

# TOWN OF EMERALD ISLE



## ALCOHOL AND DRUG FREE WORKPLACE POLICY

Effective: September 8, 2009

Adopted by the Emerald Isle Board of Commissioners, September, 2009.

**Town of Emerald Isle**  
**Alcohol and Drug Free Workplace Policy**

Effective: September 8, 2009

Replaces Policy of December 8, 1992

**I. Purpose**

The primary purposes of this policy are to:

- 1) protect the public;
- 2) ensure a safe and healthy workplace free of drug and alcohol use for employees of the Town of Emerald Isle; and
- 3) ensure that services are provided to the public in a suitable and responsible manner.
- 4) This policy shall also ensure that the Town complies with Federal Motor Carrier Safety Administration (FMCSA) / Department of Transportation (DOT) requirements concerning testing of commercial motor vehicle drivers for controlled substances and alcohol use. These objectives shall be achieved by establishing guidelines and procedures to detect and prevent substance abuse and use.
- 5) Finally, as the Town has a sincere concern for the health and well being of its employees during and after work hours, this policy provides an employee who has a drug or alcohol problem with the opportunity for rehabilitation through an Employee Assistance Program (EAP) or other substance abuse program.

**II. Policy Statement**

Employee substance abuse and use increases the potential for accidents, absenteeism, substandard performance, and low employee morale. It also undermines public confidence in the Town's work force. Such situations run counter to the policy of the Town of Emerald Isle which is to maintain a safe, healthy, and productive work environment for all employees and to encourage obedience of the law. To implement this policy, the Town will act to the fullest extent allowed, consistent with requirements of the law and individual rights, to eliminate and/or prevent employee substance abuse.

In recognition of the serious duty entrusted to Town employees and with knowledge that drugs and alcohol hinder a person's ability to perform duties safely and effectively, the Town of Emerald Isle has adopted this substance abuse policy. All employees have the right to report any violation of this policy without fear of reprisal.

Supervisory employees shall receive periodic training on the administration of this policy, including recognizing performance or behavioral problems related to abuse, testing, rehabilitation and the taking of appropriate disciplinary action when necessary.

An employee who seeks help for substance abuse through the Employee Assistance Program or other substance abuse professional on a voluntary basis shall not be subject to disciplinary action as a result thereof, however, voluntary participation in an Employee Assistance Program or with other substance abuse professionals does not absolve the employee from the terms of this policy and any subsequent consequences. The Town encourages employees to seek help for substance abuse before intervention becomes necessary.

**Town of Emerald Isle**  
**Alcohol and Drug Free Workplace Policy**

Effective: September 8, 2009

Replaces Policy of December 8, 1992

**III. Definitions**

- A. ALCOHOL TEST – A test for the presence of alcohol in the body as determined through the use of a breath alcohol test, evidential breathalyzer test, or blood screening.
- B. APPLICANT - A person who applies for employment with the Town of Emerald Isle.
- C. CDL – Commercial Driver's License
- D. DER – Designated employer representative
- E. DOT – Department of Transportation
- F. DRUG – A controlled substance as listed in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) or defined in Chapter 90, Section 87 (5) of the North Carolina General Statutes or a metabolite thereof.
- G. DRUG TEST – A test, including providing the necessary sample of body fluid by the employee to be tested, for the presence of any of the following drugs or drug metabolites in the urine, saliva, or blood of an employee or applicant:
  - Amphetamines
  - Cannabinoids
  - Cocaine
  - Opiates
  - Phencyclidine
  - Other drugs that may be determined to reduce work efficiency or as required by federal government
- H. FMCSA – Federal Motor Carrier Safety Administration
- I. MEDICAL REVIEW OFFICER (MRO) – A licensed physician responsible for reviewing all laboratory results and determining alternate medical explanations for positive drug test results.
- J. NEGATIVE ALCOHOL TEST – An alcohol test that indicates a blood alcohol level of 0.00.
- K. NEGATIVE DRUG TEST - A chemical drug test performed by a designated laboratory that confirms there is no presence of drugs.
- L. PRE-EMPLOYMENT TEST - A final applicant for any position of employment with the Town of Emerald Isle categorized as safety-sensitive is subject to a drug test confirming a negative drug test as a condition of hire.
- M. POSITIVE ALCOHOL TEST - An alcohol test that indicates a blood alcohol level of higher than 0.00.

