



Drug-Free Workplace Policy

Effective Date: September 1, 2025

Supersedes All Previous Drug-Free Workplace Policies

Section 1 – Introduction

This Policy establishes the rules and standards of employee conduct toward the use of, and impairment by, alcohol and other drugs in the Lewis County workplace. It is intended to promote a safe, efficient and productive work environment and to protect the health and safety of Lewis County employees and those citizens who come into contact with them. It is also intended to assist employees who develop job performance problems as a result of dependence on alcohol or other drugs. Lewis County recognizes chemical dependence as treatable and encourages employees to voluntarily seek help with drug and/or alcohol problems.

Section 2 – Scope

Unless otherwise stated in a bargaining unit contract, this policy applies to employees who work in the offices of elected officials who adopt this policy and to employees and appointed officials who work under the authority of the Board of County Commissioners (BOCC). “Employees,” when used here throughout, shall include volunteers.

Independent elected officials who choose not to utilize this policy may publish their own policy regarding this subject. Such policy should be reviewed by the County Prosecuting Attorney for legal implications and be updated as required. For such policy to satisfy and serve in place of this one, a copy of such policy must be provided to Risk Management upon or prior to implementation. But, failure to so provide does not affect the elected official’s ability to enforce said policy.

Section 3 – Definitions

- *Safety Sensitive Positions:* County positions where the employee performs a safety sensitive function as defined under CFR 49, Part 382.107 (e.g. CDL holders).
- *Public Safety Positions:* County positions determined to have a governmental responsibility for the prevention and protection of the public from dangers affecting safety such as crimes and disasters.
- *Reasonable Suspicion:* A belief, drawn from specific objective facts and reasonable inferences drawn from those facts in light of experience, that an employee is under the influence of drugs or alcohol while on County property in an official capacity or while performing Lewis County services, operations or work.
- *Chemical Dependency Professional:* A person licensed to assess chemical dependency and address the ways in which drugs and alcohol affect people on personal and physical levels in their relationships with others. The chemical dependency professional coordinates their efforts with those of other agencies and counselors to get their patients the help they need to break their harmful addictions.
- *Volunteer:* A person who is providing a service to Lewis County on a volunteer basis and has signed a *Lewis County Volunteer Services Agreement*. The use of the word “volunteer” within this policy does not include those appointed to or serving on committees on behalf of Lewis County.

Section 4 – Policy

Lewis County is a local government agency that sometimes receives funding from the Federal Government. As such, this policy was created in compliance with the Drug Free Workplace Act of 1988. As a condition of employment, Lewis County requires employees adhere to a strict policy regarding the use and possession of drugs and alcohol. All employees shall report to work in a condition fit to perform their assigned duties, unimpaired by alcohol or drugs.

Employees of Lewis County shall not use, possess¹, sell, trade, and/or offer for sale alcohol, marijuana, illegal drugs or intoxicants as defined by the United States Drug-Free Workplace Act while on the job, on County property² or in County vehicles. Prohibition for employees while on the job, as outlined here, includes any breaks/lunches or while in a designated “on-call” status.

As outlined in WAC 296-800-11025, employees taking prescription drugs as directed by a physician or dentist are exempt from the prohibition of use and possession of drugs in the workplace, unless the employee’s usage of said drugs would cause them to be a danger to themselves or other employees. Employees taking physician-prescribed or over-the-counter medications, where there is substantial likelihood that such medication will affect job safety, must notify their supervisor before performing job duties. In the supervisor’s absence, the employee must inform the next available official in the chain of command. The employee will disclose the fact that they are taking medication and the side effects of the medication. Employees whose work performance is temporarily impacted by prescription or over-the-counter drugs may be reassigned productive alternate work if available. If no alternate work is available, the employee may be required to take leave.

Lewis County acknowledges that Washington State is a “legal state,” meaning that the recreational use of cannabis is not illegal within state lines. This policy in no way interferes with the protections of recreational cannabis use outlined in RCW 49.44.20. Pre-employment testing for cannabis is strictly prohibited except for certain applicants in public safety positions and those positions regulated by federal standards (i.e. CDL holders), as cannabis remains illegal at the federal level.

