



## HUMAN RESOURCES POLICY

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### I. POLICY

Harnett County has a strong commitment to provide a safe and secure workplace, and to promote high standards of employee health and well being. To this end, every effort will be made to provide a safe and drug-free work environment for our citizens and our employees. In addition, Harnett County is dedicated to providing safe, dependable, and economical transportation services to Harnett Area Transit System (HARTS) passengers, ensure safe operation of vehicles that require drivers to possess a Commercial Driver's License (CDL), as well as safe services provided by those who occupy other safety-sensitive positions.

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) create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; (3) 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 alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

Harnett County is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, department heads and subordinate 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 actions, up to and including termination.

### II. PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect our employees, passengers, and the public from the risks posed by the misuse of alcohol and use of prohibited drugs. This policy is also intended to provide procedures for conducting screenings of job applicants and employees for the use of illegal drugs and the improper use of prescription drugs while complying with all applicable Federal regulations. The U.S. Department of Transportation (DOT) has published 49 CFR Part 40, as amended, which sets standards for the collection and testing of urine and alcohol testing. The Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, and the Federal Motor Carriers Safety Administration (FMCSA) has published 49 CFR Part 382 that mandate urine drug testing and alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result. In addition, the Federal government published 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

\*All provisions set forth in bold face print are included consistent with requirements specifically set forth in 49 CFR Part 655, Part 40, or Part 382 as amended. Provisions set forth in the Drug-Free Workplace Act (49 CFR Part 29) are delineated in italics.

### III. DEFINITIONS

**Accident** is any occurrence involving a motor vehicle that results in a fatality; bodily injury to a person who, as a result of the injury, receives medical treatment; or with 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; or any other motor vehicle collision where fault is not clearly defined or appears to rest with the employee.

**Adulterated specimen** is a specimen that contains a substance that is not expected to be present in human urine, or is expected to be present but not at a concentration so high that it is not consistent with human urine.

**Alcohol Test** means a test for the presence of alcohol in the body as determined through the use of a breath alcohol test, evidential breathalyzer test, saliva swab test or blood screening.

**Alcohol Confirmation Test** means a second test, following a screening test showing a prohibited level of alcohol, which provides quantitative data of alcohol concentration.

**Breath Alcohol Technician (BAT)** is an agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

**Canceled**, with respect to the results of a drug test, means a test result in which the Medical Review Officer (MRO) finds insufficient information or inconsistent procedures with which to make a determination.

**Collector** is a person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes the Custody and Control Form (CCF).

The collector is the one individual in the drug testing process who has direct, face to face contact with the employee. Without the collector ensuring the integrity of the urine specimen and collection process, the test itself may lose credibility.

**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 of more than 10000 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.

**Conviction** is 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** is a criminal statute relating to the manufacture, distribution, dispensing, use or possession of any drug.

**Department of Transportation (DOT)** was established by an act of Congress on October 15, 1966 and its first official day of operation was April 1, 1967. The mission of the Department is to serve the United States by ensuring a fast, safe, efficient, accessible and convenient transportation system that meets our vital national interests and enhances the quality of life of the American people, today and into the future.

**Dilute specimen** is a specimen with values that are lower than expected for human urine.

**Dilute negative** is a test result received by the MRO from the laboratory labeled negative and dilute. The result will be treated as a negative result as permitted by Department of Transportation regulations.

**Dilute positive** is a test result received by the MRO from the laboratory labeled positive and dilute. The test will be treated as a verified positive test.

**Direct Observation** is a requirement under Federal regulations that specimens be collected under direct observation any time there is a specific reason to believe that any employee may be attempting to thwart the regulations or has sufficient reason(s) to evade the testing process, in an effort to make adulterating or substituting specimens more difficult. **Direct Observed collections are required in the following circumstances:**

- a) **All return-to-duty tests;**
- b) **All follow-up tests;**
- c) **Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90°F - 100°F;**
- d) **Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with;**
- e) **Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;**
- f) **Anytime the employee is directed to provide another specimen because the laboratory reported to the Medical Review Officer (MRO) that the original specimen was invalid and the MRO determined that there was not an adequate medical explanation for the result;**
- g) **Anytime the employee is directed to provide another specimen because the (MRO) determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.**

**The employee who is being observed will be required to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show the collector, by turning around that they do not have a prosthetic device. The observer must be the same gender as the employee. Failure of the employee to permit any part of the direct observation procedure is a refusal to test.** The reason why the direct observation testing is being conducted must be explained to the employee.

