

ANNOTATED MINUTES

*Tuesday, January 7, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602*

BOARD BRIEFING

- B-1 Presentation of Donald E. Long Home Design for Board Consideration. Presented by Hal Ogburn and Bob Nielsen.*

HAL OGBURN, AND BOB NIELSEN PRESENTATION ON REPLACEMENT OF DONALD E. LONG HOME AND RESPONSE TO BOARD QUESTIONS. CHAIR DIRECTED JJD STAFF TO UPDATE THE BOARD ON A BI-WEEKLY BASIS FOR THE DURATION OF THE PROJECT.

*Tuesday, January 7, 1992 - 10:00 AM
Multnomah County Courthouse, Room 602*

AGENDA REVIEW

- B-2 Review of Agenda for Regular Meeting of January 9, 1992.*

R-4 STAFF SUBMITTED REDUCED CONTINGENCY AMOUNT.

*Wednesday, January 8, 1992 - 9:00 - 11:00 AM
Multnomah County Courthouse, Room 602*

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will Meet in Executive Session to Discuss Labor Negotiations Pursuant to ORS 192.660(1)(d).*

EXECUTIVE SESSION HELD. IN OPEN SESSION, BOARD CONSENSUS GIVEN FOR LABOR RELATIONS STAFF TO PROCEED WITH NEGOTIATIONS AND BEGIN TO DEVELOP CERTAIN POLICY GUIDELINES FOR EXEMPT EMPLOYEES.

*Thursday, January 9, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602*

REGULAR MEETING

Chair Gladys McCoy convened the meeting at 9:35 a.m., with Commissioners Pauline Anderson, Rick Bauman, Sharron Kelley and Gary Hansen present.

CONSENT CALENDAR

**UPON MOTION OF COMMISSIONER BAUMAN, SECONDED
BY COMMISSIONER KELLEY, THE CONSENT CALENDAR
(ITEMS C-1 THROUGH C-7) WAS UNANIMOUSLY
APPROVED.**

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-1 *Liquor License Application Renewals Submitted by Sheriff's Office with Recommendation for Approval as Follows:
Package Store and Additional Partner Application for LARSON'S MARINA, 14444 NW LARSON ROAD, PORTLAND; and
Retail Malt Beverage for DOUBLE DRIBBLE TAVERN, 13550 SE POWELL BOULEVARD, PORTLAND.*

COMMUNITY CORRECTIONS

- C-2 *Ratification of a Modification to the Intergovernmental Agreement Between the City of Portland and Multnomah County to Provide for a Crew Leader's Pay and Benefits and a Van to Work in Sites Maintained by the Bureau of Parks and Recreation, from July 1, 1991 through June 30, 1992*
- C-3 *Ratification of the Intergovernmental Agreement Between the City of Portland and Multnomah County to Provide Funds for a Trained Crew Leader and Alternative Community Service Crews to Work in Areas Maintained by the Bureau of Parks and Recreation, from July 1, 1991 through June 30, 1992*

NON-DEPARTMENTAL

- C-4 *Ratification of an Intergovernmental Agreement Between Multnomah County and the Oregon State University, Gill Coliseum 201, to Allow the University to Purchase Herman Miller Furnishings in Accordance with Multnomah County Contract Bid #B43-100-6044*

DEPARTMENT OF HUMAN SERVICES

- C-5 *Ratification of an Intergovernmental Agreement Between Multnomah County and the State Worker's Compensation Division for the Purchase of Specialized Office Equipment for an Employee of the Developmental Disabilities Program Office*
- C-6 *Ratification of Amendment #2 to the Intergovernmental Diversion Agreement Between Multnomah County, Juvenile Justice Division and the State of Oregon, Children's Services Division, from July 1, 1991 to June 30, 1992*

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-7 *Ratification of a Modification to the Intergovernmental Agreement Between Multnomah County and the Association of Oregon Counties for Use of Computer Equipment and Integrated County Roads Information System (ICRIS) Software*

REGULAR AGENDA

NON-DEPARTMENTAL

- R-1 *In the Matter of the Election of Commissioner Sharron Kelley to the Position of Vice-Chair for the Calendar Year 1992, Pursuant to Section 3.60 of the Multnomah County Home Rule Charter*

UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER HANSEN, R-1 ELECTING SHARRON KELLEY AS 1992 VICE-CHAIR WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-2 *PUBLIC HEARING to Consider Requests by Various Non-Profit Housing Agencies for the Transfer of Certain Tax Foreclosed Properties to Foster the Development of Affordable Housing for Lower Income Persons in Multnomah County*

CECILE PITTS EXPLANATION AND PRESENTATION OF TECHNICAL REVIEW COMMITTEE RECOMMENDATIONS. MAYFIELD WEBB AND GEORGE HANSON TESTIMONY IN SUPPORT OF AFFORDABLE HOUSING REQUEST AND RESPONSE TO BOARD QUESTIONS. JACK NOLAN TESTIMONY IN SUPPORT OF PORTLAND DEVELOPMENT COMMISSION REQUEST AND RESPONSE TO BOARD QUESTIONS. JEFFREY MERKLEY TESTIMONY IN SUPPORT OF HABITAT FOR HUMANITY REQUEST AND RESPONSE TO BOARD QUESTIONS. CHARLES SPRAGUE AND CHRIS BONNER TESTIMONY IN SUPPORT OF HOUSING OUR FAMILIES REQUEST AND RESPONSE TO BOARD QUESTIONS. JOSHUA PHILLIPS TESTIMONY IN SUPPORT OF GIVE US THIS DAY REQUEST AND RESPONSE TO BOARD QUESTIONS. MS. PITTS, BOB OBERST AND TERI DUFFY RESPONSE TO BOARD QUESTIONS. UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER HANSEN, THE TECHNICAL REVIEW COMMITTEE RECOMMENDATIONS FOR THE TRANSFER OF 7 PROPERTIES, AND STAFF DIRECTION TO PREPARE ORDERS 92-1 THROUGH 92-7 FOR EXECUTION BY CHAIR McCOY, WAS UNANIMOUSLY APPROVED.

- R-3 *PUBLIC HEARING to Consider an ORDER in the Matter of the Transfer of Tax Foreclosed Property to the City of Wood Village, Oregon for an Amount Equal to Delinquent Taxes, Interest and Administrative Costs*

COMMISSIONER BAUMAN MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-3. MR. OBERST AND JOHN DuBAY RESPONSE TO BOARD QUESTIONS. ORDER 92-8 UNANIMOUSLY APPROVED.

