



**POLICY TITLE:** Alcohol Use and Substance Use Testing

**POLICY NO.:** PR-5

---

**I. PURPOSE**

- A. Washington County employees interact daily with the public. In order to achieve the safest and most productive work environment, employees must be able to work in a drug-free environment and be free from the effects of alcohol and other job-impairing substances. Accordingly, an employee's use, sale, or possession on the job of alcoholic beverages, Controlled Substances, Illegal Substances and Materials, drugs not medically authorized, or other Unauthorized Substances and Materials which may impair job performance or pose a hazard to the safety and welfare of the employee, the public, or other employees, is strictly prohibited and will be handled according to the provisions of this Policy and other applicable Policies.<sup>1</sup>
- B. All employees of the Board of County Commissioners, and especially those who are Safety-Sensitive Personnel, including holders of commercial driver licenses (CDLs) and those employees in positions that put the public's or co-workers' safety at risk if job performance is Impaired, are governed by this Policy. Additionally, the County will conduct, when necessary, under the conditions described in this Policy, alcohol use and substance use tests to determine the ingestion or use of a prohibited drug or substance by an employee during the course of job performance.
- C. This Policy is intended to comply with the Omnibus Transportation Employee Testing Act of 1991, as amended, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, and mass transit industries.
- D. Recognizing the importance of this Policy, and being dedicated to providing a drug-free workplace and to assisting employees who seek help for issues with alcohol use or drug use, the County maintains the Employee Assistance Program (EAP) which provides access to professional services in an effort to aid any employee who voluntarily admits to an alcohol-related or chemical dependence issue. The EAP is voluntary and confidential. Although this Policy primarily outlines the conditions when the Board of County Commissioners may test employees for alcohol use or substance use, the Board encourages employees with alcohol use or substance use issues not to wait for testing to be conducted, but, rather, to seek assistance as soon as possible. Employees are encouraged to utilize the EAP's resources.<sup>2</sup>

---

<sup>1</sup> See Policy No. PR-5A Alcohol-Free and Drug-Free Workplace and Policy No. PR-5B Transit Department Alcohol Misuse and Prohibited Drug Use.

<sup>2</sup> See Policy No. EB-14 Employee Assistance Program (EAP).

- E. This Policy is intended to operate in tandem with, but not to supersede, the policy of the Washington County Sheriff's Office regarding alcohol use and substance use testing as applicable to employees of the Washington County Sheriff's Office.

## II. DEFINITIONS

- A. Controlled Substances are those substances the dissemination of which is controlled by regulation or statute, including, without limitation, marijuana (THC metabolite), cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP).
- B. County Official includes the elected members of the Board of County Commissioners, the County Administrator, and department or division heads.
- C. Drug is any substance which impairs an employee's ability to perform his or her job or the use of which poses a threat to the safety of the employee or others. This definition includes over-the-counter drugs and drugs which require a prescription or other written approval for use from a licensed practitioner, physician, or dentist. The use of the term "drug" in this Policy is understood and interpreted to include "Drug" as defined in this Policy.
- D. Drug Paraphernalia is any material or equipment used or designed for use in testing, packaging, storing, or introducing into the human body a controlled, dangerous, or illegal drug or substance.
- E. Extended Leave Return Testing is testing performed prior to the return to work of an employee who has been on extended leave for more than thirty (30) days for any reason.
- F. Illegal Drug is any drug which is not legally obtainable or drugs which are legally obtainable but have been obtained in an illegal manner or are not being used for or in accordance with prescribed purposes or are being used in dosages exceeding that prescribed.
- G. Illegal Substances and Materials are narcotics, drugs, and other substances and materials for which the sale, purchase, transfer, use, or possession is prohibited by federal, state, or local laws.
- H. Impaired refers to behavior which may limit an employee's ability to safely and efficiently perform his or her job duties or which poses a threat to the safety of the employee or others.
- I. Incident is any action such as an occurrence, accident, or unusual situation or circumstance that has resulted or could result in personal injury or property damage.

