



# **CALLOWAY COUNTY DRUG and ALCOHOL FREE WORKPLACE**

**Adopted by:  
Calloway County Fiscal Court**

**Revised & Adopted August 16, 2023**

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## **INTRODUCTION PURPOSE AND AUTHORITY**

- A. Realizing and accepting the legal, ethical and moral responsibilities associated with maintaining and running a county-wide government for all citizens of Calloway County, Kentucky; as well as running and maintaining a safe and healthful workplace for its employees; and understanding the potential for physical as well as monetary damage associated with the abuse of illicit substances, illegal drugs and alcohol to its employees, to the County as a place of employment and in turn, to the citizens of Calloway County, Kentucky as a whole; and with the intention to ensure that employees of the County understand that compliance with the stipulations set forth in this Drug and Alcohol Free Workplace Policy are conditions of employment with the County; the County is fully committed to doing its best to protect the safety, health and well-being of all employees of the County, to the overall citizenry of Calloway County, Kentucky and to other individuals who make use of the County's facilities.
- B. Likewise, it is the County's additional purpose(s) and intent to accomplish the following with the establishment of this Drug and Alcohol Free Workplace Policy:
1. As a recipient of Federal Funds, to comply with the Drug Free Workplace Act of 1988 (PL100-690. Title V, Schedule D).
  2. To comply with the Federal Department of Transportation regulations regarding employees holding Commercial Drivers Licenses (CDL).
  3. To comply with all applicable federal and state laws and regulations.
  4. To reduce the number of accidents and injuries to employees, other people and property.
  5. To reduce absenteeism and tardiness, and to increase the productivity of all employees of the Court.
  6. To help ensure the reputation of the County as a whole and of the County's employees throughout the community.
  7. In line with the County's stated goals and objectives, to provide leadership in helping to stem the tide of the abuse of alcohol, illicit substances and illegal drugs throughout Calloway County and the Commonwealth of Kentucky as a whole.
- C. It is these stated goals in mind that the Calloway County Fiscal Court issues this policy, declaring itself a Drug and Alcohol Free Workplace and hereby issues these accompanying rules regarding drug and alcohol use in the workplace for the County.
- D. The unlawful manufacture, distribution, dispensation, possession, or use of alcohol or a controlled or illicit substance is prohibited in the workplace.

## **E. BE IT ADOPTED BY THE FISCAL COURT OF CALLOWAY COUNTY: August 16, 2023**

## CHAPTER 1 GENERAL TERMS & DEFINITIONS

### SECTION 1.1 GENERAL TERMS & DEFINITIONS

- A. **SHORT TITLE:** This document shall be known and may be cited as the “Calloway County Drug and Alcohol Free Workplace Policy”
- B. **DEFINITIONS:** Terms used in this Code, unless the context otherwise requires altering.
1. **Accident:** an unexpected and undesirable event resulting in damage or harm. For the purposes of this policy, the resulting damage or harm may constitute an injury which requires off-site medical attention to be given to a person or damage to a vehicle or other property. Any such incident resulting in the need for a reasonable person to file a police report shall be considered cause for post-accident drug/alcohol testing of the involved employee.
  2. **Alcohol Testing:** The testing for alcohol content by an Evidential Breath-Testing Device (EBT) or other Department of Transportation (DOT) approved device. DOT approved devices and procedures will also be used for non-DOT alcohol tests.
  3. **CCFC:** An acronym used for Calloway County Fiscal Court.
  4. **Drug:** A controlled substance as defined in KRS 218A.010(6) and as established in 902 KAR Chapter 55, or as described for Sheriff’s employees in form Q-3 including:
    - a. Amphetamines
    - b. Cannabinoids (THC)
    - c. Cocaine
    - d. Opiates
    - e. Phencyclidine (PCP)
    - f. Benzodiazepines
    - g. Propoxyphene
    - h. Methaqualone
    - i. Methadone
    - j. Barbiturates
    - k. Synthetic Narcotics
    - l. Illicit Substances as defined in KRS 351.010
    - m. Volatile Substances as defined KRS 217.900(1)
  5. **Drug or Alcohol Rehabilitation Program:** A service provider that provides confidential, timely, and expert identification, assessment, treatment and resolution of employee drug or alcohol abuse.
  6. **Drug Test:** A chemical, biological, or physical instrumental analysis administered by a qualified laboratory, for the purpose of determining the presence or absence of a drug or its metabolites or alcohol pursuant to standards, procedures, and protocols established by the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA).