- R-4 *Budget Modification DES #16 Authorizing Transfer of \$1,230,000 from General Fund*

Contingency to Facilities and Property Management Division to Effect Mandated and Recommended Renovations at the Donald E. Long Home

WAYNE GEORGE REQUESTED A REDUCTION IN THE PROPOSED GENERAL FUND TRANSFER AMOUNT. COMMISSIONER BAUMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-4 AT THE REDUCED LEVEL. BOARD COMMENTS. BUDGET MODIFICATION DES #16 REVISED AUTHORIZING THE TRANSFER OF \$267,226 FROM GENERAL FUND CONTINGENCY UNANIMOUSLY APPROVED.

R-5 *ORDER in the Matter of the Sale of Property Acquired by Multnomah County Through the Foreclosure of Liens for Delinquent Taxes*

COMMISSIONER HANSEN MOVED AND COMMISSIONER ANDERSON SECONDED, APPROVAL OF R-5. MR. OBERST EXPLANATION AND RESPONSE TO BOARD QUESTIONS. UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER HANSEN, FOUR PROPERTIES WERE UNANIMOUSLY REMOVED FROM THE LIST. MR. OBERST RESPONSE TO BOARD QUESTIONS. BOARD COMMENTS. UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER HANSEN, ORDER 92-9, WAS UNANIMOUSLY APPROVED, AS AMENDED.

R-6 *ORDER in the Matter of Declaring Various Tax Foreclosed Properties Abandoned and Subject to Waste and Ordering the Tax Collector to Issue a Deed*

COMMISSIONER HANSEN MOVED AND COMMISSIONER BAUMAN SECONDED, APPROVAL OF R-6. MR. OBERST EXPLANATION. ORDER 92-10 UNANIMOUSLY APPROVED.

DEPARTMENT OF HUMAN SERVICES

R-7 *Ratification of an Intergovernmental Agreement Between the City of Portland and Multnomah County, Aging Services Division/Community Action Program, for Implementation of Block-By-Block Weatherization Program Services from October 15, 1991 through August 31, 1992*

R-8 *Budget Modification DHS #59 Adding \$13,000 in City Block-By-Block Weatherization Funds to the Aging Services Division/Community Action Program Budget to Increase Temporary Personnel and Professional Services*

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-7 AND R-8 WERE UNANIMOUSLY APPROVED.

R-9 *Budget Modification DHS #58 Shifting \$38,329 in the Aging Services Division/Community Action Program Budget from Pass Through to Personnel to Fund a .8 Community Health Nurse from the Health Division for the Better Homes*

Foundation Homeless Families Project

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER BAUMAN, R-9 WAS UNANIMOUSLY APPROVED.

R-10 *Budget Modification DHS #60 Increasing the Developmental Disabilities Program Contracts Budget by \$30,210 to Reflect Increased Revenue from Developmental Disabilities Client Rider Fees, for Funding Additional Client Transportation*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, R-10 WAS UNANIMOUSLY APPROVED.

CHAIR McCOY INTRODUCED ASSOCIATION OF OREGON COUNTIES DIRECTOR BOB CANTINE, HERE ON A FIELD VISIT.

CLAIR PENSE REGISTERED A COMPLAINT REGARDING AN ISSUE WITH THE COUNTY SURVEYOR. CHAIR McCOY TO DISCUSS ISSUE WITH COUNTY COUNSEL.

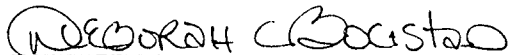
COMMISSIONER BAUMAN REQUESTED THAT THE BOARD BE BRIEFED ON TAKING ISSUES.

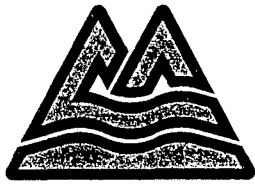
CHAIR McCOY REPORTED ARDYS CRAGHEAD WILL BE NAMED ACTING DIRECTOR OF THE SOCIAL SERVICES DEPARTMENT, BILLI ODEGAARD WILL BE DIRECTOR OF THE HEALTH DEPARTMENT AND NORM MONROE WILL BE THE HOUSING AND COMMUNITY SERVICES DIVISION MANAGER, EFFECTIVE JANUARY 12, 1992.

CHAIR McCOY INVITED PARTICIPATION IN A BLOOD DRIVE AT IMMACULATE HEART CHURCH ON MONDAY, JANUARY 20, 1992.

There being no further business, the meeting was adjourned at 10:45 a.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON


Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 606, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY •	CHAIR •	248-3308
PAULINE ANDERSON •	DISTRICT 1 •	248-5220
GARY HANSEN •	DISTRICT 2 •	248-5219
RICK BAUMAN •	DISTRICT 3 •	248-5217
SHARRON KELLEY •	DISTRICT 4 •	248-5213
CLERK'S OFFICE •		248-3277

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

JANUARY 6 - 10, 1992

Tuesday, January 7, 1992 - 9:30 AM - Board Briefing. . . .Page 2
Tuesday, January 7, 1992 - 10:00 AM - Agenda Review. . . .Page 2
Wednesday, January 8, 1992 - 9:00 AM - Executive Session . .Page 2
Thursday, January 9, 1992 - 9:30 AM - Regular Meeting. . . .Page 2

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side subscribers
Friday, 6:00 PM, Channel 27 for Paragon Cable (Multnomah East) subscribers
Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

Tuesday, January 7, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFING

- B-1 Presentation of Donald E. Long Home Design for Board Consideration. Presented by Hal Ogburn and Bob Nilsen. 30 MINUTES REQUESTED.
-

Tuesday, January 7, 1992 - 10:00 AM

Multnomah County Courthouse, Room 602

AGENDA REVIEW

- B-2 Review of Agenda for Regular Meeting of January 9, 1992.
-

Wednesday, January 8, 1992 - 9:00 - 11:00 AM

Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will Meet in Executive Session to Discuss Labor Negotiations Pursuant to ORS 192.660(1)(d). 2 HOURS REQUESTED.
-

Thursday, January 9, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-1 Liquor License Application Renewals Submitted by Sheriff's Office with Recommendation for Approval as Follows:
Package Store and Additional Partner Application for LARSON'S MARINA, 14444 NW LARSON ROAD, PORTLAND; and
Retail Malt Beverage for DOUBLE DRIBBLE TAVERN, 13550 SE POWELL BOULEVARD, PORTLAND.

