

Drug and Alcohol Free Workplace

1.0 Purpose

- A. The purpose of this Policy is to maintain a drug-free and alcohol-free workplace and to provide procedures for conducting screenings of job applicants and employees for the use of illegal drugs, the improper use of prescription drugs, and the misuse of alcohol.
- B. All testing will be conducted in a manner that will protect the rights of employees and applicants subject to testing. Therefore, the County will take all necessary steps to safeguard the dignity and self-esteem of those being tested, and will ensure adherence to all procedures pertaining to the implementation of this Article. The County will adhere strictly to all standards of confidentiality and assure all employees that testing records and results will be released only to those authorized to receive such information.
- C. Employees with substance-abuse problems are encouraged to voluntarily seek help. If an employee should approach the County prior to being identified as a drug user/abuser or alcohol abuser by means of drug or alcohol testing, all possible and positive consideration for a medical leave of absence for treatment and/or counseling will be pursued. However, notwithstanding any other provision of this policy to the contrary, employees who fail drug or alcohol tests may be disciplined, up to and including termination, in accordance with the provisions of this policy. If an employee is terminated, no benefits except those provided for by federal, State or local act will be provided for beyond the last day of employment.
- D. The Drug Free Workplace Act of 1988 requires all county employees to notify the county within five calendar days after any criminal conviction for the manufacture, distribution, dispensation, possession, or use of narcotics, drugs, or any other controlled substance at the workplace. Criminal conviction means a finding of guilt, a plea of no contest, or a plea of guilty. The county shall then be required to notify all federal contracting agencies and grantors of such conviction within ten days of receiving notice of the conviction.
- E. Employees will be given a copy of this policy and will be required to sign a form acknowledging its receipt. By continuing to work, the employee agrees that he/she will abide by the policy as a condition of employment. Failure to sign the form will result in disciplinary action up to and including termination.

2.0 Prohibited Behavior

- A. Alcohol
 - 1. The manufacture, distribution, dispensation, possession, storage, purchase, or use of alcohol by employees while at the workplace is prohibited and constitutes grounds for immediate termination.

No employee shall use alcohol within four hours before going on duty, before operating or having physical control of a County owned vehicle, a commercial motor vehicle or transit service vehicle, or before performing a **safety sensitive** function.

Drug and Alcohol Free Workplace

Safety-sensitive functions include, but are not limited to the following: armed law enforcement officers, firefighters, emergency medical technicians, other health professionals responsible for direct patient care, people who operate, repair, and maintain passenger-carrying motor vehicles, drivers of sanitation trucks and Human Service employees who drive vehicles to reach their clients.

2. No employee shall report for duty or remain on duty ~~in a safety sensitive function~~ while having an alcohol concentration of 0.04 or greater. An employee who reports to work and whose blood alcohol test result indicates a 0.04 or greater level of alcohol in the employee's system shall be considered to have a positive alcohol test and shall be disciplined as outlined in this policy.
3. No employee involved in an accident that requires an alcohol test shall consume any alcohol for eight hours following the accident or until a post-accident alcohol test is performed, whichever comes first.
4. An employee who refuses to submit to, or fails to follow through with, an alcohol test when testing is required by this Article will be terminated.
5. An employee who is tested (exclusive of the return-to-duty test) and found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform his or her job functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four hours following administration of the test. The employee shall be removed from duty without pay for this twenty-four hour period and shall receive a notation in his or her performance appraisal about the requirement of reporting to work without the presence of alcohol in his or her system. An employee may be removed from duty for a longer period as provided in this policy.

B. Drugs

1. The unlawful manufacture, distribution, dispensation, possession, purchase, or use of drugs by employees is prohibited and constitutes grounds for immediate termination without warning.
2. An employee shall inform his or her supervisor if, prior to beginning work or while he or she is on duty, he or she has used or intends to use any prescription drug, over-the-counter drugs, or other substance that might impair his or her ability to satisfactorily perform duties. Employees are responsible for a thorough understanding of the effects and potential side effects of medications or other chemical substances taken. Failure to notify the supervisor under these circumstances may result in disciplinary action up to and including termination depending on the severity of the resulting incident.
3. An employee who refuses to submit to, or fails to follow through with, a drug test when testing is required by this Article will be terminated.