**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.

**Drug-Free Workplace Policy** is a written drug-free workplace policy that is the foundation of a drug-free workplace program that includes why the policy is being implemented, a clear description of prohibited behaviors and an explanation of the consequences for violating the policy. Sharing all policies with all employees is essential for success; therefore, employers should be certain that all employees are aware of the policy and drug-free workplace program.

**Drug Test and Drug Screening** mean a test, including providing the necessary sample of body fluid by the employee to be tested, for the presence of any prohibited substance, drug or drug metabolites in the urine or blood of an employee.

**Drug Confirmation Test** 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 Substance Abuse and Mental Health Services Administration SAMHSA drugs.

**Evidential breath-testing device (EBT).** All alcohol breath tests shall be conducted on an approved evidential breath testing device (EBT) by a trained breath alcohol technician. EBT's shall be able to distinguish alcohol from acetone at the 0.02% alcohol concentration level and shall be capable of testing an air blank prior to each collection of breath and performing an external calibration check. In order to be used in either screening or confirmation alcohol testing, an EBT shall have a quality assurance plan (QCP) developed by the manufacturer.

**Federal Highway Administration (FHWA)** is a major agency of the U.S. Department of Transportation (DOT). FHWA is charged with ensuring that America's roads and highways continue to be the safest and most technologically up-to-date. FHWA provide financial and technical support for constructing, improving, and preserving America's highway system.

**Federal Motor Carrier Safety Administration (FMCSA)** The Federal Motor Carrier Safety Administration (FMCSA) primary mission is to reduce crashes, injuries, and fatalities involving large trucks and buses. It was established as a separate administration within the U.S. Department of Transportation on January 1, 2000, pursuant to the Motor Carrier Safety Improvement Act of 1999.

**Federal Transit Administration (FTA)** is one of 11 operating administrations within the U.S. Department of Transportation. FTA provides stewardship of combined formula and discretionary programs totaling more than \$10 billion to support a variety of locally planned, constructed, and operated public transportation systems throughout the United States. Transportation systems typically include buses, subways, light rail, commuter rail, streetcars, monorail, passenger ferry boats, inclined railways, or people movers.

**Gas Chromatography/Mass Spectrometry (GC/MS)** is self-contained urinalysis drug tests that detect the presence of drug metabolites in urine within minutes. The cup contains detection strips each designed to test a particular drug at SAMHSA cut-off levels. It provides instant results. Through the patented delivery system, urine reacts with the reagents and antigens on the strip to produce a colorimetric reading indicating either positive or negative test results.

**Medical Review Officer (MRO)** is a North Carolina licensed physician with specific training in the area of substance abuse. The MRO 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 MRO 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.

**National Highway Traffic Safety Administration (NHTSA)** is dedicated to achieving the highest standards of excellence in motor vehicle and highway safety. The agency strives to exceed the expectations of its customers through its core values of Integrity; mission is to save lives, prevent injuries and reduce economic costs due to road traffic crashes, through education, research, safety standards and enforcement activity.

**Negative Drug Test** is a test result that does not show the presence of drugs at a level specified to be a positive test.

**Negative Alcohol Test**, with respect to a safety-sensitive employee, is a test that indicates an alcohol concentration of 0.02. Negative Alcohol Test, with respect to an employee not employed in a safety-sensitive position, is a test that indicates an alcohol concentration of less than 0.04.

**On Call** is being subject to a call to report immediately to work for Harnett County.

**On Duty** is 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 Harnett County.

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

**Pass a Drug Test** is that the result of the 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 MRO.

**Pass an Alcohol Test** is that the result of an alcohol test showed no evidence or insufficient evidence of a prohibited level of alcohol.

**Positive Drug Test** is 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 SAMHSA, or for drugs not subject to SAMHSA guidelines, at the levels identified by Harnett County; 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.

**Positive Alcohol Test** is the presence of alcohol in the employee's system at a level of 0.04 or above. A safety-sensitive employee with an alcohol level between 0.02 and 0.039 is not considered positive but is required to be removed from duty for a period of at least 8 hours for Federal Transit Administration (FTA) and 24 hours for Federal Motor Carrier Safety Administration (FMCSA).

**Prohibited Substances.** Prohibited Substances addressed by this policy include the following: illegal drugs or controlled substances, misused or abused legal drugs, and alcohol.

**Illegal Drugs or Controlled Substances.** 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. This includes, but is 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. If Harnett County wants to test for other drugs, it cannot use the random-testing drawing to collect that specimen.

**Legal 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 the employee's supervisor.** Such reporting will be prior to the employee performing any safety-sensitive duties. 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 a 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 or safety-sensitive duties is prohibited.

**Alcohol.** The use of beverages containing alcohol or substances including any medication, mouthwash, food, candy or any other substance such that alcohol is present in the body while performing County 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.

