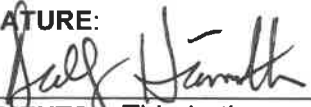


Chief Administrative Office	Date of Issue October 6, 1997 Revised March 19, 2024 Revised April 19, 2024	Expiration Date N/A	No. 7
POLICY MEMORANDUM			
TO: ALL Divisions and Departments		Subject:	
SIGNATURE: 		REVISED ALCOHOL AND DRUG FREE WORKPLACE POLICY	
COMMENTS: This is the revised alcohol and drug free workplace policy which is distributed during employee orientation. The revised policy is effective as of 04/19/2024.			

I. **POLICY STATEMENT**

The Lexington-Fayette Urban County Government (LFUCG) is committed to providing a healthy and safe environment for its employees. The influence of alcohol, use of illegal drugs, and misuse of legal drugs creates an impairment that subjects fellow employees, property, and the public to an increased risk of injury and/or damages that would not exist in an alcohol and drug free workplace. To create and maintain an alcohol and drug free environment this policy will be strictly followed. **The Director of Human Resources shall be responsible for the establishment and the administration of the operational procedures necessary to implement this policy.** LFUCG reserves the right, where administrative procedures fail, to pursue all remedies deemed appropriate.

Under LFUCG ordinances, policies, and procedures, employees who violate these standards of conduct are subject to disciplinary action which ranges from suspension without pay to termination of employment. Results may also be reported to law enforcement if LFUCG suspects that a crime has been committed. For the purposes of detecting alcohol and illegal drug use/abuse, a drug and/or alcohol test will be requested. All tests shall be done in accordance with applicable law consistent with the employee's constitutional rights. Refusal to submit to a drug test and/or alcohol test shall be grounds for immediate dismissal.

II. **JURISDICTION**

LFUCG shall retain jurisdiction over all LFUCG employees. Policies established by LFUCG shall comply with applicable law consistent with the employee's constitutional rights of privacy and due process of law. Where this policy and applicable collective bargaining agreements are in conflict, the collective bargaining agreement(s) shall prevail. Statutes shall prevail over matters in this policy unless the statutes allow the adoption of stricter standards.

All LFUCG places of employment including property and buildings are covered under this policy. LFUCG reserves the right to search government property at any time and to search employees' personal property as allowed by law. Notwithstanding the foregoing, any employee while at any function under the auspices of LFUCG official business, regardless of time and/or locality, are subject to this policy.

III. **CONDITIONS OF EMPLOYMENT**

Adherence to and compliance with this policy, including but not limited to, the rules, regulations, policies, and procedures is a condition of employment with LFUCG. Execution of the Alcohol and Drug Free Workplace Policy acknowledgement form is a required condition of employment with LFUCG.

IV. **DEFINITIONS** (All definitions are for the purpose of this policy)

- A. **Accident** - Any unintentional occurrence of events which leads to property damage, physical injury, or death.
- B. **Actual Physical Control** - Term referring to driver's or operator's physical position and capabilities which permit someone to control, manipulate, readily set into motion, operate or utilize vehicles, machinery or equipment.
- C. **Alcohol** - Any ingested substance containing alcohol that can produce a mind or body function alteration.
- D. **Blood Alcohol Content (BAC)** - A scientific metric measurement of alcohol from a specific measured sample of breath expressed in percentage.
- E. **Blood Alcohol Test (BAT)** - A medically acceptable procedure or scientifically approved instrumentation test to determine the content of alcohol in the blood.
- F. **Chain of Custody** - The ability to identify each person or facility who has control of a sample at any given time from the time the sample is taken until a final disposition occurs.
- G. **Commercial Drivers/Commercial Driver's License (CDL)** - Without exception, any person employed by the LFUCG required by federal or state law to acquire, possess and maintain a CDL.
- H. **DOT** – U.S. Department of Transportation.
- I. **Drug** - Any chemical substance that alters a mind or body function when entering the body.
1. **Illegal Drugs**
 - a) Any chemical substance which, by federal or state law, cannot be obtained legally, unless prescribed by a duly licensed physician or health care worker authorized to dispense them.
 - b) Any drug which has been legally obtained by prescription, but which is used or distributed by one whose name does not appear on the prescription container or not used in the prescribed manner by the person whose name appears on the prescription container.
 - c) Any combination of alcohol and legal or illegal drugs will be classified as illegal when the used intent is for misuse or abuse.
 2. **Legal Drugs**
 - a) **Prescribed drugs, controlled substance or chemical**

