

RESOLUTION NO. 1736

A RESOLUTION OF THE BOARD OF SUPERVISORS OF YAVAPAI COUNTY ADOPTING REVISIONS TO POLICIES 6.03 WORK PLACE SAFETY AND VIOLENCE, 6.05 ALCOHOL AND CONTROLLED SUBSTANCE POLICY AND 6.07 USE OF COUNTY PROPERTY.

WHEREAS, the proposal for these policy revisions has been posted on the Yavapai County Intranet for fifteen days as provided in the Human Resources Policies and Procedures, 1.01;

BE IT THEREFORE RESOLVED that the Yavapai County Board of Supervisors adopts the attached revised policies.

PASSED AND ADOPTED by the Board of Supervisors of Yavapai County, Arizona, this 3rd day of May, 2010.

/s/ A.G. "Chip" Davis
A.G. "Chip" Davis, Chairman

ATTEST:

/s/ Julie Ayers
Julie Ayers, Clerk of the Board

	HUMAN RESOURCES POLICIES AND PROCEDURES		
	Revision Approval: 05/03/10		Date Approved: 04/20/09
	POLICY: Work Place Safety and Violence	Section 6.03	Page 1

I. PURPOSE

- A. Yavapai County Government is committed to our employees' safety and security. Yavapai County will comply with all applicable workplace safety and health requirements and maintain occupational safety and health standards that equal or exceed the best practices in the industry.

II. RESPONSIBILITIES

- A. Appointing Authorities are responsible for ensuring that all safety policies and procedures are clearly communicated and understood by all employees.
- B. Managers and supervisors are responsible for enforcing the rules fairly and uniformly.
- C. All employees are responsible for safe work practices, following all directives, policies and procedures and for assisting in maintaining a safe and secure work environment.

III. POLICY

A. GENERAL SAFETY

1. All employees of Yavapai County are expected to place safe work practices and identification of unsafe conditions in his/her highest priority while performing daily tasks. This includes, but is not limited to:
 - a. Keeping all work areas neat and tidy.
 - b. Reporting any unsafe conditions to the Appointing Authority or immediate supervisor.
 - c. Reporting or cleaning up all spills immediately.
 - d. Using proper equipment for a task, i.e. stepstools, platforms or ladders for climbing instead of chairs.
 - e. Reporting or replacing defective tools and equipment, i.e. reporting and replacing frayed electrical cords.
 - f. Keeping aisles and exits clear.

A. FIRE AND OTHER EMERGENCIES

1. Each County building has an emergency evacuation plan and emergency procedures in the event of a fire or other disaster. These are posted prominently in common areas and bulletin boards on each floor of the facility. Exits and fire extinguishers are located on each floor.
2. All employees are expected to familiarize themselves with the location of such equipment and to know the evacuation procedures in the event of an emergency.

B. MATERIAL SAFETY DATA SHEETS (MSDS)

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1. Each County department will keep Material Data Safety Sheets (MSDS) on all hazardous substances and materials on file in areas adjacent to the equipment for which the MSDS pertains.
2. Employees should help ensure that MSDS are kept in their respective areas or report missing ones to their supervisor.

C. PERSONAL PROTECTIVE EQUIPEMENT (PPE)

1. Each County department shall issue each employee the appropriate protective clothing and/or equipment to regularly perform his/her duties.
2. It is the responsibility of each employee to properly care for safety equipment issued. The employee will be held accountable for replacement of any lost or abused safety equipment issued to him/her.

D. VIOLENCE IN THE WORKPLACE

1. Threats, threatening and abusive behavior, acts of violence and disruptive behavior such as harassment, intimidation by anyone against employees, visitors or other individuals on County property will not be tolerated. Such behavior includes oral or written statements, gestures or expressions that communicate a direct or indirect threat of physical harm.
2. Yavapai County requires prompt and accurate reporting to the Appointing Authority or Human Resources/Risk Management of all violent incidents (whether or not physical injury has occurred), and all threats of violence (whether verbal or implied).

