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POLICY AND PROCEDURE

SUBJECT/TITLE:	Drug-Free Workplace Policy
APPLICABILITY:	All Staff
CONTACT TITLE & DIVISION:	Director of Nursing, Nursing
ORIGINAL DATE ADOPTED:	09/30/2025
LATEST EFFECTIVE DATE:	09/30/2025
REVIEW FREQUENCY:	Every 5 years
BOARD APPROVAL DATE:	Resolution 2025-16, 09/30/2025
REFERENCE NUMBER:	800-061-P

A. PURPOSE

The goal of this policy is to maintain a safe, healthy, and productive work environment free from the effects of substance abuse and to make a good faith effort to maintain a drug-free workplace by complying with the requirements of the Federal Drug Workplace Act of 1988. Canton City Public Health (CCPH) prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances in the workplace.

B. POLICY

PROHIBITIONS

1. Possession, use, manufacture, distribution, or sale of illegal drugs or drug paraphernalia on company premises or worksites, in company vehicles, or while on company business.
2. Being under the influence or use of illegal drugs or alcohol on company premises or worksites, in company vehicles, or while on company business.
3. Abuse or misuse of legal drugs on company premises or worksites, in company vehicles, or while on company business.

While the legality of certain substances may differ between federal and state law (e.g., marijuana), CCPH maintains a drug-free workplace for all employees, volunteers, and interns. Federal law supersedes state law, and some Canton City Public Health divisions and programs receive federal grant funding making them beholden to federal law.

Regardless of funding source, all CCPH staff are required to comply with CCPH's drug-free policy.

COVERED EMPLOYEES

All Canton City Public Health employees under the Board of Health's hiring authority are covered by this policy. Where a state or federal law sets forth drug and/or alcohol testing requirements, such state or federal law applies as well as the terms of this policy. If this policy conflicts with any state or federal law or updated federal regulations, such regulations shall have control over this policy.

Canton City Public Health reserves the right to conduct drug and alcohol testing under the following circumstances and where drug/alcohol use could reasonably be a contributing factor:

1. Pre-Employment testing
2. Reasonable suspicion screening
3. Random drug testing



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4. Post-accident screening
5. Return to Duty testing
6. Testing after a positive result
7. Testing after a workplace injury

C. BACKGROUND

The Board of Health established Canton City Public Health as a drug-free workplace in accordance with the Drug-Free Workplace Act of 1988 in Canton City Health Code 207.32. In June 2016, Ohio legalized the medical use of marijuana. In November 2023, Ohioans voted to legalize the recreational use of marijuana for adults aged 21 years or older, becoming the 24th state to do so. However, employers maintain the right to prohibit marijuana use and enforce drug-free workplace policies, including zero-tolerance policies. Employers can refuse to hire, discipline, or terminate employees violating such policies, even if the employee has a legal right to use marijuana recreationally.

The most recent study from *Neuroscience & Behavioral Reviews* suggests that marijuana impairment can last 3 to 10 hours, potentially up to 12 hours or longer for orally ingested marijuana (in food or drink). However, THC (the chemical indicator for marijuana screening) can be detected in the body much longer depending on the testing method used:

- Urine testing can detect THC for up to 30 days after use, potentially longer for heavy users.
- Blood testing can detect THC for up to 24 hours after use for moderate users and up to 7 days for heavy users.
- Oral fluid (saliva) testing can detect THC for up to 12 hours after use for low to moderate users and up to 72 hours for heavy users.
- Breath testing can detect THC for up to 3 hours after use.

It is not the intent of Canton City Public Health to deny hire or initiate disciplinary action due to the use of a legal drug outside of working hours. However, like alcohol use, it is CCPH's strict policy that all staff are unimpaired during working hours, including on evenings and weekends worked by staff with non-traditional hours.

D. GLOSSARY OF TERMS

Abuse: The intentional use of a legal or illegal substance in a manner that is unsafe, inconsistent with medical guidelines, or not prescribed, resulting in impairment, health risks, or reduced ability to perform work duties. This includes the misuse of prescription drugs, overuse of alcohol, over-the-counter medication or other legal drugs, and the use of illicit drugs for non-medical purposes.

Active Work Status: The conditions under which an employee is in a work status and is eligible to receive pay. Active Work Status includes stand-by status or any other circumstance where the employee is notified by CCPH to be available during off-duty hours for a possible call to report to work and the employee receives compensation for all such hours. Active Work Status does not include vacation pay, sick leave, bereavement leave, compensatory time, holidays, personal leave, and disability leave.