Any drug or chemical prescribed by a physician or health care worker licensed and authorized to dispense drugs, that is not

classified as illegal per this policy. These drugs are considered legal drugs so long as:

- (1) The prescribed drugs on/in LFUCG property are in the original container with the employee's name, the doctor's name, and prescription identification on the label.
- (2) The prescription drugs are taken only as prescribed, in dosage and frequency, and taken only by the person whose name appears on the prescription container.

b) **Over-the-counter drugs, chemicals, or substances**

Drugs, chemicals, or substances that are commercially available without a prescription and can be legally obtained, not altered, and used for the intended purpose, and in amounts medically recommended in expressed written instructions of the manufacturer shall be considered legal drugs; and, if on LFUCG property, which must be in their original container.

- J. **Drug Paraphernalia** - Any item used for administering, packaging, or transporting illegal drugs.
- K. **Drug Test** – A test, scientifically designed and medically approved, that determines the presence of drugs in the body.
- L. **Evidential Breath-Testing Device (EBT)** - A specifically designed device, approved by the National Highway Traffic Safety Administration (NHTSA), used by a certified breath-alcohol technician, following specific breath-testing procedures, in the collection and analysis of breath samples to determine the BAC level.
- M. **Employee** - One working for another for wages or salary, who is directed and controlled during working hours by the employer. An independent contractor is not an employee.
- N. **Impaired** - Physical or mental behavior that has been altered by the introduction of alcohol into the body. An employee is "impaired" if any amount of alcohol is present in the blood, breath, or urine which results in a BAC of 0.02% or above and under 0.04%. An employee whose BAC is 0.04% or above is considered "under the influence".
- O. **Integrity Check** - A fail safe mechanism, built into the urinalysis/urine drug screen, which measures the level of certain elements normally found in the body that become abnormal when a urine sample to be tested is diluted or altered.
- P. **Medical Staff** - Authorized personnel qualified by license or certification to perform medical procedures.
- Q. **Medical Review Officer (MRO)** - A licensed doctor or doctor of osteopathy specifically authorized to receive results generated by the authorized and approved LFUCG drug and alcohol testing program laboratory.

- R. **Other LFUCG Personnel** - Any individual who occupies a civil service, non-civil service, temporary, part-time, or seasonal position in the LFUCG.
- S. **Positive Drug Screen** - The results of an approved medical or scientific test, properly reviewed and approved by a MRO, that reveal the presence of an illegal substance in the human body.
- T. **Reasonable Suspicion** – Whether a reasonable, prudent individual believes, based upon their observation of objective factors such as the individual’s appearance, speech, behavior, or other conduct and facts, that someone is under the influence of drugs or alcohol; or that based on observation or information that drugs and/or alcohol is being used or stored on LFUCG property.
- U. **Safety Sensitive Function** - Any activities that when performed by an employee, would present or impose a possible or real inherent danger to the person, others, or property.
- V. **Substance Abuse Professional (SAP)** – A person who evaluates employees who have violated a DOT drug and alcohol program regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.
- W. **Substance** - As used in this context, a substance is any chemical compound that will adversely alter the mind or body function when entering the body.
- X. **Sworn Personnel** - Any individual who occupies a "sworn" position in the Divisions of Police, Fire & Emergency Services, or Community Corrections.
- Y. **Testing facilities** - Any physical area designed to accurately administer scientific and medically approved tests.
- Z. **Under the Influence** - Physical or mental behavior that has been adversely altered or impaired by the introduction of drugs or alcohol into the body. In the case of alcohol, an employee whose BAC is 0.04% or above is considered “under the influence.” An employee whose BAC is 0.02% or above and under 0.04% is considered “impaired.”
- AA. **Urinalysis/Urine Drug Screen** - Urine samples are screened for specified drugs and/or their metabolites utilizing enzyme immunoassay (EIA) using defined cutoffs.
1. A urine sample found to be positive by the EIA methodology is then confirmed by gas chromatography mass spectroscopy (GCMS).
 2. All urine drug screens and confirmations are to be conducted by a laboratory recognized and approved by the Substance Abuse and Mental Health Services Administration (hereafter referred to as SAMHSA).

