

 <p>THE TOWN OF Holly Springs</p> <p>Administrative Rules Manual</p>	Administrative Rule Number: HR 3.1 Title: Drug and Alcohol Policy	
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Policy Overview:

The Town of Holly Springs has a responsibility to all employees to provide a workplace that is free of controlled substances and alcohol as well as a responsibility to the public to insure that its safety and trust in the Town of Holly Springs is upheld. Therefore, the Town of Holly Springs has adopted a policy that prohibits the following behaviors by employees:

- The use or possession of alcohol or any controlled substance, including the abuse of medications, while on work time or work premises, or in town vehicles.
- The sale, distribution, or provision of alcohol or any controlled substance while on work time or work premises, or in town vehicles.
- Reporting to work or working while intoxicated or otherwise impaired.

This is a zero tolerance policy due to the magnitude of potential adverse consequences of controlled substances abuse and alcohol misuse which can range from personal injury or equipment damage to death of co-workers or the public. Any violations of this policy will subject the employee to disciplinary action, up to and including dismissal.

Purpose:

The purpose of the drug and alcohol policy is to:

1. Identify all requirements and actions necessary to eliminate controlled substance abuse and alcohol misuse at the Town of Holly Springs.
2. Ensure full compliance with federal requirements for establishing a drug-free workplace.
3. Identify when, and under what conditions, Town employees are subject to drug and alcohol testing.

Scope/Coverage:

All employees

All employees (full-time and part-time; temporary; and probationary) of the Town of Holly Springs are subject to the following types of tests:

- reasonable suspicion
- pre-employment
- post-accident
- return to duty
- follow-up

Random Testing (Safety Sensitive Positions)

Unannounced random testing will be completed on a certain percentage of employees whose positions have been deemed safety sensitive. (See Attachment A) Employees in safety sensitive positions have a special responsibility to maintain physical and mental fitness for duty at all times while on the job. The simple random sample method is used and all names of the employees holding safety sensitive positions are entered into the pool for random selection. Employees whose names are randomly selected from the pool must be tested just before, during or just after performing job responsibilities. The Town of Holly Springs contracts with a third party administrator to generate the random test list and the Human Resources Department coordinates the random tests.

Reasonable Suspicion Testing (All Employees)

Reasonable suspicion testing is performed when supervisors, department heads, or Town officials have reasonable suspicion to believe that an employee's behavior or appearance may indicate he/she may be under the influence of or has recently used alcohol or controlled substances. The determination to test for reasonable suspicion should be based on individualized, specific, and objective observations such as appearance, behavior, speech or body odor, etc. (See Attachment B)

Supervisors, department heads, or Town officials have the right and responsibility to require an employee to submit to controlled substances or alcohol testing when reasonable suspicion is present. Testing should be done immediately, or as soon as possible, after the suspicion has been recognized.

An employee who is asked to submit to reasonable suspicion testing will be driven to the testing site and will be placed on administrative leave with pay pending the test results. An employee who refuses to submit to reasonable suspicion testing or avoids meeting the time requirements identified will be subject to dismissal.

Post Accident Testing (All Employees)

Post-accident testing is conducted following any accident involving an employee if any one of the following conditions is met:

- The accident causes a fatality or bodily injury to any individual requiring medical treatment away from the scene.
- The employee receives a citation under state or local law for a moving traffic violation arising from the accident.

- One of the vehicles receives disabling damage to the extent that it must be towed.

Post-accident alcohol testing should be done within 2 hours of the accident. If the test cannot be performed within 8 hours for DOT employees, it should not be done. Post-accident controlled substances testing should be performed within 32 hours of the accident. If the tests cannot be performed in the specified time frame, the reasons for the failure to test should be documented by the supervisor and given to the Human Resources Director.

As soon as practical after an accident, the employee will be driven to the specimen collection location. Transportation will be provided. An employee who is required to submit to post-accident controlled substances or alcohol testing will be placed on administrative leave with pay pending test results.

