



County of Humboldt

26-522 - Drug Free Workplace Reasonable Suspicion Testing Policy

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SECTION I – PURPOSE

This policy serves to eliminate substance abuse and its impairments in the workplace. The County of Humboldt does not wish to interfere with the private lives of its employees. However, it must be noted that involvement with drugs and alcohol can negatively impact job performance and impose grave safety concerns.

The County of Humboldt's objectives are that employees be in a condition to perform their duties safely and effectively. Employees being under the influence of drugs and alcohol during working hours are inconsistent with these objectives.

This policy provides guidelines for the detection and deterrence of alcohol and other drug abuse. Additionally, the responsibilities of department heads, supervisors, and employees are outlined therein. The county shall act to eliminate any substance abuse which could impair an employee's ability to perform their job functions safely and effectively, to mitigate the likelihood of accidents, absenteeism, poor performance, poor employee morale, or damage to the county's resources and reputation. Employees covered by this policy that are in any way under the influence of a controlled substance or alcohol during their work hours may result in discipline, up to and including termination.

SECTION II – APPLICATION

This policy applies to all County of Humboldt employees, whether they are on county property, or they are performing county-related business elsewhere, except as this policy is superseded by state or federally mandated drug and alcohol law. Compliance with this policy is a condition of employment. Disciplinary action will be taken against those who violate this policy.

SECTION III – DEFINITIONS

1. **Controlled Substance:** For the purpose of this policy, "controlled substance" means any drug prohibited for manufacture, distribution, sale, dispensation, possession, exchange, or use by either state or federal law. Controlled substance under this policy also includes a prescription drug that has been misused, such as: (1) taking a medication in a manner or dose other than prescribed; (2) taking someone else's prescription, even if for a legitimate medical complaint such as pain; and (3) taking the medication to feel euphoria (i.e., to get high).

SECTION IV – POLICY

A. Prohibited Conduct

1. The manufacture, distribution, sale, dispensation, possession, or use of any controlled substance, narcotic or prescription drug that has not been lawfully prescribed to the employee in either county workplaces or wherever county business is performed. (41 USC §§ 701-702; Gov't Code § 8355(a)(1).)
2. Working or being on call-in if impaired by alcohol or any controlled substance, narcotic, or prescription drug that has not been lawfully prescribed to the employee.
3. Taking medications or drugs, including but not limited to: prescription drugs, over the counter medications, or illegal drugs or narcotics which could interfere with the safe and effective performance of duties or operation of county equipment. Employees may engage with County Human Resources to discuss possible reasonable accommodations related to the use of prescription and over the counter medications.
4. An employee's failure to notify their department director of a criminal conviction for a drug violation that occurred in the workplace, on County property or in County vehicle. An employee's criminal conviction for a drug violation that occurred out of the workplace will be reviewed and may be considered prohibited and cause for action on a case-by-case basis. Examples of criteria that may be considered to establish a conflict with the employee's employment may include, but are not limited to, length of time since the offense occurred, mitigating measures such as rehabilitation programs completed, and the nature of the work and the existence of a nexus to the work performed.

B. Drug and Alcohol Testing

The County of Humboldt has discretion to test applicants and employees for alcohol and drug use under the following circumstances.

1. Positions covered by the Federal Department of Transportation (DOT) are subject to pre-employment, reasonable suspicion, and random drug and alcohol testing as outlined in DOT and Federal Motor Carrier Safety Administration (FMCSA) regulations.
2. Pre-Employment Testing: Those applicants who apply for certain jobs where a special need for pre-employment drug and alcohol testing exists must take and pass a drug and alcohol test following a conditional offer of employment. The categories of jobs subject to pre-employment drug and alcohol testing may include, but are not limited to:
 - a. Safety sensitive jobs that have public safety implications, such as operating heavy trucks to transport hazardous material, driving vehicles which require a commercial driver's license, protecting national security, enforcing drug laws, involved in the

administration and storage of controlled substances, and/or operating natural gas pipelines.

b. Pre-employment drug testing will test for the below substances, and the presence of these drugs may be justification for denying employment:

- i. Amphetamines
- ii. Cocaine
- iii. Heroin
- iv. MDMA
- v. Phencyclidine (PCP)
- vi. Novel synthetic drugs (including but not limited to illicit benzodiazepines, opioids, and psychoactive substances)
- vii. Opiates (including but not limited to Codeine, Hydrocodone, Hydromorphone, Morphine, etc.)
- viii. Opioids (including but not limited to Fentanyl, Methadone, Oxycodone, Oxymorphone, Tapentadol, Tramadol, etc.)

c. Pre-employment drug testing shall be conducted such that job applicants will not be denied employment based on the presence of cannabis metabolites in their hair, blood, urine, or other bodily fluids.

i. Note, this provision may not apply to the following types of job applicants:

- An applicant for a position in the building and/or construction trades;
- An applicant for a position that requires a federal government background investigation or security clearance in accordance with regulations issued by the United States Department of Defense;
- An applicant that is required to be drug tested in accordance with regulations issued by the DOT.

C. Reasonable Suspicion Testing

The county may require a blood test, urinalysis, or other drug and/or alcohol screening of those employees who are reasonably suspected of using or being under the influence of a drug or alcohol at work, under the following circumstances.

