

IREDELL COUNTY ALCOHOL AND SUBSTANCE ABUSE POLICY

1. GENERAL STATEMENT

The use of illegal drugs and misuse of legal substances by a significant segment of the American workforce has major adverse effects on the welfare of all citizens and results in the loss of considerable money and productivity each year. Because the safety of its employees and the delivery of services to its citizens are adversely affected by alcohol and substance abuse, the County cannot afford to ignore this critical problem.

As an employer, Iredell County is committed to provide, within its means, a healthy and safe work environment; to provide the best possible services to County citizens; to maintain the public's confidence in its employees; and to protect the County from the economic losses that can occur due to alcohol and drug abuse. There is no reason to believe that illegal drug use or substance abuse in the County is greater than any other workplace; nevertheless, the well-being of County residents demand that the County takes the actions necessary to ensure that substance abuse and illegal drugs are devoid within its workforce.

2. PURPOSE

The purpose of this policy is to promote and maintain a drug free environment in the work-place and to protect employees and the public by ensuring that Iredell County employees are fit to perform their assigned duties. Employees are expected and required to be in a condition to safely and effectively perform their duties throughout the workday. The County also recognizes that its employees' off-the-job, as well as on-the-job, involvement with drugs and alcohol can have an impact on work productivity and on its ability to provide a work environment free from the effects of alcohol and drug abuse.

As a public employer, the County is entrusted with the health and safety of its citizens. In keeping with this obligation, individuals who seek employment with Iredell County shall be required to undergo a drug screening procedure.

3. EMPLOYEES SUBJECT TO TESTING

This drug testing policy shall apply to all Iredell County government employees, full and part-time, and temporary positions with the exception of appointed members to any departmental boards, elected County officials, and agricultural extension agents who are covered under the North Carolina State University Substance Abuse Policies.

4. RESPONSIBILITY

The County Manager

The County Manager, or designee, is responsible for ensuring that all Iredell County agencies adhere to this policy in all matters relevant to it and for determining what disciplinary actions are taken with current employees based on guidelines described in this document and Iredell County Personnel Ordinance.

The Sheriff

All applicants and all employees in positions subject to the provisions of the North Carolina Criminal Justice Training and Standards Commission will be subject to the drug testing policies and procedures of the Commission. The Sheriff shall be responsible for the testing and reporting requirements in accordance with the specifications published by the Commission. Non-sworn personnel are subject to the same guidelines as all other county non-sworn employees, but shall be administered through the Sheriff's Office.

The Iredell County Area Transportation System (ICATS)

The Iredell County Area Transportation System (ICATS) shall administer drug testing procedures in compliance with their current departmental policy adopted and approved by the Board of Commissioners. The Transportation Systems Administrator, or designee, shall be responsible for the testing and reporting requirements in accordance with the specifications published by the NCDOT for the Transportation Department.

The Human Resources Director

The Human Resources Department is responsible for coordinating training pertaining to the County's drug testing policy, for disseminating the policy to County departments, informing new employees during the orientation session, and overseeing the random drug testing procedures. Any confidential information on substance abuse may be communicated by the HR Director to the proper authority on a need-to-know basis.

The Risk Management Specialist

The Risk Management Specialist, in conjunction with the Department Head of said subject, is responsible for ensuring that the drug and alcohol testing is completed for work related accidents in accordance to this policy.

The Department Heads

All Department Heads are responsible for ensuring that supervisory personnel attend training pertaining to Iredell County's Alcohol & Substance Abuse Policy and are familiar with and

adhere to the requirements of this procedure. Department Heads are also responsible for disseminating information of the County's policies and procedures on this subject to all employees. In cooperation with the HR Director, Department Heads will be responsible for following through with the proper application of the procedures, and take any disciplinary measures that may be necessary.

Employees

All Iredell County employees are responsible for knowing and adhering to the requirements of this policy. Employees are also expected to share the responsibility of ensuring that the County's workplace is a safe one, free from the dangers which are associated with the abuse of alcohol or other drugs in the work environment. Any employee having a reasonable basis to believe that another employee is wrongfully using, or is in possession of any controlled substance should immediately report the facts and circumstances to his/her Supervisor.

5. NOTIFICATION OF ARREST OR CONVICTION

Each County employee shall notify his/her Supervisor of his/her arrest or conviction of any criminal drug and/or alcohol statute for a violation no later than five days after such arrest or conviction. It is understood that such notification shall constitute a reasonable suspicion for such employee to undergo a required drug test.

Consequences of a conviction will be addressed in accordance to the Iredell County Personnel Ordinance and the Criminal Background Check Policy respectively.

6. NON-DISCIPLINARY SUSPENSION

During the investigation, hearing or trial of any employee for a drug related offense off-the-job, when suspension would be in the best interest of the County, the County Manager may suspend the employee with pay, as provided under Article VIII Section 5 of the Iredell County Personnel Ordinance.

7. CONSEQUENCES OF A POSITIVE TEST RESULT

An applicant shall be denied employment with Iredell County if his/her drug test is positive. Such an applicant may be considered for future employment after three (3) years.

In its effort to provide a safe and healthy work environment and protect the County from economic losses that can occur due to drug abuse, the use of illegal Controlled Substances will not be tolerated by the County. An employee who has a positive drug test result that indicates the use of an illegal, Controlled Substance will be subject to termination.

Except as otherwise provided in this policy, an employee who has a positive drug test result that indicates misuse of a legal or prescribed Controlled Substance will be subject to disciplinary

action up to and including dismissal. When making recommendations for disciplinary action, Supervisors and Department Heads, in consultation with the Human Resources Director, should consider factors which include:

- (a) The employee's work history;
- (b) Job Assignment;
- (c) Length of service;
- (d) Current job performance;
- (e) Existence of past disciplinary actions.
- (f) The nature of the substance abused.

An employee who voluntarily, without reasonable suspicion of a supervisor, who is permitted to continue employment after positive test results, or prior to being notified of being selected as a random drug testing recipient identifies him/herself as a drug user may be referred to EAP and subject to provisions of this policy. Employee may also participate in the Last Chance Assistance Program as outlined in section 15 of this policy. An employee permitted to continue employment and receive assistance under the Employee Assistance Program (EAP) and/or the Last Chance Assistance Program will be required to utilize approved compensatory time, sick time, annual leave, or leave without pay respectively for all time away from work after the initial EAP assessment/appointment. (See sections 14 & 15 for detailed information on each program offered).

Any employee who questions the results of a required drug test under this policy may request that the split sample be tested. This shall be performed in accordance with the North Carolina Controlled Substance Examination Regulations Act, Chapter 95, Article 20 of the North Carolina General Statutes. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended.

FOLLOW-UP TESTING

Employees who previously tested positive on a drug or alcohol test and allowed to remain employed will be required to undergo frequent, unannounced urine and/or breath testing following their return to duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests beyond the minimum will be determined by a qualified Substance Abuse Professional. The employee is required to follow the plan developed by the Substance Abuse Professional.

8. DEFINITIONS

“Applicant” means any person who applies to become an employee of Iredell County.

“Approved Laboratory” means a laboratory certified to perform drug screening or testing.

“Chain of Custody” is a written record of each individual who has handled or had access to any specimen which has been collected, stored, tested and retained. Chain of custody shall include the identity of each individual who has had possession and control of any specimen, as well as the dates, times and locations of such custody.

“Controlled Substance” is any drug determined as such by the Federal Drug Administration, or any drug for which possession without a prescription is prohibited by the laws of this State.

“Employee” means, for the purpose of this policy, any person whose position is included in the Iredell County Classification Plan or any person receiving salary payments based on the Iredell County Pay Plan. This definition does not include elected officials, departmental boards, and agricultural extension agents.

“Employee Assistance Program” means the program of services provided to County employees through an agency obtained by the County. These services include assessment, evaluation, counseling and referral to treatment and follow-up procedures.

“Last Chance Assistance Program” is an agreement between Iredell County and said employee who comes forward with a drug and/or alcohol problem prior to being notified of testing and requests professional assistance for treatment.

“North Carolina Controlled Substance Examination Regulations Act” is an act that is intended for use by employers, employees and prospective employees to inform them of their rights and responsibilities in controlled substance testing and notification. Although the Controlled Substance Examination Regulation Act (“CSERA”) does not require employers to conduct controlled substance testing within the workplace, it establishes procedures to be followed by employers or employer representatives who perform employment-related drug testing.

“Medical Review Officer” is a licensed physician whose services are obtained by the County through the third party administrator to whom all laboratory tests are sent and who reviews and interprets all positive laboratory test results.

“Possession” means to have a controlled substance either on or in an employee’s person, personal effects, motor vehicle, tools, or areas substantially entrusted to the control of the employee such as desks, files and lockers.

“Reasonable Suspicion” means a belief based on specific objective facts that an employee has consumed or is under the influence of alcohol or illegal 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 drug use and/or the physical symptoms of being under the influence of a controlled substance or alcohol use.

- (b) A report of alcohol or drug use by an employee while at work, provided by a reliable and credible source.
- (c) An incident of an unexplained preventable accident and/or information based on specific objective facts that a controlled substance or alcohol may have caused, or contributed to an accident at work.
- (d) Information that an employee is involved in the unauthorized possession, sale, solicitation or transfer of drugs or alcohol while working or while on the County's premises or operating or in possession of a County vehicle.

“Safety-sensitive Position” is a position which the County determines has a role in the operation where impaired performance could result in a significant incident affecting the health and safety of the employees, customers, the public, property or environment of such magnitude that even a momentary lapse of attention, judgment, or dexterity could have disastrous consequences. Examples of these positions include, but are not limited to:

- (a) Positions requiring the use of weapons (or potential use of weapons) or the operation of vehicles, machinery, or equipment as a primary task. (Does not include office equipment.);
- (b) Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace;
- (c) Providing direct patient care-emergency or otherwise;
- (d) Firefighting;
- (e) Operating, maintaining, or repairing passenger carrying motor vehicles;
- (f) Driving to reach a client or transport of a client or minor child;
- (g) Driving, patrolling, or picking up items on a regular basis;
- (h) When traveling is an essential function of the job;
- (i) Relaying information in critical situations where a delay could cost a life;
- (j) Other positions as determined on a case-by-case basis.

Determination as to which positions are safety-sensitive will be based on Department Head recommendations with approval by the County Manager, or designee.

“Specimen” is a sample of an employee's urine or a breathalyzer obtained under the supervision of medical or authorized personnel for the purpose of determining the presence of alcohol or drugs.

“Substance Abuse” means the use of a controlled substance without medical supervision or direction, or “without prescription.”

“Substance Abuse Professional (SAP)” is a licensed or certified physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge or clinical experience in the diagnosis and treatment of alcohol-related disorders. The SAP will evaluate the employee to determine what assistance, if any, the employee needs in resolving problems associated with the prohibited drug use or alcohol misuse.

“Threshold Level” is the level of concentration of a drug in a specimen which will be used to decide if a specimen is positive or negative for drug use.

“Unfit for duty” means that a supervisor has an articulated reasonable belief that an employee is impaired and would be incapable performing his/her assigned duties and responsibilities and/or represents risk to himself/herself or others.

“Last Chance Agreement Form” is a Memorandum of Understanding between an employee who is forthcoming in regards to the illegal use of drugs and Iredell County.

“NCGS 153-A-98 Privacy of Employee Records” is the general law or local act concerning access to public records, personnel files of employees, former employees or applicants for employment. Information may be disclosed only as provided by this statute.

9. PROHIBITED SUBSTANCES

When drug screening is required under the provisions of this program, a test will be conducted to detect the presence of controlled substance as defined in North Carolina General Statute 90-87(5) or metabolite thereof.

A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of that drug in the course of medical treatment. Prescription must include the patient’s name, the name of the substance, quantity/amount to be taken, and the period of authorization. Any employee found to have used prescription drugs contrary to the medical prescription will be subject to the terms and conditions of this program.

The use of any substance, which carries a warning label that indicates mental functioning, motor skills, or judgment may be adversely affected, should be reported to the Department Head. This information must be treated as private medical information. Employee should obtain a written release from the attending physician releasing the person to perform their job duties any time they obtain a performance-altering prescription.

Department Heads overseeing employees in safety-sensitive positions, as defined in Section 9 of this policy, may require these employees to report the use of any substance, which is performance-altering, where the employee’s position affects public safety. Furthermore, the Department Head may require an employee in a safety-sensitive position to obtain a release from the attending physician releasing the person to perform their job duties at any time they obtain a performance-altering prescription.

10. THE TEST

Testing will be used to determine the presence of drugs and/or a detection of alcohol. Guidance and instructions in administering the tests will be provided by an approved laboratory to ensure

that proper steps are followed in collecting and evaluating samples. A strict chain of custody will be maintained by all personnel involved with the sample collection, transporting and testing.

If a test result is positive, the employee or applicant will be notified in writing by the Human Resources Director of the test result. The letter of notification shall identify the particular substance found.

The drug test is a five panel test, which is industry standard. Test consist of THC (Marijuana), COC (Cocaine), AMP (Amphetamines), OPI (Opiates), and MET (Methamphetamines).

Iredell County may opt to perform testing in any form deemed reasonable.

Testing will be performed in accordance to the North Carolina Controlled Substance Examination Regulation Act, Chapter 95, Article 20, of North Carolina's General Statues.

11. APPLICANT TESTING

All applicants for employment with Iredell County are subject to the testing provisions of this program.

Drug testing of applicants will be done as part of a post-offer requirement.

The Human Resources Department will normally schedule drug testing for only the applicant tentatively selected for employment. Applicants scheduled for a drug test will be asked to sign a consent form authorizing a drug test and permitting release of the test results to County officials with a need to know.

A job applicant who refuses to consent to a drug test will be denied employment with Iredell County.

Employees who are transferred or promoted to a safety-sensitive position will be required to pass a pre-placement drug test. Current employees who tests positive in these circumstances will be subject to disciplinary action up to and including termination.

12. TYPES OF EMPLOYEE TESTING

Random

Employees assigned to positions that are determined to be safety-sensitive as defined herein will be randomly tested for drugs. Random testing for drugs and alcohol shall be conducted at the rate mandated by NCDOT under the County's Controlled Substances and Alcohol Testing for Employees with Commercial Driver's License (CDL) Policy.

In compliance with NCDOT requirements for random testing, a total of 50% of the safety sensitive positions to be tested for drugs and 10% for alcohol testing on those who are into the

CDL random testing pool only on an annual basis. The random test will be unannounced and spread throughout the year. Human Resources will notify Department Heads when tests are to be conducted. The employee will be required to report to the drug testing agency immediately upon being notified.

Employees who are randomly selected will be paid for the time used for testing whether on or off duty. In addition, should the employee use a personal vehicle to transport to and from the facility that conducts the testing, mileage will be paid in accordance to Iredell County's Travel Policy.

Seasonal employees will be exempt from the random drug testing program due to the year-round fluctuating work schedules.

Post Accident

All employees will be tested for the presence of drugs and alcohol following an on-the-job accident under the following circumstances:

- (a) The loss of a life of someone involved in the accident and when there is reasonable suspicion that drugs and/or alcohol are a contributing factor of the accident.
- (b) An injury to someone involved that requires medical evaluation and/or treatment at a hospital or medical facility and there is reasonable suspicion that drugs and/or alcohol are a contributing factor of the accident.
- (c) The accident being the fault of the employee as determined by the LEO.
- (d) Testing may include all surviving employees that operate the vehicle and any others whose performance could have contributed to the accident and there is reasonable suspicion that drugs and/or alcohol are a contributing factor of the accident;
- (d) For other reasons as defined in the reasonable suspicion section of this policy.

Employees must notify their supervisor of the accident as soon as possible so an investigation can be conducted and arrangements for a drug test can be made. The employee will be tested as soon as possible, but not to exceed 8 hours for alcohol testing and 32 hours for drug testing. An employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. In the event that the alcohol test is not administered within two hours following an accident, the supervisor must prepare a record indicating why the test was not performed promptly. After eight hours no further attempts will be made to comply with alcohol testing and the reasons for not testing will be documented. In the event that a drug test is not performed within 32 hours following an accident, no further attempts to test will be made and the reasons for not testing will be documented. An employee cannot return to a safety-sensitive job function until the testing results are made known to Iredell County.

It is the employee's responsibility to follow established County procedures and/or instructions to ensure action is taken to meet the testing requirements. An employee subject to the post-accident

testing who unnecessarily 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 and may be subject to disciplinary action, up to and including termination.

On-the-job is defined as: on County owned or leased property; driving or riding as a passenger in a county owned or leased vehicle or private vehicle used for County business; on County time even if off company premises while attending county business; while actively engaged in County business outside of Iredell County; and any other activity that is conducted within the course and scope of an employee's job duties.

Reasonable Suspicion

A Department Head who has reasonable suspicion (defined herein) that an employee in his/her department may be in violation of this policy, should contact the Human Resources Director to schedule a drug test.

Before a drug test is administered, the employee will be required to sign a consent form authorizing the test and permitting release of test results to County officials with a need to know. When a Supervisor has reasonable suspicion of substance abuse, the Supervisor must arrange for another Supervisor or manager to verify his/her reasonable suspicion. A Supervisor should be able to clearly articulate and document the odd or unusual behavior giving rise to his/her reasonable suspicion. The Supervisor should request the employee to come to a confidential area, away from the work station and other employees, and ask the employee to explain his/her behavior.

If it is determined a test should be conducted, the Supervisor will take the employee to the testing site. All information related to the incident giving rise to reasonable suspicion and the interview with the employee should be documented and the report signed by the Supervisors or Managers who witnessed the unusual behavior.

Nothing in this procedure should be interpreted as preventing a Supervisor from taking any immediate action necessary to ensure the safety of the employee, his/her fellow workers, or the public, such as preventing the employee from continuing to operate tools or equipment in an unsafe manner.

If an employee is tested for reasonable suspicion and tests positive, they are ineligible for the Last Chance Assistance Program offered by the County (see Last Change Assistance Program section 15 of this policy).

An employee who refuses to consent to a test, when reasonable suspicion has been identified will be recommended for, and subject to, dismissal under Article VIII, Section 2 (Failure in Personal Conduct) of the County Personnel Ordinance.

An employee requesting delay(s) of a drug test scheduled under the provisions stated in this document, or failing to appear for the test, will be considered to have refused to consent to a drug test and become subject to the provisions stated above.

Applicants and employees who test positive for illegal drugs may consult with the Medical Review Officer (MRO) to provide evidence which may justify a positive test.

13. MANDATORY EMPLOYEE ASSISTANCE PROGRAM (EAP)

An employee permitted to continue employment and receive assistance under the Employee Assistance Program will be required to cooperate fully with the provisions of the recommended rehabilitation program.

Employees referred to the EAP for participation in a drug rehabilitation program, who fail to enter or complete the program, will be recommended for dismissal.

Disciplinary action is not automatically suspended by an employee's participation in the EAP. Disciplinary action may be taken against an employee for performance issues or inappropriate conduct.

Those employees participating in an EAP approved drug rehabilitation program will be subject to unannounced drug tests in accordance with the aforementioned procedures. Upon a positive drug test result, the employee will be dismissed.

Those employees satisfactorily completing a drug rehabilitation program recommended or approved by the EAP staff, will be subject to unannounced tests as described in the "Follow-up Testing" of section 8 in this policy. Upon a positive drug test result, the employee will be dismissed.

Nothing in this section is intended to alter the confidential nature of the EAP for employees who voluntarily identify themselves as drug users and individually request assistance from the EAP staff. Employees who have alcohol or drug abuse problems are encouraged to avail themselves to the EAP. Voluntary participation is confidential.

14. LAST CHANCE ASSISTANCE PROGRAM

Last Chance Assistance program is a Memorandum of Understanding between an employee that is forthcoming in regards to the illegal use of drugs and Iredell County. The employee will be required to comply with all stipulations as outlined in the Last Chance Assistance Memorandum of Understanding (attached).

This option is only allowable if the employee comes forward prior to the notification of being required to have a drug test conducted for post accident, random, and/or reasonable suspicion.

15. OTHER ADDITIONAL STANDARDS

All applicants for employment and all employees in positions subject to the provisions of other duly constituted and recognized agencies or licensing boards such as the North Carolina Board of Nursing and the North Carolina Board of Medical Examiners, will be subject to the drug testing policies and procedures of such agency or licensing board in addition to those outlined herein.

16. GRIEVANCE AND APPEAL

The consequences specified by 49 CFR Part 40.149(c) for a positive test or test refusal is not subject to arbitration. Employees may exercise their right to present an appeal/grievance in accordance with the Iredell County Personnel Ordinance, Article IX. Grievance Procedure.

LAST CHANCE ASSISTANCE MEMORANDUM OF UNDERSTANDING

Name of Employee (Please Print): _____
Last First MI

1. I voluntarily acknowledge that I have a drug and/or alcohol problem and I wish to avail myself to treatment through Iredell County's counseling and/or rehabilitation program. I agree to submit to Iredell County's administered drug and/or alcohol screening prior to my referral to the program to assist in assessment and treatment of my problem.
2. I promise to fully cooperate and participate in the counseling and/or rehabilitation program in accordance with the instructions and requirements of the program administrators. I understand that any Iredell County approved leave of absence to continue in counseling or a rehabilitation program may be reviewed on a weekly basis.
3. I authorize counseling or rehabilitation representatives to confer with Iredell County officials regarding my attendance, progress, and suitability for continued employment or return to active employment, as the case may be, including the disclosure of medical/psychiatric evaluations and substance abuse testing of me.
4. I understand that as a pre-condition to my returning to work, I must test negative on Iredell County's administered drug test. I also understand and agree that I will submit to random, unannounced drug testing at any time after my return to work, and that if I test positive on any such test, or if I refuse to take a test as requested, I will be subject to immediate termination. I understand and agree that unannounced testing may be required of me.
5. If I have received treatment for drug abuse, I understand and agree that my future employment depends upon my remaining free of drug abuse for the entire duration of my continued employment, and that this "LAST CHANCE ASSISTANCE" opportunity afforded to me by Iredell County is conditioned accordingly. I further understand and agree that nothing herein alters my right and Iredell County's right to terminate or modify my employee relationship at any time and for any reason.
6. I understand and agree that for the entire duration of my continued employment, I will not use alcohol and/or drugs in a manner that violates company policy.
7. I further understand and agree that I will be held to the same attendance, performance, safety, behavioral, and other standards as every other employee of Iredell County, and if I violate those standards, I will be subject to disciplinary action, up to and including termination on the same basis as other employees who violate those standards for non-alcohol/drug related reasons.
8. I further understand and agree that I may be tested for use based on reasonable cause; after an accident or incident which caused or reasonably could have caused personal injury or property damage in which my inaction or action was a contributing factor; or upon my request if Iredell County agrees.
9. I have been notified that the unlawful manufacture, distribution, dispensation, possession or use of alcohol, drugs, or other controlled substances are prohibited in Iredell County's workplace, and that violations of these prohibitions will subject me to disciplinary action up to and including termination.
10. That I will abide by Iredell County's Alcohol and Substance Abuse Policy.
11. I understand that if any time away from work is required, I must utilize any compensatory time, sick leave, and annual leave respectively.

Effective February 1, 1991
Revised 12/1/08; 5/1/13

I, _____, hereby acknowledge that Iredell County's Alcohol and Substance Abuse Policy has been reviewed and explained to me. I understand that the above in no way creates an obligation or contract of employment and that I, as well as Iredell County, have the right to end the employment relationship at any time for any reason.

Employee Signature

Date

Department Head Signature of Approval

Date

Human Resources Director Signature of Approval

Date

County Manager, or designee, Signature of Approval

Date