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DRUG & ALCOHOL FREE WORKPLACE

I. POLICY

The Town of Davidson is a drug and alcohol free workplace. While at work or on town premises, Town employees shall not manufacture, distribute, sell, possess or use any controlled substance or drug paraphernalia, unlawfully use and prescription drug and/or possess or use any alcoholic beverages. The Town maintains a zero tolerance position on these issues. This policy applies to all Town employees.

The Town positions covered by federal regulations are subject to the U.S. Department of Transportation (DOT) Drug and Alcohol Screening Policy.

*Cross Reference: Drug and Alcohol Screening
Department of Transportation (DOT)
Commercial Driver's License (CDL)*

Positions considered "safety sensitive" such as law enforcement and/or fire protection personnel are subject to this policy. This policy works in conjunction any procedures by departmental standard operating procedures.

II. PURPOSE

This policy helps to create an environment where employees can perform their jobs in a safe, productive, and healthy manner. This policy provides guidance for Department Heads, supervisors, and employees on procedures they must follow to maintain a drug and alcohol free workplace.

IV. PROVISIONS

A. Expectation of Privacy

In order to maintain a drug and alcohol-free workplace, the Town may observe the actions of employees during work time; require employee participation in drug and alcohol testing; and search department or Town-owned items used by employees.

B. Testing Thresholds and Standards

Unless otherwise specified, the Town uses the drug and alcohol thresholds provided for in the most

current versions of [US Department of Transportation Regulation 49 CFR Part 40](#) when determining whether an employee is in violation of this policy. This regulation is periodically amended and updated by US DOT.

C. Prohibited Behavior

(1) Report for Duty: No employee may report for duty or remain on duty at any time there is a quantifiable presence of drugs or alcohol in the body.

(2) Perform Job-Related Functions: No employee shall perform any job related function while under the influence of alcohol or drugs with the exception of a law enforcement officer is assigned in an undercover capacity. The law enforcement officer may consume a quantity of alcohol below a level to cause intoxication if engaged on-duty in an undercover investigation where not partaking of alcohol could expose their status as an officer. Consumption or use of any other substance is prohibited.

(3) Safety Sensitive Functions: No employee shall perform any safety sensitive functions within twenty four (24) hours of a determination of having an alcohol concentration of .02 BAC or higher.

(4) On Duty: No employee may consume alcohol or drugs while on duty.

(5) On-Call: Some employees in the Town, as part of their ongoing job duties, are designated by their departments to be 'on call' during certain periods. Any employee who is officially 'on call' is in violation of this policy if he reports to work with a quantifiable presence of drugs or alcohol in his body. An 'on-call' employee must report drug or alcohol use if called to duty in order to avoid disciplinary action under the terms of the personnel policy.

(6) Off Duty: An employee is discouraged from ingesting alcohol or drugs to the extent that it results in appreciable impairment that might discredit the employee or the Town.

(7) In Uniform: Employees shall not ingest any alcohol or drugs while in uniform or wearing any item of apparel construed as duty-related or which bears a Town or Department logo, regardless of whether the employee is on duty or off duty.

(8) On-premises: Employees shall not bring or store any drugs or alcohol in any Town facility, vehicle, or work area.

a. Employees who are in possession of such substances as part of their ongoing job responsibilities or for training purposes will not be in violation of this policy. They should follow their department's standard operating practices regarding the proper handling of these substances. For example, a police officer who confiscates drugs or drug paraphernalia from an individual and transports it to enter it into evidence would not be in violation of this policy.

(9) Post-Accident: Safety sensitive positions will be tested for drugs and/or alcohol after being involved in an accident that has occurred while on Town business or while operating a Town vehicle or equipment. Therefore, employees must not consume any alcohol or drugs prior to a post- accident drug and/or alcohol

test as described in this policy.

Post- Accident Testing Decision Table for Safety Sensitive Employees

TYPE OF ACCIDENT	CITATION ISSUED TO DRIVER	TESTING MUST BE PERFORMED
Fatality Occurs	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

D. Prohibited Drugs/Drugs Offenses

(1) Prescription Medications: The use of any controlled substance by an on-duty employee is prohibited except when prescribed by a health professional who has advised the employee that the substance does not adversely affect the employee’s ability to perform job functions.

(2) Over-the-counter medications: The use of any over the counter medication that may adversely affect an employees’ ability to safely perform job duties is prohibited while on duty, unless the employee has advised the Town that the substance does not adversely affect the employee’s ability to perform job functions.

(3) Physician Authorization: Employees who are taking either prescribed or over the counter medication that might affect job performance shall provide a doctor’s note indicating that the employee is:

- a. fit for duty while taking the medication and
- b. how long the employee will be taking the medication.

The note will be kept in a secure file.

(4) Drug Related Offenses: Employees who are charged and/or convicted of a controlled substance related violation under state or federal law must inform their department within five days of such charge or conviction or prior to the next scheduled work day, whichever occurs first.

(5) Town’s right to relieve employee of duties: Other policy provisions notwithstanding, the Town reserves the right to relieve any employee of his duties if, in the opinion of the Town, the employee presents a risk to himself or others while under the influence of any amount of alcohol or drugs.

E. Prohibited Alcohol Consumption/Alcohol Offenses

(1) Use and Possession of Alcohol: All employees are prohibited from using alcohol to the degree that it affects job performance. Alcohol includes any alcoholic beverage or substance such as medication, mouthwash, food or candy in which alcohol is present. Possessing an open alcohol container while on duty, on Town property, or in a Town vehicle is a violation of this policy.

a. The possession of medicine containing alcohol is not prohibited when the packaging seals are unbroken.

b. Employees who are in possession of open containers of alcohol as part of their ongoing job responsibilities or for training purposes will not be in violation of this policy. They should follow their department's operating procedures regarding the proper handling of alcohol. For example, a police officer who confiscates alcohol from an underage individual and transports it to enter it into evidence would not be in violation of this policy.

