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Policy 240**

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## HEALTH, SAFETY, AND SECURITY

### .1 SAFETY POLICY

Clallam County believes all occupational injuries and illnesses can be prevented, and it is management and employee responsibility to ensure safety is a priority. Our goal is to eliminate any foreseeable hazards that may result in personal injury/illness, property damage/loss, and business interruptions caused by accidents, fires and other hazards. It is also our goal to ensure that County operations do not adversely impact the community and environment. To this end, Clallam County will comply with all federal, state, and local safety, health and environmental regulations.

Accidental losses can be controlled through good management in combination with active employee involvement. Safety activities will be planned, organized, and controlled by management just like production and quality. All employees are responsible for minimizing accidents within our facilities and for following policies and procedures established. Employee safety responsibilities are considered paramount to the individual job responsibilities. Accident prevention is a cooperative effort for everyone's benefit. Clallam County urges all employees to join in a personal commitment to accident prevention as a way of life, on and off the job.

### .2 RESPONSIBILITY

Management and employees will establish and maintain a safe and healthy working environment by following the procedures and programs in this policy.

#### 2.1 County Officials will:

- a. Ensure that all employees are trained on department safety and health requirements and procedures when first hired.
- b. Ensure that the workplace is free of recognized hazards that have caused or are likely to cause serious injury or death.
- c. Ensure that safe methods and techniques are adopted.
- d. Ensure that sufficient employee time, supervisor support, and funds are budgeted for safety equipment and training to carry out this safety policy.
- e. Ensure that the selected employee representative participates in safety committee meetings.
- f. Evaluate supervisors and employees each year to make sure they are carrying out their responsibilities as described in this policy.

#### 2.2 Supervisors will:

- a. Implement the safety policy.
- b. Ensure that each employee has received an initial orientation *before* beginning work.

- c. Make the safety and health of employees a primary responsibility.
- d. Ensure that each employee is competent and receives training on safety operation of equipment or tasks before starting work on that equipment or project.
- e. Ensure that each employee receives required personal protective equipment (PPE) before starting work on a project requiring PPE.
- f. Ensure that all applicable health and safety rules, WISHA/OSHA regulations, policies, and procedures are understood and observed.
- g. Observe the employees you supervise while they are working. Promptly correct any unsafe behavior and acknowledge correct behavior. Provide training and take corrective action as necessary.
- h. Follow up on accidents and accident trends via investigations and/or correction of hazards; establish prevention measures; report findings to County Official.
- i. Prevent employees under the influence of intoxicating beverages or narcotics from remaining in the workplace.

### 2.3 Employees will:

- a. Review, understand, and follow federal, state, and the County's safety and health rules and apply the principles of accident prevention to day-to-day duties.
- b. Promptly report any job-related injury, illness, or property damage to the supervisor, and seek medical treatment promptly when needed.
- c. Report hazardous and unsafe practices, to the supervisor, County Official, and/or Director.
- d. Not remove or defeat any safety device or safeguard provided for employee protection.
- e. Make suggestions to your supervisor, safety committee representative, or management about changes that will improve employee safety.
- f. Not use intoxicating beverages or narcotics in or around the workplace or enter the workplace while under the influence of intoxicating beverages or narcotics.

## .3 SAFETY COMMITTEE

Employee involvement in preventing workplace injuries and illnesses is critical. To assure employee participation, an employee/management Safety Committee has been established to meet on a regular, recurring basis. The purpose of the Safety Committee/safety and health meeting is to bring employees and management together to promote safety and health in their workplace.

### 3.1 Membership

The Safety Committee is made up of management-designated and employee-elected representatives. Representatives and/or their alternates are required to attend all meetings. It shall be the responsibility of the designated representative to attend all

regularly scheduled meetings of the Safety Committee and in the event such representative is unable to do so, it shall be their responsibility to so notify their alternate.

(1) Management-designated (Standing) Members

- a. County Engineer
- b. Chief Civil Deputy
- c. Human Resources Director

(2) Employee-Selected Members

- a. Elected annually in January pursuant to the following employee groups:

**Group I** Prosecutor, Clerk, Superior Court, District Court I, District Court II

**Group II** Information Technology, Human Resources, Health and Human Services, Law Library, WSU Extension

**Group III** Department of Community Development, Roads Administration and Engineering, Public Works Administration

**Group IV** Auditor, Commissioners (including Board of Equalization), Treasurer, and Assessor

**Group V** Roads Maintenance – All Shops, Clallam Bay Wastewater Treatment Facility

**Group VI** Juvenile and Family Services

**Group VII** Sheriff's Department

**Group VIII** Parks, Fair, and Facilities

The person in each group receiving the second most number of votes will be the alternate representative.

### 3.2 Additional Responsibilities

In addition to the committee responsibilities set forth above, duties of the Safety Committee members include:

- a. A monthly self-inspection of the area they represent
- b. Communicating with the employees they represent on safety issues

- c. Encouraging safe work practices among co-workers

#### .4 GENERAL SAFETY RULES AND PRACTICES

Every new employee shall be trained on the County's accident prevention program and this policy. Each employee shall learn and use safe work habits in every task performed. Before beginning each task the employee should anticipate, as fully as possible, what may occur. The employee should observe the surrounding conditions, examine and inspect equipment, tools and materials to be used. Anything that is defective or unsatisfactory must be repaired or replaced prior to use.

Remain mentally alert at all times. Be aware of what others in the vicinity are doing and what is going on. Like "defensive driving," practice defensive working and defensive living in all aspects.

Each department is responsible for assuring compliance to all OSHA/WISHA regulations that affect the department.

Employees on medication that may impair judgment or response time while operating equipment or machinery shall inform an appropriate supervisor. Non-compliance may result in disciplinary action up to and including discharge.

##### 4.1 Safety Bulletin Board

The safety bulletin board located outside Human Resources and in County departments is used to post notices required by law and other information to enhance workplace safety. Employees should check this board regularly for new notices. The following posters and information are displayed on the safety bulletin board:

- a. WISHA Poster of Employee Rights and Responsibilities
- b. Industrial Insurance Poster
- c. Emergency Telephone Numbers
- d. OSHA 300A Log Summary of Injuries and Illnesses (Posted according to OSHA guidelines)

##### 4.2 Safety and Health Inspections

The County is committed to identifying and promptly controlling hazardous conditions and practices that are likely to result in injury or occupational illness to employees. Department inspections are performed to proactively identify potential hazards. Once a hazard is identified, control procedures are developed and implemented as described in the Hazard Controls Section of this plan. Inspections assure a safe and healthy work environment is established and maintained.

Prior to using any tools and equipment, a brief visual inspection is conducted according to the manufacturer's specifications to determine if there are any obvious defects. Defective tools and equipment will be removed from service.

#### 4.3 Hazard Controls

Conditions and practices creating an imminent and serious hazard will be immediately controlled and brought to the supervisor's attention. Employees will not remain exposed to a serious hazard.

Serious hazards that cannot be corrected immediately are to be brought to the County Official's attention. The County Official will develop a strategy for corrective action.

Minor safety and health deficiencies identified either during the course of work or through an inspection will be corrected as soon as possible.

Hazardous conditions and practices are to be controlled through the use of engineering when technologically and economically feasible. Engineering controls are passive measures designed to prevent contact with a hazard. Examples of engineering controls include installing barriers, enclosing hazards, and using local ventilation. When engineering controls are not feasible, timely, or do not completely eliminate the hazard, personal protective equipment must be used.

#### 4.4 Basic Safety Rules

- a. Never do anything that is unsafe in order to get the job done. If a job is unsafe, report it to your supervisor, Safety Committee representative, or the Director or their designee.
- b. Do not remove or disable any safety device.
- c. Never operate a piece of equipment unless you have been trained and authorized.
- d. Use personal protective equipment (PPE) whenever it is required.
- e. Obey all safety-warning signs.
- f. Working under the influence of alcohol or illegal drugs or using them at work is prohibited.
- g. Employees on medication that may impair judgment or response time while operating equipment or machinery shall inform an appropriate supervisor and follow the guidelines in the County's drug and alcohol policy. Non-compliance may result in disciplinary action up to and including discharge.
- h. Smoking is only permitted outside in County-designated areas.
- i. Horseplay, running, and fighting is prohibited.
- j. Practice good housekeeping. Immediately clean up spills and replace all tools and supplies after use. Do not allow scraps to accumulate where they will become a hazard. Items should not be placed in traffic areas. Close file cabinet

drawers when not in use. Use care in placing heavy items on shelves and do not place heavy items on high shelves.

- k. Use proper lifting techniques.
- l. Observe your surroundings.

#### 4.5 First Aid

In order to assure that all County employees can be afforded quick and effective first aid attention, specified County personnel are to obtain first aid certification in compliance with WAC.

First aid kits and supplies are available in each department. Kits should be readily and easily accessible for use. Departments are responsible for obtaining first aid supplies and restocking kits whenever an item(s) is used.

#### 4.6 Safety and Health Training

Supervisors will ensure all new employees receive a safety orientation on the first day of work. Supervisors will assure employees receive training on each type of equipment and process they are assigned to use. Employees will not use equipment they have not been trained to use. Each employee will become familiar with the manufacturer's equipment manuals and safe operating procedures. The employee will also demonstrate to their supervisor that he/she can safely operate the equipment prior to operating without direct supervision. Employee training on chemical hazard communication, respiratory protection, hearing conservation, and personal protective equipment will be provided and documented according to those specific programs.

#### 4.7 Ergonomics

County Officials, supervisors, and employees will ensure that employees are properly fitted to their workstations and use appropriate ergonomic equipment where necessary. County Officials, supervisors, and employees themselves will also ensure that basic back injury prevention training is received before any duty requiring repetitive lifting and lifting of heavy and awkward items is executed. County Officials, supervisors, and employees will also ensure that involving industrial tasks that place chronic stress leading to repetitive strain injuries perform their duties in an ergonomically safe manner.

#### 4.8 Hazardous Chemicals:

All departments will adhere to the Clallam County Hazardous Communications Program located with the department's Safety Data Sheets (SDS) information. All department employees will be trained to recognize when a product is hazardous and how to obtain information for proper and safe use of the product.

- a. Solvents and other chemicals have been purchased to do specific jobs. All department employees will be informed when new hazardous chemicals are brought into the department for use.
- b. All departments will ensure the correct material is used and that adequate ventilation and personal protective equipment is provided and properly used.
- c. Every container of hazardous chemicals must be clearly labeled as to its contents and hazard (i.e. poisonous, flammable, corrosive) along with protective clothing requirements to be worn by the employee using the chemical.
- d. Safety Data Sheets (SDS) will be kept current for all hazardous substances and available for all employees in each department at all times.
- e. Storage and transportation of flammable liquids shall be in compliance with OSHA regulations. Volatile explosive fluids shall be kept in safety cans with WISHA approved flashback arresters.
- f. A current list of all chemicals stored will be posted on an outside door leading to the storage area for emergency service type personnel use (i.e. fire fighters).

#### 4.9 Unauthorized Operation

Employees shall not operate any equipment with which they are not familiar. The supervisor (or other qualified person) shall instruct employees on the safe and proper use of equipment before permitting them to work with it.

#### 4.10 Restricted Areas

Employees shall not enter or wander about in areas in which they do not have legitimate business and with which they are not familiar. Employees shall not enter any designated, restricted area until admitted by authorized personnel.

#### 4.11 Injury and Accident Reporting

All accidents that result in damage to County equipment, property or vehicles and/or all accidents that result in personal injury or damage to private property, livestock or vehicles shall be reported immediately to Clallam County Human Resources and the "Clallam County Report of Incident" form shall be completed by the close of the work shift.

In order to ascertain if the vehicle accident is to be reported to the Department of Motor Vehicles, refer to the Washington Driver's Manual, call any law enforcement agency, the County Sheriff's Department or the Department of Motor Vehicles.

In addition, all accidents that result in personal injury requiring medical care shall be reported on the Self-Insured Accident Report (SIF-2) Form and submitted to the Human Resources Department immediately and in no event later than 48 hours following the decision to seek medical care for the injury. The supervisor shall complete a

"Supervisor's Report of Accident" form, and the physician shall complete the "Physician's Initial Report" form and submit both to the county's Third Party Administrator for Worker's Compensation or to the Human Resources Department within 48 hours. In addition, each visit to a treating physician requires a "Physician's Report" form be completed by the physician, whether or not the employee is released for work, and returned to Human Resources after employee and supervisor have signed it.

If it is impossible for the employee involved in the accident to complete the form(s), another person may fill out the form(s), but he/she shall indicate why the employee did not complete it.

#### 4.12 Employee "Good Samaritan" Assistance

Clallam County provides and requires CPR and first aid training to:

- a. Ensure responsible, knowledgeable employees, aware of good safety and health standards throughout County employment
- b. Ensure this education is used within the limits of the following policy statement, and
- c. Ensure personal safety at all times, both while serving as an employee of Clallam County and during personal time

Clallam County employees feeling a moral obligation to assist in an emergency (or perceived emergency) situation must understand that their "Good Samaritan" assistance is outside their authority of activity while on the job with the following exceptions:

- a. The assistance is being given to another County employee while on County business or,
- b. The assistance is being given to a victim as a result of a County employee or County equipment action.

Should the employee be a member of any volunteer organization (i.e., Search and Rescue, Volunteer Fireman, etc.) or have the unique qualifications to assist in an emergency, (i.e., First Responder, EMT, etc.), they will restrict their activities to responding only when prior authority has been given by their respective department head.

A department head has the option to issue a written release for an employee to leave their work site or discontinue their work to assist in an emergency. This release would remain in effect until the department head canceled the authority.

A department head has the option to give authority to supervisors, who are answerable to that department head, the right to authorize an employee, in person, by telephone, radio or pager, absence from the work site in order to assist in an emergency situation.

Should an employee be injured on the way to or from, or while assisting in an emergency situation, and this activity takes place during the employee's paid County time; and if the employee was not given permission by his/her supervisor to depart his/her County obligations to assist in the (perceived) emergency; that employee will be determined as acting on their own volition and the County would not be held responsible for the results of those actions toward the party or property involved nor the employee's health, welfare or property during the employee's absence from the employee's usual performance of their assigned duties.

#### 4.13 Vehicle Operation

All employees operating County vehicles or employees using their private vehicles for County business shall be subject to the provisions of Administrative Policy and Procedure 450, Use of County Vehicles and Personal Vehicles on County Business.

#### 4.14 Protective Devices

Protective equipment shall be provided and used to prevent injury or occupational illness wherever hazards from processes or environment cannot be contained or eliminated at their source. Protective equipment includes, but is not limited to, shields, barriers, gloves, goggles, earplugs, restraints, ballistic vests, and equipment for protection of any part of the body. Protective equipment or apparel required for safe employment shall be furnished, used, and maintained in a sanitary and reliable condition. Personal protective equipment shall be worn and used in a manner which will make full use of its protective properties. Appropriate high temperature protective clothing shall be worn by workers who are exposed to possible contact with molten metals.

Each department shall maintain a regular system of inspection and maintenance of personal protective equipment furnished to workers. Defective personal protective equipment shall not be used. Where the need for their use is indicated, protective covering, ointments, gloves, or other effective protection shall be provided for and used by persons exposed to materials which are hazardous to the skin. Clean water in ample quantities shall be immediately available where caustic or corrosive materials are handled.

Workers engaged in construction, operation, and maintenance of electrical equipment, apparatus, and circuits shall use the protective equipment which is required in Washington Administrative Code (WAC) and the Electrical Workers Safety Rules.

##### (1) Work Clothing

Clothing shall be worn which is appropriate to the work performed and conditions encountered. Loose sleeves, ties, lapels, cuffs or other loose clothing

shall not be worn near moving machinery. Clothing with exposed metal buttons, metal visors, or other conductive materials shall not be worn around exposed electrical conductors. Clothing saturated or impregnated with flammable liquids, corrosive or toxic substances, irritants, or oxidizing agents shall be removed immediately and not worn again until properly cleaned.

(2) Head Protection

Employees working in areas where there is possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burn, shall be protected by approved protective helmets that meet WISHA standards in accordance with WAC Chapter on Occupational Head Protection.

Employees who are exposed to power-driven machinery or to sources of ignition shall wear caps or other head covering which completely covers the hair. This standard is not intended to negate requirements for guarding power-driven machinery.

(3) Eye and Face Protection

Suitable eye protectors shall be provided where machines or operations present the hazard of flying objects, glare, liquids, injurious radiation, or a combination of these hazards. In such cases, employers shall make conveniently available a type of protector suitable for the work to be performed, and employees shall use such protectors. Suitable screens or shields which insulate the hazardous exposure may be considered adequate safeguarding for nearby workers.

Employees whose vision requires the use of corrective lenses in spectacles, when required to wear eye protection, shall be protected by goggles or spectacles of one of the following types:

- a. Spectacles with protective lenses which provide optical correction.
- b. Goggles or face shields that can be worn over corrective spectacles without disturbing the adjustment of the spectacles.
- c. Goggles that incorporate corrective lenses mounted behind the protective lenses.

Face and eye protection equipment shall be kept clean and in good repair. The use of this type of equipment with structural or optical defects shall be prohibited.

(4) Hearing Protection

Workers shall be protected with the appropriate ear protective devices from the effects of noise exposures which exceed the noise levels deemed to be safe as defined in WISHA Safety and Health Core Rules. Ear protectors which must be inserted within the ear canal shall be initially fitted by a person trained in the procedure who shall explain the technique for insertion to the employee.

In all cases where the noise levels in any area exceed the limits prescribed in the WAC Chapter 296-800 a continuing effective hearing conservation program shall be administered.

(5) Respiratory Protection

In the control of those occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors, the primary objective shall be to prevent atmospheric contamination. This shall be accomplished as far as feasible by accepted engineering control measures (for example, enclosure or confinement of the operation, general and local ventilation, and substitution of less toxic materials). When effective engineering controls are not feasible, or while they are being instituted, appropriate respirators which fit properly shall be used. NOTE: Beards or facial hair will not be worn when they interfere with the respirator-to-face seal and prevent the respirators from fitting properly.

(6) Foot Protection

Defective footwear, or footwear which is ineffective in preventing or limiting injury, shall not be worn where workers are exposed to conditions which may cause foot injuries. Special types or designs of shoes or foot guards are required where conditions exist that makes their use necessary for the safety of workers. Leggings or high boots of leather, rubber or other suitable material shall be worn by persons exposed to hot substances or dangerous chemical spills.

(7) Hand Protection

Hand Protection suitable for the need shall be worn wherever the nature of the work requires extra protection to the hands. Gloves shall not be worn by persons whose hands are exposed to moving machinery, equipment, or tools in which they could be caught.

#### 4.15 Lock out-Tag out

To avoid accidental activation of machinery, electrical devices or other equipment which could create a hazardous condition while performing maintenance, repair, cleanup or construction work, the main disconnect(s) (line circuit breakers) shall first be locked out and tagged in accordance with the following provisions:

Padlocks or other equivalent protective devices shall be used for locking out the main disconnect(s) (line circuit breakers) of machinery, electrical devices or other equipment that is shut down while maintenance, repair, cleanup, construction work or other type of work is done to the equipment. Tags shall be used to supplement the padlocks or other equivalent protective devices, and shall be used only for information purposes.

Padlocks, tags, or equivalent protective devices are to be supplied by the employer. Employee(s) shall use as many padlocks or other equivalent protective devices as necessary to effectively lock out all affected equipment.

An effective lock out plan shall be formulated in writing and all affected employees so informed. The plan shall contain specific procedures for locking out equipment, information to be contained on supplemental tags and specific procedures for unlocking equipment after repairs, cleanup, etc., have been completed.

Tags used for providing supplemental information with lock out padlocks or other equivalent protective devices shall contain the name of the person authorizing placement, reason for placing, date, signature of person placing tag and such other relative information as deemed necessary by the person placing the tag.

Locking out a machine or item of equipment by use of a pushbutton or other local control device only will not be acceptable as meeting the intent of these rules.

Any person not familiar with all power sources or material entry sources to any area involved when repair, adjustment, cleanup, maintenance or construction work is necessary and the lock out procedures must be followed shall consult with the operator, supervisor, or some person that is capable of informing him of proper lock out procedures and supplemental tagging information.

Equipment shall be stopped and locked out before employees remove guards or reach into any potentially hazardous area. The only exception to this rule will be when equipment must be in motion in order to make proper adjustments.

Each person actively engaged in the repair, maintenance, cleanup, etc., shall lock out the affected equipment and place the informational tag. Upon completion of the work and reinstallation of the guards, that person shall personally remove his lock and tag, except when it is positively determined that an employee has left the premises without

removing his lock and tag. Other persons may then remove the locks and tags in accordance with specific department procedures.

## .5 HEARING CONSERVATION PROGRAM

### 5.1 Purpose

This Hearing Conservation Program is designed to protect the hearing of Clallam County employees from the hazardous effects of exposure to excessive noise levels, should they exist in the workplace; comply with current federal and state regulations, and protect the employer from unwarranted claims and liability. Hearing protection is required where posted and encouraged generally throughout the County.

### 5.2 Policy

The requirements of this policy encompass all Clallam County employees. Adherence to the provisions of this program is required for compliance with the WISHA Hearing Conservation Standard.

### 5.3 Definitions

**"Audiogram"** means a chart or graph of an audiometric test showing an employee's hearing threshold levels.

**"Audiologist"** means a professional, specializing in the study and rehabilitation of hearing, certified by the American Speech, Hearing, and Language Association or licensed by a State Board of Examiners.

**"Baseline Audiogram"** means the audiogram against which future audiograms are compared, usually the pre-employment test.

**"Decibel (dBA)"** means a unit of measurement of sound level.

**"Hertz (Hz)"** means a unit of measurement of frequency, numerically equal to cycles per second.

**"Impulsive or Impact Noise"** means noise levels that involve maximum sound at intervals greater than one second. Where the intervals are less than one second the noise levels shall be considered continuous.

**"Medical Pathology"** means a disorder or disease. For purposes of this program a condition or disease affecting the ear which should be treated by a physician or specialist.

**"Standard Threshold Shift"** means a hearing level change, relative to the baseline audiogram, of an average of 10 dBA more at 2000, 3000, and 4000 Hz in either ear.

**"Temporary Threshold Shift"** means a hearing level change similar in appearance to a standard threshold shift but which improves upon retest after fourteen hours without noise exposure.

**"Time Weighted Average (TWA)"** means the average of the sound levels to which an employee is exposed over an eight-hour period.

#### 5.4 Permissible Exposure Limits (PEL)

WISHA has adopted a PEL of an eight-hour TWA of 85 dBA for noise, which is designed to guard against unnecessary hearing damage. Values equal to or below these levels are considered acceptable for industrial noise exposure without the use of hearing protection.

Maximum exposure level: Any exposure above the ceiling level mandates the use of hearing protection regardless of the exposure duration. For continuous noise, the ceiling level is anything above 115 dBA; and for impact/impulse noise, the ceiling is at or above 140 dBA.

#### 5.5 Noise Evaluation and Control Procedures

Individual or representative exposure measurements shall be obtained for all employees who may be exposed at or above an eight-hour TWA of 85 dBA.

Whenever employee noise exposures equal or exceed an eight-hour TWA of 90 dBA, feasible administrative or engineering controls shall be utilized (i.e., noise abatement measures, rescheduling employee activities to minimize exposure time).

All affected employees shall be provided with personal hearing protection and are required to wear it in designated high-noise areas. Employees are personally accountable to wear appropriate hearing protection. Failure to wear hearing protection within identified exposure areas as outlined below will result in disciplinary action. Supervisors are responsible to ensure hearing protection is properly worn where needed. Supervisors will be guided by progressive discipline as defined herein.

Hearing protectors must attenuate employee exposure to a TWA of 85 dBA or less. At least two types of hearing protectors must be available for the employee to choose from, including:

- a. molded earplugs
- b. custom-molded earplugs

- c. self-molded ear plugs
- d. earmuffs

The use of personal protective equipment shall be considered an interim measure in lieu of improvements in engineering and/or administrative controls.

Signs shall be posted at entrances to or on the periphery of all well-defined work areas in which employees may be exposed to noise levels at or above 115 dBA. Warning signs shall clearly indicate that the area is a high noise area and that hearing protectors are required.

The Human Resources Department is assigned the responsibility of administering the Hearing Conservation Program. Licensed audiologists will be utilized as an additional resource when needed.

#### 5.6 Audiometric Examinations

A mandatory audiometric testing program will be maintained for all employees whose exposures equal or exceed an eight-hour TWA of 85 dBA. Audiometric testing shall be performed on the following schedule:

- a. Valid baseline audiograms will be obtained on all employees working in positions meeting the above criteria at the time of hire, or at least within 180 days after an employee's first exposure to noise at or above a time-weighted average of 85 dBA. When the County utilizes mobile test units there may be up to one year allowed to obtain a valid baseline audiogram for each exposed employee, provided that each employee so exposed is trained and wears suitable hearing protectors in accordance with the WAC.
- b. Annual audiograms will be obtained within each twelve-month interval following the baseline audiogram. This testing may be conducted at any time during the work shift.
- c. Audiograms will be obtained upon employee retirement, termination or transfer to permanent change to non-effected position.

A history shall be obtained from each employee prior to testing to assess conditions other than current occupational noise exposure that could contribute to hearing loss. As a minimum, the following information shall be included:

- a. Work history
- b. Exposure to non-occupational noise
- c. Injuries or illnesses that the employee has experienced which could result in hearing impairment
- d. Medications that the employee has taken or is currently taking
- e. Military and firearm experience

f. Hobbies

An otoscopic ear examination may be performed when needed to assess existing conditions that might affect the employee's hearing thresholds. Evidence of possible ear disease, ear blockage, eardrum perforation, and wax obstruction will be noted on the audiometric record and, if indicated, the appropriate referrals made. If medical pathology of the ear caused or aggravated by the wearing of hearing protectors is suspected, or if additional testing is necessary, a referral will be made at no cost to the employee, for a clinical audiological evaluation or otological examination. If medical pathology of the ear unrelated to the use of hearing protectors is suspected, the employee will be advised of the need for otological examination.

Audiometric tests shall be pure tone, air conduction, hearing threshold exams, with test frequencies including 500, 1000, 2000, 3000, 4000, and 6000 Hz. Tests at each frequency shall be taken separately for each ear. The functional operation of the audiometer shall be checked before each day's use by testing with bioacoustics simulator (and by listening to the audiometer's output) to ensure that it is free from distorted or unwanted sounds. Deviations of 10dB or greater shall require an acoustic calibration. An acoustic calibration of the audiometer shall be performed at least annually as defined in WAC. The audiometric test room shall meet all requirements as defined by WAC and shall be checked for sound pressure levels at least annually. Baseline and annual audiogram results meeting referral criteria will be sent for review as defined by the consulting audiologist.

The results of each annual audiogram will be compared to the baseline to determine if a standard threshold shift (STS) has occurred. If STS has occurred, a retest may be obtained within 30 days and the results may be considered as the annual audiogram.

If STS is confirmed, the audiogram will be reviewed by the audiologist to determine whether there is need for further evaluation. The employee will be refitted and retrained in the use of hearing protection and provided with alternative protection which offers greater attenuation, if necessary. The audiologist will determine at what point employees who are losing their hearing should be assigned a new baseline or be referred for diagnostic studies.

All employees shall be notified of the results of audiograms. For those employees who have experienced STS, written notification shall take place within twenty-one days of the receipt of the analysis from the reviewing audiologist. Employees shall be required to sign and date a copy of their notification letter to acknowledge receipt. Notification may be sent via certified mail, if the employee is not available to sign in person.

## 5.7 Documentation and Retention of Records

All audiograms shall include or reference the appropriate calibration and test environment procedures as defined by WISHA. In addition, the audiogram shall be signed and dated by the audiologist or certified technician who conducted the audiometric test or analyzed the audiogram.

Audiograms are medical records, subject to the provisions of medical confidentiality. These records shall be maintained for the duration of each employee's employment plus 30 years.

## 5.8 Employee Training on Hearing Conservation

Employees in positions for which the job descriptions requires the employee to perform duties falling within the criteria for noise levels as outlined herein and listed in the Consolidated Classification/Position List in Chapter 220.100 are required to complete annual hearing conservation training specified by the County. The training session will assure that each employee is informed of the following:

- a. The effects of noise on hearing
- b. The purpose of hearing protectors; the advantages, disadvantages, and attenuation of various types; and instructions on selection, fitting, use and care
- c. The purpose of audiometric testing and an explanation of the test procedures
- d. The right to access to records as specified in WAC

A written description of the training program shall be maintained by the Clallam County Human Resources Department. Copies of the WISHA Hearing Loss Prevention (Noise) Program shall be made available to affected employees or their representatives and shall be visibly posted.

Training of supervisors is required annually, emphasizing that enforcement is the responsibility of supervisors, and their use of hearing protection when required will serve to encourage employee participation in the Hearing Loss Prevention Program. Supervisors will also be instructed to report all suspected overexposures and complaints of employees to the head of their respective departments and to Human Resources for evaluation and follow-up.

## .6 WORKPLACE SAFETY SUGGESTIONS

Recommendations for improved safety often come from suggestions from employees. These suggestions are encouraged and may be channeled through supervisors, safety committees, or the Human Resources Department.

## .10 DRUGS AND ALCOHOL

### 10.1 Purpose and Policy

Clallam County is obligated to provide our employees and the citizens of Clallam County with an alcohol and drug free workplace. The County is committed to its workforce, that it be more healthful, safe, and efficient.

While the County is cognizant and respectful of individual rights to personal privacy in off-duty lives, Clallam County also recognizes that on- and off-the-job use of alcohol and drugs could adversely affect job performance and the work environment, and often poses a hazard to the safety and welfare of the affected employee, other employees and the public. The goal is for the County, its unions and each County employee to recognize and avoid these hazards.

The County's employees are its most valuable resource. The goal is to provide a healthy, satisfying work environment that promotes personal opportunities for growth. In meeting these goals, it is County policy:

- a. To assure that employees are not under the influence and unable to perform assigned duties in a safe, productive, and healthy manner.
- b. To create a workplace environment free from the adverse effects of controlled substance abuse.
- c. To prohibit the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance,
- d. To make an Employee Assistance Program available to employees whose personal problems, including alcohol or drug dependency, adversely affect their ability to perform their duties.

The County is concerned about safety. The County has the right and responsibility to eliminate any circumstance or activity that might impair or reduce an employee's ability to safely and effectively perform. It is well recognized that individuals who use illicit drugs or abuse alcohol are more likely to have workplace accidents, incur greater amounts of lost time, and perform their jobs in a substandard manner. The objectives of this policy can only be accomplished through the joint efforts of all supervisors, employees, and labor organizations. The County, with the support of employees and unions, seeks:

- a. To provide efficient and economical service and a work environment free of any adverse effects on job performance caused by drugs, alcohol, or other job impairing substances.
- b. To provide a safe, secure, and healthy work environment for all employees, free of illicit drug use and alcohol abuse.

- c. To provide assistance toward rehabilitation for an employee seeking help for a drug or alcohol related problem.
- d. To comply with state and federal law and regulations concerning motor carriers.

In addition, the County is subject to the regulations of the United States Department of Transportation (DOT). Under those regulations, the County is required to establish certain rules and follow certain procedures regarding drugs and alcohol. Accordingly, the County has adopted a drug and alcohol policy, which applies to all employees who drive a commercial motor vehicle or otherwise perform safety-sensitive functions. Employees covered by the DOT policy are also covered by the County's general Drug and Alcohol policy. Clallam County's drug and alcohol testing policy under DOT regulations is separate from this general drug and alcohol policy. The drug and alcohol policy under DOT regulations is entitled "DOT Drug and Alcohol Policy and Procedure."

In addition, this policy establishes programs and practices that promote and support a drug-free working environment consistent with the Drug-Free Workplace Act of 1988.

(1) Overview

Employees have the primary individual responsibility for managing their own behavior, and if an impairment issue exists, to successfully resolve that issue. Being fit for work depends on an employee's condition and conduct.

- a. Condition. An employee's condition (physical illness, emotional distress, chemical dependency and substance abuse) impairs fitness for work if the condition interferes with safe and productive work. Such employees need to acknowledge and take measures necessary to correct their condition. The County strongly encourages employees to take advantage of opportunities of assistance through health benefits programs.
- b. Conduct. The second aspect of being fit for work is conduct. Employees are accountable for unsafe and unproductive work and the consequences of their work. Irresponsible behavior that is unproductive and unsafe will not be tolerated. An employee engaging in such misconduct may be disciplined up to and including termination regardless of whether substance abuse contributes to such conduct.

(2) Responsibility to Perform

Each employee is responsible for meeting performance, safety, and attendance standards.

(3) Consequences

All employees who perform any work for the County must, as a condition of employment, abide by this policy, and accept treatment when required under this policy.

Employees violating this policy will be subject to disciplinary action which shall be imposed in accordance with the County's uniform personnel policies or applicable collective bargain agreement, whichever controls.

Independent contractors and their employees who violate the prohibitions of this policy may be subject to contract cancellation.

(4) Training

Employee education and supervisor training are essential parts of this policy and program. All existing and new employees will receive information on the impact of drug and alcohol use in the workplace and will receive information on resources for help and assistance. No supervisor will make a reasonable suspicion decision unless he/she has completed supervisory training relating to this policy.

(5) Testing

All employees will be subject to drug/alcohol testing, including reasonable suspicion, and post accident/incident. Most employees also are subject to pre-employment testing and may also be subject to drug and alcohol testing upon their return to duty (except leave protected by family medical leave laws) and follow up testing as part of a comprehensive drug and alcohol treatment program. Laboratory tests relied upon shall be highly accurate and reliable. Testing will be done by a SAMHSA certified laboratory.

The County reserves the right to have an employee tested for any substance or group of substances beyond the substances listed herein for pre-employment purposes or random DOT testing purposes.

(6) Positive Test

Employees found with the presence of a covered substance in the body, alcohol (whether tested by breath or blood) at a detectable level of 0.02 Blood Alcohol Content or greater based on a breath or blood test, or a confirmed positive drug blood or urine test using the recommended levels by the Department of Health and Human Services, without adequate medical explanation, will be regarded as testing "positive" in violation of this policy.

Employees may be required to submit to evaluation by substance abuse counselors or to testing for the presence of drugs or alcohol as a condition of continued employment.

## 10.2 Application

### (1) Clallam County Employees

This policy applies to all Clallam County employees, including elected officials as determined and identified by the Director, while on County business as defined herein.

### (2) Law Enforcement Exception

Nothing in this policy shall be construed as preventing a deputy sheriff, corrections officer, juvenile detention officer, or the prosecutor's or court's staff from properly handling evidence. Nothing in this policy shall prohibit on duty alcohol consumption consistent with law enforcement policies governing undercover operations.

### (3) Independent Contractor, Vendor Employees, and Visitors

Visitors, independent contractors, their employees, and vendor employees are expected to be free from the effects of drug or alcohol use/abuse while conducting business for or in the name of Clallam County. As a consequence, contractor or vendor employees or visitors found to be violating this policy will not be allowed to continue to conduct business with or on behalf of Clallam County. The supervisor, if appropriate, will be notified.

## 10.3 Definitions

For purposes of this policy, the following definitions apply:

**"Accident/Incident"** means an accident which involves a County employee performing County business and who is engaged in the operation of a commercial vehicle or motor vehicle involving:

- a. The death of a human being; or
- b. The driver receiving a citation under state or local law for a moving traffic violation arising from the vehicle accident; and
  - (i) Bodily injury to a person who immediately receives medical treatment as a result of the accident; or

- (ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

Accident also means an occurrence involving physical injury to any person or property damage where human factors contribute to the occurrence and in the County's opinion the use of alcohol or drugs may have contributed to the workplace accident.

**"Alcohol"** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl or isopropyl alcohol.

**"Alcohol use"** means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

**"Analyte"** means a chemical substance that is undergoing chemical analysis.

**"BAC"** means breath/blood alcohol concentration.

**"BAT"** means breath alcohol technician.

**"Canceled Test (drug)"** means a test that has been declared invalid. It is neither a positive nor a negative test. This term includes a specimen that is rejected for testing by a laboratory. Further testing is required under pre-employment and return to duty drug testing.

**"CDL"** means a commercial driver's license issued by the state driver-licensing agency.

**"Collector"** means a trained person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the urine specimen provided by those employees, and who initiates and completes the Federal Drug Testing Custody and Control Form (CCF) for drug tests under the DOT policy or the laboratory Chain of Custody form for the County's general drug and alcohol policy.

**"Commercial vehicle"** means any vehicle that has a gross weight of over 26,001 pounds (including combined weight if a towed vehicle weighs over 10,000 pounds), is designed to transport 16 or more persons including the driver, or is used in the transportation of a placardable amount of hazardous material.

**"County business" or "on-duty"** means those activities that an employee would normally perform during the course and scope of the job. County business may include job related activities on and off county property, inter-premises travel, lunch, or break periods, errands run during the work day, and time in an on call status. County business

is not intended to include the commute to or from work or the parking of a personal vehicle in a parking lot.

**"Covered substances"** means:

- a. Legally obtained drugs (prescription and non-prescription remedies) when used according to directions to alleviate a specific condition.
- b. Illegal drugs, including:
  - Drugs which are not legally obtainable.
  - Drugs which are legally obtainable but have not been obtained legally.
  - Drugs which are legally obtained, but are knowingly used for other than the prescribed purpose or in other than the prescribed manner.
  - So-called "designer drugs" or drug substances not approved for medical or other use by the State Board of Pharmacy, the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration.
- c. Unauthorized substances, including any substance that is intentionally used and which causes impairment of physical and/or mental functioning.
- d. Drugs included:

*(The below list shall not be deemed as all-inclusive and may at any time be expanded as the County deems appropriate. The County reserves the right to test for ten (10) or more drugs for reasonable cause and post accident purposes including synthetic or "fake" urine in Non-DOT testing.)*

- Marijuana metabolites
- Cocaine metabolites
- Phencyclidine (PCP)
- Opiate metabolites
- Alternate opiates (e.g., Hydrocodone, Hydromorphone, Oxycodone)
- Amphetamines and Methamphetamines
- MDMA
- Benzodiazepines (e.g., Ativan, Azine, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Versed, Halcion, Pacipam, Restoril, Centrax)
- Barbiturates (e.g., Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Phrenilin, Triad)
- Propoxyphene (e.g., Darvocet, Darvon N, Dolene, etc.)
- Methadone (e.g., Dolophine, Methadose)
- Methaqualone (Not by legal prescription)
- 6-Acetylmorphine
- Alcohol (ethyl alcohol)

**"DHHS"** means the United States Department of Health and Human Services.

**"Drug use"** means the consumption of any illegal and/or illicit substance or any controlled substances including prescriptions/medication.

**"EBT"** means evidential breath testing device.

**"FMCSA"** means the Federal Motor Carrier Safety Administration of the U.S. Department of Transportation (DOT).

**"MRO"** means Medical Review Officer.

**"Positive Test"** means a confirmed BAC of 0.02 or greater or a urinary or blood drug sample that is determined by confirmatory testing to meet or exceed the minimum levels specified below. If initial screening indicates a specimen is positive, a confirmation test will be made to confirm the initial result. If the second test is negative, then the initial results will not have been confirmed and the results will be reported as negative.

**All cutoff concentrations are expressed in nanograms per milliliter (ng/mL).**

The County will consistently rely on the approved and adopted industry Initial Test, Confirmatory Test Analyte and Confirmation Test cutoffs available on the date of the test.

**"Reasonable Suspicion"** means specific articulable observations by a supervisory employee concerning the work performance, appearance (including noticeable odor of an alcoholic beverage), behavior, or speech of the employee. Any accident involving a County employee performing County business which results in physical injury to any person or property damage may be considered as constituting reasonable suspicion for testing for drugs and alcohol where human factors contribute to the accident and in the County's opinion the use of alcohol or drugs may have contributed to the workplace accident.

Although reasonable suspicion testing does not require certainty, mere "hunches" are not sufficient to meet this standard. Reasonable suspicion testing may be based upon, among other things, any of the following:

- a. Observable indicators, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of alcohol or a drug. These include:
  - Equilibrium – Is coordination impaired? Does the person stagger, or sway side-to-side or backward and forward when standing? Does the person stagger or move with extraordinary care and deliberation when walking? Or are fine motor skills affected, such as dexterity?
  - Manner of Speech – Is the manner of speech slurred, rapid, or exceptionally slow or deliberate, or otherwise unusual when compared to the person's normal manner of speech?

- Mental Reactions – May be observed in conversation with another, or by personally conversing with the person. Are statements consistent with the current topic of conversation? Does the person's attention wander? Is judgment or mental reaction changed from the norm or has it deteriorated over a period of time?
  - Odor of Intoxicants on Breath or Clothing – Any suspect odor should be noted.
  - Eyes – Are the person's eyes normal? Are the pupils constricted or dilated? Are the eyes extremely red or red rimmed? Does the person have difficulty focusing his/her eyes? Does the person appear and react in usual fashion?
  - Appearance – Is general appearance normal or abnormal for that person? Is the person's clothing unusual in any respect? Are other changes noticeable? (flushed face, nose irritation, swollen face, hand tremors, sweating, and significant lack of hygiene, vomiting or unexplained nausea).
  - Physical Actions – Is a normally calm person hyperactive or nervous? Does she/he have the "jitters"? Hand tremors? Is a normally energetic, active, gregarious person lethargic, inattentive, or withdrawn? Is there a medical/health condition reason or explanation?
- b. A pattern of abnormal conduct or erratic behavior;
  - c. Accidents: Failure to follow safety procedures, casual attitude toward safety, complaints from co-workers about employee's safety standards, near accidents on the job, frequent on or off the job accidents.
  - d. Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking.

**"Refusal to Submit to a Test"** means:

- a. An employee fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath alcohol testing; or
- b. An employee fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing; or
- c. An employee engages in conduct that clearly obstructs (in the County's opinion) the testing process; or
- d. An employee fails to be readily available or delays arrival at the collection site for any County-ordered drug or alcohol test, or leaves the collection site before the collection process is completed; or
- e. An employee leaving the scene of an accident before a testing decision is made will be regarded as refusing to be tested, or
- f. An employee consuming alcohol or a covered substance after an accident and before a testing decision is made will be regarded as refusing to be tested; or

- g. An employee refuses to comply with a request for testing, provides false information in connection with a test, refuses to sign any required testing forms, or attempts to falsify test results through tampering, contamination, adulteration or substitution.
- h. An employee refuses to follow the direction of the collector.

**"Safety Sensitive"** means positions that are, by virtue of their duties, safety sensitive positions. This list includes, but is not limited to, law enforcement, corrections officers, juvenile detention officers, CDL operators, vehicle mechanics, vehicle operators, and machine operators.

**"SAMHSA"** means the Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services.

**"Substance Abuse Professional (SAP)"** means a licensed physician (Medical Doctor or Doctor of Osteopathy), licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission), with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

**"Under the Influence"** means any detectable level of a controlled substance (in excess of trace amounts attributable to secondary exposure) in an employee's blood or urine or any noticeable or perceptible impairment of the employee's mental or physical faculties. With respect to alcohol, a blood alcohol content of .02 percent constitutes under the influence while on duty.

#### 10.4 Statement of Policy

##### (1) Employee Assistance and Discipline

The County is committed to maintaining a safe and healthy workplace for all employees by assisting employees to overcome drug or alcohol related problems through appropriate treatment and, if necessary, disciplinary action. Alcoholism and substance abuse are diseases which are treatable, and which will be given the same consideration as any other illness if an employee seeks treatment.

- a. The County maintains an Employee Assistance Plan to help employees who may be suffering from substance abuse. Any employee may volunteer for this service. The Employee Assistance Plan assures that employees who develop drug or alcohol problems are medically evaluated and referred for appropriate community based treatment.
- b. The County will discipline employees for being under the influence or testing positive for alcohol or controlled substance on duty and/or for

misconduct/poor performance even if the misconduct/poor performance is a result of the employee's substance abuse.

(2) Workplace Risks of Abuse

The County regards the misuse of alcohol and drugs by employees to be an unsafe work practice. The County believes that employees using alcohol and/or drugs in the workplace create an increased risk to the safety of themselves and their fellow employees, and detract from efficiency, productivity, and positive work relationships.

10.5 Responsibilities of Personnel under This Policy

(1) Employee Responsibilities

Employees shall:

- a. Continue to deserve trust and confidence by personal support and compliance, and cooperation with this policy.
- b. Notify the Human Resources Director before reporting to duty using equipment or immediately upon entering property:
  - When the employee is using drugs which may impair performance on the job or confirmed by the employee's health care provider.
  - When having taken alcohol which might impair the effectiveness or safety of job performance.
- c. Consider volunteering for and completing a rehabilitation and treatment program if the employee's alcohol consumption might impair the effectiveness or safety of job performance, or whenever drug intake involves the choice to use non-prescription or illicit drugs.
- d. Consider participating in a rehabilitation and treatment program when requested by the County.
- e. Encourage other employees who use a drug or alcohol that might impair the effectiveness or safety of job performance, to volunteer for and complete a rehabilitation or treatment program.
- f. Consent to and submit to testing upon reasonable cause and post accident/incident when requested by the County. Consent and submit to follow up and return to duty testing when required by the County.
- g. Be aware that:
  - Involvement in illegal activity pertaining to the illegal use, sale, purchase, offer, or possession of a controlled substance while on duty constitutes grounds for termination.
  - Being under the influence of a drug or alcohol while on duty may result in being reported to the appropriate law enforcement agency(s) and/or ordered off County property and disciplined.

- In the event of an accident the County will obtain a breath, blood and/or urine sample for testing as soon as possible.
- Violation of this policy may result in:
  - Disqualification from driving for use of controlled substances or for test refusal
  - Mandatory participation in substance abuse treatment and recovery
  - A disciplinary action, up to and including termination
- h. The County EAP, or a Rehabilitation/Treatment Program approved by the County, is available as a possible alternative to or in addition to disciplinary action, as appropriate.
- i. Refusal to sign and adhere to an AGREEMENT TO PARTICIPATE IN A REHABILITATION/TREATMENT PROGRAM may result in disciplinary action.
- j. Participation in a treatment plan without any indication(s) of a work problem shall not be used in a performance evaluation or disciplinary action.

(2) Supervisor Responsibilities

In addition to complying with employee responsibilities, supervisors shall:

- a. Attend County sponsored training on Drug and Alcohol Awareness.
- b. Ensure that each employee has a copy of this policy or a summary of this policy.
- c. Be available to explain the purpose, objectives, and responsibilities of this policy to each subordinate.
- d. Ensure that any employee who tests positive or refuses to submit to a test is not allowed to operate any County vehicle or equipment.
- e. In the event of an accident, ensure that the employee submits to a drug test as soon as possible after the accident, on the same day if possible, and in no event later than within 32 hours after the accident. Document reasons, if any, why an alcohol test is not administered within 2 hours following an accident. Do not seek an alcohol test more than 8 hours after an accident. Use Post Accident - Reasonable Suspicion Record, Part I. In the event the testing facility is closed, make arrangements to have employee submit to a blood alcohol/drug test at the nearest hospital facility.
- f. If an accident occurs, be prepared to decide whether to:
  - Summon law enforcement,
  - Summon medical assistance,
  - Arrange for breath, saliva, urine, or blood testing (blood when breath, saliva or urine are not feasible), and
  - Recommend whether or not the employee should be disciplined.

- g. If reasonable suspicion of a drug or alcohol use exists, schedule a test after documenting observations. Obtain confirmation of observations by a second supervisor, if feasible. A written report shall be submitted to the Human Resources Director within 24-hours that describes all observations. Refer to observations listed in this Policy.
- h. Maintain confidentiality, on a need-to-know basis of:
  - Any advice or recommendation regarding treatment or discipline, and the facts on which it is based.
  - Any treatment plan activity.
  - Any information received from the employee or a physician or counselor related to substance abuse or medical condition.
- i. Cooperate reasonably in rehabilitation efforts under the Employee Assistance Plan.

### (3) County Official Responsibilities

In addition to employee responsibilities and supervisor responsibilities, County Officials shall:

- a. Have the responsibility to implement this policy.
- b. Maintain a process whereby an employee can advise a supervisor or the department head, either orally or in writing, of any violation of this policy.
- c. Have the discretion to counsel and recommend participation in a treatment program.
- d. Maintain confidentiality, as required of supervisors.
- e. Ensure effective communication and cooperation exists which enables the Medical Review Officer to discharge responsibilities under the County's drug testing program.
- f. When forming a contract, ensure subcontractor completes DA Form 2 and that subcontractor receives a complete copy of Clallam County Drug and Alcohol Policies and Procedures (including the General Drug and Alcohol Policy and the DOT Drug and Alcohol Policy).

## 10.6 Work Rules

### (1) Report the Use of Legally Obtained Drugs

- a. Notification Required. Employees who are medically authorized to use drugs or other substances that can impair their ability to perform their job safely are responsible for determining from their health care provider whether the substance can impair their ability to perform their job safely. If it can, the employee must report the use of the substance to the Human Resources Director, and provide proper written medical authorization from a physician to work while using such authorized

substance. Employees failing to report such use will be subject to disciplinary action up to and including termination. Use Clallam County Forms: "Authorization to Work While Using Medication (Prescription or Non-Prescription) Doctor's Medical Certificate" (DA Form 15).

- b. Leave from Work. Employees impaired by their use of any legally obtained drugs (prescription or non-prescription) may not be allowed to perform a safety-sensitive job in such a condition. Safety sensitive jobs include CDL operators, vehicle mechanics, corrections officers, juvenile detention officers, and employees who operate vehicles as part of their job duties.

(2) No Employee Shall Possess Alcoholic Beverages while at Work

Any employee found in possession of any amount of alcohol, including alcohol by consumption in excess of .02 BAC in County vehicles or while conducting County business may be disciplined.

(3) No Employee Shall Use or be Under the Influence While at Work

Any employee found using or reasonably believed to be under the influence of a covered substance or alcohol at work or reporting to work with the intention of work shall not be allowed to perform their job while in that condition, and will be subject to drug/alcohol testing.

(4) Pre-Duty Use – Alcohol

- a. General. No employee shall report to work with a detectable level of alcohol in their body.
- b. On-call Employees. No employee who is in a designated on-call status shall consume alcohol during the period of on-call status.

(5) No Employee Shall Sell, Transfer, or Possess Illegal Drugs

Any employee engaging in the manufacture, sale or attempted sale, purchase or transfer, or possession of controlled substances, covered substance or unauthorized substances without a prescription, in County vehicles or equipment, or while on County business, or during the workday, will be subject to termination. Law enforcement authorities will be notified.

(6) Employees Must Submit to Tests

Employees must submit to tests required by the County under this policy. The consequence is discipline for refusal as defined in this policy.

- a. Any employee refusing to comply with a request for a drug/alcohol test will be regarded as grounds for termination.
- b. Any employee leaving the scene of an accident before a testing decision is made will be regarded as refusing to be tested.
- c. Any employee consuming alcohol or a covered substance after an accident and before a testing decision is made will be regarded as refusing to be tested.
- d. Any conduct that clearly obstructs the collection process will be regarded as grounds for termination.
- e. Any employee who fails to provide adequate breath for testing or fails to provide a urine specimen in a quantity adequate for testing provided for by this policy without a valid medical explanation after he or she has received notice of the requirement to be tested will be regarded as refusing to be tested.

(7) False Information/Altering Urine Specimen

No employee may provide false information and/or attempt to contaminate or alter a urine specimen. Any employee providing false information about a urine specimen and/or attempting to contaminate a urine specimen will be subject to termination.

(8) Discharge for Certain Positive Tests

Should an employee be retained or be re-employed following an initial positive test and then test positive for a prohibited drug, alcohol or unauthorized substance on a second or subsequent occasion within five years of a prior positive drug/alcohol test, the employee will be subject to termination.

(9) Refusal to Comply With Treatment

No employee may refuse or fail to comply with treatment recommendations. Any employee refusing or failing to comply with treatment and after-care recommendations will be subject to termination.

(10) Failure to Notify Clallam County of Criminal Drug Conviction

Employees are required to notify Clallam County's Human Resources Director of any criminal drug statute conviction for a violation occurring in the workplace no later than 5-days after such conviction. Failure to do so within 5-days of conviction may result in termination (US Drug Free Workplace Act of 1988).

(11) County Officials and Supervisors Required to Properly Apply Policy

All County Officials and Supervisory personnel are required to be familiar with, and properly apply this policy. Any supervisor/department head who knowingly disregards the requirements of this policy shall be subject to disciplinary action, up to and including termination.

(12) Workers Required to Report Drug/Alcohol Use

Each employee who observes or has knowledge of another employee in a condition which poses a hazard to the safety and welfare of the employee or others is expected to promptly report the information to their supervisor.

10.7 Searches

The County reserves the right to inspect and/or search any employee's personal property on our premises if the County reasonably believes that this policy has been violated. Refusal to submit to any such inspection or refusal to cooperate in any investigation will result in disciplinary action that could include termination.

10.8 Business Use of Alcohol

The consumption of alcohol should never be considered a business obligation. Employees will not consume beverages containing alcohol while conducting county business. Employees engaged in travel on County business will not consume alcoholic beverages at expense to the County.

10.9 Drug Testing Upon Reasonable Suspicion

Reasonable suspicion is based on eyewitness reports, facts, personal characteristics and behavior of the employee. Refer to the definition of reasonable suspicion in this policy. Where a supervisory employee has a reasonable suspicion that an employee is under the influence of alcohol or drugs, the employee in question will be asked to submit to discovery testing including breathalyzer, alcohol swab/breath scan, urinalysis or a blood screen to confirm or rule out involvement with alcohol or drugs at the time in question.

Every supervisor is responsible to ensure that arrangements are made for an alcohol and drug test as soon as possible following an accident. Alcohol testing shall occur within 8 hours of the determination that "reasonable suspicion" exists and drug testing shall occur within 32 hours of the determination that "reasonable suspicion" exists.

The supervisor's reasonable grounds will be confirmed by another supervisor, if feasible, and documented on appropriate Clallam County Forms: "Report Form – Accident/Reasonable Suspicion Record," or both, as appropriate. Involvement of a

second supervisor is not needed in order to request a test following an accident, or if the supervisor has been trained. Verification may be done in person or telephonically, based on a description of facts and observations. If not feasible, only one supervisor need witness the conduct. Each witness must submit a written report of observations within 24-hours to the Human Resources Director.

(1) Relief of Duty

The employee will be relieved of duty with pay until the results of the drug/alcohol test are complete and verified.

(2) Transportation Assistance

The employee will be accompanied to the collection site by a supervisor. The employee will be provided transportation home. If the employee refuses and demands to drive his/her vehicle, the supervisor shall notify law enforcement.

(3) Report

The events leading to a request for a specimen will be reduced to writing and will be provided to the affected department head/elected official and the Human Resources Director.

(4) Cost of Test and Overtime

All time spent on testing, including travel time to and from the medical facility, is paid under regular pay status, including overtime if applicable. Employees relieved of duty by the authorized supervisor shall continue on pay status until notified of test results. If a positive test results, the employee will be placed on leave of absence without pay until evaluation is received by a SAP. Refer to "Examination Results and Consequences." The cost of the alcohol/drug test requested by the County shall be paid for by the County.

#### 10.10 Post Accident Drug Testing

Post Accident Testing will occur if there is an accident under circumstances described in Section 11.5 (2) of this policy. Post accident testing shall occur if there is an accident when, in the judgment of the investigating police officer, the employee has failed a field sobriety test or otherwise appears to be under the influence.

(1) Employee Responsibilities

In the event of an accident involving injury or property damage, involved employees are expected to do the following:

- a. Notify their supervisor as soon as possible.
- b. Remain available for possible testing at the scene or where medical treatment is received. Failure to do so will be deemed a refusal to submit to testing.
- c. Refrain from consuming products that contain alcohol or controlled substances for at least 8 hours following an accident or until taking a post-accident alcohol and drug test, whichever comes first.

(2) Supervisor Responsibilities

- a. Treat injuries and cooperate with law enforcement. The health and treatment of the employee are the highest priority.
- b. Determine whether the accident warrants testing based on the criteria in Section (1).
- c. Arrange for required test. If federal, state, or local agency has authority to conduct such tests, the County obtains the results of the tests and the tests conform to federal, state or local requirements, the County may use the results of such tests in accordance with this policy.
- d. Arrange for transportation to the test site.
- e. Ensure the employee reads and signs the appropriate test notification and consent form at the collection site and that Clallam County is indicated as the employer.
- f. Document as many facts and observations concerning the accident as possible. Note the time of the accident and the test. Note facts concerning the employee's condition. Use Post Accident Reasonable Suspicion Record, Parts I and II (Forms DA 6 and 7), and also use Report Form and Checklist for Suspected Drug or Alcohol Impairment (Form DA 8).
- g. Document reasons, if any, why an alcohol test is not administered within 2 hours following an accident. Do not seek an alcohol test more than 8 hours after an accident. Use Post-Accident Reasonable Suspicion Record, Part I (Form DA 6).
- h. Document reasons why a drug test is not administered within 32 hours of an accident. Do not seek a drug test more than 32 hours after an accident. Use Post-Accident Reasonable Suspicion Record, Part I (Form DA 6).
- i. If the employee is hospitalized or is receiving medical care, work with the treating doctor to ensure a test sample is taken.
  - Notify hospital personnel of the need for a specimen. If the employee is injured and unable to consent to a urine sample, ask the treating physician to collect adequate specimens of urine or blood. If the hospital takes a sample but refuses to release the specimen, ask them

to retain it in their custody and freeze it with proper chain of custody procedures.

- Notify the MRO. If difficulty is encountered obtaining cooperation of medical personnel who are treating the employee, call the MRO. Explain the circumstances of the accident. The MRO will telephonically assist in facilitating the specimen collection process at the hospital.

(3) Steps in Post Accident Testing

- a. Breath. Employees will be subject to the collection of a breath and/or saliva sample(s) to determine if current consumption of alcohol is present.
- b. Urine. Employees will be subject to a urine drug test for all covered substances, which include: Cannabinoids, Cocaine, Phencyclidine, Opiates, Amphetamines, Benzodiazepines (Ativan, Azine, Clonopin, Dalmane Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Versed, Halcion, Pacipam, Restoril, Centrax), Barbiturates (Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Phrenilin, Triad), Propoxyphene (Darvocet, Darvon N, Dolene, etc.), Methadone (Dolophine, Methadose), Methaqualone (not by legal prescription), and Alcohol (ethyl alcohol).
- c. Blood. Employees shall provide a blood specimen when breath, saliva, and/or urine testing is not adequate or feasible for any reason. Covered substances include the presence of: Cannabinoids, Cocaine, Phencyclidine, Opiates, Amphetamines, Benzodiazepines (Ativan, Azine, Clonopin, Dalmane Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Versed, Halcion, Pacipam, Restoril, Centrax), Barbiturates (Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Phrenilin, Triad), Propoxyphene (Darvocet, Darvon N, Dolene, etc.), Methadone (Dolophine, Methadose), Methaqualone (not by legal prescription), and Alcohol (ethyl alcohol).

(4) Relief of Duty

If the employee has been medically examined, post accident, the employee must receive a return to work clearance from the County MRO/consulting physician before returning to work.

## 10.11 Pre-Employment Testing

### (1) Application of Pre-Employment Testing

Pre-employment drug testing applies to:

- a. Applicants for County employment in positions in the following categories: law enforcement, jobs requiring a CDL, jobs requiring an employee to drive a vehicle in order to perform the job, and any other safety sensitive jobs. A list of those jobs is available from the Human Resources Department.
- b. Current employees who apply for, are transferred, reassigned, or promoted to a position that requires driving a commercial vehicle or possession of a CDL if the employee has not participated in the random drug-testing program for at least 12 consecutive months.
- c. Rehired employees in the same job categories as described in 1 above who are returning to active status after two calendar months (8 work weeks) shall be required to submit to pre-employment drug testing.

### (2) Notice Required

Each relevant job announcement shall include notice that a pre-employment drug test will be administered to each person who is offered employment.

### (3) Job Offers Conditional

Every relevant job offer shall include information that:

- a. The offer is conditional pending completion of a drug test and receipt of negative results.
- b. Refusal to participate is disqualifying.
- c. Failure to report to the specified test collection facility with a valid driver's license within 8 hours of receiving an offer is disqualifying.
- d. Transportation to the test site and time required are the responsibility of the applicant and shall be without compensation.

### (4) Test Scheduling

The County will schedule the applicant for testing at a facility closest to the applicant. The applicant will be notified, preferably in person. At the County Human Resources Department the applicant will be provided with the Clallam County Form "Consent for Pre-Employment Test" (Form DA 4).

(5) Disqualification

An applicant will be deemed disqualified in the event any of the following occur:

- a. A positive test for drugs.
- b. Refusal to submit to a pre-employment drug test.
- c. Failure to appear for a drug test within 8 hours of receipt of a conditional offer of employment, unless caused by a documented and genuine medical emergency or vehicle accident.

If the applicant is a County employee, in addition to disqualification for selection, the employee shall be subject to discipline for the positive test result.

10.12 General Testing Procedures

(1) Authorization to Test

Before a supervisor may require an employee to consent and submit to a reasonable suspicion test, except following an accident, the supervisor must either be trained or obtain concurrence from another supervisor, either in person or by telephone, if feasible.

(2) Procedure for Consent

The employee shall give consent to a blood, saliva, or urine test, or any combination, upon request and cooperate fully with testing procedures. Failure to do so constitutes a refusal. Each employee to be tested will be provided a consent form.

(3) Confirmatory Test

In the event that the initial urine test results are positive for covered substance(s), including marijuana, the County shall require that a second confirmatory test from the same sample be conducted, using gas chromatography/mass spectrometry methods performed by a laboratory certified by the U.S. Department of Health and Human Services. This confirmatory test also must be positive before concluding the employee has such substances present in the body. No report of "positive test" shall be made to the County unless based upon a confirmatory test.

(4) Split Specimens

All urine and blood collections for applicable employees will be split into two specimens and shipped to the laboratory.

(5) Employee's Right to Request Retesting of a Split Specimen

If the drug test result of the primary urine specimen is verified positive, the employee may request that the MRO direct the split specimen to be tested by an approved laboratory. See Section (A). Such request must be in writing to the MRO and within 72 hours of the employee having been notified of the verified positive drug test result. Re-tests will be at the employee's expense. If the results of the retest are negative, the employee shall be reimbursed for the cost of the retest. Provided, however, that the inability to obtain a test of a split specimen test due to the employee's failure to provide a sample of sufficient quantity shall not constitute a violation of this policy.

(6) Refusal to Submit to a Test

Refusal to submit to a test requested by the County will be grounds for termination.

(7) Laboratory

The County shall select the laboratory for testing. The County may change the testing laboratory at any time with prior notice to the unions. The unions will be provided with the testing facility's name, address, and credentials if requested. Each union retains the right to request a change in test procedure or test facility based on reliable information that disproves the accuracy or quality of either. The unions also retain the right to request a change in test procedure or test facility when a reasonable and superior alternative to either is available. Union representatives and/or the employee will have the opportunity to review all documentation of the testing procedure.

- a. Approved Laboratory Defined. Only laboratories and laboratory systems approved for the testing of urine and blood specimens by the U.S. Department of Health and Human Services, SAMHSA will be used.
- b. Reports. The laboratory will provide summary information on tests and results. Test results are filed in a confidential file in Human Resources. Negative test results are retained for at least two (2) years and positive test results are retained for five (5) years.

### 10.13 Examination Results and Consequences

(1) Verifying Positive Test

The Medical Review Officer will review a confirmed positive test result by examining alternate medical explanations for the result. The medical review

officer will contact the individual directly, on a confidential basis, to determine whether the employee wishes to discuss the positive result. If the medical review officer cannot reach the employee despite making all reasonable efforts, the medical review officer will contact a designated management official, who will direct the employee to contact the medical review officer. If, despite making all reasonable efforts, the management official is unable to contact the employee, the employee may be placed on a temporary medical leave.

- a. The Human Resources Director or designee will notify the MRO of the date of employee contact.
- b. If the employee does not contact the MRO within five (5) working days, the test shall be released by the MRO to the Human Resources Director or designee.

(2) Examination Results

The results of the examination will be provided to the employee and the Human Resources Director by the MRO.

- a. Employees whose test results for alcohol concentration are confirmed as positive with a detectable level of 0.02 to 0.039 shall be immediately placed on a suspension without pay status and shall not be allowed to return to work until he/she has received an evaluation by a County designated Substance Abuse Professional (SAP). The results of the evaluation shall determine the following additional requirements:
  - Employees who have been determined to have "No Significant Problems" (NSP) shall be released to return to work, provided, the employee may not begin work until 24-hours after the initial positive test. The employee's suspension without pay (deemed administrative and not discipline) status shall end upon his/her scheduled return to work.
  - Employees who have been determined to have "Other Than No Significant Problem" results shall be required to obtain a release to work statement from an approved treatment specialist or by the County designated Substance Abuse Professional (SAP). In no event may the employee begin work until 24-hours after the initial positive test, and the employee's suspension without pay status shall end upon his/her scheduled return to work. If additional time is needed to complete these requirements, the employee may elect to use vacation or compensatory time.
- b. Employees whose test results are confirmed as positive for covered substance and/or alcohol concentration (with a detectable level of 0.04 or

greater) shall be immediately placed on suspension without pay status and shall not be allowed to return to work until:

- They receive an evaluation by a County designated Substance Abuse Professional (SAP), and
- They obtain both a release to work statement from an approved treatment specialist, when determined necessary, and a review and release for work by the Medical Review Officer/Consulting Physician or County designated Substance Abuse Professional, and
- They obtain a negative test, scheduled by the County and paid for by the employee, for DOT or non-DOT covered drugs and/or alcohol, and
- They sign a "Return to Work Agreement" committing to participation in and completion of treatment as determined necessary and approved by the County designated Substance Abuse Professional. The agreement will specify that the employee shall submit to testing upon request for a period of 5 years following completion of treatment and return to work.

Failure of the employee to follow the treatment program as prescribed shall constitute a violation of the return to work agreement and he/she will be scheduled for a pre-termination hearing. At the pre-termination hearing, the issue shall be whether the terms of the Return to Work Agreement have been violated.

#### 10.14 Role of the Medical Review Officer (MRO) and Consulting Physician

##### (1) Duties

- a. Recipient of Drug Testing Results. The MRO will be the sole recipient of SAMHSA drug testing results from the laboratory.
- b. Verification of Positives. The MRO will verify the laboratory report of a positive result. The MRO, if necessary:
  - When requested by the applicant/employee, will review the individual's medical history, including medical records and biomedical information provided
  - When requested by the applicant/employee, will afford the individual an opportunity to discuss the test results with the MRO
  - Will determine whether there is a legitimate medical explanation for the result, including legally prescribed medication
  - Will request, as needed, pertinent analytical records or require analysis of split specimen to verify results
- c. Post Accident Specimen Collection Facilitation. The MRO or local consulting physician will assist in facilitating the collection of specimens related to an accident.

- d. Fit for Work Consultation. The MRO or other local consulting physician will, when requested, be available for consultation to determine the ability of an employee to report to work or continue work when under the influence of medication that may impair the employee's job performance.

In order to make a recommendation to return an employee to duty after the employee has tested positive for the presence of controlled substances, the MRO shall:

- Ensure that the individual or employee is "drug free," based on a drug test that shows no positive evidence of the presence of a drug or a drug metabolite in the person's system
  - Ensure that the employee has been evaluated by a Substance Abuse Professional (SAP) for drug use or abuse
  - Ensure that the employee demonstrates compliance with all conditions or requirements of a rehabilitation program in which he or she has participated
- e. Return to Work Consultation. The MRO will, when requested, review the records and examine, when appropriate, all employees who have entered into a return to work agreement. The MRO will, when requested, consult with treatment counselors and Clallam County staff when making the return to work evaluation.

(2) Release of Results

Test results will be released only under the following circumstances:

- a. The MRO will report all positive test results (after review) and negative test results to the Clallam County individual within the Human Resources Department designated to receive the results by the Director.
- b. The MRO may release the results to a third party only when the person tested signs an authorization for the release to an identified person.
- c. The MRO may release the results of a drug/alcohol test to the person who was tested.

(3) Relationships

- a. Testing Laboratories. The MRO will be the primary contact for technical inquires to the testing laboratory.
- b. Treatment and Rehabilitation Facilities. The MRO will have direct contact with substance abuse professionals regarding drug positives.
- c. Employee Assistance Counselors. The MRO will, if appropriate, confer with any employee assistance counselor when evaluating a return to duty status.

(4) Records Retention

Records will be retained for at least 5-years for individuals who do not pass a drug/alcohol test. Reports of individuals who do pass a drug/alcohol test will be retained for at least two years. Records related to the collection process will be retained for two years.

10.15 Employee Assistance and Rehabilitation

(1) Intent

Clallam County encourages any of its employees who have an alcohol or drug use problem to pursue successful rehabilitation and to voluntarily seek evaluation, professional counseling or other appropriate treatment services certified by the Division of Alcohol and Substance Abuse, Washington State Department of Social and Health Services. Any voluntary requests for assistance made to the Clallam County Human Resources Department will be treated confidentially. Clallam County will extend the same consideration and assistance, including insurance and sick leave benefits, to those employees suffering from alcohol and/or drug abuse as is extended to employees having any other health-related issues.

(2) Employee Accountability

Employees will be held accountable for acceptable job performance regardless of participation in or request for referral to the Employee Assistance Program.

(3) Positive Test Referrals

If an employee tests positive for the presence of alcohol or drugs and is retained as an employee, he/she shall be referred to the county-designated Substance Abuse Professional (SAP) for an assessment and evaluation.

(4) Return to Duty

Employees self referring to a substance abuse treatment program, with the prior knowledge of their supervisor or Clallam County management, must agree to a Return to Work Agreement.

The contract will provide:

- a. A requirement for a release to work statement from an approved treatment specialist, and

- b. An evaluation and release to work by the county-designated Substance Abuse Professional (SAP). The evaluation and release to work may also require a negative drug and/or alcohol test and specify a period of random testing.
- c. The employee will pay the cost of tests conducted during the first year following return to work.

The return to work agreement will also be required in any case where an employee returns to work after a positive test, successful completion of treatment, and/or discipline.

(5) Confidentiality and Conduct

A direct request by the employee for assistance will be made a part of the employee's medical file. Any related performance issues or disciplinary action will be in the employee's personnel file.

(6) Free from Discrimination

Employees will not have job security or promotional opportunities jeopardized solely because of a request for help.

#### 10.16 Confidentiality

All test results will be regarded as medical data and will be stored in a separate location than the employee's general performance file. The status of an employee's drug/alcohol test will be communicated within Clallam County on a strict need-to-know basis, and in accordance with federal regulations.

Any knowledge of an employee's attendance at a substance abuse treatment program will be treated the same as medical data and will be filed in the employee's medical file. The status of an employee's involvement with employee assistance and/or substance abuse treatment will also be communicated within Clallam County on a strict need-to-know basis and treatment records will be maintained separately in a medical file.

#### 10.17 Recordkeeping

Original test results will be maintained by the Medical Review Officer. Clallam County will also maintain records received from the MRO regarding test results that will be stored in a secure location with controlled access. All records relating to the urine and alcohol collection process will be maintained by Clallam County, the Medical Review Officer, and the collection site.

## 10.18 Drug and Alcohol Awareness Training

The County shall develop and implement an ongoing Drug and Alcohol Awareness Training Program which shall be required for CDL drivers, supervisors and union shop stewards, and is optional for all other County employees unless the County elects to direct their attendance.

The County shall distribute and explain the elements of this policy and related information at all new employee orientation sessions. All current employees will receive a copy of the policy or comprehensive summary at least 30 days prior to implementation. The policy will be posted where other employee notices are posted.

## .11 DEPARTMENT OF TRANSPORTATION DRUGS AND ALCOHOL

### 11.1 Purpose

Clallam County has a responsibility to our employees and to the public to ensure safe operating and working conditions. To satisfy these responsibilities, the County must establish a work environment where employees are free from the effects of drugs and alcohol.

In addition, the County is subject to the regulations of the United States Department of Transportation (DOT) Workplace Drug Testing Programs (49 CFR Part 40 as amended). Under these regulations, the County is required to establish certain rules and follow certain procedures regarding drugs and alcohol. Accordingly, the County has adopted this drug and alcohol policy, which applies to all employees who drive a commercial motor vehicle or otherwise perform safety-sensitive functions as defined in DOT regulations. The goal of this policy is to ensure a substance-free workplace while protecting employees' personal dignity and privacy. Employees covered by the County's DOT drug and alcohol testing policy and procedure are also covered by the County's general drug and alcohol testing policy and procedure.

If an employee has any questions about this policy, he or she should contact the Human Resources Director.

### 11.2 Definitions

**"Alcohol"** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

**"Alcohol concentration (or content)"** means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

**"Alcohol use"** means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

**"Commercial motor vehicle"** means a motor vehicle or combination of motor vehicles used to transport passengers or property, if the motor vehicle:

- a. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- b. Has a gross vehicle weight rating of 26,001 or more pounds; or
- c. Is designed to transport 16 or more passengers, including the driver; or
- d. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and require the motor vehicle to be placarded under the Hazardous Materials Regulations.

**"Confirmation test for alcohol testing"** means a second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration. Confirmation tests for controlled substances testing means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

**"Driver"** means any person who operates a commercial motor vehicle. This includes, but is not limited to: full-time, regularly employed drivers; casual, intermittent, or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to the County or who operate a commercial motor vehicle at the direction of or with the consent of the County. For the purposes of pre-employment/pre-duty testing only, the term "driver" includes a person applying to the County to drive a commercial motor vehicle.

**"Performing a safety-sensitive function"** means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

**"Refuse to submit to an alcohol or controlled substances test"** means that a driver:

- a. Fails to appear for any test within a reasonable period of time after being directed to do so by the employer;
- b. Fails to remain at the testing site until the testing process is complete;
- c. Fails to provide a urine specimen for a required drug test;
- d. Fails to permit observation or monitoring of the provision of a specimen in the case of a directly observed or monitored collection;

- e. Fails to provide a sufficient amount of urine when directed when there is no adequate medical explanation for the failure;
- f. Fails or declines to take a second test when directed by the employer or the collector;
- g. Fails to undergo a medical examination or evaluation when directed by the MRO as part of the verification process;
- h. Fails to cooperate with any part of the testing process; and
- i. Is reported by the MRO as having a verified adulterated or substituted test result.

**"Safety-sensitive function"** means any of the following on-duty functions:

- a. All time at the County's terminal, facility, or other property, or any public property, waiting to be dispatched, unless the driver has been relieved from duty by the County;
- b. All time inspecting equipment as required by law or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- c. All time spent at the driving controls of a commercial motor vehicle in operation;
- d. All time other than driving time in or upon any commercial motor vehicle, except time spent resting in a sleeper berth;
- e. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- f. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

**"Screening test (or initial test)"** in alcohol testing means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system. In controlled substance testing, it means an immunoassay screen to eliminate negative urine specimens from further consideration.

### 11.3 Prohibited Conduct

#### (1) Alcohol Concentration

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

(2) Alcohol Possession

No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment.

(3) On-Duty Use of Alcohol

No driver shall use alcohol while performing safety-sensitive functions.

(4) Pre-Duty Use of Alcohol

No driver shall perform safety-sensitive functions within four hours after using alcohol.

(5) Use of Alcohol Following an Accident

No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he or she undergoes a post-accident alcohol test, whichever occurs first.

(6) Controlled Substances Use

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. Drivers shall inform the County of any therapeutic drug use. Such information should be reported to the Human Resources Director.

(7) Controlled Substances Testing

No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances.

(8) Refusal to Submit to a Required Alcohol or Controlled Substances Test

No driver shall refuse to submit to a post-accident, random, reasonable suspicion or follow-up test.

(9) Adulterated or Substituted Test Specimen

No driver shall adulterate, substitute, or in any other way alter a test specimen.

(10) Possession

The manufacture, or sale, or use or possession of alcohol, any controlled or illegal substance (except strictly in accordance with medical authorization) or any other substances that impair job performance or pose a hazard, when use or possession occurs on our premises or property, or during work time, or while representing us in any work-related fashion is prohibited.

(11) Searches

The County reserves the right to inspect and/or search any employee's personal property on our premises if the County reasonably believes that this policy has been violated. Refusal to submit to any such inspection or refusal to cooperate in any investigation will result in disciplinary action that could include termination.

11.4 Consequences for Engaging in Prohibited Conduct

- a. A driver who has engaged in prohibited conduct shall not be allowed to perform safety-sensitive functions, including the driving of a commercial motor vehicle.
- b. If a driver engages in prohibited conduct, the driver will be immediately removed from performing any safety-sensitive functions. The County shall advise the employee of resources available for the evaluation and resolution of problems associated with the misuse of alcohol and the use of controlled substances. The County shall provide the employee with the names, addresses, and telephone numbers of substance abuse professionals, and counseling and treatment programs. The employee shall also be evaluated by a substance abuse professional. The substance abuse professional shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use.
- c. Any driver who is returning to work after engaging in prohibited conduct and who has been identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use, shall be evaluated by a substance abuse professional to determine that the driver has properly followed any rehabilitation program prescribed by a professional. In addition, the driver shall be subject to unannounced follow-up alcohol and controlled substances tests following the driver's return to duty. The number and frequency of such follow-up testing shall be determined by the substance abuse professional and shall consist of at least six tests in the first twelve months following the driver's return to duty. The County shall direct the driver to undergo return-to-duty testing for alcohol and/or controlled substances before the employee is allowed to return to performing safety-sensitive functions.

- d. In addition to the above and completely separate from its rights and responsibilities under the DOT's regulations, the County reserves its right to take disciplinary action for a violation of this policy. This may include termination of employment.
- e. Any employee who is found to be in violation of this policy, or who refuses to submit to testing as required, or who refuses to cooperate or attempts to subvert the testing process shall be subject to disciplinary action which could include immediate termination of employment. The County also reserves the right to involve law enforcement officials for any conduct which it believes might be in violation of state or federal law.

### 11.5 Required Tests

As required by law, the County must require individuals to submit to the following types of testing. Testing for controlled substances will be limited to tests intended to detect marijuana, cocaine, opiates, amphetamines, and phencyclidine.

#### (1) Pre-Employment Testing

Prior to the first time a driver performs safety-sensitive functions for the County, the driver may be required to undergo testing for alcohol. Prior to the first time a driver performs safety-sensitive functions for the County, the driver will undergo testing for controlled substances.

If the driver is required to undergo alcohol testing, the driver will not be allowed to perform safety-sensitive functions unless the alcohol test indicates an alcohol concentration level of less than 0.04. If the pre-employment alcohol test indicates an alcohol concentration of 0.02 or greater but less than 0.04, then the driver will not be allowed to perform safety sensitive functions until the start of the driver's regularly-scheduled duty period, but not less than 24 hours following administration of the test. The Medical Review Officer must report that the employee's controlled substances test has resulted in a verified negative test result before the employee is allowed to perform any safety-sensitive functions.

#### (2) Post-Accident Testing

In the event of an accident involving a commercial motor vehicle, the County will test each driver who was performing safety-sensitive functions with respect to the vehicle if the accident results in loss of human life, or the driver receives a citation under state or local law for a moving traffic violation arising from the accident and 1) one or more motor vehicles incurs disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle, or 2) bodily injury to a person results and as a result of the injury requires medical treatment away from the scene. The tests will occur as soon as possible following the accident. Alcohol and drug tests will be

performed as soon as possible and alcohol tests must occur within 8-hours of the accident and drug tests must occur within 32-hours of the accident. A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed to have refused to submit to testing.

A driver must immediately report any accident to his/her supervisor so that the County may determine whether post-accident testing is appropriate.

In lieu of administering a post-accident test, the County may substitute a breath or blood test for the use of alcohol and a urine test for the use of drugs administered by federal, state or local officials having independent authority for the test, using procedures required by their jurisdictions. The County must obtain the results from the local jurisdiction or the driver. The County substituting a law enforcement-based post-accident test must take the actions appropriate to the results.

### (3) Random Testing

The County will perform random alcohol testing and random controlled substances testing. The dates for the tests will not be announced and will be spread throughout the calendar year. A driver who is notified of selection for random testing must proceed to the test site immediately. A driver will be tested for alcohol only while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

### (4) Reasonable Suspicion Testing

A driver will be required to submit to an alcohol test when the County has reasonable suspicion to believe that the driver has violated the portions of this policy concerning alcohol (except for a violation involving only possession of alcohol). Reasonable suspicion exists where there are specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver. A driver shall be required to undergo an alcohol test only if the observations are made during, just preceding, or just after the period of the workday that the driver is required to be in compliance with this policy.

A driver will be required to submit to a controlled substances test when the County has reasonable suspicion to believe that the driver has violated portions of this policy concerning controlled substances. A reasonable suspicion exists where there are specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances.

(5) Return-to-Duty Testing

A driver who is returning to safety-sensitive functions after engaging in conduct prohibited by this policy concerning alcohol will undergo a return-to-duty alcohol test. The driver will not be returned to duty unless the test indicates an alcohol concentration of less than 0.02. If the driver has an alcohol concentration of 0.02 or greater, the driver will be re-evaluated for treatment by a substance abuse professional (SAP).

A driver who is returning to safety-sensitive functions after engaging in conduct prohibited by this policy concerning controlled substances will undergo a return-to-duty controlled substances test. The driver will not be returned to duty unless and until there is a verified negative result for controlled substances use.

(6) Follow-Up Testing

A driver who returns to work following prohibited conduct will be required to undergo unannounced follow-up testing as determined by the SAP. Follow-up alcohol testing will occur only when the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.

## 11.6 Drug Testing Procedures

The County will follow certain procedures during the collection of urine specimens. The procedures are intended to ensure that the collection site person maintains the integrity of the specimen collection and transfer process, while also ensuring the modesty and privacy of the donor. In accordance with this, the collection site person will avoid any conduct or remarks that might be construed as accusatorial or otherwise offensive or inappropriate.

The collection site person will either (1) have successfully completed training appropriate for his or her function or (2) will be a licensed medical professional or technician who has been provided instructions for collection, in accordance with the DOT's regulations.

The collection process will be documented by utilizing a standard drug testing custody and control form, as required by the DOT's regulations. The employee being tested, the collection site person and the Medical Review Officer will complete the appropriate portions of the drug testing custody and control form. A chain-of-custody form (and the laboratory internal chain-of-custody document, where applicable) will be used for maintaining control and accountability of each specimen from the point of collection to final disposition of the specimen. The date and purpose will be documented on the form each time a specimen is handled or transferred and every individual in the chain

will be identified. Every effort will be made to minimize the number of persons handling specimens.

If the employee refuses to cooperate with the collection process, the collection site person will inform the employer-representative and will document the non-cooperation on the drug testing custody and control form.

Each drug test will be accomplished with the use of a clean, single-use specimen bottle that is securely wrapped until filled with the specimen. A tamper proof sealing system will be used, as well as a shipping container that can be sealed and initialed to prevent tampering.

Testing will occur at a designated collection site. The collection site will have an enclosure within which private urination can occur, a toilet for completion of urination, a source of water for washing hands and a suitable clean surface for writing. The collection site will be secure during any drug testing. The collection site may be a public rest room; in such a case, access will be denied during the testing process to all other persons other than the employee and the collection site person.

Collection site personnel will arrange to ship the collected specimen to the drug-testing laboratory. The specimens will be placed in shipping containers designed to minimize the possibility of damage during shipment (for example, specimen boxes and/or padded mailers); and those containers will be securely sealed to eliminate the possibility of undetected tampering. On the tape sealing the container, the collection site person will sign and enter the date specimens were sealed in the shipping containers for shipment. The collection site person will ensure that the chain-of-custody documentation is attached or enclosed in each container sealed for shipment to the drug-testing laboratory.

If the sample is being collected from an employee in need of medical attention, necessary medical attention will not be delayed in order to collect the specimen.

The County will take precautions to ensure that a urine specimen is not adulterated or diluted during the collection procedure and that information on the urine bottle and on the urine custody and control form can identify the individual from whom the specimen was collected. In accordance with this responsibility, the County will take the following minimum precautions:

- a. To deter the dilution of specimens at the collection site, toilet-bluing agents will be placed in toilet tanks, if possible, so that the reservoir of water in the toilet bowl always remains blue. Where practicable, there will be no other source of water (for example, shower or sink) in the enclosure where urination occurs. If there is another source of water in the enclosure, it shall be effectively secured or monitored to ensure it is not used as a source for diluting the specimen.

