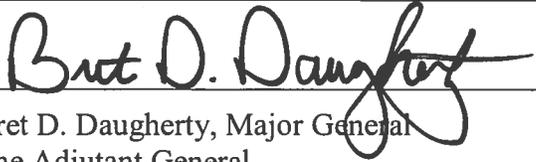




**Department Procedure No. HR-201b-08**

<b>Title:</b>	Ensuring A Drug And Alcohol Free Workplace- Consequences Of Policy Violation-Notification Processes
<b>Applies To:</b>	Washington Military Department State Employees
<b>Authorizing Source:</b>	Policy HR-201-08 Federal Drug-Free Workplace Act of 1988 Federal Omnibus Transportation Employee Testing Act of 1991 Federal Commercial Motor Vehicle Act of 1986 Executive Order 92-01 RCW 69.50, 46.25 WAC Chapter 357-040 US DOT Title 49 CFR; Parts 40, 382, 383 All Applicable Collective Bargaining Agreements
<b>Information Contact:</b>	Human Resources Director Building # 33 (253) 512-7941
<b>Effective Date:</b>	October 1, 2008
<b>Mandatory Review Date:</b>	February 1, 2017
<b>Revised:</b>	February 1, 2013
<b>Approved By:</b>	 Bret D. Daugherty, Major General The Adjutant General Washington Military Department Director

**Procedures**

I. Notification Process – For All Employees who have been required to participate in Drug or Alcohol testing (with the exception of Pre-Employment Testing)

<b>Actor</b>	<b>Action</b>
<b>Employee</b>	1. Notifies his/her Manager within two days if convicted of any controlled substances statute violation on state property or while conducting WMD business.
<b>Manager</b>	2. Completes same as #1 except Manager notifies their Executive Management Team member.
	<b>I. Consequences of Alcohol Concentration of .02 or above for CDL Drivers</b>
<b>Breath Alcohol Technician, Medical Review Officer</b>	1. Communicates the testing results to the CDL Driver, Supervisor, and Human Resources Consultant/Safety Manager.
<b>Human Resources Consultant/Safety Manager</b>	2. Determines from the verified testing results that the CDL Driver has violated this policy and, if necessary, notifies the appropriate Supervisor, Manager, or Executive Manager.
<b>Supervisor, Manager, Executive Manager</b>	3. Immediately relieves the CDL Driver from all duties until the beginning of his/her next scheduled work shift, but not less than 24 hours, and arranges for safe transport of the individual to his/her home, residence, or place of lodging as appropriate. 4. Provides information regarding the resources available to the CDL Driver for evaluating and resolving problems associated with the misuse of alcohol and controlled substances.
<b>Supervisor, Manager</b>	5. Leave for lost work time resulting from step 3 above, depending on the outcome of disciplinary action, <b>may or may not be granted</b> , in accordance with Civil Service Rules reasonable leave of absence without pay, sick leave, vacation leave, or exchange or compensatory time.
<b>Supervisor, Manager, Appointing Authority</b>	6. Takes appropriate disciplinary action
	<b>II. Consequences of Any Violation of Policy HR-201-08 and/or Positive Controlled Substance Test and/or Alcohol Concentration of .02 or Greater – For All</b>

	<b>Employees:</b>
<b>Breath Alcohol Technician, Medical Review Officer</b>	1. Communicates positive test results to the following appropriate individuals: Employee, Supervisor, and Human Resources Consultant/Safety Manager.
<b>Supervisor, Manager, Executive Manager, Human Resources Consultant/Safety Manager</b>	<p>2. Receives the above information, or the results of the breath or blood test for the use of alcohol, or a urine test for the use of controlled substances, conducted by federal, state and/or local officials having independent authority to conduct the test, or other conclusive evidence of policy violation. Determines that the employee has violated this policy and, if necessary, notifies the appropriate supervisor and Human Resources Consultant/Safety Manager.</p> <p>3. Immediately relieves the employee from all duties and arranges safe transport to the individual to his/her residence, or place of lodging as appropriate.</p> <p>4. Refers the employee to a Substance Abuse Professional (SAP) designated by the department for evaluation and development of a rehabilitation/treatment plan, if needed.</p> <p>5. Directs the employee to contact the SAP within 24 hours of being relieved from duty and schedule an appointment. Requires the employee to report back, by the end of his/her regular scheduled work shift (holidays and weekends excluded), that the SAP was contacted and the date of his/her appointment.</p>
<b>Affected Employee</b>	6. Meets with the SAP
<b>Substance Abuse Professional</b>	7. Meets with employee, performs assessment, develops rehabilitation/treatment plan, and communicates with the Human Resources Consultant/Safety Manager.
<b>Manager</b>	<p>8. Develops Return-to-Work Agreement based on SAP's recommendations regarding rehabilitation/treatment.</p> <p>9. Submits Return-to-Work agreement to Human Resources Consultant/Safety Manager for approval.</p>
<b>Human Resources Consultant /Safety Manager</b>	10. Reviews Return-to-Work agreement. Meets with Manager to discuss options with employee.
<b>Supervisor, Manager, Human Resources Consultant,</b>	11. Meets to discuss Return-to-Work Agreement and resolve questions regarding this process. Employee and Appointing Authority or Designee sign agreement. The Human Resources Consultant keeps agreement in

<b>Safety Manager, Appointing Authority or Designee, Affected Employee</b>	confidential segregated storage. Provides a copy of the agreement to the affected employee. 12. Successfully completes appropriate elements of the Return-to-Work agreement prior to returning to the full scope of job duties. Failure to successfully complete appropriate elements of the return to work agreement may leave the affect employee subject to further appropriate disciplinary action. 13. Leave for lost work time resulting from steps 3 through 10 above, depending on the outcome of disciplinary action, <b>may or may not be granted</b> , in accordance with Civil Service Rules reasonable leave of absence without pay, sick leave, vacation leave, or exchange or compensatory time. However, for the initial appointment with SAP, represented employees shall be granted miscellaneous leave and non-represented employees shall receive leave with pay.
<b>Supervisor, Manager, Human Resources Consultant, Safety Manager, Appointing Authority or Designee</b>	14. Takes appropriate disciplinary action.
<b>Supervisor, Manager</b>	15. Before returning the employee to the full scope of job duties, including safety-sensitive functions, ensures that the employee undergoes a return-to-duty test, as recommended by SAP with appropriate results.
<b>Substance Abuse Professional</b>	16. Determines the number, timing, and type of follow-up test to be required.
<b>Supervisor, Manager</b>	17. Subjects the employee to follow-up testing for alcohol and/or controlled substances, as determined by SAP, after returning the employee to the performance of the full scope of job duties, including safety-sensitive functions.