7. **Employee Assistance Program (EAP):** An established program providing:
  - a. Professional assessment of employee personal concerns.
  - b. Confidential and timely services to identify employee alcohol or drug abuse.
  - c. Referrals of employees with alcohol or drug abuse issues for appropriate diagnosis, treatment and assistance.
  - d. Follow-up services for employees who participate in a drug or alcohol rehabilitation program and are recommended for monitoring after returning to work
8. **Illicit Substance:** Prescription drugs used illegally or in excess of therapeutic levels as well as illegal drugs.
9. **Medical Review Officer (MRO):** A licensed physician with knowledge of substance abuse disorders, laboratory testing, and chain of custody collection procedures and who has the ability to verify positive, confirmed test results. The MRO shall possess the necessary medical training to interpret and evaluate a positive test result in relation to the person's medical history or any other relevant biomedical information.
10. **Qualified Laboratory:** A laboratory certified in accordance with the National Laboratory Certification Program (NLCP) by the United States Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA).
11. **Reasonable Suspicion:** As used in this policy, the term reasonable suspicion means, a belief that an employee is using or has used drugs or alcohol in violation of this policy, drawn from specific, objective and articulable facts and reasonable inferences drawn from those facts in light of experience, training or education.
12. **Refusal to Submit:** The failure to provide adequate breath for testing without a valid medical explanation after the employee has received notice of the requirement for breath testing; or, the failure to provide adequate urine for controlled substances testing without a valid medical explanation after the employee receives notice of the requirement of urine testing; and/or engaging in conduct that clearly obstructs the testing process.
13. **Safety Sensitive Positions:** Jobs that would involve exceptional care and due diligence in the area of Public Safety to the County's citizenry and to all employees of the County.
14. **Substance Abuse Professional:** A licensed or certified psychologist, social worker, employee assistance professional or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.
15. **Volatile Substance:** Any glue, cement, paint or other substance as described in KRS 217.900(1).

## CHAPTER 2 APPLICABILITY

### SECTION 2.1 EMPLOYEES

- A. **EMPLOYEES:** This policy is intended to apply whenever anyone is representing or conducting business for the County and applies to all employees for whom the Fiscal Court pays Workers Compensation Insurance Premiums including all employees of all duly elected Officers of the County, hereinafter known as “employees”. This policy applies during all working hours, while on call or paid standby and while performing work on behalf of the County while on or off County property.
- B. **SAFETY SENSITIVE POSITIONS:** The positions identified below as being “Safety Sensitive” include, but are not limited to, those regulated under 49 CFR Part 40:
1. Employees of the County Jailer
  2. Employees of Calloway County Sheriff
  3. Employees of Animal Care and Control
  4. Emergency dispatchers & dispatch supervisors
  5. Personnel driving CDL regulated vehicles
  6. Mechanics who work on these regulated vehicles
  7. Any employee routinely operating a County owned vehicle
- C. **FEDERALLY MANDATED EMPLOYEES:** The positions identified above as being “Safety Sensitive” include, but are not limited to, those regulated under 49 CFR 40. While this program includes those federally mandated employees, this Drug and Alcohol Free Workplace Policy is not intended to replace and shall be separate from any Drug and Alcohol Free Workplace Policy previously adopted and implemented by CCFC which may have included only federally regulated employees.

### SECTION 2.2 TRAINING

- A. **TRAINING:** The County shall conduct substance abuse awareness training for all employees. This substance abuse awareness training shall consist of the following minimum requirements:
1. **Pre-Employment Training:** Upon a conditional offer of employment with the County, each applicant shall view the County Certified Drug and Alcohol Free Workplace Training PowerPoint/Video, shall be provided a copy of and will be asked to read the County’s Drug and Alcohol Free Workplace policy.
    - a. Initial training shall consist of at least 1 hour for all employees.
    - b. All current employees will also be asked to read and sign the ACKNOWLEDGEMENT OF RECEIPT OF DRUG AND ALCOHOL FREE WORKPLACE POLICY.
  2. **Annual Refresher Training:** A yearly refresher training shall be conducted for all employees in substance abuse awareness and shall consist of no less than thirty (30) minutes.

