

	<b>LANE COUNTY SHERIFF'S OFFICE POLICY</b>	Number: <b>G.O. 4.05</b>
		Issue Date: March 21, 2005
		Revision Date: November 2, 2005; December 14, 2007; November 9, 2015; February 11, 2021
<b>CHAPTER:</b> Employee Conduct		Related Policy: G.O. 3.01 (Sheriff's Office Manual and Relationship to Other Documents), G.O. 3.13 (Internal Investigation), G.O. 4.02 (Code of Conduct), APM Chapter 3 Section 1 Issue 2.
<b>SUBJECT:</b> Alcohol and Drugs		Related Laws: Oregon Revised Statutes related to alcohol and controlled substances, Federal Controlled Substance Act.

**POLICY:** The Lane County Sheriff's Office is committed to providing a safe work environment for its staff and the public that is free from the effects of alcohol, marijuana and controlled substances. It is recognized that an employee, contract employee or volunteer, whose ability or judgment is impaired, can endanger the safety of the public and co-workers and increase the risk of property loss or damage.

**DEFINITIONS:**

1. Drugs and Alcohol: For the purposes of this Policy, drugs and alcohol will be defined as marijuana, all intoxicants and controlled substances as defined by state and federal laws (excluding prescribed medication per definition 6 below).
2. Drug and Alcohol Test: The compulsory production and submission of urine, breath, or blood by an employee in accordance with procedures contained herein for chemical analysis to detect prohibited drug and/or alcohol use.
3. Reasonable Suspicion: Reasonable suspicion means that a supervisor holds a belief that is reasonable under the totality of circumstances existing at the time and place the supervisor acts. If a supervisor is able to point to specific and articulable facts that give rise to a reasonable belief that a person is under the influence of alcohol, marijuana or drugs in violation of Sheriff's Office rules, the supervisor has reasonable suspicion.
4. Under the Influence: Any consumption of alcohol, marijuana or a controlled substance resulting in a detectable amount prior to reporting to work is not permitted.
5. On the Job – For purposes of this policy, on the job is considered when an employee, contract employee or volunteer, on or off-duty, is on any property owned or leased by Lane County (including parking lots). It further applies when an employee, contract

employee or volunteer is driving in a county-owned vehicle or private vehicle for which the Sheriff's Office has authorized mileage reimbursement.

6. Prescribed Medication: A substance lawfully prescribed for the employee, contract employee or volunteer's use by a medical professional. For the purpose of this order, marijuana, in any form, is NOT considered a prescribed medication.
7. Volunteers: Community members who donate time and resources in support of the Sheriff's Office goals and objectives.
8. Contract Employees: Individuals who are self-employed or working for a company that the Sheriff's Office has contracted with to provide a specific service.

**RULE(S):**

1. Except as authorized by Sheriff's Office policy for job-related reasons, the following conduct is strictly prohibited and may subject an employee to disciplinary action:
  - a. The unlawful buying, selling, transportation in the passenger compartment of a county vehicle, possession, providing, or use of intoxicants or any controlled substances.
  - b. Reporting for work with a detectable odor of alcohol on the breath, any detectable amount of alcohol in the body which results from the consumption of intoxicants, or when an employee has a detectable amount of any controlled substance, to include marijuana, found in the employee's body (excluding prescribed medication).
  - c. Any buying, selling, providing, personal possession, or use of marijuana.
2. If an off-duty employee has consumed intoxicants and is called back to work employee will notify his or her supervisor as to the amount and time of intoxicants the employee has consumed.
3. Employees shall notify their supervisor if they have used prescribed medication, controlled substance, and over-the-counter drugs as described in Sections VII and VIII of this General Order.
4. Employees shall notify their supervisor within 24 hours if a controlled substance or marijuana is ingested unintentionally or if the employee is made to ingest a controlled substance or marijuana. Employees will be required to submit a memorandum to their supervisor detailing the events that led to the substance being ingested. An employee who complies with this rule may be required to submit to blood or urine testing.