V. PROHIBITED BEHAVIOR

The following behavior and activities are prohibited under this policy:

- A. Use, possession, distribution, or sale of alcohol, illegal drugs or drug paraphernalia or the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances on government property or within government vehicles.
- B. Being impaired anytime during the workday, including rest periods and lunch breaks, as a result of using, on the job or off the job, alcohol, illegal drugs, misusing a legally prescribed drug, over-the-counter medication, or any chemical substance.
- C. Being impaired at any time while in official "on-call" status, where an employee has been designated to respond under certain conditions or have been issued a mobile/cell phone, beeper or radio to which they must respond if called.
- D. Those "on-call" employees who are called back and impaired are prohibited from responding or reporting to their work site or job, shall not accept or respond to any assignment or recall, and shall immediately report their impairment to their supervisor and/or Division Director via telephone.
- E. Being impaired at any time in a government owned vehicle as a result of using alcohol, legal or illegal drugs, over-the-counter medication, or any chemical substance.
- F. A BAC of 0.02% or above, or while impaired at any level by any drug.
- G. Ingesting any alcoholic substance within eight (8) hours after a Critical Incident.
- H. Use of any drugs within eight (8) hours after a Critical Incident without medical authorization or outside of medical treatment.
- I. Storing in a locker, desk, vehicles, or other places on government premises any illegal drug, drug paraphernalia, or alcohol.
- J. Refusing to provide a hair, blood, urine, saliva, or breath sample for testing.
- K. Switching or altering or attempting to switch or alter any submitted specimen for testing.
- L. Testing positive for drugs and/or alcohol.
- M. Refusing to complete a medical questionnaire or consent form, a laboratory chain of custody form, or knowingly providing false information.
- N. Failure to report to the employee's immediate supervisor and/or Division Director, the use of any legal drug which may adversely alter the employee's behavior, physical or mental ability.

- O. Failure to report to the employee's immediate supervisor and/or Division Director, any arrests, summons, charges, indictments, issuance of citations, or conviction(s) relating to incidents involving alcohol or drugs.

VI. EMPLOYEE ASSISTANCE PROGRAM (EAP)

Early recognition and treatment of drug or alcohol abuse is important for successful rehabilitation. LFUCG encourages the earliest possible diagnosis and treatment for substance or alcohol abuse.

LFUCG has established and maintains an Employee Assistance Program ("EAP") which informs employees of the dangers of alcohol and drug abuse and offers assistance to employees seeking help for alcohol or drug abuse. However, neither the offering of EAP nor an employee availing themselves of EAP as described herein shall prohibit LFUCG from seeking dismissal of an employee as stated in the guidelines.

A. **Employees Who Seek Assistance**

PRIOR TO the arising of any cause, the occurrence of any incident, or any other notification of required workplace drug and/or alcohol testing under this Policy, an employee may acknowledge their drug or alcohol abuse. Once acknowledged, the employee may secure a leave of absence to undergo rehabilitation. The program must be approved by the Director of Human Resources as being a certified rehabilitation program. In cases where the employee is not able to secure a program, Human Resources shall schedule an appointment for the employee with an EAP provider who will determine a recommended treatment plan. The employee must complete and satisfy all requirements of the recommended plan of care mandated by the licensed medical provider.

An admission of substance abuse, including alcohol, will not subject the employee to disciplinary action providing the foregoing process is followed and the rehabilitation program is successfully completed by the employee.

Should the employee commit to rehabilitation, a determination will be made by the Director of Human Resources and the employee's Division Director as to whether the employee must take a leave of absence during rehabilitation or whether the employee can remain on the job in a current or available substitute duty capacity during rehabilitation, performing duties that pose no risk to fellow employees, property, or the general public. This decision will be based on objective findings such as advice from the treatment provider and the availability of alternate job duties or assignments, etc. Refusal to commit to an authorized rehabilitation program will be immediate grounds for dismissal.

Once the employee is authorized to return to work, subsequent testing for continued substance use/abuse will be performed periodically and/or as otherwise recommended by the treatment provider.

B. Employees Who Test Positive

Any employee who tests positive for drugs or alcohol will be mandated to meet with a Substance Abuse Professional (SAP) in order to begin the rehabilitation process, unless charges are filed for dismissal.

The SAP will conduct an assessment and recommend a treatment plan including future drug tests and, if necessary, a referral to another authorized rehabilitation facility or program.