Section 5 – Alcohol & Drug Standards

Per this policy, which may be amended from time to time, “under the influence of alcohol” is defined as having a confirmed concentration of alcohol at or above 0.04%. Employees who test between a .02 and a .039 shall be removed from their job duties for 24 hours, but the test shall be considered negative. Employees who are required to hold a CDL shall be held to the alcohol standards outlined by the Department of Transportation (DOT). Any person who refuses to undergo

¹ Possession of alcohol, marijuana, or illegal drugs when being done as a part of outlined job duties, such as confiscation of drugs by a Corrections or Sheriff’s Deputy, shall not be considered a violation of this policy. Departments / Offices shall be responsible for the determination of which positions have the ability to sometimes possess alcohol, marijuana or illegal drugs as a part of their job duties.

² Employees on County property during their scheduled off time (e.g. after hours, weekends, etc.), who are in no way acting within the scope of their work with the County, and who are attending County hosted events will be exempt from this portion of the policy. Employees should act in accordance with all posted rules, laws and regulations regarding the consumption of drugs and/or alcohol at those locations.

testing will be assumed under the influence of alcohol. Testing for alcohol will be by breath alcohol testing, coordinated by Risk Management using third-party testing facilities such as Lower Columbia Occupational Health, Centralia Providence Hospital or Arbor Health-Morton Hospital.

Per this policy, a “positive test (use of illegal or restricted drugs)” is defined as having a confirmed concentration of illegal or restricted substances in the body. The determination of a positive drug test will be made by the testing facility, in compliance with Department of Transportation (DOT) and Substance Abuse and Mental Health Services Administration (SAMHSA) standards.

The testing for these types of illegal or restricted substances is urinalysis, completed by Lower Columbia Occupational Health, Centralia Providence Hospital, or Arbor Health-Morton Hospital in coordination with Risk Management.

Section 6 – Drug & Alcohol Testing

Employees, depending on the nature of their work, may be subject to one or more types of testing. Testing for controlled substances will be limited to tests intended to detect marijuana, cocaine, opiates, amphetamines and phencyclidine. Employees may be subject to testing for drugs and/or alcohol under the following circumstances:

Type of Testing	Positions Requiring a CDL	Public Safety Positions ³	All Other Positions
Pre-employment drug testing	X	X	X ⁴
Post-accident/incident drug & alcohol testing	X	X	X
Reasonable suspicion drug & alcohol testing	X	X	X
Random drug & alcohol testing	X		
Return to duty drug & alcohol testing ⁵	X	X	X
Follow-up drug & alcohol testing upon selection or request from management ⁶	X	X	X

All Commercial Driver’s License (CDL) positions must comply with the Department of Transportation (DOT) procedures for drug and alcohol testing, including random testing. Random testing is orchestrated by Lower Columbia Occupational Health in partnership with Risk Management. Random testing may include drug testing, alcohol testing or both.

All testing protocol will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) standards. Testing shall be completed by Certified Professional Collectors (CPCs) for drug testing and Breath Alcohol Technicians (BATs) for alcohol testing.

³ Public Safety Positions include but are not limited to adult and juvenile corrections officers, probation officers, law enforcement deputies and 911 dispatchers.

⁴ Applicants who are applying for positions other than those required to carry a CDL or Public Safety Positions shall not be tested for cannabis/marijuana as outlined in RCW 49.44.240

⁵ Per any Last Chance Agreement and/or at the direction of Chemical Dependency Professional

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Section 7 – Post-accident / Post-incident Testing

Vehicle accidents that require post-accident testing are any that result in:

- Death
- Bodily injury of anyone involved in the incident serious enough to require medical treatment away from the scene
- At least one of the vehicles suffered disabling damage after the accident.

For employees who are not driving at the time of the incident, post-accident testing will be required on a case-by-case basis, depending on the circumstances of the event. Department leadership is responsible for investigating the accident/incident and determining whether testing is warranted as part of their investigation.

Section 8 – Reasonable Suspicion

Reasonable suspicion refers to a standard used to determine whether there are specific, objective, and articulable facts that suggest an individual may be under the influence of drugs or alcohol while on the job. Reasonable suspicion should not be based on hunches or personal bias but, rather, depends on observable evidence that can include physical signs of impairment, behavioral changes and reports from credible witnesses.

Conducting a reasonable suspicion investigation is a collaborative effort, requiring participation from department leadership, Human Resources and Risk Management. The following is a general outline of how to proceed with observed reasonable suspicion. For more thorough training and additional resources, supervisors may contact Risk Management.

