

## ADMINISTRATIVE PROCEDURE



Procedure Number: 30-9

Effective Date: 10/14/95

Revised: January 10, 2002

*C. DeLorenzo*  
County Administrator

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**SUBJECT: COMMERCIAL DRIVERS LICENSE DRUG TESTING**

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**DEPARTMENT RESPONSIBLE: RISK MANAGEMENT**

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**PURPOSE** - In order to enhance highway transportation safety, Congress passed the Omnibus Transportation Employee Testing Act of 1991. The Act requires employers to establish regulations requiring Commercial Motor Vehicle Drivers to be tested for the use of controlled substances and the misuse of alcohol. This procedure provides requirements for meeting this objective. The federal rule is outlined in 49 CFR parts 40 and 382.

**SCOPE** - All departments within Pima County, whose employees are authorized to operate commercial motor vehicles (in general, those required to possess a commercial drivers license (CDL)) in performance of their duties, must ensure that the requirements of this procedure are complied with. This procedure includes all permanent, part-time, temporary and intermittent employees.

**PROCEDURE** - Questions that may arise concerning the application and requirements of this procedure should be directed to Risk Management, specifically, Moe Holland, Loss Control Manager, 740-4007 or Carletta V. Banks, Occupational Medical Manager at 740-4002. If any CDL rules are periodically amended, or this is in conflict with CDL rules, the rules shall govern over the procedure.

This procedure applies to all personnel who are determined to be in safety sensitive positions. These positions are held by drivers who operate vehicles on public roadways and meet any of the following:

- \* 1) A vehicle in excess of 26,000 lbs, (GVWR);
- \* 2) A vehicle that is designed to carry 16 or more passengers, (including driver);
- \* 3) Any size vehicle which is used in transportation of placardable amounts of hazardous materials.

The Act requires initial testing of all personnel for controlled substance use. After initial testing, the act requires randomly testing a minimum of 25% of the drivers for alcohol misuse and randomly testing a minimum of 50% of the drivers for controlled substance use.

### **PRE-PLACEMENT**

- 1) Any selected candidate for employment falling under these rules must submit to a NIDA Drug Screen. This screen shall be performed by the County Physician as a component of the pre-placement medical examination.
- 2) Intermittent/temporary workers are also required to participate in the program prior to the first day of any assignment in a safety sensitive function. The individual must undergo drug testing and must meet all the standards set forth in this document.
- 3) If the selected candidate's test is confirmed positive for drugs, the individual shall not be placed

Revised 1/10/2002 - Changes indicated by line in margin.

in any safety sensitive function. Refusal to submit to drug testing shall preclude the candidate from further consideration for employment. The individual may request testing of the split sample. This second test shall be at the expense of the candidate.

- 4) If the candidate refuses to submit to testing, the remainder of the exam shall be aborted and the results reported to Risk Management. Federal rules prohibit employment in a safety sensitive position without successfully completing the test procedure.

#### **TRANSFER OF AN EMPLOYEE TO A SAFETY SENSITIVE POSITION**

Immediately upon assignment to a safety sensitive job, the employee shall be referred to the County Physician for a drug screen. The employee shall not begin performing the new tasks until clearance has been provided by the County Physician. If the employee is found to have a confirmed positive drug test, he/she shall not be assigned to work in a safety sensitive function.

#### **POST ACCIDENT ALCOHOL/CONTROLLED SUBSTANCE TESTING**

An accident is defined as an accident involving a commercial motor vehicle in which there is either a fatality, an injury requiring treatment away from the scene, or a vehicle is required to be towed from the scene. Post-accident drug and alcohol testing is mandatory if an accident involves a fatality or if the driver receives a citation under State or local law for a moving traffic violation arising from the accident.

The employee subject to post accident testing shall not consume alcohol until after testing is completed or for 8 hours following an accident, whichever comes first. As soon as practicable following an accident (as defined above) the employee shall be tested for alcohol and controlled substances in the following manner:

- a) **(If Monday thru Friday 8:00am - 4:30pm and if emergency treatment not necessary)**  
The employee shall be transported to Concentra Medical Center - 4600 S. Park Avenue and inform the clinic that the visit is for post-accident drug and alcohol testing and for evaluation of an injury which may have been sustained. The employee must remain available until the test is performed or the employee may be considered to have refused to submit to testing.
- b) **Holidays, nights and weekends if not an emergency situation.** The employee should call 889-9574 and the physician on-call will direct care. The physician is to be informed that the call is for post-accident testing and evaluation. The employee must remain available until the test is performed, or the employee may be considered to have refused to submit to testing.
- c) **If emergency treatment is required.** The employee should go to the nearest emergency facility. The employee or the employee's supervisor must inform the emergency facility that post-accident drug and alcohol testing must be performed and the results of that testing must be made available to Risk Management in a timely manner.