3. **Minimum Training Requirements:** All alcohol and substance abuse awareness training shall include, at a minimum, information concerning:
  - a. Alcohol and drug testing policy and procedures;
  - b. The effects of alcohol and drug use on an Individual's health, work and personal life;
  - c. The disease of alcohol or drug addiction;
  - d. Signs and symptoms of an alcohol and drug problem;
  - e. The role of co-workers and supervisors in addressing alcohol or substance abuse; and
  - f. Referrals to an employee assistance program.
  
4. **Supervisory Training:** In addition to all of the above training, all supervisory personnel shall receive an additional thirty (30) minutes each year of alcohol and substance abuse education and awareness training. This additional supervisory training will be documented using the Supervisory Training Certification Certificate.
  
5. **Supervisory Minimum Training Requirements:** This additional supervisory training shall consist of at least, all of the following:
  - a. Recognizing the signs of alcohol and substance abuse in the workplace;
  - b. How to document signs of employee alcohol or substance abuse;
  - c. How to refer employees to an employee assistance program or other alcohol and substance abuse treatment program; and
  - d. Legal and practical aspects of Reasonable Suspicion testing for the presence of drugs and alcohol.
  
6. **Records Retention:** Calloway County's Drug and Alcohol Free Workplace Policy shall include controlled-access maintenance in the Office of the County Judge Executive, of business records including the names and position titles of all employees and supervisory personnel trained under the program as described above, and the names of all persons who presented alcohol and substance abuse awareness training, for review by the Office of Worker's Claims.

## CHAPTER 3 DRUG AND ALCOHOL TESTING

### SECTION 3.1 TESTING

- A. **LABORATORY:** The County currently utilizes Tri-State Safety Management, LLC as its laboratory of choice for the collection of urine samples in the case of testing for controlled substances, and for the administration of breathalyzer tests for alcohol concentration. Tri-State Safety Management, LLC is also the Court's third-party administrator of choice for the random selection category of testing. Employees are selected by Tri-State Safety Management, LLC using a statistically valid method of selection of specific employee codes. This random testing will be reasonably spaced over a twelve (12) month period. Because of the random nature of the selection process, any employee may be tested more than once, or not at all. Once collected, all urine samples are forwarded for analysis to a qualified laboratory, which is a laboratory approved by the National Laboratory Certification Program (NLCP) under the United States Department of Health and Mental Services Substance Abuse and Mental Health Services Administration (SAMHSA).
- B. **TESTING CIRCUMSTANCES:** The County shall administer alcohol and drug tests in circumstances which include but may not be limited to the following:
1. **Pre-Employment Testing:** Breath alcohol and urine drug testing shall be required of all new hire applicants after their receipt of a conditional offer of employment. After receiving the conditional offer of employment and a pre-employment meeting with Human Resource, applicants will have forty-eight (48) hours in which to submit to testing at a testing facility of CCFC's choosing. The CCFC requires that every newly hired employee test free of controlled substances and have a breath alcohol concentration of not more than 0.04. Each offer of employment by CCFC shall be conditional upon the passing of controlled substance and alcohol tests.
    - a. Individuals undergoing pre-employment testing shall not begin official employment with the CCFC until after all test results are received and shown to be negative. Upon receipt of the test result, positive or negative, the County Judge-Executive or his/her designee shall inform the appropriate department head of the results.
    - b. Refusal by any applicant for employment with CCFC to take the controlled substance test will result in the conditional offer of employment being withdrawn. All testing under this policy will be in accordance with testing protocols described elsewhere in this policy.
    - c. Criteria for testing and results is as follows:
      1. An applicant with a confirmed positive test for controlled substances and/or breath alcohol in a concentration of 0.04 or greater which is not legitimately explained to and accepted by a Medical Review Officer, will not be considered for employment.
      2. Any applicant who fails a controlled substance or breath alcohol test may not be considered for future employment with CCFC.