E. SAFETY COMMITTEES

1. Yavapai County will promote safety in the workplace through department/facility Safety Committees. The role of the Safety Committee shall be to evaluate work tasks and work places (job and site specific) to determine hazards, conditions, operations and other situations, which may place our workers at risk of occupational assault incidents. Also, the Safety Committee shall develop/coordinate employee safety training programs.

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	POLICY: Alcohol and Controlled Substance Policy	Section 6.05	Page 1

I. PURPOSE

- A. The Board of Supervisors of Yavapai County is committed to programs that promote safety in the workplace, employee health and well-being, and public confidence. Consistent with the spirit and intent of this commitment, Yavapai County has a zero tolerance policy when it comes to the use, possession, or distribution of controlled substances and alcohol on the job by employees. Employee abuse of controlled substances and alcohol adversely affects job performance and employee morale, jeopardizes employee safety, and undermines public confidence. The goal of this policy is to establish and maintain a safe workplace and a healthy and efficient workforce free from the effects of controlled substance and alcohol abuse.

II. POLICY

- A. Yavapai County prohibits the manufacture, possession, use, sale, distribution or presence in the body, of prohibited controlled substances and alcohol by all employees in the workplace, or on county property.
- i. Alcohol use:
 - 1. Alcohol on-duty use: No employee shall consume alcohol while performing work assignments.
 - 2. No employee shall report for duty or remain on duty while under the influence of alcohol.
 - ii. Controlled substances use:
 - 1. For purposes of this policy, controlled substances means any cannabis, dangerous drug, marijuana, narcotic drug, opium, peyote or other such substance as set out in Arizona Revised Statutes Title 13, Chapter 34 (drug offenses.) In the case of CDL holder's federal law may include additional substances.
 - 2. No employee shall report for duty or remain on duty when the employee uses any controlled substances, except when the use is pursuant to the prescription of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely operate a vehicle or equipment.
 - 3. An employee shall inform his/her supervisor of any therapeutic controlled substance prescription use that may adversely affect his work performance, by creating a safety issue involving the public or the workplace.
 - 4. No supervisor having knowledge that an employee has illegally used a controlled substance shall permit the employee to perform or continue to perform work assignments.
- B. Refusal to submit to, or fully cooperate with, a required alcohol or controlled substance test will result in termination of employment. Any person refusing to test will be offered transportation home.
- C. A verified positive test for alcohol or controlled substances will result in termination of employment. In the case of alcohol testing, a verified positive test means results showing an alcohol concentration of .02 or greater.
- D. CDL operators are subject to the following standards as required by federal regulations:

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- i. Alcohol concentration: No employee shall report for duty or remain on duty while having an alcohol concentration of .02 or greater.
- ii. Alcohol pre-duty use: No employee shall perform work assignments within four hours after using alcohol. No supervisor having actual knowledge that the employee has used alcohol within four hours shall permit an employee to perform or continue to perform work assignments.
- iii. Use following an accident: No employee required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- iv. Policies and Procedures as set out in the Yavapai County Drug and Alcohol Testing Program for CDL Holders

E. With respect to mandated controlled substance and alcohol testing of CDL operators, the provisions of this policy affecting CDL operators complies with the Omnibus Transportation Employees Drug Testing Act of 1991 and in accordance with Title 49 Code of Federal Regulations, Parts 40, 382 and 391, Subpart H.

F. FOR ASSISTANCE: Yavapai County encourages any employee with a controlled substance or alcohol problem to contact the Employee Assistance Program (EAP). Employees will not be subject to discipline for voluntarily acknowledging a controlled substance or alcohol problem. However, this will not excuse violations of the alcohol and controlled substance policy for which the employee is subject to discipline.