(2) Alcohol Related Offenses: Employees who are charged or convicted of alcohol related violations under state or federal law must inform their supervisor or designated employer representative within five days of such charge or conviction or the next scheduled work day, whichever is less.

(3) Law Enforcement Undercover Capacity: Law enforcement officers in the police department assigned in an undercover capacity may consume a quantity of alcohol below a level to cause intoxication if engaged on-duty in an undercover investigation where not partaking of alcohol could expose their status as an officer. Consumption or use of any other substance is prohibited.

F. Employee Assistance

(1) Counseling: Employees who need assistance in dealing with substance abuse or dependency are encouraged to voluntarily seek counseling or treatment through the Town Employee Assistance Program (EAP) or other counseling/treatment provider.

(2) Voluntary Admission Prior to Testing: Voluntary admission of a substance abuse problem by an employee prior to random, reasonable suspicion, or positive test result is considered, but does not exempt an employee from, disciplinary action.

(3) Participation in Employee Assistance or other Counseling Program: Participation in an EAP or other counseling or treatment program will be considered, but will not exempt an employee from disciplinary actions.

G. Required Consent for Drug and Alcohol Testing

(1) Required Testing: As a condition of employment, employees and applicants are required to consent to testing for the use of drugs and to testing for the use of alcohol upon hire or if the employee is moving to a position that is considered safety sensitive.

(2) Confidentiality: Results will be handled in a confidential manner. A Medical Review Officer (MRO) or substance abuse testing professional shall report results of testing as provided by law, to the designated employer representative.

H. Employee Testing Categories/Covered Employees

The situations under which an employee covered by this policy may be required to participate in drug and/or alcohol testing are contingent upon the circumstances, reasonable suspicion, and the duties of the position the employee holds. The Town has reviewed the actual duties performed by employees in all job classifications and has classified jobs into categories (as defined below).

(1) Commercial Driver’s License: Employees that are required to hold a commercial driver’s license are subject to the Drug and Alcohol Screening Department of Transportation (DOT) Commercial Driver’s License (CDL) policy.

(2) Safety- Sensitive: Employees not covered by FTA or FMCSA, but who, as a core or essential function of their job, operate, inspect, or repair equipment or vehicles, utilize hazardous materials, or whose core duties or responsibilities directly impact the public’s or employees’ health and safety, or the protection of life, property, or environment **have been designated by the Town as ‘Safety-Sensitive’ employees.** A full list of designated Safety-Sensitive positions are found in the appendix of this policy.

(3) All Other Town Employees: Subject to this policy regardless of job classification or employment status.

F. Types of Drug Testing Conducted by the Town

(1) Pre-Employment Drug and Alcohol Testing: As a condition of employment, all employees and candidates who receive a conditional offer of employment are required to consent to drug and alcohol testing as specified in this policy.

a. Existing employees who are being considered for any safety sensitive position within the Town must be screened for drugs and alcohol as part of the employment process for the position.

(2) Reasonable Suspicion Testing for Any Employee: Any Town employee may be required to submit to a reasonable suspicion alcohol and/or drug test when the Town, acting through its supervisors and/or department heads, has reason to believe or suspect that an individual’s ability to safely and efficiently perform his/her job is impaired.

a. Garrity Interview Required Prior to Testing: any employee who is tested under the provisions of this policy for reasonable suspicion must be administered a ‘Garrity Interview’ prior to being tested for alcohol or drugs. A Garrity Interview advises the employee that any information obtained by the Town during the course of testing will not be used to bring criminal charges against the employee. A supervisor must read the Garrity Interview to the employee before the employee is tested. The text of the

Garrity Interview is available in the appendix of this policy.

b. Conditions for Reasonable Suspicion Testing: Before a supervisor can require an employee to submit to drug and/or alcohol testing, the supervisor must have reasonable suspicion, based on specific observations of the behavior, speech,

appearance, body odor, or other physical indicators of the employee's impairment. These observations should be specified on the appropriate version of the Reasonable Suspicion Checklist included in the appendix of this policy. A supervisor who has not yet completed Reasonable Suspicion Training should engage the assistance of a supervisor who has completed Reasonable Suspicion Training.

The Town has prepared the following documents to assist supervisors and managers when making reasonable suspicion determinations and to document behaviors that support reasonable suspicion drug and alcohol screening.

- i. Signs and Symptoms of Drug Use or Abuse
- ii. Reasonable Suspicion Procedures
- iii. Reasonable Suspicion – Short Term Checklist
(used for specific incident that raises reasonable suspicion)
- iv. Reasonable Suspicion – Long Term Checklist
(used to document behavior over time that leads to reasonable suspicion)

Human Resources can assist supervisors with questions about procedures and documentation.

c. Factors or Observations that support Reasonable Suspicion Testing: Factors or observations, which will provide sufficient cause to request an employee to submit to drug or alcohol testing, include, but are not limited to, the factors listed below. Any combination of the following may constitute reasonable suspicion:

- i. Slurred speech;
- ii. The odor of illegal drugs or alcohol on or about the person or his/her vehicle or worksite;
- iii. Impaired movement or coordination with no other readily apparent cause;
- iv. A pattern of absenteeism or deterioration of work performance that suggests use of drugs or on duty use of alcohol;
- v. Confusion, disorientation, lack of coordination, marked personality changes, or irrational behavior;
- vi. Possession of drugs, drug paraphernalia and/or alcohol on the person, in a desk or locker or a Town assigned vehicle;
- vii. Direct observation of prohibited drug or alcohol use

d. Employee Placed on Leave Pending Test Results: Under departmental authority, any employee who is required to submit to a reasonable suspicion alcohol or drug test will be placed on paid leave pending the receipt of test results.