Alcohol: Any beverage containing an intoxicating agent.



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Fit for duty: A state in which an employee is physically, mentally, and emotionally capable of safely and effectively performing their assigned job duties, without impairment due to illness, injury, fatigue, or the influence of drugs, alcohol, or other substances.

Illegal drug: Any substance that is illegal to possess, or a legal drug obtained and used illegally. Whether a substance is illegal or legal only for some purposes can differ between state and federal law (e.g., marijuana).

Legal drug: A prescribed or over-the-counter drug legally obtained and used for its intended purpose.

Medical cannabis (aka Marijuana): Cannabis or cannabis-derived products that are legally recommended by a licensed healthcare provider for the treatment of qualifying medical conditions, and used in accordance with applicable state laws and regulations (as defined by ORC 3796.01). This includes the use of cannabis for symptom management, pain relief, or other therapeutic purposes under medical supervision. It is used interchangeably with Medical Marijuana.

Medical Review Officer: A licensed physician or other professional delineated in federal regulations with knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate all positive Test results with a person's medical history and other relevant biomedical information.

Non-Medical cannabis: Cannabis products used without a medical prescription or physician authorization, primarily for personal enjoyment, relaxation, or other non-therapeutic purposes. This includes cannabis consumed through smoking, vaping, edibles, tinctures, or other forms by individuals aged 21 or older, in accordance with applicable state laws.

Reasonable suspicion: a belief based upon credible evidence based on personal observation of specific objective instances of employee conduct that the employee is exhibiting aberrant or unusual on-duty behavior which is the type of behavior recognized and accepted as a symptom of intoxication or impairment caused by controlled substances or alcohol and is not reasonably explained by other causes.

Restricted substance: Any drug, chemical, or other substance whose use, possession, distribution, or administration is limited or prohibited under applicable workplace policies, federal or state law, or regulatory guidelines. This includes but is not limited to controlled substances, unauthorized prescription medications, non-medical cannabis, and any substances that may impair an employee's ability to safely perform their duties.

E. PROCEDURES & STANDARD OPERATING GUIDELINES

Canton City Public Health is a drug-free workplace. To provide and maintain a drug-free workplace, Canton City Public Health employees must follow the standards established by this policy. Additionally, Canton City Public Health will not hire anyone who is known to currently abuse a restricted substance. However, this policy shall not preclude Canton City Public Health from hiring persons who are in recovery.

A. Fit for Duty Requirement

1. Canton City Public Health employees are required to be fit for duty at the time they report to work and any time they are in Active Work Status or otherwise in the workplace.
2. Any employee in Active Work Status or otherwise in the workplace with a prohibited level of a restricted substance present in their bodily fluids will be considered in violation of this policy, unless such presence is otherwise exempt from this policy.



3. Note on enforcement: an employee who is suspected of abusing a restricted substance in violation of this policy shall be subject to the testing procedures administered by Canton City Public Health Drug-Free Workplace Program and/or discipline, as provided in this policy.
- B. **Prohibitions on unlawful activities:** While in Active Work Status or otherwise in the workplace, Canton City Public Health employees shall not unlawfully manufacture, distribute, dispense, possess, purchase, transfer, or use a restricted substance.
- C. **Limitations on additional activities:** Regardless of whether the conduct is otherwise lawful, Canton City Public Health employees who are in Active Work Status or otherwise in the workplace are also subject to the following limitations:
 - a. ***Alcohol:*** Canton City Public Health employees who are in Active Work Status or otherwise in the workplace shall not manufacture, distribute, dispense, possess, purchase, transfer, or use alcohol.
 - b. ***Non-medical cannabis:*** Canton City Public Health employees who are in Active Work Status or otherwise in the workplace shall not manufacture, distribute, dispense, possess, purchase, transfer, or use non-medical cannabis.
 - c. ***Medical marijuana:*** Canton City Public Health employees who are in Active Work Status or otherwise in the workplace shall not manufacture, distribute, dispense, possess, purchase, transfer, or use medical marijuana.
 - i. Application to employees outside of Active Work Status and outside of the workplace: This policy is not intended to prohibit medical marijuana use by Canton City Public Health employees (or applicants) who are NOT in Active Work Status and who are outside of the workplace at the time of use, provided that:
 1. Such use is in accordance with applicable Ohio law, this policy, and any other applicable policy, procedure, work rule, or directive (collectively “standards”);
 2. The employee’s position is not subject to the Federal Department of Transportation (DOT) testing.
 3. The employee’s position does not require an individual holding that position to transport, carry or otherwise possess a firearm or ammunition: and,
 4. When the employee returns to Active Work Status or is otherwise in the workplace, the employee is fit for duty.
 - d. ***Prescription Medication:*** Canton City Public Health employees who are in Active Work Status or otherwise in the workplace shall not abuse a prescription medication.