COMMUNITY CORRECTIONS

- C-2 Ratification of a Modification to the Intergovernmental Agreement Between the City of Portland and Multnomah County to Provide for a Crew Leader's Pay and Benefits and a Van to Work in Sites Maintained by the Bureau of Parks and Recreation, from July 1, 1991 through June 30, 1992
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NON-DEPARTMENTAL

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DEPARTMENT OF HUMAN SERVICES

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DEPARTMENT OF ENVIRONMENTAL SERVICES

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DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-2 PUBLIC HEARING to Consider Requests by Various Non-Profit Housing Agencies for the Transfer of Certain Tax Foreclosed Properties to Foster the Development of Affordable Housing for Lower Income Persons in Multnomah County

- R-3 PUBLIC HEARING to Consider an ORDER in the Matter of the Transfer of Tax Foreclosed Property to the City of Wood Village, Oregon for an Amount Equal to Delinquent Taxes, Interest and Administrative Costs
- R-4 Budget Modification DES #16 Authorizing Transfer of \$1,230,000 from General Fund Contingency to Facilities and Property Management Division to Effect Mandated and Recommended Renovations at the Donald E. Long Home
(Continued from December 19, 1991)
- R-5 ORDER in the Matter of the Sale of Property Acquired by Multnomah County Through the Foreclosure of Liens for Delinquent Taxes (Continued from December 31, 1991)
- R-6 ORDER in the Matter of Declaring Various Tax Foreclosed Properties Abandoned and Subject to Waste and Ordering the Tax Collector to Issue a Deed

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- R-10 Budget Modification DHS #60 Increasing the Developmental Disabilities Program Contracts Budget by \$30,210 to Reflect Increased Revenue from Developmental Disabilities Client Rider Fees, for Funding Additional Client Transportation

Meeting Date: January 8, 1992

Agenda No.: E-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: EXECUTIVE SESSION

AGENDA REVIEW/
BOARD BRIEFING WEDNESDAY, JANUARY 8, 1992 REGULAR MEETING _____
(date) (date)

DEPARTMENT NON-DEPARTMENTAL DIVISION LABOR RELATIONS

CONTACT KEN UPTON TELEPHONE 2168

PERSON(S) MAKING PRESENTATION KEN UPTON

ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 9:00 AM TO 11:00 AM REQUESTED

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested,
as well as personnel and fiscal/budgetary impacts, if applicable):

EXECUTIVE SESSION PURSUANT TO ORS 192.660(1)(d) TO
DISCUSS LABOR NEGOTIATIONS.

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1992 JAN -2 PM 3:46

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)



MULTNOMAH COUNTY OREGON

GLADYS MCCOY
COUNTY CHAIR

EMPLOYEE SERVICES
FINANCE
LABOR RELATIONS
PLANNING & BUDGET
RISK MANAGEMENT

(503) 248-5015
(503) 248-3312
(503) 248-5135
(503) 248-3883
(503) 248-3797

PORTLAND BUILDING
1120 S.W. FIFTH, 14TH FLOOR
P.O. BOX 14700
PORTLAND, OREGON 97214

PURCHASING, CONTRACTS
& CENTRAL STORES

(503) 248-5111

2505 S.E. 11TH, 1ST FLOOR
PORTLAND, OREGON 97202

CONFIDENTIAL MEMORANDUM

TO: Board of County Commissioners

FROM: Kenneth Upton, Labor Relations Manager *KJ*

DATE: December 18, 1991

SUBJECT: Executive Session Drug and Alcohol Policy -- January 8, 1992

Attached for your review are:

- Executive Summary
Drug/Alcohol Policy Prepared by Wendy Hausotter,
Health Promotion Coordinator
- Draft Drug and Alcohol Policy
Multnomah County, Oregon Prepared by the Alcohol and Drug
Taskforce (Wendy Hausotter,
Coordinator)

Quite aside from policy issues, the Draft will be subjected to a final technical review after the executive session of January 8, 1992. The County's new employment lawyer, Steve Nemirow, will be on board at that time.

If you or your staff would like a preexecutive session review of the policy, or any particular aspect, please call. This matter is first on the executive session list because it is my desire to send a draft to the Union well in advance of bargaining due to the sensitive and technical nature of this issue.

1675L/KU/ljd

Attachments

c: • Curtis Smith
• Taskforce
• Larry Kressel
• Steve Nemirow

DRAFT DRUG/ALCOHOL POLICY: EXECUTIVE SUMMARY

I. Policy Goals:

1. To promote a drug/alcohol-free workplace by specifically prohibiting employees from working while under the influence of drugs/alcohol.
2. To inform employees of the range of potential consequences of violating the policy.
3. To encourage employees to seek assistance for drug/alcohol problems before work performance suffers.
4. To assist employees whose work performance is impaired by chemical dependence to get treatment which may allow the County to continue their employment.

II. Key Provisions:

	Policy Draft Page:
1. Applies to all employees, except prosecutors in the DA's office (preexisting policy) and temporary/on call employees (many provisions unenforceable, but work rules still applicable).	p. 1
2. Outlines work rules specific to drugs/alcohol, including: not reporting to work while under the influence; not using, possessing, bringing, transporting, distributing, etc. drugs and alcohol in or to the workplace.	pp. 1, 2
3. Prescription drug provisions: if work/safety could be affected, supervisor must be informed of use of prescription medication and possible side effects; physician approval to work may be needed or employee may need temporary alternative assignments; medications brought to work should be in original container with name, dose, etc.	p. 2
4. County's role is to inform employees of policy provisions, provide training on implementation, maintain confidentiality, provide chemical dependency assistance resources and information, enforce policy provisions via Division Managers, Elected Officials or designees.	pp. 2, 3
5. Employees encouraged to seek assistance for drug/alcohol problems <u>before</u> work performance suffers; no penalties for doing so (provided no infractions or performance problems meriting discipline already exist).	p. 3