(3) Post –Accident Testing: Safety sensitive employees will be tested for the presence of drugs and alcohol after an accident occurs during work hours, while on Town property, or while using or operating Town-owned equipment and vehicles according to departmental standard operating procedures.

a. Non-Safety Sensitive Employee Testing after an Accident: After an accident, non-public safety employees may only be tested based on reasonable suspicion.

b. Safety Sensitive Employee Testing after an Accident: Safety-Sensitive Employees are required to be tested for alcohol and controlled substances following a vehicle accident where:

- i. A fatality occurs;
- ii. The driver receives a citation under state or local law for a moving traffic violation arising from the accident AND an individual suffers a bodily injury which requires immediate medical treatment away from the scene;
- iii. The driver receives a citation under state or local law for a moving traffic violation arising from the accident AND any vehicle involved incurs disabling damage that requires the vehicle to be towed from the scene;
- iv. There is reasonable suspicion to believe the employee was under the influence of alcohol or drugs at the time of the accident.

c. Garrity Warnings Required Prior to Testing: any employee who is tested under the provisions of this policy following an accident must be administered a ‘Garrity Interview’ prior to being tested for alcohol or drugs. A Garrity interview advises the employee that any information obtained by the Town during the course of testing will not be used to bring criminal charges against the employee. A supervisor must read the Garrity interview to the employee before the employee is tested. The text of the Garrity warning is available in the appendix.

d. Employee to Notify Management of Accident: Any employee who is involved in an accident with a Town vehicle or any other vehicle while on Town business must immediately notify their management of the incident.

e. Management to notify Human Resources: Upon learning that an employee has been in an accident, Department Heads should immediately notify Human Resources and briefly provide the details of the accident, including location and any resulting injuries. Responding to individual injury or assisting others who are injured should take priority over the reporting notifications.

f. Criminal Investigation Takes Precedence: If alcohol or a controlled substance is believed to be a contributing factor to the accident and an employee is or may be criminally charged, the criminal investigation takes priority over any administrative investigation or procedure. Supervisors should defer to the criminal investigator with regards to obtaining the necessary testing samples from the employee. Once the criminal investigator has obtained the necessary samples from the employee for the criminal investigation, then the supervisor can proceed with drug testing as outlined in this policy.

g. Employee Must Remain Available for Testing: An employee who is subject to post- accident testing must be available for testing. An employee who fails to remain readily available for testing will be considered a refusal to test.

h. Timeframe for Post- Accident Testing: Employees must be tested for drugs within thirty- two (32) hours following an accident. Absent extenuating circumstances, alcohol tests must be conducted within two (2) hours following an accident. There are no circumstances under which an alcohol test will be conducted after eight (8) hours following an accident.

i. If Testing Timeline is Not Met after an Accident: If post-accident tests are not performed within the designated time requirements, the supervisor must prepare a memorandum for the record stating the reason a test was not promptly administered. This memorandum must be sent to Human Resources. Failure by a supervisor to ensure appropriate tests are performed or to document the reason tests were not promptly administered will result in appropriate disciplinary action against the supervisor.

G. General Testing Guidelines for all Drug and Alcohol Tests

(1) Consent: Before a drug or alcohol test is administered, employees and candidates will be asked to sign a Chain of Custody consent form provided by the town's drug testing facility authorizing the test and permitting the release of the results to the designated employer representative(s). All test results will be kept confidential. Disclosures without the employee's consent will be in accordance with procedures established in this policy.

(2) Refusal to Test: Any employee or candidate who refuses to consent to a drug and/or alcohol test required by this policy, fails to appear for testing, fails to remain at the testing site prior to the commencement of the test, is found to have tampered with the sample or aborts or refuses to agree to the collection of the specimen before the test commences will be in violation of this policy and is subject to disciplinary action or the withdrawal of the contingent job offer. The employee or

prospective employee will not be eligible for employment or promotion for a period of one year. Any of the following are considered refusal to test:

- a. Failure to complete and sign all necessary paperwork to facilitate testing or failure to cooperate with any part of the testing process.
- b. Failure to provide photo identification at the testing location.
- c. Failure to report to designated testing facility within two hours of being notified.
- d. Intentional failure to provide enough urine, or failure to provide blood or breath to facilitate testing within two hours of being notified, without a valid medical explanation.
- e. Leaving the testing facility without providing a useable sample of urine, blood, or breathe unless the facility has to close and the employee or candidate is released by the MRO (Medical Review Officer).
- f. Failure to remain at the test site and provide a specimen once the test is underway unless a sample is taken elsewhere (on site, etc.) or the facility closes before a sample can be collected.
- g. Providing a tainted specimen or substituting a specimen for the employee or candidate's own.
- h. Failure to permit the observation or monitoring of the collection of a urine specimen when required. The majority of specimens are provided in private; however, testing conducted under direct observation or monitoring may be required in limited situations.
- i. Failure or declination to take a second test when directed by the collector or supervisor.
- j. Failure to undergo a medical examination or evaluation as part of the verification process as otherwise required.
- k. Leaving the scene of an accident, without just cause, prior to submitting to a drug or alcohol test when required to do so under this policy.

H. Testing Procedures for Post-Accident and Reasonable Suspicion

(1) General Procedures: All post-accident and reasonable suspicion testing will be scheduled by Human Resources. If an emergency situation exists, the supervisor and/or Department Head may schedule the testing.

- a. The employee will be escorted by a supervisor to the testing location. The supervisor

shall watch the employee to assure that he or she does not eat or ingest anything or that he or she does not acquire “clean” urine from another person.

b. Upon arrival at the testing facility, the facility staff is responsible for the collection and chain of custody procedure. The supervisor shall not be the observer or a witness to the urine collection.

c. Whenever a reasonable suspicion test occurs, after the specimen has been obtained, the supervisor will escort the employee home (or to some other designated destination) or obtain transportation for the employee upon the completion of the collection/screening process; the supervisor will use every reasonable means to assure the employee reaches his or her destination safely.

d. All drug and alcohol collection and testing will be conducted at an officially approved facility that follows State and Federal regulations. The procedures will be done in such a manner to protect the dignity of the employee, while following chain of custody procedures. Only certified laboratories will evaluate specimens.

e. An initial positive drug test will be confirmed by laboratory using a Gas Chromatography/ Mass Spectrometry (GC/MS) test. The testing thresholds used will be those established by the Department of Health and Human Services. Only in the case of positive GC/MS will the Medical Review Officer be notified of drug use by the applicant or employee.

d. A confirmation test is required for alcohol breath test registering 0.02. BAC or higher and will be conducted in accordance with normal procedures of testing facility contracted for testing.