- J. Medical Review Officer (MRO) is the official representative serving as the liaison between the County and the certified facility which holds a permit under the Health-General Article of the Annotated Code of Maryland and which has been designated by the County Administrator or the Board of County Commissioners for laboratory testing under this Policy.
- K. Post-Accident Drug and Alcohol Testing is testing performed within two (2) hours following an accident or injury that occurs during job performance or that occurs while operating a County vehicle and that falls within the following criteria:
- A motor vehicle accident that results in a human fatality or bodily injury with immediate medical treatment away from the scene; or disabling damage to any motor vehicle requiring a tow away, regardless of fault.
- L. Pre-Employment Testing is testing performed (i) before hiring of an applicant or (ii) after an offer of hire has been made but prior to actual performance of Safety-Sensitive Personnel functions for the first time as an employee of the County or (iii) when a non-Safety-Sensitive Personnel employee transfers to a Safety-Sensitive Personnel position.
- M. Premises are any land, property, equipment, building, structure, or vehicle owned by, leased to, or on loan to Washington County.
- N. Presence of a Substance is the presence of alcohol or a Controlled, Illegal, or Unauthorized Substance or drug in an individual's body. Detection of the substance may be identified through a breath test, urinalysis, or blood draw at the levels listed below:
1. Alcohol – The test level for alcohol is 0.02 percent via breath test for CDL holders and 0.02 percent via urine alcohol for all other individuals.
  2. Controlled, Illegal, or Unauthorized Substance or Drug - Any metabolite of any such substance or drug found in either urinalysis or blood draw testing is considered prima-facie evidence of drug abuse.
- O. Proper Medical Authorization is a prescription or other written approval from a licensed medical practitioner, physician, or dentist for the use of a drug in the course of medical treatment that must include the name of the substance, the period of authorization for use, and whether the prescribed medication may impair job performance. This requirement also applies to refills of prescribed drugs.

- P. Random Testing is testing performed on an indiscriminate, unannounced basis and without individualized suspicion that a particular individual is using Illegal Drugs prior to, during, or following performance of Safety-Sensitive Personnel functions.
- Q. Reasonable Suspicion is indicated by Unusual Behavior or conditions specifically documented by management or supervisory personnel and corroborated by a witness, including observations concerning appearance, behavior, speech, judgment, or body odors of an employee (see attached Impaired Behavior Visual Observation Checklist form). Anonymous tips, rumors, or an employee's general record are not sufficient grounds for requesting that an employee undergo drug or alcohol screening. However, Reasonable Suspicion may be derived from information provided from identifiable witnesses, when used in conjunction with the observations of management or supervisory personnel.
- R. Reasonable Suspicion Testing is testing performed under circumstances of Reasonable Suspicion as defined in Section II.Q.
- S. Safety-Sensitive Personnel includes any employee who has a substantially significant degree of responsibility for the safety of others where Impaired performance could result in injury, death, or property damage. Included in this category, without limitation, are CDL holders, emergency services personnel, Water Quality plant operators, Sheriff deputies and detention officers, Sheriff's Office employees who have direct contact with inmates, Sheriff's Office supervisors in rank up to the Sheriff, airport security personnel pursuant to current FAA regulations, and any other County employee deemed to hold a position that presents substantial opportunity to impact public safety or the safety of co-workers.
- T. Unauthorized Substances and Materials include, without limitation, intoxicating beverages, medically authorized drugs where use is not in accordance with medically prescribed doses, Drug Paraphernalia, and equipment and paraphernalia related to prohibited drug or substance abuse.
- U. Under the Influence or Impaired refers to behavior which may limit an employee's ability to safely and efficiently perform his or her job duties or which poses a threat to the safety of the employee or others.
- V. Unusual Behavior is a significant behavioral change of an employee that deviates from his or her normal custom and habits and that may signify emotional problems or symptoms of instability which could affect trustworthiness and reliability as it relates to performing the job.

### III. EMPLOYEE RESPONSIBILITIES

Each employee must report the use of medically authorized drugs or other substances which can impair job performance to his or her immediate supervisor and provide Proper Medical Authorization to work from a licensed physician. It is the employee's responsibility to determine from the physician whether use of the prescribed drug can impair his or her job performance. Upon the commencement of use of such medically authorized drugs or other substances which can impair job performance, the employee must advise his or her immediate supervisor and provide the Proper Medical Authorization upon the employee's return to work and prior to performing any job duties which could be potentially Impaired by such medically authorized drugs or other substances. Failure to report the use of such drugs or other substances or failure to provide Proper Medical Authorization may result in disciplinary action.

