

ORC: \_\_\_\_\_  
OAC: \_\_\_\_\_  
CFSR: \_\_\_\_\_  
Board: \_\_\_\_\_  
Other: \_\_\_\_\_

Next Review Date: 10/23

Last Reviewed: 10/20

Review Responsibility: Board and Administrative Policies Committee

Other Handbooks: Employee 6C

## **FCCS PROCEDURE**

**NO.: 30**

**SUBJECT: DRUG FREE WORKPLACE**

**Approved by: Executive Council**

**Effective Date: October 1, 1998**

**Date(s) of Revision: Jan 1, 2001; Mar 13, 2009; Nov 22, 2016; Jan 29, 2019; Oct 7, 2020**

**Responsible for Implementation: All Staff**

### **Drug Free Workplace**

#### **Administrative Policy**

All employees of Franklin County Children Services are required to report to work in a condition that allows them to perform their duties safely, effectively, and in an efficient manner. The possession, use, distribution, dispensing or being under the influence of alcohol by any employee while on duty, on or off the premises, or on a break from which the employee will return to work is absolutely prohibited. The illegal possession, use, distribution, dispensing or being under the influence of any controlled substance by any employee on duty is absolutely prohibited. Marijuana remains a schedule I controlled substance, regardless of being authorized for medical use under Ohio law. While permissible under state law, medical use of marijuana has not been approved by the U.S. Food and Drug Administration (FDA) for clinical use. As such, the use of marijuana, in any form for any purpose, authorized for medical purposes or unauthorized, is prohibited.

All employees must notify Human Resources of any arrest or conviction for violation of any alcohol or drug statute within five (5) days after such arrest or conviction. Any employee who receives a felony conviction for illegal possession, distribution, trafficking,

or dispensing of controlled substances will be dismissed. Any employee who needs to take prescription or over-the-counter medications that have been or may be capable of impairing the senses, coordination, or judgment must notify Human Resources prior to starting work.

The illegal use of controlled substances, on or off the job, creates the potential of impairing the employee's job performance physically and/or mentally. Such impairment increases risks for the employee, co-workers, clients, and the public, with accompanying liability for the agency. Therefore, adherence to this policy is a condition of employment. Any employee who violates the provisions of this policy shall be subject to disciplinary action up to and including termination of employment. The severity of disciplinary action will depend on the circumstances surrounding each case and will be carried out in accordance with the agency's disciplinary policies and the collective bargaining agreement when bargaining unit employees are involved.

Children Services strongly encourages any employee who is experiencing a substance abuse problem to voluntarily seek assistance before job performance is affected or a work-related problem occurs. In such a case, the employee's proactive decision to voluntarily seek help will not jeopardize his/her employment. However, when serious performance problems, accidents or policy/judgment lapses occur, the involvement of the employee in a treatment program will not serve to automatically protect him/her from serious discipline, including termination. The employee may utilize the agency's Employee Assistance Program (EAP), which provides services on a confidential basis, in conjunction with the employee's health insurance plan.

### **Procedure**

- 1) If a supervisor suspects through his/her own observation or as a result of a complaint that an employee may have a substance abuse problem, based on certain observable behaviors and characteristics such as significant absenteeism or tardiness, receiving a citation indicating fault for an automobile accident while on duty, receiving an injury while on duty that requires medical attention, causing injury to someone else that requires medical attention while on duty, causing major damage to any property while on duty, spasmodic work patterns, slurred speech, aggressive behavior, inappropriate or unreasonable responses,

unsteady gait, smelling of alcohol or marijuana, or other unusual conduct that suggests such a problem, management will meet with the employee in private to discuss and document the behavior. Human Resources can assist supervisors by having a representative help plan and/or attend this meeting. A bargaining unit employee has the right to union representation if he/she wishes. However, this initial meeting shall not be unreasonably delayed or prolonged.

- 2) If the supervisor receives a complaint that an employee may be presently under the influence of drugs or alcohol based upon certain observable behaviors and characteristics described above, and the supervisor confirms there is evidence to support the complaint; or if the supervisor personally observes that an employee may be presently under the influence of drugs or alcohol, the supervisor will immediately notify Human Resources to facilitate drug testing. In the case of bargaining employees, Human Resources will notify the union.
- 3) For bargaining unit employees, one management person and one union representative shall together escort the employee to a certified drug testing laboratory. In the case of a non-bargaining unit employee, two management staff shall accompany the employee to the laboratory. Under no circumstances shall the employee be allowed to drive to the lab.
- 4) A written consent and release of information must be obtained from the employee before testing for substances. The employee should note any prescribed medications that he/she is taking.
- 5) Refusal by the employee to submit to testing or to complete a consent form under this procedure will be considered insubordination and will result in disciplinary action, which may include termination of employment.
- 6) Adulterating or diluting a specimen or substituting a specimen for that of another person, will result in disciplinary action, which may include termination of employment.
- 7) Substance tests will be those generally accepted methods such as breathalyzer or blood or urine testing.
- 8) All positive initial tests shall be confirmed with a second more conclusive test by the testing facility from a sample taken at the same time. Any positive test not confirmed will be considered negative. Should the employee request it, and at the employee's expense, a portion of the test specimen will be sent to a second certified testing facility. If the confirmation test is positive at one facility and

negative at the other, the results will be considered negative. All results should be kept confidential, with information limited to those persons who need to know.

- 9) If the results of the test are positive, the employee may be terminated.
- 10) There may be certain circumstances where the agency would consider continuing the employee's employment. For example, the circumstances of the case, the employee's past performance, previous disciplinary actions and overall work record, may be considered in determining an appropriate level of discipline, provided the employee agrees to the following conditions:
  - a) The employee must immediately enter the agency's Employee Assistance Program for assessment and successfully complete recommended treatment.
  - b) The employee must agree to submit to scheduled and unscheduled drug screens for the remainder of his/her employment with Franklin County Children Services. Any positive drug screens will result in discipline, up to, and including termination.
  - c) The employee and the union, where applicable, must sign an agreement that details the expectations for the employee and the conditions for returning to work and continuing employment.
  - d) This consideration will be offered only one time. Subsequent substance abuse or other violation of the signed agreement will be the basis for termination of employment.