(2) Status Pending Test Results

a. Employees tested on the basis of post-accident, reasonable suspicion, or tested because of admission of use or a confirmed report of use will be placed on leave with pay until the screening results are received.

I. Test Results

a. Negative Results: The employee may return to work, providing there are no other job performance considerations.

b. Positive Results: Any employee who tests positive for drugs or alcohol is considered in violation of this policy. Upon notification of a positive test result for drugs, or alcohol BAC of 0.02 or greater, or a refusal to test, the employee will be placed on leave pending the outcome of an investigation. Any resulting disciplinary actions will be administered in accordance with the Town’s disciplinary process. Additional guidance based on the type of violation is outlined below.

c. Positive results will be reported to the Medical Review Officer, who will contact the employee to discuss and confirm the results. The MRO will contact Human Resources who will then notify the employee's supervisor. The reports or test results may be disclosed to the tested employee, and to other Department or Town administrative officials on a strictly need to know basis.

d. The employee must provide documentation of any prescription medication to the MRO upon request.

e. Within 72 hours of notification of a confirmed positive drug test result, an employee or applicant may request that the original sample be sent to an approved laboratory for an additional test, at the employee's expense.

f. Applicants who test positive will be disqualified from further consideration for the position.

g. Employees that test positive for drugs or alcohol are subject to disciplinary action, up to, and including, termination (see Personnel Actions outlined below). In the case of disciplinary actions, the employee has the rights of due process, including notification and the right to a hearing.

(1) Diluted Test Results:

a. When the Town is notified by the MRO that a positive drug test is diluted, the test will be treated as a verified positive test. The employee will be directed to provide another specimen for testing. The employee does not need to be observed while providing this second specimen.

b. If a Town employee receives a negative diluted test result with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, the employee must provide another specimen for testing. The MRO will direct the Department to do a second collection immediately. This must be an OBSERVED collection. The employee will be directed to report for re-testing immediately. The result of the second collection will be the test result of record. If the second collection is also negative and diluted, unless directed by the MRO to perform another observed collection, the test result will stand as negative diluted.

(2) Challenges to Test Results: Employees have the right to challenge a confirmed positive test result. All challenges must be made to the MRO in writing with an explanation of the reason(s) for the challenge. The testing facility divides the sample provided by the employee so that it can be re-tested. This is called a "split sample."

a. Employees will be given seventy-two (72) hours to request to have the additional sample tested at the employee's expense at a Department of Health and Human

Services (DHHS) Certified laboratory of his/her choice or the laboratory used by the Town.

b. If the employee requests a re-test, the split sample will be tested by Gas Chromatograph/Mass Spectrometry (GC/MS) only for the positive drug at the laboratory's lowest limit of detection for that drug. If an employee challenges that the testing process is flawed, Human Resources reserves the right to conduct additional testing.

c. If the split sample tests negative, or for any reason cannot be re-tested, the test results are reported back to the MRO and Designated Employer Representative as a negative test result and any previous disciplinary action issued will be rescinded.

d. In case of negative test results, employees will not be responsible for any costs associated with the drug or alcohol test. The Town will reimburse any reasonable testing expenses paid by the employee.

J. Personnel Actions for Violation of Alcohol/Drug Policy

(1) Town Actions after Violation: Any employee found to have violated the alcohol and/or drug prohibitions specified in this policy will immediately be removed from the performance of duties, placed on disciplinary suspension without pay, referred for evaluation through EAP, and subject to disciplinary action, up to and including termination.

(2) EAP Referral: When such a referral is made by the Town to EAP, participation is mandatory; failure to participate and comply may result in termination.

(3) Disciplinary Process: All disciplinary actions will be administered in accordance with the Town's disciplinary process, which includes notice to the employee of the test results and a right to be heard through the pre-disciplinary process.

(4) Disciplinary Action: Disciplinary action, up to and including termination, is a consequence of violating this policy.

a. Factors considered in disciplinary decisions: Some factors used in determining the appropriate disciplinary action for a drug/ alcohol violation are:

- i.** Any damage to persons or property
- ii.** The employee's past work performance
- iii.** The extent that such actions impair an employee's ability to fulfill the responsibilities of his/her job

- iv. The potential liability to the Town for the employee's actions, and/or the actual or potential impact that such actions bring discredit upon the Town and/or the Department.

(5) Self-Reporting prior to Testing: Employees who come forward and report their substance abuse problem before being tested for any reason may be permitted to continue in employment, depending on the circumstances of their situation. If continued employment is allowed, the employee is required to successfully complete a drug-abuse assistance program and a return-to-duty drug and alcohol testing, and agree to participate in follow-up testing for a period of at least (1) year as a condition of employment. The employee must be tested at least six times during that one year period.

K. Employee Awareness and Training

(1) New Employee Orientation: During their initial employee orientation, all new employees will be notified about the following:

- a. Expectations and consequences of violations of this policy;
- b. The dangers of drug and alcohol abuse in the workplace; and
- c. Available drug counseling, rehabilitation and employee assistance programs.

(2) Ongoing and Refresher Training for Current Employees: Departments may also offer or require attendance at additional training or refresher training for any employees. Additional awareness aids and resources, such as posters or brochures, will also be available and/or posted throughout the respective departments.

(3) Supervisor Training: In addition to the policy awareness and training for all departmental employees, supervisors are initially required to undergo additional training on the physical, behavioral and performance indicators of probable alcohol/drug use. Attendance at this training is mandatory before a supervisor is authorized to make a determination to require a reasonable suspicion drug or alcohol test by an employee. After the initial training, supervisors are required to attend refresher training as needed.