### IV. REQUIRED ALCOHOL USE AND SUBSTANCE USE TESTS

All of the tests described below apply to any County employee subject to DOT CDL requirements, as well as any employee determined to be Safety-Sensitive Personnel. In addition, all employees of the County will be subject to Reasonable Suspicion alcohol use or substance use testing, as well as Pre-Employment Testing. Testing is performed pursuant to the federally mandated Omnibus Transportation Employee Testing Act of 1991, as amended.

- A. Extended Leave Return Testing is conducted prior to the return of an employee after an extended leave of more than thirty (30) days for any reason.
- B. Pre-Employment Testing is conducted before applicants are hired or after an offer to hire has been made, but before actual performance of Safety-Sensitive Personnel functions for the first time as an employee of the County. Pre-Employment Testing is also required when a non-Safety-Sensitive Personnel employee transfers to a Safety-Sensitive Personnel position (at the Director of Health and Human Services' discretion, testing may be waived for those employees transferring from one Safety-Sensitive Personnel position to another in the same or different department or division). In the event that Pre-Employment Testing indicates a negative dilute test result, the MRO will give the potential employee another test. When this is the case the MRO will contact the applicant and request that he or she present for a second Pre-Employment Test before the results are provided to the County.
- C. Post-Accident Drug and Alcohol Testing is conducted following accidents or injuries under circumstances described in Section II.K.
- D. Reasonable Suspicion Testing is conducted when a trained supervisor observes and documents the signs and symptoms characteristic of impairment or substance abuse, and a witness corroborates the trained supervisor's observations and documentation.

- E. Random Testing is conducted on an indiscriminate, unannounced basis prior to, during, or following performance of Safety-Sensitive Personnel functions. Each calendar year, the number of random alcohol tests and random drug tests conducted by the County must equal at least twenty-five percent (25%) of all Safety-Sensitive Personnel.

## V. GENERAL PROCEDURES

Employee testing will be conducted by any certified facility, designated by the County Administrator or the Board of County Commissioners, which holds a permit under the Health-General Article of the Annotated Code of Maryland for laboratory testing. The drug testing procedures will comply with DOT regulations, 49 CFR Part 40, as amended, and will include split sampling which provides that a urine sample be split into two (2) separate containers.

### A. Types of Tests

1. General Urinalysis: Testing conducted to detect the Presence of a Substance.
2. Breath Testing: Testing conducted to determine the Presence of a Substance using evidential breath testing devices approved by the National Highway Traffic Safety Administration (NHTSA).
3. Blood Testing: From time to time, at the discretion of the County, and in compliance with any applicable federal, state, and local guidelines, blood may be drawn to determine the Presence of a Substance.

B. An employee's refusal to take any test identified in Section V.A. when requested to do so will be considered insubordination. Insubordination in this instance will result in the recommendation of an employee's termination or withdrawal of a job offer from a job applicant.

C. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. Specimen validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances have been added to the urine, whether the urine has been diluted, or whether the specimen has been substituted.

D. Direct Observation: In compliance with 49 CFR Part 40, as amended, observed specimen collections are required in the following circumstances:

1. Any time an employee is directed to provide another specimen because the temperature on the original specimen was out of the currently accepted temperature range specified under 49 CFR Part 40, as amended;