An employee who refuses to be tested or avoids meeting the specified time limits will be subject to dismissal. If unable to meet specified timelines due to circumstances beyond the employee's control, such circumstances must be documented and validated to the Human Resources Director and the Town Manager.

Pre-employment Testing

All job offers are contingent on a negative drug test. Employees unable to have a drug screen performed prior to the start date should preferably go on their first day of employment, or within three days. Candidates report directly to the drug testing collection site and Human Resources receives notification of the test result. If someone is already employed by the Town, he/she is required to submit to a pre-employment test only if he/she is moving into a safety sensitive position from a position that is not safety sensitive.

Return-to-Duty and Follow-Up Testing

Return-to-duty and Follow-up testing is required for any employee who has violated this policy and is returning to work on the recommendation of the substance abuse professional. Return-to-duty testing must be conducted prior to the employee returning to work. Follow-up testing is required for any employee who has violated this policy and has successfully completed a return-to-duty test. Employees who fall into either one of these situations will be subject to at least 6 unannounced follow-up tests within the first year back on the job. Follow-up testing can be performed for up to 5 years after return to work. Any employee who tests positive on a return to duty or follow-up test shall be dismissed.

Controlled Substances Testing Information

Alcohol Tests

A breath alcohol level of 0.04 or higher on a breathalyzer administered by a certified Breath Alcohol Technician is considered a positive alcohol test. A positive test result while on work time or work premises, or in town vehicles, will result in disciplinary action up to and including dismissal.

A breath alcohol level of 0.02 or greater requires a confirmation test. Confirmation tests are completed no sooner than 15 minutes after the initial screening test, but no later than 20 minutes of that test. If the screening and confirmation tests are not the same, the confirmation test is deemed to be the final result. If the BAT reading is between 0.02 and 0.039 the employee must be removed from the work place for a 24-hour period (8 hours of work time).

Drug Tests

Drug tests are performed for the following types of drugs:

- Marijuana
- Cocaine
- Opiates
- Phencyclidine (PCP)
- Amphetamines

All drug tests require an employee to provide a urine specimen for urinalysis at an approved medical facility. The collection, analysis and reporting processes are strictly controlled to ensure accuracy of test results and maximum confidentiality.

Every urine specimen undergoes an initial screen followed by a confirmation test for all positive screen results. Any confirmed positive test result is reviewed and interpreted by a Medical Review Officer (MRO). The MRO will contact the employee to ensure no factors exist that may have influenced the outcome of the testing process prior to transmission of the results to the Town. The MRO is responsible for confirming test results. Test results will be provided to the Human Resources Director, or designee, and test results will be revealed only to those persons authorized as having an established need for the information. A confirmed positive test result will subject the employee to disciplinary action, up to and including dismissal. The employee cannot return to job duties until he/she has been evaluated by a substance abuse professional, completed the treatment recommendations, and produced a negative return to duty test.

Refusal to Test

An employee's refusal to consent to testing as authorized under this policy will result in immediate termination.

Impairment or other behavior off the job

Any employee whose job duties require operation of a motorized vehicle, hazardous machinery or use of hazardous materials who is CHARGED with a controlled substances or alcohol related offense (including DWI) must notify the appropriate supervisor or department head within one work day of arrest, arraignment or indictment. Any employee who is required to have a driver's license for the performance of their job duties will be placed in disciplinary suspension without

pay status until their license is returned after the automatic ten-day revocation. An employee's failure to notify his/her supervisor or department head may result in disciplinary action, up to and including dismissal. Under no circumstances will an employee operate a town vehicle or equipment without a valid operator's license.

Any employee CONVICTED of a controlled substances or alcohol related offense must notify the appropriate supervisor or department head within one workday of conviction. Failure to notify management may result in disciplinary action, up to and including dismissal. If an employee's job functions require a valid driver's license and the employee's license is revoked, the employee shall be subject to disciplinary action, up to and including dismissal. Failure to notify the supervisor or department head of any revocation shall result in disciplinary action, up to and including dismissal.