6. Disciplinary procedures are the same as for violation of any other County policy, except that as part of the process of progressive discipline, under specified conditions, employee may be required to: pp. 4 - 6
- participate in a mandatory chemical dependence assessment (at County expense and using a County-selected Addiction Medicine Specialist) pp. 5, 6
 - submit to a urine or blood test to determine levels of drugs/alcohol in the body (explained in more detail below)
 - consent to a Last Chance Agreement (see below).
7. Last Chance Agreement may be entered into between the County and employee if conduct or performance warrants termination but employee is diagnosed, after an assessment by an Addiction Medicine Specialist, to have chemical dependence; Agreement is in lieu of termination and requires successful completion of treatment program outlined by Addiction Medicine Specialist and submission to random drug tests for a two-year period. pp. 6 - 8
8. Drug/alcohol testing of employees will be done on a limited basis, as follows, and will include rights to retest and protection of confidentiality. The kinds of tests are: pp. 6 - 8
- Preemployment: final candidate for position must pass drug/alcohol test before final job offer is made; all applicants will be informed of this requirement from their initial contact with the County (via notices in advertisements, postings, and written notification with job application).
 - Reasonable suspicion: tests may be needed to rule out drug/alcohol use as causal/contributing factor in job performance problems; supervisor must have identified specific, factual, documented constellation of performance/behavior problems in order to justify testing.
 - Post-casualty: testing performed as the result of an accident requiring hospitalization or resulting in a death, or after the use of deadly force (MCSO).
 - Random: prohibited except as part of a Last Chance Agreement or for "safety sensitive" positions (MCSO).

Drug/Alcohol Policy Group

Susan Ayers - Personnel
Jerry Bittle - AA/EEO
Jann Brown - Juvenile Justice
Sandra Duffy - County Counsel
Carol Hasler - Sheriff's Office
Wendy Hausotter - Health/Benefits
Norma Jaeger - Drug/Alcohol Programs
Barbara Kahl - Library
Suzanne Kahn - Health Services
Jean Miley - Risk Management
Darrell Murray - Labor Relations
Maria Rojo de Steffey - Environmental Services
John Turner - Community Corrections
Ken Upton - Labor Relations

DRAFT: FOR DISCUSSION PURPOSES ONLY

CONFIDENTIAL

Revised Draft

Drug and Alcohol
Policy
Multnomah County, Oregon

Prepared by the
Alcohol & Drug
Taskforce
December 1991

I. General

Multnomah County, in keeping with the provisions of the Drug Free Workplace Act of 1988, is committed to establishing and maintaining a work place which is free of alcohol and drugs and free of the effects of prohibited alcohol and drug use. To further these goals, the County shall provide clear expectations regarding employee behaviors related to alcohol and drugs. Employees shall be held fully accountable for adherence to these expectations. In turn the County shall also provide resources and information for employees to assist in preventing alcohol and drug problems and dependency and to aid in the rehabilitation process for those who have become drug or alcohol dependent.

II. Scope

A. Employees

This policy covers all County employees with the following exceptions:

- Deputy District Attorneys (whose existing policy precedes this one),
- Temporary and on-call employees (whose tenure and status renders application of the provisions impracticable, but from whom the County expects adherence to the work rules listed in Section III).

Additionally, the policy will apply to employees in a bargaining unit only when and if:

- The bargaining agent has agreed to its terms; or
- The County has exhausted its bargaining obligation under the Oregon Public Employees Collective Bargaining Act regarding the matters contained in this policy.

B. Applicants

Applicants for County employment are covered by the terms of this policy only as specifically stated in the sections regarding protection of confidentiality and pre-employment drug testing.

III. Employee Work Rules

In addition to existing work rules, while on duty or operating a County vehicle an employee shall:

- A. Not possess, consume, manufacture, distribute, cause to be brought, dispense, or sell alcohol or drugs, including alcohol containers and drug paraphernalia, in or to the work place except when lawfully required as part of the job.
- B. Not report for duty while under the influence of alcohol or drugs.

- C. Not absent him/herself from duty or be unfit to fully perform duties for reasons attributable to, or produced by, use of alcohol or prohibited drugs except as provided in the section "Use of Leave" for assessment and/or rehabilitation purposes.
- D. Not interfere with the administration of this Drug Policy. Examples include, but are not limited to, the following: tainting, tampering, or substitution of blood or urine samples; falsifying information regarding the use of prescribed medications or controlled substances; or failure to cooperate with any tests outlined in this policy to determine the presence of drugs or alcohol.
- E. Notify his/her supervisor prior to beginning work or operating equipment or a vehicle of any prescription or nonprescription medications which may interfere with the safe and effective performance of duties or operation of County equipment or vehicles.
- F. Bring prescription drugs onto work premises in their original container with the name of the physician, patient and drug, and its dosage on it; or provide within twenty four (24) hours of request a current valid prescription in the employee's name for any drug or medication identified by the employee as the cause of his/her behavior.
- G. Disclose promptly (upon the next working day) and fully to his/her supervisor all drug or alcohol-related convictions, guilty pleas, or no contest pleas or diversions that:
 - 1. are employment-related (i.e., conduct leading to conviction occurred while on-duty, on County property, or in a County vehicle); or
 - 2. result in a loss or limitation of driving privileges and the employee's job is identified as requiring a valid license; or
 - 3. adversely impact an employee's ability to perform his/her job.

IV. County Role

It is the County's role to ensure that:

- A. A copy of this policy is provided to all employees;
- B. All County managers and supervisors and employees receive training regarding the terms of this policy;
- C. Managers and supervisors are held responsible for implementation of this policy.
- D. The confidentiality requirements outlined in this policy are maintained.

Unless otherwise specifically stated in these procedures, the administrative responsibility for implementation of the County's role shall reside with the Department Managers, Elected Officials, and/or their designees.

V. Employee Assistance and Treatment

The County recognizes that its employees are its most valuable resource, and that drug and alcohol dependence is a treatable disease. Therefore, employees are encouraged to seek assistance for drug or alcohol problems at the earliest possible time and before work performance suffers. The County makes a variety of resources available to help employees, through their benefits coverage and health promotion programs, as described in Section V, part "C" herein and Appendix A.

A. Voluntary Self-Referrals

The County recognizes that alcohol and drug abuse can be successfully treated and is willing to work with employees who may suffer from such problems. However, it is the employee's responsibility to seek assistance before drug and alcohol problems lead to disciplinary action. If an individual is concerned that he/she may have a substance abuse problem, he/she is encouraged to voluntarily seek assistance from professionals trained in substance abuse assessment and treatment. There are a number of helpful resources offered by the County, and/or the employee may use resources of their own choosing. Employees who voluntarily seek and obtain professional help for substance abuse problems, and who thereafter refrain from violating this Policy, will not be subject to disciplinary action provided no job performance or conduct problems exist which would merit discipline, and provided no rule violations have occurred.