2. Any time the employee is directed to provide another specimen because the original specimen appeared to have been subject to tampering;
  3. Any time a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
  4. Any time the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determined that there was not an adequate medical explanation for the result;
  5. Any time the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated, or substituted, but had to be cancelled because the test of the split specimen could not be performed.
  6. The method of direct observation will be in compliance with the current requirements of 49 CFR Part 40, as amended, and will consist of actions (i.e., lifting and lowering of clothing) sufficient to demonstrate to the collector that there is no evidence of a prosthetic device.
- E. **Random Testing:** The County's designated certified facility will, on a monthly basis, select employees subject to the random program in accordance with a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with an employee's Social Security number, payroll identification number, or other comparable identifying number of information. Under the selection process used, each employee in the random pool will have an equal chance of being tested each time selections are made. Each calendar year, the number of random alcohol tests and random drug tests conducted by the County must equal at least twenty-five percent (25%) of all Safety-Sensitive Personnel. Each selected employee will be notified without forewarning and must report to the County's designated certified facility for testing within two (2) hours of notification.
- F. **Reasonable Suspicion Testing:** An employee is subject to examination and alcohol- and drug-screen testing when he or she reports to work, or operates or uses County equipment, and, by observation or report of the employee's behavior by his or her supervisor who has been appropriately trained according to federal guidelines and whose observation or report of the employee's behavior has been corroborated by a witness, is suspected of being Impaired or Under the Influence of alcohol or drugs. Reasonable Suspicion may be based upon, among other things, the following: observable phenomena, such as direct observation of illegal or unauthorized drug or

alcohol use or possession, or the physical symptoms of being Impaired or Under the Influence of a drug or alcohol; a pattern of Unusual Behavior; arrest or conviction for a drug- or alcohol-related offense or the identification of an employee as the focus of a criminal investigation into possession, use, or trafficking of Illegal Drugs or Illegal Substances and Materials; or newly discovered evidence that the employee has tampered with a previous drug or alcohol test.

1. The exam or test should be conducted immediately and no later than two (2) hours after observation or report of the employee's behavior is obtained.
2. All alcohol- or drug-screen tests will be administered at the designated certified facility by competent medical personnel and will require the employee to complete the General Alcohol and/or Drug Screen Performance Impairment Exam Consent Form ("Consent Form," attached).
3. If the employee requests Union representation, it must be provided.
4. Prior to Reasonable Suspicion Testing, the employee's supervisor must take the employee to a private setting for the following:
  - a. To inform the employee of the observation or report of the employee's behavior and to stress the seriousness of the situation.
  - b. To tell the employee that it has been observed or reported that he or she is suspected of being Impaired or Under the Influence of alcohol or a drug.
  - c. To ask the employee whether he or she is aware of any medical condition which may cause the behavior or whether he or she has been taking any medically authorized drug, Controlled Substance, Illegal Drug, Illegal Substance, Unauthorized Substance, intoxicating beverage, or other substance which may cause Impaired function. If the employee admits to the use of substances identified above, the employee's supervisor must contact the County Administrator or the Director of Health and Human Services to schedule an examination or test for confirmation.
  - d. To explain that it is necessary to require the employee to submit to testing because of the observation or report of the employee's behavior.



- e. To inform the employee that he or she is immediately relieved of duty with pay until the employee is transported to the certified facility for testing.
  - f. To complete the Consent Form. In each and every case, the Consent Form must be read to the employee prior to obtaining the employee's signature authorizing the examination or test and the release of medical information regarding his or her medical condition and any examination or test results. No changes are to be made on the Consent Form by the employee. Additionally, no changes are to be made on the Consent Form by the County representative without authorization. All employees must sign the Consent Form even if they appear to be Impaired or Under the Influence. Physical or mental impairment due to alcohol use or drug use will not, for purposes of this Policy, constitute the inability to understand and, therefore, the inability to give consent by signing the Consent Form. Once the Consent Form has been signed, the employee must cooperate fully with the physician/hospital/laboratory staff during the examination or test. Failure to do so will subject the employee to disciplinary action, including termination. An employee's attempt to tamper with a specimen will result in the recommendation of an employee's termination.
  - g. To inform the employee that a physician's examination will be provided by Washington County at the test site at the time the test is conducted and that he or she will not be allowed to return to work without a physician's release.
  - h. To inform the employee that, at the conclusion of the examination or test, the employee will be driven and escorted to his or her home in a County vehicle and will be immediately suspended without pay pending the results of the examination or test.
  - i. To inform the employee that the employee must relinquish possession of all County belongings to the employee's supervisor at the time the employee is escorted and driven home and placed on suspension.
5. Both the County representative and corroborating witness<sup>3</sup> will complete the Impaired Behavior Visual Observation Checklist ("Checklist," attached) and submit with the Consent Form to physician/hospital/laboratory staff upon arrival for the examination or

---

<sup>3</sup> See Sections IV.D. and V.F. of this Policy.

test. The Checklist should be completed as accurately and detailed as possible, recording observations of the employee's behavior which led to the decision to require an examination or test. Statements recorded on the Checklist should be actual observations. The Checklist should not include statements about possible causes of the behavior or making judgmental conclusions.

