

**Rio Arriba
Board of County Commissioners**

COMMISSIONERS
Barney Trujillo
Chairman
District I

Alfredo L. Montoya
District II

Danny J. Garcia
District III

COUNTYMANAGER
Tomas Campos, III

**RESOLUTION NO. 2013-078
AMENDING RIO ARRIBA COUNTY DRUG POLICY**

WHEREAS, at the Meeting of the Board of County Commissioners of February 28, 2013 the following Amendment to Rio Arriba County Drug Policy was presented to the Commission; and

WHEREAS, the proposed revisions and/or additions to the Drug Policy were advanced by the Risk Manager and approved by the County Manager for presentation to the Board of County Commissioners; and

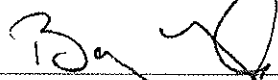
WHEREAS, after due deliberation the Board of County Commissioners finds that the proposed amendment to the Rio Arriba County Drug Policy advances the safety interest of the Public and County employees;

NOW, THEREFORE, be it resolved that the Board of County Commissioners, hereby, amends the Rio Arriba County Drug Policy as presented, to become effective on this date.

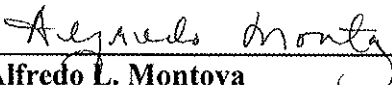
BE IT FURTHER RESOLVED, that the Rio Arriba Board of County Commissioners, hereby amends Resolution No. 2006-062 dealing with Rio Arriba County Drug Policy.

SIGNED, ADOPTED AND APPROVED THIS 28TH DAY OF FEBRUARY, 2013.

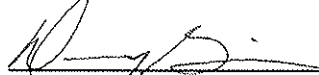
**BOARD OF COUNTY COMMISSIONERS
RIO ARRIBA COUNTY, NEW MEXICO**



Barney Trujillo, Chairman
Commissioner, District I



Alfredo L. Montoya
Commissioner, District II



Danny J. Garcia
Commissioner, District III

ATTEST



Moises A. Morales, Jr. Rio Arriba County Clerk

Rio Arriba County Drug Policy and Procedures

| | |
|-------------------------------------|--|
| Sheriff Department Law Enforcement* | |
| Detention Officers | |
| Senior Citizens Employees | |
| CDL Drivers | |
| Fleet Department* | |
| Road Department* | |
| Exempt Employees | |
| Swimming Pool Life Guards | |

**Excludes clerical/office staff*

Note: RAC reserves the right to add, amend, or modify the categories for safety-sensitive functions, as it deems necessary.

Percentage of Safety-Sensitive Employees Randomly Screened

RAC will randomly screen a specified percentage of employees in safety-sensitive positions each year. In no event will such percentage be less than ten (10%) of the total pool of employees in safety-sensitive functions.

Percentages may differ between categories.

Outside Vendor "Pulls"

All employees who are part of the random screening pool are chosen for screening solely by an independent outside vendor not affiliated with RAC in any manner.

Procedures

Post-Offer/Re-Hire Screening

The following table describes the steps that will be followed for Post-Offer or Re-Hire Screening

| Post-Offer/Re-Hire Screening Procedure | |
|---|--|
| Step | Action |
| 1 | All applicants receiving a conditional offer of employment (prospective employee) are required to complete a drug/alcohol screen following the established Rio Arriba County guidelines. |
| 2 | The prospective employee will be referred to the appropriate site. |
| 3 | If the prospective employee is under 18 years of age, written parental consent must be obtained before the drug screen is collected. A facsimile consent is acceptable. |
| 4 | The prospective employee will be asked to show a valid picture ID. |
| 5 | The prospective employee will provide a urine sample. |

Rio Arriba County Drug Policy and Procedures

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Rio Arriba County Drug Policy and Procedures

Drug and Alcohol Abuse and Screening Policy

| | |
|---|--|
| DEPARTMENT: Risk Management | POLICY DESCRIPTION: Drug and Alcohol Abuse and Screening Policy |
| Page: 1 of 34 | REPLACES POLICY DATED: June 24, 2004 |
| EFFECTIVE DATE: | REFERENCE NUMBER: |
| NEXT REVIEW DATE: Annually or As needed | APPROVALS: County Commissioners, County Manager and legal |
| Author: Risk Management Policy Committee | |

Scope of Policy

This policy applies to Rio Arriba County Employees, including:

- applicants;
- employees; and independent contractors
- others who work in the Rio Arriba County workplace;

who are:

- conducting Rio Arriba County business;
- representing Rio Arriba County at any time or place;
- in any vehicle utilized to conduct or support Rio Arriba County services or affairs; or
- on-call.

Purpose:

Rio Arriba County (RAC) is strongly committed to the health, safety and welfare of its employees, and the public it serves. Widely available statistics establish that the incidence of drug and alcohol abuse is increasing and that the effect is devastating to lives, businesses and the community at large. Furthermore, available statistics establish that drug screening is effective in reducing employee drug and alcohol abuse in the workplace.

