation and treatment recommendations, and comply with return-to-duty and follow-up requirements. Self-disclosure does not prevent the County from imposing discipline for other conduct or performance violations.
8. FMCSA Drug and Alcohol Clearinghouse
 - 8.1. The County will comply with all FMCSA Drug and Alcohol Clearinghouse requirements under 49 CFR Part 382, Subpart G, including:
 - A. Conducting a full pre-employment query of the Clearinghouse before hiring any CDL driver (49 CFR § 382.701(a));
 - B. Conducting limited queries of the Clearinghouse at least annually for all employed CDL drivers (49 CFR § 382.701(b));
 - C. Reporting verified positive drug test results, alcohol confirmation test results of 0.04 or greater, refusals to test, and actual knowledge violations to the Clearinghouse within the timeframes specified by regulation; and
 - D. Ensuring that no CDL employee with an unresolved violation in the Clearinghouse performs safety-sensitive functions.
 - 8.2. The County's DER and/or TPA are responsible for managing Clearinghouse queries and reporting. CDL employees and applicants must provide the required consent for Clearinghouse queries. Refusal to provide consent will result in disqualification from a CDL position.
9. Records Retention and Confidentiality
 - 9.1. All drug and alcohol testing records are confidential medical records and will be maintained in secure files separate from personnel records, in accordance with the Americans with Disabilities Act and 49 CFR § 382.401.
 - 9.2. Records will be retained in accordance with the following schedule, consistent with FMCSA requirements (49 CFR § 382.401):
 - A. Five (5) years: Positive test results, refusals to test, SAP evaluations and referrals, and Clearinghouse reporting records;
 - B. Three (3) years: Clearinghouse query records, previous employer verification records;

- C. Two (2) years: Collection process records;
- D. One (1) year: Negative test results and cancelled tests; and
- E. Duration of employment plus two (2) years: Supervisor training records.

9.3. The County will not release drug or alcohol test results to any party outside the County without written consent from the employee, except as required by law, legal proceedings, or DOT regulatory requirements.

10. Training Requirements

- 10.1. Supervisor Training. All supervisors and managers who may be required to make reasonable suspicion determinations must receive training in recognizing the signs and symptoms of drug and alcohol impairment. Training must include at least sixty (60) minutes on drug abuse indicators and sixty (60) minutes on alcohol misuse indicators (49 CFR § 382.603). Training must be completed before the supervisor may direct an employee to submit to reasonable suspicion testing.
- 10.2. Employee Education. The County will provide all employees covered by this policy with educational materials explaining: the requirements of this policy; the dangers of drug and alcohol abuse in the workplace; the availability of the EAP and treatment resources; the testing procedures; and the consequences of violating this policy. CDL employees will receive additional materials specific to DOT requirements.
- 10.3. Employee Acknowledgement. Employees must sign an acknowledgment confirming receipt of this policy and associated educational materials. Signed acknowledgments will be maintained by Human Resources.
- 10.4. Annual Employee Notice. The County will provide annual notice to all employees regarding the dangers of substance abuse in the workplace and the availability of assistance resources.

11. Administration

- 11.1. Human Resources and Risk Management will jointly administer this policy, provide guidance to departments on implementation, and coordinate with the TPA and the Medical Review Officer (MRO) who is responsible for reviewing and verifying drug test results in accordance with 49 CFR Part 40.
- 11.2. Questions regarding the intent or application of this policy should be directed to the Director of Human Resources or the Risk Manager

EXCEPTIONS

The County Administrator shall have final authority for administering, interpreting, and applying the terms of this policy, except where FMCSA regulations or applicable law prescribe mandatory requirements. Exceptions to this policy may only be granted by the Board of County Commissioners unless such authority has been granted to the County Administrator.

IMPLEMENTATION

Department directors, managers, and supervisors are expected to be knowledgeable of and shall be responsible for implementing this policy. Observance of this policy is mandatory for all elected officials, employees, and volunteers. Violation may result in disciplinary action up to and including termination.

PERIODIC REVIEW

This policy shall be reviewed by Human Resources and Risk Management at least every three (3) years, or more often as needed to reflect changes in applicable law or regulation, and updated as necessary.