

**ORDINANCE NO. 27**

**CASWELL COUNTY ORDINANCE ON THE USE OF  
DRUGS AND ALCOHOL BY COUNTY EMPLOYEES  
AND  
APPLICANTS FOR COUNTY POSITIONS**

**SECTION I. Purpose**

The purpose of this Ordinance is to promote the public safety, health and welfare of the citizens of Caswell County by regulating the use of drugs and alcohol by public employees of Caswell County, N. C. It is the policy of Caswell County that public employees should perform their duties in a drug and alcohol free work environment.

**SECTION II. Drugs to be Tested For**

When drug and alcohol screening is required under the provisions of this ordinance, a urinalysis test will be given to detect the presence of the following drug groups:

- (a) Alcohol (ethyl)
- (b) Amphetamines (e.g. speed)
- (c) Barbituates (e.g. Amobarbital, Butabarbital, Phenobarbital, Secobarbital)
- (d) Cocaine
- (e) Methaqualone (e.g. Quaalude)
- (f) Opiates (e.g. Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone)
- (g) Phencyclidine (PCP)
- (h) THC (Marijuana)
- (i) Benzodiazepine

**SECTION III. Job Applicant Testing: General Standard**

All applicants for County employment will be required to undergo a drug and alcohol test upon an offer of employment and prior to their final appointment.

**SECTION IV. Current Employee Testing: General Standard**

The County may require a current county employee to undergo drug and alcohol testing if there is reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours. "Reasonable suspicion" means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

- (a) A pattern of abnormal or erratic behavior;
- (b) Information provided by a reliable and credible source;
- (c) A work-related accident;
- (d) Direct observation of drug or alcohol use; or
- (e) Presence of the physical symptoms of drug or alcohol use (i.e. glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).

Supervisors are required to detail in writing the specific facts, symptoms, or observations which formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the Board of Commissioners or their designee and the appropriate department head.

**SECTION V. Supervisor Training**

The County shall develop a program of training to assist supervisory personnel in identifying drug and alcohol use among employees. Such training will be directed towards helping supervisors recognize the conduct and behavior that give rise to a reasonable suspicion of drug or alcohol use.

**SECTION VI. Prior Notice of Testing Policy**

The County shall provide written notice of its drug and alcohol testing ordinance and policy to all employees and job applicants. The notice shall contain the following information:

- (a) The need for drug and alcohol testing;
- (b) The circumstances under which testing may be required;
- (c) The procedure for confirming an initial positive drug test result;
- (d) The consequences of a confirmed positive test result;
- (e) The consequences of refusing to undergo a drug and alcohol test;
- (f) The right to explain a positive test result and the appeal procedures available; and
- (g) The availability of drug abuse counseling and referral services.

**SECTION VII. Consent**

Before a drug and alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to those County officials with a need to know. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the County's drug testing policy and to indicate current or recent use of prescription or over-the-counter medication.

The consent form shall also set forth the following information:

- (a) The procedure for confirming an initial positive test result;
- (b) The consequences of a confirmed positive test result;
- (c) The right to explain a confirmed positive test result and the appeal procedures available; and
- (d) The consequences of refusing to undergo a drug and alcohol test.

**SECTION VIII. Refusal to Consent: Applicants**

A job applicant who refuses to consent to a drug and alcohol test will be denied employment with the County.

**SECTION IX. Refusal to Consent: Employees**

An employee who refuses to consent to a drug and alcohol test when reasonable suspicion of drug or alcohol use has been identified is subject to disciplinary action up to and including termination. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action.

**SECTION X. Confirmation of Test Results**

An employee or job applicant whose drug test yields a positive result shall be given a second test using a gas chromatography/mass spectrometry (GC/MS) test. The second test shall use a portion of the same test sample withdrawn from the employee or applicant for use in the first test.

If the second test confirms the positive test result, the employee or applicant shall be notified of the results in writing by the appropriate department head or designee. The letter of notification shall identify the particular substance found and its concentration level.

An employee or applicant whose second test confirms the original positive test result may, at the employee's or applicant's own expense, have a third test conducted on the same sample at a laboratory selected by the County.

**SECTION XI. Consequences of a Confirmed Positive Test Result**

Applicants Job applicants will be denied employment with the County if their initial positive test results have been confirmed. Applicants shall be informed in writing if they are rejected on the basis of a confirmed positive drug test result.

