

County of Summit Substance Abuse Policy

Department of Human Resources
1180 S. Main St., Suite 311
Akron, Ohio 44301
Phone: 330-643-8763

Revised March 2022

County of Summit · The High Point of Ohio





Department of Human Resources

Russell M. Pry Building
1180 S. Main Street, Suite 311
Akron, OH 44301-1255

330.926.2500
330.643.8562 FAX
www.co.summitoh.net

COUNTY OF SUMMIT SUBSTANCE ABUSE POLICY

It is the policy of the County of Summit Human Resource Department (HRD) to comply with Section 169.28 of the County of Summit Codified Ordinance. This procedure is to be used to implement Codified Ordinance Section 169.28.

The Executive's Human Resource Department is responsible for administration of the Substance Abuse Policy. Any questions regarding this policy and Codified Ordinance 169.28 should be directed to the Substance Abuse Administrator (Administrator), Lisa Yeager, via phone at (330) 643-8763 or via email at lyeager@summitoh.net. The County of Summit reserves the right to revise this policy and Codified Ordinance Section 169.28, as required.

An employee who violates this policy will be subject to disciplinary action up to and including termination.

POLICY VIOLATIONS

It is a violation of this policy to do any of the following listed:

- (1) Reporting to duty or remaining on duty while having an alcohol concentration from a breathalyzer test of .02 or greater;
- (2) Reporting to duty or remaining on duty while using a controlled substance (including prescription drugs that impair the employee's ability to perform the assigned duties, unless such use has been approved by a physician and reported to the County Executive's designee);
- (3) Testing positive for a controlled substance (a positive test is defined as a test showing controlled substance concentration in excess of the threshold amounts set forth in Codified Ordinance 169.28);
- (4) Possess alcohol, controlled substances or drug paraphernalia while on duty;
- (5) Use alcohol or controlled substances while on duty;
- (6) Refuse to submit a pre-employment, post-accident, reasonable suspicion, return to duty, or follow-up alcohol or controlled substance test.

Individuals who violate this policy are ineligible to apply for County employment for a period of one year.

REFUSAL TO SUBMIT A TEST

Refusal to submit any of the alcohol or controlled substance tests required by this policy shall result in the employee's immediate termination. Actions constituting a refusal to submit to a test include:

- (1) Failing to provide adequate breath for alcohol testing;
- (2) Failing to provide adequate urine for controlled substance testing;
- (3) Engaging in conduct that clearly obstructs the testing procedure;
- (4) Failing to remain readily available for a post-accident test;



Department of Human Resources

Russell M. Pry Building
1180 S. Main Street, Suite 311
Akron, OH 44301-1255

330.926.2500
330.643.8562 FAX
www.co.summitoh.net

- (5) Attempting to substitute and/or adulterate the specimen;
- (6) Attempting to delay a test.

COMPENSATION

An employee subject to testing under this policy will be placed on Administrative Leave with or without pay depending on the test result. If the test is negative, the employee will be paid for the time off of work and will return to duty. If the test is positive, the employee will be subject to disciplinary action up to and including termination and will not be compensated for time off while awaiting negative test results in order to return to duty.

Employees subject to Random Testing will be compensated for their time away from their job unless the result is positive. Employees subject to Reasonable Suspicion testing will not be compensated for their time away from the job unless the result is negative.

An employee undergoing treatment for a substance abuse problem may use sick time, vacation time or other paid time off following a negative Return to Duty test. Additionally, an employee may qualify for Family Medical Leave (FML) and the employer may apply paid or unpaid time off for such treatment against the employee's 12-week entitlement.

EMPLOYEE ASSISTANCE PROGRAM-MANDATORY REFERRAL

Any employee who violates this policy, and remains employed by the County of Summit, will receive a mandatory referral to the Employee Assistance Program (EAP) for assessment and treatment. After conferring with Human Resources, the employee's Supervisor will make the referral for an employee to the County's EAP by completing the Summit County Substance Abuse Referral Form for Supervisors and have the employee sign it. The completed form along with supporting documentation must be emailed immediately to the Administrator at lyeager@summitoh.net. The Administrator will submit the referral to the EAP. The employee will be required to contact the EAP to schedule an appointment within three (3) business days. The EAP will contact the Administrator after the initial consultation to verify the employee's attendance and projected plan of treatment. The Administrator will provide this and any ensuing information to the Supervisor. Additionally, the EAP's treatment professional will keep the Administrator apprised of the employee's compliance and continued recommendations. If additional treatment beyond the program limit is needed, the EAP will help coordinate with the employee's insurance carrier. Referrals from a network of affiliate providers/resources will be provided to the employee at the employee's expense.

Upon successful completion of the counseling/treatment program, the EAP will notify the Administrator that the employee has completed the prescribed treatment assessment. The Administrator will notify the Supervisor. An employee's failure to follow through on a mandatory referral to EAP or complete the prescribed treatment will result in termination of employment.