Refusal to commit to and complete an authorized rehabilitation program, after a confirmed positive drug/alcohol test, will be immediate grounds for dismissal.

Should the employee commit to rehabilitation, a determination will be made by the Director of Human Resources and the employee's Division Director as to whether the employee must take a leave of absence or sick time during rehabilitation, or whether the employee can remain on the job in a current or available substitute duty capacity during rehabilitation, performing duties that pose no risk to fellow employees, property, or the general public. This decision will be based on objective findings such as advice from the treatment provider and the availability of alternate job duties or assignments, etc.

Once a rehabilitation program is successfully completed and prior to returning to normal job duties, in addition to mandatory drug testing, a return-to-duty drug and/or alcohol screening will be given. Failure of this test and the secondary confirmation test (if requested by the employee) will cause dismissal proceedings to be commenced immediately before the appropriate disciplining body.

Employees who test positive, regardless of whether they enrolled in or completed a rehabilitation program or whether they are assigned to regular or substitute duties, shall be subjected to random or spot check screening to determine if they are in fact remaining drug and/or alcohol free.

Should any subsequent test, confirmed by a second laboratory independent test (if requested and paid for by the employee) show a positive result, dismissal proceedings shall be instituted immediately with no opportunity to show cause.

C. Loss of Driver's License and/or Commercial Driver's License (CDL)

Employees who lose their driver's license and/or commercial driver's license (CDL) may have an opportunity to demote to a position that does not require a driver's license or CDL at the discretion of the employee's Division Director in consultation with the Director of Human Resources.

Employees who lose their driver's license and/or CDL and refuse, are not permitted, or are unable to demote due to a lack of an available position shall have charges for dismissal filed with the Civil Service Commission or the Urban County Council, whichever is appropriate.

D. Cost of Rehabilitation

The initial cost of rehabilitation evaluation provided by the LFUCG's SAP will be covered by LFUCG; additionally, LFUCG will cover up to \$250 of the treatment program; however, other fees for services not covered by the SAP will be the responsibility of the employee.

VII. EMPLOYEES' REPORTING RESPONSIBILITIES**A. Legal Drugs**

For certain job positions, an employee's use of any legal drug can pose a significant risk to the safety of the employee or others.

Employees who know or should know that the use of any legal drug may present a safety risk, shall immediately report such drug use to their immediate supervisor and Division Director to determine job related consequences.

It shall be the sole responsibility of each employee to take prescribed and/or over-the-counter medications only after having read, having been read to, or having been informed of, and having complied with the express written directions, including dosage limitations, warnings, and drug interaction precautions listed on the respective packaging.

Prior to ingesting any prescribed medication or over-the-counter medication, it shall be the sole responsibility of the employee to inquire from the attending physician, pharmacist, or health care provider if the prescribed medication may limit or impair their ability to perform the duties of the employee's position in any way.

Should any legal drug adversely alter the senses of or prevent the employee from performing the job duties in a safe and productive manner, it shall be the responsibility of the employee to notify their immediate supervisor and/or Division Director, advising them of the limitations the legal drug poses. Supervisors who are aware of such a situation are to instruct the employee to report performance problems.

The supervisor, in counsel with the Division Director and the Director of Human Resources, shall then determine if the employee can safely and effectively perform the assigned job duties while taking the legal drug. If it is determined that the employee cannot perform the job duties safely and effectively, the employee may be required to take a leave of absence, take sick time, or be assigned other duties to be determined by the Division Director and the Director of Human Resources.

LFUCG reserves the right to have a government authorized physician review any legal drug usage, including prescription, over-the-counter, or other substances, to determine if the proper dosage or combinations recommended or authorized may adversely affect the employee's ability to perform their duties safely and efficiently.

In cases of an unexpected adverse reaction to any legal drug while at work, the employee, without delay, shall immediately notify their immediate supervisor and Division Director.

All employees who have an unexpected adverse reaction to any legal drug shall, without delay, safely cease operating machinery, vehicles, or equipment where continued operation while impaired may be inherently dangerous and shall immediately notify their immediate supervisor or Division Director.

No supervisor or Division Director may assign, direct, or order an employee to continue operating a vehicle or equipment, or perform a safety sensitive function while impaired or perceived to be impaired.

