

Article XIV: Alexander County Substance Abuse Policy

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Section 1. Policy

Alexander County employees are our most valuable resource and it is our goal to provide a safe and healthy working environment which promotes opportunities for growth. In meeting these goals, it is our policy to, (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner. (2) To create a workplace environment free from the adverse effects of substance. (3) To prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances and (4) to encourage employees to seek professional assistance anytime-personal problems, including substance abuse dependency, adversely affects their ability to perform their assigned duties.

Section 2. Purpose

The purpose of this policy is to eliminate endangerment to our employees and the public from the risks posed by the use of illegal drugs, legal drugs not lawfully used or as prescribed, alcohol or any other intoxicant or substance abuse. This policy is also intended to comply with all applicable Federal regulations governing drug free workplace.

Section 3. Applicability

This policy applies to all employees, full time and part-time, contract employees, and contractors when they are on county property or when performing any business. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Visitors, vendors, and contractor employees are governed by this policy while on county premises and will not be permitted to conduct business if found to be in violation of this policy.

Section 4. Prohibited Substances

"Prohibited substances" addressed by this policy include the following:

A. Illegally Used Controlled Substances or Drugs

The use of any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times unless a legal prescription has been written for the substance. These include, but are not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S.

Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.

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B. Prescription/Over the Counter Drugs

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance, which carries a warning label that indicates that mental functioning, motor skills or judgment may be adversely affected, must be reported to a supervisor. Supervisors must treat this information as private medical information. In addition, the employee must obtain a written release from the attending physician releasing the person to perform their job duties any time they obtain a performance-altering prescription.

A legally prescribed drug means that individual has a prescription or other written approval from a physician for the use of that drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing transit business is prohibited.

C. Alcohol

The use of substances containing alcohol include any medication, mouthwash, food, or candy or any other substance that causes alcohol to be present in the body while performing business is prohibited. The concentration of alcohol is expressed in terms of alcohol per 210 liters of breath as measured by an evidential breath-testing device.

Section 5. Prohibited Conduct

A. Manufacture, Trafficking, Possession, and Use

County employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances on county premises, vehicles, in uniform or while on county business. Employees who violate this provision will be discharged. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

B. Intoxication/Under the Influence

Any employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substances or not fit for duty shall be suspended with pay from job duties pending an investigation and verification of condition. Employees found to be under the influence of prohibited substances or who fail to pass a drug and/or alcohol test shall be removed from duty and subject to disciplinary action up to and including termination and legal prosecution. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.

C. Alcohol and Drug Use

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No employee should report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No employee shall use alcohol while on duty, in uniform, while performing functions, or just before or just after performing a function. No employee shall use alcohol within four hours of reporting for duty, or during the hours that they are on call. Violation of these provisions is prohibited and punishable by disciplinary action up to and including termination.

D. Compliance with Testing Requirements

All employees will be required to take urine drug testing and breath alcohol testing as a condition of employment. Any employee who refuses to comply with a request for testing shall be removed from duty and their employment terminated. Any employee who is suspected of providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection. Verification of these actions will result in the employee's removal from duty and their employment terminated. Refusal can include an inability to provide a sufficient urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

E. Treatment Requirements

All employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use problems. Under certain circumstances, employees may be given the option to volunteer to undergo treatment for substance abuse or alcohol misuse to remain employed. Such treatment is at the employees option and the time in such treatment is not hours of work. During such treatment, the employee will remain in probationary status and any positive test will result in immediate termination for cause. Any employee who refuses or fails to comply with transit system requirements for treatment, after care, or return to duty shall be subject to disciplinary action, up to and including termination. The cost of any treatment or rehabilitation services will be paid for directly by the employee or their insurance provider. Employees will be allowed where necessary to take sick leave and annual leave to participate in the prescribed rehabilitation program.

F. Notifying the County of Criminal Drug Conviction

All employees are required to notify the County Manager of any criminal drug statute conviction or statute for driving under the influence within five days after such conviction. Employees who have been charged with any criminal drug statute or driving under the influence must also report any plea agreement to a reduced charge. Employees who have driving as an essential or non essential duty must report immediately if their license has been suspended temporarily or otherwise. Failure to comply with this provision shall result in disciplinary action, up to and including termination.

G. Proper Application of the Policy

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The County is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

Section 6. Testing Procedures

Analytical urine drug testing and breath testing for alcohol may be conducted when circumstances warrant or are required by Federal regulations. All employees shall be required to take testing prior to employment, for reasonable suspicion, post accident, and random as defined in Section 6.B, 6.C, 6.D, and 6.E of this policy. In addition, all safety-sensitive and non-safety-sensitive employees will be tested prior to returning to duty after failing a drug or alcohol test and after completion of the Substance Abuse Professional's recommended treatment program. Follow-up testing will also be conducted following return to duty for a period of one to five years, with at least six tests performed during the first year. All employees shall be subject to testing on a random and unannounced basis.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (DHHS). All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.