Drug and Alcohol Free Workplace

3.0 Supervisory Responsibilities

Every supervisor shall:

- A. Consistently apply this Article to all employees under his or her supervision. A supervisor who fails to apply this Article when he or she believes, or reasonably should believe, that an employee under his or her supervision has committed a violation will be disciplined.
- B. Initiate the process for having an employee drug or alcohol tested if there is reasonable suspicion that an employee under his or her supervision, when such employee is on duty, has an illegal drug or alcohol in his or her system or is using any legal drug in a manner other than it was intended.

Supervisors must point to specific, objective facts and be able to articulate rational inferences drawn from those facts in light of their experience. Examples of criteria for finding reasonable suspension include: direct observation of drug use or possession; direct observation of the physical symptoms of being under the influence of a drug, such as impairment of motor functions or speech; a pattern of abnormal conduct or erratic behavior; 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 distribution; information that is provided by reliable and credible sources or that can be independently corroborated; newly discovered evidence that the employee tampered with a previous drug test.

- C. Insure that all employees he or she supervises receive training on the requirements and consequences of this Article.
- D. Follow the procedure established by the department head for assuring that an employee who is to be tested for alcohol or other drugs is transported to the designated test site, and that those employees for whom there is reasonable suspicion of substance abuse or who have had a blood alcohol test result of 0.02 or greater are transported home, either by personal family/friends or by arranged transportation.

4.0 Employee Responsibilities

Every employee and, to the extent applicable, covered applicants shall:

- A. Abide by this policy as a condition of employment.
- B. Comply with all applicable laws regulating the manufacture, distribution, dispensation, use or possession of illegal drugs, alcohol, or prescription drugs.
- C. Assure that his or her ability to perform his or her job duties is not negatively affected due to use of a drug or alcohol when scheduled to report to work or when on "on call" status. Should any employee be requested to report to work earlier than his or her normal or previously assigned time, it is the employee's responsibility to advise his or her supervisor of an inability to perform his or her job duties or that he or she has consumed alcohol within the last four hours prior to reporting for duty. If the employee had received prior notice that he or she might be called back into work, the employee shall be considered absent without leave if he or she is unable to report

Drug and Alcohol Free Workplace

to duty. An employee may be subject to other disciplinary action due to inability to report for duty.

- D. Submit immediately to a drug or alcohol test when requested by his or her supervisor.

Notify his or her department head within five days if convicted of a violation of a criminal drug statute such as the manufacture, distribution, dispensation, possession, or use of narcotics, drugs, or for any other controlled substance when such violation occurred while the employee was on duty, as required by the Drug-Free Workplace Act of 1988. Criminal conviction means a finding of guilt, a plea of no contest, or a plea of guilty. The County shall then be required to notify all federal contracting agencies and grantors of such conviction within ten days of receiving notice of the conviction.

5.0 Drug and Alcohol Tests

Covered employees and **covered applicants** shall be subject to the following tests: (A) Pre-placement; (B) Post Accident; (C) Reasonable Suspicion; (D) Random Testing; (E) Return to Duty; and (F) Follow Up. For purposes of this Article, **Covered employees** shall be defined as those employees who must hold a commercial driver's license as a job requirement or who perform other safety-sensitive functions as defined by the U.S. Department of Transportation (DOT) regulations and/or as defined by section 2.0(1) of this policy. **Covered applicants** shall be defined as those applicants for positions required to hold a commercial driver's license or perform safety sensitive functions or to whom an offer of employment has been made contingent upon their passing a drug test.

All employees are subject to the following tests: Pre-employment; Post Accident; Reasonable Suspicion; Return to Duty; and Follow Up.

An employee who does not pass the drug or alcohol test and is terminated will not be considered for re-employment for a two-year period following the date of the test and then will be considered only when (a) he or she provides documentary proof of successful completion of a drug and/or alcohol abuse treatment or rehabilitation program and (b) he or she passes a pre-placement drug and/or alcohol test.

- A. **Pre-employment.** All job finalists are required to undergo drug/alcohol screening within forty-eight (48) hours (excluding Saturdays, Sundays and holidays) upon an offer of employment and prior to final appointment as an employee. Finalists who fail to undergo such screening within forty-eight (48) hours will not be considered for employment.
- B. **Pre-placement.** Before a temporary, part-time, or full-time employee initially operates a County owned vehicle or performs safety-sensitive function for Bladen County, he or she must undergo testing for drug and alcohol misuse. **Covered applicants** for employment or current employees transferring from non safety-sensitive positions into a position that requires testing must pass a pre-placement drug and alcohol test.