- b. When an individual arrives at the collection site, the collection site person will ensure that the individual is positively identified as the employee selected for testing (for example, through presentation of photo identification or identification by the employer's representative). If the individual's identity cannot be established, the collection site person shall not proceed with the collection. If the employee requests, the collection site person will show their identification to the employee.
- c. If the individual fails to arrive at the assigned time, the collection site person shall contact the appropriate authority to obtain guidance on the action to be taken.
- d. The collection site person shall ask the individual to remove any unnecessary outer garments (such as a coat or jacket) that might conceal items or substances that could be used to tamper with or adulterate the individual's urine specimen. The collection site person will ensure that all personal belongings such as a purse or briefcase remain with the outer garments. The individual may retain their wallet. If the employee requests it, the collection site personnel will provide the employee a receipt for any personal belongings.

If the collection is a directly observed collection such as is the case for return-to-duty or follow-up test, the same sex observer must request the employee to raise his or her shirt, blouse, or dress/skirt as appropriate, above the waist, just above the navel; and lower clothing and underpants to mid-thigh and to show the observer--by turning around--that the employee does not have a prosthetic device. After the observer has determined that the employee does not have such a device, the observer may permit the employee to return clothing to its proper position and then conduct the observed collection.

- e. The individual will be instructed to wash and dry his or her hands prior to urination.
- f. After washing hands, the individual will remain in the presence of the collection site person and will not have access to any water fountain, faucet, soap dispenser, cleaning agent or any other materials that could be used to adulterate the specimen.
- g. The individual may provide his or her specimen in the privacy of a stall or otherwise partitioned area that allows for individual privacy, unless the specimen is a directly observed collection. The collection site person will provide the individual with a specimen bottle or collection container, if applicable, for this purpose.
- h. The collection site person will note any unusual behavior or appearance on the urine custody and control form.
- i. In the exceptional event that an employer-designated collection site is not accessible and there is an immediate requirement for specimen collection (for example, circumstances require a post-accident test), a public restroom may be used according to the following procedures: A collection site person of the same gender as the individual will accompany the individual into the public restroom

which shall be made secure during the collection procedure. If possible, a toilet-bluing agent will be placed in the bowl and any accessible toilet tank. The collection site person will remain in the restroom, outside the stall, until the specimen is collected. If no bluing agent is available to deter specimen dilution, the collection site person will instruct the individual not to flush the toilet until the specimen is delivered to collection site person. After the collection site person has possession of the specimen, the individual will be instructed to flush the toilet and to participate with the collection site person in completing the chain-of-custody procedures.

- j. The collection site person will instruct the employee to provide at least 45 ml of urine under the split sample method of collection. The employee will urinate into a collection container or a specimen bottle capable of holding at least 60 ml. If a collection container is used, the collection site person, in the presence of the employee, will pour the urine into two specimen bottles. 30 ml will be poured into one bottle, to be used as the primary specimen. At least 15 ml will be poured into the other bottle, to be used as the split specimen. If a single specimen bottle is used as a collection container, the collection site person will pour 30 ml of urine from the specimen bottle into a second specimen bottle (to be used as the primary specimen) and retain the remainder (at least 15 ml) in the collection bottle (to be used as the split specimen).
- k. After the specimen has been provided and submitted to the collection site person, the individual will be allowed to wash his or her hands.
- l. Immediately after the specimen is collected, the collection site person will measure the temperature of the specimen. The temperature-measuring device used will accurately reflect the temperature of the specimen and not contaminate the specimen. The time from urination to temperature measure in no case may exceed four minutes.
- m. A specimen temperature outside the range of 32.5° to 37.7° Celsius (90.5° to 99.8° Fahrenheit) constitutes a reason to believe that the individual has altered or substituted the specimen. In such cases, the individual supplying the specimen may volunteer to have his or her oral temperature taken to provide evidence to counter the reason to believe the individual may have altered or substituted the specimen.
- n. Immediately after the specimen is collected, the collection site person will inspect the specimen to determine its color and look for any signs of contaminants. Any unusual findings will be noted on the urine custody and control form.
- o. All specimens suspected of being adulterated will be forwarded to the laboratory for testing.
- p. Whenever there is reason to believe that a particular individual has altered or substituted the specimen, a second specimen will be obtained as soon as possible under the direct observation of a same gender collection site person.

The following circumstances are the exclusive grounds constituting a reason to believe that the individual may have altered or substituted the specimen:

- The employee has presented a urine specimen that falls outside the normal temperature range, as explained above, and either the employee declines to provide a measurement of oral body temperature or oral body temperature varies by more than 1° Celsius (1.8° Fahrenheit) from the temperature of the specimen.
  - The last urine specimen provided by the employee was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2g/L.
  - The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (for example, substitute urine in plain view, blue dye in specimen presented, etc.).
- q. Both the individual being tested and the collection site person must keep the specimen in view at all times prior to its being sealed and labeled. The specimen must be sealed (by placement of a tamper-proof seal over the bottle cap and down the sides of the bottle) and labeled in the presence of the employee. If the specimen is transferred to a second bottle, the collection site person will request the individual to observe the transfer of the specimen and the placement of the tamper-proof seal over the bottle cap and down the sides of the bottle.
- r. The collection site person and the individual being tested shall be present at the same time during the procedures outlined in paragraphs 19 through 22.
- s. The collection site person will place securely on the bottle an identification label that contains the date, the individual's specimen number, and any other identifying information provided or required by the employer. If separate from the label, the tamper-proof seal will also be applied.
- t. The individual must initial the identification label on the specimen bottle for the purpose of certifying that it is the specimen collected from him or her.
- u. The collection site person will enter on the drug testing custody and control form all information identifying the specimen. The collection site person will sign the drug testing custody and control form certifying that the collection was accomplished according to all applicable federal requirements.
- v. The individual will be asked to read and sign a statement on the drug testing custody and control form certifying that the specimen identified as having been collected from him or her is in fact the specimen he or she provided. The employee may be required to sign a consent or release form authorizing the collection of the specimen, analysis of the specimen for designated controlled substances, and release of the results to the employer.
- w. The collection site person will complete the chain-of-custody portion of the drug testing custody and control form to indicate receipt of the specimen from the employee and will certify proper completion of the collection.
- x. If the specimen is not immediately prepared for shipment, the collection site person will ensure that it is appropriately safeguarded during temporary storage.
- y. While any part of the above chain-of-custody procedures is being performed, the urine specimen must be under the control of the involved collection site person. If the collection site person leaves his or her workstation momentarily, he or she

must take the specimen and drug testing custody and control form with him or her or shall secure them. After the collection site person returns to the workstation, the custody process will continue. If the collection site person is leaving for an extended period of time, he or she will package the specimen for mailing before leaving the site. The collection site person must not leave the collection site in the interval between presentation of the specimen by the employee and securement of the sample with an identifying label bearing the employee's specimen identification number and seal initialed by the employee. If it becomes necessary for the collection site person to leave the site during this interval, the collection will be nullified and (at the election of the employer) a new collection begun.

#### 11.7 Employee Explanation for Positive Result

The Medical Review Officer will review a confirmed positive test result by examining alternate medical explanations for the result. The Medical Review Officer will contact the individual directly, on a confidential basis, to determine whether the employee wishes to discuss the positive result. If the Medical Review Officer cannot reach the employee despite making all reasonable efforts, the Medical Review Officer will contact a designated management official, who will direct the employee to contact the Medical Review Officer. If despite making all reasonable efforts, the management official and/or MRO are/is unable to contact the employee within 10 days, the test will be considered positive.

If the employee expressly declines to discuss the test or fails to contact the Medical Review Officer within five days of being instructed to do so, the Medical Review Officer will confirm the positive result without the employee's input.

#### 11.8 Employee Requests for Retest

If the test result is positive, the employee may request that the Medical Review Officer direct that the split specimen be tested in a different DHHS-certified lab. Such a request must be made within 72 hours of notification of the positive test. The employee will be removed from safety-sensitive duties pending the results of the test of the split specimen.

#### 11.9 Alcohol Testing

The County will conduct alcohol testing by the use of an evidential breath testing device (EBT) and/or any other non-evidentiary technology that may be approved by the DOT in the future. The test will be conducted by a breath alcohol technician (BAT) who will be trained in the operation of the EBT and in the correct procedures for testing under the DOT's regulations. The County will use a breath alcohol testing form and logbook as required by the DOT's regulations. The employee being tested and the breath alcohol technician will complete the appropriate portions of the form and logbook.

The County will conduct alcohol testing in a location that affords visual and aural privacy to the individual being tested, sufficient to prevent unauthorized persons from seeing or hearing the test results. The testing may occur in a mobile collection facility. Wherever the testing occurs, no unauthorized persons shall be permitted access to the testing location while the EBT remains unsecured or at any time when testing is being conducted. In the unusual circumstance that a test cannot be conducted at a location affording complete visual and aural privacy, the County will provide privacy to the greatest extent practicable.

When the employee enters the alcohol testing location, the breath alcohol technician will require him or her to provide positive identification (for example, through use of a photo ID card or identification by an employer representative). On request by the employee, the breath alcohol technician will provide positive identification to the employee. The breath alcohol technician will explain the testing procedure to the employee.

The breath alcohol technician will complete Step 1 of the breath alcohol testing form. The employee will complete Step 2 of the form and will sign the certification. Refusal by the employee to sign the certification will be regarded as a refusal to take the test.

An individually sealed mouthpiece will be opened in view of the employee and the breath alcohol technician, and attached to the EBT in accordance with the manufacturer's instructions.

The breath alcohol technician will instruct the employee to blow forcefully into the mouthpiece for at least six seconds or until the EBT indicates that an adequate amount of breath has been obtained.

If the result of the screening test is a breath alcohol concentration of less than 0.02, the breath alcohol technician will date the form and sign the certification in Step 3 of the form. The employee will sign the certification and fill in the date in Step 4 of the form. If the employee does not sign the certification in Step 4 of the form or does not initial the logbook entry for a test, this will not be considered a refusal to be tested. In this event, however, the breath alcohol technician will note the employee's failure in the "remarks" section of the form. If a test result printed by the EBT does not match the displayed results, the breath alcohol technician will note the disparity in the remarks section and both the employee and the breath alcohol technician will initial or sign the notation. Such a test is invalid, and the employer and employee will be so advised. The breath alcohol technician will transmit the result of less than 0.02 to the County in a confidential manner, and the County will maintain the information so as to ensure confidentiality.

If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be performed. The procedure for the confirmation test will be the

same as the procedure for the screening test. A new mouthpiece will be used for the confirmation test. Before the confirmation test is administered, the breath alcohol technician will ensure that the EBT registers 0.00 on an air blank. If a breath alcohol technician other than the one who conducted the screening test is conducting the confirmation test, the new breath alcohol technician will initiate a new breath alcohol testing form, completed in the manner described above.

The confirmation test will occur not less than 15 minutes after the completion of the screening test, but it must be conducted within 30 minutes of the completion of the screening test. If the BAT conducts the confirmation test more than 30 minutes after the result of the screening test has been obtained, the BAT shall document the reason why the test could not be conducted within 30 minutes of the screening test. During the waiting period, the breath alcohol technician will instruct the employee not to eat, drink, put any object or substance in his or her mouth, and, to the extent possible, not belch during a waiting period. The breath alcohol technician will explain to the employee the reason for this requirement (i.e. to prevent any accumulation of mouth alcohol leading to an artificially high reading) and the fact that it is for the employee's benefit. The breath alcohol technician will also explain that the confirmation test will be conducted at the end of the waiting period, even if the employee has disregarded the instruction. If the employee has not complied with the instruction, the breath alcohol technician will so note in the "remarks" section.

In the event that the screening and confirmation test results are not identical, the confirmation test result is deemed to be the final result upon which any action shall be based.

After the confirmation test, the breath alcohol technician will conduct an air blank. If the reading is greater than 0.00, the test is invalid.

The breath alcohol technician will transmit all results to the County in a confidential manner. The transmission may be in writing, in person or by telephone or electronic means. If the transmission is not in writing, the County will establish a mechanism to verify the identity of the breath alcohol technician providing the information. In addition, the breath alcohol technician will follow the initial transmission of information by providing to the County its copy of the breath alcohol testing form. The County will maintain the information so as to ensure confidentiality.

Refusal by an employee to complete and sign the breath alcohol testing form (Step 2), to provide breath, to provide an adequate amount of breath, or otherwise to cooperate with the testing process in a way that prevents the completion of the test, will be noted by the breath alcohol technician in the remarks section of the form. In addition, the testing process will be terminated and the breath alcohol technician will immediately notify the County.

If a screening or confirmation test cannot be completed, or if an event occurs that would invalidate the test, the breath alcohol technician will, if practicable, begin a new screening or confirmation test, as applicable, using a new breath alcohol testing form with a new sequential test number.

In the event that an employee is unable, or claims to be unable, to provide an amount of breath sufficient to permit a valid breath test because of a medical condition, the breath alcohol technician will again instruct the employee to attempt to provide an adequate amount of breath. If the employee refuses to make the attempt, the breath alcohol technician will immediately inform the County. If the employee attempts and fails to provide an adequate amount of breath, the breath alcohol technician will so note in the remark section of the breath alcohol testing form and immediately inform the County.

If the employee attempts and fails to provide an adequate amount of breath, the County will direct the employee to obtain, as soon as practical after the attempted provision of breath, an evaluation from a licensed physician who is acceptable to the County concerning the employee's medical ability to provide an adequate amount of breath. If the physician determines that a medical condition has, or with a high degree of probability could have, precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath will not be deemed a refusal to take a test. The physician must provide to the County a written statement of the basis for his or her conclusion. If the licensed physician, however, is unable to make such a determination, the employee's failure to provide an adequate amount of breath will be regarded as a refusal to take a test.

#### 11.10 Employee Information

Employees will be provided information concerning the effects of alcohol and controlled substances use on an individual's health, work and personal life; signs and symptoms of an alcoholic or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.

Any employee who has any questions regarding these issues should talk to the Human Resources Director.

#### 11.11 Training for Supervisors

All supervisors charged with the responsibility to determine whether reasonable suspicion exists to require a driver to undergo testing will receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled

substances use. The training will cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

#### 11.12 Certificate of Receipt

Each driver will be required to sign a statement certifying that he or she has received (1) a copy of this policy and (2) information concerning the effects of alcohol and controlled substances.

#### 11.13 Access to Records

A driver may make a written request to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests. Upon request, the County will promptly provide such records.

The County will notify a driver of the results of a pre-employment controlled substances test if the driver requests such results within sixty calendar days of being notified of the disposition of the employment application. The County will notify a driver of the results of random, reasonable suspicion and post-accident tests for controlled substances if the test results are verified positive. The County will also inform the driver which controlled substance or substances were verified as positive.

### .12 BLOODBORNE PATHOGENS EXPOSURE CONTROL PLAN

#### 12.1 Overview

Clallam County is committed to providing a safe and healthful work environment for our entire staff. To this end, the County will comply with all sections of the Washington Administrative Code and all statutory requirements regarding the prevention of occupational exposures to bloodborne pathogens. The following applies to the general County operation. In addition, Department Specific Requirements pertains only to specific needs of the stated department.

Employees who have occupational exposure to blood or other potentially infectious materials (OPIM) must follow the procedures and work practices of this plan. Noncompliance shall be grounds for discipline up to and including termination.

Employees can review this plan at any time during their work shifts. We will provide a copy to any employee upon request.

This plan includes:

- Overview
- Definitions
- Occupations at risk for exposure
- Controlling employee exposure to bloodborne pathogens
- Employee training and hazardous communication
- Post exposure evaluation and follow-up
- Recordkeeping

## 12.2 Definitions

**"Biohazard"** means the existence of a condition which may pose a threat of illness to a human from contact with a biological material and usually used to describe something contaminated.

**"Biohazard Label"** means label affixed to containers of regulated waste, or containers of blood or other potentially infectious materials. Universally recognizable and must be used to ship or store containers of contaminated materials.

**"Blood"** means human blood, human blood products, and products made from human blood. Also included are medications derived from blood, such as immune globulins, albumin, and factors 8 and 9.

**"Bloodborne Pathogens"** means pathogenic microorganisms that are present in humans and can cause disease in humans. Examples of these pathogens include:

- Human immunodeficiency virus (HIV)
- Hepatitis B virus (HBV)
- Hepatitis C virus, malaria
- Syphilis
- Babesiosis
- Brucellosis
- Leptospirosis
- Arboviral infections
- Relapsing fever
- Creutzfeld-Jakob Disease
- Human T-lymphotrophic virus Type I
- Viral Hemorrhagic Fever

**"Clinical laboratory"** means a workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials (OPIM).

**"Contaminated"** means the presence or the reasonably anticipated presence of blood or other potentially infectious materials (OPIM) on an item or surface.