The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. This list is subject to change at the discretion of County Manager and Board of Commissioners. Urine specimens will be collected using the split specimen collection method described in 49 CFR Part 40. Each specimen will be accompanied by a DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. An initial drug screen will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended. The test results from the laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive test result. The MRO will contact the employee, notify the employee of the positive laboratory result, and provide the

employee with an opportunity to explain the confirmed test result. The MRO will 5 of 12 subsequently review the employee's medical history/medical records to determine whether there is a legitimate medical explanation for a positive laboratory result. If no legitimate medical explanation is found, the test will be verified positive and reported to the county program manager. If a legitimate explanation is found, the MRO will report the test result as negative.

The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary is positive, the split will be retained for testing if so requested by the employee through the Medical Review Officer. In such cases where there is reasonable suspicion that the employee is abusing a substance other than the five previously listed, the County reserves the right to test for additional drugs using standard laboratory testing.

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved testing device operated by a trained technician. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test will be performed using a NHTSA-approved evidential breath-testing device (EBT) operated by a trained breath alcohol technician (BAT). The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout along with an approved alcohol testing form will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40 as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

An employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will be removed from his/her position for eight hours unless a retest results in a concentration measure of less than 0.02. The inability to perform duties due to an alcohol test result of greater than 0.02 but less than 0.04 will be considered an unexcused miss out subject to disciplinary procedures up to and including termination. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and a violation of the requirements set forth in 49 CFR Part 654 for safety-sensitive employees.

Any employee that has a confirmed positive drug or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and referred to a Substance Abuse Professional (SAP) for assessment. A positive drug and/or alcohol test will also result in disciplinary action up to and including termination.

The county affirms the need to protect individual dignity, privacy, and confidentiality

throughout the testing process. In addition, if at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be cancelled. 6 of 12

A. Employee Requested Testing

Any employee who questions the results of a required drug test under paragraphs 6.B through 6.G of this policy may request that the split sample be tested. This test must be conducted at a different DHHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. The employee pays all costs for such testing unless the result of the split sample test invalidates the result of the original test.

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. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted if the delay was due to documental facts that were beyond the control of the employee.

B. Pre-Employment Testing

All position applicants shall undergo urine drug and breath alcohol testing prior to hire. Receipt of a negative drug and alcohol test result is required upon a conditional offer of employment. Failure of a pre-employment drug and alcohol test will disqualify an applicant for employment for a period of 120 days. Evidence of the absence of drug and alcohol dependency from a Substance Abuse Professional that meets with the approval of the company and a negative pre-employment drug and alcohol test will be required prior to further consideration for employment. The cost for the assessment and any subsequent treatment will be the sole responsibility of the individual. A pre-employment/pre-transfer test may also be performed anytime an employee's status changes from an inactive status to an active status (i.e., return from Worker's Comp. return from leave of absence).

C. Reasonable Suspicion Testing

All employees may be subject to a fitness for duty evaluation, and urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances, which are consistent with the short-term effects of substance abuse or alcohol misuse. Examples of reasonable suspicion include, but are not limited to, the following:

1. Physical signs and symptoms consistent with prohibited substance use or alcohol misuse.
2. Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substance.

3. Occurrence of a serious or potentially serious accident that may have been caused by prohibited substance abuse or alcohol misuse. 7 of 12
4. Fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures.

Reasonable suspicion on referrals must be made by a supervisor who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse.

D. Post-Accident

Employees will be tested for the presence of drugs and alcohol following an on-the-job accident or other illness that involves one or more of the following: an accident involving a fatality or an injury to an employee or other individual requiring medical attention, an accident involving a county owned vehicle, after a sequence of minor accidents or injuries that may not require medical treatment from a licensed physician; any injury or illness receiving authorized medical treatment from a licensed physician.

On-the-job is defined as: on company property, including parking lots; at job sites; driving or riding as a passenger in a company vehicle or private vehicle for which the company has authorized reimbursement; on company time even if off company premises (including lunch and rest breaks).

Following an accident, the employee(s) will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. Any employee involved in an accident must refrain from alcohol use for eight hours (8) following the accident or until he/she undergoes a post accident alcohol test.

This includes all surviving employees that operated the vehicle and any other whose performance could have been contributed to the accident.

Any employee who leaves the scene of the accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test and their employment will be terminated. Employees tested under this provision will include not only the operations personnel, but also any other covered employee whose performance could have contributed to the accident.

E. Random Testing

Safety Sensitive employees will be subject to random, unannounced testing. The selection of employees for random alcohol testing will be made using a scientifically valid method that ensures each covered employee that they will have an equal chance of being selected each time selections are made. The random tests will be

unannounced and spread throughout the year.