When a required controlled substance or alcohol test has not been performed within a reasonable time frame after an accident, the following actions shall be taken:

Failure to comply with the requirements for post-accident testing may be cause for disciplinary action.

Time Elapsed	Action Required
2 Hours	If the driver has not submitted to an alcohol test at this time, the employer shall prepare and maintain on file a record stating the reason a test was not promptly administered.
8 Hours	Cease attempts to administer alcohol test, and prepare and maintain record described above.
32 Hours	If the driver has not submitted to a controlled substance test at this time, the employer shall cease attempts to administer the test, and prepare and maintain the record described above

**RANDOM**

In accordance with the requirements of the Act, unannounced random alcohol and unannounced random controlled substance testing shall be performed in the following manner:

- a) Risk Management contracts with an outside vendor to do random selections. The vendor shall be provided with a list of all positions which require a CDL. Departments shall immediately report to Risk Management any changes in the list. Risk Management will forward the changes to the Contractor.
- b) From the established list, contractor will provide Risk Management with a monthly random list of employees to be tested for alcohol and a monthly random list of employees to be tested for controlled substances.
- c). Risk Management shall inform the departmental designee of those individuals to be tested and shall direct them to report to the established testing site.
- d) The minimum annual rate of random testing for alcohol shall be 25% of the average number of driver positions.
- e) The minimum annual rate of random testing for controlled substances shall be 50% of the average number of driver positions.
- f) No employee will be scheduled for a random test at anytime other than during his/her regularly scheduled work time.

**SPECIAL MEDICAL EVALUATION**

Supervisors should be alert for employees who may require a "Special Medical Evaluation". A Special Medical Evaluation consists of tests essential to determine the employee's physical or mental condition and capability to perform safely the duties of her/his position. Supervisors should be alert to behavioral changes that may come as a result of alcohol or substance abuse. See personnel policy 7-114 for details.

**LICENSE RENEWALS**

Medical examinations required for the renewal of a current employee's CDL shall be performed by the County Physician. The employing department must schedule this examination through Risk

Management. If the employee does not successfully pass the examination, he/she shall not continue in a safety sensitive position until cleared to do so by the County Physician.

### **REASONABLE SUSPICION TESTING**

Reasonable suspicion is defined as follows:

**"Belief that the driver has violated the alcohol or controlled substances prohibition, based on specific contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver". Only those supervisors, managers, or directors who have undergone training in accordance with this law shall determine "reasonable suspicion".**

- 1) If a trained supervisor has reasonable suspicion to believe that an employee has violated the alcohol and/or controlled substance prohibitions, the employee must be referred immediately to the County Physician for testing. If during regular work hours, the employee's supervisor or a department representative must call Risk Management and thereafter have the employee transported to Concentra Medical Center - 4600 S. Park Avenue. If nights, weekends, holidays call the on-call phone number, 889-9574 and transport the employee as directed by the County Physician. This applies to the period upon arrival at work, during or upon leaving work.
- 2) If testing is not done within 2 hours of the reasonable suspicion, the supervisor must prepare and maintain a record explaining why testing was not performed within that time frame.
- 3) Testing must be done within 8 hours of the observation. If testing is not done within the 8 hours, efforts to administer alcohol testing must cease and a record must be prepared and maintained by the supervisor explaining why.
- 4) A written record shall be maintained which describes the observations leading to the request for testing. This document must be signed by the person who made the observation. A copy of the record should be forwarded to Risk Management when the testing is requested.

### **REPORTING**

Pima County Risk Management shall secure the services of a physician who shall act as the Medical Review Officer (MRO) and shall provide reporting to Risk Management in accordance with 49CFR Part40.

Prior to providing Risk Management with a "positive" result, the MRO will make every reasonable effort to first confidentially contact the employee. If unable to confidentially contact the employee, the MRO shall contact Risk Management who will have the driver immediately contact the physician. This must be done within 24 hours.

The employee has 72 hours after being notified of a positive test result to have the second sample tested in accordance with the split sample collection procedure in place. The employee must make this request to the MRO at the time he/she has been informed of the initial positive result.

