

Human Resources Policy Bulletin

Number: 2025-3

Date: November 2025

Reference:	Title:
Drug-Free Workplace Act of 1988 - 41 USC 701 Employee Assistance Program Supersedes: Personnel Policy Bulletin 2015-3	Workplace Drug and Substance Use Policy

I. PURPOSE

Lancaster County is committed to maintaining a productive, safe, and healthy work environment for all individuals and ensuring compliance with applicable federal and state drug-free workplace laws. This policy outlines the standards and expectations for substance use, drug testing, and procedures for addressing violations.

II. ELIGIBILITY

This policy applies to all County employees and volunteers.

III. DEFINITIONS

- A. Medical Cannabis:** Cannabis prescribed or recommended in writing by a licensed health care practitioner for a medical condition and used in compliance as outlined by Nebraska or federal law and in compliance with its intended purpose and physician instructions.
- B. Restricted Substance:** Any substance that may impair an individual's ability to perform job duties safely and effectively, including but not limited to illegal drugs, alcohol, and controlled substances, and over the counter or prescription medication, as well as medical cannabis, used in a manner inconsistent with its intended purpose or prescribed dosage or that may impair an individual's ability to perform job duties safely and effectively.
- C. Safety-Sensitive Position:** A position that involves responsibilities where impaired performance could result in significant risk to the safety of the individual, coworkers, volunteers, or the public. These positions include but are not limited to positions involving operation of vehicles, heavy machinery, law enforcement, firefighting, direct supervision of individuals in custody, direct supervision of minors or vulnerable adults, or positions regulated by federal safety standards, such as those governed by the Department of Transportation (DOT).

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IV. POLICY PROVISIONS

A. Prohibited Conduct:

1. The use, possession, sale, manufacture, or dispensation of restricted substances is strictly prohibited on County property, during work hours, while performing work related duties, or while operating County vehicles or equipment, regardless of location.
2. Employees are prohibited from reporting to work impaired by any restricted substance that may affect their ability to perform their job safely and effectively.
3. Employees are expected to follow all physician, manufacturer, or package insert directions when taking a prescription or over-the-counter drug.
4. Employees in safety-sensitive positions are held to a higher standard due to the nature of their responsibilities, which often involve direct interaction with the public, maintaining security, and operating County-owned equipment and vehicles. As such, employees in these positions are strictly prohibited from testing positive for THC (tetrahydrocannabinol, the principal psychoactive constituent of cannabis) at any level, regardless of whether it is for medical or recreational use or in accordance with state or federal laws.

B. Confidentiality:

1. All drug testing results, and related medical information will be kept confidential and stored securely, shared only with those with a legitimate business or legal need to know.

C. Drug Testing:

1. Testing will be conducted for:
 - a. Pre-employment screenings for safety-sensitive positions.
 - b. Random testing for CDL holders in compliance with federal regulations.
 - c. Reasonable suspicion testing for any restricted substance, when a supervisor has evidence that an employee may be impaired, including but not limited to odor, appearance, behavior, or speech.
 - d. Post-incident and follow-up testing.
2. Precautions shall be taken to ensure that the specimen is not adulterated, substituted, or diluted during the collection procedure and that the information on the sample collection container matches the information of the employee.
 - a. Submitting an adulterated or substituted sample may be considered a refusal to test.
 - b. A dilute sample may be considered a negative test or require a retest.
 - i. If a retest is required, the County may require another collection under observation.
 - c. A dilute sample may be considered a positive test if there is a sufficient amount of restricted substance(s) to yield a positive result. An employee who submits a dilute sample will be given one opportunity for a re-test that must be completed

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within a specified time frame. If the second sample is also reported as dilute, or if the employee does not re-test within the specified time frame shall be considered a refusal to test.

D. Medical Review Officer (MRO):

1. A Medical Review Officer (MRO) shall be the sole custodian of test results and will advise the County of whether the test results were negative or positive.
2. Employees with a valid prescription for a restricted substance or written recommendation for medical cannabis per Nebraska state law must disclose this information to the MRO. Failure to provide valid medical documentation is a violation of this policy.

E. Controlled Substance Violation:

1. Violations of this policy, including refusal to participate in testing, or a positive test, may result in disciplinary actions up to and including termination in accordance with County policies and applicable laws.
2. The County reserves the right to remove individuals in violation from duty immediately pending investigation.

F. Employee Assistance Program (EAP):

1. The County encourages employees to proactively seek help for substance abuse issues and offers an Employee Assistance Program (EAP) to provide counseling, resources, and referrals for those dealing with substance issues.
2. Employees may be referred to the EAP as a condition of continued employment following a violation of this policy.
3. Participation in the EAP is confidential and will not be disclosed to the County without the employee's consent, except as required by law.
4. The act of seeking treatment alone through an accredited substance abuse program is not subject to disciplinary action.

V. PROCEDURES

A. Acknowledgement:

Employees are required to acknowledge this policy in one of the following ways:

1. Review the policy and sign an acknowledgment of understanding.
 - a. Acknowledgments will be sent to Human Resources for retention.
2. Complete the online *Drug and Alcohol Use in the Workplace* training and sign the electronic policy acknowledgment, which will be automatically received by Human Resources.

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B. Reporting Requirements:

1. Employees must notify Human Resources and the Agency Head in writing of any criminal drug charge or conviction within seven (7) calendar days.
2. Supervisors who observe signs of impairment must notify or coordinate with Human Resources and follow established testing protocols.

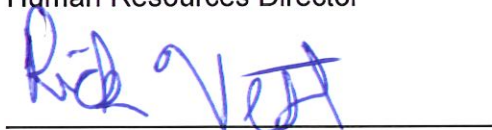
C. Accommodations:

1. The Human Resources Department will engage in an interactive process to determine reasonable accommodations, if appropriate, for employees using restricted substances in accordance with state and federal laws.
2. Accommodations will not include permission for an employee to be impaired while working or violate state or federal laws.

The County reserves the right to interpret, enforce, or modify this policy.


Barb McIntyre
Human Resources Director

11/18/2025
Date


Rick Vest, Chair
Board of County Commissioners

November 18, 2025
Date

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Workplace Drug and Substance Use Policy Acknowledgment

I acknowledge that I have read and understand the Workplace Drug and Substance Use Policy. I agree to comply with its terms as a condition of my employment.

I further acknowledge that I can view a copy of this policy one of the following web sites:
<https://lms.traliant.com/> or <https://www.lincoln.ne.gov/City/Departments/HR/Policies-and-Labor-Contracts>.

Employee name: _____

Signature: _____

Date: _____

Please forward completed forms to Human Resources Department