The County of Rio Arriba recognizes its responsibility to take all reasonable measures to provide a safe working environment for its employees, as well as to assure the public safety and foster trust in local government. The County is concerned that the use, possession, or distribution of drugs or alcohol affects job performance, and may threaten the safety of the public and employees. This policy is in response to that concern, and it's intended to establish guidelines to protect county employees and the public from the dangers inherent in the prohibited use, possession or distribution of drugs or alcohol on the job.

Rio Arriba County Drug Policy and Procedures

Policy Statement:

RAC is committed to preventing the use and/or abuse of alcohol, drugs, or controlled substances that affect job performance and safety in order to:

- maintain a safe and healthy, drug and alcohol-free work environment for its employees;
- provide the public with the highest quality care and service possible; and
- comply with the Drug-Free Workplace Act of 1988.

Covered Substances

The following are substances covered by this policy:

- alcoholic beverages of any kind;
- controlled and/or illegal drugs or substances;
- prescription drugs.

Prohibited Activities

The following activities are prohibited while an employee is on RAC premises or otherwise engaged in RAC business:

- the manufacture, unauthorized possession, use, sale, distribution, dispensation, receipt, or transportation of any controlled substance or illegal drug;
- performing duties while under the influence of alcohol or controlled and/or illegal drugs, or substances in any manner
 - whether or not consumed on or off RAC premises and
 - whether or not consumed outside of or during working hours;
 - including being impaired by lawfully prescribed drugs.
- excessive consumption of alcoholic beverages at RAC sponsored events.

Note: The above list is not meant to be an exhaustive or all-inclusive list.

Pre-Duty/On-Call Use of Alcohol

This policy extends beyond the period of time in which the employee is immediately available to perform their job. This includes those employees who are "on-call".

The following is a list of prohibited activities related to alcohol:

| Pre-Duty Use of Alcohol | On-Call Use of Alcohol |
|--|--|
| Employees are prohibited from consuming alcohol for (6) hours prior to performing job functions. | Employees are prohibited from consuming alcohol for specified on-call hours. |

Rio Arriba County Drug Policy and Procedures

Indictments or Convictions

The following actions, although not occurring on RAC' premises, are considered to reflect negatively on RAC' reputation for integrity and safety.

- Indictment or conviction for criminal offenses related to the manufacture, possession, use, sale, distribution, dispensation, receipt, or transportation of any controlled substances or illegal drugs; and/or
 - Indictment or conviction for criminal offenses related to alcohol use;
 - The employee must inform RAC' Risk Management department within five (5) days of such conviction or pleas to such charges;
 - As a condition of continued employment, employees who report such activities will be required to sign a Back to Work Agreement, if their employment is not terminated;
 - Failure to report such activities will result in corrective action up to and including termination from employment;
 - Certain convictions may result in termination of employment.
-

The Drug Free Workplace Act of 1988

Pursuant to the Drug Free Workplace Act of 1988, employees who are convicted of violating any criminal drug statute under state or federal law or who plead guilty or *nolo contendere* (i.e. no contest) to such charges:

- Must inform RAC' Risk Management department within five (5) days of such conviction or pleas to such charges.
 - Failure to report such activities will result in corrective action up to and including termination from employment.
-

Non-RAC Employees

Other individuals and independent contractors who work in the workplace but who are not RAC employees and are in violation of the Drug and Alcohol Abuse and Screening Policy will be prohibited from working on RAC premises or engaging in RAC business.

Termination of Employment

Termination of employment will occur under the following conditions. An employee:

- tests positive for drug use;
 - diverts drugs;
 - refuses to execute and abide by a Back to Work Agreement when required by the policy;
 - tampers with or alters a written or verbal prescription; or
 - engages in behavior or actions which constitutes a "Failure to Test" as defined by this policy.
-

Rio Arriba County Drug Policy and Procedures

Failure to Test Failure to test will result in **termination of employment**. A failure to test includes:

- refusal to submit to a drug and or alcohol test;
 - inability to provide sufficient quantity of breath to be tested without a valid medical explanation;
 - inability to provide sufficient quantity of urine within three hours without a valid medical explanation;
 - tampering with the specimen or collection procedure;
 - providing an adulterated specimen;
 - failing to report to the collection site in the time allotted;
 - not complying with the Post-Accident Drug/Alcohol procedure;
 - engaging in any behavior that obstructs the testing process;
 - failure to provide a freshly valid (at the time of collection) specimen;
 - providing a specimen with an out of range temperature;
 - refusal to authorize release of drug/alcohol results to Risk Management;
 - refusal to provide authorization for RAC Medical Reviewing Officer (MRO) to review the employee's hospital records and/or other documents related to post-accident screening. The review will be solely for the purpose of determining whether or not there was evidence of any use/abuse of legal/illegal drugs or alcohol.
-

Corrective Action

Corrective Action, up to and including termination, will occur when the:

- employee's alcohol concentration violates the policy;
 - employee is Indicted or Convicted for conduct involving alcohol, drugs or controlled substances;
 - employee fails to report an indictment or conviction to Risk Management within five (5) days for conduct involving alcohol, drugs, or controlled substances;
 - manager, supervisor, or co-worker suspects or has knowledge that an employee is using or is impaired by drugs and/or alcohol while performing job functions and fails to report such suspicions or knowledge or to take appropriate action;
 - employee on-call acknowledges the use of drugs and/or alcohol consumption at the time called and is unable to perform on-call responsibilities.
-

Rio Arriba County Drug Policy and Procedures

Eligibility for Rehire

Employees who have been terminated by RAC for violation of the Drug and Alcohol Abuse and Screening Policy may be eligible for re-hire. The RAC Manager will review the individual circumstances on a case-by-case basis. The following criteria will be used in determining if the employee **may** be considered for re-hire:

- Written evidence of an evaluation by a Substance Abuse Counselor (SAC) and/or successful completion of an approved rehabilitation treatment program must be provided to County Manager;
- Recommendation for frequency of periodic unannounced testing by the SAC;
- Previous employment history;
- Recommendation of the employee's Supervisor
- Input from the RAC Drug Policy Committee;
- A Back to Work Agreement must be executed;
- The employee must submit to periodic unannounced drug and alcohol screening as outlined in the Back to Work Agreement.

If the County Manager determines the employee is not eligible for re-hire, the employee may request re-consideration after six (6) months by following the above procedure.

Note: An employee, whose employment was terminated as a result of drug diversion activities, is NOT eligible for rehire.

Back to Work Agreement Exhibit II

Execution of a Back to Work Agreement is a condition of employment for employees who:

- were terminated due to a positive drug screen and who meet the re-hire criteria;
- voluntarily discloses a drug or alcohol problem to their manager, a Risk Management representative or a co-worker;
- have been indicted or convicted for conduct involving alcohol, drugs or controlled substances; or
- as part of a corrective action due to alcohol use which violates policy.

The agreement requires the employee to:

- submit to periodic, unannounced drug/alcohol screening for a minimum of six (6) times in the first twelve (12) months following execution of the Back to Work Agreement;
- extend the twelve- (12) month time period based upon the assessment and recommendation of the SAC.

Note: An employee who tests positive on any follow-up screening is not eligible for rehire, even if they meet the re-hire criteria for a period of two (2) years from the date of termination.

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Voluntary Disclosure or Self-Referral

RAC encourages employees to voluntarily seek assistance in dealing with a drug and/or alcohol dependency.

Voluntarily seeking assistance may include Voluntary Disclosure to a representative of RAC or Self-Referral to the Employee Assistance Program (EAP) or a rehabilitation treatment service.

| Voluntary disclosure occurs when the employee | Then the employee should be referred to the EAP and | By doing so the employee may |
|---|---|--|
| discloses a drug or alcohol problem to <ul style="list-style-type: none"> • their supervisor, • a Risk Management Representative or • a co-worker, who reports the problem to the proper administrator on his/hers behalf. | Upon completion of a rehabilitation program, will be required to sign and comply with the conditions contained in a Back to Work Agreement. | <ul style="list-style-type: none"> • be eligible for services and referrals through RAC EAP; • gain access to rehabilitation services; • have access to Short Term Disability(STD) benefits and/or Family Medical Leave (FMLA) protection (if eligible), if the employee is participating in an approved rehabilitation program • in most cases, retain employment |

Rio Arriba County Drug Policy and Procedures

| Self-Referral occurs when the employee | By doing so the employee may | And |
|---|---|--|
| seeks assistance through the EAP or a rehabilitation program. | <ul style="list-style-type: none"> • be eligible for services and referrals through RAC EAP; • gain access to rehabilitation services; • have access to STD benefits and/or FMLA protection (if eligible), if the employee is participating in an approved rehabilitation program. | <ul style="list-style-type: none"> • in most cases, retain employment; • is not subject to a Back to Work Agreement. |

Note: *The option of self-referral and continued employment is not available to any employee who self discloses AFTER being notified to submit for drug/alcohol screening.*

Employee Assistance Program (EAP)

The Employee Assistance Program (EAP) can provide support and refer the employee to the rehabilitation services an employee needs to treat a drug or alcohol dependency.

The EAP is a:

- free professional and confidential counseling program designed to assist employees.
- pre-paid benefit for employees and members of their family; and.
- provides a maximum of six (6) counseling sessions per calendar year.

If the employee requires more extensive treatment, the EAP may provide assistance to the employee in seeking reimbursement for rehabilitative service through medical insurance, where such services are covered.

If an employee completing a rehabilitation program requires accommodation, a request must be directed to the appropriate Risk Management/Representative for consideration of the request. RAC will hold the employee to the same job performance standards and conduct to which it holds other employees, even if the unsatisfactory performance and conduct are related to drug and/or alcohol problems.