Department of Human Resources

Russell M. Pry Building
1180 S. Main Street, Suite 311
Akron, OH 44301-1255

330.926.2500
330.643.8562 FAX
www.co.summitoh.net

RETURN TO DUTY

The EAP provider will determine when an employee is ready for a Return to Duty test. The EAP will notify the Administrator that the employee is ready for a Return to Duty test and the Administrator will contact the Supervisor. The Coordinator will schedule a Return to Duty test for the employee.

Before an employee who has been found in violation of this policy may Return to Duty, the employee must undergo testing for alcohol and controlled substances. The results must be negative or such employee will not be permitted to Return to Duty and will be terminated. Results will be received by the Administrator and the Supervisor will be notified. The Supervisor will notify the employee of a return to work date.

Following a negative Return to Duty test, the employee will be subject to Follow-Up Testing per this policy.

SPLIT SAMPLE TESTING

If an employee disagrees with the positive test results, he or she may request that the sample be re-tested using a split specimen from the original sample through the County's substance abuse testing vendor. The employee is responsible for the costs associated with this additional test. If the re-test comes back negative, the employee will be reimbursed for the cost of the test.

FOLLOW-UP TESTING

When an employee has been found to be in violation of this policy, and remains employed by the County of Summit, the employee will be subject to a minimum of four (4) unannounced follow-up tests in addition to the Return to Duty test, within the first twelve (12) months, following the employee's return to duty. To complete the drug-screening test employees will be instructed to report immediately to the designated location, present photo identification (e.g. driver's license) and submit a breath and urine sample within two (2) hours of arrival. The results of any follow-up alcohol test must show less than .02 concentration and any follow-up-controlled substance test must be negative or such employee will be terminated.

VOLUNTARY ADMISSION

Employees are encouraged to voluntarily admit problems with controlled substances and alcohol prior to violating these policies. Employees who voluntarily admit problems with substance abuse prior to violating these policies will not have his or her job security or promotional opportunities jeopardized by a request for treatment. Employees should not read this to mean that a request for treatment will automatically excuse them from discipline or discharge where the appointing authority initiates corrective action for violation of these policies. Rather, an employee who seeks treatment on his or her own initiative is in a better position than one who brings up a substance abuse problem for the first time in response to an investigation of the County of Summit. Any Supervisor made aware of an employee's substance abuse problem, including but not limited to, the employee's immediate Supervisor is required to notify the Administrator of any such admission.



Department of Human Resources

Russell M. Pry Building
1180 S. Main Street, Suite 311
Akron, OH 44301-1255

330.926.2500
330.643.8562 FAX
www.co.summitoh.net

If an employee voluntarily discloses a substance abuse problem to the Administrator, Coordinator or any Supervisor to whom the report was made, Administrator, Coordinator or Supervisor will complete a 2080 Applicant/Employee Alcohol-Substance Testing Request form. This form is emailed to the testing location as notification that an employee has been referred for a controlled substance and alcohol test. To complete the drug screening test, the employee will be transported to the collection facility immediately, present photo identification (e.g. driver's license) and submit specimens within two (2) hours of arrival and then transported home by a neutral third party such as a taxi or designated County employee. An employee sent for testing will not return to the work site after the test. An employee is not permitted to return to work until a negative alcohol and controlled substance abuse test is received.

The Supervisor will make a referral in compliance with the section for this policy entitled Employee Assistance Program-Mandatory Referral.

The EAP provider will notify the Administrator when an employee is eligible for a Return to Duty test per this policy.

PRE-EMPLOYMENT TESTING

Applicants for new employment shall be tested for controlled substances and alcohol. At the interview, the applicant will be given the 2073 Consent and Release Pre-employment Drug Testing form to be signed consenting to the pre-employment testing.

The Supervisor will complete the 2080 Applicant/Employee Alcohol-Substance Testing Request form available on the County of Summit Intranet Scene website <https://scene.summitoh.net/index.php/human-resources/substance-abuse>.

The 2080 Applicant/Employee Alcohol-Substance Testing Request form will be completed and given to the applicant along with verbal instructions to report to the designated testing site immediately. The applicant must present photo identification (e.g. driver's license) and submit a breath and urine sample within two (2) hours of arrival. No appointment is necessary. The Supervisor may select any of the testing sites shown on the 2080 Applicant/Employee Alcohol-Substance Testing Request form. Testing site locations are included on the 2080 Applicant/Employee Alcohol-Substance Testing Request form, Section I, Summa Health Corporate Health collection site dropdown. This form can also be faxed to the testing location as notification that an applicant has been referred for a controlled substance and/or alcohol test.