A covered applicant will have four hours to provide an acceptable urine specimen. An applicant who cannot produce a specimen within three hours will need to provide documentation from an urologist indicating the medical condition which prevented the

Drug and Alcohol Free Workplace

ability to produce a specimen (example shy bladder). An applicant who refuses to submit to, or fails to follow through with, the drug or alcohol test as required, or does not pass the drug or alcohol test will not be considered for employment for a two-year period following the date of the test and then will be considered only when (a) he or she provides documentary proof of successful completion of a drug and/or alcohol abuse treatment or rehabilitation program and (b) he or she passes a pre-placement drug and/or alcohol test.

- C. **Post Accident.** Post-accident testing must be conducted on any driver and any other safety-sensitive employee (e.g., maintenance personnel) whose performance could have contributed to the accident. A determination whether to test safety-sensitive employees who were not in the vehicle but who may have contributed to the accident will be made based on the best information available at the time of the decision. The Federal Highway Administration mandates that tests must be conducted in the event of a fatality or if the driver receives a citation under state or local law for a moving traffic violation arising from the accident. Federal Transit Administration mandates testing: (1). In the event of a fatality; (2). in the event that a driver receives a citation and an individual suffers a bodily injury and immediately receives medical treatment away from the accident scene; or (3). If one of the vehicles in the accident is disabled to the extent that it must be towed. Testing will be administered immediately following the accident or as soon as medically and legally possible.
1. A post-accident drug test shall be administered within thirty-two hours following the accident. If the drug test is not administered within thirty-two hours, the supervisor shall cease attempts to administer a drug test and must document the reason(s) for not administering the test. Refusal to submit to a test will be handled the same as a "Verified Positive Test." Refusal to submit to a drug test is grounds for termination.
 2. A post-accident alcohol test shall be administered no later than (8) eight hours following the accident. If the test is not administered within (2) two hours, the supervisor must document the reason(s) the alcohol test was not promptly administered. If the alcohol test is not administered within (8) eight hours following the accident, the supervisor shall cease attempts to administer the test and must document the reason(s) for not administering the test. In the event an alcohol test is not conducted within the eight-hour time frame. No employee shall be allowed to remain on duty until a post-accident alcohol test is administered and the employee's alcohol concentration measures less than 0.02. No employee may refuse to submit to an alcohol test as required by the regulations. Refusal to submit to a test will be handled the same as a "Verified Positive Test." Refusal to submit to an alcohol test is grounds for termination.
- D. **Reasonable Suspicion.** Testing will be conducted on any employee, if while on County property, while operating a County vehicle, or while engaging in County business, he/she demonstrates work performance or behavior which creates a reasonable suspicion that he/she is unfit for duty and has possibly misused alcohol or drugs as defined in this Policy. Reasonable-suspicion testing is authorized only if the required observations are made by a supervisor or official of the locality where the employee is on duty.
1. When there is reasonable suspicion that an employee on duty has alcohol or drugs in his or her system, the employee will be tested. If the employee tests positive and management

Drug and Alcohol Free Workplace

concludes that alcohol or drug consumption occurred on the job, the employee will be terminated. If the employee tests positive and department management concludes that alcohol or drug consumption occurred while not on the job, the covered employee shall receive appropriate discipline as outlined in this policy, up to and including termination.

2. A reasonable-suspicion alcohol test shall be administered no later than (8) eight hours following the determination of reasonable suspicion. If the test is not administered within (2) two hours, the supervisor must document the reason(s) the alcohol test was not promptly administered. If the alcohol test is not administered within (8) eight hours following the determination of reasonable suspicion, the supervisor shall cease attempts to administer the test and must document the reason(s) for not administering the test. No employee shall be allowed to remain on duty until an alcohol test is administered and the employee's alcohol concentration measures less than 0.02. No employee may refuse to submit to an alcohol test as required by the regulations.
3. A written record shall be made of the observations leading to a reasonable suspicion drug or alcohol test and signed by the supervisor or departmental designee who made the observations within twenty-four hours of the observed behavior or before the results of the controlled-substances test are released, whichever is earlier.