Rio Arriba County Drug Policy and Procedures

Records Retention and Confidentiality

All drug and alcohol screening records and results are kept confidential to the extent possible. Exceptions will occur if safety of the employee is an issue. Only those with a "need to know" may be made aware of the results. The appropriate Risk Management/Representative or RAC Human Resources Director will be notified of the results. Drug and alcohol screening records are considered personnel records but are retained in the RAC Risk Management department and are maintained separately from the employee's regular personnel files.

- positive drug/alcohol results are retained for five (5) years
- negative drug/alcohol results are retained for one (1) year

Drug Screening

Urine Drug screening will be performed to screen for any or all of the following:

| | |
|---|---|
| • Cannabinoids (e.g. marijuana, hashish) | • Opiates (e.g., heroin, morphine, codeine) |
| • Phencyclidine (PCP) or Angel Dust | • Amphetamines and Methamphetamines |
| • Barbiturates (e.g., Phenobarbital, Secobarbital, Amobarbital, etc.) | • Benzodiazepines (e.g., Valium, Halcyon, Tranxene) |
| • Methadone (synthetic narcotic) | • Cocaine |

Screening for additional drugs may be done depending upon the department or other needs as warranted.

Confirmation Testing

A screen which is positive for drugs will:

- have a confirmatory test performed on the specimen from the initial collection;
- be reviewed by a Medical Review Officer (MRO);
- be verified as a positive or negative screen by the MRO.

Alcohol Screening

A trained technician using a device on the National Highway Traffic Safety Administration (DOT) Conforming Products List will perform breath alcohol testing. RAC will use the Evidential Breath Testing (EBT) device for alcohol screening.

A confirmation test will be conducted on a positive screen.

Alcohol Concentration

A positive screen will require suspension from duty without pay and corrective action will be taken.

Rio Arriba County Drug Policy and Procedures

| If an employee's alcohol concentration is | then the employee will be immediately suspended with pay for a minimum of | and the employee will receive |
|---|---|--|
| 0.02 or greater, but less than 0.04 | 12 hours | at a minimum, a written Summary of Counseling. |
| 0.04 or greater | 24 hours | at a minimum, a written Summary of Counseling and referral to EAP to determine screening requirements for execution of the Back to Work Agreement. |
| 0.02 or greater, but less than 0.04 over the next 12 month period of time | 12 hours | at a minimum, a Loss of Good Standing will be issued. |
| 0.04 or greater over the next 12 month period of time | 24 hours | at a minimum, a Loss of Good Standing and referral to EAP to determine screening requirements for execution of the Back to Work Agreement. |

All RAC applicants and employees may be subject to participating in the drug/alcohol screening program. The categories of drug/alcohol screening are Post offer/Pre-Employment Screening, For Cause/Reasonable Suspicion Screening; Post-Accident Screening; Screening required by Monitored Diversion Programs; Random Screening.

Post Offer/Pre-Employment Screening

RAC requires that all applicants for employment and employees transferring are screened for prohibited drug/alcohol use. Offers of employment with RAC are contingent upon the applicant or transferring employee passing required drug/alcohol screens.

| If... | then . . . |
|---|---|
| the applicant fails to report to the collection site, | the offer of employment is rescinded. |
| the applicant tampers with the specimen, | the offer of employment is rescinded. |
| an applicant's screen is positive, | the offer of employment is rescinded and the applicant must wait for a period of 24 months to reapply. |

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Applicants who have tested positive on a post offer/pre-employment drug screen and seek employment again within 24 months must meet the following:

- provide evidence of successful completion of a drug and alcohol rehabilitation program to Human Resources;
- be able to perform the essential functions of the position with or without accommodation;
- the applicant must pass a drug screen and alcohol screen;
- if hired, must sign a Back to Work agreement.

For Cause/ Reasonable Suspicion Screening

Current employees may be required to submit to a drug and alcohol screening if cause or reasonable suspicion exists to believe the employee(s) may be under the influence of drugs or alcohol or to rule out that possibility. Factors which could establish cause/reasonable suspicion include, but are not limited to:

- scent of alcohol and/or residual odor peculiar to some illegal or controlled substances on employee's breath, clothing or work area
- observed irregular driving
- obvious disorientation
- unusual or erratic behavior, rapid mood swings, suspicious behavior, aggressive behavior
- unexplained and/or frequent absenteeism
- presence of drugs or drug paraphernalia
- alcohol in an employee's possession or in the employee's work area
- a report of off-premises or off-duty drug or alcohol related event involving the employee which may be considered to reflect negatively on RAC' reputation for integrity and safety
- employee passed out
- noticeable changes in work performance
- observed impairment of physical ability or mental/judgment capability
- repeated failure to follow instructions or operating procedures
- noticeable personality changes
- observed drug/alcohol use
- a report of drug/alcohol use, sale and/or unauthorized transfer of drugs/alcohol on RAC premises or while involved in RAC business
- unsteady gait, slurred speech, glassy-eyed appearance
- suspected drug diversion
- pattern or trend of injuries or accidents
- a report of suspicion of drug/alcohol use

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Post-Accident Screening Employees must be tested for drugs and alcohol in post-accident situations when any vehicle or piece of equipment is damaged and:

- The work related accident results in significant property damage; or
- An individual dies; or
- An individual suffers a bodily injury and receives medical treatment away from the scene of the accident; or
- As a result of the accident, a vehicle or piece of equipment is removed from service or revenue service.