V. DEFINITIONS

A. Alcohol: the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol. It also includes any substance containing any form of alcohol, including ethanol, methanol, propanol, and isopropanol.

B. Accident: Any occurrence involving a motor vehicle or Town equipment that results in a fatality; serious bodily injury to a person who, as a result of the injury; is transported and/or receives medical treatment from a medical professional away from the scene; 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.

C. Alcohol and Substance Abuse: Any use of illegal drugs or controlled prescription drugs obtained unlawfully; or excessive use of lawfully obtained prescription drugs, over the counter drugs or alcohol when such use substantially impairs job performance, alters work behavior, and/or creates a risk to the health and/or safety of the employee or others.

D. Alcohol Test: Testing for the presence of alcohol in the body as determined through the use of a breath alcohol test, or blood screening.

E. Commercial Motor Vehicle: A motor vehicle that (1) has a gross combination weight rating of more than 26,000 pounds alone or inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; (2) is designed to transport sixteen (16) or more passengers, including the driver; or (3) is any size transporting hazardous materials requiring placards.

F. Commercial Driver's License (CDL): Under the commercial motor vehicle act, ensures drivers of large trucks and buses are qualified to safely operate those vehicles.

G. Disabling Damage: Damage to a vehicle which requires the vehicle to be towed from the accident scene or circumstances that present the risk of causing further damage if the vehicle is driven away from the scene. Disabling damage does not include the following: (1) damage which can be remedied temporarily at the scene of accident without special tools or parts; (2) tire disablement without other damage even if no spare tire is available; (3) or damage to headlights, tail lights, turn signals, horn, or windshield wipers, that makes them inoperative.

H. DOT: United States Department of Transportation

I. Drug: A controlled substance as defined in North Carolina General Statue 90-87 (5) or a metabolite thereof.

J. Drug Test and Drug Screening: The chemical analysis of an employee's urine or blood to detect any of the following:

1. Alcohol
2. 6 Acetyl Morphine
3. Amphetamines
4. Barbiturates
5. Benzodiazepines
6. Cannabinoids
7. Cocaine
8. MDMA
9. Methaqualone
10. Opiates
11. Phencyclidine
12. Propoxyphene

K. Employee Assistance Program (EAP): Counseling services available to Town employees to provide

assistance, counseling, and referral for employees for emotional or relational concerns which could affect an employee's ability to do his/her job, as well as the quality of his/her life. Drug and alcohol counseling and referrals are among those services provided.

L. Failure of Drug and/or Alcohol Test: A verified positive drug test result, or an alcohol test 0.020 or greater.

M. Garrity Interview: An advisement of rights usually administered through an internal investigation. The Garrity interview advises employees of their criminal and administrative liability for any statements they may make. Employees do not have the right to remain silent in an administrative investigation after being apprised of their Garrity rights. However, any statements compelled by their employer cannot be used against them in a subsequent criminal investigation or proceeding

N. Medical Review Officer (MRO): A licensed physician, who is responsible for receiving laboratory results generated by the Department's drug testing program, has knowledge of substance disorders, and has appropriate medical training to interpret and evaluate laboratory test results.

O. Negative Drug Test: A test result that does not show presence of drugs at a level specified to be a positive test.

P. Qualified negative results: A drug test in which the lab result is consistent with legal drug use.

Q. On Duty: An employee who is at the workplace, performing job duties, or during any other period of time for which he or she is entitled to be paid by the Town of Davidson

R. Other Substance: Any substance that has the potential to impair appreciably the mental or physical function of a person.

S. Positive Alcohol Test: The presence of alcohol in the employee's system at a level 00.02 or greater.

T. Positive Drug Test: 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 Substance Abuse and Mental Health Services Administration (SAMHSA), or for drugs not subject to SAMHSA guidelines; second testing of 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.

U. Safety-Sensitive Positions: Non FTA or FMCSA covered employees who as a core or essential function of their job operate, inspect, or repair equipment or vehicles, utilize hazardous materials, or whose core duties or responsibilities directly impact the public's or employees' health and safety, or the protection of life, property, or environment.

V. Voluntary Testing: Testing conducted on an employee where the employee volunteers to be tested. Normally voluntary testing will be paid for by the employee.

W. Work Location: All Town premises and vehicles, as well as customer locations at which employees perform services.

X. Controlled Substance: Means the following drug as set out in 49 C.F.R. § 40.85 (a) Marijuana metabolites; (b) Cocaine metabolites; (c) Amphetamines; (d) Opiate metabolites; and (e) Phencyclidine (PCP). It also means a drug, substance, or immediate precursor included in Schedules I through VI of Article 5 of Chapter 90 of the North Carolina General Statutes.

Y. Prescribed Medications: All employees in safety-sensitive functions taking prescribed medications that could impair their ability to safely operate a commercial motor vehicle or related activities associated with loading, unloading, inspection and maintenance or other activity that is classified as "on duty time" 49 CFR 395.2, must report this to their immediate supervisor or Department Head as directed by this policy. It also includes a prescription drug as that term is defined in Article 4A of Chapter 90 of the North Carolina General Statutes meaning a drug that under federal law is required, prior to being dispensed or delivered, to be labeled with the following statement: "Caution: Federal law prohibits dispensing without prescription."

For purposes of this policy, the term "drugs" and "controlled substances" are used interchangeably.

VI. ADDITIONAL CONTACT

Human Resources

VII. SCOPE

As of October 23, 2017 this policy replaces and supersedes any previous policies or unwritten policies or practices covering the same subject.

