

provide a safe and tobacco free work environment for all employees and visitors. The use of tobacco and nicotine products, including but not limited to cigarettes, e-cigarettes, pipes, smokeless and chewing tobacco, etc., is prohibited throughout the workplace including all County buildings, vehicles, and equipment.

- i. **Buildings and Facilities.** There will be no smoking within a County building or common work areas, or within 25 feet of the perimeter of any County building.
- ii. **Vehicles and Equipment.** There will be no smoking or tobacco use in any County vehicle or while operating County equipment.

Violations of this policy will be cause for disciplinary action up to and including termination.

11-3 SUBSTANCE ABUSE AND DRUG TESTING

It is the policy of Teton County to maintain a workplace that is free from the effects of drug and alcohol abuse. To maintain this standard, Teton County will comply with the W.S. § 27-14-201 Workers' Compensation Drug and Alcohol testing program protocols. This policy will apply to all County employees, including workers compensation covered volunteers.

- a. **Purpose:** The purpose of this policy is to:
 - i. Establish and maintain a healthy, safe, and productive work environment.
 - ii. Prevent personal injury, property damage, absenteeism, tardiness, unsatisfactory work performance, and criminal activity, which are the results of the use of controlled substances or alcohol to the degree that the employee is impaired at work.
 - iii. Comply with all state and federal laws, rules, regulations as they pertain to Teton County and its designation of employee and volunteer positions.
 - iv. Provide rehabilitation assistance for any employee who seeks the County's help in overcoming controlled substance or alcohol use, dependency or addition.
- b. **Prohibited Conduct:**
 - i. County Premises. Teton County prohibits the use, sale, dispensing, manufacture, distribution or possession of alcohol or drugs on any Teton County premises, worksites or while conducting County business, unless otherwise allowed under the Teton County Rules and Regulations.
 - ii. Operation of Vehicles & Equipment. At no time will an employee operate a County owned vehicle, a personal vehicle being used for County business or parked on County property, or County equipment if the employee is or is reasonably suspected of being impaired by drugs and/or alcohol.
 - iii. Reporting to Work. All employees are expected to report to work in a fit mental and physical

condition to perform their assigned duties. No employee may report for work, or remain on duty if there is reasonable suspicion that the employee is under the influence of drugs and/or alcohol.

- iv. Prescribed Drugs. Drugs are defined as illegal drugs or legal controlled substances not prescribed to the employee or not used as prescribed. When drugs are prescribed by a health care professional, the employee will inquire of the prescribing professional whether the drug prescribed has any side effects which may impair the employee's ability to safely perform the employee's job duties. If the answer from the health care professional is yes, the employee will obtain a statement from the health care professional indicating any work restrictions and the duration. The employee will present that statement to their supervisor prior to going on duty. The supervisor need not be told what the drug is, only how it may affect the employee's work performance.
 - v. Apparent Drug/Alcohol Influence. No employee will report to work or be at work with alcohol or any detectable amount of prohibited drugs in the employee's system. A detectable amount refers to the standards generally used in workplace drug and alcohol testing or a positive alcohol or drug screen. If an employee appears to be affected by or under the apparent influence of drugs/alcohol while on duty or in the workplace, the employee may be required to submit to drug/alcohol testing.
 - vi. Off Duty Abuse. The County prohibits the off-premises abuse of alcohol or illegal use of drugs, when those activities adversely affect job performance or job safety. Departments or Offices may require employees to report convictions or pleas of guilty or no contest to illegal use of drugs or alcohol off duty to the County.
- c. **Categories of Substance Testing:** All drug and alcohol testing protocols shall comply with the Wyoming Workers' Compensation Rules, Chapter 10, Section 2. Human Resources shall be responsible for managing the substance testing program. The applicable County Department/Office will pay the costs of specimen collection and testing for alcohol and drugs. The testing program applies to all Regular, Limited Term, and Temporary positions except as described below.
- i. Reasonable Suspicion/Impairment Testing: Any employee may be asked to submit to tests for alcohol and/or drugs when the employee is reasonably suspected of being impaired in the performance of their job. Reasonable suspicion testing may result from one of the following examples, but is not limited to the following:
 - A. Specific personal and articulable observations concerning the appearance, behavior, speech or performance of the employee; or
 - B. Violation of a safety rule, or other unsafe work incident which, after further investigation of the employee's behavior, leads the supervisor(s)/manager(s) to believe the employee's functioning is impaired;
 - C. Admission of use of alcohol and/or drugs;
 - D. Observation or reports of observation of the employee using alcohol or drugs; or
 - E. Other physical, circumstantial, or contemporaneous indicators of impairment.