B. Mandatory Referral for Drug or Alcohol Assessment

Mandatory referral for assessment by a County-selected chemical dependency specialist shall be at the County's expense, and shall be specifically limited to those circumstances in which:

- The employee acknowledges having a drug/alcohol problem when being confronted on a job performance issue; or
- The employee has been found to be under the influence of drugs or alcohol by the testing procedures and a diagnosis is required in accordance with Section VI below; or
- The mandatory referral or treatment is in conjunction with and in conformity with the requirements of Section VI below regarding disciplinary action.

C. Resources for Assistance

The County, through the Employee Services Division, shall maintain resources to help employees obtain evaluation and treatment of drug and alcohol problems. Employees are encouraged to use these

resources. Appendix A details resources currently available to County employees. The County, through the Employee Services Division, shall maintain and periodically publish a guide to drug and alcohol assistance resources.

D. Use of Leave

Time used for purposes of assessment, evaluation, counseling, and treatment of drug and alcohol dependency may be charged against accrued and available sick leave. Use of accrued and available vacation leave for the above stated purposes, related to drug or alcohol dependency, shall be in accordance with the same requirements which would apply to any other illness or injury. Granting of a leave of absence without pay for the above stated purposes shall be governed by the same rules as would apply to any other request for such a leave.

E. Information Program and Voluntary Utilization

The Employee Services Division (Benefits and Health Promotion Section) shall provide information and training to all employees regarding the nature of drug and alcohol dependency and the treatment resources available through the Employee Assistance Program (EAP) and the County's health insurance programs.

F. Confidentiality

The County shall abide by the applicable laws defining and governing confidential medical information. All information from an employee's or applicant's drug/alcohol evaluation is confidential and only those with a legitimate legal need to know may be informed of the results. EAP and other visits to treatment professionals are also confidential. Disclosure of confidential information will not occur unless written authorization is obtained from the employee or applicant, except for the following unusual circumstances: disclosures, without employee/applicant consent, may occur when: (1) the information is compelled by law or by judicial or administrative process; (2) the employee waives his/her right to confidentiality, for example by placing the information at issue in a formal dispute between the employer and employee or applicant; (3) the information is needed by medical personnel for the diagnosis or treatment of the patient who is physically unable to authorize disclosure.

VI. Discipline.

A. Procedure

The disciplinary procedures for employees represented by a collective bargaining agent shall be carried out in conformance with the applicable collective bargaining agreement. Disciplinary processes for nonrepresented, classified employees shall be carried out in conformance with the Personnel Rules. Unclassified employees are "at will" employees serving at the pleasure of the appointing authority and are not subject to any specified disciplinary procedure.

B. Cause for Discipline

1. Rules. The rules cited in Section III above are in addition to other work rules and obligations which may apply to the employee.
2. Mitigation. Employees will be held fully accountable for their conduct. Use of alcohol or drugs, or alcohol or drug dependency, will not mitigate the discipline imposed for misconduct or poor performance except as specifically provided in B.3. below.
3. Last Chance Agreement. In certain limited instances in which performance or conduct would otherwise lead to termination, a "Last Chance Agreement" may be implemented as specified in "D" below in addition to the discipline imposed.

C. Conduct not Warranting Termination

The level of discipline chosen and imposed shall be based on the totality of the employee's performance and conduct in light of his or her work history in accordance with the principle of full accountability stated in part "B.2" above. When the conduct of an employee subject to discipline involves violation of a drug- or alcohol-related rule cited in Section III above, the employee may, in addition to the discipline imposed, be subject to a requirement that the employee be subject to random drug testing for two years, as well as other performance requirements connected with the discipline. A positive drug or alcohol test during this period shall result in termination. Additionally, in order to address the issue of reasonable employer trust regarding future conduct, the employee may as a condition of continuing employment be required to successfully participate in and complete:

- If no dependency is diagnosed, a drug education program.
- If a chemical dependency is diagnosed, the treatment program and all follow-up requirements as determined by a County selected chemical dependency specialist.

Failure to successfully participate in such required programs will result in termination.

D. Termination: Last Chance Agreements

In instances in which an employee's conduct and performance is deemed to warrant termination and the employee is, prior to termination, diagnosed by a County selected chemical dependency specialist, as having a diagnosable chemical dependency, the employee may, at the County's option, be offered continued employment on a last chance agreement basis, subject to whatever conditions are included at the time the agreement is made. Such "last chance" offers will not be automatically offered, but will be based on the totality of the circumstances and the employee's work history. Such agreements will require the agreement and signature of the County's Labor Relations Manager, the employee's supervisor, the employee, and, if applicable,

the recognized labor representative. Any such agreement will include but not be limited to a requirement that the employee successfully enroll, participate in, and successfully complete a treatment program as recommended by the chemical dependency specialist; specifically to include the right for the County to administer random drug or alcohol tests following any treatment for a period of two (2) years from the date of completion of the treatment. A copy of the agreement format to be used is attached to this policy.

VII. Testing

- A. Employees. Any employee shall be subject to testing based on reasonable suspicion of being under the influence of alcohol or prohibited drugs. Employees shall additionally be subject to post-casualty testing; such testing is precipitated by events such as defined in Section IX. Employees shall not be subject to random drug testing except: (1) as a term of a Last Chance Agreement; (2) if assigned, transferred, promoted, or demoted to a safety sensitive position.
- B. Applicants. Applicants will be informed of the pre-employment drug/alcohol test requirements at the time their application is submitted, per Attachment A. Prior to an offer of employment, the final candidate for any position shall be subject to drug and alcohol testing. No applicant found to test positive for prohibited drugs or alcohol shall be offered employment unless the presence in the body of the drug in question is reasonably determined by the County to be a result of a valid current prescription for the drug identified in the drug screen. Applicants will be allowed to request a retest, at their own expense, within 30 days after testing. If the retest is negative, the applicant will be reimbursed by the County. Refusal to take the test shall be the basis for discontinuing an applicant in the selection process. An applicant found to test positive shall be removed from the eligibility list and shall not be placed on any County eligibility list for a period of one year from the date the test results were received by the County.
- C. Test Method. Testing for alcohol or drugs shall be by urine or blood analysis. The employee shall have the option to determine which of the two tests is utilized.
- D. Laboratory Selection. All drug or alcohol testing shall be performed by a laboratory or laboratories selected by the County and certified by the State of Oregon for drug or alcohol testing.
- E. Obtaining and Testing Samples
 - 1. Obtaining Samples.
 - a. The employee shall be escorted to a designated collection site for purposes of obtaining a sample of their urine or blood.
 - b. The employee designated to give a sample must be positively identified to the collection site person prior to any sample being obtained.