VIII. AUTHORIZATION



Town Manager

Appendices

A. Town Safety Sensitive Positions

B. Signs and Symptoms of Substance Abuse

C. Reasonable Suspicion Procedures

B. Reasonable Suspicion Checklist – Short Term

C. Reasonable Suspicion Checklist – Long Term

D. Garrity Interview

Appendix A
Safety Sensitive Positions

<i>Safety Sensitive Positions</i>
Bus Driver
Crossing Guard
Deputy Fire Chief
Fire Captain
Fire Chief
Fire Engineer
Firefighter
Landscape Crew Leader
Landscape Specialist
Landscape Technician
Operations Supervisor
Streets Crew Leader
Streets Specialist
Streets Technician
Police Chief
Police Corporal
Police Sergeant
Police Officer
Public Works Director

Appendix B

Signs and Symptoms of Substance Abuse

This list is not meant to be exhaustive. It is important to watch for any significant changes in an employee's physical appearance, personality, attitude or behavior. **The key is change.**

Physical Signs

- Loss of appetite, increase in appetite, any changes in eating habits, unexplained weight loss or gain.
- Slowed or staggering walk; poor physical coordination.
- Inability to sleep, awake at unusual times, unusual laziness.
- Red, watery eyes; pupils larger or smaller than usual; blank stare.
- Cold, sweaty palms; shaking hands.
- Puffy face, blushing or paleness.
- Smell of substance on breath, body or clothes.
- Extreme hyperactivity; excessive talkativeness.
- Runny nose; hacking cough.
- Needle marks on lower arm, leg or bottom of feet.
- Nausea, vomiting or excessive sweating.
- Tremors or shakes of hands, feet or head.
- Irregular heartbeat.

Behavioral Signs

- Change in overall attitude/personality with no other identifiable cause.
- Changes in friends; new hang-outs; sudden avoidance of old crowd; doesn't want to talk about new friends; friends are known drug users.
- Change in activities or hobbies.
- Drop in performance at work; skips work or is late for work.
- Change in habits at home; loss of interest in family and family activities.
- Difficulty in paying attention; forgetfulness.
- General lack of motivation, energy, self-esteem, "I don't care" attitude.
- Sudden oversensitivity, loss of temper, or resentful behavior.
- Moodiness, irritability, or nervousness.
- Silliness or giddiness.
- Paranoia
- Excessive need for privacy; unreachable.
- Secretive or suspicious behavior.
- Car accidents.
- Chronic dishonesty.
- Unexplained need for money, stealing money or items.
- Change in personal grooming habits.
- Possession of drug paraphernalia

Appendix B (continued)

Signs and Symptoms of Substance Abuse

Drug Specific Symptoms:

Marijuana: Glassy, red eyes; loud talking and inappropriate laughter followed by sleepiness; a sweet burnt scent; loss of interest, motivation; weight gain or loss.

Alcohol: Clumsiness; difficulty walking; slurred speech; sleepiness; poor judgment; dilated pupils.

Depressants: (including barbiturates and tranquilizers) Seems drunk as if from alcohol but without the associated odor of alcohol; difficulty concentrating; clumsiness; poor judgment; slurred speech; sleepiness; and contracted pupils.

Stimulants: Hyperactivity; euphoria; irritability; anxiety; excessive talking followed by depression or excessive sleeping at odd times; may go long periods of time without eating or sleeping; dilated pupils; weight loss; dry mouth and nose.

Inhalants: (Glues, aerosols, and vapors) Watery eyes; impaired vision, memory and thought; secretions from the nose or rashes around the nose and mouth; headaches and nausea; appearance of intoxication; drowsiness; poor muscle control; changes in appetite; anxiety; irritability; an unusual number of spray cans around.

Hallucinogens: Dilated pupils; bizarre and irrational behavior including paranoia, aggression, hallucinations; mood swings; detachment from people; absorption with self or other objects, slurred speech; confusion.

Heroin: Needle marks; sleeping at unusual times; sweating; vomiting; coughing and sniffing; twitching; loss of appetite; contracted pupils; no response of pupils to light.

Health Risks Associated with Use or

Abuse: Tobacco and Nicotine

Smokers are more likely than nonsmokers to contract heart disease. Lung, larynx, esophageal, bladder, pancreatic, and kidney cancers also strike smokers at increased rates. Thirty percent of cancer deaths are linked to smoking. Chronic obstructive lung diseases, such as emphysema and chronic bronchitis, are 10 times more likely to occur among smokers than among nonsmokers. Smoking during pregnancy also poses risks, such as spontaneous abortion, pre-term birth, and low birth weights. Fetal and infant deaths are more likely to occur when the pregnant woman is a smoker. Nicotine is both psychologically and physically addictive.

Alcohol

Low doses significantly impair the judgment and coordination needed to operate vehicles. Small amounts can also lower inhibitions. Moderate to high doses cause marked impairments in higher mental functions, and loss of memory and the ability to learn and remember information. High doses cause respiratory

Appendix B (continued)

Signs and Symptoms of Substance Abuse

depression and death. Long-term consumption, particularly when combined with poor nutrition, can also lead to dependence and permanent damage to vital organs such as the brain and the liver. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation.

Cannabis (Marijuana, Hashish, Hashish Oil, Tetrahydrocannabinol)

Physical effects of cannabis include increased heart rate, bloodshot eyes, dry mouth and throat, and increased appetite. Use of cannabis may impair or reduce short-term memory and comprehension, alter sense of time, reduce ability to perform tasks requiring concentration and coordination, and impair driving ability. Motivation and cognition may be altered, making the acquisition of new information difficult. Marijuana, hashish, THC, etc., can also produce paranoia and psychosis. Long term use may result in possible lung damage, reduced sperm count and sperm motility, and may affect ovulation cycles. Cannabis can also be psychologically addictive.

Inhalants (Nitrous Oxide, Amyl Nitrite, Butyl Nitrite, Chlorohydrocarbons, Hydrocarbons)

Immediate effects of inhalants include nausea, sneezing, coughing, nosebleeds, fatigue, lack of coordination, and loss of appetite. Solvents and aerosol sprays also decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrite cause rapid pulse, headaches, and involuntary passing of urine and feces. Long-term use may result in hepatitis or brain damage. Deeply inhaling vapors, or using large amounts over a short time, may result in disorientation, violent behavior, unconsciousness, or death. High concentrations of inhalants can cause suffocation by displacing oxygen in lungs. Long-term use can cause weight loss, fatigue, electrolyte imbalance, muscle fatigue, and permanent damage to the nervous system.

Cocaine (Crack)

Cocaine stimulates the central nervous system. Its immediate effects include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature. Occasional use can cause nasal irritation; chronic use can ulcerate the mucous membrane of the nose. Crack or freebase rock is extremely addictive. Physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia, and seizures. The use of cocaine can cause death by cardiac arrest or respiratory failure.

Stimulants (Amphetamines, Methamphetamines, Crank, Ice)

Stimulants cause increased heart and respiratory rates, elevated blood pressure, dilated pupils, and decreased appetite. Users may experience sweating, headache, blurred vision, dizziness, sleeplessness, and anxiety. Extremely high doses can cause rapid or irregular heartbeat, tremors, loss of coordination, and physical collapse. Amphetamine injection creates a sudden increase in blood pressure that can result in stroke, very high fever, or heart failure. In addition to physical effects, feelings of restlessness, anxiety, and moodiness can result. Use of large amounts over a long period of time can cause amphetamine psychosis

Appendix B (continued)

Signs and Symptoms of Substance Abuse

that includes hallucinations, delusions, and paranoia. The use of amphetamines can cause physical and psychological dependence.

Depressants (Barbiturates, Methaqualone, Tranquilizers)

Small amounts can produce calmness and relaxed muscles, but somewhat larger doses can cause slurred speech, staggering gait, and altered perception. Large doses can cause respiratory depression, coma, and death. Combination of depressants and alcohol can multiply effects of the drugs, thereby multiplying risks. Babies born to mothers who abuse depressants during pregnancy may be physically dependent on the drugs and show withdrawal symptoms shortly after birth. Birth defects and behavioral problems may also result. The use of depressants can cause both physical and psychological dependence.

Hallucinogens (PCP, LSD, Mescaline, Peyote, Psilocybin)

Phencyclidine (PCP) interrupts the functions of the neocortex, the section of the brain that controls intellect and instinct. PCP blocks pain receptors, and users can have violent PCP episodes resulting in self-inflicted injuries. Lysergic acid diethylamide (LSD), mescaline, and psilocybin cause illusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness, and tremors.

Narcotics (Heroin, Methadone, Codeine, Morphine, Meperidine, Opium)

Narcotics initially produce a feeling of euphoria that often is followed by drowsiness, nausea, and vomiting. Users may experience constricted pupils, watery eyes and itching. Overdoses may produce respiratory depression, clammy skin, convulsions, coma and death. Addiction in pregnant women can lead to premature, stillborn, or addicted infants who experience severe withdrawal symptoms. Use of narcotics can cause physical and psychological dependence.

Designer Drugs (Analog of Fentanyl, Analog of Meperidine, MDMA, Ecstasy Analog of PCP)

Many "designer drugs" are related to amphetamines and depressants and have mild stimulant and depressant properties. Use can produce severe neurochemical damage to the brain. Narcotic analogs can cause symptoms such as those seen in Parkinson's disease: uncontrollable tremors, drooling, impaired speech, paralysis, and irreversible brain damage. Analog of amphetamines and methamphetamines cause nausea, blurred vision, chills or sweating, and faintness. Psychological effects include anxiety, depression, and paranoia. Analog of PCP cause illusions, hallucinations, and impaired perception.

Anabolic Steroids

Steroid users subject themselves to more than 70 side effects, ranging in severity from acne to liver cancer, including psychological as well as physical reactions. The liver and cardio-vascular and reproductive systems are most seriously affected by use. In males, use can cause withered testicles, sterility, and impotence. In females, irreversible masculine traits can develop along with breast reduction and sterility. Psychological effects in both sexes include very aggressive behavior, known as "roid rage",

Appendix B (continued)
Signs and Symptoms of Substance Abuse

and depression. While some side effects appear quickly, others, such as heart attacks and strokes, may not show up for year.

Appendix C

Reasonable Suspicion Procedures

Before beginning the employee interview, complete the following steps:

1. Begin the **Incident Report: Reasonable Suspicion Testing (long term or short term)** to document reasonable suspicion.
Documentation should be based on the following:
 - Policy and/or safety precaution violation(s)
 - Accident or incident that occurred
 - Other details surrounding the incident
 - Your assessment of whether the employee is able to perform his/her job responsibilities
2. **Obtain the assistance** of your supervisor (or designee) or, if unavailable, another supervisor or manager (preferably in your department) to assist you during the investigation.
3. **Maintain confidentiality** by only discussing your suspicions with those who are authorized to know (Department Head, Human Resources and/or Town Manager)
4. **Remove the employee** from the work area.
 - Do not leave the employee unattended
 - Do not ask the employee to sit in the employee lounge or other public area
 - Do ask the employee to sit in a discreet location such as an office
 - Do not isolate yourself in a location where you cannot be easily helped in case of an emergency
 - Begin to use the **Incident Report: Reasonable Suspicion Testing (long term or short term)** to note what you have seen, heard, smelled, touched, etc.
 - Complete the Incident Report Form
5. **Contact your supervisor**, Department Head, and Human Resources to inform them of the possible concern.

**Appendix D
Incident Report: Reasonable Suspicion Checklist – Short Term**

TOWN OF DAVIDSON REASONABLE SUSPICION SHORT-TERM			
Employee Name	Job Title	Department	Division

Complete this checklist for any incident where reasonable suspicion exists that an employee is intoxicated, under the influence of, or otherwise shows signs of recent use of a prohibited drug or alcohol. Indicate all relevant behavior and physical symptoms of recent substance use. Check each item on this form and add any additional facts or conditions which you have observed. If there are long-term behavioral indicators of substance abuse which support this checklist, please also include the Reasonable Cause Drug Test Long-Term Observation Checklist.

A. NATURE OF INCIDENT

- Observed possession or use of an unknown substance or drug
- paraphernalia Apparent drug or alcohol intoxication
- Observed abnormal or erratic behavior consistent with drugs or
- alcohol Arrest or conviction for drug-related offense
- Other observations consistent with prohibited drug use or alcohol misuse (e.g., reports by passenger or reliable/credible third party, flagrant violation of safety or serious misconduct, fighting or argumentative/abusive language, refusal of supervisor instruction, unauthorized absence on the job).

NOTE: PLEASE DESCRIBE BELOW

B. BEHAVIORS OBSERVED (CHECK ALL THAT APPLY)

- Verbal
- abusiveness
- Extreme aggressiveness or agitation
- Withdrawal, depression, tearfulness, or unresponsiveness
- Other erratic or inappropriate behavior (e.g., hallucinations, disoriented, excessive euphoria, and talkativeness, confused)

NOTE: PLEASE DESCRIBE BELOW:

Appendix D

Incident Report: Reasonable Suspicion Checklist – Short Term (continued)

C. Physical Symptoms

- Slurred or incoherent speech
- Disheveled appearance or out of uniform
- Unsteady gait, loss of physical control, poor coordination
- Shaking hands or body tremors/twitching
- Dilated or constricted pupils or unusual eye movement
- Extreme fatigue or sleeping on the job
- Nausea or vomiting
- Odor of marijuana
- Runny nose or sores around the nose
- Rapid, irregular or difficulty breathing
- Bloodshot or watery eye
- Extreme excitement or nervousness
- Dizziness or fainting
- Odor or alcohol
- Dry mouth
- Puncture marks or “tracks” over veins
- Other - PLEASE DESCRIBE BELOW:

D. WRITTEN SUMMARY Please summarize the facts and circumstances of the incident, employee response, supervisor actions taken, and any other pertinent information not previously noted. Please note the date, time, and location(s) of the Reasonable Cause observation(s). Note if the employee REFUSED the test. Attach additional sheets as needed.

Supervisors Signature	Title	Date/Time
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Witness Signature	Title	Date/Time
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**Appendix E
Incident Report: Reasonable Suspicion Checklist – Long Term**

TOWN OF DAVIDSON REASONABLE SUSPICION SHORT-TERM			
Employee Name	Job Title	Department	Division

**A. GENERAL JOB PERFORMANCE
AVIALABLE**

(CHECK ALL THAT APPLY)

- Excessive use of sick leave
- Frequent Monday/Friday/after holiday absences or similar pattern
- Frequent unexplained disappearances or trips to rest the room

- Excessive "extension" of breaks or lunch
- Frequently leaves work early
- Frequent personal phone calls
- Increased concern from others about, or instances of, safety
- Experiences, or causes, job accidents
- Interferes with or ignores established procedures
- Inability to follow through on performance recommendation

DOCUMENTATION

(Indicate Yes/No beside each)

B. PERSONAL MATTERS (CHECK ALL THAT APPLY)

- Changes in or unusual personal appearance (dress, hygiene)
- Changes in usual speech (incoherent, loud, stuttering or slurred)
- Changes in or unusual facial expressions, flushed or clammy face, bloodshot eyes
- Much increased or reduced level of activity (fatigue, sleeping on the job, etc.)
- Increasingly irritable, tearful, excitable, nervous
- Persistently boisterous or rambunctious
- Unpredictable or out-of-control displays of emotions
- Engages in discussions about obtaining drugs or alcohol
- Makes unfounded accusations toward others (i.e. feeling persecuted)
- Secretive or furtive

Appendix E

Incident Report: Reasonable Suspicion Checklist – Long Term (continued)

C. Memory problems (difficulty recalling instructions, data, past behavior)

- Frequent colds, flu, or other illness
- Excessive fatigue
- Makes unreliable or false statements
- Unrealistic self-appraisal or grandiose statements
- Temper tantrums or angry outbursts
- Demanding, rigid, inflexible
- Major changes in physical health

D. OTHER OBSERVATIONS (Attach additional sheets as needed)

Supervisor Signature

Date/Time

Appendix F
Garrity Interview

You are presently the subject of an administrative investigation regarding a disciplinary matter as it relates to your conduct. Specifically, it is alleged that you violated _____ of the _____ Department's Policies and Procedures) or Section _____ of the Town of Davidson Personnel Policy. The purpose of this investigation is to determine whether the facts as alleged are true and whether Departmental or Town Policies and Procedures _____ have been violated. As an employee of the Town of Davidson involved in an internal investigation, you do not have the right to refuse to answer questions that are directly and narrowly related to your official duties. Similarly, you do not have the right to refuse to answer questions that are narrowly and directly related to this investigation. You shall answer all questions honestly, completely and to the best of your ability. Failure to cooperate with this investigation, whether by evasion, untruthfulness or choosing not to answer the questions asked of you, may result in disciplinary action, up to, and including, dismissal. This is an administrative investigation; it is not designed to discover criminal violations. If any criminal conduct is revealed during the course of the investigation, any incriminating statement that you may have made after being compelled to answer, and in the absence of your Miranda rights, would not be admissible in a criminal prosecution against you. Incriminating statements that have been compelled will be admissible in an administrative hearing. This investigation and interview are confidential to the extent allowed by law. To ensure that the integrity of the investigation is preserved and that all applicable Departmental and Town Policies and Procedures are understood and followed, you shall not discuss this investigation, nor allow anyone else to gain access to that information, without the expressed authorization of your Department Head. You may, however, discuss this matter with your supervisor or, if applicable, your attorney without prior approval.

Employee's Signature: _____

Date: _____ Time: _____

Administered By: _____

Witnessed By: _____

The Garrity interview must be read to and signed by any employee who is being tested or investigated for possible substance use or abuse due to reasonable suspicion. The purpose of this warning is to assure the employee that information uncovered during this investigation will not be used to bring criminal charges against the employee