

At a Regular Session of the County Commission of Kanawha County, West Virginia, held at the Courthouse thereof, on the 18th day of December, 2008, the following Order was made and entered

SUBJECT: Order Amending the Alcohol, Drug, and Substance Abuse Policy effective December 18, 2008

The following motion was offered by Dave Hardy, Commissioner

The County Commission of Kanawha County, West Virginia hereby adopts the following amendments to the Alcohol, Drug, and Substance Abuse Policy effective December 18, 2008

Under Disciplinary Action, on page 8, paragraph 1, of the Alcohol, Drug, and Substance Abuse Policy is amended to clarify that the offer of a Second Chance to an employee is at the option of the employer

A copy of the Amended Alcohol, Drug, and Substance Abuse Policy is attached hereto and made a part thereof

The adoption of the foregoing motion having been moved by

Dave Hardy, Commissioner, and duly seconded by

Henry C. Shores, Commissioner, the vote thereon was as follows

Aye

W Kent Carper, President

Aye

Henry C. Shores, Commissioner

Aye

Dave Hardy, Commissioner

WHEREUPON, W Kent Carper, President declared said motion duly adopted, and it is therefore **ADJUDGED** and **ORDERED** that said motion be, and the same is hereby adopted

W Kent Carper, President

Henry C. Shores, Commissioner

Dave Hardy, Commissioner

Approved by.

Marc Slotnick, County Attorney

**KANAWHA COUNTY
ALCOHOL, DRUG, AND SUBSTANCE ABUSE POLICY**

Whereas, W. Va. § Code 7-1-3 and Article IX, Section 11 of the Constitution of West Virginia states the County Commission "shall . . have the superintendence and administration of . . . fiscal affairs of their counties . . ;" and,

Whereas, under Federal Law, a drug free work place shall be provided; and,

Whereas, Fury v. County Court of Wood County, 608 F. Supp. 198 (D. W. Va. 1985) and W. Va. Code § 7-7-7 establishes that "the County Commission and the individual elected county officials are joint employers of those employees in the various county offices;" and,

Whereas, the use and possession of certain drugs may impair the employees of the county; and,

Whereas, the Kanawha County Commission further finds that employees in "safety sensitive positions," if under the influence of certain drugs, may harm not only themselves but may harm the public at large; and,

Whereas, the Kanawha County Commission must protect the fiscal affairs of the county, and,

Whereas, in order to protect both the employees of Kanawha County and the public at large, the Kanawha County Commission is implementing and adopting a Alcohol, Drug, and Substance Abuse Policy.

The Kanawha County Commission's policy is to provide and maintain an environment free of substance abuse. Substance abuse in the workplace impairs employee productivity, poses a threat to the health and safety of employees and the public, and erodes public trust and confidence in County government. The Kanawha County Commission and participating elected officials retain the right, at all times, to make modifications, revisions, additions and deletions to this policy. This policy supersedes and nullifies any prior policy, statement or resolution concerning substance abuse and drug or alcohol-related infractions.

Definition of Substance Abuse

Substance abuse occurs when an individual misuses a legal, prescribed drug, or uses illegal drugs. The misuse of alcohol also constitutes substance abuse.

Comments

The Kanawha County Commission and other participating elected officials will not hire current users of illegal drugs. The responsible use of alcohol or prescription drugs will not be a bar to hire or continued employment, but county employees must not allow the use of any substance to prevent them from performing their jobs in an acceptable manner, or to constitute a direct threat to the safety or property of others. Employees in safety-sensitive positions who are taking over-the-counter or prescribed medications that could interfere with the safe operation of equipment/vehicles or impair the employee's job performance must report the use of any such prescription or medication to the County Manager, their supervisor or the human resources consultant. The County Manager, supervisor or the human resources consultant must then inform the appropriate elected official. The employee will, at all times, be responsible for evaluating the effects of any such medication or related substance, and making the required report to the appropriate authority. Depending on the circumstances, a safety-sensitive employee reporting the use of such medication(s) may be reassigned, prohibited from performing certain tasks, or prohibited from working if they are determined to be unable to perform the job safely and properly while taking the prescribed or over-the-counter drug(s). Employees are prohibited from consuming alcoholic beverages prior to the use of or while operating a county vehicle, even if off-duty.