3. Any applicant who refuses to take a controlled substance or breath alcohol test will be disqualified from future consideration for employment.
    4. Any applicant who tampers with, or attempts to tamper with, a urine specimen in any manner shall be disqualified from current and future consideration of employment with the CCFC.
    5. An applicant whose positive test is confirmed and upheld by the Medical Review Officer (MRO) may request that the same sample be retested at her/his own expense at a CCFC approved laboratory.
2. **Random Testing:** Employees in a Safety Sensitive position will be required to participate in a statistically valid, unannounced random selection process, which will subject them to mandatory drug and/or alcohol testing. This category of testing will conduct random tests for alcohol at a rate of no more than ten percent (10%) for non-federally regulated Safety Sensitive positions. Employees holding positions in which a Commercial Driver License (CDL) is required, must also be tested at a minimum rate of ten percent (10%) for alcohol annually to satisfy Department of Transportation (DOT) requirements. In the ease of random testing for drug use, non-federally regulated Safety Sensitive positions will be tested at a rate of no more than ten percent (10%). Employees holding positions in which a CDL is required, must be tested for drugs at a rate fifty percent (50%) annually to satisfy DOT requirements. All employees in federally regulated Safety Sensitive positions shall be selected from a pool that is separate from the random selection pool for other non-federally regulated Safety Sensitive positions. The County Judge-Executive shall utilize a third party to conduct the random selection of Safety Sensitive employees, including employees holding a CDL, to be tested. This random testing shall be unannounced and will take place throughout each calendar year. Safety Sensitive employees are selected by a third-party administrator using a statistically valid, random method of selection using specific employee codes. Because of the random nature of this testing process, Safety Sensitive employees may be selected for testing more than once or not at all. Once an employee is notified that he/she has been selected for testing, the employee must proceed immediately to the testing site of CCFC's choosing.
  - a. Employees in Non-Safety Sensitive positions will not be included in the random selection pool. However, Non-Safety Sensitive employees will be subject to testing for other reasons. Procedures and protocols for "Reasonable Suspicion", "Post Accident", "Return-to-Duty" and "Follow-up" testing all of which testing types are described elsewhere in this policy will apply in their case.
3. **Reasonable Suspicion Testing:** A reasonable suspicion test shall be based on a belief that an employee is using or has used drugs or alcohol in violation of this policy, drawn from specific objective facts and reasonable inferences drawn from those facts in light of experience, training or education.
  - a. The reasonable suspicion testing shall be based upon:

1. While at work, direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol;
2. While at work, abnormal conduct, erratic behavior, or a significant deterioration in work performance;
3. A report of drug or alcohol use provided by a reliable and credible source;
4. Evidence that an individual has tampered with a drug or alcohol test during employment with the CCFC;
5. Information that an employee has caused, contributed to, or been involved in an accident while at work;
6. Evidence that an employee has used, possessed, sold, solicited, or transferred illegal or illicit drugs or used alcohol while on CCFC's premises or while operating CCFC's vehicle, machinery or equipment.

b. The reasonable suspicion process shall be as follows:

1. The County Judge-Executive or his/her designee shall be notified immediately of any indication of reasonable suspicion. Both the observing department supervisor and the County Judge-Executive or his/her representative will review the policies and procedures herein and if necessary, make arrangements with a testing facility of CCFC's choosing to conduct reasonable suspicion drug and/or alcohol testing as soon as possible. If a representative from the office of the County Judge Executive is not available, the observing supervisor shall obtain the assistance of another CCFC supervisor or other credible and reliable source and together they shall complete the Reasonable Suspicion Form and forward it to the County Judge-Executive. If after completing the form, it is determined that there is in fact, reasonable suspicion that the employee is under the influence of drugs and/or alcohol, the observing supervisor or his/her designee will notify the employee and accompany him/her to the testing site.
2. When a reasonable suspicion test is ordered, the employee must submit to testing within 45 minutes of being notified that he/she will be tested. The observing supervisor and/or designee shall remain at the testing site with the employee being tested, until the collection process is completed. Any employee who is tested for reasonable suspicion will be placed on administrative leave without pay pending the results of the test. If the test results are negative, the employee will be compensated for any wages lost due to the leave, unless a suspension without pay is justified under another policy. After submitting to the drug/alcohol test, the employee may not return to work until the results of the test are known and only then if the results are negative. Only the County Judge-Executive or his/her authorized designee may order a reasonable suspicion test.

