

**Purpose and Goal**

Duplin County is committed to protecting the safety, health and well being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

This policy recognizes that employee involvement with alcohol and other drugs can be very disruptive, adversely affect the quality of work and performance of employees, pose serious health risks to users and others, and have a negative impact on productivity and morale.

As a condition of employment, Duplin County requires that employees adhere to a strict policy regarding the use and possession of drugs and alcohol. Duplin County encourages employees to voluntarily seek help with drug and alcohol problems.

A violation of this policy shall be considered unacceptable personal conduct and shall be grounds for disciplinary action, including but not limited to termination of employment.

**Covered Workers**

Any individual who conducts business for Duplin County, is applying for a position or is conducting business on Duplin County's property is covered by this drug-free workplace policy. Our policy includes, but is not limited to full-time employees, part-time employees, contract employees and applicants for employment.

**Applicability**

Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for Duplin County. Therefore, this policy applies during all working hours, whenever conducting business or representing Duplin County, while on call, paid standby, while on Duplin County property and at company-sponsored events.

**Prohibited Behavior**

The following is prohibited on County owned or County leased property at any time:

- (a) Unlawful manufacture, sale, delivery or possession with intent to manufacture, sell or deliver, a controlled substance as defined by N.C. Gen. Stat. §90-87;
- (b) Unlawful manufacture, possession, sale, distribution or delivery of drug paraphernalia; or

- (c) Use of alcoholic beverages (except at authorized events at the Duplin Commons Events Center).

### **Notification of Conviction(s)**

Any employee who is convicted of a criminal drug violation in the workplace or while on duty must notify his/her department head and the Duplin County Manager in writing within five (5) calendar days of the conviction. Duplin County will take appropriate action within 30 days of notification. Federal contracting agencies will be notified when appropriate. Failure to comply with this requirement will result in termination of employment.

Duplin County reserves the right to report any violations of criminal drug statutes occurring in the workplace to appropriate law enforcement.

### **Drug & Alcohol Testing**

To ensure the accuracy and fairness of our testing program, all testing will be conducted according to DHHS/SAMHSA guidelines where applicable and will include: a screening test, a confirmation test, the opportunity for a split sample, and review by a Medical Review Officer. If an employee requests the second sample of the split sample be tested then the employee shall be responsible for paying for that split sample test. Each employee who tests positive to a drug test will be allowed to provide a legitimate medical explanation, such as a physician's prescription, within five (5) calendar days of notice of the positive test results. The employee will also be provided a documented chain of custody upon request.

All drug-testing information will be maintained in separate confidential records. As a condition of employment, any individual seeking employment with Duplin County will be required to participate in pre-employment drug testing. All County employees including contract employees must submit to drug testing and alcohol testing throughout their employment upon:

- (a) Random selection
- (b) Request by management
- (c) Post-accident
- (d) When there is reasonable suspicion of drug use
- (e) Upon return-to-duty; OR
- (f) Follow-up testing upon selection or request of management

The substances that will be tested include but are not limited to: amphetamines (methamphetamines), cannabinoids (marijuana), cocaine, opiates, phencyclidine (PCP), and alcohol.

Testing for the presence of alcohol will be conducted by breathalyzer or other appropriate method. An employee that tests under a breathalyzer between 0.02 through 0.0399 may be placed out of work by the County Manager. An employee

that tests 0.04 or higher shall be automatically placed out of work and the provisions of this policy shall be instituted.

Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine.

Any employee who tests positive will be immediately removed from duty and referred to a substance abuse professional for assessment and recommendations. Employees are required to: successfully complete recommended rehabilitation including continuing care, pass a Return-to-Duty test, and sign a Return-to-Work Agreement. An employee will be terminated immediately if he/she tests positive a second time or violates the Return-to-Work Agreement.

An employee who refuses a drug screening, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses in any way to cooperate in the testing process in such a way that prevents completion of the test will be terminated immediately.

### **Random Selection**

Random selection and testing of at least 25% of all employees will be conducted annually.

### **Request by Management**

When a Department Head or Supervisor has reasonable cause to believe that an employee is in violation of Duplin County's Alcohol and Drug-Free Workplace Policy, they must take the following actions:

- (a) Report concerns to the County Manager or his designee for his review;
- (b) Remove or prevent the employee from operating equipment or performing any other job duties that may put employee or other individual(s) in risk of harm; and
- (c) Document all pertinent information, including a list of possible witnesses.