Risk Management will provide a written report of all positive results to the employing department.

**RECORDS**

The following describes which controlled substance and alcohol test records must be completed and maintained, where they must be maintained and for how long. All records must be maintained in a secure location with controlled access. By law, all records must be accessible by officials of the FHWA within 2 days of a request. Those records which are not in Risk Management's possession must be made available.

Document To Be Maintained	Period Required To Be Maintained	Who Maintains
Alcohol test results indicated a breath alcohol concentration of 0.02 or greater	5 Years	County Physician Risk Management
Verified positive controlled substance test results	5 Years	County Physician Risk Management
Refusals to submit to required alcohol or controlled substance tests	5 Years	Department Risk Management
Required calibration of Evidential Breath Testing Devices (EBT's) documentation	5 Years	County Physician
Substance Abuse Professional's (SAP's) evaluations and referrals	5 Years	County Physician
Consolidated annual calendar year summaries	5 Years	Risk Management Department
Records related to the collection process (except calibration)	2 Years	County Physician
Negative and canceled controlled substance test results	1 Year	County Physician Risk Management
Alcohol test results indicating a breath alcohol concentration less than 0.02	1 Year	County Physician Risk Management
Documentation of Breath Alcohol Technician (BAT) training	5 Years	County Physician
Documentation of reasoning for reasonable suspicion testing	5 Years	Department County Physician Risk Management
Documentation of reasoning for post-accident testing	5 Years	Department County Physician Risk Management
Documents verifying a medical explanation for the inability to provide adequate breath or urine for testing	5 Years	County Physician Risk Management

Document To Be Maintained	Period Required To Be Maintained	Who Maintains
Employer's copy of the alcohol test form, including results	5 Years	Risk Management
Employer's copy of the drug test chain of custody and control form	5 Years	Risk Management
Documents sent to the employer by the Medical Review Officer (MRO)	5 Years	Risk Management
Documents provided by a driver to dispute results of test	5 Years	Risk Management
Documentation of any other violations of controlled substance use or misuse rules	5 Years	Department Risk Management
Records pertaining to substance abuse professional's (SAP's) determination of driver's need for assistance	5 Years	County Physician Risk Management Department
Records concerning a driver's compliance with SAP's recommendations	5 Years	County Physician Risk Management Department
<p>Records related to education and training:</p> <ul style="list-style-type: none"> <li>* Materials on drug and alcohol awareness, including a copy of the employer's policy on drug use and alcohol misuse</li> <li>* Documentation of compliance with requirement to provide drivers with educational material, including driver's signed receipt of materials</li> <li>* Documentation of supervisor training</li> <li>* Certification that training conducted under this rule complies with all requirements of the rule</li> </ul>	2 Years	Department Risk Management
Agreements with collection site facilities, laboratories, MRO's and consortia	5 Years	Risk Management

Document To Be Maintained	Period Required To Be Maintained	Who Maintains
Names and positions of officials and their role in the employer's alcohol and controlled substance testing program	5 Years	Risk Management
Monthly statistical summaries of urinalysis (40.29(g)(6))	5 Years	Risk Management County Physician
The employer's drug testing policy and procedures	5 Years	Risk Management Department

**RETURN TO WORK TESTING/FOLLOW-UP TESTING**

If an employee is found to have violated any of the rules related to alcohol and controlled substances, the individual must comply with the following requirements prior to return to work in a safety sensitive function.

- 1) The employee shall be referred to the County Physician for a return to work evaluation.
  - a) If the prohibited behavior is related to alcohol misuse, alcohol testing shall be performed at a facility designated by Risk Management. The breath alcohol concentration must be less than 0.02 for the employee to be eligible for return to duty. Alcohol testing shall only be performed while the employee is working.
  - b) If the prohibited behavior is related to controlled substance use, drug testing shall be performed by the County Physician or Risk Management's designated healthcare provider. The drug test must indicate a verified negative result.
- 2) If the violation is for controlled substances, prior to return to work, the employee must be seen by a certified substance abuse professional and participate in any program prescribed. Pima County's Employee Assistance Program or treatment through the employee's HMO may be used. The employee must provide the department with proof of participation. A copy must be forwarded to Risk Management.
- 3) If the substance abuse professional (SAP) determines that the employee is in need of assistance, the employee must also undergo unannounced periodic follow-up testing. Testing shall be as directed by the SAP and must be at least 6 times in the first 12 months, coordinated by Risk Management. A SAP may require testing for up to five years.
- 4) The employee shall not return to a safety sensitive position until released to do so by the SAP and subsequently have a verified negative drug screen.

