



TOWN OF SHALLOTTE

Drug and Alcohol Policy

Policy Overview

The Town of Shallotte has a responsibility to all employees to provide a safe workplace, and a responsibility to the public to ensure that its safety and trust in the Town of Shallotte is upheld. Therefore, the Town of Shallotte has adopted a policy that prohibits the following behaviors by employees:

- The use of possession of alcohol or any controlled substance, including the abuse of medications, while on work time or work premises, or in town vehicles.
- The sale, distribution, or provision of alcohol or any controlled substance while on work time or work premises, or in town vehicles.
- Reporting to work or working while intoxicated or otherwise impaired.

Any violations of this policy will subject the employee to disciplinary action, up to and including dismissal. If an employee is or begins taking any substance that would cause drowsiness or impair their ability to safely do their job, they must notify their immediate supervisor.

Purpose

The purpose of the drug and alcohol policy is to:

1. Identify all requirements and actions necessary to eliminate drug abuse and alcohol misuse in the Town of Shallotte.
2. Ensure full compliance with federal requirements for establishing a drug-free workplace.
3. Identify when, and under what conditions. Town employees are subject to drug and alcohol testing

Drug and Alcohol Testing

All permanent employees of the Town of Shallotte are subject to the following types of tests:

- Pre-employment
- Reasonable suspicion
- Return to duty
- Follow-up

In addition to the above tests, employees who are considered High Risk or Safety Sensitive are subject to the following types of drug testing:

- Random
- Post-accident

A High Risk or Safety Sensitive position includes:

- Safety-Sensitive function for all covered employees who drive Commercial Vehicles meaning a non-transit commercial motor vehicle requiring a Commercial Driver's License to be operated.
- Safety-Sensitive functions for all other employees covered under the sole authority of the Town of Shallotte meaning a job function that
 1. Requires the employee to hold a CDL; or
 2. The dereliction of which may likely cause a serious and immediate threat to public safety; including:
 - a. Driving a motor vehicle on a regular basis, unless the percentage of work time spent driving is negligible;
 - b. Operating heavy machinery;
 - c. Maintaining or inspecting motor vehicles or heavy machinery;
 - d. Dispatching emergency services.
 - e. Handling hazardous chemicals;
 - f. Wastewater treatment operations; or
 - g. Direct patient health care

Conditions for Testing

Pre-employment Testing

After an offer of permanent employment has been made to the final candidate, the Human Resources Director directs the applicant to the drug testing collection site and receives notification of the test result. Applicants are not eligible to begin work until the Human Resources department receives the negative test result.

Reasonable Suspicion

The Town of Shallotte may require that an employee undergo drug and alcohol testing when, in the opinion of the Town Manager (or Assistant Town Manager), the Human Resources Officer, the Department Head, and/or the Supervisor of the affected employee, there is reasonable suspicion that the employee may be under the influence of alcohol or controlled substances. The determination to test for reasonable suspicion must be based on the following:

- A reasonable person would have NO issue observing someone's behavior and believing that person was somehow impaired.

- Firsthand observations seen or heard by supervisors or department heads specific, clearly stated observations concerning the appearance, behavior, speech, or body odor of the employee
- Observations made just before, during, or just after the performance of job duties

A reasonable suspicion alcohol test should be done within 2 hours of the observed behaviors. If a test cannot be done within 8 hours, it should not be done. A reasonable suspicion controlled substance test should be done no later than 32 hours from the observed behavior and appearance. If a reasonable suspicion test cannot be conducted within the specified time frame, the reasons for the failure to test should be documented by the supervisor and given to the Human Resources Director.

As soon as it is determined that a medical emergency does not exist an employee who is asked to submit to a reasonable suspicion testing will be immediately driven to the testing site by the immediate supervisor and will be placed on a non-disciplinary suspension pending the test results.

An employee who refuses to submit to a reasonable suspicion testing will be subject to dismissal

Return to Duty Testing

Return to duty testing is required for any employee who has violated this policy and is returning to work on the recommendation of the substance abuse professional. Return-to-duty testing must be conducted prior to the employee returning to work.