**Qualified Negative**, with respect to the results of a drug test, is 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 by a scientifically valid method, such as a computer-based random number generator or a random number table spread reasonably throughout the year.

**Reasonable Suspicion** exists when a supervisor, who has received the required training in detecting the signs and symptoms of probable drug and/or alcohol use, obtains 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 that may have been caused by prohibited substance abuse or alcohol misuse
- e) Physical altercation
- f) Verbal altercation
- 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, and flagrant disregard or violations of established safety, security, or other operating procedures)
- h) Possession of drugs and/or alcohol
- i) Arrests, citations, and deferred prosecutions associated with drugs or alcohol
- j) Credible information obtained from other trained employees based on their observations

**Refuse to Test.** The following behaviors constitute a test refusal:

- a) Failure to appear for any test (except for pre-employment) within a reasonable time, as determined by the employer; or
- b) Failure to remain at the testing site until the testing process is complete; or
- c) Failure to provide a urine specimen for any required drug test; or
- d) Failure to permit the observation or monitoring of the specimen collection when required to do so; or
- e) Failure to provide a sufficient amount of urine when directed and there is no adequate medical explanation for the failure; or
- f) Failure to take a second test when directed to do so by the employer or collector; or
- g) Failure to undergo a medical examination when directed to do so by the MRO or employer; or
- h) Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector); or
- i) Failure to follow the observer's instructions during direct observation collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process; or
- j) Possess or wear a prosthetic or other device that could be used to interfere with the collection process; or
- k) Admit to the collector or MRO that you adulterated or substituted the specimen.

**Safety-sensitive employee** means any employee employed by Harnett County in a position designated as safety-sensitive. Safety-sensitive employees will be tested for marijuana, cocaine, amphetamines, opiates, and phencyclidine. In a DOT (FTA and FMC) drug test, the laboratory must only test for Marijuana metabolites; Cocaine metabolites; Amphetamines; Opiate metabolites; and Phencyclidine (PCP). If Harnett County wants to test for more drugs or drug classes, then another specimen must be taken from the employee and under a separate circumstance for testing. For example, if a DOT regulated employee's name is drawn under random testing, then the above-listed five drugs can be tested from the specimen provided by the employee. If Harnett County wants to test for other drugs, it cannot use the random-testing drawing to collect that specimen.

**Safety-Sensitive Position** is a position in which Harnett County has determined that a drug or alcohol impairment constitutes an immediate and direct threat to public health or safety, or where the duties of the position create, or are accompanied by, such a great risk of injury to the other persons or to property of such magnitude that even a momentary lapse of attention, judgment or dexterity could have disastrous consequences or result in injury or death to another person. A position will be designated safety-sensitive only where Harnett County has a compelling need, on the basis of safety concerns. Determination as to which positions are safety-sensitive will be based on DOT guidelines or the recommendation of the department head with approval by the Human Resources Department. A list of safety-sensitive positions shall be maintained by the Human Resources Department. Examples of these positions include:

- a. Positions (full or part time) 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 routine 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. Other positions as determined on a case-by-case basis as determined by Human Resources Director.
- d. **In addition, Department of Transportation (DOT) guidelines define the following includes activities as safety-sensitive by:**
  - i. **Driving which is at any time spent at the driving controls of a commercial motor vehicle in operation.**
  - ii. **Inspecting, servicing, or conditioning any commercial motor vehicle.**
  - iii. **Waiting to be dispatched at a carrier or shipper plant, terminal, facility, or other public property.**
  - iv. **Performing all other functions in or upon any commercial motor vehicle except resting in a sleeper berth.**
  - v. **Loading or unloading a vehicle, supervising or assisting in the loading or unloading of a vehicle, attending a vehicle being loaded or unloaded, remaining ready to operate the vehicle, or giving or receiving receipts for shipments loaded or unloaded.**
  - vi. **Performing driver requirements, relating to accidents.**
  - vii. **Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.**
  - viii. **Operating a revenue service vehicle, including when not in revenue service.**
  - ix. **Operating a non-revenue service vehicle when required to be operated by the holder of a commercial driver's license.**
  - x. **Controlling dispatch or movement of a revenue service vehicle.**
  - xi. **Maintaining a revenue service vehicle or equipment used in revenue service.**
  - xii. **Carrying a firearm for security reasons.**

**Substance Abuse and Mental Health Services Administration (SAMHSA)** is the lead Federal Agency for improving access to quality substance abuse prevention, addiction treatment and mental health services in the U.S.

**Split specimen** is a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee

requests that it be tested following a verified positive, adulterated, or substituted test of the primary specimen.