TESTING

Canton City Public Health reserves the right to conduct drug and alcohol testing under the following circumstances:

1. Pre-Employment Testing

Candidates being considered for employment with Canton City Public Health may be subject to pre-employment drug testing. Such testing will take place after a conditional offer of employment has been extended and subject to Civil Service rules and related sections of the Ohio Revised Code.

2. Reasonable Suspicion Screening

Canton City Public Health reserves the right to administer a drug or alcohol test when they have reasonable suspicion of an employee using or being under the influence of drugs or alcohol during work hours or while conducting business. The circumstances under which reasonable suspicion substance screening may be administered include, but are not limited to, the following:

- a. An employee is observed using, possessing, selling, transferring, or trading illegal drugs or alcohol, or illegally using, transferring, or selling prescription drugs.
- b. An employee appears to be impaired or under the influence of drugs or alcohol.
- c. An employee has marked changes in behavior not attributable to other factors.
- d. An employee causes or contributes to an accident (not limited to motor vehicle accidents) while on duty, whether such an accident results in injury to the employee or others, and drug or alcohol use is suspected.
- e. An employee violates criminal drug law statutes involving the use of illegal drugs, alcohol, or prescription drugs. Employees shall notify their supervisor within five days of any charges or convictions under federal or state drug laws.

According to the Substance Abuse and Mental Health Services Administration, employers need to be extremely careful not to single out employees for testing simply because they look or act as though they are under the influence of drugs or alcohol. Many of the physical symptoms that are commonly associated with intoxication, slurred speech, disorientation, or a lack of coordination, can also be the result of a serious physical disability or medical condition, such as diabetes, low blood sugar, or mental illness. Individuals with these conditions are protected under the provisions of the Americans with Disabilities Act (ADA). Singling them out for testing or disciplinary action could result in charges of discrimination.

To avoid intentional or unintentional discrimination, the supervisor or management employee should document the grounds for any reasonable suspicion testing as soon as possible, on the incident report form from the Safety Policy (800-026-P). All supervisors will be trained in the recognition of drug and alcohol-related signs and symptoms. Whenever practicable, a second supervisor or member of management staff will be consulted to observe the employee's condition before any request for reasonable suspicion testing. A supervisor or management employee of Canton City Public Health shall transport or accompany the employee to the collection site. The Health Commissioner shall be notified of any incident which results in a request for reasonable suspicion testing.

3. Random Drug Testing

All employees may be selected for random drug screens at any time. The City of Canton Director of Human Resources will assist in the coordination of random drug screening.

4. Post-Vehicle Accident Screening

Post-vehicle accident drug and alcohol testing may be conducted whenever an accident occurs involving a city-owned vehicle, or a vehicle being used in conducting Canton City Public Health business and which involves any of the following:

- a. A fatality of anyone involved in the accident.
- b. Bodily injury to the employee or another person that requires off-sight medical attention at a hospital or similar facility.
- c. An employee of Canton City Public Health is issued a moving traffic violation arising from the accident or is at fault in the accident.

Immediately following any accident, the driver/employee shall notify their supervisor of the accident and, if applicable, shall be tested as soon as possible. Where practical, the driver shall be driven to testing by another employee. If the employee is injured and unable to verbalize consent to testing, the employee grants Canton City Public Health and its employees the right to request that attending medical personnel obtain appropriate specimens for the drug and/or alcohol testing.

5. Return to Duty Testing

Any employee in a safety sensitive position or one who drives for Canton City Public Health as a regular part of their duties may be subject to a return to duty physical exam which may include a drug and alcohol screen, if said employee is off for a personal injury or illness more than 30 consecutive calendar days. Such testing shall be conducted before the employee returns to work and may be coordinated by Human Resources.

6. Testing After a Positive Result

Any employee who has tested positive because of a random, reasonable suspicion, post-accident, or return to work screening and is not terminated from employment, will not be permitted to return to work until they have been evaluated by a substance abuse professional, cleared to continue the return-to-work process, maintain compliance with professional recommendations, and are able to produce a negative test result. Said employee shall be required to participate in follow up, unannounced testing for at the discretion of Canton City Public Health upon their return to work and for up to one year from the last positive result.