**PROCEDURES:**

I. Preconditions to Alcohol and Drug Testing

- A. Before any employee may be tested for drugs or alcohol that is not pursuant to criminal prosecution in connection with another crime, the Sheriff's Office shall select a NIDA certified laboratory or laboratories that can demonstrate experience and capability of quality control, documentation, chain of custody, technical expertise, and demonstrated proficiency in urine and blood analysis.

II. Grounds for Testing

- A. Random testing for drugs and alcohol will not be the policy of the Sheriff's Office.
- B. Employees may be required to submit to drug or alcohol testing, if reasonable suspicion exists that the employee is under the influence of alcohol or drugs in violation of this policy and procedure.
- C. The Sheriff's Office may test for any drug when it has reasonable suspicion that an employee may be under the influence of alcohol or drugs in violation of this policy and procedure.
- D. Employees shall be notified in writing of the facts which formed the basis for a reasonable suspicion that lead to alcohol or drug testing within 24 hours.

III. Testing Mechanisms

- A. The following testing mechanisms shall be used for any test for marijuana, intoxicants or controlled substances performed on members of the Sheriff's Office.
  - 1. Any urine screening shall be performed by the use of Gas Chromatography/Mass Spectrometry (GC/MS). If at any time there exists a test with a higher rate of reliability than the GC/MS test, such test shall be used in place of the GC/MS if administered by a NIDA certified laboratory or laboratories that can demonstrate experience and capability of quality control, documentation, chain of custody, technical expertise, and demonstrated proficiency in urine and blood analysis.
  - 2. Alcohol, marijuana and controlled substance testing may include standard field impairment tests, breath test, and standard laboratory blood tests.

IV. Procedures Used When a Urine Sample is Given

- A. The following procedure shall be used whenever an employee is requested to give a urine sample:

1. Employees should maintain personal records of all prescription medications being taken. In the event an employee is required to submit to a blood or alcohol test while taking prescription medications, and if the test results are positive, the medical facility that completed the analysis will contact the employee directly and review the medications with them. This procedure is intended to provide confidentiality for the employee concerning the use of prescription medications.
2. The test shall be administered in such a manner as to protect the authenticity and reliability of the sample and privacy of the individual.
3. Immediately after the sample is given, it will be divided into two (2) equal parts. Each of the two (2) portions of the sample will be separately sealed, labeled, and stored in a secure and refrigerated atmosphere. One (1) of the samples will then be sent or delivered to a pre-designated testing laboratory. The other sample will be held for the employee until the employee either instructs that it be sent to their designated lab or destroyed.
4. The sample will first be tested using the screening procedure set forth in Section III.A.1. of this General Order.
5. If the test is positive for the presence of marijuana, any intoxicants or controlled substances, the employee will be notified of the positive results within 24 hours after the Sheriff's Office learns of the results, and will be provided with copies of all documents pertinent to the test sent to or from the Sheriff's Office by the laboratory. The employee will then have the option, at his or her own expense, of having the untested sample submitted to a laboratory of the employee's own choosing which meets the standards specified in Section III.A.1. of this General Order.
6. Each step in the collection and processing of urine specimens shall be documented to establish procedural integrity and chain of custody.

V. Procedures Used When the Blood Sample is Given

- A. The following procedure shall be used whenever an employee is requested to give a blood sample:
  1. The employee will be transported as soon as possible to the Sheriff's Office designated physician's office during normal business hours or to a local hospital during non-business hours to have the blood drawn. The test shall be given in such a manner as to protect the authenticity and reliability of the sample and the privacy of the individual.