Follow-Up Testing

Follow-up testing is conducted once an employee who has violated this policy successfully returns to work. Follow-up tests will be conducted on an unannounced basis a minimum of 6 times during the twelve months following return to duty. An employee who is asked to submit to follow-up testing shall comply with medically directed testing requirements as established in a personal substance abuse treatment plan.

Random Testing

Unannounced random testing will be completed for the designated percentage of employees only as required under the federal drug testing regulations. The Town of Shallotte contracts with a third-party administrator to generate the random test list and the Human Resources Department coordinates the random tests. An employee who has been selected to submit to the random testing will be immediately driven to the testing site by the immediate supervisor or tested on-site. The employee will remain continually supervised upon receiving notification of required testing.

Post-Accident Testing

Post-accident testing is conducted following any accident involving an employee covered under the federal testing regulations if any one of the following conditions are met:

- A fatality occurs as a result of the accident
- If the driver was cited for a moving traffic violation and any individual involved in the accident requires medical treatment away from the scene.
- If the driver was cited for a moving traffic violation and a vehicle involved in the accident was disabled to the extent that it must be towed.

Post-accident alcohol testing should be done within 2 hours of the accident. If the test cannot be performed within 8 hours, it should not be done. Post-accident drug testing must be performed within 32 hours of the accident, or it should not be done. If the tests cannot be performed in the specified time frame, the reasons for the failure to test should be documented by the supervisor and given to the Human Resources Director.

As soon as released by the investigating law enforcement officer, an employee who is asked to submit to post-accident testing will be immediately driven to the testing site by the immediate supervisor.

Should it be suspected that criminal intent exists, the investigating law enforcement officer shall request the employee to submit to any forms of testing authorized by the State of North Carolina used to gauge a driver's cognitive and physical functions to determine the driver's level of impairment.

An employee who refuses to be tested or avoids meeting the specified time limits will be considered as having a positive test result and will be subject to dismissal

Positive Test Results

Alcohol Tests

A breath alcohol level of 0.04 on a breathalyzer administered by a certified Breath Alcohol Technician is considered a positive alcohol test. A positive test result will result in disciplinary action up to and including dismissal.

A breath alcohol level of 0.02 or greater requires a confirmation test. Confirmation tests are completed no sooner than 15 minutes after the initial screening test, but no later than 30 minutes of that test. If the screening and confirmation tests are not the same, the confirmation test is deemed to be the result. If the BAT reading is between 0.02 and 0.039 the employee must be removed from the workplace for a 24-hour period.

Drug Tests

Drug tests are performed for the following types of drugs:

- Marijuana
- Cocaine
- Opiates
- Phencyclidine
- Amphetamines
- Propoxyphene
- Methadone
- Methaqualone
- 6-Acetylmorphine
- Benzodiazepines
- Barbiturates
- Meperidine
- Tramadol
- Oxycodone

All drug tests require an employee to provide a urine specimen for urinalysis at an approved medical facility. The collection, analysis, and reporting processes are strictly controlled to ensure accuracy of test results and maximum confidentiality.

Every urine specimen undergoes an initial screening followed by a confirmation test for all positive screen results. Any confirmed positive test result is reviewed and interpreted by a Medical Review Officer (MRO). The MRO will contact the employee to ensure no factors exist that may have influenced the outcome of the testing process prior to transmission of the results to the Town. The MRO is responsible for confirming test results. A confirmed positive test result will subject the employee to disciplinary action, up to and including dismissal.

Refusal to Test

An employee's refusal to consent to testing as authorized under this policy will result in immediate termination.

Voluntary Referrals for Assistance

An employee who has a drug or alcohol problem is encouraged to seek assistance from the Town's Employee Assistance Program (EAP). EAP visits are provided as a Town benefit and are confidential. Any permanent employee who seeks voluntary assistance and requires leave time to participate in a treatment program will be granted sick leave, leave without pay, or family medical leave.