Drug-Free Workplace Act

Employee Assistance

The Kanawha County Commission and its elected officials recognize the importance of maintaining a safe, efficient and healthful workplace, one that is drug-free. The Kanawha County Commission and its elected officials also wish to help educate their employees that substance abuse is a treatable problem, and provide some form of assistance to their employees. While drug addiction and alcoholism are illnesses, all employees need to understand that addiction can pose serious risks to an individual's health and safety, and can have a detrimental impact on co-workers and those persons served by the Kanawha County Commission and its affiliated agencies.

Employees who may have drug or alcohol problems are encouraged to seek rehabilitation or other medical assistance to overcome these problems. If an employee is unsure about how to obtain medical assistance, he or she may talk with the supervisor or other appropriate County representative about how to locate options for treatment. The employee may be referred by the supervisor or appropriate County representative to any designated community agency, mental health professional or primary care physician for the purpose of receiving treatment for a drug dependency or alcohol problem.

An employee's voluntary decision to seek assistance will not be used as the basis for disciplinary action or used against the employee in disciplinary proceedings. **However, it is important to seek help before drugs or alcohol result in a violation of any of the County's policies. Drug and/or alcohol misuse will not excuse such violations once they have occurred.**

Policy Regarding Unlawful Drug Activities at the Workplace and Alcohol Abuse or Use

The Kanawha County Commission absolutely prohibits the unlawful use, consumption, manufacture, distribution, dispensation, or possession of a controlled substance, or aiding or abetting in any such unlawful activity by any employee (a) during working hours, (b) while representing the County, or (c) while on County property.

In addition, employees are strictly prohibited from being under the influence of alcohol or any controlled substance (a) during working hours, (b) while representing the County, or (c) while on County property.

A copy of this policy shall be provided to each employee, shall be signed and dated by the employee, and retained in the employee's file.

The employee shall notify his/her supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. The County will notify any granting agency(s) within ten (10) days after receiving actual notice of such conviction.

Definition of Terms

"Drug-free workplace" means a site for the performance of work done in connection with a specific grant or contract described in 41 U S C 701 or 702 of an entity at which employees of such entity are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of the Drug-Free Workplace Act of 1988, Pub L 100-690, Title V, §§ 5151-5160

"Employee" means the employee of a grantee or contractor directly engaged in the performance of work pursuant to the provisions of the grant or contract described in section 701 or 702.

"Conviction" means a finding of guilt, including a plea of *nolo contendere*, or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

"Criminal drug statute" means a local, state or federal criminal statute involving manufacture, distribution, dispensation, use or possession of any controlled substance.

"Controlled substance" means a controlled substance in schedules I through V of Section 812 of Title

General Provisions Relative to Disciplinary Action

Employees will be subject to disciplinary action, up to and including termination, for any violation of this policy. Such violations include, but are not limited to,

- (1) using or possessing illegal drugs;
- (2) misusing prescription drugs, narcotics and/or alcoholic beverages; and
- (3) possessing, dispensing, distributing, or illegally manufacturing or selling such substances on County premises or work sites.

County-issued vehicles and equipment are subject to search and surveillance at all times. Employees, their possessions and containers under the employee's control may be subject to search and surveillance while on County premises or while conducting County business when there is reasonable, good faith, objective suspicion of an employee's drug or alcohol usage in violation of this policy

Any employee who is abusing drugs or alcohol may be granted a leave of absence to undertake rehabilitation treatment if said employee, of his own accord and at least forty-eight (48) hours prior to being informed that he/she is to submit to testing, voluntarily seeks the assistance of a substance abuse professional, and will be allowed to utilize paid and unpaid leave for up to sixty (60) days to meet initial rehabilitation demands established by a substance abuse professional. No disciplinary action will be initiated as a result of a voluntary self-referral occurring at least forty-eight (48) hours prior to being informed of an impending drug test. The employee will not be permitted to return to work until certification is presented to the department head, elected official or human resources consultant that the employee is capable of safely and adequately performing the duties of his/her job. Failure to cooperate with an agreed-upon treatment plan may also result in discipline, up to and including termination. Participation in a treatment program does not insulate an employee from any disciplinary action for violations of this or other County policies. However, employees who may have a problem are urged to seek rehabilitation prior to the manifestation of performance or disciplinary problems so that disciplinary action is not an issue.