**Substituted specimen** is a specimen with values so diminished or different that they are not consistent with human urine.

**Substance Abuse Professional (SAP)** is a person with knowledge of clinical experience in the diagnosis and treatment of both drug- and alcohol-related disorders who evaluates employees who have violated a drug and alcohol regulations and makes recommendations concerning education, treatment, follow-up testing, and aftercare. SAPS must be either a licensed physician (Doctor of Medicine or Osteopathy); or a licensed or certified social worker; or a licensed or certified psychologist; or a licensed or certified employee assistance professional; or an alcohol and drug abuse counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC), or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC), or by the National Board of Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC).

**Supervisor**, in general, means any employee who has the authority to direct the job activities of one or more other employee(s). With respect to a particular employee, the term means such employee's immediate supervisor and all persons having direct 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. All unannounced, follow-up testing will be conducted by direct observation.

**Workplace** is 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 worksites, Harnett County or personal vehicles (while personal vehicle is being used for Harnett County business), computer work stations, conference rooms, hallways, private offices, open/partitioned work areas, public contact/customer service/medical services areas, and parking lots or at any other location or facility for which he or she is entitled to receive pay from Harnett County.

#### **IV. DRUG AND ALCOHOL TESTING FOR SAFETY-SENSITIVE EMPLOYEES**

- A. **Application.** This section applies to all safety-sensitive employees and contractors when they are on Harnett County property or when performing any Harnett County business including transit-related safety-sensitive 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 Harnett County premises and will not be permitted to conduct business if found to be in violation of this policy.
- B. **Prohibited Conduct.** *Safety-sensitive employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of prohibited substances on Harnett County premises, in vehicles, in uniform or while on Harnett County Business.* Employees who violate this provision will be subject to disciplinary action up to and including termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

No safety-sensitive employee should report for duty or remain on duty when his/her ability to perform assigned safety-sensitive functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.02 or greater. No safety-sensitive employee shall use alcohol or prohibited drugs while on duty, in uniform, while performing safety-sensitive functions, nor just before or just after performing a safety-sensitive function. No safety-sensitive employee shall use alcohol within four (4) hours prior to reporting for duty, or during hours that they are on-call. All safety-sensitive employees are prohibited from reporting for duty or remaining on duty at any time there is quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended. Violation of these provisions is prohibited and punishable by disciplinary action up to and including termination.

- C. **Consequences of policy violation.** Any employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be suspended from job duties pending an investigation and verification of condition. 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.

Any safety-sensitive employee that has confirmed positive drug or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and referred to a SAP for assessment. A positive drug and/or alcohol test will also result in disciplinary action up to and including termination. The Human Resources Department will be consulted prior to such discipline being imposed.

- D. **Referrals.** Employees who are disciplined as a result of a violation of this policy shall be referred for evaluation and further counseling or treatment by a substance abuse professional.
- E. **Compliance with Testing Requirements.** All safety-sensitive employees will be subject to urine drug testing and alcohol testing as a condition of employment. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and their employment terminated. Any safety-sensitive 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 direct observation collection. Verification of these falsifying actions will result in the immediate removal from duty and subject the employee to discipline up to and including termination.
- F. **Testing Time Frames.** Drug tests can be performed any time a safety-sensitive employee is on duty. An alcohol test can be performed when the safety-sensitive employee is actually performing a safety-sensitive duty, just before, or just after the performance of safety-sensitive duty. During normal duty hours, employees will be sent to the facility designated by Harnett County and approved for testing. After duty hours, when offices are closed or unable to perform the test(s), employees will be referred to a facility specified by the Drug and Alcohol Program Manager.

- G. **Pre-Employment.** Applicants determined to be final candidates for a safety-sensitive position shall undergo a drug screening. Receipt of a negative drug test result is required prior to offer of employment or performance of safety-sensitive duties. A pre-employment/pre-transfer test will also be performed anytime an employee's status changes from an inactive status in a safety-sensitive position to an active status in a safety-sensitive position (i.e. return from Worker's Compensation Programs, return from absence).
- H. **Background Checks.** All applicants for DOT safety positions (FTA - Drivers, Dispatchers and Mechanics, FMCSA - employees required to have a CDL) will give consent to have their drug and alcohol records checked. If the applicant refuses to give consent he/she will not be hired or transferred into the safety-sensitive position.

The following information will be sought from DOT regulated employers who have employed the candidate during any period during the two years before the date of the applicant's application or transfer for applicants for FTA covered positions, and during any period during the three years before the date of the applicant's application or transfer for applicants for FMC covered positions:

1. Alcohol tests with a result of 0.04 or higher alcohol concentration;
2. Verified positive drugs tests;
3. Refusals to be tested (including verified adulterated or substituted drug test results);
4. Other violations of DOT agency drug and alcohol testing regulations, and;
5. With respect to any candidate who violated a DOT drug and alcohol regulation, documentation of the applicant's successful completion of DOT return-to-duty requirements (including follow-up tests). If the previous employer does not have information about the return-to-duty process (e.g., an employer who did not hire an employee who tested positive on a pre-employment test), then information will be sought directly from the applicant verbally and in writing.

The information obtained from a previous employer includes any drug or alcohol test information obtained from previous employers under 49 CFR Part 40 Subpart A, Section 40.25 or other applicable DOT agency regulations.

The above information will be obtained before the applicant first performs safety-sensitive functions. If this is not feasible, the information must be obtained as soon as possible. The applicant will not be permitted to perform safety-sensitive functions after 30 days from the date on which the applicant first performed safety-sensitive functions, unless the information has been received or a good faith effort to obtain the information has been made.

If information that the applicant has violated a DOT agency drug and alcohol regulations is obtained, the applicant will not be asked to perform safety-sensitive functions unless there is also obtained information that the applicant has subsequently complied with the return-to-duty requirements of 49 CFR Part 40 Subpart O and DOT agency drug and alcohol regulations.

Harnett County will provide to each of the employers, from whom it requests information, written consent for the release of the information cited above.

The release of information and the receiving of information must be in a written form (e.g., fax, under cover, e-mail, or letter) that ensures confidentiality. A written record of the information released, including the date, the party to whom it was released and a summary of the information provided will be maintained.

Upon receiving written consent from the applicant, the requested information from the DOT regulated employer making the inquiry will be immediately released.

As requester or releaser, Harnett County will maintain a written, confidential record of the information obtained or released or the good faith efforts made to obtain the information. The information will be maintained for a minimum of **three years** from the date of the applicant's first performance of safety-sensitive functions.

The applicant will also be asked whether he or she has tested positive, or refused to test, on any pre-appointment drug or alcohol test administered by an employer to which the candidate applicant applied for, but did not obtain, safety-sensitive work covered by DOT agency drug and alcohol rules during the past **two years for FTA covered positions and three years for FMCSA covered positions**. If the applicant admits that he or she had a positive test or refusal to test, the applicant will not be used to perform safety-sensitive functions, until and unless the applicant documents successful completion of the return-to-duty process described in this policy.

- I. **Post Accident.** Post-accident testing must be conducted on any driver or any other safety-sensitive employee not in the vehicle (for example, maintenance personnel) whose performance could have contributed to the accident. A determination whether to test covered 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. Alcohol use by any safety-sensitive employee is prohibited for eight (8) hours following a reported accident or until the alcohol test is performed, whichever comes first.
- J. **Reasonable Suspicion.** A test will be conducted when there is reason to believe that the employee is under the influence of a prohibited drug, has misused alcohol or a prescription medication. Reasonable-suspicion testing is authorized only if the required observations are made by a trained supervisor or official of the locality where the covered employee is on duty (See Section III, Definitions). In any event, a reasonable-suspicion test will only be conducted after the factors leading to the determination of reasonable suspicion have been reviewed with and approved by the department head in which the employee works or by the Human Resources Director.
- K. **Random Testing.** Employees designated as safety-sensitive, as defined by the DOT guidelines, will be tested on an unannounced basis throughout the year. The selection of safety-sensitive employees for random drug and 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. Tests can be conducted at any time during an employee's shift (i.e. beginning, middle, end or

otherwise in a paid, on duty, status.) Employees are required to proceed immediately to the collection site upon notification of their random selection.

- L. **Return to Duty.** All safety-sensitive employees who previously tested positive on a drug or alcohol test will be subject to disciplinary action up to and including termination. In the event, however, an employee returns to duty, he/she must test negative on a return-to-duty test. **All return to duty testing will be conducted under direct observation.** The employee must have been evaluated and released to duty by a SAP before returning to work. Before scheduling the return to duty test, the SAP must assess the employee and determine if the required treatment has been successfully completed.
- M. **Follow-Up.** Once allowed to return to duty, an employee, who has been determined by the evaluating SAP to be in need of assistance in resolving problems associated with misuse of drugs and/or alcohol, must submit to a minimum of six, random, unannounced, follow-up tests within the first twelve months following rehabilitation. Follow-up testing may be extended for up to sixty months or five (5) years following return to duty as prescribed by the evaluating substance abuse professional. **All follow up testing will be conducted under direct observation.** The SAP will determine the frequency and duration of the follow-up tests beyond the minimum.
- N. **Alcohol.** No safety-sensitive employee shall use alcohol within eight hours before going on duty or operating, or having physical control of, a motor vehicle.