Attached as appendices are a list of some warning signs of drug and alcohol dependency and an "Employee Behavioral Checklist" for the identification of the troubled employee.

These documents should be used only as tools for supervisors/managers. They should not be

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construed to mean necessarily that an employee has used/misused alcohol or drugs if any of the behaviors are exhibited.

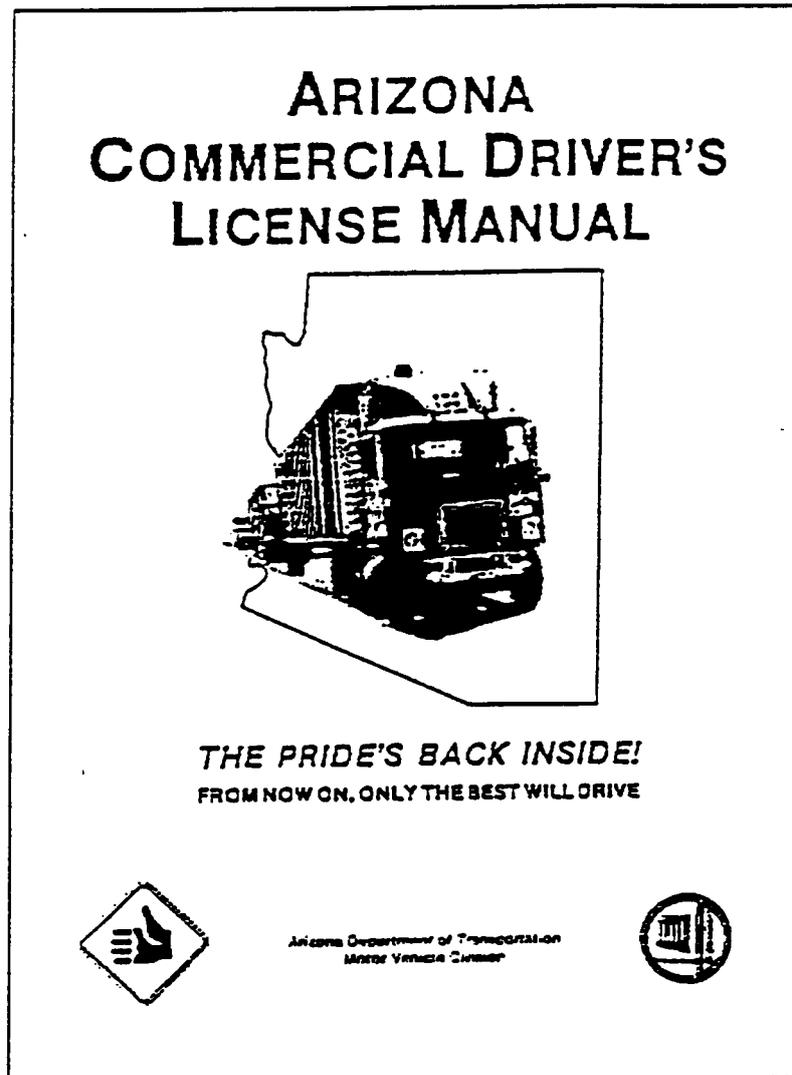
- \* All Managers/Supervisors must complete training regarding drugs/alcohol.

### **PROHIBITED ALCOHOL AND CONTROLLED SUBSTANCE-RELATED CONDUCT**

The following alcohol and controlled substance-related activities are prohibited by Pima County and by the Federal Highway Administration's drug use and alcohol misuse rules for drivers of commercial motor vehicles (CMV's):

- \* Reporting for duty or remaining on duty to perform safety sensitive functions while having an alcohol concentration of 0.02 or greater.
- \* Being on duty or operating a CMV while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
- \* Using alcohol while performing safety-sensitive functions.
- \* When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
- \* Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing.
- \* Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the driver has used any controlled substance, except when instructed by a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV.
- \* Reporting for duty, remaining on duty or performing a safety-sensitive function, if the driver tests positive for controlled substances.
- \* **It should be noted that the above list of FHA prohibited conduct is in addition to the conduct prohibited by Pima County Rules and Policies.**