**Town of Emerald Isle  
Alcohol and Drug Free Workplace Policy**

Effective: September 8, 2009

Replaces Policy of December 8, 1992

- N. POSITIVE DRUG TEST – A chemical drug test performed by a designated laboratory that confirms the presence of drugs. To ensure maximum validity, a test shall be declared positive only after the second of two tests confirms the presence of drugs in the urine or other authorized sample.
- O. QUALIFIED NEGATIVE – With respect to the results of a drug test, a test in which the lab result is consistent with legal drug use.
- P. RANDOM TESTING – Testing conducted on an employee chosen by a method that provides an equal probability that any employee from a group of employees will be selected; or testing one employee at random intervals following a positive alcohol or drug test.
- Q. REASONABLE SUSPICION – An expressible belief that an employee used or is using illegal drugs or has misused alcohol drawn from specific, objective and clearly stated facts and reasonable inferences from those facts.
- R. PERFORMING A SAFETY SENSITIVE FUNCTION – An employee is considered to be performing a safety-sensitive function during any period in which he/she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.
- S. SAFETY SENSITIVE POSITION – A position for which the Town has a compelling need, on the basis of safety concerns, to ascertain on-the-job impairment on the part of the employees who hold the position. Such a compelling need may arise where the duties of a position create, or are accompanied by, such a great risk of injury to other persons or to property of such magnitude that even a momentary lapse of attention, judgment, or dexterity could have disastrous consequences. Appendix A of this policy contains the positions or activities classified as safety-sensitive by the Town. This list also contains those activities defined as safety-sensitive by the FMCSA/DOT guidelines.
- T. SUBSTANCE ABUSE PROFESSIONAL (SAP) – A licensed physician (Medical Doctor or Doctor of Osteopathy), or licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances and related disorders.
- U. TOWN – Town of Emerald Isle

**IV. Rules / Prohibited Activity**

- A. The manufacture, distribution, dispensation, possession, storage, purchase, or use of alcohol by employees while at the workplace or in a Town vehicle is prohibited and constitutes grounds for discipline up to and including termination.

**Town of Emerald Isle**  
**Alcohol and Drug Free Workplace Policy**

Effective: September 8, 2009

Replaces Policy of December 8, 1992

- B. The unlawful manufacture, distribution, dispensation, possession, purchase, or use of illegal drugs by employees, on or off the job, is prohibited and constitutes grounds for discipline up to and including termination.
- C. Prior to beginning work or while on duty, an employee shall inform his or her supervisor if he or she has used or intends to use any prescription drug, over-the-counter drugs, or other substance that might impair his or her ability to satisfactorily perform their duties. Employees are responsible for having a thorough understanding of the effects and potential side effects of the medications or other chemical substances taken by them. Supervisors shall document this information through the use of internal memorandum which shall be maintained in a secured medical file separate from the employee's personnel file. The employee may be reassigned temporarily to other duties where appropriate.
- D. No employee shall report for duty or remain on duty while having an alcohol concentration of greater than 0.00.
- E. Any employee arrested for a drug or alcohol related offense must notify his/her supervisor by the next regular scheduled work day of the arrest and may be placed on an unpaid suspension for a period of time to determine appropriate action in accordance with existing procedures and policies. Failure to inform the employee's supervisor of such arrest will be cause for dismissal.
- F. Any employee convicted of an illegal drug-related offense while on or off the job may be subject to immediate dismissal.
- G. Employees in jobs that require a special license(s) or certification(s) who lose certification or licenses as a result of a conviction for drug or alcohol abuse may be terminated as a Town employee or transferred to a position that does not require special license(s) or certification(s).
- H. Any employee who unintentionally ingests or is made to ingest a controlled substance shall immediately report the incident to his or her supervisor so that appropriate medical steps may be taken to ensure the employee's health and safety.
- I. Any employee who has a reasonable basis to believe that another employee is illegally using or selling drugs or narcotics or violating any section of this policy is encouraged to immediately report the facts and circumstances to his/her supervisor or the Town Manager. Confidentiality will be guaranteed within the limits of the law.
- J. All property belonging to the Town shall be subject to inspection at any time in furtherance of this policy. There shall be no expectation of privacy concerning any property belonging to the Town. Property belonging to the Town which is subject to inspection includes, but is not limited to, offices, vehicles, desks, files, containers, lockers, and sleeping areas.