No employee shall report for duty or remain on duty in a safety-sensitive function while having an alcohol concentration of greater than 0.00. An employee in a safety-sensitive function who reports to work and whose alcohol test result indicates a level of alcohol greater than 0.00 in the employee's system shall be considered to have a positive alcohol test and shall be subject to discipline.

A safety-sensitive 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 at least eight hours for FTA and 24 hours for FMCSA unless a retest results in a concentration measure of less than 0.02. The inability to perform safety-sensitive duties due to an alcohol test result of greater than 0.02 but less than 0.04 will be considered an unexcused failure to be able to perform the essential duties of the position and will subject the employee to disciplinary action 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 655 for safety-sensitive employees and will subject the employee to disciplinary action up to and including termination.

## V. DRUG AND ALCOHOL TESTING POLICY FOR ALL EMPLOYEES

- A. **Application.** This section applies to **all** employees employed in any position and contractors when they are on Harnett County property or when performing any Harnett County business including transit-related safety-sensitive 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 Harnett County premises and will not be permitted to conduct business if found to be in violation of this policy.
- B. **Prohibited Conduct.** The unlawful manufacture, distribution, dispensing, possession, storage, purchase, or use of prohibited substances by all Harnett County employees is prohibited. Employees who violate this provision will be subject to disciplinary action up to and including termination. The Human Resources Department will be consulted prior to such discipline being imposed. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

No employee may refuse to submit to any drug or alcohol test as required by this policy or DOT regulations.

- C. **Consequences of policy violation.** Employees found to be under the influence of prohibited substance(s) or who fail to pass a drug or alcohol test shall be removed from duty and subject to disciplinary action up to and including termination. 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.
- D. **Post-Accident Testing.** Any employee involved in an accident that results in a fatality will be required to undergo urine and breath testing if they are involved in an accident while on duty or operating a Harnett County vehicle (regardless of whether or not the vehicle is in revenue service). This includes all surviving safety-sensitive employees that operated the vehicle and any others whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility, or one or more vehicles incurs disabling damage, unless the employee can be completely discounted as a contributing factor to the accident. The accident definition may include some incidents where an individual is injured even though there is no vehicle collision. Following an accident, the employee(s) will be tested as soon as possible, but not to exceed eight hours for alcohol testing and thirty-two hours for drug testing.

Any safety-sensitive 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. 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 subject to discipline up to termination.

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. **Fitness for Duty/Reasonable Suspicion Testing.** All employees may be subject to a fitness for duty evaluation, and urine and/or alcohol breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. Any employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be suspended from job duties pending an investigation and verification of condition.

In accordance with Section III of this policy, a reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances consistent with the short-term effects of substance abuse or alcohol misuse by a trained supervisor or official of the locality where the covered employee has reported for duty is on duty.

Before any reasonable-suspicion drug test shall be conducted, the factors giving rise to reasonable suspicion shall be reviewed with and approved by the department head in consultation with Human Resources. 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.

A reasonable suspicion alcohol test shall be administered no later than eight hours following the determination of reasonable suspicion. If the alcohol test is not administered within eight hours following the determination of reasonable suspicion or 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 administered within the eight hour time frame, the following should occur: 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, or twenty-four (24) hours have elapsed following the determination of reasonable suspicion.

- F. **Return to Duty Requirements.** Employees who have previously tested positive on a drug or alcohol test and who are allowed to reenter the workforce must agree to a re-entry contract. That contract may include, but is not limited to:

1. A release to work from the SAP.
2. A negative test for drugs and/or alcohol.
3. An agreement to unannounced frequent follow-up testing for a period of (1) one to (5) five years with at least (6) six tests performed the first year.
4. A statement of work-related behaviors.
5. An Agreement to follow specified after-care requirements with the understanding that violation of the re-entry contract will be grounds for termination.

- G. **Direct Observation Testing.** 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 a direct observation 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 non-approved physical absence resulting in the inability to conduct the test.

- H. **Drug-Free Workplace Act Requirements.** All employees are required to notify Harnett County through their supervisor(s) or the Human Resources Office of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction, as required by the Drug-Free Workplace Act. Failure to comply with this provision shall result in disciplinary action, up to and including termination.
- I. **Referrals.** All employees are encouraged to make use of the available resources for treatment for alcohol misuse and violations of illegal drug use policies. Under certain circumstances, employees may be required to undergo treatment for substance abuse or alcohol misuse. Any employee who refuses or fails to comply with 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 to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program. Employees may be either referred or make self-referral to the SAP.