When a supervisor/manager has reasonable suspicion to request testing, the supervisor/manager will contact the Human Resources Director and follow the steps outlined in the Reasonable Suspicion Checklist. The employee will be placed on paid administrative leave pending the receipt of drug testing results by Teton County.

- ii. Post-Accident Alcohol and Drug Testing - All Employees and Volunteers: All employees and volunteers who operate a vehicle or motorized equipment for the purpose of conducting County business will be tested for alcohol and drugs under when one or more of the following occur:
 - A. The employee/volunteer is involved in an accident resulting in major physical injury (immediately receives medical treatment away from the scene of the accident) or loss of human life;
 - B. The employee/volunteer is involved in an accident resulting in a citation;
 - C. The employee/volunteer is involved in an accident more than once in a 90-day period; or
 - D. There is reasonable suspicion that the employee is under the influence of alcohol or drugs.

Following a vehicle accident, the supervisor or designee will inform the employee involved in an accident of the requirement for alcohol and drug testing as outlined in this Manual.

Any employee or volunteer subject to post-accident testing who leaves the scene of an accident or fails to remain readily available for testing may be deemed to have refused to submit to testing and is subject to discipline.

- iii. Return to Duty/Follow-up Testing. If Teton County elects to allow an employee to return to work following a positive test result, it is mandatory that the employee must first pass a drug test and subsequently submit to a program of unannounced testing for a period of not more than twelve (12) months from the date of return to duty.
 - iv. Law Enforcement Drug Testing Policy. The Sheriff's Office has a separate drug use and drug testing policy which has been communicated to those affected by the policy.
- c. **Refusal to Test.** Refusal to submit to drug/alcohol testing, or adulterating, tampering or otherwise hindering the testing process or results, shall constitute an admission of guilt and will be cause for disciplinary action up to and including termination of employment.
- e. **Testing Procedure.**
- i. Pursuant to 49 CFR Part 40, testing will include the following substances or their metabolites:
 - Amphetamines (including methamphetamines)
 - Marijuana (cannabinoids)
 - Cocaine (benzodiazepines)
 - Opiates (codeine, morphine, heroin)
 - Phencyclidine (PCP)
 - Alcohol and/or

- Any other 'controlled substance' as defined by the Wyoming Controlled Substances Act of 1971, W.S. §35-7-1001 et seq., as amended.
- ii. Safeguards and Confidentiality:
 - A. A test for drug or alcohol use will be conducted by a trained and certified technician from a county contracted independent laboratory using an accepted and recognized testing method. The drug screen analysis is accomplished through urinalysis testing. Alcohol testing may be through breath testing. A Medical Review Officer (MRO) must review and verify all positive drug tests.
 - B. Test results under this Policy shall be handled to reasonably ensure privacy, minimize intrusion, establish proper chain of custody, and maintain confidentiality. All test results provided to Teton County Human Resources shall be treated with confidentiality and will generally be released only to the employee's Elected Official, Department Director, supervisor, the County Commissioners' Administrator, and the Teton County Attorney's Office.
- f. Review of Results:**
- i. The accepted laboratory standards will be utilized in determining when an employee tests positive for substance abuse. The employee is prohibited from performing any duties while the testing is being performed.
 - ii. Positive: A positive result for controlled substances of alcohol shall be considered a per se, (in and of itself), violation of this policy. An employee who does not pass a drug test may request that the original sample be analyzed again at the individual's expense by a government certified laboratory.
 - iii. An employee who receives a positive test result may contest or explain the result within five (5) calendar days of notification of a confirmed positive test result. All requests for an independent analysis must be made in writing to the testing facility and Human Resources Director within the five (5) calendar day period.
 - iv. The MRO will contact the employee personally, in the case of a positive result. The MRO has the responsibility of reporting to Teton County whether the test results are positive or negative.
- g. Negative Results.** If the results of the initial test are negative, the testing laboratory will report the results to the MRO retained by the testing facility. The MRO or the testing laboratory reports the negative results to Teton County Human Resources Director. In this instance, no additional tests on the specimen will be done.
- h. Violations.** If Teton County determines that an employee's behavior is in violation of this policy, disciplinary action will be taken, up to and including termination of employment. Please contact the Human Resources Director if you have any questions.
- The following are violations of this policy:
- i. Testing Positive. A positive drug test for alcohol or drugs constitutes a violation of Teton County's

drug and alcohol policy and may lead to termination of employment.

