

MACON COUNTY POLICY TO MAINTAIN A DRUG-FREE AND ALCOHOL-FREE WORKPLACE

Statement of Purpose

This policy to maintain a drug-free and alcohol-free workplace is adopted by the Board of Commissioners of Macon County for the following purposes: to provide a safe workplace for its employees and others using county facilities; to promote healthy life-styles for its employees; to enhance the productivity of its employees; to comply with the requirements of the Drug-Free Workplace Act of 1988; to comply with the Federal regulations prescribing breath and urine testing for employees performing safety-sensitive duties as defined by Title 49 of the Code of Federal Regulations and published as 49 CFR 40 and 49 CFR 382, *et seq.*; to comply with the Federal regulations prescribing drug and alcohol testing for employees involved in transit operations and published as 49 CFR 655; and to comply with any other or additional Federal regulations requiring the adoption of this policy.

Definitions

A *controlled substance* is any controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by any of the federal regulations at 21 CFR 1308.11 through 1308.15, 49 CFR 40.85, and any other applicable federal regulations. These substances include, but are not limited to, heroin, marijuana, cocaine and any of its derivatives, PCP, and any medications which may be legally prescribed by a physician.

A *county workplace* is any premises or vehicles owned or operated by Macon County and any other place at which employees are conducting county business or to which they are assigned temporarily for training, certification or similar purposes.

Drug paraphernalia includes any material, device or substance used for the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance and characterized as such by any criminal statute of the State of North Carolina.

Unlawful means any act which violates a criminal statute of the United States or the State of North Carolina.

The definitions found in any of the Federal regulations referred to in this policy or otherwise affecting this policy shall apply to any of the terms used in this policy except to the extent the definitions of the terms listed above broaden or expand the definition found in the Federal regulations.

Statement of Policy

Applicable to All County Employees

- (A) Macon County prohibits the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance, drug paraphernalia or any alcoholic beverage by its employees in any county workplace. Macon County further prohibits the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or drug paraphernalia by its employees at any time, whether on-duty or off-duty. Macon County further prohibits any employee from reporting for duty or remaining on duty when, in the opinion of his or her supervisor, the employee's ability to perform assigned duties is adversely affected by any controlled substance or alcohol taken or consumed at any time prior to reporting for work. Any employee found to have violated any of the foregoing prohibitions shall immediately be subject to the full range of disciplinary actions including termination of employment.
- (B) The Director of Human Resources for Macon County shall establish an on-going drug-free and alcohol misuse awareness program to inform employees about (1) the dangers of drug abuse and alcohol misuse in the workplace; (2) the county's policy of maintaining a drug-free and alcohol-free workplace; (3) any available drug or alcohol counseling, rehabilitation, and employee assistance programs; and (4) the penalties that may be imposed on employees for drug abuse and alcohol misuse in violation of this policy.
- (C) Every employee shall be given a copy of this policy at or before the commencement of employment.
- (D) As a condition of beginning or continuing employment with Macon County, every employee shall acknowledge in writing in a form approved by the Director of Human Resources (1) that he or she has received and read a copy of this policy; (2) that he or she will abide by the terms of this policy; (3) that he or she will notify his or her immediate supervisor in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace or elsewhere no later than five calendar days after such conviction. Such notice of conviction shall be immediately forwarded to the County Manager.
- (E) Within ten calendar days of receiving notice of conviction of an employee for a violation of a criminal drug statute occurring in the workplace, the County Manager shall notify any appropriate State or Federal agency in writing of the conviction if the convicted employee was working on any project or in any department or performing any function funded in whole or in part by a grant from any Federal agency. The notice shall include the identification number of each affected grant and the position title of the convicted employee and shall be provided to every grant officer or other designee on whose grant activity the convicted employee was working.

(F) Within 30 calendar days of receiving notice of the conviction of any employee for a violation of a criminal drug statute, whether such violation occurred in the workplace or elsewhere, the Director of Human Resources shall take appropriate personnel action against the convicted employee, up to and including termination of employment, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or shall require the convicted employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

(G) All department heads and supervisors shall receive a minimum of 60 minutes of appropriate training on the signs, symptoms, and indicators of drug and alcohol use. The Director of Human Resources shall determine the appropriateness and frequency of such training.

(H) Macon County shall make a good faith effort to continue to maintain a drug-free and alcohol-free workplace through the implementation of all the provisions of this policy.

Applicable to Employees Subject to Commercial Driver's License Requirements and Not Subject to Federal Transit Administration Regulations

(I) Macon County has adopted a separate policy entitled "Macon County Substance Abuse Policy for CDL Employees" implemented January 1, 1996, to comply with the drug and alcohol testing requirements of the Federal Highway Administration published in 49 CFR 382, *et seq.* This policy applies only to those employees operating commercial motor vehicles, who are subject to commercial driver's license requirements, and who are not involved in transit operations administered by the Macon Area Transit Services. Section 9.0 of this policy is hereby revised to establish that the system contact person or county representative is the Director of Human Resources, 5 West Main Street, Franklin, NC 28734, Telephone No. (828) 349-2227. This policy, as revised, is incorporated herein by reference and shall continue in full force and effect as part of Macon County's overall drug-free and alcohol-free workplace policy.