III. PROCEDURE

A. Employees Subject to Testing

- i. All County employees shall be subject to Post-Accident and Reasonable Suspicion testing.
- ii. In addition, the following positions that have been identified as "Safety Sensitive" are subject to Pre-Employment and Random testing.
 - 1. Any position requiring AZPost certification, including but not limited to Deputy Sheriff, Sergeant, Lieutenant, Captain & Commander.
 - 2. Dispatcher
 - 3. Dispatcher Supervisor
 - 4. Detention Officer (Adult/Juvenile)
 - 5. Probation Officer (Adult/Juvenile)
 - 6. Probation Officer Supervisors (Adult/Juvenile)
 - 7. Community Service Specialist
 - 8. Community Service Coordinator
 - 9. Surveillance Officer
 - 10. Any position which requires a CDL, including but not limited to Equipment Operator I, II & III.

B. Pre-Employment Testing (designated safety-sensitive positions only): Following an offer of employment to a potential employee for any position identified as safety sensitive the following shall take place:

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- i. The potential employee shall receive a conditional offer of employment pending the results of a controlled substance test.
- ii. The potential employee is to take the test within 32 hours of the conditional offer of employment.
- iii. The controlled substance test must result in a verified negative presence of controlled substances prior to the first day of employment. A potential employee who fails a pre-employment controlled substance screen shall not be hired.
- iv. Required pre-employment controlled substances testing shall be coordinated by the hiring department.

(Note – Items “v” through “viii” below pertain only to positions requiring a CDL operator's permit.)

- v. In accordance with 49 CFR part 40.25, newly employed CDL operators must provide the hiring department with written consent to acquire his/her previous employer(s) information concerning participation in a controlled substance and alcohol testing program for the past two years. This information is only required if the employee performed safety sensitive functions as a CDL operator for previous employers.
 - vi. The hiring department must provide to the previous employers of the past two (2) years, a written authorization from the CDL operator for release of the required information. The release of this information may take the form of personal interviews, letters, or any other method that ensures confidentiality. Yavapai County shall maintain a written, confidential record with respect to each past employer contacted.
 - vii. The potential employee may not be employed if the information obtained indicates the potential employee has tested positive for controlled substances, tested at or above 0.04 breath alcohol concentration, or refused to test unless it can be established that he/she has completed the return to duty requirement as set forth in 49 CFR part 40 Subpart O.
 - viii. Under no circumstances shall a newly hired operator be allowed to perform safety sensitive duties for more than 30 days following date of hire without confirming the information, above.
- C. Post Accident Testing (all positions): When any County employee is involved in an accident as described below while on duty and/or while utilizing county property, the employee shall submit to alcohol and controlled substance testing. The testing should be done immediately, but no later than 8 hours after the accident for alcohol testing and no later than 32 hours after the accident for controlled substance testing.
- i. Accidents requiring testing:
 1. Any accident involving human fatality or bodily injury requiring immediate medical treatment away from the scene.
 2. Any accident in which any vehicle is damaged in such a way that it cannot be safely driven away from the scene (aside from minor repair: ie: changing a tire) and the county operator is cited for a statutory violation or the available information indicates that the County operator's performance may have contributed to the accident.
 - ii. Procedure for Post Accident Testing:

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1. All injuries shall be treated first.
 2. The employee and the supervisor shall cooperate with all law enforcement officers.
 3. The supervisor must contact his or her Appointing Authority or Human Resources/Risk Management prior to taking any action related to alcohol or controlled substance testing.
 4. The supervisor shall explain to the employee that testing is required to ensure that controlled substances or alcohol were not a contributing factor in the accident.
 5. If the employee refuses to submit to the required testing, the supervisor shall inform him or her that continued refusal to submit to testing will be considered a failure of the testing requirement.
 6. If the employee agrees to the testing, a supervisor will transport the employee to the designated collection site. The supervisor will remain at the collection site with the employee, but shall not go into the examination room or sample collection room.
 7. After the sample collections are obtained, the supervisor shall allow the employee to return to duty if, as determined by the supervisor, there is no suspicion that controlled substances or alcohol were a contributing factor in the accident and if the employee's physical condition allows.
 8. If there is reason to believe that the employee may have been under the influence of controlled substances or alcohol, he or she shall be placed on administrative leave with pay pending receipt of the test results and a review of circumstances. The employee shall be offered transportation home.
 9. If the results of the tests are negative the employee shall be reinstated.
 10. If the results of the tests are verified positive the employee will be placed on administrative suspension without pay pending a review of the circumstances by Human Resources.
- D. Random Testing (designated safety-sensitive positions only): Yavapai County shall conduct unannounced random selection for both the controlled substance and alcohol testing. A statistically verifiable, computer-generated random selection process shall be used to select the appropriate percentage of employees, from each pool, to be tested. In addition, Yavapai County may also conduct a 100% test of all eligible individuals all at one time on an annual basis.
- i. Any selected employee who is absent from duty on the date designated for random testing will not be informed of the selection, and will automatically be added to the following testing period.
 - ii. The testing will be evenly distributed throughout the year. Specimen collection will be done on different days of the week throughout the annual cycle.
- E. Reasonable Suspicion Testing (all positions): Reasonable suspicion of controlled substance or alcohol use by an employee may be established by observation or report of the employee's behavior, admission by the employee, conduct that shows impairment or shows physical signs of

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being under the influence. Upon determining that reasonable suspicion exists the employee shall be required to submit to controlled substance and/or alcohol testing.

- F. Officer Shooting or Discharging a Firearm While on Duty. Any employee who discharges a weapon during the line of duty shall submit to an alcohol and controlled substance test within 8 hours.
- G. Maintenance of Records: All records are confidential and shall be filed in an area with controlled access. Except as required by law or unless expressly authorized by the employee through the provision of a signed release, designated employee information that is contained in the records shall not be released.

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	POLICY: Use of County Property	Section 6.07	Page 1

I. PURPOSE

- A. The intent of this policy is to ensure all property maintained by Yavapai County is kept in the best possible working condition and to ensure proper efficiency and safety.

II. POLICY

- A. No employee shall use County property for personal except as provided otherwise in these policies and procedures.
- B. County employees are responsible for County property assigned to them, including vehicles, tools, equipment, or facilities and will take precautions to ensure the security of such property at the end of each working day or during periods of non-usage during the day.
- C. Personally issued items will be safeguarded to ensure availability and security against loss or damage.
- D. Employees must notify their supervisors if they have knowledge of any misuse of County property.
- E. When County property is lost, damaged or destroyed through an employee's willful and/or negligent acts or admissions, or otherwise violates this policy, the employee will be subject to disciplinary action, up to and including termination.

III. PROCEDURE

A. Defective Tools and Equipment

1. Employees noticing defective tools or equipment, either during daily inspections, upon issuance prior to the job, or during actual job operation, will report the tool or equipment defect to their immediate supervisors, who will act appropriately to replace, repair or salvage the defective tool or equipment.
2. Broken or unusable tools and equipment will not be reused in field service, but will be turned into the department for appropriate repair, salvage, disposal or replacement.

B. Use of Personal Tools and Equipment

1. If an employee chooses to use his or her personal property in the performance of work duties, the County may assume responsibility for loss or damage under the following circumstances:
 - a. Each employee must submit a list of tools authorized for use on the job in advance of any loss. One copy of the authorized list will be maintained in the department, and one copy must be submitted to the Human Resources and Risk Management office. Lists must be updated as needed.

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- b. All authorized tools and equipment must be stored in a locked toolbox or other lockable storage during non-work hours. Exceptions must be approved by the Appointing Authority in advance of any loss.
- c. County responsibility will generally be limited to loss due to fire or theft on County property and in County facilities. The County will not be responsible for loss or damage as a result of normal wear or breakage during use or for improper use of the property.
- d. Damage or loss of personal property not authorized for use and not on the approved list will be the responsibility of the employee.