Testing

The Kanawha County Commission and participating elected officials will conduct the following kinds of testing:

- ❖ pre-employment
- ❖ when there is reasonable, good faith, objective suspicion of an employee's drug or alcohol usage (including post-accident/incident testing)
- ❖ on a random basis for safety-sensitive positions

- ❖ in the case of employees who have violated this policy, return to duty/follow-up testing.

Applicable participation by all employees is a condition of employment. Refusal to participate in the testing program is considered to be a positive test result and will result in employee dismissal

At a minimum, testing will include detection of the following. Other substances may be tested for as well.

- (1) Marijuana.
- (2) Cocaine.
- (3) Amphetamines.
- (4) Opiates.
- (5) Phencyclidine (PCP).
- (6) Alcohol. A Breath Alcohol Concentration (BAC) of 0.05 or greater is prohibited in the workplace under this policy. Alcohol screening will be accomplished using an evidential breath testing device (EBT).

A. Pre-employment Testing

All applicants for employment are required to produce a negative drug screen prior to reporting to work. The test must be performed no more than five (5) days prior to the first date of actual employment. The County will pay the costs associated with the production of the drug screen.

1. Once an applicant has been approved for employment, the department head, human resources consultant or elected official will contact the potential employee providing details of the drug testing procedure. A conditional offer of employment will be made to the applicant. The applicant must provide a negative drug test result before reporting to work. A positive drug test will disqualify the applicant for employment.
2. No permanent record is to be kept for any applicant who decides to withdraw his/her application because of the testing requirement.
3. Part-time and temporary employees, such as interns and poll workers, not being hired to work in a "Safety-sensitive" position will not be subject to pre-employment testing.

B. Reasonable Suspicion

Supervisors will attend training in the signs and symptoms of alcohol misuse and drug abuse, and will order employees to undergo reasonable suspicion testing when there is objective, good faith evidence that the employee has violated this policy. Testing will only be ordered based upon specific, contemporaneous articulable observations concerning the appearance, behavior, speech, or body odors of an employee while at work or in response to reliable reports of conduct that violates this policy.

1. No employee will report for duty under the influence of or impaired by drugs or alcohol, as shown by the behavioral, speech, and performance indicators of drug and alcohol misuse, nor will the department or agency allow an employee to perform or continue to work until a drug/alcohol test is administered
2. Reasonable suspicion includes, but is not limited to, a supervisor's observation of one or more of the following: erratic behavior, unusual or excessive drowsiness; slurred or incoherent speech; unusually aggressive behavior; unexplained changes in mood; lack of otherwise normal manual dexterity; lack of coordination; work related accidents and/or injuries attributable to poor judgment, inattention or other behavior signaling drug or alcohol use.
3. Supervisors should have a concurring opinion from another trained supervisor documenting the employee's conduct and behavior. If a second confirming supervisor is not available, however, one supervisor can require testing independently. Reasonable suspicion testing under this policy is authorized only if the required observations are made during, just preceding, or just after a period of the workday when the employee is required to be in compliance with these rules. Immediate supervisors are to contact their department head, elected official, or such individual's designee in order to discuss the circumstances as they relate to the employee's on-duty behavior. The department head, elected official or designee will make the determination to initiate testing.
4. Reasonable suspicion drug tests require that the employee be removed from duty until drug testing is completed and the results certified. If an employee is informed that reasonable suspicion drug testing has been authorized, the employee must provide a urine sample within twenty-four (24) hours of being informed testing has been authorized. It is the employee's responsibility to be available to provide a urine sample once he/she has been informed of the testing requirement, and failure to meet the testing requirement will result in the test's being regarded as a positive refusal to test.
5. A written record will be made of the observations leading to testing and signed by the supervisor who made the observations, within twenty-four (24) hours of the observed behavior. Negative drug test results require that no record of the specific incident be maintained. Positive results require disciplinary action as defined by this policy

C. Random Testing

1. All safety-sensitive employees shall be subject to unannounced random drug and alcohol testing. "Safety-sensitive employees" include, but are not necessarily limited to, those who:
 - a. Discharge duties involving a risk of injury to themselves or others, or whose job responsibilities involve public safety or the safety of others, or
 - b. Must use dangerous tools/equipment in the performance of their job duties; or
 - c. Must perform job duties at heights; or

- d. Must perform job duties involving exposure to or use of dangerous chemicals; or
- e. Operate a vehicle one or more times a week in the course of their job duties; or
- f. Must carry a firearm in the performance of their job duties

Other job duties and considerations may result in the designation of a position as safety-sensitive