- c. An interview with the employee prior to the test shall serve to establish any use of drugs currently taken under medical supervision. Any such claimed use shall be substantiated by documentation provided by the employee within 24 hours.
- d. The sample will be obtained by a person trained and qualified to obtain the sample in question.
- e. The sample shall be sealed, labeled, and checked against the identity of the employee to ensure the results match the testee. The employee shall sign off on the sample and the chain of custody documents. Samples shall be stored in a secure and refrigerated atmosphere prior to delivery to the testing laboratory.

2. Testing of the Sample.

- a. The testing shall consist of a multi-step procedure of initial screening, affirmation, and, if positive, confirmation.
- b. The initial screening method or methods selected shall be capable of identifying alcohol and drugs as defined in this policy and procedure.
- c. The confirmation procedure shall be technologically different than the initial screening test. In those cases where the second test confirms the presence of alcohol or drugs in the sample, the sample will be retained for a period of one year in case of a dispute.

3. Chain of Custody.

- a. Each sample shall be sealed and inspected for any tampering throughout the chain of custody.
- b. Each step in the collecting and processing of the collected sample shall be documented to establish the chain of custody.

F. Notification and Appeal.

- 1. Notification. Test results will be issued by the testing laboratory only to the investigatory or supervisory personnel designated by the County and only following the confirmatory test cited in E.2.a. above. The results will be sent by certified mail or hand-delivered to the employee within three working days of receipt of results by the County.
- 2. Appeal.
 - a. Retesting. If an employee disagrees with the results of the alcohol or drug test, the employee may request, in writing within five (5) days of receipt of test results,

that the sample be retested at the employee's expense by the testing laboratory. The result of any such retest will be deemed final and binding and not subject to any further test. Failure to make a timely written request for a retest shall be deemed acceptance of the test results.

- b. Stay of Discipline. If an employee requests a retest, any disciplinary action shall be stayed pending the results of the retesting.
- G. Diagnosis of Employees Testing Positive. Any employee who is found through testing to be under the influence of drugs or alcohol shall be referred by the Employee Services Division to a chemical dependency specialist selected by the County for a diagnostic evaluation. The specialist shall determine whether the employee has an alcohol or drug dependency in accordance with the current Diagnostic and Statistic Manual criteria.
- H. Confidentiality. The testing reports are considered to be medical records and shall be handled accordingly. Results shall be disclosed only on a strict legal need to know basis to other administrative personnel and to the tested employee upon request. Additional confidentiality issues are discussed in Section V, Part F.

IX. Definitions

- A. Alcohol. Ethyl alcohol and all beverages or liquids containing ethyl alcohol.
- B. Controlled Substance. All forms of narcotics, depressants, stimulants, analgesics, hallucinogens, and cannabis, as classified in Schedules I-V under the Federal Controlled Substances Act (21 USC § 811-812) as modified under ORS 425.035, whose sale, purchase, transfer, use, or possession is prohibited or restricted by law.
- C. County. Multnomah County, Oregon.
- D. Drug Test. A laboratory analysis of blood or urine to determine the presence of prohibited drugs or alcohol or their metabolites in the body.
- E. Drugs. Controlled substances, designer drugs (drug substances not approved for medical or other use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration), and/or over-the-counter preparations available without a prescription from a medical doctor that are capable of impairing an employee's mental or physical ability to safely, efficiently, and accurately perform work duties.
- F. On duty. The period of time during which an employee is engaged in activities which are compensable as work performed on behalf of the County, or the period of time before or after work when an employee is wearing a uniform, badge, or other insignia provided by the County, or operating a vehicle or equipment which identifies Multnomah County.

- G. Prescription Medication. A medication for which an employee is required by law to have a valid, current prescription.
- H. Reasonable Suspicion of Being Under the Influence of Drugs or Alcohol. A belief based on objective and specific articulable facts sufficient to lead a supervisor to suspect that an employee has consumed or is under the influence of drugs, controlled substances, or alcohol such that the employee's ability to perform his/her job is impaired or the employee's ability to perform his/her job safely is reduced. Examples of such objective and specific articulable signs of prohibited substance use include, but are not limited to any one or a combination of possible indicators such as: slurred speech, alcohol on the breath, loss of balance or coordination, dilated or constricted pupils, apparent hallucinations, high absenteeism or a persistent pattern of unexplained absenteeism, erratic work performance, persistent poor judgment, difficulty concentrating, theft from office or from other persons, unexplained absences during office hours, or employee's admission of use of prohibited substances in a manner which could affect work performance.
- I. Safety Sensitive Position. An employee in the Office of the Sheriff assigned to a position where the employee: (1) carries a firearm; or (2) has direct contact with inmates; or (3) is responsible for the handling and processing of drugs or narcotics or other seized property or monies of high value (over \$1,000). Such classifications or individuals shall specifically include, but not be limited to, those listed in Attachment B. [Note: to be added when job descriptions are reviewed.]
- J. Under the Influence of Alcohol. An individual is considered to be "under the influence of alcohol" when the individual's blood alcohol content exceeds .02%.
- K. Under the Influence of Drugs. An individual is considered to be "under the influence of drugs" when testing indicates that controlled substances are present in the blood or urine in the following amounts:
- Marijuana - 75 nanograms/milliliter
- For other prohibited drugs - 300 nanograms/milliliter or the prevailing NIDA standard, whichever is lesser or more stringent.
- L. Last Chance Employment Agreement. An agreement in lieu of termination, between the County and an employee who would otherwise be terminated, which specifies the conditions to which the employee must adhere in order to remain employed.
- M. Post-Casualty Testing. Drug and/or alcohol testing which is initiated as a result of either:
- The use of deadly force on the part of an employee (Office of the Sheriff), or

- An accident which resulted in a hospital admission or death and concerning which there is reasonable foundation to believe that drugs or alcohol, if present in the body of an involved employee, could have been the cause or a contributing cause of the accident.

N. Drug Paraphernalia. Drug paraphernalia means any and all equipment, products, and materials of any kind, as more particularly defined in ORS 475.525(2), which are or can be used in connection with the production, delivery, or use of a controlled substance as that term is defined by ORS 475.005.