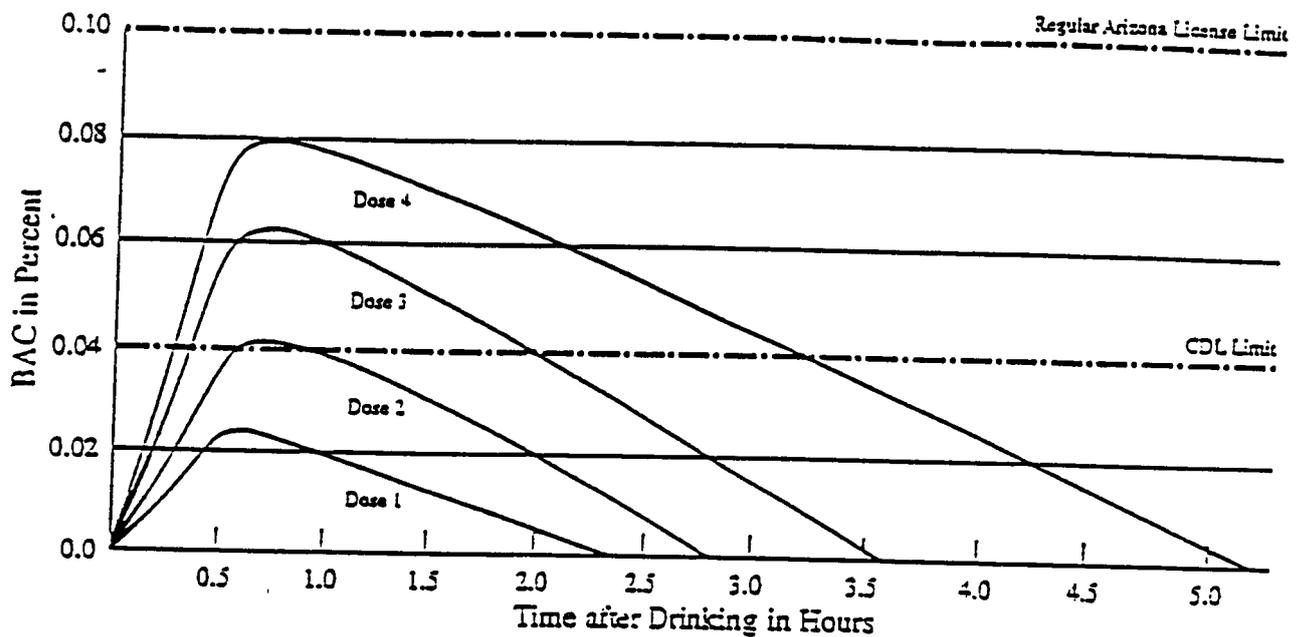
## APPENDIX "A"



• *If you drive a Commercial Motor Vehicle (CMV) under the influence of alcohol or a controlled substance (for example: illegal drugs), you will lose your CDL for at least one year for a first offense.*

• *If you drive when your blood alcohol concentration is .04 percent or more, you are driving under the influence of alcohol. You will lose your CDL for one year for your first offense. You will lose it for life for your second offense. If your blood alcohol concentration is less than 0.04 percent but you have any detectable amount, you will be put out-of-service for 24 hours.*

## Mean Blood Alcohol Vs. Time for Four Doses



*One Dose is equal to one beer or 1.5 oz liquor*

Note: 10 min allowed for drinking

- Dose 1 = 0.20 g/kg body weight
- Dose 2 = 0.35 g/kg body weight
- Dose 3 = 0.50 g/kg body weight
- Dose 4 = 0.65 g/kg body weight

## *In the Workplace the Alcohol or Drug Abuser is:*

2.2 times as likely to request time off.

2.5 times as many absences of eighty days or more.

3.0 times as likely to be late for work.

3.6 times as likely to be involved in an accident.

16 times normal absenteeism.

4 times accident rate.

6 times medical utilization rate

- sick benefits

- workmen's compensation claims

25% decrease in efficiency.

5 times normal compensation.

- 24-33% of the cost increase to employers (i.e. Annual Salary)

20% or more of the workforce suffers from alcohol and other drug dependencies. They in turn, affect the lives of the countless others including employers, co-workers, family, and friends.

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## *The Facts of Life on Drugs...*

- Ten million on-the-job accidents that occur every year are alcohol related.
- The longer you use a drug, the greater the risk of accidentally overdosing and death because your body has become used to the drug.
- Drinking is the third leading cause of death in the United States.
- Combining alcohol and drugs or taking more than one kind of drug increases the risk of death from a serious injury.
- Regular drug users almost always become drug dealers and spread their deadly addiction to others, including co-workers.