Employees If an employee's positive test result has been confirmed, the employee is subject to disciplinary action up to and including termination. Factors to be considered in determining the appropriate disciplinary response include the employee's work history, length of employment, current job performance, and the existence of past disciplinary actions. No disciplinary action may be taken against employees who voluntarily identify themselves as drug users, obtain counseling and rehabilitation through the Alameda-Caswell Area Mental Health Substance Abuse Program, and thereafter refrain from violating the County's policy on drug and alcohol abuse.

**SECTION XII. The Right to a Hearing**

If an employee's positive test result has been confirmed, the employee is entitled to a hearing before any disciplinary action may be taken by the County. The employee must make a written request for a hearing to the appropriate department head or designee within seven (7) days of receipt by the employee of the confirmation test results. Employees may be represented by legal counsel, present evidence and witnesses on their behalf, and confront and cross-examine the evidence and witnesses used against them.

No adverse personnel action may be taken against an employee based on a confirmed positive drug test result unless the hearing officer finds by a preponderance of the evidence that:

- (a) The employee's supervisor had reasonable suspicion to believe that the employee was under the influence of drugs or alcohol while on the job; and
- (b) The employee's drug test results are accurate.

Within ten (10) days following the close of the hearing, the hearing officer shall issue a written decision and a brief summary of the facts and evidence supporting that decision.

**SECTION XIII. Mandatory SAP Referral**

Upon the first confirmed determination that an employee is under the influence of drugs or alcohol, the County shall refer the employee to an Alameda-Caswell Area Mental Health Substance Abuse Program for assessment, counseling, and rehabilitation. Participation in an SAP is voluntary and no disciplinary action may be taken against an employee for failure to begin or complete an SAP program. Disciplinary action based on a violation of the County's drug and alcohol policy is not automatically suspended by an employee's participation in an SAP and may be imposed when warranted.

**SECTION XIV. Confidentiality of Test Results**

All information from an employee's or applicant's drug and alcohol test is confidential and only those with a need to know are to be informed of test results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant. The results of a positive drug test shall not be released until the results are confirmed. The records of unconfirmed positive test results and negative test results shall be destroyed by the testing laboratory.

**SECTION XV. Privacy in Drug Testing**

Urine samples shall be provided in a private restroom stall or similar enclosure so that employees and applicants may not be viewed while providing the sample. Employees and applicants will be given hospital gowns to wear while they are providing test samples in order to ensure that there is no tampering. Street clothes, bags, briefcases, purses, and other containers may not be carried into the test area. The water in the commode shall be colored with blue dye to protect against dilution of test samples.

**SECTION XVI. Laboratory Testing Requirements**

All drug and alcohol testing of employees and applicants shall be conducted at medical facilities or laboratories selected by the County. To be considered as a testing site, a medical facility or lab must submit in writing a description of the procedures that will be used to maintain test samples. Factors to be considered by the County in selecting a testing facility include:

- (a) Testing procedures which ensure privacy to employees and applicants consistent with the prevention of tampering;
- (b) Methods of analysis which ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results;
- (c) Chain-of-custody procedures which ensure proper identification, labeling, and handling of test samples; and
- (d) Retention and storage procedures which ensure reliable results on confirmatory tests of original samples.

**SECTION XVII. Effective Date**

This Ordinance shall be effective upon its adoption.

This the 27th day of August, 1990.



Gordon G. Satterfield  
Chairman  
Board of Commissioners

ATTEST:



Wanda P. Smith  
Clerk to the Board

(SEAL)

AMENDMENT TO ORDINANCE NO. 27

**CASWELL COUNTY ORDINANCE ON THE USE OF  
DRUGS AND ALCOHOL BY COUNTY EMPLOYEES  
AND  
APPLICANTS FOR COUNTY POSITIONS**

**NOW, THEREFORE, BE IT ORDAINED** by the Caswell County Board of Commissioners

that Ordinance No. 27, Section 1, be amended and that Sections IV-A and IV-B be added as follows:

**SECTION 1. Purpose**

The purpose of this Ordinance is to promote the public safety, health and welfare of the citizens of Caswell County by regulating the use of drugs and alcohol by public employees of Caswell County, N.C. It is the policy of Caswell County that public employees should perform their duties in a drug and alcohol free work environment and to promote such work environment, Caswell County will establish an ongoing drug-free awareness program to inform employees about:

- (a) The dangers of drug abuse in the workplace;
- (b) Its policy of maintaining a drug-free workplace;
- (c) Any available drug counseling, rehabilitation, and employee assistance programs;
- (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

**SECTION IV-A. Obligations and Requirements of Current Employee: General Standard**

Each County Employee, as a condition of employment with Caswell County, is obligated to notify his/her employer (Supervisor/ Department Head or a County Official) of any County employee that is using or possessing in the work place any of the drug groups as set out herein in Section 11 of this Ordinance, and is also obligated to notify his/her employer in writing of any criminal drug statute conviction for a violation occurring in the work place no later than five calendar days after such conviction.


**SECTION IV-B. Obligations and Requirements of County: General Standard**

The County, upon notification of a criminal drug statute conviction as set out herein in Section V of this Ordinance, shall notify to the appropriate Federal Agency pursuant to the "Drug-Free Work Place Act" in writing within ten calendar days after receiving notice from a County Employer or otherwise receiving actual notice of such conviction.

ADOPTED THIS THE 19th DAY OF AUGUST, 1991.

  
Gordon G. Satterfield, Chairman  
Caswell County Board of Commissioners

ATTEST:

  
Wanda P. Smith  
Clerk to the Board

ORDINANCE NO. 27  
CASWELL COUNTY  
Drug-Free Workplace Policy

1.0 POLICY

Caswell County is dedicated to providing safe, dependable, and efficient services to our citizens. Caswell County employees are our most valuable resource and it is our goal to provide a healthy, satisfying working environment which promotes personal opportunities for growth. In meeting these goals, it is our policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a workplace environment free from the adverse effects of drug abuse and alcohol misuse by Caswell County employees or on Caswell County property; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

2.0 PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect our employees and our citizens from the risks posed by the misuse of alcohol and use of prohibited drugs. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry, and other applicable standards. The Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 653 and Part 654, as amended, that mandate urine drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result. The U.S. Department of Transportation (DOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens. In addition, the Federal government published 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA. This policy incorporates those requirements for employees and others when so noted.

3.0 APPLICABILITY

This policy applies to all employees, paid part-time employees, contract employees, volunteers and contractors when they are on County property or when working for the County. This policy applies to off-site lunch periods or breaks. Vendors and contractor employees are governed by this policy while on County premises and will not be permitted to conduct County business if found to be in violation of this policy; visitors who appear to be under the influence of drugs or alcohol while on County property may be asked to leave, unless it is determined by County officials that there is good reason for their continued presence.

In the case of a County department or agency that has a more restrictive policy than this one required by federal or other applicable regulations, that policy shall remain in full force and effect. Otherwise, this policy shall supersede all existing and previous County drug policies.

#### **4.0 PROHIBITED SUBSTANCES**

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

##### **4.1 Illegally Used Controlled Substances or Drugs**

The use of any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, hashish, amphetamines, opiates, phenacyclidine (PCP), and cocaine ("crack" or otherwise), as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.

##### **4.2 Legal Drugs**

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which seriously impairs mental functioning, motor skills, or judgment must be reported to the employee's supervisor. Such information shall be kept confidential, and no reprisals shall be taken against employees for appropriate use of such drugs or medications or reporting of such conditions. In addition, the employee must obtain a written release from the attending physician releasing the person to perform their job duties any time they obtain a performance-altering prescription or medication.

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

##### **4.3 Alcohol**

The ingestion of any substance containing alcohol such that alcohol is present in the body while performing County business is prohibited. The concentration of alcohol is expressed in terms of alcohol per 210 liters of breath as measured by an evidentiary breath-testing device.