APPENDIX A: RESOURCES FOR ASSISTANCE
WITH DRUG/ALCOHOL CONCERNS
(August 1991)

- Employee Assistance Program - Cascade Counseling Center provides free, confidential counseling services to all permanent County employees (employed half-time or more) and their families. Cascade helps employees deal with personal problems on an individual basis, including substance abuse problems. Services are available 24 hours a day at two offices in the Portland area:

East Portland
7931 NE Halsey #202
233-3841

Tigard
7180 SW Fir Loop #1-A
639-3009

Appointments can be made after hours for your convenience, and all information disclosed to the counselor is confidential.

- Medical Insurance Coverage - Both Kaiser and the Multnomah County Health Plan (ODS) provide coverage for alcohol and chemical dependency treatment, subject to certain limitations and/or maximums. For detailed information, you may contact the carriers directly or refer to your medical plan booklet. Information numbers:

Kaiser Permanente: (503) 721-2000

ODS Health Plan: (503) 228-6554

In addition to these resources, Employee Services Division can offer assistance:

- Health Promotion - 248-3477: information on drug health effects and Peer Support Program.
- Benefits - 248-3477: help in clarifying coverage for substance abuse treatment (you can remain anonymous if you'd like).
- Training - 248-5015: supervisor training for dealing with substance abuse problems in the worksite.

If you'd prefer to talk to one of the Peer Support Volunteers (recovering County employees who make themselves available to talk to other employees, informally and confidentially) see their names listed on the Peer Support poster in your work area, in the quarterly Health Promotion Schedule, or call Health Promotion for a referral to one of the peers (you can be anonymous).

- Helpline: 232-8083 in Portland 1-800-621-1646 Statewide

This is a free, confidential 24-hour help, information, and referral line for people with drug or alcohol problems. This service is provided by the Oregon Council on Alcoholism and Drug Abuse.

LAST CHANCE AGREEMENT

The following agreement is entered into between The Employer and The Employee. This agreement serves as a guide for the employee as to what is expected for continued employment with the Employer.

1. I agree to be evaluated by a qualified alcohol/substance abuse counselor, and if required, I shall immediately enroll and continue in a bona fide alcohol/drug inpatient or outpatient rehabilitation program approved by the Employer. I fully understand that should I fail to complete either the inpatient or outpatient program, my employment with The Employer will be terminated.
2. I agree to comply with and complete the conditions of my "Aftercare Plan" as recommended by my treatment counselor. If I must be absent from my aftercare session, I must notify the employer. The Employer has my permission to verify my attendance at required meetings. If I do not continue in the aftercare program, I understand that my employment will be terminated.
3. I understand that the signing of this agreement shall allow the Employer the right to communicate with my physician and/or counselors regarding my status and progress of rehabilitation and aftercare.
4. A. If the Employer believes that I am using drugs or alcohol, I agree to submit to an alcohol/drug test (blood test, urinalysis, or breath test) at any time required by the Employer for a period of 24 months. I understand that if I refuse to take the alcohol/drug test or if the test is positive, my employment will be terminated immediately.

B. I agree to submit to periodic, unannounced, unscheduled drug testing (blood test, urinalysis or breath test) by the Employer for a period of 24 months from the date I return to work. (This time period will increase accordingly if you are absent from work, for any reason, for a cumulative period of one month or more.) I understand that if I refuse to take a drug test or if the test is positive, my employment will be terminated.
5. I agree to return to work upon successful completion of the alcohol/drug rehabilitation program.
6. It is understood that this agreement constitutes a final warning and is non-precedent setting for any other employees with the Employer in the future. Each case will be reviewed on its own merit.
7. I understand the Employee Assistance Program is available to me should personal problems arise in the future that may have an effect on my ability to remain in compliance with the Drug and Alcohol Policy and/or this agreement.
8. I realize that violation of the Drug and Alcohol Rules and/or policies at any time in the future is cause for termination.

9. I realize that upon my return to work, if my performance does not match the standards outlined in the attachment hereto, I will be terminated.
10. (For unclassified employees only). I understand that as an unclassified employee I am an "at will" employee of Multnomah County and that the County retains the right to terminate me for any or no reason without appeal. In executing this agreement I understand and agree that the standard for terminating me is in no way amended by this agreement. I waive any and all rights to sue the County based on an allegation that this agreement has been breached.

Personal Commitment

I pledge and agree to abide by the terms of this agreement. I understand that a violation of or noncompliance with any of these terms will result in my being terminated. Further, I pledge to remain free of all illegal drugs and also not to abuse legal drugs (including alcohol). I hereby consent to the County's contacting any treatment or health care provider who may have information on my alcohol or drug dependency condition and/or compliance with the terms of this agreement and authorize the provider to furnish such information to the County.

I understand the terms and conditions of this letter. I also understand that, except as expressly stated in this agreement, my terms and conditions or employment will be determined by the County's policies and rules, and that this agreement does not guarantee me employment for any set period of time. I have had sufficient time to study it away from the work place and to consult anyone I desire about it. I sign it free of any duress or coercion. This letter will become part of my personnel file.

(Employee) (Date)

(Exempt Employee With Termination Authority)** (Date)

(Labor Representative (Date)
if applicable)

(Employee's Immediate (Date)
Exempt Supervisor***) (optional)

(Multnomah County (Date)
Labor Relations, if applicable*)

[Note: Guidelines as to whose signature is required and when will be provided below.]

Footnotes:

*

**

DRAFT

MULTNOMAH COUNTY PREEMPLOYMENT TESTING FOR DRUGS

The Objective

In 1988 Congress enacted the Drug-Free Workplace Act to assist (and require) federal contractors to establish and maintain a work environment that is free from the effects of drug use and abuse. While we are not subject to this law, we agree with that goal. We intend to do everything we can to make it a reality in our workplace. For that reason, we expect all applicants and employees to be [alcohol?] and drug-free.

Testing of Applicants

We require all applicants to be free of illegal or nonprescribed drugs [and alcohol?] and every offer of employment is conditioned upon passing appropriate urine tests. We test for the following substances: [Alcohol,?] Amphetamines, Barbiturates, [Benzodiazepines,?] Cocaine, Opiates, [Propoxyphene,?] and THC (Marijuana).

An applicant who refuses to be tested or tests positive (including a positive test for a legal drug that was not fully explained on the pretest survey form) will be treated as if the application were voluntarily withdrawn. Applicants who are rejected for these reasons may reapply after 180 calendar days, but any new job offer will again be conditioned on passing the tests.

An applicant who switches, dilutes, adulterates, or in any way tampers with the requested sample(s), or otherwise attempts to manipulate the testing process, will also be treated as if the application were voluntarily withdrawn. Applicants rejected for these reasons will not be considered for future employment under any circumstances.