Any employee convicted of an off the job controlled substances or alcohol related offense which could directly, or indirectly, affect his/her credibility or ability to carry out effectively the duties and responsibilities of his/her position with the Town of Holly Springs, shall be subject to review by the Town Manager and possible disciplinary action, up to and including dismissal.

Voluntary Referrals for Assistance

An employee who has a drug or alcohol problem is encouraged to seek assistance from the Town's Employee Assistance Program (EAP). EAP visits are provided as a Town benefit and are confidential. Regular employees can request and use approved sick leave or leave without pay for voluntary EAP assistance.

Mandatory Referrals for Assistance

An employee who has tested positive for drugs or alcohol and is not dismissed may be required as a condition of continued employment to undergo a drug and alcohol assessment and participate in a treatment program as recommended by the assessing agency.

The Town of Holly Springs respects the right of any employee to refuse assistance for a drug or alcohol problem. However, the Town maintains the right and responsibility for taking disciplinary action regarding inadequate job performance and for protecting the public's safety.

End of Administrative Rule No. (Leave Blank)

Approved by the Town Manager, Town of Holly Springs, this the _____ day of _____, 200__.

ATTEST:

Joni Powell, Town Clerk CMC
(Town Seal)

Carl G. Dean, Town Manager

Safety Sensitive Positions

The following positions are considered safety sensitive and thus subject to random drug testing. Any Town position is subject to reasonable suspicion testing. Other positions may be added to this list of safety sensitive positions at any time due to the nature of job assignments, or deleted because the assignments of a particular position within a job title do not fit the safety sensitive criteria.

Under Town policy, positions defined as safety-sensitive are defined as:

1. Positions requiring the operation of vehicles, machinery, or equipment as a primary task.
2. Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at the risk of serious injury, or the nature of which would create a security risk in the workplace.
3. Positions requiring the potential use of weapons.
4. Positions where the incumbent's mental fitness is required to prevent immediate injury to the public or to fellow employees, or to himself/herself.
5. Positions working with youth/children and/or required to drive clients

Safety-Sensitive Positions:

Animal Control Officer	Park/Facilities Maintenance Worker
Assistant Fire Chief / Fire Chief	Plant Maintenance Worker
Building Codes Director	Police Officer/SRO
Building Codes Inspector	Police Lieutenant
Code Enforcement/Safety Officer	Police Sergeant/Investigator
Development Administrator/Inspector	Public Works Director/Supv
Development Inspector	Public Works Technician
Director of Public Safety	Rescue Technician
Environmental Inspector	Public Works Crewleader
Fire Captain	Operator II, III, IV, Chief
Fire Engineer	Telecommunicator
Fire Fighter	Utilities Technician/Locator
K-9 Officer	Water Meter Reader
Laboratory Technician	Water Quality Superintendent
Leisure Program Assistant	
Leisure Program Supervisor	
Mechanic/Mechanic Assistant	
Parks Maintenance Supervisor	

Guidelines for Determining “Reasonable Suspicion”

“Reasonable suspicion” is defined as the belief, based on the totality of the circumstances, that an employee is using or has used drugs or alcohol in violation of the Town’s policy. Beliefs will be based upon specific and objective facts and reasonable inferences.

Circumstances which constitute a basis for a determination of reasonable suspicion may include, but are not limited to:

1. Direct observation of drug use and/or the physical symptoms of being under the influence such as slurred speech, odor of alcohol beverage on body or breath, incoherence, uncoordinated movement, agitated or lethargic demeanor, etc. while at work.
2. Abnormal conduct or erratic behavior while at work; significant deterioration in work performance, or participation in physical or verbal altercation, under suspicious conditions.
3. Information from a reliable and credible source or evidence that an employee may be or have been impaired in the performance of his or her duties by recent abuse of alcohol or illegal drugs, whether on or off the job. Attempts should be made to independently corroborate this information. (The Police Department should be contacted in these circumstances, to determine whether there are state or federal legal implications.).
4. Evidence that an employee or applicant has tampered with his/her alcohol or drug test or has attempted to compromise the test sample or the testing process. (Evidence of tampering with or attempting to compromise the test will be considered a positive test and will be grounds for termination.).
5. Possession of drugs or alcohol.
6. A preventable accident involving Town property.
7. Evidence that the employee has used, possessed, sold, solicited or transferred drugs while working or at work.

