



DRUG AND ALCOHOL POLICY

Policy Overview:

Carteret County Government has a responsibility to all employees to provide a workplace that is free of controlled substances and alcohol as well as a responsibility to the public to ensure that its safety and trust in Carteret County Government is upheld. Therefore, Carteret County Government has adopted a policy that prohibits the following behaviors by employees:

- The use or possession of alcohol or any controlled substance, including the abuse of medications, while on work time or work premises, or in County vehicles;
- The sale, distribution or provision of alcohol or any controlled substance while on work time or work premises, or in County vehicles;
- Reporting to work or working while intoxicated or otherwise impaired.

This is a zero tolerance policy due the magnitude of potential adverse consequences of controlled substances abuse and alcohol misuse, which can range from personal injury to equipment damage to death of co-workers or the public. Any violations of this policy will subject the employee to disciplinary action, up to and including dismissal.

Purpose

The purpose of the drug and alcohol policy is to:

1. Identify all requirements and actions necessary to eliminate controlled substance abuse and alcohol misuse in Carteret County Government.
2. Ensure full compliance with federal requirement for establishing a drug-free workplace.
3. Identify when, and under what conditions, County employees are subject to drug and alcohol testing.

Scope/Coverage:

All Employees

All (full-time and part-time; trainees; and probationary) of Carteret County Government are subject to the following types of tests:

- Reasonable suspicion
- Post-accident
- Pre-employment
- Return to duty
- Follow-up

Random Testing (Safety Sensitive Positions)

Unannounced random testing will be completed on a certain percentage of employees whose positions have been deemed safety sensitive. (See Attachment A) Employees in safety sensitive positions have a special responsibility to maintain physical and mental fitness for duty at all times while on the job. The simple random sample method is used and all names of the employees holding safety sensitive positions are entered into a pool for random selection. Employees whose names are randomly selected from the pool must be tested just before, during or just after performing job responsibilities. Carteret County Government coordinates with TESI to perform the random drug test and the Director of Human Resources coordinates the random tests and reviews the results.

Reasonable Suspicion Testing (All Employees)

Reasonable suspicion testing is performed when supervisors, department heads, or County officials have reasonable suspicion to believe that an employee's behavior or appearance may indicate he/she may be under the influence of or has recently used alcohol or controlled substances. The determination to test for reasonable suspicion must be based on the following:

- First-hand observations seen or heard by supervisors or department heads;
- Specific, clearly stated observations concerning the appearance, behavior, speech or body odor of the employee;
- Observations made just before, during or just after the performance of job duties.

Supervisors, department heads, or County officials have the right and responsibility to require an employee to submit to controlled substances or alcohol testing when reasonable suspicion is present.

Reasonable suspicion alcohol testing should be done within 2 hours of the observed behavior or appearance. If a test cannot be done within 8 hours, it should not be done. A reasonable suspicion controlled substance test should be done no later than 32 hours from the observed behavior or appearance. If a reasonable suspicion test cannot be conducted within the specified time frame, the reasons for the failure to test should be documented by the supervisor and given to the Director of Human Resources. Further observation is required.

An employee who is asked to submit to reasonable suspicion testing will be driven to the testing site and will be placed on a non-disciplinary suspension pending the test results. An employee who refuses to submit to reasonable suspicion testing or avoids meeting the time requirement identified will be subject to dismissal.

Post Accident Testing (All Employees)

Post-accident testing is conducted following any accident involving an employee if any one of the following conditions is met:

- A vehicle involved incurs damage as a result of the occurrence;
- An individual suffers bodily injury and receives medical treatment away from the scene;
- When the driver is issued a citation by law enforcement officers or is at fault;

- A workers compensation report must be filed.

Post-accident alcohol testing should be done within 2 hours of the accident. If the test cannot be performed within 8 hours, it should not be done. Post-accident controlled substances testing must be performed within 32 hours of the accident, or it should not be done. If the tests cannot be performed in the specified time frame, the reasons for the failure to test should be documented by the supervisor and given to the Director of Human Resources.

As soon as practical after an accident, the employee will be driven to the specimen collection location. Transportation will be provided. An employee who is required to submit to post-accident controlled substances or alcohol testing will be placed on administrative leave with pay pending test results.

