Lancaster County
Non-DOT Anti-Drug Plan & Non-DOT Alcohol Misuse Plan

A. DRUGS

I. POLICY OVERVIEW — ANTI-DRUG PLAN SUMMARY

Lancaster County (hereinafter referred to as the County) has a vital interest in maintaining safe, healthful and efficient working conditions for all of its employees. Being under the influence of a drug or alcohol on the job poses serious safety and health risks, not only to the user, but to all those who work with or otherwise come into contact with the user. The possession, use, or sale of illegal drugs or alcohol on the job also poses unacceptable risks for safe, healthful, and efficient operations.

It is the County's right, obligation, and intent to maintain a safe, healthful, and efficient working environment for all of its employees and to protect County property, equipment, and operations from the risks associated with drug use in the workplace.

The Non-DOT Anti-Drug Plan Summary is designed to provide an overview of the County Policy and does not represent every aspect of the program. Specific policies and procedures for the Non-DOT Drug program will "mirror" the DOT FHWA Drug Program *excluding* the random drug testing or as noted herein.

This Anti-Drug Plan can be altered or modified with proper notice.

II. POLICY APPLICATION

The provisions of this Anti-Drug Plan apply to all employees of the County, regardless of status, except those employees subject to the Department of Transportation's FHWA drug program and commissioned Sheriff's Department employees covered by Merit Commission Rules.

III. DRUG AWARENESS PROGRAM

The County will inform employees of: (1) the dangers of drug use in the workplace; (2) the County's drug-free workplace Anti-Drug Plan; (3) the availability of treatment and counseling for employees seeking such assistance; and (4) the penalties the County will impose for violations of its Drug-Free Workplace Program.

IV. PROHIBITED CONDUCT

The County prohibits the following conduct:

(A) Using, being under the influence of, or possessing unauthorized controlled substances while performing County business or while in or about a County facility or worksite except for items held as property or evidence or as required by an official job description. This will subject the offending employee to disciplinary action up to and including termination of employment.

(B) Using or being under the influence of a legal drug (such as "over-the-counter" and prescription drugs) while performing County business, or while in or about a County facility or worksite, to the extent such use affects the safety of any employees or others. When in doubt about the effects of a certain drug, consult your physician or the County's Medical Review Officer regarding any adverse side effects.

(C) The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee while performing County business, or while in or about a County facility or worksite, except for items held as property or evidence or as required by an official job description.

(D) Tampering with a specimen provided for drug testing for the purpose of altering the results of the urine drug test.

(E) Refusal to take a drug test.

V. TESTING FOR CONTROLLED SUBSTANCES

A. Pre-Employment/Pre-Duty Testing

The County will require all applicants it intends to hire for any position in the Attention Center and Corrections Departments to be tested for the use of controlled substances as a pre-qualification condition. Applicants who test positive for the use of controlled substances, or who refuse to submit to such testing, will be disqualified from further hiring consideration. Testing is also required when an employee transfers to one of the above cited positions.

B. Reasonable Suspicion Testing

The County will require current employees to submit to testing for controlled substances based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee by at least one supervisor trained in detecting the signs and symptoms of prohibited drug use.

Employees who are requested to undergo reasonable suspicion testing will be transported to the collection site and home by a County representative. The employee will be required to submit to the drug test. Any attempt to invalidate or tamper with the test, or refuse the test will subject the employee to disciplinary action, up to and including termination.

Failure on the part of the supervisor(s) to accurately document the specified behavior for reasonable suspicion may be subject to disciplinary action up to and including termination.

A driver while conducting County business may be directed to submit to a drug test at the accident scene by a federal, state, or local law enforcement officer. Whenever a test is conducted by a law enforcement officer, the driver is required to contact the driver's supervisor or another County official immediately to report this and to provide the County with the name and telephone number of the law enforcement officer who conducted the test in lieu of taking a test at the County Collection site. Positive test results will be cause for disciplinary action up to and including termination.

An employee who is required to take a reasonable suspicion test will be considered by the County as unqualified to work and temporarily relieved from duty pending the results of his/her test(s). An employee may request vacation or personal holiday and at the expiration of vacation request leave without pay, for the time the employee is relieved from duty. An employee whose test results are negative will be reimbursed for the time. An employee whose test results are positive will not be reimbursed for the time. The employee is not eligible to use sick leave while he/she is relieved from duty, awaiting test results.

An employee who has a positive drug test, following disciplinary action, will request vacation, and at the expiration of vacation, request leave without pay until such time he/she is released to return to work. Should the employee be required to undergo inpatient substance abuse treatment, he/she will be allowed to utilize accrued sick leave until the completion of inpatient treatment. If the employee is injured, the injury will be evaluated in accordance with the State Worker's Compensation Law. Employees who are injured and have a positive drug test are not entitled to injury leave or other Worker's Compensation benefits.

