

City of Kings Mountain

Substance Abuse Policy

1.0 Purpose

The City of Kings Mountain has a strong commitment to the public safety and a safe secure workplace and to promote the highest standards of employee health.

This regulation delineates the City's policy with regard to the presence of drugs and alcohol in the workplace and the influence of these substances on employees during working hours and on applicants seeking employment with the City.

2.0 POLICY

- 2.1 It is the policy of the City of Kings Mountain to maintain a safe work environment. All personnel, equipment, and operating practices must be consistent with the highest standards of health and safety.
- 2.2 The unlawful manufacture, distribution, dispensation, possession or use of drugs and alcohol in the workplace during working hours is prohibited. **Any violation of such shall be grounds for disciplinary action up to and including job termination.**
- 2.3 Being a public employer, the City is entrusted with the health and safety of its citizens. In keeping with this obligation, **all** qualified applicants who are offered full-time City positions **shall be required to undergo a drug screening procedure.**
- 2.4 Individuals employed with the City shall be required to undergo drug screening procedures whenever reasonable suspicion exists that their conduct on the job is being influenced by drugs or alcohol. This provision includes **all** employees regardless of position.
- 2.5 It shall be **the responsibility of any employee to notify his/her supervisor in writing** of any criminal drug statute arrest or conviction for a violation, **no later than five (5) days** after such arrest or conviction.
- 2.6 The City recognizes that alcohol and drug abuse **can be successfully treated** and will provide an **EMPLOYEE ASSISTANCE PROGRAM** to assist employees and their families.
- 2.7 **All alcohol and drug screening procedures** will be conducted by the City's designated medical provider.

City of Kings Mountain

Substance Abuse Policy

- 2.8 **Specimens will be checked** by a certified laboratory utilizing chain-of-custody procedures. A second type of screening test for confirmation of any initial positive test will be utilized prior to notification.
- 2.9 **Screening results** will be held in the **strictest confidence**. Applicants and employees who are tested will be provided a copy of the test results if requested in writing.
- 2.10 This Policy is designed to **discourage substance abuse** by employees at any time, but particularly while at work or during times when there may be an affect on performance during working hours.
- 2.11 The City maintains a current name and address of **each laboratory that administers the substance screenings** at the Human Resources Department office. The contact information for the Medical Review Officer and the Substance Abuse professional are also kept within the H.R. Department office.

3.0 Departments Affected

The departments affected are **all individuals in all departments** seeking or having employment with the City of Kings Mountain.

4.0 Definitions

- 4.1 **Controlled Substance** means a drug, substance, or immediate precursor included in schedules **I through VI of Chapter 90, Article 5, Sections 90-89 through 90-94 of the North Carolina General Statues.**
- 4.2 Substance Abuse consists of any of the following:
 - 4.2.1 **Excessive use of alcohol as a beverage**, or the use of lawfully-obtained **controlled substance** or any **non-controlled (prescriptive)** substance when such use impairs job performance, alters behavior and/or creates a risk to the health and/or safety of the employee or others.
 - 4.2.2 Use of a **controlled substance** obtained unlawfully.
- 4.3 **Drug Screen:** A **chemical test** conducted on a **urine, blood, or breath** sample by the designated laboratory to detect the occurrence of substance abuse.
- 4.4 **EMPLOYEE ASSISTANCE PROGRAM (EAP):** A program designed to **evaluate, counsel** and/or **refer** employees who develop personal or medical problems that contribute to unacceptable patterns of job performance.

City of Kings Mountain

Substance Abuse Policy

5.0 Procedures/Rules

5.1 **Pre-placement Substance Abuse Screening:** All persons who are offered full-time employment with the City of Kings Mountain shall be required to undergo a drug screening procedure. All persons who are offered employment other than full-time, may be required, at the discretion of the Human Resources Director, to undergo a drug screening procedure.

5.1.1 The **Human Resources Director** shall identify those positions which shall require drug screening in the employment process as outlined in Section 5.1 above.

5.1.2 **All applicants shall be informed in writing** of the City's substance abuse policy drug screening procedure.

- a. Persons who may be tested **must sign the consent form** for substance abuse testing.
- b. **Applicants who refuse to sign the consent form** will not be considered for employment.
- c. **The drug screening policy shall be posted and prominently displayed where applications are obtained and processed.**

5.1.3 **Applicants** to be screened **will be referred** to the City's designated medical provider for testing.

5.1.4 **Applicants will take** the signed substance abuse testing **consent form** to the **designated provider.**

5.1.5 Applicant **screening tests will be performed** on urine, blood, and/or breath specimens using a chain-of-custody method to avoid errors with the specimen.

5.1.6 Upon completion of the tests, the **results will be sent** to the applicant, **if requested in writing**, and the Human Resources Director will be informed whether the applicant passed or failed the drug screening and physical examination.

5.1.7 *An applicant with a positive test result will not be considered for employment into the position for which he/she was seeking.*

5.1.8 **Applicants** who receive a positive screening test **are barred** for a **one year period** from consideration for any positions.

5.1.9 Persons who **reapply** for positions **will be tested again** if they are offered employment.

5.1.10 **Employment decisions based upon drug screening test results are irrevocable and appeals will not be considered.**

5.2 Employee Substance Abuse Screening

After being hired, no **City employee shall be requested to undergo substance abuse testing without reasonable suspicion** unless such employee is subject to random testing procedures. However, an **employee** who is being **considered for a promotion** must pass the drug screening test prior to promotion.