2. Names will be selected for random testing using computer technology and methodology like or similar to that established by the USDOT/FHWA in 49 CFR part 40 and part 382. This method of selection requires each employee in the random testing pool have an equal chance at being selected for any given testing period. Testing in one testing period does not preclude the employee from being selected again in another testing period.
3. Employees are to be removed from safety-sensitive testing pools when they are, for any reason, in a non-working status for thirty (30) or more consecutive days. The participating elected official is to notify, in writing, the County Manager or human resources consultant of any individually who is to be removed from the safety-sensitive testing pools. Testing requirements must be met before an employee who has been in a nonworking status for thirty (30) or more consecutive days can again perform safety-sensitive duties as described above. Covered employees who are off from work for thirty (30) or more consecutive days must notify the department head, participating elected official or designee at least four days in advance of their return to work date so that return to work testing can be scheduled and results known before returning to work. If an employee fails to do this, he/she may be delayed in returning to work and will not receive pay for time off from work due to this delay.
4. Employees who transfer into safety-sensitive positions will not be required to undergo pre-employment testing as a prerequisite of transfer. However, such employees will be placed into the random testing pool at the time of transfer, and will be notified of their inclusion in the pool.

D. Return to duty/follow-up Testing

Before an employee returns to work after engaging in conduct that is prohibited under this policy, the employee will undergo a return to duty test. The test must be performed no more than five (5) days before the actual return to work date, and must indicate an alcohol concentration of 0.05 or less and/or a certified negative drug test result.

- (1) In the event return to duty testing is required, the employee must have been evaluated by a substance abuse professional and participate in any substance abuse assistance program as prescribed.
- (2) Following the determination that an employee is going to be granted a second chance in resolving problems associated with substance abuse and a successful return to covered duty, the

County will ensure the employee is subject to unannounced follow-up alcohol/drug testing as required by the substance abuse professional for up to sixty (60) months. The employee will be tested a minimum of six times during the first twelve (12) months, and will pay all costs associated with treatment and follow-up testing.

General Provisions Relative to Testing

If testing is requested, the employee will be asked to sign a consent form prior to the testing procedure. If the employee refuses to sign the consent form, said employee will automatically be suspended without pay and may be subject to discharge.

The employee will be given the opportunity to list any medications (prescription or non-prescription) currently being used or taken within the past forty-eight (48) hours prior to any testing procedures. In addition, the employee may list any foods that may arguably alter such testing results.

The employee will be escorted to the testing site by a designated person of the Kanawha County Commission or participating elected official. The employee will be given a copy of the procedures and guidelines the Laboratory follows with regard to testing.

A portion of the samples collected will be set aside so that in the event of a positive test result, a second test might be performed. The Kanawha County Commission or participating elected official reserves the right to place any person undergoing testing on suspension with pay pending the return of such results.

Disciplinary Action

Law enforcement personnel occupy unique positions of public trust. The Sheriff's Department and its employees are responsible for the apprehension and prosecution of persons guilty of drug and alcohol related crimes. The Sheriff's Department will administer disciplinary action in accordance with its own disciplinary policy, which incorporates the Sheriff's Deputies' Bill of Rights, applicable civil service regulations, and other pertinent sources. For employees in all other departments and agencies, the Kanawha County Commission and each participating elected official have the option to immediately terminate an employee for a positive drug test result/alcohol concentration of 0.05 or greater, provided, however, that such dismissal shall be deemed a suspension without pay, if the Kanawha County Commission or participating elected official determines that the employee should be afforded a leave of absence for purposes of rehabilitation and the employee executes a consent agreement whereby the employee agrees to the following conditions

- a The employee waives any and all rights to grieve or to have a hearing on the issue before applicable hearing boards, civil service commissions, or any other administrative or judicial process, except as the same may relate to an alleged breach of the terms of this consent agreement.

b. ***Second Chance/Treatment***: Eligible¹ employees permitted a leave of absence and opportunity for rehabilitation must utilize paid sick leave and will then be permitted to take unpaid leave for the purpose of undergoing treatment in an approved substance abuse program, provided that the employee has not committed an act that would otherwise result in discharge. The employee shall be permitted to utilize sick leave, temporary disability, vacation, and earned holidays, as applicable, during such absence.