4. **Post-Accident Testing:** Drug and alcohol testing will be conducted following an employee's involvement in an accident where a police report is filed in which property damage occurs, on or off CCFC's premises while on duty, or in the course of employment for CCFC, or which requires off-site medical attention be administered to a person.
  - a. **Qualifying Event Exception:** Due to varying types of accident cause, all accidents categorized as a "qualifying event" may not require post-accident testing. Exceptions to the "qualifying event" for requiring post-accident drug and alcohol testing will include, but may not be limited to the following types of accidents:
    1. Injuries whose onset is cumulative or gradual – such as carpal tunnel syndrome, progressive hearing loss, mental disorders, dermatitis, respiratory diseases, skin disorders, etc.
    2. Injuries where the employee can be completely discounted as the contributing factor (i.e., injuries caused by a third party or some other uncontrollable force or event such as weather, insects, toxic plants, etc.)
    3. Injuries where the employee can be completely discounted as the major contributing factor or those injuries occurring during physical fitness or a training event, in which the employee did everything within reason to avoid the injury accident, (i.e., was performing training as instructed).
  - b. In each case, the County Judge-Executive or his/her designee shall determine the necessity of drug and alcohol testing and shall communicate such testing with the involved employee and the employee's respective department head. The County Judge-Executive or his/her designee shall coordinate all required tests with the appropriate medical facilities.
  - c. An employee involved in an accident while on an out-of-town assignment shall notify their department director or the director's designee as soon as possible but no later than two (2) hours after the accident occurred. The department director shall notify the County Judge-Executive or her/his designee to discuss possible drug/alcohol testing requirements.
  - d. **Other Qualifying Event:** The department director or his/her designee shall request controlled substance/breath alcohol testing when an employee caused or cannot be completely discounted from causing a vehicular or any other type of accident in which death, serious bodily injury or major property damage did result or could have resulted. If a post-accident controlled substance/breath alcohol test is required, a confirmed positive test result will result in the employee's immediate termination.
  
5. **Return to Duty Testing:** The Calloway County Fiscal Court maintains a "No Tolerance" policy for drugs and/or alcohol. "No Tolerance" means that once you are selected for a return to duty drug or alcohol test, should your test be positive, without a valid medical

or bio-medical reason as confirmed by a Medical Review Officer, you may be immediately terminated from your employment with CCFC.

- a. Only in circumstances in which the employee voluntarily elects to seek assistance for a substance abuse problem through the Employee Assistance Program PRIOR to being selected for a test, completes whatever form of treatment a Substance Abuse Professional recommends and is willing to sign a Return to Work/Treatment Plan Agreement, will CCFC consider allowing the employee to return to work after treatment is successfully completed as confirmed by a Substance Abuse Professional.
  - b. In all cases, it shall be at the discretion of the CCFC, subject to all applicable laws and regulations, as to whether to allow an employee to return to work. In the event that an employee who has voluntarily sought assistance, prior to being selected for a controlled substance or breath alcohol test is allowed to enter a controlled substance/alcohol abuse rehabilitation program, the employee may be allowed to return to work only under the following circumstances.
    1. The employee may resume regular duties only after the employee tests negative in an alcohol and/or controlled substance test administered by the CCFC-approved laboratory and can provide a release to return to work from an appropriate substance abuse treatment facility or confirmation of continued and on-going participation in a CCFC recognized substance abuse assistance program. An employee must test negative within a reasonable period of time from receipt of the initial test results not to exceed forty-five (45) days. Any repeat occurrence of substance abuse or violation of any other aspect of the CCFC's Drug and Alcohol Free Workplace Policy will result in immediate termination.
    2. Prior to returning to work, the employee shall be required to meet with the County Judge-Executive or his/her authorized designee to receive an explanation of the terms of continued employment; and to sign a written Return-To-Work/Treatment Plan Agreement, detailing the terms under which the employee will be allowed to return to work. Such agreement shall stipulate that the employee, at the Court's request, may be required at any time, to submit to interviews and/or evaluation by the professional staff at an appropriate chemical dependency treatment facility approved by the CCFC's Employee Assistance Program (EAP). The return-to-work agreement will also stipulate that the employee be required to submit to unannounced controlled substance and/or alcohol testing for up to twelve (12) months after resuming duties.
6. **Follow-up Testing:** Any employee returning to work from successful completion of an Employee Assistance Program for drug and/or alcohol related problems, or a drug and/or alcohol rehabilitation program, shall be required to undergo one (1) year of quarterly drug and alcohol testing. The frequency of the follow-up testing shall consider

recommendations of any involved Substance Abuse Professional (SAP) but shall be not less than once per quarter (every three months) for at least one (1) year. All follow-up testing may be requested at any time and shall be unannounced.

7. **Refusal to Submit:** An employee will be subject to the immediate termination of employment if he/she refuses to submit to screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, fails or declines to take a second drug test when directed, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

C. **TESTING PROTOCOL:** The collection of samples and administration of drug and alcohol tests shall follow all standards, procedures and protocols set forth by the U.S. Department of Health and Human Services Substance Abuse and Mental Health Administration (SAMHSA).