**Town of Emerald Isle**  
**Alcohol and Drug Free Workplace Policy**

Effective: September 8, 2009

Replaces Policy of December 8, 1992

- K. Employees required to submit to any tests due to reasonable suspicion under this policy shall be accompanied by their supervisor or other authorized personnel and proceed immediately to the test site.

**V. Types of Alcohol & Drug Testing**

A. PRE-EMPLOYMENT DRUG TESTING

1. New Hire

When an offer of employment has been made to the final candidate for a safety-sensitive position (See Appendix A), the Department Head or their designee should direct the applicant to the drug testing collection site. Applicants are not eligible to begin work until the Human Resources Office (DER) receives the test results.

Applicants shall be disqualified from further consideration for employment under the following circumstances:

- a. Refusal to submit to a required drug test; or
- b. A confirmed positive drug test indicating drug use prohibited by this policy.

An applicant who does not pass the drug test as required will not be considered for employment for a two-year period following the date of the test and then will be considered only when:

- a. Such applicant provides documentary proof that he or she has successfully completed a substance abuse or rehabilitation program; and
- b. Such applicant passes a pre-employment drug test.

In no case shall an employee perform a safety-sensitive function for the Town of Emerald Isle before he/she produces a negative result for a drug test. In addition, whenever a new employee is hired into a position requiring a Commercial Drivers License (CDL) and therefore subject to DOT/FMCSA regulations, the Town shall obtain a completed Previous Employment Verification & Controlled Substance Test Inquiry as required by the Federal Motor Carrier Safety Regulations.

**Town of Emerald Isle**  
**Alcohol and Drug Free Workplace Policy**

Effective: September 8, 2009

Replaces Policy of December 8, 1992

B. POST-EMPLOYMENT TESTING

1. Promotional Drug Testing

Employees will be required to submit to a drug test as a condition of promotion to a higher safety-sensitive position (See Appendix A) within the Town's organizational structure. Employees shall be disqualified from promotional consideration under the following circumstances:

- a. Refusal to submit to a required drug test; or
- b. A confirmed positive drug test indicating drug use prohibited by this policy.

Promotional employees who test positive for illegal drugs shall be dealt with in accordance with Section VII D of this policy.

2. Transfer to Safety Sensitive or CDL Position Drug Testing

Any current employee transferring (includes promotion, lateral transfer, and demotion) to a position which is covered by the FMCSA/DOT guidelines or classified as safety sensitive shall undergo a pre-placement drug test. The same provisions listed above for promotional drug testing shall apply.

3. Reasonable Suspicion Drug and/or Alcohol Testing

When a supervisor, department head or the Town Manager has reasonable suspicion to believe an employee is using or is under the influence of alcohol or a controlled substance in violation of this policy, the employee may be required to submit to a drug and/or alcohol test.

Reasonable suspicion testing shall be based on a belief that an employee is using or has used alcohol or drugs in violation of this policy drawn from specific objective and articulate facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based on, but not limited to, one of the following:

- a. Direct observation of abnormal conduct or erratic behavior by the employee which may render the employee unable to perform his/her duties or which may pose a threat to safety or health.
- b. A report of observed alcohol or drug use provided by a reliable and credible source or that can be independently corroborated.
- c. An on-the-job accident or occurrence including unsafe working practice, where there is evidence to indicate the accident or occurrence, in whole or in part, may have been the result of the employee's use of a controlled substance or alcohol.

**Town of Emerald Isle**  
**Alcohol and Drug Free Workplace Policy**

Effective: September 8, 2009

Replaces Policy of December 8, 1992

- d. Evidence that an employee is involved in the use, possession, sale, solicitation, or transfer of drugs or alcohol while working or while on the employer's premises or operating the employer's vehicle, machinery, or equipment.
- e. Newly discovered evidence that an employee has tampered with a previous drug test.
- f. Physical symptom(s) of being under the influence of alcohol or drugs, such as impairment of motor functions or speech or a detectable odor of alcohol or drugs on an employee's breath or person.
- g. Arrest or conviction of a drug or alcohol related offense or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking.

Drug Test - A test for controlled substances shall be administered as soon as possible following the formation of reasonable suspicion and in no case more than 32 hours. If the test is not administered within this time period, the Town shall cease attempts to administer the test and shall prepare and maintain on file a report that states the reasons the test was not promptly administered.

Alcohol Test - An alcohol sensor test shall be administered as soon as possible, and within two (2) hours following formation of reasonable suspicion, and may be followed by additional testing. If the test is not administered within this time period, the Town shall prepare and maintain on file a report that states the reasons the test was not promptly administered. If the test is not administered within eight (8) hours following the determination of reasonable suspicion, the Town shall cease attempts to administer the alcohol test and shall prepare and maintain on file the same report.

Any supervisor who feels an individualized reasonable suspicion may exist should confer with the department head and provide all relevant information available to support the suspicion and immediately arrange for testing. Information shall be appropriately documented and signed by the supervisor who made the observations or received such information. This documentation shall be made within twenty four (24) hours of the observed behavior or receipt of such information, or before the results of the drug or alcohol test are released, whichever is earlier. A documentation form is attached to this policy. The Department Head shall consult the Town Manager to review the evidence from a legal standpoint. Town Manager may consult with the Town Attorney if further legal support or assistance is needed.

**Town of Emerald Isle**  
**Alcohol and Drug Free Workplace Policy**

Effective: September 8, 2009

Replaces Policy of December 8, 1992

*Special Provisions for employees occupying positions identified as safety sensitive or requiring a CDL:*

In the event that an alcohol test is not conducted within the proper time frame, then the following shall occur for employees occupying a position identified as safety sensitive or that requires a CDL:

- a. No employee shall continue to perform safety-sensitive functions until an alcohol test is administered with a result of 0.00; or
- b. The employee shall not perform a safety-sensitive function or activity until twenty-four (24) hours have elapsed since the determination was made that reasonable suspicion existed.

4. Random Testing For CDL Drivers and Other Employees Subject To FMCSA/DOT Guidelines

The Town shall conduct random testing for alcohol and drugs for all CDL drivers and employees who occupy positions covered by the FMCSA/DOT guidelines. Employees affected by this policy shall be subject to testing for alcohol and drugs on an unannounced basis throughout the year. A minimum of 10 percent of the average number of employees in positions subject to FMCSA/DOT guidelines shall be tested for alcohol and 50 percent of the average number for drugs. These percentages are subject to change based on changes in the rule as reported in the Federal Register. Any driver or subject employee who is notified of selection for random alcohol and drug substances testing will be required to proceed immediately to the test site. However, if the driver or subject employee is performing a safety-sensitive function at the time of notification, the Town is responsible for seeing that the employee ceases to perform this function and proceeds to the testing site as soon as possible. A driver or subject employee can only be tested for alcohol while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

5. Random Testing For Employees in Positions Classified By the Town as Safety Sensitive

The Town shall also conduct random testing for alcohol and drugs for employees who occupy positions defined by Town policy as Safety Sensitive (see Appendix A). Employees who fall into this category will be placed in screening pools that are separate from those involved in the above prescribed CDL testing with the percentage of employees tested not to exceed the percentages prescribed by FMSCA/DOT guidelines which are a minimum of 10 percent of the average number of employees in positions defined as Safety Sensitive tested for alcohol and 50 percent of the average number for drugs.