Such leave of absences shall be granted on a one-time basis and shall be for a maximum of sixty (60) days, unless determined otherwise by mutual agreement. Any cost of rehabilitation must be borne by the employee. The employee will be tested a minimum of six (6) times during the first twelve (12) months, and will pay all costs associated with testing.

c. The employee will be evaluated by a qualified substance abuse professional as soon as reasonably practicable and in any event within seven (7) calendar days of the notification of a positive test result, and shall authorize and cause a copy of the evaluation and treatment plan, and any follow-up reports, to be delivered to the County Manager for the Kanawha County Commission or the human resources consultant for the participating elected official;

d. The employee agrees to abide by the treatment program established by the substance abuse professional;

e. The employee agrees to pay for such evaluation and treatment without reference to or claims for reimbursement against the Kanawha County Commission's or participating elected official's healthcare benefits;

f. The employee agrees to follow-up drug and/or alcohol testing at a rate directed by the substance abuse professional, to be conducted on an unannounced basis and of a frequency of not less than six during the first twelve (12) months following the employee's return to work, with it being understood and agreed that the substance abuse professional may continue or terminate the follow-up testing requirement at any time after the first six tests, and for such reasonable period beyond twelve (12) months as may be deemed necessary, at his/her discretion.

g. The employee agrees to pay for all costs associated with follow-up testing;

h. The employee agrees to authorize and give consent to any substance abuse professional or other treatment provider to release any information requested by the Kanawha County

¹Employees in the Sheriff's Department are not eligible for the second chance. The second chance is limited to those employees who do not perform or assist in the performance of law enforcement functions.

Commission, the human resources consultant, or the participating elected official regarding the employee's evaluation, treatment, or fitness for duty;

i. The employee also agrees to any additional terms, conditions, or stipulations that the Kanawha County Commission or participating elected official may deem necessary to effectuate the intent of this provision.

j. And provided further, that the suspension will be lifted and the employee will be returned to his or her regular duties, or in the Kanawha County Commission or participating elected official's discretion to duties in another capacity, only upon certification from a substance abuse professional that the employee is fit to return to duty;

k. And provided further, that any employee who does not follow the entire plan set forth by the substance abuse professional, or violates the terms and conditions of the consent agreement in any way, or tests positive on a follow-up drug test shall, upon reasonable verification of the same, be immediately dismissed, regardless of whether the suspension had been previously lifted or not.

Reinstatement

An employee who successfully completes the initial phase of an alcohol and/or drug rehabilitation program, and agrees to participate in regular counseling and/or treatment sessions thereafter, may be granted reinstatement on a one-time basis. Reinstatement will only be considered when certification is presented to the department head, elected official or designee stating that the employee is capable of safely and appropriately performing the duties of his/her job.

Right to Challenge Laboratory Results

Any employee testing positive for alcohol or drug abuse will be afforded the opportunity to challenge the test results by requesting that the second specimen sample, collected at the time of the first specimen (kept in refrigerated storage), be sent to a comparable independent and unrelated laboratory. The employee must pay any costs associated with a second test or re-test.

The employee's right to challenge the laboratory results must be exercised within the first five (5) days after receiving notification of the positive finding of substance abuse. If the second or re-test is negative, the employee will be reimbursed for the costs of this test.

Should the confirmation test prove negative, the employee shall be reinstated and paid for the period of unpaid suspension. Should the confirmation testing prove positive, the employee will be subject to the appropriate disciplinary action.

Record Retention and Confidentiality

1. All drug and alcohol testing records will be regarded as medical information and will be maintained in a confidential manner, as contemplated by the Americans with Disabilities Act. The department head, elected official or designee will provide employees with their own testing records upon receipt of a written request for such records.
2. The County will retain such records for a period of five (5) years
3. All records will be maintained in a secure location in a controlled access area. The County will only release any drug/alcohol testing records under the following circumstances:
 - a. with the employee's written authorization, or upon request of the employee's power of attorney should the employee be incompetent or incapacitated;
 - b. to the decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the individual and arising from the results of an alcohol and/or drug test or from the Kanawha County Commission or participating elected official's determination that the employee engaged in prohibited conduct (including, but not limited to worker's compensation, unemployment compensation or other proceedings relating to a benefit sought by the employee);
 - c. pursuant to a court order, search warrant, or other legally constituted request for such information
4. Information relating to an employee's drug and alcohol testing, administration of this policy, and imposition of disciplinary action will be provided only to a limited number of persons, including, but not limited to, the employee's supervisor, elected official, county manager and human resources consultant. Such information may be shared only by those persons having a legitimate interest in these issues as they relate to the supervision of the work force

CERTIFICATION

I acknowledge that I have been provided with a copy of the Alcohol, Drug, and Substance Abuse Policy, that I understand its provisions, and that I will abide by each of its provisions while employed by the County. I further understand that I am required to abide by this policy as a condition of my continued employment.

I certify that I will notify my supervisor or his/her designee of any conviction for a violation of any criminal drug statute occurring in the workplace no later than five (5) days after such conviction.

Additionally, I acknowledge that if I am an at-will employee (an employee who is not covered by a civil service statute or regulations, e.g., a deputy sheriff), nothing in this policy alters or detracts from my at-will status, and that nothing in this policy is intended as or should be construed as a contract of employment.

Employee Signature

Print Employee Name

Date

ADDENDUMS

- ❖ Procedures for Testing – Pages 14 - 17
- ❖ Safety Sensitive Positions – Page 18

ALCOHOL, DRUG, AND SUBSTANCE ABUSE POLICY PROCEDURES FOR TESTING

Pre-Employment Testing

Once an applicant has been approved for employment, the department head, human resources consultant or participating elected official will contact the potential employee providing details of the drug testing procedure. A conditional offer of employment will be made to the applicant. The applicant must provide a negative drug test result before reporting to work. The potential employee will need to report to the facility selected by the County for testing no more than five (5) days prior to the first date of actual employment.

The applicant will be asked to sign a consent form prior to the testing procedure. If the applicant refuses to sign the consent form, said action will automatically disqualify the applicant for employment. The applicant will be given a copy of the procedures and guidelines the testing facility follows with regard to testing.

The applicant will be given the opportunity to list any medications (prescription or non-prescription) currently being used or taken within the past forty-eight (48) hours prior to any testing procedures. In addition, the applicant may list any foods that may arguably alter such testing results. A portion of the samples collected will be set aside so that in the event of a positive test result, a second test might be performed.

Test results will be provided by the testing facility to the Kanawha County Commission or the appropriate participating elected official or their designee. A positive drug test will disqualify the applicant for employment.

Reasonable Suspicion Testing

Once it has been determined that an employee needs to be tested due to Reasonable Suspicion using the proper protocol as outlined in the Policy, the employee is to be immediately removed from duty by the appropriate participating elected official until drug testing is completed and the results certified. The Kanawha County Commission or the appropriate participating elected official will notify the employee that testing is required and make arrangements to have the employee immediately escorted by a designated person to the facility selected by the County for testing. In the event that medical attention is necessary, testing may be delayed for the time required for medical attention, however, testing may not be delayed for more than twenty-four (24) hours from the time the employee was informed that testing is required.

The employee will be asked to sign a consent form prior to the testing procedure. If the employee refuses to sign the consent form, said employee will automatically be suspended without pay and may be subject to termination. The employee will be given a copy of the procedures and guidelines the testing facility follows with regard to testing

The employee will be given the opportunity to list any medications (prescription or non-prescription) currently being used or taken within the past forty-eight (48) hours prior to any testing procedures. In addition, the employee may list any foods that may arguably alter such testing results.

A portion of the samples collected will be set aside so that in the event of a positive test result, a second test might be performed. The Kanawha County Commission or the appropriate participating elected official reserves the right to place any person undergoing testing on suspension with pay pending the return of such results

Test results will be provided by the testing facility to the Kanawha County Commission or the appropriate participating elected official or their designee. A positive drug test will be handled by the Kanawha County Commission or the appropriate participating elected official as outlined in the Policy

Random Testing

Federal DOT guidelines provide that twenty-five percent (25%) of the Safety-Sensitive pool be tested annually. Monthly random testing is recommended using the formula of dividing the annual total to be tested by twelve (12) to determine the number to be tested monthly. Kanawha County will adopt the Federal DOT guidelines. At date of implementation this would equate to three (3) to four (4) employees from the random Safety-Sensitive pool to be tested monthly.

The testing facility selected by the County will provide to the County's human resources consultant on a random monthly basis the list of employees randomly selected from the Safety-Sensitive pool to be tested. The human resources consultant will contact the Kanawha County Commission or the appropriate participating elected official. Subsequently, the Kanawha County Commission or the appropriate participating elected official will notify the randomly selected employee and make arrangements to have the randomly selected employee escorted by a designated person to the on-premise testing site

The employee will be asked to sign a consent form prior to the testing procedure. If the employee refuses to sign the consent form, said employee will automatically be suspended without pay and may be subject to termination. The employee will be given a copy of the procedures and guidelines the testing facility follows with regard to testing.

The employee will be given the opportunity to list any medications (prescription or non-prescription) currently being used or taken within the past forty-eight (48) hours prior to any testing procedures. In addition, the employee may list any foods that may arguably alter such testing results.

A portion of the samples collected will be set aside so that in the event of a positive test result, a second test might be performed. The Kanawha County Commission or the appropriate participating elected official reserves the right to place any person undergoing testing on suspension with pay pending the return of such results.

Test results will be provided by the testing facility to the Kanawha County Commission or the appropriate participating elected official or their designee. A positive drug test will be handled by the Kanawha County Commission or the appropriate participating elected official as outlined in the Policy.

Return to Duty Testing

Before an employee returns to work after engaging in conduct that is prohibited under this Policy, the employee will undergo a return to duty test. The employee will need to report to the facility selected by the County for testing no more than five (5) days before the actual return to work date.

Any employee who has been off from work for thirty (30) days or more will be required to undergo a return to duty test. The employee will need to report to the facility selected by the County for testing no more than five (5) days before the actual return to work date.

The returning employee will be asked to sign a consent form prior to the testing procedure. If the returning employee refuses to sign the consent form, said returning employee will automatically be disqualified from returning for employment. The returning employee will be given a copy of the procedures and guidelines the testing facility follows with regard to testing.

The returning employee will be given the opportunity to list any medications (prescription or non-prescription) currently being used or taken within the past forty-eight (48) hours prior to any testing procedures. In addition, the returning employee may list any foods that may arguably alter such testing results. A portion of the samples collected will be set aside so that in the event of a positive test result, a second test might be performed.

Test results will be provided by the testing facility to the Kanawha County Commission or the appropriate participating elected official or their designee. A positive drug test will be handled by the Kanawha County Commission or the appropriate participating elected official as outlined in the Policy.

Drug Test Consent Form – Kanawha County Alcohol, Drug, Substance Abuse Policy

- I hereby CONSENT to allow _____ to take a specimen of my urine or hair and submit it for a pre-employment, random, reasonable suspicion or follow-up drug test. I FURTHER CONSENT to allow the laboratory testing service to make the results of such screen to my prospective or current employer, the Kanawha County Commission.
- In consideration of such services being rendered on my behalf, I hereby RELEASE _____, the laboratory testing service, the Kanawha County Commission, their officers, agents, representatives and employees from any and all claims which I might otherwise have due to such results being made so available. I hereby CONSENT not to file any action at law or in equity against the Kanawha County Commission, the laboratory testing service, their respective officers, agents, representatives and employees in connection with the results of such drug testing, and further, agree to INDEMNIFY and SAVE HARMLESS the above entities and individuals from all damages, expenses, reasonable attorney fees and court costs which they or any of them may suffer or incur, jointly or severally, due to the results of such drug testing being made so available.

Signed (employee/applicant) _____

Print (employee/applicant) _____

Date _____

Social Security Number _____

For Pre-Employment testing, please indicate here if the person is being hired to perform Safety Sensitive duties in accordance with the Commission's Alcohol, Drug and Substance Abuse Policy. _____ Yes _____ No

List of All Current Medications (Prescription and Non-prescription)

Kanawha County Safety Sensitive Positions

Department	Position	#
Commission	Commissioner Carper	1
	County Manager	1
	Deputy County Manager	1
	OES Director	1
	Maintenance Supervisor	1
	Maintenance Clerk	6
	Facilities Manager	1
	Custodial Supervisor	1
	Custodian	9
	Planning Director	1
	Deputy Planning Director	1
	Flood Plain Manager	1
	Planning Field Inspector	2
	IT Director	1
	IT Clerk	2
	Humane Officer	2
County Clerk	Voter Registration Clerk	2
Prosecuting Attorney	Investigator	2
	Driver - Mail Delivery	3
	P/T Driver - Mail Delivery (Intern)	3
Assessor	Deputy Assessor	20
	Seasonable Deputy Assessor	4
Sheriff	Law Enforcement	96
	Legal Process	9
	Day Report	6
	Home Confinement	7
Circuit Clerk	Deputy Clerk - operating vehicle	1
	TOTAL	185