If it is determined by the County Manager or his designee that a drug test should be administered, then the Department Head or Supervisor shall meet with the employee and a witness to inform the employee of the County's concerns in regard to the employee. The employee shall be advised of:

- (a) the basis for the request for testing;
- (b) the method of testing to be used;
- (c) the substances to be tested for;
- (d) the consequences of failing to take the test;
- (e) the confidentiality of the individual test results; and
- (f) of the possible consequences of having a positive drug test.

### **Post Accident**

Post accident testing will be conducted in the following situations:

**Non – Vehicular**

A post-accident drug test is required for any on-the-job accident requiring medical evaluation.

**Vehicular**

A post-accident drug screen is required for all vehicular accidents except accidents involving animal strikes. Employees involved in an animal related vehicle accident are subject to a post-accident drug screen IF required by management due to reasonable cause or suspicion. Employees are required to submit to a post-accident drug screen on the date of the accident unless there is a medical emergency preventing drug screening. An employee's failure to submit to a post-accident drug screen as outlined in this policy is considered an act of unacceptable personal conduct and is grounds for disciplinary actions up to and including immediate dismissal.

**Reasonable Cause**

Reasonable cause or suspicion means an expressible belief based on specific facts or circumstances that an employee is under the influence of alcohol or drugs while on duty or at work. It can include reasonable and rational inferences drawn from those facts or circumstances.

**Test Results**

Upon receipt of the drug test results, in the event that drug tests are negative the employee shall be allowed to return to work and all documentation related to the incident shall be removed from the employee's personnel file. In the event that the drug tests are positive, the Department Head shall inform the employee in writing within five (5) days of receiving the results. The Department Head shall also inform the employee what proposed action will be taken in compliance with the County Personnel Policy.

**Applicant Drug Testing**

Any applicant for an employment position agrees to submit to a pre-hire drug screening. Any offer for employment with the County is conditional upon passing a drug screening. Applicants will be disqualified from further consideration if they refuse to submit to a required drug test or have a confirmed positive drug test in violation of this policy.

**Violations of Policy**

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

In the case of applicants for employment, if the applicant violates the drug-free workplace policy, the offer of employment can be withdrawn. The applicant may reapply for employment within the County agencies only after one (1) year and must successfully pass a pre-employment drug test.

If an employee violates the policy, the employee will be subject to progressive disciplinary action and may be required to enter rehabilitation. An employee required to enter rehabilitation that fails to successfully complete it and/or violates this policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

### **Return-to-Work Agreements**

Following a violation of the drug-free workplace policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

### **Assistance**

Duplin County recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

- (a) Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem;
- (b) Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help;
- (c) Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. **However, the ultimate financial responsibility for recommended treatment belongs to the employee.**

### **Confidentiality**

All drug test results obtained pursuant to this policy are confidential communications. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies. However, Duplin County reserves the right to report any violations of criminal drug statutes occurring in the workplace to appropriate law enforcement.

### **Shared Responsibility**

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

Employees shall not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- (a) Be concerned about working in a safe environment.
- (b) Support fellow workers in seeking help.
- (c) Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- (a) Inform employees of the drug-free workplace policy.
- (b) Observe employee performance.
- (c) Investigate reports of dangerous practices.
- (d) Document negative changes and problems in performance.
- (e) Counsel employees as to expected performance improvement.
- (f) Clearly state consequences of policy violations.

### **Education**

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

- (a) All employees will receive a written copy of the policy and will sign a statement acknowledging they have been informed about the drug free workplace program.
- (b) The policy will be reviewed in orientation sessions with new employees.
- (c) The policy and assistance programs will be reviewed at Safety Committee meetings.
- (d) Employee education about the dangers of alcohol and drug use and the availability of help will be provided to all employees.
- (e) Every supervisor will receive training to help him/her recognize and manage employees with alcohol and other drug problems.

## Drug Free Workplace Policy Employee Notification

In order to control risks and provide a safe work environment for employees and the public, the county commissioners adopted a new Alcohol and Drug free Workplace Policy. The policy becomes effective January 1, 2008 and applies to all employees and applicants. The policy establishes pre-hire, random, after accident, and upon reasonable suspicion testing. The policy is available for review in the personnel and managers office.

Questions: It appears that our new policy would replace Article I Sec. 8 of the personnel policy, but I don't know how significant that would be. Should the notice to employees say so?