2. Immediately after the sample has been drawn, it will be divided into two (2) equal parts. Each of the two (2) equal portions of the sample will be separately sealed, labeled, and stored in a secure and refrigerated atmosphere. One (1) of the samples will then be sent or delivered to the Sheriff's Office designated testing laboratory. The other portion will be held for the employee until the employee either instructs that it be sent to their designated lab or destroyed.
3. If the test is positive for the presence of marijuana, any intoxicants or controlled substance, the employee will be notified of the positive results within 24 hours after the Sheriff's Office learns of the results, and will be provided with copies of all documents pertinent to the test sent to or from the Sheriff's Office by the laboratory. The employee will then have the option, at his or her own expense, of having the untested sample submitted to a laboratory of the employee's own choosing which meets the standards specified in Section III.A.1. of this General Order.
4. Each step in the collecting and processing of blood specimens shall be documented to establish procedural integrity and chain of custody.

#### VI. Consequences of Positive Results

- A. An employee who has tested positive for the presence of marijuana, intoxicants or controlled substances pursuant to this General Order may be referred to the Employee Assistance Program or drug and alcohol counseling. A positive test means after testing, screening and confirmation there is indication there is presence of alcohol, a controlled substance or by the employees admission. An employee's participation in the Employee Assistance Program or in drug or alcohol counseling will be considered in determining what, if any, disciplinary action may be taken.
- B. An employee who tests positive, as determined by the testing laboratory described in section V and pursuant to this General Order, may be subject to unannounced testing for a one (1) year period following the positive test. If the employee violates the terms of agreed to treatment or again tests positive during such a period, he or she shall be subject to immediate discipline, which may include discharge.

#### VII. Prescribed Medications

- A. An employee utilizing any prescribed medications or controlled substances that may affect the employee's ability to safely perform assigned duties must immediately report this medication to the employee's supervisor.
- B. Failure to report the use of a prescribed medication or controlled substance which the employee has been informed may affect his or her abilities to safely perform

assigned duties may subject an employee to disciplinary action. In the event there is a question regarding an employee's ability to safely perform assigned duties, clearance from the employee's physician will be required.

VIII. Use of Over-the-Counter Medications

- A. The use of over-the-counter medications is in no way prohibited as long as taken in accordance with the manufacturers' recommended dosages. An employee who ingests an over-the-counter medication in doses that may affect his or her ability to safely perform assigned duties or taken not in accordance with the manufacturers' recommended dosages, must report the use of the over-the-counter medication to his or her supervisor.
- B. Once informed by the employee, the decision as to whether or not the employee works his or her assigned duties shall be the responsibility of the employee's supervisor. There will be no discipline to an employee who reports to his or her supervisor the use of an over-the counter medication which the employee feels may affect his or her assigned duties. Failure to report the use of an over-the-counter medication which the employee feels may affect his or her ability to safely perform his or her duties, or which was taken in dosages not in accordance with the manufacturer's recommendation, may subject the employee to disciplinary action.

IX. Searches

- A. Upon reasonable suspicion, the Sheriff's Office may conduct searches on COUNTY property of employees, assigned COUNTY property and/or personal property, excluding personal vehicles parked on COUNTY property.
- B. An employee has the right to request a Union representative of their choosing be present during the search as long as the search is not unreasonably delayed by accommodating this provision. This provision is not intended to restrict the Sheriff's Office right to conduct administrative searches of assigned COUNTY property for other purposes or searches related to any criminal investigation.

X. Interference with Policy

- A. Any activity which purposely interferes with this Substance Abuse Policy will be grounds for disciplinary action which may include discharge. 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; failure to cooperate with any tests outlined in this policy to determine the presence of intoxicants or controlled substances; and failure to cooperate with any searches.

XI. Employee Rights

- A. The employee shall have the right to a Union representative up to and including the time the sample is given. This provision shall not, however, cause an unreasonable delay in testing. Nothing shall restrict the employee's right to representation under general law.
- B. If at any point the results of the laboratory testing procedures specified in this General Order are negative, all further testing shall be discontinued, unless superseded by Paragraph VI.B. above. The employee will be provided with a copy of the results and all documentation on the testing will be sealed and maintained in a secure place. All test results will be kept confidential by the Sheriff's Office.
- C. Any employee who tests positive shall be given access to all written documentation available from the testing laboratory which verifies the accuracy of the testing equipment used in the testing process, the chain of custody of the specimen, and the accuracy rate of the laboratory.