**Town of Emerald Isle  
Alcohol and Drug Free Workplace Policy**

Effective: September 8, 2009

Replaces Policy of December 8, 1992

6. Post Accident Testing

As soon as possible after an accident involving a Town employee driver during the course of performing Town work, whether in a Town or personal vehicle, the Town of Emerald Isle shall test each surviving (town employee) driver for alcohol and drugs based on the following table\*.

<u>Accident Involves</u>	<u>Citation issued to driver</u>	<u>Test</u>
Human fatality.....	Yes	Yes
	No	Yes
Bodily injury with immediate medical treatment away from the scene.....	Yes	Yes
	No	No
Disabling damage to any motor vehicle requiring tow away.....	Yes	Yes
	No	No

A drug test shall be administered as soon as possible, and within thirty-two (32) hours of the accident. If the test is not administered within this time period, the Town shall cease attempts to administer the test and shall prepare and maintain on file a report that states the reasons the test was not promptly administered.

An alcohol test shall be administered as soon as possible, and within two (2) hours following the accident. If the test is not administered within this time period, then the Town shall prepare and maintain on a file a report that states the reasons the test was not promptly administered. If the test is not administered eight (8) hours following the accident, the Town shall cease attempts to administer the alcohol test and shall prepare and maintain on file the same report.

\*Table extracted from Section 382.303 (a) and (b) of the Federal Motor Carrier Safety Administration rule on Controlled Substance and Alcohol Use Testing

No employee involved in an accident that requires an alcohol test shall consume any alcohol for eight (8) hours following the accident or until a post-accident alcohol test is administered, whichever comes first.

7. Return To Duty Testing - Prior to returning to work following any positive drug or alcohol test, the employee shall be required to provide a negative return to duty drug and/or alcohol test.

8. Follow-Up Testing - An employee who tests positive for alcohol or drugs shall be subject to periodic, unannounced drug testing by the Town separate from any testing done through the Employee Assistance Program or Substance Abuse Professional for a period up to two years.

**Town of Emerald Isle**  
**Alcohol and Drug Free Workplace Policy**

Effective: September 8, 2009

Replaces Policy of December 8, 1992

**VI. Refusal To Test**

A. What Constitutes a Refusal to Test

1. Drug Test

An employee or applicant is considered to have refused to submit to a drug test when he/she:

- a. Fails to provide an adequate urine, saliva, or other testing sample without a valid medical explanation; or
- b. Engages in conduct that clearly obstructs the testing process; or
- c. Fails to remain readily available for testing after an accident.

2. Alcohol Test

An employee or applicant is considered to have refused to submit to an alcohol test when he/she:

- a. Fails to provide an adequate breath or other testing sample without a valid medical explanation; or
- b. Engages in conduct that clearly obstructs the testing process; or
- c. Fails to remain readily available for testing after an accident; or
- d. Refuses to sign the breath alcohol confirmation test certification.

- B. A refusal to test shall be treated as a positive drug or alcohol test. An employee who refuses to test shall be subject to the provisions outlined in Section VII. Consequences of Improper Drug/Alcohol Use.

**VII. Consequences of Improper Drug / Alcohol Use**

- A. Probationary Employee – Any employee serving in an initial probationary period who receives a positive alcohol or a confirmed positive drug test shall be terminated from employment with the Town.
- B. Temporary Employee - Any temporary employee who receives a positive alcohol or a confirmed positive drug test shall be terminated from employment with the Town.
- C. Part-time Employee - Any part-time employee who receives a positive alcohol or a confirmed positive drug test shall be terminated from employment with the Town.
- D. Regular Full-Time Employee
  - 1. Disciplinary Action - A regular employee who receives a positive alcohol test or a confirmed positive drug test shall be terminated unless after consideration is given to all facts and circumstances, the Town Manager determines that the employee

**Town of Emerald Isle**  
**Alcohol and Drug Free Workplace Policy**

Effective: September 8, 2009

Replaces Policy of December 8, 1992

may retain his/her position with the Town. The provisions of Article IX of the Personnel Policy related to pre-dismissal conference do not apply to disciplinary action for a positive drug or alcohol test.