E. **Random Testing.** **Covered employees** will be tested on an unannounced basis for alcohol and drugs throughout the year. Random numbers generated and matched with the employee's identification number will determine who is tested. Random testing will be done on a percentage basis in a fair and equal manner.

1. For drug testing, a **Covered employee** may be tested at any time the **Covered employee** is at work for the County.
2. Selection of **Covered employees** for random testing will be made by a computer-based random number generator that is matched with drivers' Social Security numbers. At least 50 percent of the total number of **Covered employees** subject to drug testing and 25 percent subject to alcohol testing must be tested each year.
3. Each time a random selection is made, every **Covered employee** will have an equal chance of being selected. Random tests will be unannounced and spread reasonably throughout the year. **Covered employees**, when notified that they have been selected for random testing, will proceed immediately to the collection site.
4. When a **Covered employee** is selected for random testing, both the **Covered employee** and the employee's supervisor shall be notified on the day the test is scheduled to occur. The supervisor shall explain to the **Covered employee** that he/she is under no suspicion of taking drugs and that the **Covered employee's** name was selected randomly pursuant to this policy.
5. A blood alcohol test, with a finding of 0.02-0.039, will result in a five-day suspension without pay for tested individual and he/she will be required to submit to another blood alcohol test and receive a test result below 0.02 prior to being returned to the safety-sensitive position.

Drug and Alcohol Free Workplace

6. A blood alcohol test result of 0.04 or greater and/or a positive drug test shall result in termination as outlined in Article VII, Section 6.
 7. Any employee who refuses to provide urine or other appropriate testing specimen shall be subject to termination as outlined in Article VII, Section 6.
- F. **Return to Duty.** An employee who has a positive blood alcohol test must submit to a return-to-duty blood alcohol test before returning to duty following a disciplinary suspension. An alcohol concentration of less than 0.02 is required before an employee may be authorized to return to duty.
1. A blood alcohol test result of 0.04 or greater and/or a positive drug test may result in termination as outlined in this policy.
 2. Any employee who refuses to provide urine or other appropriate testing specimen will be subject to termination as outlined in this policy.

6.0 Refusal to Submit to a Test

Behavior that constitutes refusal to submit to a test includes:

1. Refusal to take a test;
2. Inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation;
3. Tampering with or attempting to adulterate the specimen or collection procedure;
4. Not reporting to the collection site in the time allotted;
5. Leaving the scene of an accident without a valid reason before the tests has been conducted.
6. Refusal to submit to a test will be handled the same as a "Verified Positive Test." Refusal to submit to a drug test is grounds for termination.

7.0 Testing Procedures

A. Alcohol Testing

1. Alcohol tests will be conducted **at a facility designated by the county**. This facility meets security requirements as specified by Department of Health and Human Services (DHHS) guidelines.
2. Using the Evidential Breath Testing Device, the certified Blood alcohol Technician (BAT) will open an individually sealed mouthpiece and attach it to the EBT, The employee will be instructed to blow into the mouthpiece forcefully until an adequate amount of breath has been obtained. The EBT will record the result and display it on the device and print the result immediately, the result will be recorded on the Breath Testing Form and attached to the form with tamper proof tape.

Drug and Alcohol Free Workplace

3. When the result is less than 0.02, no further testing is authorized and the result will be transmitted to the County in a confidential manner and will be stored to insure confidentiality is maintained.
4. When the result is 0.02 or greater, a confirmation test must be performed to verify the initial test. The confirmation test will be conducted no less than 15 minutes and no more than 20 minutes after the initial test. In the event the initial and confirmation test results are different, the confirmation test result is deemed to be the final result upon which any action under the terms of this policy shall be based.
5. Following the completion of the test, the BAT will date the form and sign the certification on the form. The employee will sign the certification and fill in the date on the form. This insures that each employee is attesting to the fact that the reported result is specific to the employee. Failure of the employee to sign certification will be treated as if results are 0.04 or greater.
6. Refusal to test will be treated the same as if the result is 0.04 or greater.
7. The County will maintain alcohol and drug test results in a secure and confidential manner, so that disclosure of information to unauthorized persons does not occur. Employee information shall only be released as permitted by law or as expressly authorized.
8. If an employee alleges that, because of medical reasons, he or she is unable to provide a sufficient amount of breath to permit a valid breath test, the blood alcohol technician shall instruct the employee a second time to attempt to provide an adequate amount of breath. If the employee continues to allege an inability to provide a sufficient amount of breath for the test, the department shall be notified that the employee has refused to be tested. The employee will be directed to obtain, as soon as practicable after the attempted provision of breath, an evaluation from a licensed physician acceptable to the County addressing the employee's medical ability to provide the adequate amount of breath. If there is not a medical reason acceptable to the County for the employee's inability to provide the breath, the employee will be considered to have refused to submit to the alcohol test and will be disciplined according to the guidelines established by this policy.

