

# CHATHAM COUNTY ALCOHOL AND DRUG FREE WORKPLACE POLICY

## SECTION I:

### Purpose

Chatham County is committed to providing an alcohol and drug free workplace for its employees and those who conduct business with the County. This document establishes county policy and procedures for staff whom are responsible for insuring that the letter and spirit of this commitment are communicated and implemented in Chatham County Government.

## SECTION II:

### Coverage

This policy is intended to cover all employees of Chatham County, regardless of position or origin of appointment. As a condition of employment, employees subject to Federal Department of Transportation Commercial License regulations are required to undergo pre-employment drug/alcohol testing, random drug/alcohol testing as administered by Triangle J Council of Governments, and post-accident drug/alcohol testing. In addition, as a condition of employment, employees in identified safety sensitive positions (Water Treatment Plant Division, ~~Emergency Operations~~ Communications ~~(911) Division~~, Health Department Animal Control Division) will be required to undergo pre-employment drug/alcohol testing, random drug/alcohol testing as administered by Triangle J Council of Governments, and post-accident drug/alcohol testing. Employees of the Chatham County Sheriff shall be pre-employment tested in accordance with the North Carolina Sheriff's Education and Training Commission Standards.

## SECTION III:

### Definitions

#### Reasonable Cause/Suspicion

Reasonable Cause/Suspicion means an expressible belief based on specific objective facts, and rational inferences drawn from those facts, that an employee has consumed or is under the influence of alcohol or drugs while at work. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

- A. Observable occurrences, such as direct observation of alcohol or drug use and/or the physical symptoms of being under the influence of alcohol or drugs.
- B. A report of alcohol or drug use, by an employee while at work, provided by a reliable and credible source.
- C. A pattern of unexplained preventable accidents and/or information based on specific objective facts that an employee has caused, or contributed to an accident at work or while conducting county business while under the influence of alcohol or drugs.

- D. Evidence that and employee is involved in the unauthorized manufacture, solicitation, distribution, dispensation, possession, sale or use, of alcohol or drugs while working or while on the County's premises or in possession of or operating a County vehicle, machinery or equipment.
- E. Combative, abusive, violent or disruptive behavior (verbal or physical);
- F. Erratic behavior/mood swings;
- G. Relevant body or breath odors;
- H. Focus of investigation, arrest or conviction for drug related offense;
- I. Evidence of substance abuse or drug test tampering;
- J. A pattern of excessive absenteeism, tardiness or deterioration in work performance in combination with an observable occurrence as described above.

## SECTION IV:

### Policy

1. The following are prohibited on County premises and workplaces and while conducting any County business:
  - A. The unlawful manufacture, solicitation, distribution, dispensation, sale, possession or use of controlled substances.
  - B. The unlawful manufacture, possession, sale, distribution or delivery of drug paraphernalia.
  - C. Use of alcoholic beverages.

*Any violation of A through C above shall be considered a failure in personal conduct and shall be grounds for disciplinary action up to and including dismissal.*

2. Impaired behavior and/or diminished performance on the job resulting from the use of alcohol or any controlled substance shall be considered a failure in personal conduct and shall be grounds for disciplinary action up to and including dismissal.
3. The County will report violations of criminal drug statutes occurring in the workplace to the appropriate law enforcement officials.
4. All employees have a responsibility to report observed and suspected violations of this policy to their supervisor or department head.
5. Disciplinary action, up to and including dismissal, shall be taken when an employee:
  - A. Refuses to sign a consent form and participate in a required drug or alcohol test after being advised of the reasons for the request.
  - B. Intentionally tamper, or attempts to tamper, with a drug or alcohol sample or testing process.
  - C. Produces a confirmed positive test result.
6. Substances that may be tested for under this policy are consistent with the testing requirements in CFR 49 Part 40. include:

- ~~A. Marijuana/cannabinoids (THC)~~
- ~~B. Cocaine metabolites~~
- ~~C. Opiates~~
- ~~D. Phencyclidine (PCP)~~
- ~~E. Amphetamines/methamphetamines~~
- ~~F. Alcohol~~
- ~~G. Barbiturates (e.g. amobarbital, butabarbital, Phenobarbital, secobarbital)~~
- ~~H. Methaqualine (Quaalude)~~

7. An employee who receives a positive test may request that the same or split specimen be tested by another certified laboratory with the cost of such testing to be at the employee's expense.
8. When management has reasonable cause to believe an employee is using or is under the influence of alcohol or a controlled substance, the employee may be required to submit to an immediate drug and/or alcohol test. The test shall be administered by qualified personnel and shall involve proper procedures of specimen collection and testing.

## **SECTION V:**

### Procedures

The following procedures apply when a supervisor has reasonable cause to believe an employee is in violation of the County's Alcohol and Drug Free Workplace Policy.

1. Review the circumstances and actions which are the basis for the reasonable cause with the department head and the Human Resources Director.
2. The employee may be suspended for investigatory purposes in accordance with established policy.
3. In cases which involve possible manufacture, solicitation, distribution, dispensing, selling, or possession of controlled substances in the work place, the department head or designee should contact the local law enforcement agency and State Bureau of Investigation for assistance.
4. Document the situation in writing as fully as possible and instruct witnesses to reduce their observations to writing to the extent possible. Documentation should include specific dates, times, people involved, behavior, reactions, overall performance and a general discussion of the circumstances. Once reasonable cause has been established, the employee shall be advised of the following.

In addition to the above, the following is applicable to all County employees:

1. If, with the approval of the department head or designee, a test is warranted, the department head or designee, with a witness present, shall notify the Human Resources Director prior to informing the employee that as a condition of employment, management has the right to require him to submit to a drug or alcohol test. The employee shall be advised of:

- A. Basis for the reasonable cause and the requirement that the employee sign a test consent form;
  - B. Methods of testing which may be used;
  - C. Substances which may be identified;
  - D. Importance of cooperating with the collection site personnel;
  - E. Confidentiality of individual test results and
  - F. Consequences of refusing to sign consent form, failing to submit to immediate testing, failing to report for a specimen collection, or the receipt of positive test result.
2. Immediately after reviewing 1A through 1F above with the employee, employee shall be advised of the location of the test and shall sign a consent form.
3. County personnel shall transport the employee to the test site immediately after the consent form is signed if applicable.
4. If the employee refuses to sign the consent form or to undergo testing immediately as scheduled, the department head shall take appropriate disciplinary action.
5. If a non-positive test occurs, the employee shall be notified immediately by the department head or designee. If the employee has been placed on investigatory suspension he shall be reinstated in accordance with policy requirements. All records surrounding this incident shall be removed from the employee's personnel file. If the test is positive, the department head, within 5 days of the receiving the positive test confirmation, shall inform the employee, in writing, of the results and the proposed action to be taken.
6. Disciplinary action resulting from a confirmed positive test, refusal to participate in a test or of altering test results, shall be in accordance with established policies for disciplinary action.
7. Drug testing will be carried out by a laboratory certified by the U.S. DHHS and the Triangle J Council of Governments and will be conducted via urine specimen.
8. Alcohol testing will meet industry standards or applicable U.S. DHHS and Triangle J Council of Governments guidelines and will be conducted via a saliva, blood or breath specimen.
9. All specimens will be collected under chain of custody procedures which may include photo identification of the donor and protocols to assure specimen integrity.
10. A positive drug (controlled substance) test will undergo confirmatory testing.
11. A positive alcohol test will undergo confirmatory testing by either blood or breath.
12. All test results will be maintained in a secure and confidential manner in the County Human Resources Office and will not be released without written consent of the employee unless they are required as a result of action initiated by or on behalf of the employee.