## 5.0 PROHIBITED CONDUCT

### 5.1 Manufacture, Trafficking, Possession, and Use

County employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances on County premises, in County-owned or leased vehicles, or while on County business. Employees who violate this provision shall be ~~discharged subject to disciplinary action, up to and including termination.~~ Employees may be placed on investigatory leave, pursuant to County personnel policy, until it has been determined whether such a violation has occurred, and shall not be discharged until it has been determined that a violation has occurred; however, such a determination need not be made in a criminal proceeding in a court of law, and may be made administratively by the County, pursuant to the procedures for employee dismissal and termination set out in the County personnel policy or State personnel policy (as applicable). Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

### 5.2 Intoxication/Under the Influence

Any employee who is under reasonable suspicion (as defined in Section 6.3 of this policy) of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be suspended from job duties pending an investigation and verification of condition. Employees found to be under the influence of a prohibited substance or who fail to pass a drug or alcohol test shall be removed from duty and shall be subject to disciplinary action. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.

### 5.3 Alcohol Use

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

### 5.4 Compliance with Testing Requirements

All employees applicants will be subject to urine drug testing as a condition of employment. ~~This condition shall be conveyed to all applicants as part of the application process. Receipt of a final offer of employment from the County shall be contingent on passing the test. Any applicant employee who refuses to comply with a request for testing shall not receive a final offer of employment. be removed from duty and his employment terminated.~~ Any applicant employee who is suspected of providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be

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required to undergo an observed collection. Verification of these actions will result in the applicant ~~not receiving a final offer of employment with the county.~~ ~~employee's removal from duty and his employment terminated.~~ Refusal can include an inability to provide a sufficient urine specimen or breath sample without a valid medical explanation, as well as a verbal refusal, obstructive behavior, or physical absence resulting in the inability to conduct the test.

#### 5.5 Treatment Requirements

All employees are encouraged to make use of the available resources for assessment and treatment for alcohol and drug abuse. Under certain circumstances, employees may be required to undergo treatment for substance abuse or alcohol misuse. Any employee who refuses or fails to comply with County requirements for assessment shall be subject to disciplinary action, up to and including termination. The cost of any treatment or rehabilitation services will be paid for directly by the employee or his insurance provider. Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program.

#### 5.6 Notifying the County Administration of a Criminal Drug Conviction

All employees are required to notify the County Manager of any criminal drug or alcohol abuse statute conviction for a violation within five days after such conviction becomes final. Failure to comply with this provision shall result in disciplinary action, up to and including termination.

#### 5.7 Proper Application of the Policy

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

#### 6.0 TESTING PROCEDURES

~~Analytical urine drug testing and breath testing for alcohol~~ Medically approved drug and alcohol testing may be conducted when circumstance warrants or Federal, State or County regulations require. All applicants employees shall be subject to testing ~~prior to receiving a final offer of employment~~; employees shall be subject to testing, for reasonable suspicion, and following an accident as defined in Section 6.2, 6.3, and 6.4 of this policy. In addition, all employees will be tested prior to returning to duty after failing a drug or alcohol test and after completion of the Employee Assistance Program's (EAP's) recommended treatment program. Follow-up testing will also be conducted following return to duty for a period of one to five years, with at least six tests performed during the first year.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (DHHS). All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended.

The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, anxiolytics, and phencyclidine. An initial drug screen will be conducted on each urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended. In instances where there is a reason to believe an employee is abusing a substance other than the five drugs listed above, the County reserves the right to test for additional drugs under the County's own authority using standard laboratory testing protocols.

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved testing device operated by a trained technician. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed immediately to confirm the results of the initial test. The confirmatory test will be performed using a NHTSA-approved evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT). An employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will be removed from his/her position for eight hours unless the immediate retest results in a concentration measure of less than 0.02. The inability to perform safety-sensitive duties due to an alcohol test result of greater than 0.02 but less than 0.04 will be considered an unexcused absence subject to County disciplinary procedures. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and a violation of the requirements set forth in 49 CFR Part 654 for safety-sensitive employees. An employee with such a concentration will be advised to conduct himself or herself safely off County property.

Any employee having a confirmed positive drug or alcohol test may be removed from his/her position, informed of educational and rehabilitation programs available, and/or referred to the Employee Assistance Plan (EAP) for assessment. A positive drug and/or alcohol test may also result in disciplinary action up to and including termination. Any adverse personnel action will be taken in the manner prescribed by the Caswell County Personnel Policy, and will be subject to the grievance and appeal procedures outlined in that policy.

Before testing, all employees shall be asked to sign a form affirming their consent to the test. Failure to consent to a test where proper grounds for the test exist shall make the employee subject to disciplinary action, up to and including dismissal.