6. If the employee refuses to sign the Consent Form or to promptly take the examination or test, the employee's supervisor must take the following actions:
  - a. Explain to the employee that the instruction to sign the Consent Form and to take the examination or test is a direct order.
  - b. Ask the employee whether he or she understands the order and explain the order again if the employee responds by stating that he or she does not understand the order.
  - c. Explain to the employee that failure to comply with the order constitutes insubordination which, in this instance, will result in a recommendation of termination.
  - d. Issue a second direct order to the employee to sign the Consent Form and to take the examination or test.
  - e. If the employee refuses to sign the Consent Form, inform the employee that his or her termination will be recommended to the Board of County Commissioners.
  
7. After the employee has signed the Consent Form and has agreed to take the examination or test, the employee's supervisor must ensure that the following actions are taken:
  - a. Ensure that the employee is accompanied by a County representative by driving and escorting the employee to the examination or test site in a County vehicle or by appointing a designee to drive and escort the employee to the examination or test site in a County vehicle.
  - b. Inform the examination or test site by telephone that the employee is enroute via driver and escort for an examination or test and the approximate time of the employee's arrival.

- c. If the employee has requested Union representation, notify the employee's Union representative that the employee is being transported for an examination or test.
- d. Ensure that the employee is transported to the examination or test site in accordance with Section 7(a) above.
- e. Upon arrival at the examination or test site, the employee will be required to complete the necessary laboratory testing form(s). Failure to promptly complete these forms will be considered failure to cooperate and, therefore, insubordination, which will serve as grounds for recommendation of termination.
- f. The employee will be examined by a physician, and test(s) will be conducted by a physician or laboratory personnel. No County representative will accompany the employee to the restroom for any specimen collection during testing.
- g. Immediately after the examination or test, the physician will provide the County Administrator or the Director of Health and Human Services with a Performance Impairment Report which will document the reason(s), if known, for the employee's behavior, medical condition, medication if any, test(s) conducted, test results, and a return-to-work statement if appropriate under the circumstances.
- h. Inform the employee that a County representative will contact him or her as soon as the examination or test results are known.
- i. Request that the employee relinquish possession of all keys or keycards and other County belongings prior to driving and escorting the employee to his or home.
- j. At the conclusion of the examination or test, drive and escort the employee to his or her home in a County vehicle or appoint a designee to drive and escort the employee to his or her home. Once the employee has been transported home, restate that he or she is immediately suspended without pay pending the results of the examination or test.

## **VI. EXAMINATION OR TEST RESULTS**

- A. General Information: Under normal procedures, test results may be expected within twenty-four (24) hours of testing. Return of test results may be longer over weekends and holidays. Laboratory personnel will contact the County

representative who requested the examination or test by telephone when the test results are known. A written confirmation may be obtained from the laboratory. The employee may obtain test results from the County representative or may obtain a written confirmation from the laboratory's medical records department within seven (7) days of making a request.

B. Initial Test Results

1. Positive or Positive-Dilute - If the initial test returns a positive or positive-dilute result, a second test will be conducted on the original specimen for confirmation of the initial test result in accordance with Section VI.C. For clarification, in the case of a positive-dilute result, the second test is required under this Policy, not because the tested specimen was dilute, but for confirmation of the initial positive test result because positive-dilute initial test results are treated, and handled in the same manner, as positive initial test results.
2. Negative-Dilute – If the initial test returns a negative-dilute result, the employee will be notified without forewarning to report to the County's designated certified facility for testing within two (2) hours of notification. The employee will be accompanied by a County representative, either the employee's supervisor or a responsible designee, who will drive and escort the employee to the examination or test site in a County vehicle. The result of the second test, not the result of the initial test, will be treated as the employee's official test result of record. If the result of the second test is also negative-dilute, no additional testing will be conducted for the reason that the result was dilute unless the MRO directs that a recollection must be conducted pursuant to 49 CFR Part 40. An employee's refusal to cooperate in the second test identified in this Section VI.B.2 when notified to do so will be considered insubordination and will result in an employee being recommended for termination.