1. **Medical Review:** Test results will be obtained by a qualified laboratory as defined elsewhere in this policy and results shall undergo a medical review as follows:

- a. All test results shall be submitted for medical review by a Medical Review Officer (MRO) of the County's choosing, who shall consider the medical history of the employee or applicant, as well as relevant biomedical information.
- b. If there is a positive test result, the employee or applicant will be given an opportunity to report to the MRO the use of any prescription or over-the-counter medication.
- c. If the MRO determines that there is a legitimate medical explanation for a positive test result, the MRO may certify that the test results do not indicate the unauthorized use of alcohol or a controlled substance.
- d. If the MRO determines, after appropriate review, that there is not a medical explanation for the positive test result other than the unauthorized use of alcohol or a prohibited drug, the MRO shall refer the individual tested to the County Judge-executive or his/her authorized representative for further proceedings in accordance with CCFC's Drug and Alcohol Free Workplace Policy.
- e. MRO determinations concerning the use of alcohol or a controlled or illicit substance shall comply with all procedures outlined in the U. S. Department of Health and Human Services (SAMHSA) "Medical Review Officer Manual for Federal Drug Testing Programs".

D. **TESTING PROCESS:** Employees shall report to the collection site of CCFC's choosing immediately after being provided the notification to test. In the case of reasonable suspicion testing, a supervisor or designee shall escort the employee to the collection site. Drug testing will be conducted by urine sample while alcohol testing will be analyzed using a breath alcohol testing/screening device.

1. **Requirements:**

- a. Drug and alcohol analysis will be performed by a trained technician.
- b. To ensure that the test specimen is actually that of the donor, collection site staff will require positive identification of the test subject.

- c. To ensure the accuracy and fairness of our testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.
    - d. All drug-testing information will be maintained in separate confidential records.
  2. **Alcohol:** County Fiscal Court shall require all tests for alcohol to be performed by a Certified Breath Alcohol Technician (BAT).
  3. **Drugs:** An eleven (11) panel urine test will be conducted and shall include analysis for the following substances:
    - a. Amphetamines;
    - b. Cannabinoids (THC);
    - c. Cocaine;
    - d. Opiates;
    - e. Phencyclidine (PCP);
    - f. Benzodiazepines;
    - g. Propoxyphene;
    - h. Methaqualone;
    - i. Methadone;
    - j. Barbiturates;
    - k. Synthetic Narcotics

## CHAPTER 4 PROHIBITED BEHAVIOR

### SECTION 4.1 PROHIBITED BEHAVIOR

A. **PROHIBITED BEHAVIOR:** It is a violation of the drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants. Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, notify company doctor) to avoid unsafe workplace practices. The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of the CCFC's Drug-Free Workplace Policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken if job performance deterioration and/or other accidents occur. County Fiscal Court reserves the right to define and interpret prohibited activities that specifically include, but may not be limited to:

1. **Alcohol:** Prohibited conduct involving the use of alcohol includes, but may not be limited to the following:
  - a. The performance of or being immediately available to perform work duties while having an alcohol concentration greater than 0.04.
  - b. The consumption of alcohol or products containing alcohol during the performance of or being immediately available to perform work responsibilities.
  - c. In the case of Safety Sensitive employees, containing alcohol during the performance of or being immediately able to perform Safety Sensitive work responsibilities. This includes the possession of medicines containing alcohol (prescription or over-the-counter) unless the seal is unbroken and/or the medication is prescribed by a licensed physician, and said physician has confirmed the necessity of the Safety Sensitive employees' said possession of the prescribed substance containing alcohol and has confirmed that the use of such substance will not deter from the employee's ability to safely perform assigned Safety Sensitive responsibilities. In the latter case, a Prescription Drug Notification Form must be on file with the County Judge-Executive.
    1. Alcohol includes any intoxicating agent in beverage alcohol, methyl, and isopropyl alcohol whether used for medicinal purposes or not. Many over-the-counter and prescription medications contain high percentages of alcohol.
  - d. The performance of, or being immediately available to perform those responsibilities designated as Safety Sensitive, within four hours after using alcohol.
  - e. The transportation and/or possession of alcoholic beverages (open or closed containers) within CCFC owned vehicles or equipment. Note: Law enforcement personnel functioning within the scope of their assigned duties



shall be considered exempt from this prohibition as deemed necessary by their respective department head(s).

