

Category: 300

Number: 325

Subject: **DRUG-FREE WORKPLACE**

1. **PURPOSE:** The County of Saginaw recognizes drug and alcohol abuse as potential health, safety and security problems. Employees dealing with such problems are encouraged to participate in the Saginaw County Employee Assistance Program. Saginaw County is committed to providing a drug free, healthful, safe and secure work environment for all its employees. Further, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is absolutely prohibited; and, violations of the policy will result in disciplinary action, up to and including termination, and may have legal consequences.
2. **AUTHORITY:** The Saginaw County Board of Commissioners.
3. **APPLICATION:** The rules and regulations herein set forth apply to all employees paid by Saginaw County, pursuant to Policy # 301.
4. **RESPONSIBILITY:** It shall be the responsibility of the Controller/CAO to implement and administer this policy.
5. **DEFINITIONS:** NONE
6. **POLICY:**
 - 6.1 **Alcohol/Controlled Substance Testing.** It is the policy of Saginaw County to provide pre-employment drug screening for persons applying for all positions with the County and alcohol/controlled substance testing for employees, based on probable cause that alcohol and/or controlled substances are affecting their behavior and/or performance.
 - 6.2 **Pre-employment Testing.** Signs announcing Saginaw County's policy of pre-employment drug testing shall be posted in all County facilities for view by all employment candidates and the public. Failure to submit a sample for testing shall disqualify a candidate from employment.
 - 6.2.1 Saginaw County will test for the presence of alcohol and controlled substances using methods available through independent laboratories. Collection of the sample and chain of custody requirements shall be performed under strict procedures and guidelines established for these purposes by County approved collection site personnel and the testing laboratory.

- 6.2.2 An initial analytical test shall be performed and all such tests shown positive shall be confirmed by a second test. Positive initial testing and positive confirmation shall disqualify a candidate from employment. A positive confirmation test for marijuana shall disqualify a candidate from employment for thirty (30) days. A disqualified candidate may re-apply after thirty (30) days. If that candidate receives a positive confirmation test for marijuana or any other controlled substance during a re-application process that candidate will be disqualified from employment with the County of Saginaw. In addition, a candidate for employment shall be required to submit to a retest if a dilute negative specimen is reported to the County by the Medical Review Officer (MRO). Refusal to submit to a test when directed due to the presence of a dilute negative specimen during the initial test will be processed in the same manner as refusing to take the initial test as addressed in Section 6.2. An offer of employment shall not be extended to any candidate prior to receipt of all drug test results by the County.
- 6.3 Probable Cause Testing. Testing for controlled substances and alcohol shall be administered to employees only when probable cause exists. Random testing is prohibited and requests for employee consent to be tested in the absence of probable cause are also prohibited.
- 6.3.1 "Probable Cause" or individualized "suspicion to believe" that an employee is under the effect of alcohol or controlled substances while at work or in the performance of his/her job shall be the means by which testing is initiated and justification of probable cause will be studied and approved by the Personnel Division prior to requesting consent to be tested or mandating an alcohol or controlled substance test.
- 6.3.2 In cases where the Personnel Division determines that probable cause or reasonable suspicion exists, the employee will be supplied an employee representative of his/her choice, unless the employee declines such offer, and asked to sign a Drug/Alcohol Test Consent Agreement. If the employee refuses to consent to the test, he/she will be instructed in writing to appear and submit a urine sample at a designated collection site for the purpose of testing for alcohol and/or controlled substances, no longer than three (3) hours from the time the test is mandated. The written directive to submit said sample shall contain a statement that failure to submit the sample at the required time and place will be considered insubordination and may result in discharge.
- 6.3.3 An employee subject to testing shall not be allowed to drive but shall be transported to and from the collection site and home, if required.
- 6.3.4 If requested, an employee shall be allowed an employee representative as an observer at the collection site.

- 6.3.5 Collection of the sample and chain of custody requirements for probable cause testing shall be held to the same strict guidelines established for pre-employment testing. A report from the MRO of a dilute negative specimen in a probable cause case shall be handled the same as in Section 6.2.2 above for candidates for employment. Refusal to submit to a test when a dilute negative specimen is produced in the initial test will be processed as in Section 6.3.2 above if testing is refused.
- 6.4 Confidentiality. When "probable cause" is established, all information pertaining to observation of the employee's behavior, the request or mandate for testing and the result of such test shall be strictly confidential and disclosure shall be based solely on "need to know" or as requested in writing by the employee involved.
- 6.5 Disposition. Employees required to be tested shall be suspended immediately from duty without pay. Negative testing shall result in the employee's immediate return to duty with pay for all lost time. Positive testing may result in the employee's referral to the Saginaw County Employee Assistance Program or disciplinary action, including discharge, dependent upon the circumstance of the case involved; in the case of discipline, including discharge, the employee shall be provided with:
 - 6.5.1 Oral, and where possible, written notice of the charges against him/her.
 - 6.5.2 An explanation of the evidence against him/her.
 - 6.5.3 A pre-termination hearing at which he/she may present his/her side of the case.
 - 6.5.4 A post-termination hearing provided for by the grievance procedure.
- 7. ADMINISTRATIVE PROCEDURES: None.
- 8. CONTROLLER/CAO LEGAL COUNSEL REVIEW: The Controller/CAO has determined that this policy as submitted to the Board of Commissioners contains the necessary substance in order to carry out the purpose of the policy. County Civil Counsel has determined that this policy as submitted contains content that appears to be legal activities of the Saginaw County Board of Commissioners.

Approved as to Substance:
Saginaw County Controller/CAO

Approved as to Legal Content:
Saginaw County Civil Counsel

ADOPTED: November 23, 1999

AMENDMENTS: April 23, 2002, October 16, 2007, December 14, 2021