B. Alcohol/Drug-Related Offenses

Any employee who is arrested, summoned, charged, indicted, issued a citation, or convicted relating to any incidents involving alcohol or drugs or is in violation of any law or ordinance pertaining to the illegal manufacturing, distribution, dispensation, possession or use of alcohol, legal or illegal drugs, or foreign substances shall immediately report such arrest or summons to their Division Director, who will in turn report same to the Director of Human Resources.

Such employees shall further be obligated to keep their respective Division Director apprised of the court status and final disposition of the case. **Failure to report such violations may be considered grounds for dismissal.**

VIII. REFUSAL TO SUBMIT TO A PROPER REQUEST FOR TESTING

For the purposes of detecting alcohol and/or illegal drug use/abuse, drug and/or breath alcohol test (BAT) will be requested. All tests shall be administered in accordance with applicable law consistent with the employee's constitutional rights. Refusal to submit to a drug and/or BAT shall be immediate grounds for dismissal.

IX. TESTING SAFEGUARDS, TERMINOLOGY AND GUIDELINES

LFUCG will utilize approved testing facilities and methods to ensure proper protocol and integrity of specimen collection including chain of custody procedures. When specimen collection testing methods fail, blood serum may be utilized. Alcohol and/or drug screening shall be conducted under the following circumstances:

A. Testing Safeguards

The following procedures conform to SAMHSA drug testing protocol:

1. Employees required to submit to any drug or alcohol testing will sign, prior to testing, the laboratory form consenting to drug or alcohol testing, and to release the results to the MRO and Division of Human Resources.
2. All drug and alcohol testing referred to in this policy shall be performed in accordance with current federal regulations:

- a) Clinical testing will be performed by a fully accredited laboratory and not by any employee of the LFUCG.
 - b) Collection and safeguarding of test specimens, with a valid chain of custody, shall follow strict chain of custody procedures.
 - c) Validation by a second confirmation test and verification of all positive test results by referral to the MRO. All interpretation of drug and alcohol testing will be performed by the MRO and not by the testing facility.
3. Before any action is taken against an employee who tests positive, the employee will be given an opportunity to explain the results directly to the MRO.
4. All testing is done from specimens collected under highly controlled conditions. Specimen collection procedures published in this policy shall be strictly adhered to and shall be subject to continuing review and possible change for the protection of the employee. These include, but are not limited to, the review and inspection of:
- a) Designated collection sites and procedures.
 - b) Security measures and procedures of the collection sites.
 - c) Chain of custody documentation procedures and security.
 - d) Security measures and procedures for the specimens:
 - (1) At the collection site.
 - (2) During transportation to the laboratory.
 - (3) Storage of specimens at the collection site in lieu of transportation.
 - e) Laboratory certifications, ratings, and authorization approval from the SAMHSA.
 - f) Security measures and procedures of the laboratory sites.
 - g) Laboratory safeguards and procedures for handling specimens.
 - h) Laboratory integrity checks and procedures.
 - i) Storage of specimens at the laboratory site for future testing and re-testing.
5. All urine specimens will be submitted to the laboratory for testing.

6. Two (2) primary tests may be performed by the laboratory:
 - a) Initial test-enzyme immunoassay (EIA) method.
 - b) Confirmation test - gas chromatography mass spectroscopy (GCMS) method.
7. If the initial test (EIA) results are negative, the laboratory will conduct no more testing with the sample and shall report the results as "negative" through the MRO to the Director of Human Resources.
8. If the initial test (EIA) results are positive, in that the drug exceeds the test standard cutoff levels, the laboratory will conduct a secondary confirmation test from the same specimen by using gas chromatography mass spectrometry (GCMS).
9. If the confirmation test (GCMS) results are positive, the laboratory will secure, safeguard, and store the specimen for future testing or re-testing.
10. The laboratory will report, in writing, the positive test results to the MRO only for review and/or investigation.
11. The MRO will contact the employee to review the positive test results with the employee and request an explanation of or the reason for the presence of the prohibited substance.
12. The MRO will notify, in writing, the Director of Human Resources or designee of the positive test results.
13. The Division of Human Resources will send a Notification of Positive Results to the employee's Division Director reporting the positive test results and advising the Division Director how to proceed, both removing the employee from the workplace and advising of the appropriate disciplinary steps.
14. If the employee wants the split specimen to be tested, they must make that request, within the 72-hour limitation, through the MRO.
15. A split sample utilizes the remaining stored 30-ml of the initial specimen, which tested positive, to be tested at a different SAMHSA-certified drug-testing laboratory.
16. If the second portion, which is required to be stored at the initial testing laboratory, is not available or is an insufficient amount for testing, the test is then considered negative, and no disciplinary actions are to be imposed.
17. Split sample testing of the original sample will be tested with no cut-off levels. If the split sample results are negative, then no additional testing will be performed and the secondary testing laboratory will notify the MRO, in writing, that the split sample test results were "negative".