Each employee operating the vehicle or equipment at the time of the accident must be screened as well as any other employee whose performance could have contributed to the accident.

Employees are prohibited from alcohol use for eight (8) hours following the accident, or until undergoing a post-accident drug and alcohol screen, whichever comes first.

Post-accident screening may be delayed while employees assist in resolution of the accident or receive medical attention and as soon as practicable.

Any employee who is **seriously injured** and cannot provide a specimen at the time of the accident will be required to provide authorization for RAC Medical Reviewing Officer to view the employee's hospital records and/or other documents. The review will be solely for the purpose of determining whether or not there was evidence of any use/abuse of legal/illegal drugs or alcohol. **Refusal to provide authorization will be deemed to be a failure to test.**

Screening Required by Federal or State Law or by Contract

Employees may be required to submit to drug screening when

- required by federal or state law; regulation, or by
- contractual obligation.

In the event that drug screening is required in this category, every effort will be made to coordinate new screening requirements with RAC' other drug screening requirements.

Random Drug & Alcohol Screening for Safety-Sensitive Functions

RAC has designated the following as Safety-Sensitive functions:

SAFETY-SENSITIVE CATEGORIES

Rio Arriba County Drug Policy and Procedures

| | |
|-------------------------------------|--|
| Sheriff Department Law Enforcement* | |
| Detention Officers | |
| Senior Citizens Employees | |
| CDL Drivers | |
| Fleet Department* | |
| Road Department* | |
| Exempt Employees | |
| Swimming Pool Life Guards | |

**Excludes clerical/office staff*

Note: RAC reserves the right to add, amend, or modify the categories for safety-sensitive functions, as it deems necessary.

Percentage of Safety-Sensitive Employees Randomly Screened

RAC will randomly screen a specified percentage of employees in safety-sensitive positions each year. In no event will such percentage be less than ten (10%) of the total pool of employees in safety-sensitive functions.

Percentages may differ between categories.

Outside Vendor "Pulls"

All employees who are part of the random screening pool are chosen for screening solely by an independent outside vendor not affiliated with RAC in any manner.

Procedures

Post-Offer/ Re-Hire Screening

The following table describes the steps that will be followed for Post-Offer or Re-Hire Screening

| Post-Offer/Re-Hire Screening Procedure | |
|---|--|
| Step | Action |
| 1 | All applicants receiving a conditional offer of employment (prospective employee) are required to complete a drug/alcohol screen following the established Rio Arriba County guidelines. |
| 2 | The prospective employee will be referred to the appropriate site. |
| 3 | If the prospective employee is under 18 years of age, written parental consent must be obtained before the drug screen is collected. A facsimile consent is acceptable. |
| 4 | The prospective employee will be asked to show a valid picture ID. |
| 5 | The prospective employee will provide a urine sample. |

Rio Arriba County Drug Policy and Procedures

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|---|--|
| 6 | A positive result will be reviewed by the RAC Medical Review Officer. |
| 7 | Confirmed positive screens will be reported to the Human Resources Representative. |
| 8 | The offer of employment will be withdrawn, if any of the following occur: <ul style="list-style-type: none"> • there is a verified positive finding of illegal drugs or alcohol; • there is a verified positive finding of a controlled substance with no valid prescription; • there is a failure to test. |
| 9 | Test results will be maintained by RAC Human Resources. |

Reasonable Suspicion Drug/Alcohol Procedure

The following describes the steps a director/supervisor must take when reasonable suspicion or suspected drug diversion exists:

| Step | Action | | | | |
|--|--|-----------------|------------------------|--|--|
| 1 | Director/Supervisor must immediately contact: <table border="1" style="width: 100%; margin-top: 5px;"> <tr> <td style="text-align: center;">Espanola</td> <td style="text-align: center;">Tierra Amarilla</td> </tr> <tr> <td style="text-align: center;">County Manager</td> <td style="text-align: center;">Risk Manager</td> </tr> </table> | Espanola | Tierra Amarilla | County Manager | Risk Manager |
| Espanola | Tierra Amarilla | | | | |
| County Manager | Risk Manager | | | | |
| 2 | If not available then call: <table border="1" style="width: 100%; margin-top: 5px;"> <tr> <td style="text-align: center;">Espanola</td> <td style="text-align: center;">Tierra Amarilla</td> </tr> <tr> <td style="text-align: center;"> <ul style="list-style-type: none"> • Risk Manager • Assistant County Manager </td> <td style="text-align: center;"> <ul style="list-style-type: none"> • Assistant County Manager • County Manager </td> </tr> </table> | Espanola | Tierra Amarilla | <ul style="list-style-type: none"> • Risk Manager • Assistant County Manager | <ul style="list-style-type: none"> • Assistant County Manager • County Manager |
| Espanola | Tierra Amarilla | | | | |
| <ul style="list-style-type: none"> • Risk Manager • Assistant County Manager | <ul style="list-style-type: none"> • Assistant County Manager • County Manager | | | | |
| 3 | The Risk Manager (or available contact) will verify the need for screening. | | | | |
| 4 | The director/supervisor will arrange to have the employee(s) screened at the appropriate site. | | | | |
| 5 | If the collection site is not on the premises, the director/supervisor must arrange for transportation to the collection site. | | | | |
| 6 | The director/supervisor will notify the collector if there is a specific substance that is suspected. | | | | |
| 7 | The employee will be advised not to return to work and the director/supervisor will immediately place the employee on administrative leave with pay until the investigation, including test results is concluded. | | | | |
| 8 | If the employee is under 18 years of age, written parental consent must be obtained before the drug/alcohol screen can be done. A facsimile consent is acceptable. | | | | |
| 9 | At the collection site, the employee will be asked to show a valid picture ID. If the employee does not have one available, the employee's supervisor will visually confirm identity. The employee will be asked to sign an authorization to release the results to Risk Management. | | | | |

Rio Arriba County Drug Policy and Procedures

| | | |
|-------------|---|--|
| 10 | At the collection site, the employee will provide a urine sample for a drug screen. An EBT will also be performed. | |
| | If the employee. . . | then. . . |
| | refuses to test or refuses to sign an authorization to release results to Risk Management | <ul style="list-style-type: none"> • the employee will be terminated as outlined in RAC Personnel Policy. • the director/supervisor will prepare a termination Personal action form (PA) with the notation; "Employee refused to cooperate with an investigation concerning drug/alcohol-related misconduct. • the employee record will be marked "not eligible for re-hire". |
| | after first making an attempt, is unable to provide a urine specimen within (3) hours | standard medical "shy bladder" procedures will be followed. |
| Step | Action | |
| | fails the EBT and reports using a product with a slight amount of alcohol, such as cough syrup, mouthwash, etc. | the screen will be repeated in approximately 30 minutes after the use of the product. |
| | is unable to provide sufficient breath to successfully complete EBT | standard medical procedures will be followed. |
| | supplies information regarding prescribed medication use | the collector will inform the employee that they will not record that information, but to keep a list of all medications being used in the event the employee is contacted by the MRO for confirmation testing purposes. |
| 11 | Upon delivery of the urine sample to the collector, the employee will receive a copy of the form detailing the chain of custody the specimen will follow. | |
| 12 | The director/supervisor of the employee must arrange for transportation home. If the employee refuses transportation and does not appear to be impaired, the director/manager must document the employee refused transportation and contact local law enforcement. | |
| Step | Action | |

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| 13 | A designated laboratory site will test the sample with testing results available in approximately 72 hours. | |
| 14 | If results are positive, . . . The laboratory performs a confirmation test | |
| 15 | The results are sent to the MRO | |
| | If . . . | then . . . |
| | the results of the confirmation test are positive, or if the specimen is adulterated or substituted | the MRO will contact the employee to check for an alternative medical explanation behind the presence of the specific substance or medical explanation for the test results. |
| | there is a valid medical reason behind presence of substance | the test is recorded as negative. |
| | no valid medical explanation for presence of substance | the test is reported as verified positive. |
| 16 | MRO will report the results to the Risk Management. | |
| 17 | The Risk Manager will report the results to the employee's Director/Supervisor, who in turn will report the results to the employee. | |
| | If the results are . . . | then |
| | Negative | the employee will be returned to work and will be paid for the time on Administrative leave. |
| | verified positive | <ul style="list-style-type: none"> • the employee will be terminated and will not be paid for the time on suspension. • The director/supervisor will submit a PA and a Personnel Termination Order sell form to the HR Representative with the notation "employee terminated due to a positive drug screen". The re-hire status will be marked "not eligible for re-hire". |

**Post-Accident
Drug
Screening
Procedure**

For departments who are subject to post-accident screening, the Director/Supervisor will follow the procedures outlined in For Cause/Reasonable Suspicion Screening.

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| | The Director/Supervisor and the local police will respond to the scene. |
| | As part of the investigation process, the Director/Supervisor in conjunction with the testing authority will determine if post-accident drug and alcohol screening will be performed according to the criteria in policy. |

