

Alcohol and Other Drug Use by County Employees

I. Introduction

Cass County recognizes that alcoholism and other drug dependencies are a significant social problem with a potential for causing severe effects to the county's workforce. Cass County recognizes that it has a responsibility to maintain a drug free workplace. The county also recognizes that drug dependency may be an illness. Consistent with this understanding, however, the county has an obligation to ensure that its employees perform their jobs efficiently, safely and in a professional business-like manner.

The purpose of this document is to set forth the county's policy regarding alcohol and other drug use, including unlawful drug use or abuse, in the workplace.

II. Scope of Coverage

This policy is applicable to all employees of the county and shall be enforced by each department. Questions regarding this policy should be addressed to department heads, supervisors, or to the county administrator.

III. Definitions

- A. "Work-related Alcohol and other Drug Abuse" is defined as the use of mood-altering drugs, including all forms of alcohol, narcotics, depressants, stimulants hallucinogens, marijuana or the use of prescription drugs when resulting behavior or appearance adversely effects work performance.
- B. "Adversely Affects Work Performance" and "Under the Influence" shall be determined to be present if the employee is perceptibly impaired; has impaired alertness, coordination, reactions, responses or effort; if the employee's condition threatens the safety of him/herself or others; or if the employee's condition or behavior presents the appearance of unprofessional or irresponsible conduct detrimental to the public's perception of the county as an employer as determined by the supervisor or department head or others observing the employee.
- C. "Controlled Substances" means those substances whose distribution is controlled by regulation or statute including, but not limited to, narcotics, depressants, stimulants, hallucinogens and cannabis.
- D. "Mood-altering" or "Alter" means changed behavior which may limit an employee's ability to safely and efficiently perform his/her job duties, or poses a threat to the safety of the employee or others.

IV. County Employee Assistance Program

The county has in place a formal Employee Assistance Program to assist employees in addressing problems including alcohol or other drug abuse.

Employees who may have an alcohol or other drug abuse problem are encouraged to seek a professional assessment from the Employee Assistance Program before the problem affects their employment status. Participation in this program is voluntary and confidential, except as may be required pursuant to Public Law 100-690, Title V, Subtitle D.

V. Non-Discrimination

The county's policy on work-related substance abuse is non-discriminatory in intent and application. However, in accordance with Minnesota Statutes, Chapter 363, disability does not include any condition resulting from alcohol or other drug abuse which prevents a person from performing essential functions of the job or creates a direct threat to property or the safety of individuals.

VI. Consequence of Violations

Violations of this policy may constitute just cause for discipline, including possible discharge. Each situation will be evaluated on a case-by-case basis depending upon the severity and circumstances involved.

VII. Prohibitions

- A. No employee shall report to work under the influence of alcohol, marijuana, controlled substances, or other drugs which affect his/her alertness, coordination, reaction, response, judgment, decision-making or safety.
- B. No employee shall operate use or drive any equipment, machinery or vehicle of the county while under the influence of alcohol, marijuana, controlled substances, or other mood-altering drugs. Such employee is under an affirmative duty to immediately notify his/her supervisor that he/she is not in appropriate mental or physical condition to operate, use or drive county equipment.
- C. No employee shall unlawfully manufacture, distribute, dispense, possess, transfer, or use a controlled substance in the workplace or wherever the county's work is being performed.

During work hours or while on the county's premises, no employee shall use, sell, possess or transfer alcoholic beverages, with the following exceptions:

- . Consumption, possession, sale or purchase of alcohol when authorized by a department head under separate statutory authority.
- . Possession of alcohol while being transported in county vehicle in compliance with applicable statutory requirements.

- . Possession of alcohol while in an employee's personal vehicle on the county's premises in compliance with applicable statutory requirements.

Additionally, employees shall not participate in these activities during rest breaks or during overtime work.

- D. Engaging in off-duty sale, purchase, transfer, use or possession of illegal drugs or controlled substances may have a negative effect on an employee's ability to perform his/her work for the county. In such circumstances, the employee is subject to discipline.
- E. When an employee is taking medically authorized drugs or other substances which may alter job performance, as defined in III(D) above, the employee is under an affirmative duty to notify the appropriate department head or supervisor of his/her temporary inability to perform the job duties of his/her position.
- F. Departments shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in his/her possession at work or on county premises. Where appropriate, departments shall also notify licensing boards.
- G. Employees are discouraged from consuming alcoholic beverages during lunch or dinner meals when returning immediately thereafter to perform work on behalf of the county. Employees are advised that in any situation subsequent to the intake of alcohol where the employee must continue conducting the county's business, any employee whose condition or behavior adversely affects his/her work performance shall be subject to possible discipline, up to and including discharge.

VIII. Supplemental Policies

County departments may promulgate supplemental policies, which are not in conflict with this policy, including prohibiting the use or consumption of alcohol and/or controlled substances within a specified time period before the commencement of work. Such pre-work abstinence must be restricted to employees involved in sensitive security, treatment, or equipment operation and written notice must be disseminated to affected employees. Further, policies may be adopted only after meet and confer sessions are held with exclusive representatives and approval of the county board.

IX. Data disclosure

Disclosure of information regarding employee alcohol and other drug use in the workplace must be consistent with applicable collective bargaining agreements

and law. Questions in this area should be directed to the Cass County Attorney or the appropriate data practices compliance officer.

X. Federal Grant Employees

Each employee engaged in the performance of work on federal grants or contracts is required to notify their agency of any criminal drug statute conviction for a violation occurring in the workplace no later than (5) five days after such conviction.

XI Drug/Alcohol Testing

Any alcohol and/or other drug testing undertaken shall be in accordance with Minnesota Statutes 181.950-957 (1987), the Minnesota Drug and Alcohol Testing in the Workplace Act. Individual department and alcohol testing policies must be in written form and must be reviewed by the county administrator prior to implementation.

All employees who are required to hold a Commercial Drivers License as a condition of employment are subject to drug and alcohol testing required by the Omnibus Transportation Employee Testing Act of 1991 and relevant U.S. Department of Transportation regulations. These employees are subject to random, pre-employment, post accident, reasonable suspicion, return-to-duty and follow-up testing.

The specific requirements for testing are governed by regulations promulgated by the U.S. Department of Transportation. Information regarding the implementation of the testing is contained in the "Cass County Drug and Alcohol Testing Plan". All employees subject to this testing shall be provided with training and a copy of the "Plan".

XII. Effective Date

This policy on Alcohol and Other Drug Use in the Workplace shall be in full force and effect beginning January 1, 2004.