

**NORTHWEST COLORADO COUNCIL OF GOVERNMENTS
DRUG AND ALCOHOL POLICY
NOVEMBER 2008**

I. Purpose

Northwest Colorado Council of Governments (NWCCOG) is committed to a safe, healthy, and productive work environment for all employees free from the effects of substance abuse. Abuse of alcohol, drugs, and controlled substances impairs employee judgment, resulting in increased safety risks, injuries, and faulty decision-making.

II. Scope

This policy applies to all employees. Any violation will result in disciplinary action, up to and including termination. All employees have been issued upon initiation of this policy or upon hire a copy of the company policy, describing in detail what substances will be tested for and under what conditions employees will be tested.

III. Statement of Policy

To ensure a safe and productive work environment the company prohibits the use, sale, dispensation, manufacture, distribution or possession of alcohol, drugs, controlled substances or drug paraphernalia on any company premises or worksites. This prohibition includes company owned vehicles, or personal vehicles being used for company business or parked on company property.

No employee shall report to work or be at work with alcohol or with any detectable amount of prohibited drugs in the employee's system. (A detectable amount refers to the standards generally used in workplace drug & alcohol testing). Any violation of this statement of policy will result in disciplinary action up to and including termination.

Employee shall, when drugs are prescribed by a medical professional, 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 medical professional is yes, the employee shall obtain a statement from the medical professional indicating any work restrictions and their duration. The employee shall present that statement to his or her supervisor prior to going on duty.

Illegal use of drugs off duty and off company premises or work sites is not acceptable. It can affect on-the-job performance and the confidence of the public, and our customers in the company's ability to meet its responsibilities. Such use may subject the employee to disciplinary action, up to and including termination.

Any violation of this policy will result in disciplinary action up to and including termination.

IV. Employee and Applicant Drug and Alcohol Testing

To promote a safe and productive workplace, NWCCOG will conduct the following types of Drug/Alcohol test for all employees:

- A. Reasonable Suspicion

V. Categories of Employee Substance Testing

- A. Reasonable Suspicion Testing:

An employee will be asked to submit to tests for alcohol and/or illegal drugs when the employee is reasonably suspected of being impaired in the performance of his/her job.

1. 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 that the employee's functioning is impaired; or
 - c. Other physical, circumstantial, or contemporaneous indicators of impairment.
2. When a supervisor/manager has reasonable suspicion to request testing, the supervisor/manager will arrange to transport the employee to the collection site, and will arrange for the employee's transport home.
3. The employee will continue in a paid status pending the receipt of drug testing results by NWCCOG.

VI. The kinds of substances tested for will include the following substances or their metabolites:

- A. Marijuana
- B. Cocaine
- C. Opiates
- D. Phencyclidine (PCP)
- E. Amphetamines
- F. Alcohol

VII. Inspection and Searches

The company may conduct unannounced inspection for violations of this policy in the workplace, worksites, or company premises. Employees are expected to cooperate in any inspection.

VIII. Duty to Notify Employer

All employees must notify NWCCOG no later than 5 days after being convicted of violating any criminal drug statute, which occurred in the workplace.

IX. Voluntary Treatment

The Company supports sound treatment efforts. Whenever practical, the Company will assist employees in overcoming drug, alcohol, and other problems which may affect employee job performance, as long as this policy has not already been violated.

If an employee seeks treatment for drug or alcohol use, the employee may be eligible to go into a drug and/or alcohol treatment program either through NWCCOG's medical insurance program or at his or her own expense.

If the employee elects to enter an appropriate treatment program, the employee may be placed on unpaid status, but will be required to use any accrued vacation time and sick leave while participating in the evaluation and treatment program, so long as the employee is complying with the conditions of treatment. NWCCOG will have the right to require verification from the health care provider for a release to work and/or verification of treatment as covered in the company's medical leave policies. More information regarding availability of treatment resources, employee assistance programs and possible insurance coverage for treatment services is available from the Human Resources Department.

X. Safeguards/Confidentiality

The drug screen analysis is accomplished through urinalysis testing. Alcohol testing may be through breath testing and/or blood analysis testing. Samples will be collected in a sanitary environment designed to maximize employee's privacy while minimizing the possibility of sample tampering. If there is a positive drug and/or alcohol result on the initial screening test, the laboratory or blood alcohol technician will automatically do a second test to confirm the results. The second drug test will be performed using gas chromatography/mass spectrometry or other scientifically accepted method. A positive breath alcohol test will be confirmed by a second breath test. In the event the drug and/or alcohol test results is dilute negative, the employee/applicant will be required to re-test.

All drug tests are performed by a government-certified outside laboratory. All government-certified outside laboratories strictly follow chain of custody guidelines to ensure the integrity of the testing process. The company shall use a Medical Review Officer (MRO) who will receive the laboratory results of the testing procedure. The MRO shall be a licensed physician and have knowledge of substance abuse disorders and the appropriate medical training to evaluate positive results, medical histories, and any other relevant biomedical information. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication.

If the results of the initial test are negative, the testing laboratory will report the results to the MRO retained by the company. The MRO or the testing laboratory reports the negative results to the company. In this instance, no additional tests on the specimen will be done.

If the results of the initial test are positive, that is, if the results exceed the permitted levels for any of the five drugs tested or if the blood alcohol test comes back positive, a second confirmatory test shall be performed. The employee is prohibited from performing any duties if the initial test is positive, and while the confirmatory testing is being performed. Only specimens that are confirmed positive on the second (confirmatory) test are reported positive to the MRO for review and analysis. The MRO will contact the employee personally, in the case of a positive test result. The MRO has the responsibility of reporting to NWCCOG whether the test results are positive or negative.

An applicant or 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. All requests for an independent analysis must be made on a timely basis.

Each applicant or employee will have an opportunity to discuss the drug and/or alcohol test with a Medical Review Officer in a confidential setting. Each applicant or employee will be provided with a written copy of his/her positive test result. Upon written request within seven days of taking the test and employee may access records relating to his drug and/or alcohol test.

XI. Disciplinary Action

- A. Testing Positive: Employees who test positive for drugs or alcohol are in violation of this policy.
- B. Refusal to comply: Employees who refuse required testing are in violation of this policy.
- C. Interference with testing: Employees who adulterate, tamper with or otherwise interfere with accurate testing are in violation of this policy.
- D. Any employee who has been observed using or possessing illegal drugs or alcohol during work time, including lunch breaks, or on NWCCOG premises are in violation of this policy. Such discipline will be imposed regardless of whether the employee is tested and found to have alcohol or illegal drugs in his or her system.

XII. At Will Employment

Nothing in this policy is to be construed to prohibit NWCCOG from maintaining a safe and secure work environment or to limit its right to impose disciplinary actions as it may deem appropriate for reasons of misconduct or poor performance, regardless of whether the misconduct or poor performance arises out of the use of alcohol or drugs. Such disciplinary actions may include termination of employment. Employment is at-will and subject to termination by NWCCOG or the employee at any time, with or without notice and with or without cause.