- f. The use of alcohol for eight hours immediately following an accident requiring a post-accident alcohol test or until a post-accident test is administered, whichever occurs first.
  - g. Refusal to submit or cooperate with any of the required testing types.
  - h. The operation of a CCFC owned vehicle following consumption of alcoholic beverages shall be considered a violation of this policy and shall result in disciplinary action.
2. **Alcohol at Social Functions:** Employees attending training programs and/or conferences related to their employment with CCFC may participate in social functions associated with the program or conference. If alcoholic beverages are present at the social function and the employee chooses to engage in consumption of said beverage(s), they shall do so at their own discretion. Employees who choose to engage in the consumption of alcoholic beverages as part of a work related social function shall do so in a responsible manner, maintaining a conduct that would not reflect adversely upon CCFC. Any unbecoming conduct by an employee, who has chosen to consume alcohol at such conference or training program that has an adverse effect upon CCFC will be subject to disciplinary action up to and including termination of employment.
3. **Drugs or Controlled Substances:** Prohibited conduct involving the use of drugs or controlled substances includes, but may not be limited to the following:
- a. No CCFC employee shall use, possess, sell, trade, and/or offer for sale drugs.
  - b. Testing positive for any of the prohibited substances during the performance of or upon being immediately available to perform work responsibilities.
  - c. Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. However, any Safety Sensitive employee taking prescribed or over-the-counter medications will, in all cases, be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of his/her Safety Sensitive job duties. Prior to initiating usage while on duty, the Safety Sensitive employee shall submit written notification to his/her immediate supervisor who shall in turn, submit it to the County Judge-Executive or his/her designee as soon as possible.
    - 1. After receiving written notification, the County Judge-Executive or his/her authorized designee may request written medical authorization showing the Safety Sensitive employee may possess/use such medication, that it was used in the prescribed manner and showing the Safety Sensitive employee is fit to safely perform Safety Sensitive assigned duties. If the use of such medication could compromise the safety of the Safety Sensitive employee, fellow employees, or the public at large, it is the Safety Sensitive employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty and



notify his/her supervisor) to avoid unsafe workplace practices. No prescription drugs shall be brought onto CCFC property, or consumed on County property by anyone other than the individual for whom the drugs have been prescribed by a licensed medical practitioner. The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of the CCFC's Drug and Alcohol Free Workplace Policy to intentionally misuse and/or abuse prescription medications.

2. CCFC reserves the right to have a designated physician of its choosing to determine if a prescription drug or medication produces effects that would be considered unacceptable in the performance of assigned Safety Sensitive work duties. The designated physician has final determination on whether the medication will have or is having an unacceptable effect on the Safety Sensitive employee's performance of duties. In such instances of temporary impediment to safe performance of regular Safety Sensitive duties, the Safety Sensitive employee may be temporarily reassigned to duties requiring a lesser safety awareness level if such duties are available.
  - a. All doctor's statements and related medical information shall be confidential and maintained in a separate medical file in the office of the County Judge-Executive.
  - b. Appropriate disciplinary action will be taken if job performance deterioration and/or other accidents occur as the result of the intentional misuse and/or abuse of prescription medication.
  
4. **Volatile Substances:** The intentional misuse, manufacture, sale, distribution, dispensation, or possession of a volatile substance as defined in KRS 217.900 which includes any glue, cement, paint or other substance containing a solvent or chemical having the property of releasing toxic vapors or fumes which when intentionally inhaled may cause a condition of intoxication, inebriation, stupefaction, dulling of the brain or nervous system, or distortion or disturbance of auditory, visual, or mental processes while at work, while on CCFC property, or while conducting CCFC business while off CCFC property, is prohibited and is considered cause for immediate discipline, up to and including termination.