Random Drug and Alcohol Screening For Safety-Sensitive Functions

The following table describes the steps that will be followed for random drug /alcohol screening:

| Random Drug/Alcohol Screening Procedure Table | | | | | | | |
|---|---|---|---------|---|---|---|---|
| 1 | A third party vendor randomly chooses the employee from a database. | | | | | | |
| 2 | Risk Management will be notified of employees who have been pulled for random screening. | | | | | | |
| 3 | Risk Management will inform the employee's director/supervisor. | | | | | | |
| 4 | The director/supervisor will notify the employee and release the employee from their duties as soon as safe and practicable. | | | | | | |
| 5 | The Collector will wait a maximum of one hour for the employee to be released for screening. | | | | | | |
| 6 | Employees directed to report to a designated collection site must report to the site within two hours of notification. | | | | | | |
| 7 | If the employee is under 18 years of age, written parental consent must be obtained before the drug screen is collected. A facsimile consent is acceptable. | | | | | | |
| 8 | The employee will be asked to show a valid picture ID. If the employee does not have one available, the employee's supervisor will visually confirm identity. The employee will be asked to sign an authorization to release the results to Risk Management. | | | | | | |
| 9 | At the collection site, the employee will provide a urine sample and an EBT will be conducted. <table border="1" style="margin-left: 20px;"> <thead> <tr> <th style="text-align: left;">If the employee...</th> <th style="text-align: left;">then...</th> </tr> </thead> <tbody> <tr> <td>refuses to test or refuses to sign an authorization to release results to Risk Manager.</td> <td>the employee will be terminated as outlined in County Personnel policy.</td> </tr> <tr> <td>after first making an attempt, is unable to provide a urine sample within (3) three hours</td> <td>standard medical "shy bladder" procedures will be followed.</td> </tr> </tbody> </table> | If the employee... | then... | refuses to test or refuses to sign an authorization to release results to Risk Manager. | the employee will be terminated as outlined in County Personnel policy. | after first making an attempt, is unable to provide a urine sample within (3) three hours | standard medical "shy bladder" procedures will be followed. |
| If the employee... | then... | | | | | | |
| refuses to test or refuses to sign an authorization to release results to Risk Manager. | the employee will be terminated as outlined in County Personnel policy. | | | | | | |
| after first making an attempt, is unable to provide a urine sample within (3) three hours | standard medical "shy bladder" procedures will be followed. | | | | | | |
| 10 | fails the EBT screen and reports just using a product with a slight amount of alcohol, such as cough syrup, mouthwash, etc... <table border="1" style="margin-left: 20px;"> <tbody> <tr> <td>the screen will be repeated in approximately 30 minutes after the use of the product.</td> </tr> </tbody> </table> | the screen will be repeated in approximately 30 minutes after the use of the product. | | | | | |
| the screen will be repeated in approximately 30 minutes after the use of the product. | | | | | | | |
| 11 | is unable to perform EBT <table border="1" style="margin-left: 20px;"> <tbody> <tr> <td>standard medical procedures will be followed</td> </tr> </tbody> </table> | standard medical procedures will be followed | | | | | |
| standard medical procedures will be followed | | | | | | | |

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| | | |
|--------------|--|--|
| | supplies information regarding prescribed medication use | the collector will inform the employee that they will not record that information, but to keep a list of all medications being used in the event the employee is contacted by the MRO for confirmation testing purposes. |
| 12 | Upon delivery of the urine sample to the collector, the employee will receive a copy of the Chain of Custody the specimen will follow. | |
| 13 | A designated laboratory site will test the sample with results available in approximately 72 hours. | |
| 14 | If results are positive. . . The laboratory performs a confirmation test | |
| 15 | Results are sent to the MRO | |
| | if . . . | then . . . |
| | the results of the confirmation test are positive or the specimen has been adulterated or substituted | the MRO will contact the employee to check for an alternative medical explanation behind the presence of the specific substance or medical explanation for the test results. |
| | there is a valid medical reason behind presence of substance | the test is recorded as negative. |
| 16 | no valid medical explanation for presence of substance | the test is reported as verified positive |
| | The MRO will report confirmed positive findings to the County Risk Manager. | |
| 17 | The Risk Manager will notify the employee's director/supervisor of a confirmed positive result. | |
| 18 | The employee's director/supervisor will submit a PA and a PTO sell form to the HR Representative with the notation "Employee terminated due to a positive drug screen". The re-hire status will be marked "not eligible for re-hire". See re-hire procedure contained in this policy. | |
| Note: | Employees who have been terminated must receive their final paycheck within five (5) calendar days . | |
| 19 | An employee whose alcohol concentration is 0.02 or greater will be placed on suspension without pay and issued at minimum, a "Summary of Counseling". A Back to Work Agreement may be required. The PA, corrective action and signed Back to Work Agreement will be forwarded to Human Resources to be included in the personnel file. | |
| 20 | If applicable, results of a positive drug screen will be reported to the appropriate licensing board by County Risk Manager. | |

References:

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RAC Personnel Policy

Per # 1.7

Per # 1.8

Per # 4.3

Per # 4.6

Per # 4.7

Per # 13

Per # 14

Alcohol and Drugs: DOT Compliance Manual

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Appendix 1, Definitions

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| Accident | An occurrence associated with the operation of a vehicle or equipment when the accident results in personal injury, death, significant property damage or if one or more vehicles incurs disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. |
| Adulterated Specimen | A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine. |
| Alcohol | The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol. |
| Alcohol Concentration | The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. |
| Alcohol use | The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol. |
| Collection Site | A place designated by the employer for the purpose of collecting specimens to be analyzed for the presence of drugs or alcohol. |
| Confirmation/Confirmatory test | In drug screening, a second analytical procedure from the same specimen to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates amphetamines and phencyclidine.) |
| Confirmation/Confirmatory test (continued) | In alcohol testing, a second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration. An EBT is an approved device for testing alcohol concentration in the breath. |