B. Drug Testing- Specimen Collection:

1. In accordance with the DHHS Guidelines and to ensure that the sample or specimen provided by an individual is properly identified and not accidentally confused with any other sample, strict procedures shall be used when collecting and transferring the sample. The total of these procedures is known as the chain-of-custody.
2. Drug tests will be conducted at a facility designated by the county. This facility meets security requirements as specified by DHHS Guidelines. The collection site is a secure location and allows for maximum privacy, which includes a toilet for completion of urination, a source of water for washing hands and, where practicable, excluded from the area provided for urination.

Drug and Alcohol Free Workplace

3. No other person will be present or gain access to the collection area during the collection process. All specimens must remain in the direct control of the collection site person. No person other than the collection site person may handle specimens prior to their being placed securely in the mailing container.
4. When reporting to a collection site for specimen collection, each employee will be required to provide a photo I.D. Employees will be asked to remove all unnecessary outer garments (i.e., coat or jacket), and secure all personal belongings, but may retain his/her wallet.
5. Employees will be allowed to provide his/her specimen in the privacy of a stall.
6. A split sample method of collection will be used. At least 45 ml of urine must be collected, 30 ml to be used as the primary specimen and 15 ml to be used as the split specimen. Both bottles will be shipped in a single container.
7. If the collection site person believes tampering or adulteration has occurred, a second specimen shall be collected immediately under the direct observation of a same gender collection site person. Both samples will be sent to the lab.
8. Refusal to test will be handled the same as a verified positive result.
9. In all cases, the Covered Employee and the collection site person shall keep the specimen in view at all times prior to being sealed and labeled. The specimen will be labeled with tamper proof seals and the employee will sign appropriate places on the Chain of Custody and initial the seal on the bottle attesting to the fact that the specimen is specific to the individual providing the sample. Failure of the employee to sign and/or initial certification will be treated as if results are positive.

C. Drug Testing - Methodology

1. All specimens collected by the county pursuant to this article shall be tested in a properly certified laboratory.
2. All samples will be first subjected to an individual screening process to detect the presence of drugs. Those samples having a negative screen (no illegal or illicitly used substance) will be considered to have tested negative and no further testing will be done on those samples. Those samples that test positive on the first screen will be tested more extensively by means of Gas Chromatography/Mass Spectrometry (GC/MS) analysis to eliminate any false positive tests.
3. The laboratory will ensure that the chain-of-custody procedures are adhered to from the time of receipt of urine samples until testing is completed and results are reported. Samples that test positive will be stored by the laboratory for a minimum of one year.
4. All covered applicants and employees will receive written notification of drug test results.

8.0 Reporting of Results

Drug and Alcohol Free Workplace

The laboratory shall report the test results directly to the designated county official as soon as the lab releases the results. The report shall indicate the drug/metabolites tested for, whether the results are positive or negative, the specimen number assigned by the County, and the drug testing laboratory identification number.

9.0 Review of Results/MRO

- A. The medical review officer (MRO) is a licensed physician and possesses knowledge of drug abuse disorders. The MRO will review and interpret positive results obtained from the laboratory. The MRO, through a verification process, will assess and determine whether alternate medical explanations could account for the positive test results. The MRO may conduct medical interviews of the tested individual. Additionally, the MRO will examine all medical records and data made available by the tested individual, such as evidence of prescribed medications.
- B. The MRO will review the findings of a drug test with the employee before a final determination is made that the employee did not pass the drug test. The purpose of this review is to ensure that the findings of a positive test are not based on factors other than the use of the drug for which the positive result is found. After the final decision is made, the MRO will notify the County as prescribed below.
- C. If during the course of an interview with an individual who has tested positive the MRO learns of a medical condition which could, in the MRO's reasonable medical judgment, pose a risk to safety, the MRO may report that information to Bladen County.
- D. The MRO will notify each employee who has a confirmed positive test that the employee has 72 hours in which to request a test of the split specimen. The employee shall have the right to retest a confirmed positive sample at the same or another approved laboratory. The employee must request release of the sample in writing specifying to which approved laboratory the sample is to be sent. If the employee makes such a request, the MRO will direct, in writing, the laboratory to provide the split specimen to a certified laboratory, as specified by the employee, for analysis. If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or un-testable, the MRO will cancel the test and report cancellation and the reasons for it to the DOT, the County, and the employee. A request for testing of the split sample and associated costs are the responsibility of the tested individual.
- E. If the MRO, after making and documenting all reasonable efforts, is unable to contact the tested person, the MRO will contact the Bladen County Manager to arrange for the employee to contact the MRO prior to going on duty. If, within five days after a documented contact by the Bladen County Manager instructing the employee to contact the MRO, the employee has not done so, the MRO will verify the test positive and report it to the County.

10.0 Compliance with Law

- A. Information regarding the testing and referral of employees and applicants under this Article will be treated as confidential in accordance with the requirements of North Carolina law governing the privacy of employee personnel records.

Drug and Alcohol Free Workplace

- B. Searches and seizures are to be conducted in a legal manner. The County reserves the right to conduct searches or inspections of property assigned to an employee whenever a department head or his or her designee determines that the search is reasonable under all the circumstances. Failure to consent to, or cooperate with, such inspections will be grounds for disciplinary action up to and including discharge.

11.0 Additional Standards for Sheriff Department

- 11.1 Testing: All applicants for employment as law enforcement officers shall be subject to the additional drug testing policies and procedures of the North Carolina Department of Justice, Sheriff Standards Division. The Sheriff's Department will follow these procedures for blood alcohol testing.
- 11.2 Reporting Requirements: The Sheriff's Department will report all positive drug test results of applicants for sworn positions and current officers/employees within the department to the North Carolina Department of Justice, Sheriff's Standards Division.
- 11.3 Consequences of a Positive Test Result: All sworn law enforcement personnel who test positive will be denied continued employment in a position requiring sworn status.
- 11.4 Employee Notice – Each employee, including those engaged either directly or indirectly on a grant, shall be given a copy of this policy

12.0 Definitions

Accident means an occurrence involving a motor vehicle operating on a public road that results in a fatality; bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle(s) to be transported away from the scene by a tow truck or other vehicle.

Alcohol test means a test for the presence of alcohol in the body as determined through the use of a blood alcohol test, evidential breath analyzer test, or blood screening.

Canceled, with respect to the results of a drug test, means a test result in which the medical review officer finds insufficient information or inconsistent procedures with which to make a determination.

Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce 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 that requires the motor vehicle to be placarded under the Hazardous Materials Regulations.

Drug and Alcohol Free Workplace

Confirmation test for alcohol means a second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration. Confirmation test for controlled substances means a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screen test and that uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for the five SAMHSA drugs.

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.

Criminal drug statute means a criminal statute relating to the manufacture, distribution, dispensation, use or possession of any drug.

Drug test and drug screening means a test, including providing the necessary sample of body fluid by the employee to be tested, for the presence of any of the following drugs or drug metabolites in the urine or blood of an employee:

- a. amphetamines
- b. cannabinoids
- c. cocaine
- d. opiates
- e. phencyclidine

Drug means a controlled substance as listed in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) or Chapter 90, Section 87(5) of the North Carolina General Statutes or a metabolite thereof.

Medical review officer is a North Carolina-licensed physician with specific training in the area of substance abuse. The medical review officer not only has knowledge of substance-abuse disorders, but also has been trained to interpret and evaluate laboratory test results in conjunction with an employee's medical history. The medical review officer verifies a positive drug test result by reviewing a laboratory report and an employee's unique medical history to determine whether the result was caused by the use of prohibited drugs or by an employee's medical condition.

Negative, with respect to the results of an alcohol test, means a test that indicates a blood alcohol concentration of less than 0.02.

Negative, with respect to the results of a drug test, means a test result that does not show presence of drugs at a level specified to be a positive test.

On call means being subject to a call to report immediately to work for Bladen County.