Employees who are terminated as a result of a violation of this policy shall be referred to for evaluation and further counseling or treatment by a substance abuse professional.

## VI. TESTING PROCEDURES

- A. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities that have been approved by the U.S. Department of Health and Human Service (US 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 procedure, and the validity of the test result.
- B. When an employee does not provide a sufficient amount of urine for collection:
  - 1. The collector must encourage the employee to drink up to 40 ounces of fluid, distributed through a period of up to three hours, or until the individual has provided a sufficient specimen, whichever occurs first. It is not a refusal to test if the employee declines to drink and then if the
  - 2. If the employee refuses to make the attempt to provide a new urine specimen, this is a refusal to test.
  - 3. If the employee has not provided a sufficient specimen within three hours of the first attempt to provide the specimen, this is a refusal to test.
  - 4. The employee has an opportunity to show a valid medical reason for not producing a sufficient specimen.
- C. The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. Urine specimens will be collected using the split specimen collection method described in 49 CFR Part 40. Each specimen will be accompanied by a 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.

- D. The test results from the laboratory will be reported to the MRO. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is 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 subsequently review the employee's medical history/medical records to determine whether there is a legitimate medical explanation for a positive laboratory result.
- E. If no legitimate medical explanation is found, the test will be verified positive and reported to the Harnett County Human Resources Drug and Alcohol Program Manager. If a legitimate explanation is found, the MRO will report the test result as negative. In instances where there is reason to believe an employee is abusing a substance other than the five drugs listed above, Harnett County reserves the right to test for additional drugs under its own authority using standard laboratory testing protocols.
- F. The split specimen will be stored at the initial laboratory until 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 MRO.
- G. 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 an 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.
- H. If an employee alleges that, because of medical reasons, he or she is unable to provide a sufficient amount of breath, or saliva to permit a valid alcohol test, the alcohol technician shall instruct the employee a second time to attempt to provide an adequate amount of breath, or saliva. If the employee continues to allege an inability to provide a sufficient amount of breath, or saliva 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 possible after the attempted provision of breath, or saliva an evaluation from a licensed physician acceptable to Harnett County addressing the employee's medical ability to provide the adequate amount of breath, or saliva. If there is not a medical reason acceptable to management for the employee's inability to provide the breath or saliva the employee will be considered to have refused to submit to the alcohol test and will be subject to discipline up to and including termination.

- I. Any employee that has a confirmed positive drug or alcohol test will no longer be allowed to perform safety-sensitive duties even if the occupied position has not been designated as safety-sensitive.
- J. Harnett 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.
- K. Any employee who questions the results of a required drug test under 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. All costs for such testing are paid by the employee unless the result of the split sample test invalidates the result of the original test or the employee shows good, valid cause supporting an inability to pay the cost. If such showing of proof is acceptable then Harnett County will pay the cost. Note: In order to avoid cancelled tests, split specimen testing must be done in a timely manner. Accordingly, once the employee has made a timely request (within 72 hours of notification by the MRO) for split specimen testing, Harnett County is responsible for making sure that the MRO, the first laboratory, and the second laboratory perform the functions of split specimen testing in a timely manner. This means that Harnett County may not condition the split specimen testing on the requirement that the employee make direct and timely payment to the MRO or laboratory or the employee's agreement to reimburse Harnett County for the cost of testing. If the employee has not made the payment, Harnett County is responsible for making the payment and then seeking reimbursement from the employee.
- L. The method of collecting, storing, and testing split sample will be consistent with the Procedures forth in 49 CFR Par 40, as amended. The employee's request for a split sample test must be made to the MRO 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 documented and verifiable facts that were beyond the control of the employee.
- M. Tampering with drug tests is a serious safety concern because, when employees tamper with tests, it is usually because they want to continue using drugs while performing their safety-sensitive functions. With the growing industry, which advertises substances and techniques to protect drug users from tests, it is Harnett County's policy that all primary specimens will be tested for tampering. Such validity testing will be performed by the laboratory to deter and detect tampering with drug tests. Laboratories will test all incoming specimens for dilution, substitution, and adulteration. If positive for any of the categories, the employee has a right for a second, or split specimen, test performed.
- N. When the MRO receives a test from the laboratory labeled adulterated or substituted the MRO contacts the employee, who has the burden of proof that there is a legitimate medical explanation. If the explanation does not present a reasonable basis, the test is reported as verified refusal to test because of adulteration or substitution. If the employee's explanation may present a reasonable basis that there is a legitimate medical explanation, the employee is directed to obtain, within five days, a further medical evaluation. If there is a legitimate medical explanation from the referring physician, the MRO cancels the test. If there is no legitimate reason reported by the referring physician, then the MRO reports that the test is a verified refusal to test because of adulteration or substitution.