7. Testing after a Workplace Injury

Employees will be tested for drugs or alcohol following a workplace injury as required by the Bureau of Workers Compensation guidelines.

TESTING PROCEDURE

All testing shall be conducted by an outside contractor, identified by Canton City Human Resources, who shall be responsible for compliance with procedures and requirements of testing as set forth in state and federal law.

An employee who refuses to participate in testing shall be in violation of this policy and subject to discipline up to and including discharge. A failure to execute required forms as part of the testing process is considered a refusal. Similarly, an employee who attempts to adulterate a specimen or otherwise manipulate or impede the testing process shall be subject to discipline up to and including discharge.

DISCIPLINE

Violation of this policy will result in disciplinary action, up to and including termination of employment, as per CCPH Employee Discipline Policy (800-006-P). Employees who test positive may be offered the opportunity to seek a professional assessment by a substance abuse professional and return to work upon compliance with return-to-work recommendations, at Canton City Public Health's discretion. Prospective employees who test positive pursuant to this policy will not be hired, subject to the rules of the Civil Service Commission and applicable law.

EMPLOYEE ASSISTANCE PROGRAM

Canton City Public Health maintains an Employee Assistance Program (EAP) to provide confidential counseling and referral services to employees struggling with drug or alcohol abuse. Employees are encouraged to voluntarily seek assistance before their substance use problems lead to violations of this policy. Voluntarily contacting the EAP, or enrollment in a substance abuse program, before a complaint or testing under this policy, will not adversely affect employment. However, conduct related to substance abuse issues, such as poor work performance, attendance issues, and/or behavioral problems may result in disciplinary action up to and including termination of employment.

FAMILY AND MEDICAL LEAVE ACT (FMLA)

FMLA is outlined in the Canton City Health Code Section 207.11. Eligible employees may use their FMLA leave to deal with substance use disorders and related problems, including:

1. Treatment of drug or alcohol addiction
2. Treatment of another physical illness or incapacity related to substance use (such as kidney failure)
3. Caring for a close family member who is undergoing treatment for these conditions

Using FMLA in these ways is protected and will not adversely affect employment. However, conduct related to substance abuse issues, such as poor work performance, attendance issues, and/or behavioral problems may result in disciplinary action up to and including termination of employment.

DISSEMINATION AND EDUCATION

This policy will be disseminated to all Canton City Public Health employees and job applicants. Canton City Public Health will provide training and education to ensure employees understand the dangers of substance abuse, this policy, available assistance, and consequences of violations.

By maintaining a drug-free workplace environment, Canton City Public Health aims to promote a safe, healthy, and productive work environment for all employees.

EMPLOYEE RESPONSIBILITIES UNDER THE DRUG-FREE WORKPLACE ACT

All employees are required to comply with the provisions of this Drug-Free Workplace Policy as a condition of employment. This includes:

- Refraining from the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the workplace or while conducting organizational business, regardless of location.
- Reporting any criminal drug statute conviction occurring in the workplace or while performing duties under a federal grant to their immediate supervisor or the Director of Nursing within five (5) calendar days of the conviction.
- Understanding that violation of this policy may result in disciplinary action, up to and including termination of employment, and may affect eligibility to work on federally funded projects.
- Participating in drug-free awareness training as directed by the organization to reinforce understanding of the health and legal consequences of substance abuse in the workplace.

FEDERAL REPORTING REQUIREMENTS

In compliance with the Drug-Free Workplace Act of 1988, any employee engaged in the performance of work under a federal grant is required to notify their supervisor or the Health Commissioner (or appropriate official) no later than five (5) calendar days after any criminal drug statute conviction occurring in the workplace. The organization is, in turn, required to notify the applicable federal granting agency within ten (10) calendar days of receiving notice of such a conviction. Continued employment of any individual convicted of a drug-related offense while working on a federal grant may be subject to disciplinary action, up to and including termination, and must comply with any corrective measures as required by federal regulations.

F. CITATIONS & REFERENCES

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FINAL

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Employee Discipline Policy 800-006

CCPH Safety Policy 800-026

G. CONTRIBUTORS

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H. APPENDICIES & ATTACHMENTS

N/A

I. REFERENCE FORMS

Include a list of forms needed for this policy/procedure. If none, list as N/A.

J. REVISION & REVIEW HISTORY

Revision Date	Review Date	Author	Notes

K. APPROVAL

This document has been approved in accordance with the “800-001-P Policy Development” procedure as of the effective date listed above.