## XII. Contract Employees

- A. Except as authorized by Sheriff's Office policy for job-related reasons, the following conduct is strictly prohibited and may subject a contract employee to lose their security clearance from the Sheriff's Office immediately:
  - 1. The unlawful buying, selling possession, providing, or use of intoxicants or any controlled substances.
  - 2. Reporting for work with a detectable odor of alcohol on the breath, any detectable amount of alcohol in the body which results from the consumption of intoxicants, or when an employee has a detectable amount of any controlled substance, to include marijuana, found in the employee's body (excluding prescribed medication).
  - 3. Any buying, selling, providing, personal possession, or use of marijuana.
  - 4. Transportation of intoxicants or controlled substances in the passenger compartment of a county vehicle.
  - 5. Violation of the County's Drug Free Workplace Policy under the APM.
- B. If a contract employee has consumed intoxicants and is called to work, the contract employee will notify ~~his or her~~ the employee's supervisor immediately as to the amount and time of intoxicants the employee has consumed.

- C. Contract employees shall notify their supervisor if they have used prescribed medication, controlled substance, and over-the-counter drugs as described in Sections VII and VIII of this General Order.
- D. Upon reasonable suspicion, the Sheriff's Office may conduct searches on County property of contract employees, assigned County property and/or personal property, excluding personal vehicles parked on County property.
- E. Contract employees may be required to submit to drug or alcohol testing, if reasonable suspicion exists that the contract employee is under the influence of alcohol or drugs in violation of this policy and procedure.
- F. The Sheriff's Office may test for any drug when it has reasonable suspicion that a contract employee may be under the influence of alcohol or drugs in violation of this policy and procedure.

### XIII. Volunteers

- A. Except as authorized by Sheriff's Office policy for job-related reasons, the following conduct is strictly prohibited and may be grounds for immediate termination of the volunteer arrangement with the SO.
  - 1. The unlawful buying, selling, possession, providing, or use of intoxicants or any controlled substances.
  - 2. Reporting for volunteer work with a detectable odor of alcohol on the breath, any detectable amount of alcohol in the body which results from the consumption of intoxicants, or when an volunteer has a detectable amount of any controlled substance, to include marijuana, found in the employee's body (excluding prescribed).
  - 3. Any buying, selling, providing, personal possession or use of marijuana.
  - 4. Transportation of intoxicants or controlled substances in the passenger compartment of a county vehicle.
- B. If a volunteer has consumed intoxicants and is called to volunteer, the volunteer will notify the Sheriff's Office immediately as to the amount and time of intoxicants the volunteer has consumed prior to reporting for volunteer duty.
- C. Volunteers shall notify the Sheriff's Office if they have used prescribed medication, controlled substance, and over-the-counter drugs as described in Sections VII and VIII of this General Order.



- D. Upon reasonable suspicion, the Sheriff's Office may conduct searches on County property of volunteers, assigned County property and/or personal property, excluding personal vehicles parked on County property.

XIV. Alcohol and Drug Testing Contacts

- A. Sheriff's Office Designated Physician's Office

If a supervisor believes that he or she has reasonable suspicion that an employee of the Sheriff's Office is under the influence of alcohol or drugs in violation of Sheriff's Office Policy, and they determine that a blood or urine sample needs to be taken, they shall arrange for the employee to be transported to McKenzie-Willamette Hospital or Cascade Health to have the sample taken for testing. Listed below are phone numbers that would be used in arranging to have the sample taken.

Monday through Friday 0715-1830

CASCADE HEALTH SOLUTIONS  
2650 Suzanne Way, Suite 200  
228-3090

All Days:

McKENZIE-WILLAMETTE HOSPITAL  
1700-0630 All Days  
Emergency Room  
726-4444