### *Warning Signs of Cocaine Dependency*

1. Changes in Behavior
2. Changes in Physical Appearance
3. Changes in Conversational Behavior

### *If You Abuse Alcohol, Your Chance of a D.U.I. ...*

15% for First Offense

80% for Second Offense

### *Alcoholism is ...*

Progressive

Treatable

Inheritable

One Parent .....50% Chance

Two Parents .....80% Chance

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# *Warning Signs of Drug & Alcohol Dependency*

## *1. Performance*

- Lowered Productivity
- Poor Concentration
- Signs of Fatigue
- Increased Mistakes
- Sporadic Work Pace
- Inconsistent Work Quality

## *2. Attendance/Absenteeism*

- Increased Lateness
- Increased Absenteeism
- Vague Complaints of Illness
- Stomach/Intestinal Distress
- Flu, Headaches, Sore Throat, Sweating
- Extended Lunch Periods
- Complaints of Personal and Family Problems
- Unexplained Disappearances from the Work Place

## *3. Attitude/Appearance*

- Mood Swings
- Borrowing Money from Friends/Peers
- Isolation
- Radical Loss or Gain of Weight
- Deterioration of Morale
- Deterioration of Personal Appearance
- Loss of Interest in Promotions
- Apathy
- Irritability

## *4. Health/Safety*

- High Accident Rate
  - Carelessness Evident
  - Needless Risks Taken
  - Safety of Colleagues Neglected
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# *Warning Signs of Cocaine Dependency*

## *1. Changes in Behavior*

- Forgetfulness
- Absenteeism
- Lateness
- Outburst of Temper
- Sleepiness or Fatigue
- Excessively Compulsive or "Speedy" Behavior
- Extreme Mood Swings
- Reduction in Outside Interests
- Isolation from Friends
- Decrease in Appetite
- Increase in Unidentified or Frantic Personal Telephone Calls

## *2. Changes in Physical Appearance*

- Sniffing, Runny Nose or Nosebleeds
- Hoarseness, Coughing or Respiratory Infections
- Loss of Weight
- Dark Circles Under the Eyes or Pallor
- Tremor, Loss of Coordination
- Dilated Pupils
- Needle Marks
- Scratching and Skin Lesions

## *3. Changes in Conversational Behavior*

- Rapid, Choppy Speech Patterns
- Repeated Conversations
- Incomplete Ideas and Rapid Changes of Topic
- Paranoid Ideas
- Apathy and Disinterest
- Discussions of Problems at Home
- Discussions of Financial Problems
- Discussions About Depression

# *Employee Behavioral Checklist for the Identification of the Troubled Employee*

## *I. Current Behavioral Patterns*

(Check those that best describe the current situation)

### *Employee Appearance*

- sloppy
- inappropriate clothing

### *Mood*

- withdrawn
- sad
- mood swings, high and low
- suspiciousness
- extreme sensitivity
- nervousness
- frequent irritability with others
- preoccupation with illness and death (morbidiry)

### *Actions*

- physically assaultive (or threatening)
- unduly talkative
- exaggerated self-importance
- rigidity — inability to change plans with reasonable ease
- making incoherent or irrelevant statements on the job
- over compliance with any routine (making it a ritual)
- frequent argumentativeness
- frequent outbursts of crying
- excessive amount of personal telephone time

## *II. Job Performance*

### *Absenteeism*

- multiple instances of improper reporting of time off
- excessive sick leave
- repeated absences following a pattern
- excessive lateness in the morning, or upon returning from lunch
- peculiar and increasingly improbable excuses for absences
- high absenteeism rate for colds, flu, gastritis, general malaise, etc.
- frequent unscheduled short-term absences (with or without medical explanation)
- frequent use of unscheduled vacation time

*On The Job Absenteeism*

- continued absence from job location more than job requires
- frequent trips to water fountain or restroom
- long coffee breaks

*Accidents*

- physical complaints on the job
- accidents on the job
- accidents off the job

*Work Patterns & Production*

- current work assignment requires more effort than previously taken
- work takes more time to produce
- difficulty in recalling instructions, understanding office procedures, etc.
- display of disinterest in work
- increased difficulty in handling complex assignments
- difficulty in recalling previous mistakes (although these have been brought to the employee's attention)
- general absentmindedness, forgetfulness
- alternate periods of high and low productivity
- coming to work in an intoxicated condition
- missed deadlines
- mistakes due to poor judgement
- outside complaints about the employee's work
- improbable excuses for these poor patterns carelessness

