

**MONTGOMERY COUNTY, TEXAS
EMPLOYEE POLICY MANUAL
3. EMPLOYEE RESPONSIBILITIES**

3.2 DRUG FREE WORKPLACE

PURPOSE	3.2-1 Montgomery County wishes to have a safe and productive workplace, one that is free of drugs and alcohol.
EDUCATION	3.2-2 The County, through the Human Resources Department, will implement a comprehensive drug and alcohol abuse education program.
TREATMENT	3.2-3 Alcoholism and other drug addictions are recognized as diseases responsive to proper treatment. For this reason, the County offers treatment under the Montgomery County Employee Benefit Plan (see the Plan Document for details) to those covered under the Plan; others would have to seek treatment at their own expense.
PROHIBITED ACTIVITIES	3.2-4 Employees are specifically prohibited from manufacturing, distributing, dispensing, possessing, purchasing, and using controlled substances (including inhalants) in the workplace or in any other facility, location, or transport in which the employee is required to be present in order to perform his or her job duties except for drugs prescribed for an employee by his physician when such drugs are used as prescribed. Being under the influence of alcohol or illegal drugs on County property is prohibited.
REPORTING	3.2-5 Employees of Montgomery County who are convicted of a violation of state or federal law against manufacturing, distributing, dispensing, possessing, purchasing, or using a controlled substance (including inhalants) or alcohol are required to report such conviction to their immediate supervisor and the Montgomery County Human Resources Director in writing within five days of conviction. Failure to do so may result in termination of employment.
PRE-EMPLOYMENT TESTING	3.2-6 After receiving a conditional offer of employment, applicants requiring a commercial driver's license (CDL) or whose job is a safety sensitive position (defined as a job or position where the employee holding the position has the responsibility for his/her own safety or other people's safety and for which it would be particularly dangerous if such an employee was using drugs or alcohol while on the job) must pass a drug screen (coordinated through the Human Resources Department) before they may begin working; the applicant will be required to pay half the cost of this screening. Those with a positive test result will not be hired.
RANDOM DRUG TESTING	3.2-7 The County may also require random drug testing of employees whose job duties require a CDL or whose job is a safety sensitive position (defined above).
ALCOHOL TESTING	3.2-8 Employees may also be subject to random alcohol testing as required by the Department of Transportation.

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OTHER TESTING 3.2-9 All employees are subject to reasonable suspicion and post-accident drug and alcohol testing.

CONSEQUENCES TO EMPLOYEE 3.2-10 Employees who engage in prohibited activities (as listed in 3.2-4) and/or test positive for alcohol or controlled substances are subject to immediate termination of employment or, if the supervisor believes it is in the County's best interests to continue the individual's employment, the following may occur:

- A. An employee having a breath alcohol level of 0.02 to 0.039 shall be relieved from duty for three days without pay on the first occurrence.
- B. An employee having a breath alcohol level of 0.04 or greater or a positive test result for controlled substances on the first test shall be relieved from duty for three days without pay and will be referred to a Substance Abuse Professional (SAP) for evaluation and a determination of what assistance, if any, he needs in resolving his problems associated with alcohol and/or controlled substances. If referred to a SAP, he will be subject to unannounced follow-up alcohol testing. The number and frequency of such follow-up testing shall be as directed by the Medical Review Officer (MRO) and consist of at least six tests in the first 12 months. All evaluation and follow-up testing shall be at the employee's expense. An employee's refusal to visit a SAP or follow his treatment plan will result in termination of employment.

3.2-11 An employee with a previous test showing alcohol or controlled substance use who is tested a second time and found to have a breath alcohol level of 0.02 or greater or a positive drug test, whether or not he was previously referred to a SAP, shall be subject to termination.

3.2-12 An employee who refuses a test shall be considered to have received a positive test result and is subject to termination.

APPLICABILITY 3.2-13 This policy applies to all employees of Montgomery County, regardless of rank or position, and includes temporary and part-time employees.

CONTRACTORS AND GRANTEES 3.2-14 All private or non-county agencies or organizations receiving state or federal grant funds under the official sponsorship of the County must comply with the requirements of the Drug Free Workplace Act of 1988. Recognizing the potential volume, monitoring for compliance will be done on an exceptions basis by either the Director of Risk Management, the Purchasing Agent or the Auditor, depending on the circumstances.