Caswell County affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process.

### 6.1 Employee Requested Testing

Any employee, whether safety-sensitive or non-safety-sensitive, who questions the results of a required drug test under paragraphs 6.2 through 6.7 of this policy may request that the split sample be tested. This test must be conducted at a different DHHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. All costs for such testing are paid by the employee unless the result of the split sample test invalidates the result of the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted if the delay was due to documented facts that were beyond the control of the employee.

### 6.2 Pre-Employment Testing

All position applicants will be asked to undergo urine drug testing immediately following the offer of new employment or transfer into a safety-sensitive position. Any offer made is conditional on passing the drug test, and an offer shall not be considered final until the drug test is passed. Receipt by the County of a negative drug test result is required prior to employment. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of 120 days. Evidence of the absence of drug dependency that meets with the approval of the County and a negative pre-employment drug test will be required prior to further consideration for employment. The cost for the assessment and any subsequent treatment will be the sole responsibility of the individual.

### 6.3 Reasonable Suspicion Testing

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

1. Physical signs and symptoms consistent with prohibited substance use or alcohol misuse. Such signs include, but are not necessarily limited to, slurred speech, bloodshot eyes, muscle tremors, unsteady walking or movements, and characteristic body or breath odors.
2. Evidence or observation of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substance.
3. Fights (to mean physical contact), assaults, and other aggressive, hostile, threatening, disruptive or unusual behaviors, as well as flagrant disregard or violations of established safety, security, or other operating procedures.

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

#### 6.4 Post-Accident Testing

Employees will be required to undergo urine and breath testing if they are involved in any fashion in a major accident or a series of accidents while on the job, or in an accident involving a Caswell County vehicle, regardless of whether the vehicle is owned or leased by the County, or in any vehicle while on County business, unless the employee can be completely discounted as a contributing factor to the accident. This includes all surviving employees that operated the vehicle and any other whose performance could have contributed to the accident.

Following an accident, the employee will be tested as soon as possible. If feasible, the employee will be tested within 2 hours for alcohol testing or 12 hours for drug testing. The test must be within this period following the accident unless extraordinary circumstances make it impossible to perform the test within that period. Any employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. Any safety-sensitive employee who leaves the scene of the accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test and will be subject to discipline up to and including termination. Employees tested under this provision will include not only personnel operating the vehicle, but also any other employee whose performance could have contributed to the accident.

An employee who is away from the usual work base at the time of the accident, or whose supervisor is not present when the accident occurs, should if feasible return to the usual work base and take steps to inform the supervisor immediately. If feasible, the supervisor or a person designated by the supervisor shall accompany the employee to the testing site.

Under no circumstances shall the need for testing prevent a person involved in an accident from receiving timely and effective medical observation or treatment, nor shall a person be placed under any constraint prohibited by law.

#### 6.5 Random Testing

Employees in safety sensitive positions will be subjected to random, unannounced testing. The selection of safety sensitive employees for random alcohol testing will be made using a scientifically valid method that ensures each covered employee that they will have an equal chance of being selected each time selections are made to ensure, to the extent feasible, equal treatment. The random tests will be unannounced and spread throughout the year.

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**6.6 Return-To-Duty Testing**

All safety-sensitive and non-safety-sensitive employees who previously tested positive on a drug or alcohol test must test negative for drugs and alcohol (with a negative test being below 0.02 for alcohol) on a return-to-duty test and be evaluated and released to duty by the EAP before returning to work.

**6.7 Follow-Up Testing**

Employees who test positive will be required to undergo frequent, unannounced urine and/or breath testing following their return to duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year.

**7.0 EMPLOYMENT ASSESSMENT AND EAP**

Any employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended, will be referred for evaluation by EAP. EAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse.

Participation in the County's Employee Assistance Program does not shield an employee from disciplinary action or guarantee employment or reinstatement with the County. The Caswell County Disciplinary Code (or, if applicable, that of the respective agency or made applicable by State Personnel Policy to employees who are part of the State Personnel System) should be consulted to determine the penalty for performance-based infractions and violation of policy provisions.

If an employee is allowed to return-to-duty, he/she must properly follow the rehabilitation program prescribed by EAP, the employee must have negative return-to-duty drug and alcohol tests, and be subject to unannounced follow-up testing for a period of one to five years. The cost of any treatment or rehabilitation services will be paid directly by the employee or his/her insurance provider.

Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program. Employees who have exhausted sick leave and vacation leave may be permitted to take leave without pay.

**8.0 INFORMATION DISCLOSURE**

All drug and alcohol testing records will be maintained in a secure manner so that disclosure of information to unauthorized persons does not occur. Information concerning such testing shall not be placed in the employee's personnel file. Information will only be released in the following circumstances:

1. to a third party only as directed by specific, written instruction of the employee;
2. to the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee tested;
3. to the National Transportation Safety Board during an accident investigation;
4. to the Federal or applicable state's Department of Transportation (DOT) or any agency with regulatory authority over the employee, or to a State or Federal agency authorized to oversee rail fixed-guideway systems; or
5. to the employee, upon written request.

#### **9.0 EMPLOYEE AND SUPERVISOR TRAINING**

All employees will undergo a minimum of thirty (30) minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment, as well as the manifestations of prohibited drug use and behavioral cues as to it.

Supervisors will also receive an additional thirty (30) minutes of reasonable suspicion training on the physical, behavioral, speech and performance indicators of probable alcohol misuse.

#### **10.0 WORKFORCE RE-ENTRY**

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

1. A statement of progress in or completion of program from EAP or from a qualified substance abuse professional.
2. A negative test for drugs and/or alcohol.
3. An agreement to unannounced frequent follow-up testing for a period of one to five years with at least six tests performed the first year.
4. A statement of expected future work-related behaviors.
5. An agreement to follow specified after care requirements with the understanding that violation of the re-entry contract is grounds for termination.

**11.0 ADVERSE PERSONNEL DECISIONS, APPEALS, AND GRIEVANCES**


All adverse personnel decisions shall be made in accordance with the procedures set out in the Caswell County Personnel Manual, and shall be subject to the appeal and grievance procedures set forth therein.

Employees who violate rules set forth in this policy will be subject to discipline, up to and including termination.


**12.0 SYSTEM CONTACTS**

Any questions regarding this policy or any other aspect of the drug free and alcohol-free workplace program should contact the persons named in the appendix to this policy.

**ADOPTED THIS THE 21<sup>st</sup> DAY OF AUGUST, 2000.**

  
Nathaniel Hall, Chairman  
Caswell County Board of Commissioners

ATTEST:

  
Wanda P. Smith  
Clerk to the Board

CONTACT PERSONS FOR CASWELL COUNTY DRUG POLICY

Program Manager:

Name: Jeff Rudd  
Title: County Manager  
Address: Post Office Box 98, Yanceyville, North Carolina 27379  
Telephone Number: (336) 694-4193, ext. 105  
FAX Number: (336) 694-1228

Medical Review Officer:

(TO BE ADDED)

Name:  
Address:  
Telephone Number:  
FAX Number:

EAP Consultant:

Name: Jo Turbyfill, M.A., LPC  
Title: EAP Consultant  
Address: Alamance-Caswell Area Mental Health/Developmental Disabilities  
& Substance Abuse Authority  
319-A North Graham-Hopedale Road  
Burlington, North Carolina 27217  
Telephone Number: (336) 513-4200, ext. 215  
FAX Number: (336) 513-4422



**Caswell County**

**Safety-Sensitive Positions**

<b><u>Department</u></b>	<b><u>Position</u></b>
Aging Services	Volunteer driver Transportation subcontractor
Building Inspections	Chief Building Inspector Building Inspector
Emergency Management	Emergency Management Director
Emergency Medical Services	EMS Director Paramedic EMT EMS Shift Supervisor Part-time Paramedic Part-time EMT
Farmer Lake	Lake Warden Part-time Lake Warden
Health	Nursing Supervisor Public Health Nurse Social Worker Physician Extender Health Educator Nutritionist SS Technician Environmental Health Coordinator Environmental Health Specialist Community Health Technician
Landfill	Landfill Supervisor Landfill Assistant
Maintenance	Maintenance Director Maintenance Assistant
Sheriff	All personnel
Recreation Department	Director

Social Services

Van Driver  
Dispatcher  
Social Worker  
Human Resources Coordinator  
Work First Worker  
Human Resources Aide