*Employee Relationships On The Job*

- over-reaction to real or imagined criticism
- wide swings in job morale
- borrowing money from co-workers
- unreasonable resentments against co-workers
- repeated and compulsive criticism of the company
- persistent requests for job transfer
- unrealistic expectation for promotion
- abrasiveness with others (managers and/or co-workers)

*Work Related Relationships In The Community*

- inappropriate behavior at company business meeting
- complaints from the community concerning the employee

# DRUGS COMMONLY ABUSED

<b>Drugs</b>	<b>Effects</b>	<b>Dangers</b>
<b>Marijuana</b>	<ol style="list-style-type: none"> <li>1. Lack of Motivation</li> <li>2. Increased Appetite</li> <li>3. Talkative/Slow Speech</li> <li>4. Poor Judgement</li> <li>5. Short Term Memory Loss</li> <li>6. Dry Mouth</li> <li>7. Slowed Reaction Time</li> </ol>	<ol style="list-style-type: none"> <li>1. Muddled Thinking</li> <li>2. Increased Heart Rate</li> <li>3. Damage to pulmonary System</li> <li>4. Increased safety risks due to slowed reaction time and impaired thinking</li> <li>5. Impairment to sexual development and decreased fertility</li> </ol>
<b>Cocaine</b>	<ol style="list-style-type: none"> <li>1. Extreme Excitability</li> <li>2. Anxiety</li> <li>3. Sleeplessness</li> <li>4. Aggressive</li> <li>5. Demanding/Irritable</li> <li>6. Mood Swings</li> </ol>	<ol style="list-style-type: none"> <li>1. Severe weight loss</li> <li>2. Paranoid psychosis and other mental disorders</li> <li>3. Seizures</li> <li>4. Impaired driving</li> <li>5. Heart/respiratory failure</li> <li>6. Stimulates central nervous system</li> </ol>
<b>Amphetamines</b>	Same as Cocaine	Same as Cocaine
<b>Depressants (including benzodiazepins, barbiturates and methaqualone)</b>	When taken in small prescribed doses produce effective sedation and relief of tension and anxiety. Large doses cause: Confusion, depression, loss of motor coordination, slurred speech, reduced problem solving ability	<ol style="list-style-type: none"> <li>1. Impaired driving ability</li> <li>2. Impaired judgement</li> <li>3. Depression/Suicide</li> </ol>
<b>Opiates</b>	<ol style="list-style-type: none"> <li>1. Short lived euphoria, followed by lethargy</li> <li>2. Inappropriate grin</li> <li>3. Vacant stare</li> <li>4. Sleeping - "nodding out"</li> </ol>	<ol style="list-style-type: none"> <li>1. Convulsions, coma</li> <li>2. Slowed heart rate, respirations</li> <li>3. Slowed reflexes</li> <li>4. Depressed appetite, thirst</li> </ol>
<b>Alcohol</b>	<ol style="list-style-type: none"> <li>1. Impaired coordination</li> <li>2. Red eyes</li> <li>3. Grogginess</li> <li>4. Change in gait</li> <li>5. Slurred speech</li> <li>6. Impaired brains ability to use self control</li> </ol>	<ol style="list-style-type: none"> <li>1. Impaired memory</li> <li>2. Impaired driving ability</li> <li>3. Poor judgement</li> <li>4. Toxic damage to organs</li> </ol>

# *Pima County Government Policy Statement Drug-Free Workplace Drug-Free Workplace Act of 1989*

PL100-690:

Pima County  
Resolution 1989-109

Pima County Government Drug-Free policy is as follows:

- (1) Each County employee shall be notified that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in any County workplace and action will be taken against County employees for violation of such prohibition.
- (2) The Pima County Drug-Free Awareness Program informs County employees about:
  - the dangers of drug abuse in the workplace
  - the County's policy of maintaining a drug-free workplace
  - any available drug counseling, rehabilitation and employee assistance programs available to County Employees; and
  - the penalties that will be imposed upon the County employees for drug abuse violations occurring in the workplace.
- (3) Pima County Government will provide all employees engaged in the performance of their duties with a copy of this policy statement.
- (4) As a condition of continued employment with the County, all employees will:
  - abide by the terms of the statement of the policy; and
  - notify Pima County Government of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction;
- (5) Pima County Government agrees to notify the grantor within ten (10) days after receiving notice of a drug statute conviction from a County employee;
- (6) Pima County Department Directors will, within thirty (30) days after receiving notice of a conviction, impose the following sanctions or remedial measures on any employee who is convicted of drug abuse in the workplace:
  - take appropriate personnel action against such employee up to and including termination;  
or
  - require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement agency or other appropriate agency; and
- (7) Pima County Government will make a good faith effort to maintain a Drug-Free Workplace through implementation of these policies.