18. No disciplinary action will be imposed on any employee with a negative test result.
19. Positive split sample results will be reported to the MRO, in writing, for review and comparison to the initial testing laboratory findings. The MRO will not notify the employee of the split sample test results.
20. Positive split sample results, after review and confirmation will be reported by the MRO, in writing, to the Director of Human Resources or designee.

B. Pre-Employment Screening (PES)

All persons being considered for employment will be required to submit to pre-employment alcohol and/or drug screening as part of the pre-employment process. All offers of employment are conditioned under the applicant submitting to and successfully completing and passing an alcohol and/or drug screening in accordance with this policy.

Should testing reveal a positive result for illegal drugs or BAC of 0.02% or above, the individual will be deemed ineligible for hire.

C. Reasonable Cause Testing (RCT)

Employees will be tested for drugs or alcohol when reasonable suspicion exists to support a belief that the employee is under the influence of drugs or alcohol or that the employee's behavior or work performance has been affected by drugs or alcohol. Employees may be required to submit to a drug and alcohol test if an employee's supervisor or other person in authority has a reasonable suspicion, based on objective factors such as the employee's appearance, speech, behavior, or other conduct and facts, that the employee possesses or is impaired or under the influence of illegal drugs, impaired or under the influence of alcohol, or both. The basis for the decision shall be documented, in writing, by at least two (2) trained supervisors or by professional law enforcement or medical personnel. A determination will be based upon observation and documentation of:

1. The detection of an odor of alcohol emitting from the employee.
2. Observation(s) of the employee's speech being unusually slurred or noticeably different without a proper medical reason being given.
3. Observation(s) of the employee's actions or conduct as being noticeably different or impaired and not consistent with normal conduct and without proper explanation.
4. Observation(s) that the employee's appearance, in conjunction with the above, indicates that the employee is impaired.

At the request of the observing authorities, the employee may be required to submit to an independent blood/breath/urine test to determine if the employee is impaired. The requested testing is to be done within two (2) hours but no later than

eight (8) hours after the observation. All results of such testing will be delivered immediately to a representative of Human Resources.

D. Post-Critical Incident (PCI) Testing

Employees shall immediately notify their supervisor and will be tested for drug use and blood/breath alcohol presence based on any of the following events:

1. Involvement in a vehicle accident with damage to the vehicle(s) and/or other property.
2. Involvement in a work-related accident or incident in which there is:
 - a) one (1) or more fatalities; or,
 - b) one (1) or more injuries requiring emergency treatment.
3. Involvement in equipment or property damage.

The notified supervisor is responsible for ensuring testing occurs:

1. Within two (2) hours of the incident; or,
2. Within two (2) hours of being released from law enforcement, but no later than eight (8) hours after the incident.

E. Testing in Conjunction with a Treatment Program

Employees who are participating in a treatment program will be required to submit to mandatory drug and/or alcohol screening as recommended by the Substance Abuse Professional (SAP) to ensure that such employees are remaining drug and/or alcohol free. The duration and frequency of such tests will be determined by the SAP. Nothing in this section shall prohibit Human Resources from requiring additional screenings. A "return-to-duty" test will be performed on all employees participating in this program prior to returning to their job.

Employees who have had a confirmed prior positive result for alcohol and/or drugs and have a subsequent confirmed positive test for alcohol and/or drugs, shall be immediately processed for dismissal.

F. Random Testing (RAN)

Random Testing means that drug and/or alcohol tests are unannounced and that through a random selection process those employees listed below may be selected. The following are pools for random selection:

1. Sworn Personnel – Community Corrections
2. Sworn Personnel – Fire & Emergency Services

3. Sworn Personnel – Police
4. Enhanced 911 Personnel
5. CDL Holders
6. Previous Positive Test

Employees selected for random testing by the random selection procedures specified within this policy shall be subjected to testing of their blood, breath, or urine for the presence of alcohol and/or drugs within their system.