## CHAPTER 5 ADMINISTRATION

### SECTION 5.1 ADMINISTRATION

- A. **ADMINISTRATION AND ENFORCEMENT:** It shall be the responsibility of the County Judge-Executive to administer and enforce this policy. This policy and its programs are not to be interpreted or modified by any other County supervisor or director.
- B. **RESPONSIBILITY:** While it is ultimately CCFC's legal, ethical, and moral responsibility to create and maintain a safe and productive drug-free workplace for its employees, and the citizens of Calloway County, such safety is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.
1. **Employees:** All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.
    - a. In addition, employees are encouraged to:
      1. Be concerned about working in a safe environment.
      2. Report dangerous behavior to their supervisor.
  2. **Supervisors:** It is the supervisor's responsibility to:
    - a. Inform employees of the drug-free workplace policy.
    - b. Observe employee performance.
    - c. Investigate reports of dangerous practices.
    - d. Document negative changes and problems in performance.
    - e. Counsel employees as to expected performance improvement.
    - f. Clearly state consequences of policy violations.
- C. **COMMUNICATION:** Communicating the Drug and Alcohol Free Workplace policy to both supervisors and employees is critical to its success.
1. To ensure all employees are aware of their role in supporting CCFC's Drug and Alcohol Free Workplace policy:
    - a. All employees will receive a written copy of the policy.
    - b. The policy will be reviewed in orientation sessions with new employees.
    - c. The policy and assistance programs will be reviewed at safety meetings.
    - d. Every supervisor will receive training to help him/her recognize and manage employees with alcohol and other drug problems.
- D. **NOTIFICATION OF CHARGES AND CONVICTIONS:** Employees are hereby notified that they shall inform the County Judge-Executive or his/her authorized designee, of any criminal charge or conviction within five (5) days of said charge or conviction. The County Judge-Executive shall take appropriate action within thirty (30) days.
- E. **POLICY CHANGE(S):** Should any portion of this policy dealing with the actual administration of this policy be amended, employees shall be provided with copies of any administrative change or modification and given an opportunity to ask questions and obtain answers regarding any

administrative change(s) in this policy. However, changes may not be made to the policy that would circumvent any requirements associated with 803 KAR 25:280.

- F. **EMPLOYEE ASSISTANCE PROGRAM (EAP):** CCFC will provide an employee assistance program (EAP) that provides diagnosis, counseling, and referral to appropriate treatment and shall be an established professional program that includes professional assessment of employee personal concerns; confidential and timely services to identify employee alcohol and substance abuse issues for appropriate diagnosis, treatment and assistance; and follow-up services for employee who are recommended for monitoring after returning to work.

1. Our Company EAP provider:

**Bridges Family Center**  
**1712 Hwy 121 Bypass N., Ste I**  
**Murray, KY 42071**  
**270.761.5804 (phone)**  
**270.761.5807 (fax)**  
[www.bridgesfamilycenter.com](http://www.bridgesfamilycenter.com)



**ACKNOWLEDGEMENT OF RECEIPT OF DRUG AND ALCOHOL FREE WORKPLACE POLICY**

By signing below, I acknowledge that I have received training and a copy of the Drug and Alcohol Free Workplace Policy for my reference as to procedures, work rules and benefits. I understand it is my responsibility to read and comply with the Drug and Alcohol Free Workplace Policy and any revisions made to it will be communicated to me. I understand I should consult my immediate supervisor or Human Resources regarding any questions I might have.

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Signature

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Print Name

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Date

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Judge Executive or HR Representative Signature

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Date



## Calloway County Fiscal Court

### REASONABLE SUSPICION/PROBABLE CAUSE SUSPICION

I, \_\_\_\_\_, a supervisor at \_\_\_\_\_, do affirm that I have seen the following activities displayed by the employee listed below, that has led me to believe that the employee may be under the influence of drugs and/or alcohol while at work. I have requested to Judge Executive/Human Resources that the employee should be subject to a drug/breath alcohol screen administered by our substance abuse consultants, Tri-State Safety Management.

Employee in Question: \_\_\_\_\_

Possible Signs/Symptoms (Check all applicable):

- |  |  |
|--|--|
| <input type="checkbox"/> Bloodshot Eyes            | <input type="checkbox"/> Unusual Speech (Mumbling)         |
| <input type="checkbox"/> Staggering Gait           | <input type="checkbox"/> Decreased Decision-Making Ability |
| <input type="checkbox"/> Abnormal/Erratic Behavior | <input type="checkbox"/> Decreased Job Performance         |
| <input type="checkbox"/> Absenteeism               | <input type="checkbox"/> Observed Usage                    |
| <input type="checkbox"/> Poor Coordination         | <input type="checkbox"/> Possession of Paraphernalia       |

Other Remarks/Observations:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ Supervisor Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_ HR Rep. Signature: \_\_\_\_\_