C. Confirmed Positive or Positive-Dilute Result: After requiring the employee to be tested for job-related reasons due to suspected use of alcohol or Controlled, Illegal, or Unauthorized Substances and Materials, and after receiving notice that the employee has tested positive or positive-dilute for the use of any alcohol or Controlled, Illegal, or Unauthorized Controlled Substance and the positive or positive-dilute result has been confirmed through a second positive or positive-dilute result, the following will occur:

1. The MRO of the certified facility will contact the employee directly and inform him or her of the confirmation of the positive or positive-dilute result. The MRO will then notify the County's Risk Management Administrator.

2. Upon notification of a positive or positive-dilute result, the Director of Health and Human Services will, after confirmation of the positive or positive-dilute test result, deliver the following documents to the employee, either in person or by certified mail, return receipt requested, within thirty (30) days from the date the test was performed:
    - a. A copy of the laboratory test indicating the initial and confirmation test results;
    - b. A copy of the employer's written policy on employees' alcohol use and substance use;
    - c. Written notice of the intent to recommend termination of employment; and
    - d. A statement or copy of the provisions of Section 17-214 of the Health-General Article, Annotated Code of Maryland, permitting the employee to request independent testing of the same sample for verification of the test result.
- D. Employee-Requested Independent Testing: A person who is required to submit to job-related testing due to suspected use of alcohol or Controlled, Illegal, or Unauthorized Substances and Materials may request independent testing of the same sample for verification of the test results by a laboratory that holds a permit under the Health-General Article of the Annotated Code of Maryland for laboratory testing or, if located outside the State of Maryland, is certified or otherwise approved under the provisions of the Health-General Article of the Annotated Code of Maryland. Any employee requesting independent testing of the same sample for verification of the test results will pay the cost of the independent test prior to the original testing laboratory sending the same sample to the independent laboratory for independent testing. If a positive or positive-dilute result is reported by the original testing laboratory and if the person who was tested has made a request for a verification test, a second test of the same sample will be ordered from a testing laboratory that is separate from and independent of the original testing laboratory. During the time required to perform the second test, an employee who has made such a request will remain on leave without pay. If both laboratory facilities confirm the Presence of a Substance, a tentative employment offer will be withdrawn from a potential employee or the recommendation of termination proceeding will commence for a current employee.
- E. Exceptions: The provisions of Section VI.C. and Section VI.D. do not apply to the following:
1. Alcohol or Controlled Substance testing of a person under arrest or held by a law enforcement or corrections agency;

2. Alcohol testing procedures conducted by a law enforcement or corrections agency on breath testing equipment certified by the Maryland State toxicologist; or
  3. Controlled Substance testing by a laboratory facility of a law enforcement or corrections agency that maintains laboratory testing standards comparable to the standards in this section.
- F. Confidential Information: In the course of obtaining information for, or as a result of, conducting job-related alcohol or Controlled Substance testing for an employer under the provisions of this Policy, a laboratory, a physician including a physician retained by the County, or any other person may reveal to the County only that information relevant to the instant testing and may not reveal to the County information regarding the following:
1. The use of a non-prescription drug, excluding alcohol, that is not prohibited under the laws of the State of Maryland; or
  2. The use of a medically prescribed drug, unless the person being tested is unable to establish that the drug was medically prescribed under the laws of the State of Maryland or that the amount found was consistent with the prescribed dosage as medically prescribed under the laws of the State of Maryland.

## **VII. DISCIPLINARY ACTION AND EMPLOYMENT STATUS**

- A. If a positive or positive-dilute result is reported, a second test, performed by a laboratory separate from and independent of the original testing facility, will be ordered. During this time, the employee will remain on leave without pay. If both laboratory facilities confirm the Presence of a Substance, the tentative employment offer will be withdrawn from a potential employee or the employment of an existing employee will be recommended for termination.
- B. For Reasonable Suspicion Testing, if a negative test result is reported and the physician releases the employee to return to work, the employee will provide a physician's statement that includes the reason(s), if known, for the employee's behavior, including medical condition and medications, and the effective date of return to work or period of impairment. The employee will be compensated to cover the period of absence.