(J) As a condition of beginning or continuing employment with Macon County, every employee which operates a commercial motor vehicle and who is subject to commercial driver's license requirements, shall acknowledge in writing in a form approved by the Director of Human Resources that he or she has received and read a copy of the "Macon County Substance Abuse Policy for CDL Employees" and that he or she will abide by and consents to its terms. This acknowledgement shall be separate from and in addition to the general acknowledgment described in Paragraph D of this policy.

Applicable to Employees Covered by Federal Transit Administration Regulations

(K) Macon County has adopted a separate policy entitled “Macon Area Transit Services (of Macon County Government) Drug and Alcohol Testing Policy” implemented May 5, 2003, to comply with the drug and alcohol testing requirements of the Federal Transit Administration as published in 49 CFR 655. This policy applies only to those employees performing any duties related to the safe operation of a mass transit service, including the operation of a revenue service vehicle, the maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or persons controlling the movement of revenue service vehicles and any transit employee who is required to hold a commercial driver’s license. This policy is incorporated herein by reference and shall continue in full force and effect as part of Macon County’s overall drug-free and alcohol-free workplace policy.

(L) As a condition of beginning or continuing employment with Macon County, every employee which performs any of the functions described in Paragraph K shall acknowledge in writing in a form approved by the Director of Human Resources that he or she has received and read a copy of the “Macon Area Transit Services (of Macon County Government) Drug and Alcohol Testing Policy” and that he or she will abide by and consent to its terms. This acknowledgement shall be separate from and in addition to the general acknowledgment described in Paragraph D of this policy.

Implementation

(M) This policy is intended to revise, update and incorporate the provisions of the prior several policies of Macon County concerning unlawful drug use and alcohol misuse into a single comprehensive policy to be implemented and administered by the Director of Human Resources in accordance with the Macon County Personnel Policy. All policies concerning unlawful drug use and alcohol misuse previously adopted by the Board of Commissioners are hereby rescinded and vacated except to the extent any such policies or portions of such policies are incorporated herein.

Macon County Policy to Maintain a Drug-Free and Alcohol-Free Workplace
Acknowledgment Required of All Employees

The undersigned employee or prospective employee of Macon County hereby acknowledges as follows:

- (1) I have received a copy of the "Macon County Policy to Maintain a Drug-Free and Alcohol-Free Workplace."
- (2) I have read and understand the policy and have been given an opportunity to discuss my questions about the policy with the Macon County Director of Human Resources.
- (3) I agree to abide by the terms of this policy and understand that if I violate the policy, I will be subject to immediate disciplinary action up to and including termination of my employment.
- (4) I agree that I will notify my immediate supervisor in writing of my conviction for a violation of a criminal drug statute occurring in the workplace or elsewhere no later than five calendar days after such conviction.
- (5) I understand that notice of my conviction for a violation of a criminal drug statute may be provided by my employer to certain Federal or State agencies and I waive any and all claims for privacy rights or otherwise that I may have or may arise from my employer's conveying this information to such agencies.

Employee's Printed Name

Employee's Signature

Date

Witnessed by:

Macon County Policy to Maintain a Drug-Free and Alcohol-Free Workplace
Additional Acknowledgement Required of Non-Transit Employees
Holding Commercial Driver's License

The undersigned employee or prospective employee of Macon County hereby acknowledges as follows:

- (1) Because I am performing or will be performing duties requiring me to hold a commercial driver's license and these duties are not for the transit service, I have also received a copy of the "Macon County Substance Abuse Policy for CDL Employees."
- (2) I have read and understand the policy and have been given an opportunity to discuss my questions about the policy with the Macon County Director of Human Resources.
- (3) I agree to abide by the terms of this policy and understand that if I violate the policy, I will be subject to immediate disciplinary action up to and including termination of my employment.
- (4) I understand that my refusal to consent to any of the testing procedures prescribed in the policy shall be considered a violation of the policy.
- (5) I waive any and all claims for privacy rights or otherwise that I may have or may arise from my employer's conducting, or causing to be conducted, the testing procedures prescribed by this policy or using the test results for their intended purposes.

Employee's Printed Name

Employee's Signature

Date

Witnessed by:

Macon County Policy to Maintain a Drug-Free and Alcohol-Free Workplace
Additional Acknowledgement Required of Covered Transit Service Employees

The undersigned employee or prospective employee of Macon County hereby acknowledges as follows:

- (1) Because I am performing or will be performing duties relating to the safe operation of a mass transit service, I have also received a copy of the "Macon Area Transit Services (of Macon County Government) Drug and Alcohol Testing Policy."
- (2) I have read and understand the policy and have been given an opportunity to discuss my questions about the policy with the Macon Area Transit Services, Drug and Alcohol Program Manager.
- (3) I agree to abide by the terms of this policy and understand that if I violate the policy, I will be subject to immediate disciplinary action up to and including termination of my employment.
- (4) I understand that my refusal to consent to any of the testing procedures prescribed in the policy shall be considered a violation of the policy.
- (5) I waive any and all claims for privacy rights or otherwise that I may have or may arise from my employer's conducting, or causing to be conducted, the testing procedures prescribed by this policy or using the test results for their intended purposes.

Employee's Printed Name

Employee's Signature

Date

Witnessed by:
