

MOHAVE COUNTY SUPERIOR COURT POLICY AND PROCEDURE

TITLE: 1.03 DRUG FREE WORKPLACE

EFFECTIVE DATE: 04/28/2011

REVISED DATE: 12/15/2021

A. PURPOSE:

The Superior Court is committed to establishing and maintaining a drug and alcohol-free workplace. Consistent with the spirit and intent of this commitment, the Superior Court will work to eliminate any substance abuse (alcohol, illegal drugs, misuse and/or abuse of prescription drugs or any other substance which could impair an employee's ability to safely and effectively perform the functions of the particular position in which employed) in the workplace, and will subject its employees to drug and alcohol testing in accordance with applicable state statutes and rules, and this policy. Substance abuse in the workplace increases the potential for accidents, absenteeism, substandard performance, poor employee morale and/or tends to undermine public confidence in the administration of justice. Employees who violate this policy shall be subject to disciplinary action up to and including dismissal, and violations of this policy may also result in legal consequences.

B. DEFINITIONS:

Alcohol: Intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight drink, including methyl and isopropyl, and includes any medication, food or other products containing intoxicants.

Alcohol Use: The consumption of any beverage, mixture or preparation, including any medication containing intoxicants.

Illegal Drugs: Means a controlled substance included in Schedule I or II, as defined by section 802(6) of Title 21 of the United State Code, the possession of which is unlawful under chapter 13 of that Title and as defined in A.R.S. § 13-3401. The term "illegal drugs" does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

Off-Duty: The time period during which the employee is not involved in performing the employee's respective duties or functioning at the direction of their division.

On-Duty: The time period during which the employee is involved in performing the employee's respective duties or functioning at the direction of their division.

Pre-Employment Drug and Alcohol Test: A drug and alcohol test taken by the applicant or volunteer as a condition of employment. Applicants also include current employees who are applying for a competitive appointment to designated safety sensitive positions.

Random Testing: Selection of employees for testing based upon a computer-generated random system. Random means that no personal characteristics of the employee other than job classification are entered into the selection process.

Reasonable Suspicion: A belief based on specific objective and articulated facts sufficient to lead a reasonable prudent supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced.

Safety Sensitive Duties: Duties that involve assigned responsibilities for direct community or custodial supervision of probationers, defendants or juveniles pending adjudication or that involve authorization to carry and to use a firearm in the performance of other assigned responsibilities to include court security personnel (ACJA § 6-106 § 5-303).

Safety Sensitive Positions: Means probation, surveillance, juvenile detention officers, community service coordinators, and other employees as designated by the Chief Probation Officer or Juvenile

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Court Services Director who provide direct supervision or services to adult or juvenile offenders who are subject to the jurisdiction of the court, court security personnel, or who are required to possess a Commercial Driver's License (CDL) under federal and/or state law.

Under the Influence of Alcohol: A measurable amount of alcohol of .02 percent or greater as measured by blood, breath or urine tests while the employee is on duty.

Under the Influence of Drugs: Any measurable amount of drugs as measured by a blood or urine test while the employee is on duty.

C. EMPLOYEE RESPONSIBILITIES: An employee must:

1. Not report to work while under the influence of alcohol or drugs as defined in B above;
2. Not possess, manufacture or use, or have any detectable or any measurable presence of drugs or alcohol concentration of .02 or greater during working hours, on breaks, during meal periods, while on Court property in an official capacity or while operating any state, county or personal vehicle for court business;
3. Not directly or through a third party dispense or distribute drugs or alcohol to any person or to any other employee while either employee or both employees are on duty or "on-call";
4. Submit immediately to reasonable requests for alcohol and/or drug testing when requested by a Division Head or other supervisory personnel;
5. Notify his/her supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of assigned equipment;
6. Provide, within twenty-four (24) hours of request, a current valid prescription for any drug or medication identified when a drug screen analysis is positive. The prescription must be in the employee's name. A legally prescribed drug means that the individual has a prescription or other written approval from a licensed physician for the use of such medication for a medical condition;
7. Immediately upon committing or learning that another employee has committed a violation of this Policy while on or off duty; the employee shall report that violation to a supervisor or other management personnel;
8. Any employee convicted of a violation of any criminal statute relating to illegal drug activity shall submit a written report documenting the relevant circumstances of the conviction, to his/her supervisor within one (1) business day of such conviction. Additionally, any employee who receives a citation or who is arrested for illegal drug and/or alcohol related activity shall notify his/her immediate supervisor in writing within one (1) business day.

D. ARIZONA MEDICAL MARIJUANA ACT (A.R.S. § 36-2801, et seq): In accordance with the Arizona Medical Marijuana Act, the Superior Court will not discriminate against a person in hiring, termination, or imposing any term or condition of employment or otherwise penalize a person based upon either: the person's status as a Medical Marijuana Registry Identification card holder or a registered qualifying patient's positive drug test for marijuana unless the individual used, possessed or was impaired by marijuana on the Superior Court's premises or during the hours of employment.

1. **Safety Sensitive Positions.** Employees testing positive and who use marijuana for

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medical purposes pursuant to a validly issued Medical Marijuana Registry Identification card shall not be permitted to work in a safety-sensitive position as defined in section B.

2. An employee who is believed to be impaired, displaying symptoms that may decrease performance of the duties of the job position, and suggest the employee is under the influence of any substance, including cannabis/marijuana, while working (e.g., speech, walking, standing, physical dexterity, agility, coordination, actions, movement, demeanor, appearance, clothing, odor, irrational or unusual behavior) will be subject to reasonable suspicion testing pursuant to subsection E2.
3. Employees shall not act as a nonprofit medical dispensary agent as this creates a conflict with the employee's position as a court employee and/or officer of the court (see Judicial Merit Rule 503 Other Employment).

E. AUTHORIZED TESTING CONDITIONS: Tests shall be conducted by an approved provider for the illegal use of the following drugs, or classes of drugs: Cannabis, Cocaine, Opiates, Amphetamines/Methamphetamine, Ecstasy (MDMA), Oxycodone, Heroin, Barbiturates, Benzodiazepines, Marijuana THC metabolites, Methadone, Methaqualone, Propoxyphene, Phencyclidine (PCP); and Alcohol. Note: Cannabis/Marijuana THC metabolites and alcohol testing is only for pre-employment or reasonable suspicion. The employee shall be notified prior to the testing for any additional drugs or classes of drugs. Urine samples shall be rendered for testing within three hours of arrival at the laboratory.

1. **Pre-Employment Drug/Alcohol Testing:** Following a conditional offer of employment, applicants for the following positions shall be required to submit and pass a drug and alcohol test. Applicants who receive a conditional offer of employment shall be advised of the location, date and time of the drug and alcohol testing requirement by Court Human Resources or designee, and may be required to take the laboratory chain-of-custody form provided by the Court to the collection site. The cost of the drug and alcohol testing shall be the responsibility of the hiring division. An applicant's failure to successfully complete this requirement in a timely manner shall result in withdrawal of the offer of employment. Applicants/volunteers who tested positive and who were denied employment may apply/reapply for another position with the Superior Court after one year.
 - a. **Safety Sensitive Positions** – Includes Deputy Probation Officers, Probation Surveillance Officers, Juvenile Detention Officers, and other positions so designated by the Chief Probation Officer or Juvenile Court Services Director who provide direct supervision or services to adult or juvenile offenders who are subject to the jurisdiction of the court (ACJA § 6-106) or court security personnel (ACJA § 5-303).
 - b. **Positions Involving Safety Sensitive Duties** – Includes positions responsible for direct community or custodial supervision of probationers, defendants or juveniles pending adjudication or that involve authorization to carry and to use a firearm in the performance of other assigned responsibilities to include court security personnel (ACJA § 6-106 § 5-303).
 - c. **Positions Requiring a Commercial Driver's License (CDL)** – As required by Department of Transportation Regulations 49 CFR Parts 40 and 382, positions requiring the possession of a Commercial Drivers License necessary for the performance of job responsibilities.
 - d. **Student Interns and Volunteers** - May be required to submit and pass a urine drug

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and alcohol test before the student intern or volunteer is assigned departmental duties or for reasonable suspicion at any time.