- C. If a negative test result is reported, but the physician determines the employee's behavior is still Impaired and, therefore, will not release the employee for work, the employee will continue to be relieved of duty and will use his or her accrued sick leave or any available paid leave to cover the period of absence. If no sick or other paid leave is available, the employee will be on unpaid leave. The employee is responsible for providing a physician's statement releasing the employee for work. The physician's statement must be acceptable to the County and must include the reason(s), if known, for the employee's behavior, including medical condition and medication, and the effective date of return to work or period of impairment.







**GENERAL ALCOHOL AND/OR DRUG SCREEN  
PERFORMANCE IMPAIRMENT EXAMINATION CONSENT**

EMPLOYEE NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

NAME OF COUNTY REPRESENTATIVE REQUESTING EXAMINATION OR TEST:

\_\_\_\_\_

NAME OF COUNTY REPRESENTATIVE ACCOMPANYING EMPLOYEE:

\_\_\_\_\_

**MEDICAL CONSENT:** I consent to a medical examination and the collection of blood and urine samples by the staff of the Board of County Commissioners' designated certified testing facility pursuant to Policy No. PR-5 or any other designated laboratory as requested by the Board of County Commissioners to determine the presence of alcohol and/or drugs.

**AUTHORIZATION TO RELEASE INFORMATION:** I authorize the Board of County Commissioners' designated certified testing facility pursuant to Policy No. PR-5 or any other designated laboratory, pursuant to Policy No. PR-5, to release any and all medical information obtained during this examination and testing procedure to the proper Washington County Official.

I understand that my alteration of this Consent Form, my refusal to consent to or cooperate fully with a medical examination and the collection of blood and urine samples, or my refusal to authorize release of information to the County constitutes insubordination and is grounds for recommendation of termination.

I understand that a positive result on these tests is grounds for recommendation of termination.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Representative's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Representative's Printed Name

# Reasonable Suspicion Testing Checklist

This checklist and consent form is used to determine and document reasonable suspicion of a potential violation of the Drug-Free Workplace policy. In such instances, the supervisor or manager observing the behavior with another supervisor/manager as witness, must each complete a checklist. It must be completed prior to testing and must be used to notify the individual that they are being asked to submit to drug and alcohol testing.

Date: \_\_\_\_\_ Time: \_\_\_\_\_ a.m. /p.m.

