

# **WALLACE COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL**

## **8.0**

### **SMOKE AND DRUG-FREE WORKPLACE POLICY**

#### **8.1 Statement of Intent**

Wallace County is dedicated to providing a healthy and smoke/drug-free work environment for our employees. Cigarette smoking in the presence of non-smokers no longer can be defended as an issue of free choice. Tobacco smoke hurts everyone, smokers and non-smokers alike.

#### **8.2 Statement of Policy**

Smoking and use of controlled substances shall be strictly prohibited within Wallace County's owned or leased buildings including office, hallways, waiting room, restrooms, meeting rooms and all community areas. Employees may be allowed to smoke outside the building with the permission of their immediate supervisor. Unauthorized smoking breaks shall not be allowed.

#### **8.3 Responsibility**

The success of this policy will depend on the thoughtfulness, consideration and cooperation of smokers and non-smokers. All employees are responsible for adhering to and enforcing the policy. Any problems should be brought to the attention of the appropriate supervisor or compliance officer and handled through the normal chain of command.

#### **8.4 Drug-Free Workplace**

- A.** It shall be the policy of Wallace County, Kansas, that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is strictly prohibited in County offices or vehicles or at County job sites. Violation of this policy will be cause for disciplinary action, up to and including termination of employment.
- B.** This policy is designed to notify, identify and provide penalties for those employees and applicants for employment who by the manufacture, distribution, dispensing, possession or use of a controlled substance can pose an unnecessary and unacceptable risk to a safe, healthy and efficient work environment.
- C.** The Wallace County Clerk, in connection with the County Health Officer, subject to the approval of the County Commissioners, shall establish a drug-free awareness program to inform employees about:

1. The dangers of drug abuse in the workplace;
  2. The County's mandate to maintain a drug-free workplace;
  3. Any available drug counseling, rehabilitation, and employee assistance programs, and
  4. The penalties that may be imposed upon employees for drug abuse violations.
- D. Controlled substances are defined as those substances that are listed in K.S.A. 65-4101 et seq. and that are listed in the Federal Government's Controlled Substances Act (21 U.S.C. 812) through 1300.15 and that include the abuse of such commonly known substances as crack, cocaine, hashish, heroin, LSD, marijuana, methamphetamine, anabolic steroid, PCP, and certain depressants, stimulants and hallucinogens.
- E. As one of the conditions of employment, each employee shall:
  1. Abide by the terms of this policy.
  2. Notify the County of any conviction of a criminal controlled substance violation occurring in the workplace no later than five (5) days after such conviction.
  3. Be furnished a copy of this resolution.
- F. Within ten (10) days after receiving notice of said conviction, the County will notify the contracting officers.
- G. Within thirty (30) days after receiving notice of such conviction, the County will impose the following sanctions or remedial measures upon any employee who has been convicted of controlled substance abuse violations occurring in the workplace:
  1. Take appropriate personnel action against such employee, up to and including termination of employment.
  2. Require said employee to satisfactorily participate in and complete a controlled substance abuse assistance or rehabilitation program approved for such purpose by a Federal, State or local health, law enforcement or other appropriate agency.

## **8.5 Drug and Alcohol Testing Policy**

- A. The Wallace County Drug and Alcohol Testing Policy is attached as Appendix C to this Manual and is in effect for employees in safety sensitive positions and employee who must maintain a CDL.
- B. The Wallace County Substance Abuse Policy applies to employees who are not covered by the Wallace County Drug and Alcohol Testing Policy. It is attached as Appendix B.

The Wallace County Substance Abuse Policy is as follows: the use, possession, sale, transfer, purchase, or being under the influence of illegal drugs or illegal intoxicants or controlled substances by employees at any time on County premises, in county vehicles, or while on County business is prohibited. Employees must not be on County business or on County property or operating County vehicles or equipment while under the

influence of any alcoholic beverage, marijuana, or illegally obtained drugs, narcotics or other controlled substances.

The Wallace County Substance Abuse Policy will be administered on a reasonable suspicion basis. Refusals by an employee to submit to testing for substance abuse may result in disciplinary action, up to and including termination.

The foregoing policy does not apply to deputies and other members of the Sheriff's Department who are performing job related duties that may require the possession or processing of drugs, narcotics or other controlled substances.