2. **Reasonable Suspicion Testing:** Division Heads may request that an employee submit to a drug and/or alcohol analysis when a Division Head or supervisor has a reasonable suspicion of prohibited or illegal use of drugs, cannabis/marijuana or alcohol, or impairment. All employees shall submit to testing based upon reasonable suspicion of prohibited or illegal use of drugs, cannabis/marijuana or alcohol.

Reasonable suspicion that an employee used or is impaired by alcohol, cannabis/marijuana or illegal drugs may be based upon, but not limited to, the following:

- a. Direct observation of drug or alcohol use or the physical symptoms of being under the influence of drugs or alcohol including but not limited to: slurred speech, dilated pupils, odor of alcohol on breath, inability to walk a straight line, drowsiness, sleeping, etc.;
- b. An accident involving state or county property;
- c. Physical or verbal altercation;
- d. Pattern of abnormal conduct, erratic behavior or behavior which is so unusual that it warrants summoning a supervisor or anyone else in authority;
- e. Arrest or conviction for a drug or alcohol-related offense, or the identification of an employee as a focus of a criminal investigation of illegal drug possession, use or trafficking;
- f. Information provided by reliable or credible sources or by admission of the employee;
- g. Evidence that the employee tampered with a previous drug test.

Reasonable Suspicion Procedure:

The supervisor shall document, in writing, a description of the circumstances which form the basis of reasonable suspicion. The supervisor shall forward the documentation to their Division Head, or a designee to authorize such testing. If the Division Head or designee concurs that reasonable suspicion exists, the testing shall be authorized and they shall immediately notify the Court Human Resource Manager or designee. The results of the testing shall be retained in the employee's confidential medical file.

The Division Head, or designee, shall be responsible for the employee's transport to the designated collection site where a drug and/or alcohol test shall be required. After the tests are conducted the employee may be placed on paid administrative leave pending the test results and the Division Head, or designee shall transport the employee home. If the employee is placed on paid administrative leave and the results of the testing are negative the employee will be reinstated. If the results of the tests are confirmed positive the employee may remain on paid administrative leave pending a review of the circumstances.

A Division Head, or designee, encountering an employee who refuses to submit to required testing shall immediately advise the employee that a refusal to submit to the test is subject to disciplinary action, up to and including dismissal for refusing the test. Any employee refusing to submit to a drug and/or alcohol test shall not be forced to submit to such testing.

Division Heads and supervisors shall not physically search employees. If a Division Head has reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the Court, they shall notify law enforcement. The Division Head should also immediately contact the Human Resource

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Manager, or if not immediately available, the Court Administrator or designee, at the time law enforcement is notified.

Division Heads and supervisors shall not confiscate, without written consent, prescription drugs or medications from an employee who has a prescription.

3. **Post-Accident Testing:** Employees who drive a state, county or personal vehicle within the scope of their employment shall submit to a drug and alcohol test after a traffic accident involving: 1) loss of life; or 2) if there is reason to believe that alcohol or drug usage may have contributed to the accident; and/or 3) if there is damage to state and county property and reasonable suspicion exists that the employee contributed to the cause of the accident.

Post-Accident Procedure:

- a. All injuries shall be treated first.
 - b. The employee shall immediately notify their supervisor.
 - c. The employee and the supervisor shall cooperate with all law enforcement officers.
 - d. The supervisor must contact his or her Division Head and the Mohave County Risk Manager prior to taking any action related to drug testing.
 - e. The supervisor shall explain to the employee that testing is required to ensure that drugs or alcohol were not a contributing factor in the accident.
 - f. If the employee refuses to submit to the required testing, the supervisor shall inform the employee that continued refusal to submit to testing will be considered a failure of the testing requirement.
 - g. If the employee agrees to the testing, the supervisor will transport, or make alternate arrangements for the transport of the employee to the designated collection site.
 - h. After the sample collections are obtained, the supervisor shall comply with the directions of the Division Head as to whether the employee should be allowed to return to duty or be transported home. In no case shall the employee be authorized to drive a state or county vehicle, or to use their personal vehicle for court business, pending the results of the drug/alcohol screen.
 - i. If there is reason to believe that the employee may have been under the influence of drugs or alcohol, he or she shall be placed on paid administrative leave pending receipt of test results and a review of circumstances. The supervisor shall transport, or make alternate arrangements for the transportation of the employee home.
 - j. If the results of the tests are negative the employee shall be reinstated.
 - k. If the results of the tests are confirmed positive, the employee may be placed on paid administrative leave pending a review of the circumstances.
4. **Random Testing:** Random drug testing shall be conducted as a condition of employment for the following designated positions or any other employee who requests to be included in random testing as follows:
- a. Employees required to possess a commercial driver's license (CDL) shall be included in the county-wide pool for random drug testing administered by Mohave County Risk Management in accordance with Department of Transportation 49 CFR Parts 40 and 382.
 - b. Employees who perform safety sensitive duties shall be included in the statewide pool for random drug testing administered by the Arizona Supreme Court Administrative Office of the Courts (AOC) in accordance with Appendix A §6-106 ACJA. An additional group or class of employees may be included in the AOC statewide pool for random drug testing upon approval by AOC of the Chief Probation Officer's or Juvenile Court Services Director's request as outlined in Appendix A §6-

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106(Ld3).

- c. Positive Drug Test for Marijuana. The U.S. Department of Transportation (DOT) Federal Motor Carrier Safety Administration (FMCSA) does not authorize medical marijuana under state laws to be a valid medical explanation for a CDL driver's positive drug test result. Marijuana is listed on Schedule 1 of the Controlled Substance Act and, as such, cannot be used under U.S. DOT drug testing regulations.

Division Heads shall ensure that employees who have refused to submit to required testing are not assigned to or involved in any safety sensitive duties pending an administrative investigation and/or disciplinary action as appropriate.

Notification: Upon receipt of notification from AOC of the list of employees randomly selected for drug testing, the Chief Probation Officer or Juvenile Court Services Director, or designee shall:

- a. Schedule the employee for drug testing at an approved site within two working days of receiving notice.
- b. Schedule the employee for drug testing during the employee's regularly scheduled shift.
- c. Authorize overtime or compensatory time when scheduled testing extends a non-exempt employee's work week beyond forty hours.
- d. Issue a notification form to the selected employee requiring the employee to submit to drug testing at the collection site within two hours.
- e. Ensure the employee signs the notification form.

Failure to Report:

- a. If an employee fails to appear after receiving notification, the employee shall provide the Chief Probation Officer or Juvenile Court Services Director, or designee, with a written explanation for not reporting by the next business day. The report shall include the reason for not reporting to the collection site, the name of the supervisor notified; and the supervisor's instructions, if any, given to the employee.
- b. Failure of the employee to notify the supervisor of the excused absence circumstance prior to the test may be considered an unexcused absence.
- c. The Chief Probation Officer or Juvenile Court Services Director, or designee shall determine if the failure to report was an excused or unexcused absence. An excused absence, may include, but is not limited to: inability to leave a work assignment due to a critical incident occurrence; a safety or hazardous situation involving the employee or public; required appearance in court; and/or previously approved annual or other authorized leave.
- d. If the Chief Probation Officer or Juvenile Court Services Director, or designee approves the absence, the reason shall be documented and the employee's name shall be placed into the random selection pool for the next unannounced random selection.

Refusal to Submit: Any of the following actions performed by a selected employee will be considered a refusal to submit:

- a. Failing to provide an adequate sample to allow proper testing;
- b. Refusing to submit to or complete any paperwork relating to the test;
- c. Engaging in conduct that clearly obstructs the testing process;
- d. Failing to remain available for testing when requested;

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- e. Leaving the testing site before the testing is completed;
 - f. Refusing to submit a sample;
 - g. Failing to appear for testing when scheduled;
 - h. Unexcused absence, failure to report, or failure to provide a sample or refusal to submit as ordered will be considered a refusal and may result in disciplinary action up to and including dismissal; and
 - i. Producing a cold urine sample/failure to produce a urine sample that meets or exceeds the minimum temperature.
5. **Officer Shooting or Discharging a Firearm While on Duty:** Any officer or court security personnel who discharges a weapon in the line of duty shall submit to a drug and alcohol test within 24 hours.
 6. **Probation Student Interns or Volunteers:** The Chief Probation Officer or Juvenile Court Services Director may require probation student interns or volunteers to submit and pass a urine drug and alcohol test before assignment of duties or for reasonable suspicion as outlined in subsection E2 above.
- F. NOTIFICATION TO EMPLOYEES SUBJECT TO RANDOM / REASONABLE SUSPICION TESTING:** Employees subject to testing shall be notified by the Division Head, or assigned designee, of the requirement for testing on the same day. Prior to any test, the employee shall be given the following information.
1. The location, date and time for the employee to report to the designated test location.
 2. Whether the drug test is random or due to reasonable suspicion including the reason for a reasonable suspicion test.
 3. Assurance that quality of testing procedures is tightly controlled, that the test used to confirm use of illegal drugs or alcohol is highly reliable, and that the test results shall be handled with maximum respect for individual privacy and concern with safety and security.
 4. Notice of the opportunity and procedures for submitting supplemental medical documentation from a licensed health care professional that supports a legitimate use for a specific drug.
 5. Prior to providing a sample, the employee being tested shall have an opportunity to indicate their legitimate use of a specific drug. Employees who test positive for a drug and have demonstrated legitimate use for a drug causing the positive test result (with the exception of medical marijuana for employees who hold safety-sensitive positions) shall be notified in writing that their result is considered negative.
 6. Prior to providing a sample, the employee being tested may request to have a second sample sent to a laboratory of the employee's choosing to have an independent drug test performed at the employee's expense. The laboratory chosen by the employee shall demonstrate the same standards of methodology as provided in section VI(A) of ACJA §6-106 Appendix A.
 7. The Division Head shall authorize overtime or compensatory time for a non-exempt employee whose scheduled test extends the employee's actual work hours above forty (40) hours in a work week.
- G. URINE SAMPLE COLLECTION:** Testing will be conducted in compliance with the procedures outlined in ACJA §6-106 Appendix A (VII).

Random Sample Collection:

1. The employee shall provide picture identification and signature authorization upon arrival at the collection site. The employee shall fill out a Consent to Test and Chain of Custody form provided at the collection site. The employee may voluntarily list substances taken in the

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last 30 days which may be detected in the testing process or any other relevant medical information. The employee shall be provided the appropriate sample container and be escorted to the collection area by collection site personnel. The employee shall remove all outer clothing such as jackets, coats or sweatshirts. No handbags, duffle bags, purses or other personal carrying items will be taken into the collection area. The employee will be instructed to wash their hands prior to urination.

2. All random samples will be collected using the unobserved method. The employee will be escorted to a specially prepared room and permitted to urinate in private. If the collection site person develops any information that the test has been compromised, the collection site will notify the Chief Probation Officer or Juvenile Court Services Director, or designee immediately. The employee will be required to submit a second sample while being observed by a same sex employee of the collection site, and both samples will be tested.

3. **Insufficient Urine Sample:**

If an employee is unable to provide a minimum of 45 milliliters, approximately 1.5 oz. of urine for a sample, collection site personnel shall instruct the employee to remain on site and to drink not more than 24 ounces of fluids and, after a period of up to two hours, the employee shall attempt to provide a sufficient urine sample using a fresh collection container.