In combination with observations of current/contemporaneous conditions, the following may alert the supervisor to be watching for signs of substance abuse:

- A prior history of confirmed substance abuse by the employee during the period of Town employment, such as recent convictions of driving while impaired.
- A pattern of excessive absenteeism, tardiness, or deterioration in work performance.
- A pattern of unexplained and unusual vehicle or personal accidents or injuries on or off the job.

Random Drug Testing STANDARD GUIDELINES

Purpose:

To provide guidelines for supervisors and employees to follow for the random drug testing.

General Procedure:

1. The Human Resources Director will receive the list of employees selected for random testing from Triangle J Council of Governments.
2. The Human Resources Director will notify the supervisor, Department Head or designee to take the selected employee to the collection site. Employees should not be given any notification of the tests.
3. Generally, employees will be transported directly to a collection site by a supervisor or supervisor's designee. Failure to complete the test as scheduled will result in disciplinary action, up to and including dismissal, unless there is a certified medical reason for not completing the test. Any attempt at adulteration of the specimen, control forms, or the testing process will be treated as if a positive test result was obtained.
4. The Triangle J will contact the Human Resources Director to provide the test results.
5. If the test results are positive, the Human Resources Director will contact the Department Head and Town Manager to inform them of the results and initiate disciplinary action. Test results are not official until received from the Human Resources. If the test results are negative, the Human Resources Director will document the results. If the alcohol test result is .02 through .0399, the Human Resources Director will document the result and will notify the Department Head and Town Manager. The employee will be placed on disciplinary suspension without pay for 24 hours (8 work hours). Other disciplinary action may result depending on the history and circumstances of the test and employee. A dilute result will require a second drug test.
6. Human Resources will compile and maintain all required records.

Reasonable Suspicion – Drug Testing STANDARD GUIDELINES

Purpose:

To provide guidelines for supervisors to follow when they have reasonable suspicion that a department employee may be under the influence of drugs or alcohol.

General Procedure:

1. The supervisor, department head, or Town official should, upon reasonable suspicion of controlled substances abuse or alcohol misuse, talk with the employee about his/her behavior and advise him/her that he/she does not appear to be “ready for duty”. Point out the behaviors that concern you. Do not accuse him/her of controlled substances abuse or alcohol misuse. It is advisable to have a “third party” (Human Resources Director, Department Head, or Town Manager) as a witness to the conference. Utilize behavioral indicators which consist of what the witness saw the employee do, heard the employee say, or any changes in the employee’s appearance or body odor. Feel free to seek guidance from the Human Resources Director and the EAP.
2. The supervisor, Department Head, or designee will transport the employee to an approved specimen collection site to have the appropriate testing completed.
3. The supervisor, Department Head, or Town official will assist the employee in making arrangements to have someone else drive him/her home following the testing. A suspected controlled substance user or alcohol abuser should not drive himself/herself home. If he/she refuses to allow someone else to drive, explain that you will notify the proper authorities that he/she is possibly impaired and should not be driving.
4. The supervisor, Department Head, or Town official should use the Observed Behavior—Reasonable Suspicion Record to document the incident. The documentation should be done immediately. Include date, time and specific behaviors observed. Forward this documentation to the Human Resources Director in a sealed envelope marked confidential.
5. The Triangle J Council of Governments will contact the Human Resources Director to provide the test results. While the town is awaiting test results, the employee will be placed on administrative leave without pay.
6. If the test results are positive, the Human Resources Director will contact the Department Head and Town Manager to inform them of the results and initiate disciplinary action.

If the test results are negative, the Human Resources Director will document the test results and immediately contact the department head who will notify the employee to return to work immediately. The successful completion of a controlled substance and alcohol test does not bar any other disciplinary or administrative actions deemed appropriate by the supervisor or department in relation to the incident. Human Resources will compile and maintain all required records.