2. Substance Abuse Counseling - The employee, if not terminated, shall be referred to the Employee Assistance Program (EAP) or other certified Substance Abuse Professional (SAP). To protect the safety of the employee, co-workers and the public, an employee shall not be allowed to return to work during rehabilitation until documentation is received from the EAP counselor or SAP that the employee is ready to be considered for return to duty. The employee shall be allowed to use vacation leave following the period of disciplinary suspension and until enrollment in the program(s) and permission to return to work has been received as long the employee is able to accomplish this in a reasonable period of time. Sick leave may only be used after all other accrued time (including compensatory time) has been exhausted. Failure to properly participate in and complete the program without good cause will result in disciplinary action up to and including termination. The employee shall provide documentation verifying completion of the program(s) to which he/she was referred.
3. Return to Duty Testing – Prior to returning to work, the employee shall be required to provide a negative return to duty drug and/or alcohol test.
4. Follow Up Testing – An employee who tests positive for alcohol or drugs shall be subject to periodic, unannounced drug testing by the Town separate from any testing done through the EAP /SAP for a period of up to two years. FMCSA/DOT regulations require a minimum of six (6) follow up tests in the first twelve (12) month period following a positive drug or alcohol test.
5. Second Offense - If a second violation of this policy occurs, the employee shall be terminated from employment with the Town.

E. Additional Consequences for Employees in Positions that require a CDL

Any employee subject to the FMCSA/DOT guidelines shall be referred to a DOT certified SAP for an initial assessment and a return to work assessment prior to returning to safety sensitive functions.

In addition to the consequences identified hereinabove, a positive drug test or alcohol test of .04 or greater for an employee whose position requires a CDL shall be reported to the NC Department of Motor Vehicles (NCDMV) within five (5) days in accordance with state law (G.S 20-37.19). The written notification shall include the following information:

- Name of the driver
- Address of the driver
- Drivers license number
- Social Security number
- Results of the drug or alcohol test

**Town of Emerald Isle**  
**Alcohol and Drug Free Workplace Policy**

Effective: September 8, 2009

Replaces Policy of December 8, 1992

Upon receiving said notice, the NCDMV will place a disqualification on the driving record of the individual. This disqualification will remain in effect until the NCDMV receives proof of the individual's successful completion of assessment and treatment by a SAP in accordance with 49 C.F. R. 382-503.

If an employee's CDL is disqualified, and the employee is not terminated, the employee shall be placed on leave without pay status until the CDL is reinstated. The maximum duration for leave status shall be thirty (30) days. If the employee's CDL is not reinstated within thirty (30) days, his/her employment will be terminated, unless the Town Manager determines that extenuating circumstances exist and approves an extension of leave.

**VIII. Drug Testing Procedures and Methodology**

- A. Testing procedures and safeguards to ensure the integrity of all drug and alcohol testing done on Town personnel are the responsibility of the agency retained for those purposes by the Town of Emerald Isle.
- B. The testing or processing phase shall consist of a two-step procedure:
  - 1. Initial screening test using an immunoassay testing method; and
  - 2. Confirmation test using gas chromatography/mass spectrometry (GC/MS) method.
- C. When the lab receives an authorized specimen, it will conduct an initial screening test to check for the presence of illegal drugs. This initial screening test involves using an immunoassay testing method.
- D. The threshold levels established by the Department of Health and Human Services for Federal Workplace Drug Testing programs, as may be amended, are hereby adopted and incorporated herein by reference.
- E. The laboratory conducting the test must be certified for federal workplace drug testing programs and must adhere to applicable federal rules, regulations and guidelines pertaining to the handling, testing, storage and preservation of samples.
- F. Should the initial test produce a positive result for the presence of an illegal drug, the lab will automatically perform a second test. Known as a confirmation test, the second test involves using a technologically different and more sensitive gas chromatography/mass spectrometry (GC/MS) testing method or an equivalent scientifically accepted method.
- G. The laboratory will report a test result as positive if, and only if, both the initial test and the confirmation test show the presence of an illegal drug.
- H. The laboratory will report all test results directly to the Medical Review Officer (MRO).
- I. In order to provide, to the greatest extent possible, for the privacy and confidentiality of applicants and employees who are required to submit to drug testing, all laboratory results will be sent directly to the Medical Review Officer. All specimens reported by the laboratory as negative will in turn be reported to the agency by the MRO as negative.