If a sufficient urine sample cannot be obtained after the two hours, the insufficient sample shall be discarded and the urine collection process discontinued. The Chief Probation Officer or Juvenile Court Services Director or designee shall immediately prescribe an approved alternative testing methodology.

Once a sample is given, the employee will remain in possession of the sample until custody is transferred to collection site personnel. The sample will be examined by collection site personnel for indications of tampering. If no problem is noted, the sample will be transferred by collection site personnel to the split sample containers and sealed in view of the employee. The employee will verify the seal and initial the seal. The appropriate paperwork to ensure chain of custody will then be completed and the employee will be escorted back to the lobby and will be free to leave.

Reasonable Suspicion: An employee required to provide a urine sample as a result of reasonable suspicion shall be required to follow the procedures outlined in G above except that the urine sample collection shall be observed by a same sex employee of the testing site.

H. TEST RESULTS:

1. All testing results and any disciplinary actions resulting from a positive test result shall be confidential.
2. All positive test results for employees will be confirmed. Confirmation will be by use of a different chemical process than was used in the initial drug screen. The second or confirmatory drug test shall be a chromatographic technique such as gas chromatography-mass spectrometry or another comparably reliable analytical method.
3. The employee has the right, on request, to obtain written test results.
4. The employee has the right, on request, to explain in a confidential setting, a positive test result.
5. Positive test results shall be reported as negative if there is a legitimate medical explanation for the positive test result, with the exception of positive test results for medical marijuana for those who hold a safety-sensitive position.
6. The provider shall send results of random testing to the Chief Probation Officer or Juvenile

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- Court Services Director; all other testing shall be sent to Court Human Resources. A copy of the results shall be forwarded to the employee.
7. The Chief Probation Officer or Juvenile Court Services Director shall notify the Administrative Office of the Courts (AOC) of positive results and any disciplinary or other action taken against any employee of the Probation Department.
 8. Violations of this policy shall result in appropriate disciplinary action, up to and including dismissal, and may also result in legal consequences. Disciplinary action up to and including dismissal may be taken under any of the following circumstances:
 - a. Reporting to work or, while on duty, being impaired or having any detectable or measurable presence of drugs or alcohol concentration of .02 or greater.
 - b. A confirmed positive drug test result of medical marijuana for those who hold a safety sensitive position.
 - c. Use of illegal drugs.
 - d. Refusal to:
 - (1) Submit an adequate sample;
 - (2) Cooperate with the collection procedures set forth in this policy;
 - (3) Sign the consent for release of information;
 - (4) Enter or successfully complete a rehabilitation program when such program has been required by the Court.
 - e. Adulteration, substitution or other attempt to falsify the results of a drug test.
 - f. On-duty illegal drug or cannabis/marijuana use, possession, or impairment or consumption of alcohol or alcohol impairment.
 - g. Off-duty use or possession of illegal drugs or unauthorized use of prescription drugs.
 - h. A determination that an employee has engaged in illegal drug trafficking including but not limited to: buy, sale, manufacture, grow, distribute, transport, or aiding, abetting or conspiring to commit these offenses.
 - i. Failure to notify the supervisor of an arrest or citation for an offense involving drug or alcohol violation within one (1) business day.
 - j. Failure to notify the supervisor before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of assigned equipment.
 9. In situations where an employee who tests positive for drugs or alcohol is not dismissed from employment, the employee shall be referred to available programs/resources and be given the opportunity to successfully undertake rehabilitation. The ultimate responsibility to be drug and alcohol free rests with the employee.
 10. **Voluntary Self-Referral and Follow-Up:** The Superior Court encourages any employee with a drug or alcohol problem to contact his or her supervisor or Court Human Resources for assistance. The employee may be directed to use the confidential services of the employee assistance program as may be available, or the substance abuse treatment program provided within the employee's health insurance coverage. Employees will not be subject to discipline for voluntarily acknowledging a drug or alcohol problem. However, an employee may not exercise the provisions of this voluntary self-referral program after they have been notified of the requirement to test under any provisions of this policy.