**"Contaminated laundry"** means laundry that is soiled with blood or other potentially infectious materials (OPIM) or may contain contaminated sharps.

**"Contaminated sharps"** means any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

**"Decontamination"** means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

**"Exposure incident"** means a specific eye, mouth, or other mucous membrane, nonintact skin or parenteral contact with blood or other potentially infectious materials (OPIM) that results from the performance of an employee's duties. Examples of nonintact skin include skin with dermatitis, hangnails, cuts, abrasions, chafing, or acne.

**"Hand washing facilities"** means a facility providing running potable water, soap, and single use towel or hot air drying machines.

**"HBV"** means Hepatitis B virus.

**"HIV"** means human immunodeficiency virus.

**"Licensed health care professional"** means a person whose legally permitted scope of practice allows him or her to independently perform the activities required by this rule.

**"Needleless system"** means a device that does not use needles for any of the following:

- a. The collection of bodily fluids or withdrawal of body fluids after initial venous or arterial access is established.
- b. The administration of medication or fluids.
- c. Any other procedure involving the potential for occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps.

**"Occupational exposure"** means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM that may result from the performance of an employee's duties.

**"Other potentially infectious materials (OPIM)"** means all of the following:

- a. Human body fluids: Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids.;
- b. Any unfixed tissue or organ (other than intact skin) from a human (living or dead).
- c. HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV - containing culture medium or other solutions; and blood, organs, or other tissue from experimental animals infected with HIV or HBV.
- d. Blood and tissue of experimental animals infected with bloodborne pathogens.

**"Parenteral contact"** means when mucous membranes or skin is pierced by needle sticks, human bites, cuts, or abrasions.

**"Personal protective equipment"** means specialized clothing or equipment worn by an employee for the protection against a hazard. General work clothes (for example, uniforms, pants, shirts, or blouses) not intended to function as protection against hazard are not considered to be PPE.

**"Production facility"** means a facility engaged in industrial-scale, large-volume, or high concentration production of HIV or HBV.

**"Regulated waste"** means any of the following:

- a. Liquid or semi liquid blood or other potentially infectious materials (OPIM)
- b. Contaminated items that would release blood or OPIM in a liquid or semi liquid state, if compressed
- b. Items that are caked with dried blood or OPIM and are capable of releasing these materials during handling
  - Contaminated sharps
  - Pathological and microbiological wastes containing blood or OPIM

**"Research laboratory"** means a laboratory producing or using research-laboratory-scale amounts of HIV or HBV. Research laboratories may produce high concentrations of HIV or HBV but not in the volume found in production facilities.

**"Safer medical devices"** means medical devices that have been engineered to reduce the risk of needle sticks and other contaminated sharp injuries. These include not only sharps with engineered injury protections and needleless systems but also other medical devices designed to reduce the risk of sharps injury exposures to bloodborne pathogens.

Examples include blunt suture needles and plastic or Mylar-wrapped glass capillary tubes.

**"Secondary duty"** means any job expectation outside the primary job duties assigned to that position.

**"Sharps with engineered sharps injury protections (SESIP)"** means a non-needle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, with a built-in safety feature or mechanism that effectively reduces the risk of an exposure incident.

**"Source person"** means a person, living or dead, whose blood or other potentially infectious materials may be a source (OPIM) of occupational exposure to the employee:

- a. Hospital and clinic patients
- b. Clients in institutions for the developmentally disabled
- c. Trauma victims
- d. Clients of drug and alcohol treatment facilities
- e. Residents of hospices and nursing homes
- f. Human remains
- g. Individuals who donate or sell blood or blood components
- h. Inmates and detainees, both adult and juvenile

**"Standard microbiological practices"** means standard microbiological practices refer to procedures comparable to those outlined in the current edition of the Center for Disease Control *"Biosafety in Microbiological and Biomedical Laboratories."*

**"Sterilize"** means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

**"Universal Precautions"** means an approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, or other bloodborne pathogens.

### 12.3 Occupations at Risk for Exposure

A list of County job classifications by department specifying if there is a "reasonably anticipated" exposure to bloodborne pathogens or other potentially infectious materials, the level of potential risk and the related occupational tasks under which exposure might occur is contained in WAC 296-823.

The Human Resources Department is responsible for implementing the exposure control plan and will maintain, review and update the exposure control plan at least annually, and whenever necessary to include new or modified tasks and procedures. The

exposure control plan will be made available to all employees and WISHA representatives.

#### 12.4 Controlling Employee Exposure to Bloodborne Pathogens

Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials (OPIM). Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

- (1) Engineering and Work Practice Controls
  - a. Hand washing facilities shall be provided at all locations where there is anticipated exposure to bloodborne pathogens.
  - b. In the event that hand washing is not feasible, an antiseptic hand cleaner and clean cloth/paper towels, or antiseptic towelettes are available. When antiseptic hand cleaners or towelettes are used, hands shall be washed with soap and running water as soon as feasible.
  - c. Employees shall wash their hands immediately or as soon as possible after removal of gloves or other personal protective equipment.
  - d. Employees shall wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or other potentially infectious materials.
  - e. Contaminated needles and other contaminated sharps shall be handled only in accordance with approved one-hand methods or with approved devices. Needles shall not be bent, recapped, or removed. Shearing and breaking of contaminated needles is prohibited. If potentially contaminated syringes or needles are discovered on County property, the devices shall be placed in approved containers. After securing in an approved container, the item shall be delivered to the Public Health Division of the Department of Health & Human Services for disposal.
  - f. Eating, drinking, smoking, applying cosmetics, lip balm or handling contact lenses are prohibited in work areas, including field locations where there is an anticipated exposure to bloodborne pathogens.
  - g. All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering, or generation of droplets.
  - h. Mouth pipetting/suctioning of blood or other potentially infectious materials is prohibited.
  - i. Specimens of blood or other potentially infectious materials shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport, or shipping. The container shall be closed prior to storage, transport, or shipping and shall be labeled or color-coded

in accordance with regulation. If outside contamination of the primary container occurs, the primary container shall be placed within a second container which prevents leakage during handling, processing, storage, transport, or shipping and shall be labeled in accordance with regulation. If the specimen could puncture the primary container, the primary container shall be placed within a secondary container that is puncture resistant in addition to the above characteristics.

- j. Equipment that becomes contaminated with blood or other potentially infectious materials shall be examined by the County Official or designee prior to servicing or shipping and shall be decontaminated as necessary, unless it can be demonstrated that decontamination of such equipment or portions of such equipment is not feasible. The County Official shall attach a readily observable label to the equipment stating which portions remain contaminated. The County Official shall ensure that information regarding the contaminated equipment is conveyed to all affected employees, the servicing representative, and/or the manufacturer, as appropriate, prior to handling, servicing, or shipping so that the appropriate precautions will be taken.

(2) Personal Protective Equipment (PPE)

- a. Occupationally exposed employees shall wear appropriate personal protective equipment. The type and characteristics of appropriate personal protective equipment will depend upon the task and degree of exposure anticipated. Such equipment will not permit blood or other potentially infectious materials to pass through to or reach the employee's work clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used.
- b. Appropriate personal protective equipment shall be available at no cost to occupationally exposed employees. Such equipment shall include, but not necessarily be limited to, gloves, gowns, laboratory coats, face shields, masks, eye protection, mouthpieces, resuscitation bags, pocket masks, or other ventilation devices.
- c. Appropriate personal protective equipment in appropriate sizes shall be kept available on site and shall be available for issue to employees. Hypoallergenic gloves, glove liners, powder-less gloves, or other similar alternatives shall be available to those employees who are allergic to the gloves normally provided; these alternative items shall be available upon the request of the employee.
- d. The supervisor shall ensure that required personal protection equipment is cleaned, laundered, repaired, replaced, or disposed of as needed to maintain effectiveness.

- e. Garment(s) penetrated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible.
- f. All personal protective equipment shall be removed prior to leaving the work area.
- g. Upon removal, personal protective equipment shall be placed in department specified containers for storage, washing, decontamination, or disposal.
- h. Occupationally exposed employees shall wear gloves when hand contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin can be reasonably anticipated, when performing vascular access procedures, or when handling or touching contaminated items or surfaces. Disposable, single use gloves shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised. Disposable, single use gloves shall not be washed or decontaminated for re-use. Utility gloves may be decontaminated for re-use if the integrity of the glove is not compromised. However, they must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.
- i. Masks in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin-length shields shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can be reasonably anticipated.
- j. Surgical caps or hoods and/or shoe covers or boots shall be worn in instances when gross contamination can be reasonably anticipated.
- k. Occupationally exposed employees shall use appropriate personal protective equipment unless the employee temporarily and briefly declines to use such equipment when, under rare and extraordinary circumstances, it was the employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the worker or co-worker. When an employee makes such a judgment, the incident shall be documented by the employee. The circumstances surrounding the incident shall be investigated by the supervisor in order to determine whether changes can be instituted to prevent such occurrences in the future and he/she shall document his/her conclusions.

(3) Housekeeping

- a. The worksite shall be maintained in a clean and sanitary condition. The Supervisor shall be responsible for determining and implementing an appropriate written schedule for cleaning and method of decontamination

- based upon the location within the facility, type of surface to be cleaned, type of soil present, and tasks or procedures being performed in the area.
- b. All equipment and environmental and working surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.
  - c. Contaminated work surfaces shall be decontaminated with a disinfectant after completion of procedures, immediately or as soon as feasible after overt contamination or after any spill of blood or other potentially infectious materials, and at the end of the work shift if the surface may have become contaminated since the last cleaning.
  - d. Protective coverings used to cover equipment and environmental surfaces shall be removed and replaced as soon as feasible when they become overtly contaminated or at the end of the work shift if they may have become contaminated during the shift.
  - e. All bins, pails, cans and similar receptacles intended for reuse which have a reasonable likelihood for becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated on a weekly basis and cleaned and decontaminated immediately or as soon as feasible upon visible contamination.
  - f. Broken glassware which may be contaminated shall not be picked up directly with the hands, but by using a brush, dust pan, tongs, or forceps. Tools used in clean-up must be properly decontaminated or discarded after use. Vacuum cleaners or cotton swabs may not be used.
  - g. Reusable sharps that are contaminated with blood or other potentially infectious materials shall not be stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.

(4) Regulated Waste

- a. Regulated waste is placed in containers which:
  - Contain all contents
  - Do not leak
  - Are appropriately labeled or color-coded
  - Are closed prior to removal to prevent contact spilling or protruding during handling
- b. Contaminated sharps are discarded immediately or as soon as possible in containers that are:
  - Closable
  - Puncture-resistant
  - Leak-proof on sides and bottoms
  - Labeled or color-coded appropriately

- c. Sharps disposal containers are available at the Public Health Division of Health and Human Services.
- d. Other regulated waste shall be placed in containers which are closable, constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping, closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping, and color-coded.

(5) Laundry

Contaminated laundry shall be bagged or containerized at the location where it was used. Contaminated laundry shall not be sorted or rinsed at the location of use. Contaminated laundry shall be placed and transported in bags or containers labeled or color-coded in accordance with regulation. Whenever contaminated laundry is wet and presents a reasonable likelihood of soak-through or leakage from the bag or container, the laundry shall be placed and transported in bags or containers which prevent soak-through and/or leakage of fluids to the exterior.

All employees who have contact with contaminated laundry shall wear protective gloves and other personal protective equipment as appropriate.

## 12.5 Employee Training and Hazard Communication

All employees will receive training on bloodborne pathogens upon their initial hiring during New Employee Orientation. All employees who have occupational exposure to bloodborne pathogens will receive annual training and additional training when changes in tasks or procedures take place that effect occupational exposure.

This training will include:

- a. Epidemiology, symptoms, and transmission of bloodborne pathogens
- b. Copy and explanation of WAC 296-823, Occupational Exposure to Bloodborne Pathogens
- c. Explanation of Clallam County's exposure control plan and how to obtain a copy
- d. Methods used to identify tasks and other activities that may involve exposure to blood and OPIM
- e. What constitutes an exposure incident
- f. The uses and limitations of controls, work practices, and PPE
- g. The basis for PPE selection and an explanation of:
  - Types
  - Uses
  - Location
  - Handling
  - Removal

- Decontamination
- Disposal
- h. Information on the Hepatitis B vaccine, including:
  - Effectiveness
  - Safety
  - Method of administration
  - Benefits of being vaccinated
  - Offered free of charge to employees who have occupational exposure to bloodborne pathogens
- i. Actions to take and persons to contact in an emergency involving blood of OPIM
- j. Procedures to follow if an exposure incident occurs, including:
  - How to report the incident
  - Medical follow-up available
- k. Employee's evaluation and follow-up after an exposure incident
- l. Signs, labels, and color-coding used
- m. Interactive questions and answers with the trainer

Training records are maintained in Human Resources for each employee upon completion of training. Training records are provided to employees or their authorized representatives within 15 working days of a request. The training record should include the following information about training sessions:

- a. Date
- b. Contents or a summary
- c. Names of trainer
- d. Name and job title of all attendees

## 12.6 Hepatitis B Vaccination and Post-Exposure Evaluation and Follow-Up

### (1) General

Hepatitis B vaccination series shall be made available to all employees who have occupational exposure, and post-exposure evaluation and follow-up shall be made available to all employees who have had an exposure incident.

Medical evaluations and procedures including the hepatitis B vaccine and vaccination series and post-exposure evaluation and follow-up, including prophylaxis shall be:

- a. Made available at no cost to the employee;
- b. Made available to the employee at the Department of Health & Human Services (vaccination only);
- c. Performed by or under the supervision of a licensed physician or by or under the supervision of another licensed healthcare professional, and

provided according to the recommendations of the US Public Health Service current at the time these evaluations and procedures take place.

All laboratory tests shall be conducted at an accredited laboratory at no cost to the employee.

(2) Hepatitis B Vaccination

Hepatitis B vaccination shall be made after the occupationally exposed employee has received training and within 10 working days of initial assignment to all employees who have occupational exposure unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed the employee is immune, or the vaccine is contraindicated for medical reasons. As the effect of HBV vaccine on the fetus and its safety during pregnancy hasn't been determined, employees who are, or reasonably think they may be, pregnant should receive the HBV vaccine only under the written directive of their personal, treating physician.

Each occupationally exposed employee shall receive a personal copy of full disclosure about the benefits and possible side effects of the HBV vaccine and of Hepatitis B itself.

Each occupationally exposed employee shall sign the Hepatitis B Decision form indicating either:

- a. Acceptance of the vaccine;
- b. Previous receipt of the vaccine and corresponding proof; or
- c. Declination of the vaccine.

This form shall be kept with other employee medical records, separately from the employee's personnel file.

If the employee initially declines hepatitis B vaccination, the hepatitis B vaccination shall be made available at a later date if the employee is still occupationally exposed and decides to accept the vaccination.

If a routine booster dose(s) of hepatitis B vaccine is recommended by the US Public Health Service at a future date, such booster dose(s) shall be made available.

The Human Resources Department shall be responsible for facilitating employee Hepatitis B vaccinations.

(3) Post-Exposure Evaluation and Follow-Up

Following the initial first aid treatment such as cleaning the wound, flushing eyes, or other mucous membranes, the employee will immediately or as soon as feasible report any exposure incident to their supervisor before the end of the work shift. The supervisor shall document the route(s) of exposure, and the circumstances under which the exposure incident occurred as follows:

- a. Interview and obtain a written statement regarding the exposure incident from the exposed employee and any witnesses.
- b. As relevant and feasible, view and/or obtain photos of the work area in which the exposure incident occurred as well as any objects or equipment which were instrumental to the employee's exposure.
- c. Based on the foregoing, write an Exposure Incident Report which shall include:
  - The identity of the exposed employee.
  - The identity of the source individual, unless identification is infeasible or prohibited by law.
  - When and where the exposure incident occurred.
  - The type of potentially infectious material (blood, saliva, etc.) to which the employee was exposed if identification is feasible.
  - A description of the route of exposure (needle stick to finger, human bite to arm, etc.).
  - The actions of the exposed employee, source individual, and any witnesses immediately preceding, at the time of, and subsequent to, the exposure.
  - If applicable, a description of the work area, and any objects or equipment which were instrumental to the exposure and their location in the work area.
  - A description of the engineering controls being utilized at the time of the incident.
  - A description of the work practices, protective equipment or clothing used at the time of the incident.
  - An analysis of the timing and/or staffing which contributed or could have contributed to the incident.
  - An evaluation of the policies and "failures of control" at the time of the incident.
  - A conclusion as to the identity of the problem(s) causing the occurrence and suggested corrections to prevent reoccurrence.
- d. The Exposure Incident Report and any accompanying statements and photos shall be kept on file and maintained by the Human Resources Department.
- e. All exposure incidents are Workers Compensation claims and need to be reported using Workers Compensation documents. The following

documents need to be completed, signed, and submitted to Human Resources within 48 hours:

- SIF-2 (Self-Insurer Accident Report) signed by both employee and supervisor
- Supervisor's Report of Accident, signed by both employee and supervisor
- Physician's Initial Report, signed by the attending healthcare professional (can be mailed directly to the County's third party administrator)

(4) Supervisor to Arrange for Collection and Testing

The Supervisor shall arrange for the collection and testing of the exposed employee's blood for HBV and HIV serological status;

- a. The exposed employee's blood shall be collected as soon as feasible and tested after consent is obtained.
- b. If the employee consents to baseline blood collection, but does not give consent at that time for HIV serologic testing, the sample shall be preserved for at least 90 days. If, within 90 days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible.