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Failure to Test Failure to test includes any or all of the following: refusing to take the test, tampering with the specimen, inability to provide sufficient specimen without medical reason, providing a specimen with an out of range temperature, providing a specimen that was not freshly voided at the time of collection, providing an adulterated specimen, failing to report to designated collection site in time allotted, failure to report for screening after an accident, engaging in a behavior that obstructs the testing process, refusal to authorize release of screening results to Risk Management.

Medical Review Officer (MRO) A licensed physician (medical doctor or doctor of osteopathy) who is knowledgeable about and has clinical experience in controlled substances abuse disorders, including detailed knowledge of alternative medical explanations for laboratory confirmed drug screen results. An MRO is also knowledgeable about issues relating to adulterated and substituted specimens as well as the possible medical cause of specimens having an invalid result. Both qualification training and certifying examinations are provided by one of several nationally recognized MRO certification boards.

Random Pull Is a system of drug and/or alcohol screening imposed without individualized suspicion that a particular individual is using illegal drugs or alcohol, and may either be: (1) uniform-unannounced testing of designated employees occupying a specified area; element or position; or (2) A statistically random sampling of such employees based on a number of neutral criteria such as employee ID number.

Safety-Sensitive All employees identified as performing safety-sensitive functions are subject to random drug and alcohol screening. Safety-sensitive functions is defined as those with any of the following:

- operating a non-revenue service vehicle when required to be operated by a holder of a Commercial Drivers License (CDL);
 - organizational systems or functions that have a high likelihood of significant negative impact to RAC if the employee is impaired.
 - Such as but not limited to, sheriff department, detention facility employees, heavy equipment operators and drivers of passenger vehicles.
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Appendix II, Back to Work Agreement

| | |
|----------------|--------------|
| Employee Name: | Employee SS: |
| Home Phone: | Work Phone: |

As a condition of continued employment or re-employment with Rio Arriba County, I agree to the following:

1. I must have a negative drug and alcohol screen before I can return to the workplace.
2. Regular attendance a _____ per week for _____ weeks. ____ AA ____ NA
____ CA _____ other Out/In Patient Substance Abuse Program.
3. Commitment to continuous attendance at aftercare sessions.
4. I must complete a RACEAP approved treatment program.
5. Authorize release of information to include admission summary, psychiatric/chemical assessment, discharge date, aftercare plan, and multi-disciplinary progress and other pertinent information to the following persons (initial after each name)

| | |
|----------|----------|
| 1. _____ | 3. _____ |
| 2. _____ | 4. _____ |
6. I am required to submit to periodic unannounced random drug/alcohol screening for a minimum of six times in the first twelve months following execution of the "Back-to-Work Agreement." The 12 months time period or the number of screens required may be extended based upon the assessment of the counseling program and other factors, which may warrant such extension.
7. Drug/Alcohol screening to be done randomly.
8. I will follow the recommendations of the Substance Abuse Professional (SAP) program counselor.

Follow up screening recommendation: _____ screens per year for ____ year(s), then
_____ screens per year for _____ year(s).

I understand failure to follow the prescribed treatment plan or a positive drug/alcohol screen at any point in the future will be grounds for immediate dismissal.

| | |
|-----------------------------|-------|
| Employee: | Date: |
| Employee Health: | Date: |
| Risk Manager/Representative | Date |

Send completed forms to:

Employee
Employee, Department Director/Supervisor
HR Manager/Representative
Risk Files

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Appendix III, Diversion Program Evaluation

DIVERSION PROGRAM EVALUATION OF WORK PERFORMANCE

NM Board of Nursing Diversion Program
4305 Louisiana NE Suite A, Albuquerque, NM 87109
Telephone: 841-8345

Supervisor Report Form This form is due every two months.

| | |
|-------------------------------------|----------------|
| Licensee's Name | License Number |
| Licensee's Position and Shift Hour: | |
| Facility Name & Phone Number | |
| Supervisor's Name & Phone # | |

The DP Coordination must be notified of any DP Contract violations or workplace concerns immediately. Please contact DP Coordinator regarding violations in writing or by phone.

Evaluation Please provide information on the following:

| | |
|---|--|
| Work Habits (absenteeism, tardiness, unexplained absences, accidents, documentation of problems, appropriate dress, etc.) | |
| Quality of Work: | |
| Interpersonal Relationships (peer relationships & work skills) | |
| Specific Accomplishments: | |
| Specific Problems: | |
| Additional Remarks: | |
| Supervisor Signature and date: Phone: | |
| HR Manager/Representative Signature and Date | |