**Town of Emerald Isle**  
**Alcohol and Drug Free Workplace Policy**

Effective: September 8, 2009

Replaces Policy of December 8, 1992

- J. With respect to confirmed positive results, the MRO:
  - 1. May conduct medical interviews with the applicant/employee;
  - 2. May review applicant/employee medical histories or any other biomedical factors;
  - 3. Shall review all medical records made available by the tested employee when a confirmed positive could have resulted from legally prescribed medication; and/or
  - 4. May deem the results scientifically insufficient for further action and declare the result to be negative based on a review of such data or facts as he or she may deem appropriate.
- K. Each step in collecting and processing specimens shall be documented to establish procedural integrity and the chain of custody.
- L. Where a positive result is confirmed, specimens shall be maintained by the laboratory in secured, refrigerated storage in accordance with federal regulations.
- M. A positive result which the MRO justifies by appropriate medical or scientific documentation to account for the result as other than the intentional ingestion of an illegal drug will be reported as a qualified negative result and may not be released for purposes of identifying illegal drug use. Records of the MRO shall only be released to the Town Manager or Designated Employer Representative (DER) and, when necessary, to a duly authorized supervisor.
- N. All records and information of personnel actions taken on applicants and veteran employees with verified positive test results shall be maintained in accordance with state law and local personnel policies.

**Town of Emerald Isle  
Alcohol and Drug Free Workplace Policy**

Effective: September 8, 2009

Replaces Policy of December 8, 1992

**Appendix A**

**List of Safety Sensitive Activities & Positions**

**Activities Defined as Safety-Sensitive by FMCSA/DOT for CDL**

Performing – An employee is considered to be performing a safety-sensitive function during any period which he/she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

On duty time – All time spent providing a breath sample or drug testing specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post accident, or follow-up testing required by the DOT/FMCSA rule on Controlled Substances and Alcohol Use Testing for drivers of commercial motor vehicles.

**Safety Sensitive Positions**

Positions in which employees are entrusted with preserving the public health and safety or the safety of other employees. Employees in these positions have a special responsibility to maintain physical and mental fitness for duty at all times. The kinds of classifications determined to be safety sensitive are:

- All sworn Police personnel
- All Fire personnel
- All emergency response communicators
  - Telecommunicators
- Positions requiring consistent and frequent operation of heavy equipment, trucks, or automobiles; or positions in which equipment operation is an important and primary job task on a periodic basis.
  - Public Works Director
  - Public Works Supervisor
  - Equipment Operators
  - Heavy Equipment Operators
  - Public Works Laborers
  - Code Enforcement Officers
  - Parks Superintendent
  - Parks Maintenance Workers
  - Landscape Specialist
- Mechanics and other positions repairing vehicles carrying employees or the public.
  - Equipment Mechanics
  -

**Town of Emerald Isle**  
**Alcohol and Drug Free Workplace Policy**

Effective: September 8, 2009

Replaces Policy of December 8, 1992

- Positions whose primary duties are to ensure the safety of clients, customers, and citizens in and around water and for providing emergency response.
  - Beach Patrol Positions
- Positions required to drive clients, customers, and citizens
  - Summer Day Camp Bus Drivers
- Positions in which an employee's failure in performance could pose a threat to public health generally or to the environment.
  - Custodian
- Other positions as required by law, or so designated by the Town Manager due to specific safety sensitivity of individual jobs.