During **ANY** random testing, if a medical staff member of an approved medical facility detects an employee to be under the influence of drugs and/or alcohol, the employee may be required to submit to additional blood or breath testing prior to submission of the urine specimen, for the purpose of establishing their BAC.

Employees who have reported to any approved medical facility for testing under this policy and are obviously impaired and have a confirmed BAC test result of 0.02% or above, shall be immediately reported by the medical facility to the Director of Human Resources or designee.

X. **CONFIDENTIALITY**

Information, including test results obtained on individuals as part of this drug and alcohol abuse policy, shall be treated confidentially. No tests for medical conditions shall be run on samples provided for drug screening. Any medical condition inadvertently identified by drug screening shall remain confidential and shall not be reported to the LFUCG.

XI. **RANDOM SELECTION PROCEDURES**

- A. The Division of Human Resources shall initiate, maintain, and update software containing accurate information for random selection procedures.
- B. A letter of notification for each employee selected will be sent to their respective division.
- C. An employee must take a photo identification to the nearest testing facility within two (2) hours of being notified of their random selection.
- D. Employees who are on vacation, off-duty, or on sick or disability leave, shall not be called in from that status. The Division Director or their alternate shall immediately notify the Division of Human Resources of any employee who is unavailable for testing. Such will be documented on the letter and returned to Human Resources.

XII. **TESTING FACILITIES**

The Division of Human Resources maintains a current listing of approved testing facilities.

XIII. SEARCHES

The Urban County Government reserves the right to conduct searches of Urban County Government-owned property including, but not limited to, lockers, desks, and government-owned/leased vehicles. Employees will be expected to cooperate in conducting the searches.

Searches of employees and employees' personal property located on government property, including automobiles, **will only be conducted by law enforcement and only upon reasonable suspicion** that the employee is under the influence of illegal drugs or alcohol, or that illegal drugs or alcohol is being kept on personal property, which is located on government property.

XIV. DISCIPLINARY ACTION**A. Drugs**

Use of, possession of, or a positive urine drug screen and confirmation of the presence of an illegal drug, shall result in the following:

1. 1st Offense:

- a) All Enhanced 911 and sworn Personnel shall be recommended for dismissal.
- b) Non-sworn Personnel may be suspended from duty without pay for a period of up to 160 hours or dismissal, depending on the circumstances.

Mandatory evaluation by the EAP for drug dependency.

Satisfactory completion of a program for drug abuse counseling and rehabilitation and/or other professional treatment which has been recommended and approved by the EAP Coordinator.

2. 2nd Offense:

- a) A second positive urine drug screen and confirmation of the presence of an illegal drug shall be considered grounds for dismissal.

B. Alcohol

All sworn and non-sworn employees who are under the influence of or impaired by alcohol shall be disciplined as follows:

Under the Influence:

With a BAC of 0.04% or above:

1. 1st Offense:

- a) All employees shall be recommended for dismissal.

Impairment:

With a BAC of 0.02% but less than 0.04%:

1. 1st Offense:

- a) Suspended without pay for up to 160 hours.

Mandatory evaluation by the EAP for alcohol dependency.

Satisfactory completion of a program for alcohol abuse counseling and rehabilitation and/or other professional treatment which has been recommended and approved by the EAP Coordinator.

2. 2nd Offense:

- a) All employees shall be recommended for dismissal.

Please note: An individual in a sworn position who has a CDL will be disciplined in accordance with the employee's sworn status.

XV. ACKNOWLEDGEMENT

With the issuance of this policy, each employee will receive an orientation concerning the Alcohol and Drug Free Workplace Policy of the Urban County Government and will be required to sign a form acknowledging that they have received said policy and was provided the opportunity to have their questions answered.

FORMS

The *Alcohol and Drug Free Workplace Policy Acknowledgement* form is maintained and accessed through the Division of Human Resources a required condition of employment with LFUCG. The Division of Human Resources retains the authority to modify the forms to enhance the procedures that align with this policy.

ALCOHOL AND DRUG FREE WORKPLACE POLICY ACKNOWLEDGMENT FORM

Employee Name: _____ Employee Number: _____

Division/Department: _____

Position Title: _____

Date: _____

I have received the Lexington-Fayette Urban County Government's Alcohol and Drug Free Workplace Policy and I agree to abide by its terms.

Date

Employee's Signature

Employee's Name Printed

Date

Witness' Signature

Witness' Name Printed