An employee who enters treatment voluntarily may use accrued comp time, EIB, PTO leave, and may be placed on an unpaid leave of absence for up to six months.
 11. **Follow-up Testing:** Any employee who is not dismissed from employment following a violation of this policy is subject to unannounced follow-up testing for a three-year period after their return to work or completion of a rehabilitation or abatement program, whichever

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is later, to document that the employee remains drug free.

I. REPORTING REQUIREMENTS:

1. Violations While on Duty:

Immediately upon committing or learning that another employee has committed a violation of this policy while on duty, an employee shall report that violation to his or her supervisor or other management personnel.

The knowing failure to report an 'on duty' violation of this policy is, by itself, a violation of the policy and subjects the employee to disciplinary action, up to and including dismissal.

The supervisor shall document and forward the documentation to the Division Head for review and authorization of testing, if needed.

2. Violations While Off Duty:

Immediately upon committing or learning that another employee has committed a violation of this policy while off duty, an employee shall report that violation to an immediate supervisor or other management personnel.

The knowing failure to report an 'off duty' violation of this policy is, by itself, a violation of the policy and subjects an employee to disciplinary action up to and including dismissal.

All reports received shall be held in confidence to the extent possible to conduct a fair investigation and determine the appropriate action to be taken.

The supervisor shall document and forward the documentation to the Division Head for review and authorization of testing if needed.

3. Violations Resulting in Arrest or Arraignment:

Any employee arrested or charged with any criminal charge involving any drug or alcohol violation shall report the matter to their immediate supervisor on the within one (1) business day.

The supervisor shall forward the report to the Division Head through the chain of command.

The Division Head shall initiate an administrative investigation and may reassign the employee, place the employee on administrative leave in accordance with applicable policy and procedure, and take disciplinary action, up to and including dismissal, prior to the final disposition of the criminal case.

4. Violations Resulting in Conviction:

A report to the Division Head shall be made in writing within one (1) business day following a conviction.

J. CONFIDENTIALITY OF TEST RESULTS:

1. Employees and the drug testing laboratory involved in any aspect of the drug testing program shall maintain strict standards of confidentiality of test results and related medical and rehabilitation records. This includes:

- a. Maintaining maximum respect for individual privacy consistent with safety and security issues.
- b. Handling of the test results.
- c. All contacts with medical and health personnel, counselors, employee assistance

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program coordinators and administrators.

2. Records maintained in connection with this program that contain the identity, diagnosis, prognosis, or treatment of any person shall be kept confidential.
3. Records shall be disclosed under limited circumstances and for specific purposes by consent of the employee.
 - a. Written consent shall be obtained from the person to be tested to disclose results of tests administered and related medical and rehabilitation records to the Division Head or designee.
 - b. This consent shall be obtained prior to the test itself.
 - c. Refusal to consent to the release of this information shall be considered a refusal to take the test.
4. Drug abuse or alcohol treatment records may be disclosed without the consent of the employee:
 - a. To medical personnel, to the extent necessary, to meet a genuine emergency.
 - b. To qualified personnel for conducting scientific research, management audits, financial audits, or program evaluations, with all identifying information removed from data.
 - c. When authorized by an appropriate court-order granted after application showing good cause.
5. Other disclosure may be made only with the written consent of the employee. Such consensual disclosure may be made for verification of treatment or a general evaluation of treatment progress.

K. SEVERABILITY:

The provisions of this Policy are severable; and if any of its provisions shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

L. EXCEPTIONS:

All exceptions to this Policy must be approved by the Division Head and the Court Administrator.

M. AWARENESS INFORMATION:

Periodically, Human Resources shall provide information to judicial service personnel regarding drugs and alcohol and their effects. In compliance with the Drug-Free Workplace Act of 1988, a drug/alcohol awareness program will be ongoing. All personnel are expected to participate in the program.