C. Return to Duty Testing

An employee who has a positive drug test result will be required to take a return to duty drug test.

Before a return-to-duty test is performed, the employee must be evaluated by a Substance Abuse Professional (SAP) to determine whether the employee has followed the recommendations for action by the SAP, including participation in any rehabilitation program.

The employee must have a verified negative drug test result to return to their job. If a drug test result is cancelled, the County shall require the employee to submit to and pass another drug test. A positive test result will be cause for termination from the County.

D. Follow-up Testing

Once allowed to return-to-duty, the employee shall be subject to unannounced follow-up testing for at least 12 but not more than 60 months. The frequency and duration of the follow-up testing will be recommended by the SAP as long as a minimum of six tests are performed during the first 12 months after the employee has returned to duty. A positive test result will be cause for termination from the County.

E. Confidentiality

Each individual's record of testing and results under this policy will be private and confidential.

F. Supervisory Training/Employee Awareness

All supervisors are required to complete a training program for detecting signs and symptoms of drug and alcohol use on the job.

Employees will be asked to read a copy of the Drug Policy and sign a statement of acknowledgement.

VI. DRUG TESTING PROCEDURES

Drug testing will be performed utilizing split urine sample or blood collections. Samples will be tested for marijuana, cocaine, opiates, amphetamines and PCP. An employee may request at their own expense the split sample be retested after a positive test. The levels are as follows:

	Initial	Confirmation	Split Sample Retest
Marijuana	50 ng/ml	15 ng/ml	Any detectable presence
Cocaine	300 ng/ml	150 ng/ml	Any detectable presence
Opiates	300 ng/ml	300 ng/ml	Any detectable presence
PCP	25 ng/ml	25 ng/ml	Any detectable presence
Amphetamines	1000 ng/ml	500 ng/ml	Any detectable presence

The County reserves the right to test for the above drugs or amend the list of drugs with proper notice to employees or applicants.

A picture I.D. is required to be shown at the time of collection.

Established chain of custody procedures will be followed.

VII. PENALTIES FOR VIOLATIONS

Employees found to be in violation of any part or parts of Sections IV or V of this Anti-Drug Program will be removed from their position and may be subject to disciplinary action up to and including termination.

B. ALCOHOL

I. POLICY OVERVIEW

The Lancaster County (hereinafter referred to as the County) has a vital interest in maintaining safe, healthful and efficient working conditions for all of its employees. Being under the influence of alcohol on the job poses serious safety and health risks, not only to the user, but to all those who work with or otherwise come into contact with the user. The possession, use, or sale of alcohol on the job also poses unacceptable risks for safe, healthful, and efficient operations.

It is the County's right, obligation, and intent to maintain a safe, healthful, and efficient working environment for all of its employees and to protect County property, equipment, and operations from the risks associated with alcohol use in the work place.

This Alcohol Misuse Prevention Plan Summary is designed to provide an overview of the County policy and does not represent every aspect of the program. Specific policies and procedures for the Non-DOT Alcohol program will "mirror" the DOT FHWA Alcohol Testing Program *excluding* the random alcohol testing or as noted herein.

This Alcohol Misuse Prevention Plan can be altered or modified with proper notice.

II. POLICY APPLICATION

The provisions of this Alcohol Misuse Prevention Plan apply to all employees of the County regardless of status except those employees subject to the Department of Transportation's FHWA drug program and commissioned Sheriff's Department employees covered by Merit Commission Rules.

III. ALCOHOL AWARENESS PROGRAM

The County will inform employees of: (1) the dangers of alcohol use in the work place; (2) the County's Alcohol Misuse Prevention Plan; (3) the availability of treatment and counseling for employees seeking such assistance; and (4) the penalties the County will impose for violations of its Alcohol Misuse Prevention Plan.

IV. PROHIBITED CONDUCT

(A) No employee shall report for duty or remain on duty with the odor of alcoholic beverages about their person **and** while having an alcohol concentration of 0.02 or greater. (or)

(B) No employee shall use alcoholic beverages while performing their job. (or)

(C) No employee shall perform their job within four hours after using alcoholic beverages. (or)

(D) No employee shall refuse to submit to the following alcohol tests:

1) reasonable suspicion;
2) return to duty;
3) follow-up testing as recommended by a substance abuse professional.

(E) No employee shall perform their job with alcoholic beverages in his/her possession while being on duty, except for items held as property or evidence or as required by an official job description.

(F) Any attempt to invalidate or tamper with the alcohol test will subject the employee to disciplinary action, up to and including termination.

V. ALCOHOL TESTING PROCEDURES

Alcohol testing procedures will be performed using a split urine sample, breath alcohol or blood.

VI. TESTING FOR ALCOHOL

A. Reasonable Suspicion Testing

The County will require current employees to submit to testing for alcohol when it believes there is reasonable suspicion of a violation of this policy. Reasonable suspicion includes specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee.