An employee who refuses to be tested or avoids meeting the specified time limits will be subject to dismissal. If unable to meet specified timelines due to circumstances beyond the employee's control, such circumstances must be documented and validated to the Director of Human Resources and the County Manager.

Pre-employment Testing

After an offer of permanent employment has been made to the final candidate, the Director of Human Resources directs the applicant to the drug testing collection site and receives notification of the test result. Applicants are not eligible to begin work until the Human Resources Officer receives the negative test result. If someone is already employed by the County, he/she is required to submit to a pre-employment test only if he/she is moving into a safety sensitive position from a position that is not safety sensitive.

Return-to-Duty and Follow-Up Testing

Return-to-duty and follow-up testing are required for any employee who has violated this policy and is returning to work on the recommendation of the substance abuse professional. Return-to-duty testing must be conducted prior to the employee returning to work. Follow-up testing is required for any employee who has violated this policy and has successfully completed a return-to-duty test. Employees who fall into either one of these situations will be subject to at least 7 unannounced follow-up tests within the first year back on the job. Follow-up testing can be performed for up to 5 years after return to work. Any employee who tests positive on a return to duty or follow-up test shall be dismissed.

Controlled Substances Testing Information

Alcohol Tests

A breath alcohol level of 0.04 or higher on a Breathalyzer administered by a certified Breath Alcohol Technician is considered a positive alcohol test. A positive test result while on work time or work premises, or in County vehicles, will result in disciplinary action up to and including dismissal.

A breath alcohol level of 0.02 or greater requires a confirmation test. Confirmation tests are completed no sooner than 15 minutes after the initial screening test, but no later than 20 minutes of that test. If the screening and confirmation tests are not the same, the confirmation test is

deemed to be the final result. If the BAT reading is between 0.02 and 0.039 the employee must be removed from the work place for a 24-hour period (8 hours of work time).

GENERAL PROCEDURES FOR ALL EMPLOYEES

Testing may include, but is not limited to, urinalysis, breath-analysis or blood sampling.

Drug and Alcohol Tests

Drug tests are performed for the following types of drugs:

- Alcohol (ethyl)
- Marijuana
- Cocaine
- Opiates
- Phencyclidine (PCP)
- Amphetamines

All drug tests require an employee to provide a urine specimen, breath-analysis or blood sampling at an approved medical facility. The collection, analysis and reporting processes are strictly controlled to ensure accuracy of test results and maximum confidentiality. The test results will be provided to the Director of Human Resources and test results revealed to only those persons authorized as having an established need for the information. A confirmed positive test result will subject the employee to disciplinary action, up to and including dismissal. The employee cannot return to job duties until he/she has been evaluated by a substance abuse professional, completed the treatment recommendations, and produced a negative return to duty test.

Refusal to Test

An employee's refusal to consent to testing as authorized under this policy may result in immediate termination.

Impairment or other behavior off the job

Any employee whose job duties require operation of a motorized vehicle, hazardous machinery or use of hazardous materials who is CHARGED with a controlled substances or alcohol related offense (including DWI) must notify the appropriate supervisor or department head within one work day of arrest, arraignment or indictment. Any employee who is required to have a driver's license for the performance of their job duties will be placed on disciplinary suspension without pay status until his/her license is returned after the automatic ten-day revocation. An employee's failure to notify his/her supervisor or department head may result in disciplinary action, up to and including dismissal. Under no circumstances will an employee operate a County vehicle or equipment without a valid operator's license.

Any employee CONVICTED of a controlled substances or alcohol related offense must notify the appropriate supervisor or department head within one workday of conviction. Failure to notify management may result in disciplinary action, up to and including dismissal. If an employee's job functions require an operator's license and the employee's operator's license is revoked, the employee shall be subject to disciplinary action, up to and including dismissal.

Failure to notify the supervisor or department head of any revocation shall result in disciplinary action, up to and including dismissal.

Any employee convicted of an off the job controlled substances or alcohol related offense which could directly, or indirectly, affect his/her credibility or ability to carry out effectively the duties and responsibilities of his/her position with Carteret County Government, shall be subject to review by the County Manager and possible disciplinary action, up to and including dismissal.