(5) Health Officer Responsibilities

- a. The Department of Health & Human Services shall arrange for testing of the source individual's blood as soon as feasible and after consent is obtained in order to determine HBV and HIV infectivity. If consent is not obtained, the County Health Officer shall establish that legally required consent cannot be obtained. If the source individual's consent is not required by law, his/her blood, if available, shall be tested and the results documented. When the source individual is already known to be infected with HBV or HIV, testing of the source individual's known HBV or HIV status need not be repeated. Results of the source individual's testing shall be made available to the exposed employee. The County Health Officer shall be responsible for informing the exposed employee of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.
- b. The County Health Officer shall arrange for post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service;
- c. The County Health Officer shall arrange for post-exposure counseling to be provided if the exposed employee so requests; and

- d. The County Health Officer shall ensure that Human Resources and the healthcare professional responsible for evaluating an employee after an exposure incident, is provided:
  - Copy of WAC 296-823
  - Description of the exposed employee's duties as they relate to the exposure incident
  - Copy of the Exposure Incident Report or other documentation of the route(s) of exposure and circumstances under which exposure occurred;
  - Results of the source individual's blood testing, if available;
  - All medical records relevant to the appropriate treatment of the employee, including vaccination status, which are the employer's responsibility to maintain.
- e. The County Health Officer shall obtain and provide the employee with a copy of the evaluating healthcare professional's written opinion within 15 days of the completion of the evaluation.
  - The healthcare professional's written opinion for Hepatitis B vaccination shall be limited to whether the vaccination is indicated for an employee and if the employee has received such vaccination.
  - The healthcare professional's written opinion for post-exposure evaluation and follow-up shall be limited to the following information:
    - That the employee has been informed of the results of the evaluation; and
    - That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.
  - All other findings or diagnoses shall remain confidential and shall not be included in the written report.

## 12.7 Recordkeeping

### (1) Medical Records

Medical records are maintained for each employee who has an occupational exposure to bloodborne pathogens in accordance with WAC 296-802, Access to Records. The Human Resources Department is responsible for maintaining medical records. These confidential records are kept for at least 30 years beyond the length of employment.

### (2) Sharps Injury (OSHA 300) Log

In addition to WAC 296-823, Recordkeeping Requirements, all percutaneous injuries from contaminated sharps are also recorded in the Sharps Injury (OSHA

300) Log. The Human Resources Department is responsible for maintaining the Sharps Injury (OSHA 300) Log. This log must include at least:

- a. Date of injury
- b. Type and brand of the device involved
- c. Where the incident occurred
- d. How the incident occurred

This log is reviewed at least once a year as part of the annual program evaluation and is kept for at least 5 years following the end of the calendar year. Copies that are provided upon request must have any personal identifiers removed.

## .15 HEAT-RELATED ILLNESS POLICY

Clallam County is committed to the health and safety of our employees. The goal of this Policy is to minimize the detrimental effects of excess heat on County employees who are required to work outdoors or within indoor environments with elevated temperatures. Background information is also included. Effective measures to prevent heat related illness vary by work unit, job duties and the work environment. Because each situation is different, a detailed list of possible preventative measures is not part of this policy, but is given in a separate, companion document, *Suggested Measurements to Prevent Heat-Related Illness*.

### 15.1 Background

Heat-related illness is influenced by several risk factors: climatic conditions, the work environment, demands of the work, clothing and personal characteristics.

**Climatic and environmental conditions** that affect the risk of heat-related disorders are air temperature and humidity, air movement, and the temperature of surrounding surfaces which affects radiant heat exchange.

**Demands of the work** influence the stress on the temperature regulation system. Individual responses to a given work load vary but, as an employee expends more energy, the body's internal metabolic heat production rises. This increases stress on the cardiovascular system to regulate body temperature (i.e., by increasing blood flow to skin). Work-related factors that influence heat stress include work rate, level of physical effort, and duration of activity.

**Clothing** characteristics such as insulation, permeability, weight, fit and ventilation affect the body's ability to regulate internal temperatures. Other factors that may increase the risk of heat-related disorders included additional equipment, the use of a respirator or other personal protective equipment (PPE).

**Personal characteristics** such as age, weight, previous heat related injury, underlying medical conditions (e.g., diabetes, cardiovascular disorders, chronic pulmonary disease, and thyroid disorders), medication use and overall health and physical fitness contribute to an employee’s susceptibility of contracting heat-related illness.

Working in an environment with heat stress not only increases the risk for specific heat related conditions such as heat exhaustion and heat stroke, but also increases risk for other adverse events. A study conducted by NIOSH (National Institute for Occupational Safety and Health) links the signs of heat stress (e.g., lower mental alertness and physical performance) to an increase in workplace accidents.

## 15.2 Signs and Symptoms of Heat-Related Disorders

Heat related disorders may occur when there is an exposure to heat risk factors. The chart below illustrates some of the signs and symptoms associated with heat stress. If the employee is experiencing any of these symptoms (excluding heat rash), the employee should be taken to the emergency room for treatment immediately.

<b>Disorder</b>	<b>Signs</b>	<b>Symptoms</b>
Dehydration	Loss of work capacity Delayed response to stimuli	Fatigue Weakness Dry mouth
Heat Exhaustion	High pulse rate, confusion, anxiety Profuse sweating Low blood pressure Pale face, or flushing Body temperature increased but below 104 degrees F. Excessive thirst, decreased urine output	Fatigue, malaise Weakness Blurred vision Dizziness Headache Nausea Loss of appetite
Heat Rash	Skin eruptions	Itching skin, prickly sensation
Heat Stroke	Red face Mental status changes such as Disorientation, Confusion or Irritability Hot, dry skin Erratic behavior Collapse Shivering Body temperature >104 F	May be same as those for heat exhaustion (see above)
Heat Cramps	Incapacitating pain in muscle	Muscle cramps (abdominal and lower extremities) Fatigued muscles
Heat Syncope	Brief fainting or near fainting behavior	Blurred vision

Questions regarding heat-related health disorders (signs, symptoms, prevention, or treatment) should be referred to the employee’s personal physician.

### 15.3 Prevention Controls

A control is a mechanism used to minimize or eliminate an exposure to a hazard, such as heat. There are three types of controls (e.g. engineering, administrative and personal protective equipment) that can be implemented to reduce exposure to excessive heat. Each person and situation is unique, so controls and their application will vary. Suggested controls are given in *Suggested Measures to Prevent Heat Stress*.

### 15.4 Administrative Controls

Administrative controls, also known as work strategy controls, are strategies used by supervisors to limit exposure to a hazard. For example, changes to the work schedule (i.e., when and how the job is performed) can limit the amount of time an employee is exposed to elevated temperatures.

### 15.5 Engineering Controls

Engineering controls are physical changes made to the work environment, such as adding fans or air conditioning to an indoor environment.

### 15.6 Work Practices and Personal Protective Equipment

Other than hats and loose-fitting clothing, there is a limited selection of personal protective equipment to reduce the risk of heat stress. Contact the supervisor for help in evaluating the effectiveness of available personal protective equipment.

In some cases, personal protective equipment - such as impermeable protective clothing and respirators - may increase the risk of developing a heat-related disorder. If such PPE is truly necessary, administrative and engineering controls may be necessary to allow work in heat risk environment.

### 15.7 Monitoring for Signs and Symptoms of Heat Stress

Supervisors, coworkers, and employees themselves are responsible for monitoring for the signs and symptoms of heat-related disorders. See above table for information on recognizing the signs and symptoms of impending heat stress. A supervisor or coworker is often in the best position to observe the onset of a heat-related disorder.

- When heat stress risks are present, supervisors should regularly check workers (by observation and questions) for signs and symptoms of heat stress.
- Take extra care to monitor those at high risk, such as employees who are older or overweight, employees who overexert themselves, and employees with chronic medical conditions including diabetes, heart or lung disease, thyroid

disease or high blood pressure. Employees who take certain medications may also be at increased risk and need to check with their physicians.

- If you need to work outdoors or within indoor environments with elevated temperatures, monitor yourself for the signs and symptoms of heat-related illness, such as taking your own pulse.
- Use a buddy system. When working in the heat, monitor the condition of your coworkers and have someone do the same for you.
- Supervisors should check to ensure that employees are self-monitoring, and ask for their determinations.

## 15.8 Department, Work Unit and Supervisor Responsibilities

### (1) Hazards Management Plan (HMP)

Every Clallam County work unit classified as maintenance, construction or field support services related thereto are required to prepare and maintain a Hazards Management Plan (HMP), which includes a Job Safety Analysis (JSA). Work units with employees who must work outdoors or in environments with extreme heat are required to address heat stress in their HMP Job Safety Analysis by providing detailed information to their employees on:

- Recognition of heat stress and risk factors.
- Prevention measures that will be used during periods of exposure to excessive heat. The choice of effective preventative measures will depend on the work being done, the work environment, and the people doing the work.
- Fluid replacement.
- How an employee can determine if they are experiencing the signs and symptoms of heat stress (i.e., self monitor).

Supervisors are required to provide initial heat stress training for each employee who must work outdoors or in environments with extreme heat. Documentation of this initial training shall be placed into the official training files. Supervisors are required to review their work unit's HMP Job Safety Analysis with their staff annually or whenever relevant work procedures change. During the warm season, supervisors should closely monitor staff to ensure that the work units' heat stress Job Safety Analysis is being followed, and evaluate if any additional measures are needed.

Cool water should be immediately available to any employee who is required to work outdoors or within indoor environments with excessively hot temperatures.

(2) Train Employees Who Are at Risk of Heat Stress

Heat stress training should include:

- A review of heat-related disorders and their risk factors.
- Recognition of the signs and symptoms of heat-related disorders, and the importance of monitoring for them.
- Prevention measures that will be used.
- Fluid replacement options and expectations.

(3) Issue Heat Alerts

When conditions are present that contribute to heat stress, departments and work units are to alert at risk employees and implement their preventative measures for working in heat. The alert should include a reminder of signs and symptoms, how to control exposure and a re-emphasis of the preventative work strategies to be followed.

## 15.9 Employee's Responsibility

Employees who work outdoors or within indoor environments with elevated temperatures have the following responsibilities.

- Participate in the work unit's heat stress training. Learn the signs and symptoms of heat stress, as well as risk factors.
- Take extra care when there is high risk. Be mindful that if someone is older or overweight and over exerts or has a chronic medical condition including diabetes, heart or lung disease, thyroid disease or high blood pressure, they are at risk. When taking medication, always check with the doctor to see if there is an increased risk because of the effects of the medications.
- Follow the preventative measures listed in the work unit HMP Job Safety Analysis.
- Take time to acclimate to heat and humidity.
- Stay hydrated by drinking small amounts of cool water frequently, to relieve thirst and maintain adequate urine output.
- Wear appropriate clothing. Choose lightweight, light-colored, loose-fitting clothing.
- Pace activities by starting slowly and pick up the pace gradually.
- Monitor for signs and symptoms of heat-related illness, described above.
- When working in the heat, monitor the condition of co-workers. Use the buddy system by asking co-workers to do the same for you.
- Promptly report to your supervisor any known or suspected unsafe conditions, or unsafe procedures.

Suggested Measures to Prevent Heat Stress is a companion document made available at training. For additional copies, contact your supervisor or the Human Resources Department.

## .18 COUNTY RESPONSE TO PANDEMIC EVENTS

**This policy applies to all County employees, including volunteers and the public at large.**

### 18.1 Purpose

This policy addresses strategies for screening and preventing the transmission of pandemic influenza, should employees become ill with a pandemic influenza strain. It is intended to be consistent with the guidance issued by the Center for Disease Control and Prevention and will be updated as CDC guidance changes. Therefore, employees are expected to comply with the current and future guidelines.

The rationale for the use of additional precautions for pandemic influenza as compared with human influenza include the following:

- The risk of serious disease and increased mortality from a highly pathogenic pandemic influenza may be significantly higher than from infection by seasonal influenza viruses.
- Each human infection represents an important opportunity for a pandemic influenza strain to further adapt to humans and gain the ability to transmit more easily among people.
- Reduced human-to-human transmission of pandemic influenza is essential to conserve community medical resources and assure access to hospital care for life threatening illness.

### 18.2 Definitions Applicable to Policy

**“Travel Advisory”** means notification by CDC that a disease is occurring in a particular area and a recommendation against non-essential travel to the area. The risk for the traveler is considered to be much higher because of community transmission or inadequate containment.

**“Travel Alert”** means notification by the CDC that an outbreak of a disease is occurring in a particular area. The risk for the individual traveler is felt to be definable and limited because transmission has occurred in defined settings or is associated with specific risk factors. There is no recommendation against non-essential travel to the area. The alert provides advice on precautions to safeguard travelers’ health.

**“Pandemic influenza affected areas”** means areas identified by either the CDC or WHO as having a high risk of transmission of pandemic influenza.

**“Quarantine”** means restriction of freedom of movement of apparently well individuals who have been exposed to infectious disease.

**“Isolation”** means separation of infected individuals (those who are sick) from those uninfected for the period of communicability of a particular disease.

**“Probable or Suspect Pandemic Influenza Case”** means a case that meets the clinical and epidemiologic criteria; laboratory criteria confirmed, negative or undetermined.

**“Health Officer”** means the Clallam County Health Officer.

### 18.3 Employees with Suspected or Probable Pandemic Influenza Restricted from Work

Suspected or probable Pandemic Influenza cases involving County employees will be restricted from work as soon as identified and will be asked to follow guidelines supplied by the Clallam County Health Department, Washington State Department of Health and the CDC.

### 18.4 Employees with Suspected or Probable Pandemic Influenza must be Medically Cleared upon Resolution of Symptoms and Before Return to Work

Suspected or probable Pandemic Influenza cases involving County employees must be medically cleared upon resolution of symptoms with and according to the guidelines from the Clallam County Health Department before returning to work. Under no circumstance will an employee be allowed to return to work without such medical release.

### 18.5 Employees arriving from a Travel Advisory Area must Contact County Health Officer

Any employee arriving from a Travel Advisory area must contact the Clallam County Health Officer for medical clearance **before** arrival at the County facilities. Appropriate screening for symptoms must take place prior to arrival on County premises for any purpose.

### 18.6 County Health Officer has Authority to Ensure Health and Safety of Community Related to Pandemic Influenza

The County Health Officer has authority to take appropriate action per Clallam County Health Department, Washington State Department of Health and Centers for Disease Control guidelines for screening, diagnosis and monitoring of County employees or visitors to ensure the health and safety of the community.

## 18.7 County Administrator Has Authority to Issue Executive Order in Response to Pandemic Events

The County Administrator or his designee will invoke the following steps to respond to pandemic event. These steps are listed in order of increasing severity, but steps do not have to be instituted in order. As each step is invoked, the associated box will be initialed by the County Administrator or his designee and an effective date recorded. The action shall remain in effect until repealed by a specifically written new executive administrative order.

It is the intent that employees will be given every opportunity to use all possible leave banks during this time so as not to reach the point of leave without pay. It remains within the discretion of the County Administrator to adjust leave policies to best respond to the needs caused by the pandemic at the time of the problem.

By order of the County Administrator and in response to a pandemic event, Clallam County employees are hereby directed as follows:

✓	Effective Date	Action
1		Heightened respiratory hygiene and hand washing/hand sanitizing precautions are in effect. All coughs and sneezes must be covered, hand sanitizer and hand washing is to be used throughout the day and before eating.
2		Employees who come to work with symptoms of fever and/or coughing and/or sneezing are requested to go home or are required to wear a mask while at work. If they go home, their sick leave/annual leave bank will be charged.
3		Employees and family members are encouraged to be vaccinated against influenza. The County will pay for employee vaccinations received at the County's request.
4		Employees who come to work with symptoms of fever and/or coughing and/or sneezing will be sent home. Their time will be charged to paid administrative leave for that day and sick leave for any subsequent days.
5		Employees who have sick family members will not be allowed on County premises. Their time will be charged to sick leave, vacation and compensatory time before leave without pay will be granted.
6		Emergency declared by Clallam County Health Officer.
7		Emergency declared by Clallam County Board of Commissioners.
8		Vaccination is mandatory. Proof of vaccination will be required before any employee may report to work. Employees who are not vaccinated will not be allowed to work and must use sick leave, vacation and compensatory time before leave without pay will be granted.
9		Employees will be screened upon reporting for work and in the event they display signs and symptoms of illness (based upon Health Department Guidelines) will be sent home. They will be charged to paid administrative leave on the first day and sick leave/vacation leave on any subsequent days.
10		All employees, except those who are crucial to basic County emergency services or emergency operations management, will be sent home and not allowed to return to work until directed by the County Administrator. Their time will be charged to paid administrative leave.