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## Pima County Personnel Policies

### 6-114 - Medical Evaluation Program (Excerpts from)

Effective Date: July, 1996

#### A. Pre-placement Medical Evaluation

1. Each individual selected for appointment to a pre-determined classification as a regular employee shall be required to submit to a medical evaluation given or authorized by the County Physician. The evaluation should follow a conditional offer of employment. The individual, however, shall not begin employment, or in the case of an employee, shall not be assigned to work in the new position, until the County Physician has provided information regarding the individual's ability to perform the essential functions of the position, with or without reasonable accommodation.

#### B. Special Medical Evaluations

A special medical evaluation consists of tests essential to determine the employee's physical or mental condition and capability to perform safely the essential functions of her/his position.

1. An employee may be required to undergo a special medical evaluation by the County Physician if one or more of the following reasons exists:
  - a. Inability to do a safe or satisfactory job because of a change in physical or mental condition;
  - b. Return from an absence due to serious illness or an off-the-job injury when absence has exceeded thirty (30) consecutive work days. An employee absent under the provisions of FMLA is not required to undergo a special medical evaluation;
  - c. Return from leave of absence without pay for any duration when the health status of the employee is questionable;
  - d. Assignment to a new position that requires greater physical capability;
  - e. Appearance of being unsteady or working while groggy or incoherent;
  - f. Unusually frequent use of sick leave as evidenced by failure to accumulate sick leave, not including intermittent leave or reduced work schedule under the provisions of FMLA;
  - g. Unusual number of workers' compensation injuries or repeated absences due to previous injuries that hinder performance;
  - h. Any other unusual circumstance/behavior which results in a request for a special medical evaluation.
2. It is the responsibility of the Appointing Authority to request an appointment for each evaluation through Risk Management as soon as a need is determined. Such request shall be in writing on the form provided by Risk Management.
3. The Appointing Authority may require a medical evaluation of an employee suspected of being under the influence of drugs and/or alcohol while on the job. In this case, the employee is to be transported to the County Physician or designee immediately. The County Physician will require the employee to sign a medical evaluation consent form. The employee's written consent to the examination is necessary, and the employee shall be advised of her/his options and the consequences of refusing to consent. An employee who refuses to give written consent for the evaluation may be subject to disciplinary action up to and including dismissal.
4. For all reasons except C.1.f. and g. above, the employee shall not return to work without authorization from the County Physician.

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# Pima County Merit System Rules

## Rule 12 - Disciplinary Actions and Administrative Suspension

Effective Date: July, 1996

(Excerpts from)

### 12.1 General Provisions

#### A. Disciplinary Action

A disciplinary action is an action taken to correct inappropriate performance or other work-related behavior. The degree of disciplinary action shall relate to the gravity of the improper performance or conduct and the past performance and conduct of the employee. Progressive discipline, including counseling and other supervisory actions to improve conduct and performance, should be used whenever possible before taking formal disciplinary action.

#### B. Any of the following constitute cause for disciplinary actions:

1. Fraud in securing appointment;
2. Incompetency;
3. Inefficiency;
4. Neglect of duty;
5. Insubordination;
6. Dishonesty;
7. Possessing, dispensing or being under the influence of alcohol, a narcotic, barbiturate, marijuana, or a tranquilizing or hallucinogenic drug while on duty, except in accordance with medical authorization, or in the lawful performance of the employee's regular assigned duties;
8. Absence without leave without reasonable cause;
9. Commission of conviction of a felony or of a misdemeanor involving moral turpitude, either of which would affect the employee's suitability for continued employment;
10. Discourteous treatment of the public;
11. Willful disobedience;
12. Engaging in prohibited political activity;
13. Misuse of county government property;
14. Seeking to obtain financial, sexual or political benefit from another employee with his/her consent induced by wrongful use of force or fear, or under color of official right;
15. Violation of rules of conduct of Pima County;
16. Failure to satisfactorily perform job duties and responsibilities;
17. Failure to maintain minimum qualifications for the position;
18. Any other improper conduct or performance which constitutes cause for disciplinary action.