The 2073 Consent and Release Pre-employment Drug Testing and 2080 Applicant/Employee Alcohol-Substance Testing Request forms for pre-employment must also be emailed to the Coordinator. Screening results cannot be released if these forms are not received.



Department of Human Resources

Russell M. Pry Building
1180 S. Main Street, Suite 311
Akron, OH 44301-1255

330.926.2500
330.643.8562 FAX
www.co.summitoh.net

Test results may be forwarded by the Medical Review officer (MRO) to the administrator via phone, U.S. Mail or a secured email or website. The Administrator or Coordinator will notify the Supervisor of the applicant's results.

A negative test result means that the applicant has successfully completed the alcohol and controlled substance test and is eligible for an offer of employment.

A positive test result means the applicant has not successfully completed the alcohol and controlled substance test and is not eligible for employment with The County of Summit for one (1) year from the date of the test.

The Coordinator will notify the applicant of their right to file a written appeal to the Human Resource Commission per Codified Ordinance Section 169.28 (h) (3) (A) (2).

REASONABLE SUSPICION

POST ACCIDENT

All employees who have caused or contributed to an accident on the job as described in Codified Ordinance Section 169.28 (h) (3) (B) and where there is reasonable suspicion as described in Codified Ordinance Section 169.28 (h) (3) (C) are subject to testing.

Employees are required to report any accident immediately to their Supervisor. Vehicle accidents should be reported to the dispatcher using the radio system or any other designated means of communication.

Upon notification that an employee has been involved in a vehicle accident within Summit County or a contiguous county, Supervisor will report to the scene to determine whether there is reasonable suspicion for alcohol and/or controlled substance abuse testing. Accidents that occur out of Summit County or a contiguous county will be handled by the local law enforcement agency, which will make a determination if the driver is under the influence in accordance with state law. The employee is required to notify the Supervisor of the results of any test administered by law enforcement.

If the Supervisor at the scene determines there is reasonable suspicion, the Supervisor will complete form 2080 Applicant/Employee Alcohol-Substance Testing Request form, select "post-accident" as reason for alcohol/drug screen and transport the employee with testing form to the nearest Summa collection site immediately. The supervisor will have the employee sign form 2079 Reasonable Suspicion Form consenting to the tests prior to testing. The employee must present a photo identification (e.g., driver's license) and submit breathe/urine sample within two (2) hours of arrival. The employee will then be transported home by a neutral third party such as a taxi or designated County employee. Immediately following the referral, the Supervisor will notify the Administrator of the referral.



Department of Human Resources

Russell M. Pry Building
1180 S. Main Street, Suite 311
Akron, OH 44301-1255

330.926.2500
330.643.8562 FAX
www.co.summitoh.net

Employees holding a CDL license are required to submit to alcohol/controlled substance testing post-accident in accordance with the U.S. Department of Transportation's Code of Federal Regulations §382.303 - Post Accident Testing.

2080 Applicant/Employee Alcohol-Substance Testing Request forms for post-accident drug tests are located on the County of Summit Intranet Scene at: <http://scene.summitoh.net/index.php/human-resources/substance-abuse>.

For evening shift accidents, the Supervisor will contact the Coordinator the next business morning, to report the accident and testing information. The Coordinator will contact the Administrator immediately at (330) 643-8763 or lyeager@summitoh.net regarding the accident and testing information.

The employee will be placed on Administrative Leave per the Compensation section of this policy. If the test is negative, the employee returns to work. An employee is not permitted to return to work until a negative alcohol and controlled substance abuse test is received.

If the employee tests positive, the Supervisor will make a referral in compliance with the section of this policy entitled Employee Assistance Program-Mandatory Referral. Additionally, a positive drug test or refusal to submit to a test after an accident may affect an employee's eligibility to receive Worker's Compensation benefits.

An employee that tests positive for a medical marijuana product during post-injury drug testing shall not be eligible for Worker's Compensation even though the employee has a recommendation for that use from a physician who is properly certified to make the recommendation.

The EAP provider will notify the Administrator when an employee is eligible for a Return to Duty test per this policy.

GENERAL REASONABLE SUSPICION

If a Supervisor believes there is reasonable suspicion, per Codified Ordinance Section 169.28 (h) (3) (C), that an employee is under the influence of alcohol or a controlled substance they will utilize the 2079 Reasonable Suspicion form to document their observations. If possible, the Supervisor will contact another trained Supervisor to confirm observations and both Supervisors will sign the form.

Upon confirmation of observations, the Supervisor will discuss the observations with the employee and provide the employee with an opportunity to give a reasonable explanation. If no reasonable explanation is provided, the employee will be notified that an alcohol and controlled substance test will be required. The employee will sign the 2079 Reasonable Suspicion Form agreeing or declining to take the test. Refusal, as outline in Codified Ordinance Section 169.28 (k), will result in the employee's immediate termination.