Supervisory personnel must establish the basis for a reasonable suspicion of substance abuse prior to initiation of the substance abuse testing process as to any selected individual(s). Prior to implementing this program, all supervisory personnel will be trained as to the signs and symptoms of such abuse. All referrals, documentation, and supervisory actions relative to this policy shall be kept in strictest confidence.

- 5.2.1 **Reasonable suspicion** must be based upon an employee's behavior on the job. Supervisory personnel who observe an employee who **smells of alcohol or marijuana, appears intoxicated, confused, disoriented or uncoordinated; who exhibits marked personality changes; shows obvious irrational behavior or is involved in an avoidable accident** with city equipment, must remove that employee from all responsibility for operating equipment or from any other situation which may pose an immediate hazard, until reviewed. This paragraph is in compliance with 49 CFR 199 under its reasonable cause testing regulations
- 5.2.2 The **employee suspected** of substance abuse **should be taken to the City's designated medical provider** to arrange a substance abuse test. Where appropriate, a breathalyzer test administered by a certified operator may be utilized or a blood alcohol test may be administered. The choice of testing shall be at the discretion of the Human Resources Director.
- 5.2.3 If such employee **refuses to cooperate** in the **substance abuse testing process**, and if such employee appears to then be impaired due to substance abuse, **arrangements shall be made to promptly transport him/her to his or her residence**. If such **employee refuses to be transported** to his/her residence, he/she will be **immediately suspended**.
- 5.2.4 Employees who **refuse to cooperate with testing** and who are taken home **shall be immediately suspended and may be subject to removal from his or her position**. Those who refuse to cooperate with testing, but who do not appear at that immediate time to be impaired due to substance abuse shall be suspended.
- 5.2.5 In the event the employee's test **results are positive**, the following steps will be taken:

City of Kings Mountain

Substance Abuse Policy

- (a) The **City's designated medical provider** will verbally advise the **Human Resources Director**, who will in turn advise the employee's **Department Head** of the findings.
 - (b) The **Department Head** will arrange an **Administrative Pre-determination** meeting with the affected employee. In order to **preserve confidentiality** to the greatest extent possible, this meeting should be **conducted at a site away from the employee's normal working area**, and shall be attended only by the employee, Department Head, Human Resources Director and one Supervisor. The format of the Pre-determination meeting will be to advise the employee of the test results and to allow the employee to fully respond to the findings.
 - (c) In the event an **employee taking prescription drugs** should test positive, he/she will be asked to **validate the prescription** and the dosage to the City's designated medical review officer.
 - (d) Based on the employee's over-all work history, along with the facts gathered during the predetermination meeting, the **Department Head**, after review with the **Human Resources Director** and approval from **the City Manager**, will advise the employee in writing of the administrative action to be taken in the matter. Other factors to be considered in determining final administrative action may include such things as over-all job performance, length of service, probationary status, personal history relating to controlled substances or substance abuse and the willingness of the employee to participate in the **Employee Assistance Program**.
- 5.2.6 **It is the intent of the City to refer employees to appropriate employee assistance counseling and appropriate course of action.** In order to hold his/her position with the City, the **employee must enter and complete the required rehabilitation program, and work performance must quickly return to an acceptable level.**
- 5.2.7 In order to assure that the employee remains free of alcohol or substance abuse as defined herein, **the City reserves the right to require unannounced drug screening tests during a period of one year after the employee rehabilitation program begins.**
- 5.2.8 **An employee who refuses to enter a required program** or fails to complete such a program, unless due to verified disability resulting from illness or injury, **shall immediately be terminated** from employment. Such **failure to enter or complete the required program** shall be considered by the City as a **voluntary termination** of employment by the **employee.**

City of Kings Mountain

Substance Abuse Policy

- 5.2.9 An **employee who successfully completes the rehabilitation** process and is preparing to return to duty **must successfully undergo the employee substance abuse screening process.**

5.3 Random Screenings

- 5.3.1 **Employees subject to random drug screening** will be those in public safety positions (**Fire and Police**), those in the **Gas Department** and **any other position subject to Federal or State** mandated screening. (This currently includes those with commercial driver's licenses, meter readers, electric department personnel, water plant operators, wastewater treatment plant operators and all personnel who might initially receive emergency calls for natural gas system repairs.)
- 5.3.2 An **employee subject** to random drug screening shall be selected by using a **random number table or a computer-based random** number generator that is matched with an employee's social security number, payroll identification number, or other appropriate identification number.
- 5.3.3 An **employee who transfers** from a non-covered position to one subject to random drug screening will be subject to this section.
- 5.3.4 The **random drug screening shall be spread reasonably** throughout a twelve-month period and will affect at least fifty percent (50%) of the employees designated.
- 5.3.5 In the event the employee's **test results are positive**, the same steps will be taken as outlined under Section 5.2.5 of this policy.

6.0 Contractors/Contract Laborers

- 6.1 The City may require a **Contractor that is working for the City**, to provide their Drug and Alcohol policy prior to starting their work. The City's policy shall be used as the minimum standard of requirements for the contractor's own policy. The Contractor may also be subject to reasonable suspicion and random screenings at the discretion of their City supervisor. Should an accident occur while the Contractor is performing the work assigned, the Contractor(s) may be required to take the substance abuse test.