On duty means when an employee is at the workplace, performing job duties, on call, or during any other period of time for which he or she is entitled to receive pay from Bladen County.

Drug and Alcohol Free Workplace

Other substance means any substance that has the potential to impair appreciably the mental or physical function of a person who does not have an unusual or extraordinary reaction to such substance.

Pass a drug test means that the result of a drug test is negative. The test either

- a. showed no evidence or insufficient evidence of a prohibited drug or drug metabolite, or
- b. showed evidence of a prohibited drug or drug metabolite, but there was a legitimate medical explanation for the result as determined by a certified medical review officer.

Pass an alcohol test is a negative alcohol test. The test showed no evidence or insufficient evidence of a prohibited level of alcohol.

Positive, with respect to the results of an alcohol test, means the presence of alcohol in an employee's system at the 0.04 level or greater.

Positive, with respect to the results of a drug test, means a laboratory finding of the presence of a drug or a drug metabolite in the urine or blood of an employee at the levels identified by the Substance Abuse and Mental Health Services Administration (SAMHSA), or for drugs not subject to SAMHSA guidelines, at the levels identified by the County, if any. All positive tests will be confirmed using a different technology than was used for the first test, such as the gas chromatography/mass spectrometry (GC/MS) process.

Pre-employment testing is testing for job finalists to undergo drug/ alcohol screening within forty-eight (48) hours (excluding Saturdays, Sundays and holidays) upon an offer of employment and prior to final appointment as an employee.

Pre-placement testing is testing conducted on a current county employee prior to his or her being promoted, transferred, or demoted into a safety-sensitive position.

Qualified negative, with respect to the results of a drug test, means a test in which the lab result is consistent with legal drug use.

Random testing is testing conducted on an employee assigned to a safety-sensitive position and is chosen by a method that provides an equal probability that any employee from a group of employees will be selected.

Reasonable suspicion exists when a supervisor can substantiate specific contemporaneous, articulable observations concerning appearance, behavior, speech, or body odor or other physical indicators of probable drug or alcohol use. By way of example and not limitation, any one or a combination of the following may constitute reasonable suspicion:

- a. slurred speech
- b. the odor of marijuana or alcohol about the person
- c. inability to walk a straight line
- d. an accident resulting in damage to property or personal injury
- e. physical altercation
- f. verbal altercation

Drug and Alcohol Free Workplace

- g. behavior that is so unusual that it warrants summoning a supervisor or anyone else in authority (i.e., confusion, disorientation, lack of coordination, marked personality changes, irrational behavior)
- h. possession of drugs
- i. verifiable information obtained from other employees based on their observations, arrests, citations, and deferred prosecutions associated with drugs or alcohol.

Refuse to submit means that an employee (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing, (2) 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, (3) refuses to sign the blood alcohol confirmation test certification, (4) engages in conduct that clearly obstructs the testing process, (5) fails to report to the collection site in the time allotted, (6) Leaves the scene of an accident before a required test is administered or fails to remain readily available for testing may be deemed to have refused to submit to testing, or fails to properly sign or initial documents to show chain of custody.

Safety-sensitive position means a position so defined pursuant to regulations promulgated by the United States Department of Transportation. Employment with Bladen County is defined as Safety-sensitive when the following functions are performed but are not limited to the following: armed law enforcement officers, firefighters, emergency medical technicians, other health professionals responsible for direct patient care, people who operate, repair, and maintain passenger-carrying motor vehicles, drivers of sanitation trucks and Human Service employees who drive vehicles to reach their clients.

Supervisor, in general, means any employee who has the authority to direct the job activities of one or more other employees. With respect to a particular employee, the term means such employee's immediate supervisor and all persons having indirect supervisory authority over such employee.

Unannounced follow-up testing is testing conducted on an employee on a periodic, unannounced basis, following his or her return to work from an approved drug or alcohol rehabilitation program.

Workplace means the location or facility where an employee may be expected to perform any task related to the requirements of his or her job. This includes break rooms and restrooms, outdoor work sites, County or personal vehicles (while personal vehicle is being used for County business), computer work stations, conference rooms, hallways, private offices, open/partitioned work areas, public contact/customer service/medical services areas, and parking lots.

13.0 Contact

Any inquiries regarding this policy should be directed to the Bladen County Human Resources Director who is the County Official designated to answer questions about this policy, the County Manager or manager's designee.