Employees who are requested to undergo reasonable suspicion testing will be transported to the collection site and home by a County representative. The employee will be required to submit to the alcohol test. Any attempt to invalidate or tamper with the test, or refuse the test will subject the employee to disciplinary action, up to and including termination.

Failure on the part of the supervisor(s) to accurately document the specified behavior for reasonable suspicion may be subject to disciplinary action up to and including termination.

It is possible that a driver while conducting County business will be directed to submit to an alcohol test at the accident scene by a federal, state, or local law enforcement officer. Whenever a test is conducted by a law enforcement officer, the driver is required to contact the driver's supervisor or another County official immediately to report this and to provide the County with the name and telephone number of the law enforcement officer who conducted the test in lieu of taking a test at the collection site. Positive test results will be cause for disciplinary action up to and including termination.

An employee who, after providing an adequate specimen, has a confirmatory test that registers 0.02 or more but less than 0.04 will, at a minimum be relieved of duty without pay until his/her next regularly-scheduled duty period, but for no less than 24 hours, and may be subject to additional disciplinary action by the County, up to and including termination.

An employee who, after providing an adequate specimen, has a confirmatory test that registers 0.04 or greater will, at a minimum be relieved of duty without pay until his/her next regularly-scheduled duty period, but for no less than 24 hours, and may be subject to additional disciplinary action by the County up to and including termination. The County must refer the employee registering .04 or greater to an Substance Abuse Professional (SAP) for evaluation if the employee is expected to return to duty.

An employee who has a positive alcohol test, following disciplinary action, will request vacation, and at the expiration of vacation, request leave without pay until such time he/she is released to return to work. Should the employee be required to undergo inpatient substance abuse treatment, he/she will be allowed to utilize accrued sick leave until the completion of inpatient treatment. If the employee is injured, the injury will be evaluated in accordance with the State Worker's Compensation Law. Employees who are injured and have a positive alcohol test of .10, are not entitled to injury leave or other Worker's Compensation benefits.

B. Return To Duty Testing

An employee who has a positive alcohol test of .02 or greater will be required to take a return to duty alcohol test.

No employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform their job for the County, until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

Before a return-to-duty test is performed, the employee must be evaluated by a Substance Abuse Professional (SAP) if the test result was .04 or greater to determine whether the employee has followed the recommendations for action by the SAP, including participation in any rehabilitation program.

The employee must have a verified alcohol test result of less than 0.02 to return to the job. If an alcohol test is cancelled the County shall require the employee to submit to and pass another alcohol test. A positive test result will be cause for termination from the County.

C. Follow-up Testing

Once allowed to return-to-duty, the employee shall be subject to unannounced follow-up testing for at least 12 but not more than 60 months. The frequency and duration of the follow-up testing will be recommended by the SAP as long as a minimum of six tests are performed during the first 12 months after the employee has returned to duty. A positive test result will be cause for termination from the County.

D. Confidentiality

Each individual's record of testing and results under this policy will be private and confidential.

E. Supervisory Training/Employee Awareness

All supervisors are required to complete a training program for detecting signs and symptoms of drug and alcohol use on the job.

Employees will be asked to read a copy of the Alcohol Policy and sign a statement of acknowledgement.

VI. PENALTIES FOR VIOLATIONS

Any employee found to be in violation of any part or parts of Sections IV or V of this Alcohol Misuse Prevention Plan will be removed from their position and may be subject to disciplinary action up to and including termination.

APPENDIX V

City of Lincoln
Drug and Alcohol Program Resources
Effective July 2020

Title/Provider	Title/Phone
Program Administrator	Director of Human Resources – 402-441-7888
Program Manager	Human Resources Coordinator – 402-441-7880
Designated Employer Representative	Human Resources Specialist – 402-441-7531
Drug and Alcohol Employer Collection Services Company Care (Breath Alcohol/Drug Testing) 5000 North 26th Street Lincoln NE 68521 402-475-6656	Monday thru Friday excluding holidays 7:00 am to 5:00 pm
AFTER HOURS TESTING ONLY Heartland Toxicology (Breath Alcohol/Drug Testing) Contact (in this order) 1. Todd Haverkamp – Cell – 402-580-2791 2. Todd Haverkamp – Office – 402-465-0700 3. Kami Eiler – Cell – 402-890-6610 4. Kami Eiler – Office – 402-489-8786 5. Barb Skiles – Cell – 402-304-7343 6. Barb Skiles – Office 402-467-1301	
Drug and Alcohol Counseling Services and Substance Abuse Professional (SAP	Continuum 1135 M Street, Suite 400 Lincoln NE 68508 402-476-0186
Medical Review Officers	Western Pathology Consultants P.O. Box 1936 Scottsbluff, NE 69363 800-682-5176
Testing Laboratory	Medtox St. Paul, MN