Name of observed individual (Print): \_\_\_\_\_ Employee ID#: \_\_\_\_\_

## OBSERVED INDICATORS CHECKLIST:

**Physical Indicators:**

<p><b>WALKING</b></p> <p><input type="checkbox"/> Holding on</p> <p><input type="checkbox"/> Stumbling</p> <p><input type="checkbox"/> Unable to walk</p> <p><input type="checkbox"/> Unsteady</p> <p><input type="checkbox"/> Staggering</p> <p><input type="checkbox"/> Swaying</p> <p><input type="checkbox"/> Falling</p> <p><input type="checkbox"/> Other _____</p>	<p><b>FACE</b></p> <p><input type="checkbox"/> Red/flushed</p> <p><input type="checkbox"/> Pale</p> <p><input type="checkbox"/> Sweaty</p> <p><input type="checkbox"/> Appears normal</p> <p><input type="checkbox"/> Slobbering</p> <p><input type="checkbox"/> Grinding teeth</p> <p><input type="checkbox"/> Dry mouth</p> <p><input type="checkbox"/> Runny nose</p> <p><input type="checkbox"/> Other _____</p>	<p><b>SPEECH</b></p> <p><input type="checkbox"/> Whispering</p> <p><input type="checkbox"/> Slurred</p> <p><input type="checkbox"/> Shouting</p> <p><input type="checkbox"/> Incoherent</p> <p><input type="checkbox"/> Silent</p> <p><input type="checkbox"/> Rambling</p> <p><input type="checkbox"/> Slow</p> <p><input type="checkbox"/> Other _____</p>	<p><b>BREATH/ODOR</b></p> <p><input type="checkbox"/> No alcohol odor</p> <p><input type="checkbox"/> Faint alcohol odor</p> <p><input type="checkbox"/> Strong alcohol odor</p> <p><input type="checkbox"/> Sweet/pungent tobacco odor</p> <p><input type="checkbox"/> Chemical odor</p> <p><input type="checkbox"/> Marijuana odor</p> <p><input type="checkbox"/> Breath spray/mouthwash</p> <p><input type="checkbox"/> None Gum</p> <p><input type="checkbox"/> Mints Candy</p> <p><input type="checkbox"/> Other _____</p>
<p><b>STANDING</b></p> <p><input type="checkbox"/> Swaying</p> <p><input type="checkbox"/> Feet wide apart</p> <p><input type="checkbox"/> Rigid</p> <p><input type="checkbox"/> Staggering</p> <p><input type="checkbox"/> Sagging at knees</p> <p><input type="checkbox"/> Other _____</p>	<p><b>EYES</b></p> <p><input type="checkbox"/> Watery</p> <p><input type="checkbox"/> Bloodshot</p> <p><input type="checkbox"/> Glassy</p> <p><input type="checkbox"/> Dilated</p> <p><input type="checkbox"/> Closed</p> <p><input type="checkbox"/> Droopy eye lids</p> <p><input type="checkbox"/> Appear normal</p>	<p><b>MOVEMENTS</b></p> <p><input type="checkbox"/> Fumbling</p> <p><input type="checkbox"/> Jerky</p> <p><input type="checkbox"/> Nervous</p> <p><input type="checkbox"/> Slow</p> <p><input type="checkbox"/> Hyperactive</p> <p><input type="checkbox"/> Other _____</p>	<p><b>APPEARANCE</b></p> <p><input type="checkbox"/> Messy</p> <p><input type="checkbox"/> Dirty/stained clothing</p> <p><input type="checkbox"/> Burns on person/clothing</p> <p><input type="checkbox"/> Ripped/torn clothing</p> <p><input type="checkbox"/> Partially dressed</p> <p><input type="checkbox"/> Puncture marks/needle tracks</p> <p><input type="checkbox"/> Appears normal</p>

**Behavioral Indicators:**

<p><b>DEMEANOR</b></p> <p><input type="checkbox"/> Cooperative</p> <p><input type="checkbox"/> Talkative</p> <p><input type="checkbox"/> Sarcastic</p> <p><input type="checkbox"/> Anxious</p> <p><input type="checkbox"/> Disoriented</p> <p><input type="checkbox"/> Sleepy</p> <p><input type="checkbox"/> Polite</p> <p><input type="checkbox"/> Silent</p> <p><input type="checkbox"/> Belligerent</p> <p><input type="checkbox"/> Excited</p> <p><input type="checkbox"/> Inattentive</p> <p><input type="checkbox"/> Drowsy</p>	<p><b>ACTIONS</b></p> <p><input type="checkbox"/> Fighting</p> <p><input type="checkbox"/> Erratic</p> <p><input type="checkbox"/> Threatening</p> <p><input type="checkbox"/> Non-communicative</p> <p><input type="checkbox"/> Argumentative</p> <p><input type="checkbox"/> Calm</p> <p><input type="checkbox"/> Resisting communication</p> <p><input type="checkbox"/> Tearful/crying</p> <p><input type="checkbox"/> Mood changes</p> <p><input type="checkbox"/> Appears normal</p> <p><input type="checkbox"/> Other _____</p>	<p><input type="checkbox"/> Profanity</p> <p><input type="checkbox"/> Hostile</p> <p><input type="checkbox"/> Hyperactive</p> <p><input type="checkbox"/> Sleeping on job</p> <p><input type="checkbox"/> Other _____</p>
--	--	---

Comments and other observations: \_\_\_\_\_

**Additional facts:**

Presence of alcohol and/or drugs in individual's possession or vicinity

On the job misconduct by individual (specify) \_\_\_\_\_

Individual admission concerning alcohol use and/or drug use or possession

List other witnesses to individual's conduct and summarize what they say they witnessed below

\_\_\_\_\_

Individual declined to comment or

Individual's explanation for behavior \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Is individual at least 18 years of age?  YES  NO If "no", contact HR for the signed consent form

Completed by (signature): \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_ a.m./p.m.  
 (Printed name): \_\_\_\_\_ Title: \_\_\_\_\_