

# **MACOMB COUNTY HUMAN RESOURCES POLICY**

## **DRUG & ALCOHOL TESTING**

Macomb County is committed to providing a safe and productive workplace free from the impacts of drugs and alcohol. This Policy applies to all employees. Certain employees, for example, drivers of some County vehicles or employees otherwise covered by Federal and State regulations, are subject to special rules regarding the use of drugs and alcohol and the County's obligation to test for such use. In the event any provision of this Policy is less strict than these special rules, the special rules shall govern for these employees. Employees who have a valid Medical Marijuana Program card are not exempt from this Policy.

Drug and alcohol testing will be administered on the following basis:

**Reasonable suspicion:** An employee shall submit to a drug and alcohol test if there is reasonable suspicion that the employee in question is under the influence, impaired, or otherwise affected by the use of an unauthorized prescription or non-prescription drug, illegal drug, controlled substance, and/or alcohol.

**Post-accident:** An employee involved in an on-the-job accident/injury requiring a clinic or emergency room visit, will be subject to drug and alcohol testing immediately following the accident/injury. In cases where the employee is taken to the Emergency Room, the employee must follow-up with the County's clinic as soon as the employee is able.

When an employee is directed to submit to a drug and alcohol test, the County will notify the employee of the results as soon as possible after receiving the results from the clinic and/or laboratory. The County shall treat the refusal to submit to the drug and alcohol test or comply with a Medical Review Officer (MRO) as a positive drug test.

**Positive drug test:** A drug and/or alcohol test that indicates the employee had a positive marker for one of the drugs screened and/or a blood alcohol level of .04 or greater.

**Medical Review Officer:** A positive test result will be reviewed by a Medical Review Officer (MRO) before being reported to Human Resources and Labor Relations. Because a positive test result may be the result of a lawfully prescribed medication or ingestion of lawful substances, the employee will be provided an opportunity to discuss and provide evidence of prescription to the MRO. The employee shall comply with all requirements of the MRO.

Upon reasonable suspicion, Macomb County reserves the right to conduct searches as outlined below:

County property: A search of a County employee's workplace is authorized by law where (1) it serves a non-investigatory purpose, or (2) it is carried out as a component of an investigation of work-related misconduct, it is not unreasonably intrusive and its scope is reasonable considering its objective. Macomb County reserves the right to search County property and/or personal effects placed in County property if there is a reasonable individualized suspicion that illegal drugs, controlled substances, alcohol, and/or unauthorized prescription drugs will be found in the property searched.

If the employee whose property is to be searched is in the facility, he/she shall be present during such search unless impossible or impractical under circumstances. If the employee is represented by a collective bargaining agreement, a union steward may be present, upon the request of the employee.

An employee who voluntarily discloses a problem with controlled substances or alcohol cannot be disciplined for such disclosure alone, if and only if, the problem is disclosed before the occurrence of an event that gives rise to reasonable suspicion that the employee violated this Policy.

After receiving an employee's voluntary disclosure, Macomb County shall permit the employee an immediate leave of absence to obtain medical treatment or to participate in a rehabilitation program.

After receiving an employee's voluntary disclosure, the employee will be removed from the duties of the position until the employee submits to and passes a follow-up drug and alcohol test.

The County may also require the employee to submit to further follow-up testing as a condition of continuing employment or returning to work.

Disciplinary action for violations of this Policy shall be as follows:

1. Immediate termination for any employee in a position subject to Department of Transportation guidelines.
2. For all other employees:

First offense will result in a ten (10) work day disciplinary suspension coupled with referral to the Employee Assistance Program, and future random drug/alcohol testing. Such discipline shall be imposed under "last chance" guidelines.

Second offense will result in termination of employment and shall not subject to the disciplinary action appeal process.

It is the intent of this Policy to ensure that employees suffering from alcohol or drug dependency will not have their job security and promotional opportunities jeopardized solely by a request for help. Satisfactory job performance is still mandatory, and an employee has the primary responsibility for seeking help and for maintaining a treatment program as necessary. An employee seeking treatment, either from a physician or through an Employee Assistance Program, will not avoid disciplinary action if he or she does not meet satisfactory job performance standards or other conditions of employment.

  
Office of County Executive

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