Mandatory Referrals for Assistance

An employee who has tested positive for drugs or alcohol and is not dismissed may be required as a condition of continued employment to undergo a drug and alcohol assessment and participate in a treatment program as recommended by the assessing agency.

The town of Shallotte respects the right of any employee to refuse assistance for a drug or alcohol problem. However, the Town maintains the right and responsibility for taking disciplinary action regarding inadequate job performance and for protecting the public’s safety.

Alcohol and Drug-Related Offense Convictions

An employee convicted of a drug or alcohol-related offense must report this conviction to the supervisor within 5 days of the date of conviction. Any drug or alcohol-related conviction which could directly or indirectly affect the employee’s credibility or ability to effectively carry out the duties and responsibility of his/her position will be reviewed by the Town Manager and may result in disciplinary action up to and including dismissal.

Training

Supervisors will be trained to recognize behaviors that may indicate drug and alcohol abuse and how to take appropriate referral action. In addition, employees will be provided with information regarding the effects of alcohol and controlled substances on the body including the impact of work performance and resources for assistance.

Employees covered under the deferral drug testing regulations will be required to participate in training as required under the federal guidelines.

Recommended Adoption December 1,2020

2nd DRAFT 2021 JAN 26

3rd DRAFT 2021 FEB 11

4th DRAFT 2022 SEP

5th DRAFT 2024 FEB 28th



CBD OILS AND WORKPLACE DRUG TESTING

CBD (cannabidiol) oil is getting a lot of attention these days. There are a myriad of companies promoting it as a natural remedy for pain relief, anxiety and stress reduction, even improved sleep. Most of these companies claim their products are free of THC, the psychoactive compound in marijuana, so they shouldn't lead to a positive workplace drug test. Nevertheless, stories are popping up all over about CBD oil users who claim to have tested positive for THC on a workplace drug screen. How can this be?

A LITTLE BACKGROUND INFORMATION

CBD products are made from the cannabis plant. CBD is one of the many active chemical compounds in the cannabis plant. Hemp and marijuana are both cannabis plants; the main difference being that hemp contains very little or no THC, the active chemical in marijuana that is associated with "getting high." Cannabis strains must have less than .3% THC in order to be classified as hemp. Most CBD products are made from hemp, not marijuana.

There are also different types of CBD oils, some are referred to as isolates and others as full spectrum, a differentiation that has to do with how the CBD is extracted from the cannabis plant. CBD isolate products typically claim not to have any THC in them while full-spectrum oils do contain THC. Why would someone want to take a full-spectrum oil if they know it contains THC? At one time it was believed that the purest form of CBD, isolates, provided the most positive results for treating inflammation and pain. However, a follow-up study conducted by researchers later found that full-spectrum products may actually be more effective. This is one of the main reasons why full-spectrum products which contain THC are so popular.

CBD AND WORKPLACE DRUG TESTING

When it comes to workplace drug testing, the distinction between isolates and full-spectrum oils is very important because it is possible for someone to have a positive drug screen if they are using a full-spectrum product that contains THC. Complicating matters further is that CBD products are currently unregulated by the FDA, which means that there are no standards for which these products must be classified or sold. Some products that claim to be THC-free, may actually have a small amount of THC in them and some that claim to be below the .3% level may contain more THC than they advertise. This lack of consistency and regulation makes it difficult for consumers to be able to know exactly what is in any one product, even when the label claims it is "pure" or THC-free.

WHAT EMPLOYEES NEED TO KNOW

Employees who work for companies that conduct workplace drug testing could feasibly test positive for THC on a workplace drug screen if they use CBD oil. For employees who work in safety-sensitive positions, testing positive for THC is a violation and will result in disciplinary action up to and including termination of employment.

Further information regarding this topic and what to do if you or someone you love is struggling with drug use, is always available to employees through our Employee Assistance Program. Call MYGroup Employee Assistance Program 24/7 at 800-633-3353.