Voluntary Referrals for Assistance

An Employee who has a drug or alcohol problem is encouraged to seek assistance from the County's Employee Assistance Program (EAP). EAP visits are provided as a County benefit and are confidential. Any employee who seeks voluntary assistance and requires leave time to participate in a treatment program will be granted sick leave, leave without pay or Family Medical Leave.

Mandatory Referrals for Assistance

An employee who has tested positive for drugs or alcohol and is not dismissed may be required as a condition of continued employment to undergo a drug and alcohol assessment and participate in a treatment program as recommended by the assessing agency.

Carteret County Government respects the right of any employee to refuse assistance for a drug or alcohol problem. However, the County maintains the right and responsibility for taking disciplinary action regarding inadequate job performance and for protecting the public's safety.

Ratified by the Carteret County Board of Commissioners, this 14th day of January 2008.

Attest:

Jeanette Deese

Clerk to the Board of Commissioners

Rescinds Previous Drug and Alcohol Policy

Approved by Board of Commissioners June 20, 1994.

(Attachment A)

Safety Sensitive Positions

The following positions are considered safety sensitive and thus subject to random drug testing. Any County position is subject to reasonable suspicion testing. Other positions may be added to this list of safety sensitive positions at any time due to the nature of job assignments, or deleted because the assignments of a particular position within a job title do not fit the safety sensitive criteria.

Under County Policy, positions defined as safety-sensitive are:

1. Positions requiring the operation of vehicles, machinery, or equipment as a primary task;
2. Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at the risk of serious injury, or the nature of which would create a security risk in the workplace;
3. Positions requiring the potential use of weapons;
4. Positions where the incumbent's mental fitness is required to prevent immediate injury to the public or to fellow employees, or to himself/herself;
5. Positions working with youth/children and/or required to drive clients.

Safety-Sensitive Positions:

Animal Control Officer II
Assistant Fire Marshal
Athletic Supervisor
Bailiff
Chief Deputy
Child Counselor Advocate
Dentist
Dental Assistant
Detention Officer
Deputy Sheriff
District Coordinator
Environmental Health Specialist
Equipment Mechanic II
Gym Supervisor
Heavy Equipment Operator

Laboratory Technologist
Laborer
Lead Water Treatment Plant Operator
Lead Water Treatment Plant Supervisor
Maintenance Technician
Medical Laboratory Assistant
Paramedic
Physician Extender II
Practical Health Nurse II
Public Health Nurse II
Recreation Program Supervisor
Social Worker II (Health Dept)
Social Worker IA&T
Social Worker III
Utilities Technician

Guidelines for Determining “Reasonable Suspicion”

“Reasonable suspicion” is defined as the belief, based on the totality of the circumstances, that an employee or applicant is using or has used drugs or alcohol in violation of the County’s policy. This belief will be based upon specific and objective facts and reasonable inferences.

By themselves, the factors below may not be indicative of a problem with drugs or alcohol; however, with strong individual evidence or in combination of several factors, the following may be considered in determining the presence of reasonable suspicion:

1. Direct observation of drug use and/or the physical symptoms or manifestations of being under the influence of a drug (e.g. slurred speech, odor of alcohol beverage on body or breath, incoherence, loss of coordination, etc.) while at work.
2. Abnormal conduct or erratic behavior while at work such as deterioration in work performance, or participation in physical or verbal altercation, under suspicious conditions (as in 1, above).
3. Information from a reliable and credible source or evidence that an employee may be or have been impaired in the performance of his or her duties by recent abuse of alcohol or illegal drugs, whether on or off the job. Attempts should be made to independently corroborate this information. (The Sheriff Department should be contacted in these circumstances, to determine whether there are state or federal legal implications.)
4. Evidence that an employee or applicant has tampered with his/her alcohol or drug test or has attempted to compromise the test sample or the testing process. (Evidence of tampering with or attempting to compromise the test will be considered a positive test and will be grounds for termination.)

Supervisors should be alert to the conduct and job performance of an employee based on the supervisor’s long-term knowledge of the employee. In combination with observations of current/contemporaneous conditions, the following may alert the supervisor to be watching for sign of substance abuse:

- A prior history of confirmed substance abuse by the employee during the period of County employment, such as recent convictions of driving while impaired. (Prior history shall not be considered sufficient on its own to constitute reasonable suspicion or present violation of the County’s policies).
- A pattern of excessive absenteeism, tardiness, or deterioration in work performance.
- A pattern of unexplained and unusual vehicle or personal accidents or injuries on and off the job.