**Town of Emerald Isle**  
**Alcohol and Drug Free Workplace Policy**

Effective: September 8, 2009

Replaces Policy of December 8, 1992

**Random Testing**  
**Standard Procedure**

**Purpose:**

To provide a standard procedure for supervisors and employees to follow for the random drug and alcohol testing

**General Procedure:**

1. The Human Resources Office (DER) will receive the list of employees selected for random testing from the approved third party testing provider.
2. The DER will notify the Department Heads of affected employees selected for random testing to be conducted. The Department Head will schedule the required random tests with the third party testing provider and also notify the Human Resources Office (DER) that scheduling has occurred. Department heads will not give the employees any notification of the tests. Should the random selection be a Department Head the Human Resources Office (DER) will schedule the test.
3. Generally, employees will report directly to a collection site. 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 third party testing provider will contact the DER to provide the test results.
5. If the test results are positive, the Medical Review Officer (MRO) will notify the employee to discuss any possible reasons for a positive. The MRO will contact Human Resources Office (DER) and the DER 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 by the DER. If the test results are negative, the DER will document the results.
6. The Human Resources Office (DER) will compile and maintain all required records, including contacting the Department of Transportation as required by law.

**Town of Emerald Isle  
Alcohol and Drug Free Workplace Policy**

Effective: September 8, 2009

Replaces Policy of December 8, 1992

**Reasonable Suspicion  
Standard Procedure**

**Purpose:**

To provide a standard procedure 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 Manager 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" (Department Head or Town Manager) as a witness to the conference. Utilize behavioral indicators which consist of any changes in the employee's appearance or body odor. Feel free to seek guidance from the Town Manager and the EAP.
2. The supervisor, Department head, or designee will make arrangements for testing. The supervisor, Department Head or designee will then transport the employee to the specimen collection site to have the appropriate testing completed.
3. The supervisor, Department Head, or designee 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 him/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 designee should use the Observed Behavior – Reasonable Suspicion Record to document the incident. The documentation should be done immediately and no later than 24 hours after the events leading up to and including action taken. Include date, time and specific behaviors observed. Forward this documentation to the Human Resources Office (DER) in a sealed envelope marked confidential.
5. The third party testing provider will contact Human Resources (DER) to provide the test results. While the Town is awaiting test results, the employee will be placed on administrative leave without pay, pending the investigation.
6. If the test results are positive, the Human Resources Office (DER) 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 by the DER. If the test results are negative, the Human Resources Office (DER) 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.



**Town of Emerald Isle  
Alcohol and Drug Free Workplace Policy**

Effective: September 8, 2009

Replaces Policy of December 8, 1992

**Pre-Employment Drug Screening  
Applicant Consent Form**

I, \_\_\_\_\_ understand that as part of the employment process for positions categorized as safety-sensitive as required by the Town of Emerald Isle I must submit to a pre-employment drug screening.

I do hereby voluntarily consent to the sampling and submission for testing for the purpose of screening for the presence of illegal drugs. I understand that a negative result from this screening is a condition of employment.

I also understand that refusal to submit to a drug screen or to supply the necessary samples in a reasonable and timely manner or producing a positively confirmed test result for the presence of illegal drugs shall result in my being denied employment with the Town of Emerald Isle.

I understand that an approved laboratory shall confirm any sample that produces a positive result by a second examination of the sample. In addition, I shall also have the right to retest a confirmed positive sample at the same or another approved laboratory. If I request a retest, I must request release of the sample in writing specifying to which approved laboratory the sample is to be sent. I also understand that I shall incur all reasonable expenses for chain of custody procedures, shipping and retesting of positive samples related to any retest that I request.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Position

\_\_\_\_\_  
Date

**Town of Emerald Isle  
Alcohol and Drug Free Workplace Policy**

Effective: September 8, 2009

Replaces Policy of December 8, 1992

**Policy Acknowledgement Form**  
Review of Alcohol and Drug Free Workplace Policy  
Effective: **September, 8, 2009**

I, \_\_\_\_\_, acknowledge receipt of a copy of the updated version of the Town Of Emerald Isle's Alcohol and Drug Free Workplace Policy. I have reviewed and agree to abide by its content.

I also understand that if my job is categorized as a safety sensitive position that I may be randomly selected for drug and/or alcohol screening as stated in this policy.

By law, it is also recognized that all positions requiring a Commercial Driver's License will also be randomly screened.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date