1. "Reasonable suspicion" to test exists if, based on objective factors, a reasonable person would believe that the employee is under the influence of drugs or alcohol at work. Examples of objective factors, may include, but are not limited to: unusual behavior, slurred or altered speech, body odor, red or watery eyes, unkempt appearance, unsteady gait, lack of coordination, sleeping on the job, a pattern of abnormal or erratic behavior, a verbal or physical altercation, puncture marks or sores on skin, runny nose, dry mouth,

dilated or constricted pupils, agitation, hostility, confused or incoherent behavior, paranoia, euphoria, disorientation, inappropriate wearing of sunglasses, tremors, or other evidence of recent drug or alcohol use. If the county suspects drugs or alcohol may have played a role in an accident involving county property or equipment, that will also constitute reasonable suspicion. The singular observation of one of these factors may typically not be enough to establish reasonable suspicion. (Refer to the Reasonable Suspicion Checklist)

2. Document and Analysis: To receive authority to test, the supervisor must record the factors that support reasonable suspicion in writing and analyze the matter with the department director and the Director of Human Resources, or their designee. Any reasonable suspicion testing must be pre-approved by the Director of Human Resources, or their designee. If determined that a reasonable suspicion test may be appropriate, the supervisor of the employee shall work with the Director of Human Resources, or their designee, to address the matter with the employee and facilitate the testing procedure. The Reasonable Suspicion Checklist should be used in the documentation process (Attachment 1). All designated Human Resources staff who approve testing must be certified through the Federal Transit Administration (FTA) to conduct reasonable suspicion determinations and must respond in person to affirm the reasonable suspicion.

3. Testing Protocol: If the documentation and analysis show that there is a reasonable suspicion of drug or alcohol abuse at work, and the Director of Human Resources, or their designee, has approved, the employee will be relieved from duty and commence the testing procedures, transportation will be arranged. The test must take place as soon as administratively feasible, but no later than the end of business the following day. Employees shall be allowed representation upon request prior to testing. The employee will be placed on paid administrative leave until the test results are received. Refusal of an employee to comply with a reasonable suspicion drug or alcohol test will be considered a failed test.

a. Reasonable suspicion drug testing shall be conducted such that employees will not experience negative employment outcomes based on solely the presence of cannabis metabolites or a blood alcohol content above .08 (unless prohibited by statute or involving a safety-sensitive position) in their hair, blood, urine, or other bodily fluids.

i. Note, this provision may not apply to the following types of employees:

- Employees in positions in the building and/or construction trades;
- Employees in positions that requires a federal government background investigation or security clearance in accordance with regulations issued by the United States Department of Defense;
- Employees in positions that are required to be drug tested in accordance with regulations issued by the DOT.

4. All on duty vehicle accidents must be reported to Human Resources and to Law Enforcement to investigate impairment related to drugs or alcohol.
5. Accidents resulting in injury or damage to public or private property shall be referred to Human Resources to determine whether drug or alcohol impairment was a factor.

D. County Responsibilities and Guidelines

The County is committed to providing reasonable accommodation to those employees whose alcohol or other drug problem classifies them as disabled under federal and/or state law or when the employee voluntarily recognizes that they have an alcohol or other drug problem and is seeking professional counseling. Reasonable accommodations shall be explored through the ADA interactive process. In the event there is a question regarding an employee's ability to perform assigned duties while using such medications or drugs, clearance safely and effectively from a qualified physician may be required. Questions about reasonable accommodation shall be directed to the Human Resources Department.

1. The County reserves the right to search pursuant to this policy, without employee consent, all areas and property in which the County maintains control when reasonable suspicion exists.
 - a. All searches must be coordinated with and reported in writing to the Director of Human Resources or their designee.
 - b. Managers and supervisors should notify their department head or designee when they have reason to believe that an employee may have illegal drugs in their possession.
 - c. If the department head or designee concurs that there may be illegal drug possession, the department head or designee shall notify the appropriate law enforcement agency.

E. Employee Responsibilities

The responsibilities of each County employee under this policy are:

1. Employees must, as a condition of employment, abide by the terms of the above policy and report to the County when they are criminally convicted for a drug violation that occurred on or off County premises while they were conducting County business. The employee must report the conviction within five (5) days after the conviction (This requirement is mandated by the Drug Free Workplace Act of 1988, Subpart 23.5 (23.504, 3(ii)).
2. Employees must not report to work or be on-call while their ability to perform job duties is impaired due to on or off duty alcohol or other drug use;
3. Employees must not possess or use alcohol or impairing drugs (illegal drugs and prescription drugs without a prescription) during working hours or while in job required uniform.

4. Employees must not use any substance, legal or illegal, during breaks or meal periods to such an extent that upon returning to work the employees work performance is impaired.
5. Employees must not operate a vehicle on County business after having consumed alcohol or illegal drugs. Employees must notify their supervisor before beginning work if they have any medical restrictions which may interfere with the safe and effective performance of duties or operation of County equipment. Employees are not required to divulge any specific protected health information related to diagnosis, prognosis, specific medications, or treatment plans.

Board Approved

Mike Wilson, Board Chairperson

Date

Pursuant to Board Order 26-XXX Dated July 7, 2026