Random Drug Testing
STANDARD PROCEDURE

CARTERET COUNTY GOVERNMENT

Purpose:

To provide a standard procedure for supervisors and employees to follow for random drug testing.

Policy:

This standard procedure falls under the Drug and Alcohol Policy Effective _____.

General Procedure:

1. The Director of Human Resources will receive the list of employees selected for random testing.
2. The Director of Human Resources will notify the department heads of effected employees the day prior to the random testing being conducted. The Human Resources Office will schedule the tests with TESI. Department heads will not give the employees any notification of the tests.
3. Employees will be transported directly to TESI by a supervisor. Failure to complete the test as scheduled will result in disciplinary action, up to and including dismissal, unless there is a certified medical reason for not completing the test. Any attempt at adulteration of the specimen, control forms, or the testing process will be treated as if a positive test result was obtained.
4. TESI will contact the Director of Human Resources to provide the test results.
5. If the test results are positive, the Director of Human Resources will contact the department head and County Manager to inform them of the results and initiate disciplinary action. Test results are not official until received from the Director of Human Resources. If the results are negative, the Director of Human Resources will document the results. If the alcohol test result is .02 through .399, the Director of Human Resources will document the result and will notify the department head and County Manager. The employee will be placed on disciplinary suspension without pay for 24 hours (8 work hours). Other disciplinary action may result depending on the history and circumstances of the test and employee.
6. The Human Resources Department will compile and maintain all required records.

Reasonable Suspicion – Drug Testing
STANDARD PROCEDURE

CARTERET COUNTY GOVERNMENT

Purpose:

To provide a standard procedure for supervisors to follow when they have reasonable suspicion that a department employee may be under the influence of drugs or alcohol.

Policy:

This standard procedure falls under the Drug and Alcohol Policy Effective _____.

General Procedure:

1. The supervisor, department head, or County official will, upon reasonable suspicion of controlled substances abuse or alcohol misuse, talk with the employee about his/her behavior and advise him/her that he/she does not appear to be “ready for duty”. Point out the behaviors that concern you. Do not accuse him/her of controlled substances abuse or alcohol misuse. It is advisable to have a “third part” (Director of Human Resources, department head, or County Manager) as a witness to the conference. Utilize behavioral indicators, which consist of what the witness sees the employee do, hears the employee say, or any changes in the employee’s appearance or body odor.
2. The supervisor, department head, or County official will contact the Director of Human Resources to make arrangements with TESI for the drug testing. The supervisor, department head, or County official will then transport the employee to TESI to have the appropriate testing completed. The supervisor, department head, or County official will assist the employee in making arrangements to have someone else drive him/her home following the testing. A suspected controlled substance user or alcohol abuser should not drive him/herself home. If he/she refuses to allow someone else to drive, explain that you will notify the proper authorities that he/she is possibly impaired and should not be driving.
3. The supervisor, department head, or County official will use the Observed Behavior Reasonable Suspicion Record to document the incident. The documentation shall be done immediately and no later than 24 hours after the events leading up to and including action taken by the supervisor, department head or County official. Include date, time and specific behaviors observed. Forward this documentation to the Director of Human Resources in a sealed envelope marked confidential.
4. TESI will contact the Director of Human Resources to provide the test results. While the County is awaiting test results, the employee will be placed on administrative leave with pay.
5. If the test results are positive, the Human Resources Officer will contact the department head and County Manager to inform them of the results and initiate disciplinary action. Test results are not official until received from the Human Resources Officer.

If the test results are negative, the Director of Human Resources will document the test results and immediately contact the department head who will notify the employee to return to work

immediately. The successful completion of a controlled substance and alcohol test does not bar any other disciplinary or administrative actions deemed appropriate by the supervisor or department head in relation to the incident. The Human Resources Department will compile and maintain all required records.



CARTERET COUNTY GOVERNMENT

**EMPLOYEE RECORD FOR
OBSERVED BEHAVIOR-REASONABLE SUSPICION RECORD**

Employee: _____

Date: _____

Time: _____

Explanation of Specific Behavior:

Signed: _____

Position: _____