- ii. Refusal to comply with testing.
- iii. Interference with testing. Employees and volunteers who adulterate, tamper or otherwise interfere with accurate testing are in violation of this policy.
- i. **Assistance.** Teton County provides a resource file of programs and organizations designed to assist employees seeking assistance for drug or alcohol addiction, abuse or concerns.
 - i. In the case of a positive and confirmed test for controlled substances or alcohol addition, Teton County may require an evaluation by a Substance Abuse Professional (SAP) and that the employee successfully complete all recommendations of the evaluation at the employee's expense as a condition of continued employment. Failure to comply with the requirements of an approved SAP evaluation shall result in disciplinary action, up to and including termination of employment.
 - ii. No employee will be disciplined or discriminated against in any way because he or she has undertaken a rehabilitation plan. However, participation in counseling or rehabilitation shall not exempt an employee from compliance with the provisions of this policy and all other terms and conditions of his or her employment.
 - iii. Upon completion of all recommendations of the SAP evaluation, the employee may be required to agree to random drug/alcohol testing for a specified time period or to comply with other requirements intended to assure that the employee has not relapsed.
 - iv. An employee who enters an inpatient rehabilitation program shall not be permitted to return to work until the director or other authorized representative of the program provides certification to the Human Resources Department that the employee is capable of performing his or her job in a safe and satisfactory manner without limitation.
 - v. If the employee again tests positive for alcohol or substance abuse following return to the workplace, he/she shall be immediately discharged.
- j. **Voluntary Rehabilitation:** Any Teton County employee who considers him/herself to have a problem with substance abuse either in or out of the workplace may approach his/her Elected Official or Department Director/Division Manager, or Human Resources, and request voluntary entrance into a rehabilitation program. Voluntary participation does not preclude discipline or termination if the employee is subsequently found to be in violation of the Substance Abuse Policy.
- k. **Criminal Conviction.** An employee who is convicted or who pleads guilty or no contest to a Drug or Alcohol related offense, shall notify the Elected Official or Department Director/Division Manager within five (5) calendar days, whether such offense took place in or out of the workplace. Such convictions may result in disciplinary action or termination of employment. The Human Resource Director should be notified immediately by the Elected Official or Department Director/Manager.

- l. **Employees Driving County Vehicles.** Those employees chosen for employment (or employed) in County positions for which driving a County vehicle or County equipment is required, may be subject to drug and alcohol testing under: Reasonable Suspicion, Random, and Post-Accident testing. Those positions requiring a Class A Commercial Drivers' License (CDL) are subject to provisions of the regulations of the United States Department of Transportation. Compliance with the minimum requirements of the U.S. Department of Transportation and its minimum consequences does not guarantee an employee will be returned to work following a violation of Teton County Policy. Employees driving county vehicles are required to maintain an acceptable driving record and a valid driver's license. Employees' driving records are reviewed bi-annually. Any county driver whose status is in violation of the Teton County driving record criteria guidelines, and/or whose driver's license becomes suspended or revoked, may not drive any vehicle on County business, and may be subject to duty reassignments, discipline or termination.

- m. **Supervisor Reporting Guidelines.** Any supervisor who believes he or she has reasonable suspicion that an employee is impaired or under the influence of a controlled substance or alcohol, shall immediately consult with the Human Resources Department and shall determine whether the employee shall be examined by a physician; or tested for a controlled substance and/or alcohol. Employees believed to be under the influence of controlled substances, or alcohol will be required to leave the premises as soon as safe transit can be arranged.

11-4 ACCIDENTS AND INJURIES

- a. **County Vehicle Accidents**

If an employee is involved in an accident while acting within the scope of his or her duties as a Teton County employee and/or while driving a Teton County vehicle, the employee shall follow the instructions in the Safety Manual.

- i. Employees are required to submit to a post-accident drug test and will be directed to report to the collection site so that a drug test may be performed. The employee involved may not consume alcohol for eight (8) hours after the accident, or until he/she has taken an alcohol test, whichever comes first. The employee must remain readily available for such testing and may not take any action to interfere with the testing or the results of testing.

 - ii. **Definition of an Accident.** An unplanned, undesired event, not necessarily resulting in injury, but damaging property and/or interrupting the activity in process, to the point where it is judged to be more than a minor incident.
- b. In all cases where there is injury or death, or significant property damage, a post-accident test shall be done.
 - i. Report the accident as soon as possible to your Supervisor, Elected Official, or Department Director.

 - ii. Observe and record all information in a written accident report to the Human Resources Department, attaching a copy of the police report. If the damage is estimated to be \$1,000 or more, or in case of death or bodily injury, a Wyoming Traffic Accident Report SR21 must be submitted to the Wyoming Department of Transportation and the County's liability insurance carrier within ten (10) days of the incident.