Appeal Rights/Right to Retesting

Applicants can obtain test results by making a written request within 30 days after testing. The request should be addressed to _____, Multnomah County, _____, Portland, OR 97_____. An applicant who makes a timely request will have 30 days (from the day the test results are mailed or otherwise communicated) to explain any positive result and/or to request a retest (at the applicant's expense) of the same specimen. The retest will be done by our laboratory. An applicant who satisfactorily explains test results or whose "retest" does not indicate the presence of drugs will be reimbursed for the cost of the retest and will be offered the next suitable position that becomes available.

Confidentiality

All test results will be maintained in a secure file and will only be communicated on a business "need to know" basis.

Situations Not Covered By Policy

We recognize that situations will arise which are not specifically covered by this policy and these guidelines (for example, situations involving applicants who have been convicted of or pled "no contest" or forfeited bond or bail to [alcohol or?] drug use or drug activity charges). We will deal with them on a case-by-case basis taking into account such things as the nature of the situation or problem, the potential impact on coworkers and the public and our Alcohol and Drug Policy, the applicant's prior employment record, and the potential impact on production, safety, and public perceptions.

ACKNOWLEDGEMENT AND CONSENT TO TESTING

1. I, _____
[Please print your full name]
acknowledge receiving a copy of the Multnomah County Preemployment Drug-Testing Policy. I understand that every offer of employment is conditioned upon passing urine tests for drugs [and alcohol?].
2. I understand that Multnomah County has asked me to be tested to see whether I have any [alcohol?], illegal or nonprescribed drugs in my system. I understand _____ [insert name] will do the testing.
3. I voluntarily agree to provide samples of my urine for testing and to submit to any related physical or other examination. I do not have any physical, medical, or other conditions which could be aggravated by the taking of such a sample.
4. I authorize the release of the test results (and any other relevant medical information) to Multnomah County for its use in evaluating my application for employment. I also release Multnomah County from all liability arising out of or connected with the testing.
5. I understand that if I refuse to submit to the testing, to give the requested sample(s) and/or to authorize the release of the results to the County, I will not be considered for employment. I also understand that I will not be considered if the test results indicate that I do not meet Multnomah County's alcohol and drug standards.
6. I understand that any attempt to switch, dilute, adulterate or in any way tamper with the requested sample(s) or to otherwise manipulate the testing process will also result in denial of employment.

Applicant's Signature

Today's Date

Briefing Outline
Executive Session
Drug and Alcohol
Policy

January 8, 1992

What

Who

- | | |
|--|---------------------------------|
| ✓ 1. Limitations of discussion in Executive Session and Drug Testing as a mandatory subject of bargaining. | Ken Upton |
| ✓ 2. Why employers are developing written policies. | Steve Gallon
(Serenity Lane) |
| ✓ 3. Why we chose to develop a written policy. | Wendy Hausotter |
| 4. Key provisions of the plan explained. | Wendy Hausotter |
| 5. Bargaining and Contract Administration parameters. | Ken Upton |
| A. Current problems of contract administration. | |
| B. Key problems in bargaining: | |
| • Testing (General) | |
| • Testing (Random) | |
| • Full Accountability Principle | |
| • Alcohol on equal ground (.02 standard). | |
| • One more thing. | |
| 6. Policy Direction for Bargaining. | Board |

DRAFT DRUG/ALCOHOL POLICY: EXECUTIVE SUMMARY

I. Policy Goals:

1. To promote a drug/alcohol-free workplace by specifically prohibiting employees from working while under the influence of drugs/alcohol.
2. To inform employees of the range of potential consequences of violating the policy.
3. To encourage employees to seek assistance for drug/alcohol problems before work performance suffers.
4. To assist employees whose work performance is impaired by chemical dependence to get treatment which may allow the County to continue their employment.

II. Key Provisions:

Policy Draft
Page:

1. Applies to all employees, except prosecutors in the DA's office (preexisting policy) and temporary/on call employees (many provisions unenforceable, but work rules still applicable). p. 1
2. Outlines work rules specific to drugs/alcohol, including: not reporting to work while under the influence; not using, possessing, bringing, transporting, distributing, etc. drugs and alcohol in or to the workplace. pp. 1, 2
3. Prescription drug provisions: if work/safety could be affected, supervisor must be informed of use of prescription medication and possible side effects; physician approval to work may be needed or employee may need temporary alternative assignments; medications brought to work should be in original container with name, dose, etc. p. 2
4. County's role is to inform employees of policy provisions, provide training on implementation, maintain confidentiality, provide chemical dependency assistance resources and information, enforce policy provisions via Division Managers, Elected Officials or designees. pp. 2, 3
5. Employees encouraged to seek assistance for drug/alcohol problems before work performance suffers; no penalties for doing so (provided no infractions or performance problems meriting discipline already exist). p. 3

6. Disciplinary procedures are the same as for violation of any other County policy, except that as part of the process of progressive discipline, under specified conditions, employee may be required to:
- pp. 4 - 6
- participate in a mandatory chemical dependence assessment (at County expense and using a County-selected Addiction Medicine Specialist)
 - submit to a urine or blood test to determine levels of drugs/alcohol in the body (explained in more detail below)
 - consent to a Last Chance Agreement (see below).
7. Last Chance Agreement may be entered into between the County and employee if conduct or performance warrants termination but employee is diagnosed, after an assessment by an Addiction Medicine Specialist, to have chemical dependence; Agreement is in lieu of termination and requires successful completion of treatment program outlined by Addiction Medicine Specialist and submission to random drug tests for a two-year period.
- pp. 5, 6
8. Drug/alcohol testing of employees will be done on a limited basis, as follows, and will include rights to retest and protection of confidentiality. The kinds of tests are:
- pp. 6 - 8
- Preemployment: final candidate for position must pass drug/alcohol test before final job offer is made; all applicants will be informed of this requirement from their initial contact with the County (via notices in advertisements, postings, and written notification with job application).
 - Reasonable suspicion: tests may be needed to rule out drug/alcohol use as causal/contributing factor in job performance problems; supervisor must have identified specific, factual, documented constellation of performance/behavior problems in order to justify testing.
 - Post-casualty: testing performed as the result of an accident requiring hospitalization or resulting in a death, or after the use of deadly force (MCSO).
 - Random: prohibited except as part of a Last Chance Agreement or for "safety sensitive" positions (MCSO).