Section 9 – Reasonable Suspicion Protocol

1. Document the reasons for requesting a test on an Observed Behavior form (located on the employee intranet under the Risk page).
2. Request a second person independently observe the employee under reasonable suspicion and document their findings on an Observed Behavior form.
3. Contact Risk Management to discuss observations, documentation and type of testing requested.
4. Receive guidance and direction from Risk Management on documentation sufficiency, testing recommendation(s), CPC /BAT availability and determination of the test location and time when needed.
5. All drug-testing information relating to reasonable suspicion will be maintained in separate confidential files in Risk Management.

Employees suspected of being under the influence while at work shall be placed on paid administrative leave until test results are in. If an employee's test results are negative they should be returned to work immediately. A negative test does not negate observed behavioral issues, and additional follow up from the department and/or Human Resources may be warranted. Should the test results be positive, the employee shall remain on administrative leave pending an investigation by Human Resources. Elected Offices may opt to investigate violations of this policy internally.

Human Resources will only investigate circumstances where a policy violation has been committed by an employee of an Elected Office at the direction of the Elected.

Employees who violate this policy and/or test positive for drugs and/or alcohol as defined in this policy will be referred to a Chemical Dependency Professional for assessment and recommendations. The costs associated with any drug and/or alcohol assessment are the responsibility of the employee who tested positive.

Employees will be subject to disciplinary action up to, and including, termination of employment if they refuse to submit a drug or alcohol test, adulterate, substitute or dilute the specimen, refuse to sign the required testing forms, or refuse to cooperate in the testing process in such a way that prevents the completion of the test. The type and severity of disciplinary action taken shall reflect the department / office's internal policy or collective bargaining agreement (CBA). If the department / office does not have an internal policy or CBA which oversees disciplinary action, supervisors shall defer to the *Lewis County Employee Handbook*.

Prior to the County's consideration for a positive-test employee's continuation or return to work, the employee shall:

1. Successfully complete all recommended rehabilitation continuing care.
2. Sign a "Last Chance" agreement.
3. Complete a return-to-work drug and alcohol test with negative results.
4. Be subject to any follow-up testing recommended by the Chemical Dependency Professional.

Section 10 – Assistance

Employees who realize they have an alcohol or substance abuse problem are encouraged to voluntarily seek confidential assistance through the Employee Assistance Program or other approved programs. The County will make every effort to accommodate an employee's recommended drug and/or alcohol treatment and will not discipline an employee because they voluntarily came forward seeking assistance; provided, this paragraph shall not prevent County from disciplining, up to and including termination, an employee should County otherwise have the right to pursuant to this policy, collective bargaining agreement, or applicable law. Treatment for alcoholism and/or drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee. Employees may use accrued paid leave while seeking treatment for drug and/or alcohol problems.

Section 11 – "Last Chance" Agreements

Following a violation of the drug-free workplace policy, an employee may be offered an opportunity for rehabilitation. In such cases, the employee may sign and abide by the terms set forth in a Last Change Agreement, waiving their right to "just cause" under any applicable civil service laws or collective bargaining agreement. The waiver is to be limited to any future violations of the provisions of this policy for a period, to be determined and negotiated, of no more than five years as a condition of continued employment (unless otherwise recommended by the Chemical

Dependency Professional). Violation of this agreement will be grounds for disciplinary action up to and including termination of employment.

Section 12 – Employee Responsibilities

12.1 – Notification of Convictions

Any employee who is convicted of a criminal drug or alcohol violation must notify their department manager in writing within five (5) calendar days of the conviction. Lewis County will take appropriate action within thirty (30) calendar days of the notification. Federal contracting agencies will be notified as appropriate.

12.2 – Written Release of Limitations

After discharge from the medical treatment facility, the employee must obtain a written medical release detailing whether the employee can return to work full duty or whether there are specific restrictions and/or limitations needing accommodation. The medical release must be submitted to Risk Management and the appropriate Department for return-to-work authorization consideration.

12.3 – Fit for Duty

Employees shall report to work fit for performing their duties in a safe and efficient manner. An employee who observes or has knowledge of another employee in a condition that impairs his or her ability to perform job duties is encouraged to promptly report the incident to his or her immediate supervisor.