- O. At the employee's option, the split specimen can be sent to a second laboratory for testing. The second laboratory sends back one of the following results:
  - 1. Reconfirmed – positive drug test or adulterated or substituted result, which is a refusal to test.
  - 2. Failed to Reconfirm: Adulterated or Substituted Criteria not met – both tests cancelled.
  - 3. Failed to Reconfirm: Specimen not Available for Testing – both tests must be cancelled, and additional requirement – Harnett County is directed to have another immediate collection of another specimen from the employee under direct observation with no notice given to the employee of this collection requirement until immediately before the collection.
- P. There will be no personnel action based on cancelled tests.

## **VII. EMPLOYEE ASSESSMENT**

- A. 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 the SAP. 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.
- B. Assessment by the SAP or participating in an Employee Assistance Program does not shield an employee from disciplinary action or guarantee employment or reinstatement. The Human Resources Department must be consulted prior to any discipline being imposed.
- C. If a safety-sensitive 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-drug and alcohol tests, and be subject to unannounced follow-up testing for a period of one (1) to five (5) years. The cost of any treatment or rehabilitation services will be paid directly by the employee or by his/her insurance provider. Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program.

## **VIII. INFORMATION DISCLOSURE**

- A. Information regarding the testing and referral of employees and applicants under this policy will be treated as confidential in accordance with the requirements of North Carolina law governing the privacy of employee personnel records.
- B. 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. In legal proceedings such as civil and criminal actions. The employee must be notified in writing that the information is being released.

3. When requested by a DOT agency or by a federal, state, or local safety agency with regulatory authority over the employee.
  4. If the employee has a second employer and Harnett County is the first employer and conducted the drug test then the MRO may not release the information to the second employer.
- C. Searches and seizures are to be conducted in a legal manner. Harnett 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.
- D. This policy is intended to comply with all applicable Federal and State regulations governing anti-drug and alcohol programs, including, but not limited to, those adopted by DOT.

## **IX. SUPERVISORY RESPONSIBILITIES**

Every supervisor shall:

- A. Consistently apply this policy to all employees under his or her supervision. A supervisor, who fails to apply this policy when he or she believes, or reasonably should believe, that an employee under his or her supervision has committed a violation, will be subject to discipline.
- 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.
- C. Insure that employees he or she supervises are aware of the requirements and consequences of this policy.
- D. Follow the procedure established by the department head 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 an alcohol test result of greater than 0.00 are transported home—either by personal family/friends or by arranged transportation.
- E. Supervisors will also receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicator of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behaviors, speech, and performance indicators of probable alcohol misuse.
- F. Since the Sheriff and the Register of Deeds are elected officials, drug free workplace issues in the Sheriff's Department and in the Register of Deeds Office shall be the responsibilities of these officials respectively. The Sheriff's Department shall be responsible for reporting test results to the North Carolina Sheriff's Education and Training Standards Commission on personnel holding certification from that Commission as required.

## **X. EMPLOYEE RESPONSIBILITIES**

Every applicant and employee will be given a copy of “Rights and Responsibilities under the North Carolina Controlled Substance Examination Act” prior to being tested. Every employee shall:

- A. Abide by this policy as a condition of employment.
- B. Comply with all applicable laws regulating the manufacture, distribution, dispensing, 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 for a safety-sensitive job 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 (4) 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 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 directed by his or her supervisor.
- E. *Notify his or her department head, if convicted of a violation of a criminal drug statute and such violation occurred while the employee was on duty, within five days after such conviction, as required by the Drug-Free Workplace Policy.* Employees are also required to notify his or her department head within 5 days of any violation or conviction of a criminal drug statute while off duty.
- F. Notify his or her department head if arrested off the job for Driving While Impaired (DWI) or Driving under the Influence (DUI) or for the use, sale, or possession of a controlled dangerous substance, within forty-eight (48) hours of the incident. The department head shall investigate the incident, and if it is found to have a direct relationship to the employee’s job duties and responsibilities, appropriate action may be taken.
- G. All safety-sensitive employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequence of drug use on personal health, safety, and the work environment. The training must also include manifestations and behavioral clues that may indicate prohibited drug use.

## **XI. SYSTEM CONTACTS**

Any questions regarding this policy or any other aspect of the drug free and alcohol-free program should contact the Human Resources Department/Human Resources Director.

## **XII. EFFECTIVE DATE**

All provisions of this policy will become effective on the date of approval by the Harnett County Board of Commissioners.