Department of Human Resources

Russell M. Pry Building
1180 S. Main Street, Suite 311
Akron, OH 44301-1255

330.926.2500
330.643.8562 FAX
www.co.summitoh.net

The employee will be provided with a 2080 Applicant/Employee Alcohol-Substance Testing Request form and the employee will be transported to the collection facility immediately, present photo identification (e.g. driver's license) and submit specimen within two (2) hours of arrival, and then transported home by a neutral third party such as a taxi driver or designated County employee. An employee sent for testing will not return to the work site after the test. The Supervisor will contact the Administrator to provide reason for requiring the test and email to lyeager@summitoh.net. For evening shifts, the Supervisor will contact the Administrator the next business morning.

The employee will be placed on Administrative Leave and compensated per the Compensation section of this policy. If the test is negative, the employee will return back to work. An employee is not permitted to return to work until a negative alcohol or controlled substance abuse test is received.

If the employee tests positive, the Supervisor will make a referral in compliance with the section of this policy entitled Employee Assistance Program-Mandatory Referral.

The EAP provider will notify the Administrator when an employee is eligible for a Return to Duty test per this policy.

RANDOM TESTING

Employees who are required to hold a commercial driver's license or permitted to carry firearms in the course of their job duties are subject to random testing per Codified Ordinance Section 169.28 (h) (1) and 169.28 (h) (2). The names of employees who are subject to random testing are provided to the substance abuse testing vendor by the employer. The vendor randomly selects names of the primary and alternate candidates using a scientifically valid method. The substance abuse testing vendor will provide the Supervisor(s) and the Administrator with the list of names of the primary and alternative candidates for testing prior to the designated date(s). Tests will be scheduled by the Vendor and Administrator at a testing site near the work location or arrangements will be made for a mobile drug testing unit to be sent where there are five (5) or more employees to be tested at the same site. At the scheduled time of the testing, if any scheduled employee has reported off work, then the alternate candidate should be sent for the test. An employee must proceed or will be escorted immediately upon notification to the collection site. A refusal to submit a random test, as outlined in Codified Ordinance Section 169.28 (k), will result in the employee's immediate termination.

If testing is not completed at the work site, the Supervisor(s) complete the 2080 Applicant/Employee Alcohol-Substance Testing Request form and will provide it to the employee to take to the testing site. The employee shall present the form to the laboratory attendant verifying that he/she is a County of Summit employee. The employee must report to the designated testing site immediately and present valid photo identification. The Supervisor may select any of the testing sites shown on the 2080 Applicant/Employee Alcohol-Substance Testing Request form. No appointment is necessary.



Department of Human Resources

Russell M. Pry Building
1180 S. Main Street, Suite 311
Akron, OH 44301-1255

330.926.2500
330.643.8562 FAX
www.co.summitoh.net

When the test is complete, the employee will return to duty unless instructed otherwise by the Medical Review Officer or his/her designee. Test results are forwarded by the Medical Review Officer (MRO) to the Administrator via phone, U.S. Mail or a secured email. The Administrator will then notify the Supervisor of the results.

If the result is positive, the employee will be placed on Administrative Leave and compensated per the Compensation section of this policy. The Coordinator will make a referral in compliance with this section of the policy entitled Employee Assistance Program-Mandatory Referral.

The EAP provider will notify the Administrator when an employee is eligible for a Return to Duty test per this policy.

LEGALLY PRESCRIBED DRUGS AND NON-PRESCRIPTION MEDICATIONS

The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. However, when taking any prescription or non-prescription medication which may interfere with the safe and effective performance of their duties, employees are encouraged to consult their licensed medical doctor and report such use to the County Executive's designee. Certification from a medical doctor that an employee is able to perform the normal functions of their position may be required before the employee will be allowed to continue working. This requirement includes medical marijuana that has been recommended by an authorized medical doctor and dispensed by a licensed marijuana dispensary in accordance with the requirements of the Ohio Revised Code and any related regulations.

MEDICAL MARIJUANA

Any County employee who is using medical marijuana shall report such use to the County Executive's designee, shall provide evidence of the employee being registered with the state patient registry, and a recommendation from a medical doctor who has a certificate to recommend its use, and that the medical marijuana was obtained from a licensed marijuana dispensary.

An employee who has a recommendation for medical marijuana who tests positive for marijuana shall be treated as using an appropriately prescribed drug when they have complied with the reporting requirements above and have used the marijuana in compliance with the physician's recommendations.

Use of medical marijuana is prohibited as follows:

- (1) By employees who are required to hold commercial driver's licenses in the course of their employment.
- (2) By employees who are required and/or permitted to carry firearms in the course of their employment.
- (3) By an employee so as to cause them to be under the influence of medical marijuana during the scope and course of their employment.
- (4) By an employee during the scope and course of their employment.

An employee is prohibited from possessing medical marijuana while on County property or in a County vehicle.