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Test can be conducted at any time during an employee's shift (i.e. beginning, middle, and end). Employees are required to proceed immediately to the collection site upon notification of their random selection.

F. Return-To-Duty Testing

All employees who tested positive on a drug or alcohol test must test negative for alcohol (below 0.02 for alcohol) and other prohibited substances. However, in the event an employee returns to duty, he/she must test negative on both a return-to-duty test and be evaluated and released to duty by the Substance Abuse Professional before returning to work. A Substance Abuse Professional (SAP) is a licensed physician or certified psychologist, social worker, employee assistance professional, or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse. The SAP must also have clinical experience in the diagnosis and treatment of drug and alcohol related diseases. Before scheduling the return to duty test, the SAP must assess the employee and determine if the required treatment has been completed.

G. Follow-Up Testing

Employees 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. A qualified Substance Abuse Professional will determine the frequency and duration of the follow-up tests beyond the minimum.

Section 7: Employment Assessment

Any employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended, will be referred for evaluation by a Substance Abuse Professional (SAP). A SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse.

Assessment by a Substance Abuse Professional does not shield an employee from disciplinary action or guarantee employment or reinstatement. Alexander County Disciplinary Code should be consulted to determine the penalty for performance-based infractions and violation of policy provisions.

If an employee is allowed to return-to-duty, he/she must properly follow the rehabilitation program prescribed by the SAP, the employee must have negative return-to-duty drug

and alcohol tests, and be subject to unannounced follow-up testing for a period of 9 of 12 one to five years. The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. Employees will be allowed to take accumulated sick leave and annual leave to participate in the prescribed rehabilitation program when indicated.

Section 8: Information Disclosure

All drug and alcohol testing records will be maintained in a secure manner so that disclosure of information to unauthorized persons does not occur. Information will only be released in the following circumstances:

1. to a third party only as directed by specific, written instruction of the employee
2. to the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on the behalf of the employee tested
3. to a subsequent employer upon receipt of a written request from the employee
4. to the employee, upon written request
5. Upon subpoena issued by a court of law

Section 9: Employee And Supervisor Training

All employees will periodically undergo training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training must also include manifestations and behavioral cues that may indicate prohibited substance use.

Supervisors will periodically reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

Information on the signs, symptoms, health affects and consequences of alcohol misuse are presented in section 12 of this policy.

Section 10: Re-entry Contracts

Employees who re-enter the workforce must agree to a re-entry contract. That contract may include (but is not limited to);

1. A release to work statement from the Substance Abuse Professional 10 of 12
2. A negative test for drugs and/or alcohol
3. An agreement to unannounced frequent follow-up testing for a period of one to five years with at least six tests performed the first year.
4. A statement of work-related behaviors
6. An agreement to follow specified after care requirements with the understanding that violation of the re-entry contract is grounds for termination

Section 11: SYSTEM CONTACT

Any questions regarding this policy or any other aspect of the drug free and alcohol-free program should contact the following representative:

Program Manager:

Rick French
County Manager
Alexander County
621 Liledoun Road
Taylorsville, N.C. 28681
Telephone Number: (828) 632-9332
Fax Number: (828) 632-0059

Assistant Program Manager:

Sandra Gregory
HR Director
621 Liledoun Road
Taylorsville, NC 28681
Telephone Number: (828) 632-1132
Fax Number: (828) 632-0059

Medical Review Officer:

Family Medicine Associate
50 Macedonia Church Road
Taylorsville, NC 28681
Telephone Number: (828) 635-0493
Fax Number: (828) 632-7028

Substance Abuse Professional:

The Counseling Group Inc.
106 Third Ave NE
Hickory, NC 28601
Telephone Number: (828) 322-9130
Fax Number: (828) 322-7890

Section 12: Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

A. Signs and Symptoms of Use

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- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

(Note: Except for odor, these are general signs and symptoms of any depressant substance)

B. Health Effects

The chronic consumption of alcohol (average of three servings per day of beer (12 ounces), whisky (1 ounce), or wine (6 ounce glass) over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10 percent of all people all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed "alcoholic")
- Fatal liver diseases
- Increased cancers of mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects is alcohol related)

C. Social Issues

- Two-thirds of all homicides are committed by people who drink prior to the crime
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends

- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes
- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average
- Forty percent of family court cases are alcohol related
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population
- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related

D. The Annual Toll

- 24,000 people will die on the highway due to the legally impaired driver
- 12,000 more will die on the highway due to the alcohol-affected driver
- 15,800 will die in non-highway accidents
- 30,000 will die due to alcohol-caused liver disease
- 10,000 will die due to alcohol-induced brain disease or suicide
- up to another 125,000 will die due to alcohol-related conditions or accidents

E. Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person is.

SECTION 13. DRUG APPENDIX

Amphetamines.....1, 4
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 Phencyclidine (PCP).....2, 4