

TOWN OF ATLANTIC BEACH SUBSTANCE ABUSE POLICY

The Town of Atlantic Beach is a municipality committed to safeguarding the safety, health and well-being of its employees. Because substance abuse can seriously endanger the safety, health and job performance of employees, adversely affect the safety of the general public and/or other employees, and may be detrimental to the Town's business and commitment to providing its residents with the highest quality of services possible, the Town of Atlantic Beach has established a Substance Abuse Policy in an effort to maintain a work force that is free of drug and alcohol abuse.

The following rules represent the Town's policy concerning substance abuse. They are effective immediately, and will be enforced uniformly with respect to all Town of Atlantic Beach employees:

1. The Town prohibits the presence or use of alcohol, illegal drugs as defined by North Carolina General Statutes, or other psychoactive substances on its properties.
2. The sale, possession, transfer or purchase of alcohol, illegal drugs or psychoactive substances on Town property, or while performing Town business, is strictly prohibited and cause for termination. Such action will be reported to appropriate law enforcement officials.
3. No prescription drug will be brought onto Town premises by any person other than the one for whom it is prescribed. Such drug may be used only by the person for whom it is prescribed and only as prescribed.

DEFINITIONS

Alcohol: constitutes any beverage, mixture, or preparation (including medication) containing as an intoxicating agent any low molecular weight alcohol such as ethyl, methyl or isopropyl alcohol.

Confirmation Test: a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. The confirmation test must be different in scientific principle from that of the initial test procedure. At this time gas/chromatography/mass spectrometry (GC/MS) shall be used.

Consent and Acknowledgment Form: provides employee's consent for drug and/or alcohol testing.

Drug Screen / Test: initial testing procedure that constitutes an analytical procedure or chemical test to determine if specific drugs or their metabolites are present at a given time in a person's system.

Employee Assistance Program (EAP): a confidential and professional service designed to assist employees with a variety of personal concerns; including alcohol and drug problems. The EAP provides assessment and referral services to help employees resolve problems that could have an adverse effect on job performance.

Illegal Drug: a drug, substance or immediate precursor as defined in N.C.G.S., including, but not limited to, marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines.

Immediate precursor: a substance which the Commission has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit such manufacture (N.C.G.S. §90-87).

Impairment: behavior which indicates having a diminished capacity or inability to perform duties.

Negative Drug Test: the result of a testing process which has not found evidence of the presence of any designated substance or its metabolite at thresholds established by the U. S. Department of Health and Human Services.

Prescription Drug: constitutes a substance prescribed to a specific individual by an authorized health care professional with that substance being used in the prescribed manner.

Psychoactive Substance: any chemical, natural or manufactured, which when taken into the body causes alterations of personality, emotion, cognition or behavior. Psychoactive substances are commonly referred to as alcohol, drugs, substances or chemicals.

Random Drug Test: testing conducted on an employee chosen by a method that provides an equal probability that any employee from a group of employees will be selected; or, testing one employee at random intervals.

Reasonable Cause: evidence which forms a reasonable basis for concluding that it is more likely than not that a person has engaged in substance abuse. Facts which could give rise to reasonable suspicion include, but are not limited to: the odor of alcohol or drugs, slurred speech, decreased motor coordination, marked changes in job performance or personality, and unexplained accidents. In addition, reasonable suspicion may be met where information is provided either by reliable and credible sources, or independently collaborated, which would suggest on-duty impairment.

Refusal to Submit (to an alcohol or drug test): the failure to provide, upon request and without a valid medical explanation, an adequate saliva, breath, urine, hair or blood specimen for testing, or such conduct which clearly interferes with the testing process.

GENERALLY

1. All testing will be done by a physician, laboratory, hospital or medical professional selected by the Town.
2. If a test is positive, a confirmation test may, at the discretion of the Town, be performed on the same specimen.

3. The Town Manager will designate the psychoactive substances for which testing will be performed.
4. If a specimen has been tampered with in any way by the donor, it will be treated as a positive result.

TESTING OF EMPLOYEES

1. Applicants for employment will be required to complete a Pre-Employment Drug Test Consent Form and will undergo drug and/or alcohol screening accordingly.
2. An employee injured in an on-the-job accident resulting in lost time or medical assistance will be required to submit to drug screening.
3. Employees are subject to random testing for psychoactive substances.
4. Where reasonable cause exists to believe that an employee is impaired by or under the influence of psychoactive substances, an Observable Behavior Reasonable Suspicion Form will be completed by the employee's supervisor and given to the Town Manager. The Town Manager will determine whether or not a confidential investigation, including screening, will be undertaken.
5. The employee may be sent home, without pay, during the time required for a specimen to be evaluated for reasonable cause testing. If the test is found to be negative, the employee will return to work and the Town will reinstate pay for time missed while waiting for test results. Factors which establish reasonable cause include but are not limited to:
 - A. Sudden changes in work performance.
 - B. Repeated failure to follow instructions or operating procedures.
 - C. Violation of municipal safety policies or failure to follow safe work practices.
 - D. Discovery of presence of psychoactive substances in an employee's possession or near the employee's work place.
 - E. Odor of alcohol and/or residual odor peculiar to some chemical or psychoactive substance.
 - F. Unexplained or frequent absenteeism.
 - G. Personality changes or disorientation.
6. Any employee required to submit to drug screening will be asked to sign a Consent and Acknowledgement Form. If the employee refuses to sign the consent form when knowingly able, he or she will be referred for professional evaluation or discharged, depending on the circumstances.
7. All results will be kept confidential. The Town Manager will inform the employee of the results. A positive test will result in the referral of the employee for professional evaluation, which may include suitable medical treatment and/or rehabilitation.

8. If an employee refuses to undergo professional evaluation after testing positive and being informed of the Town policy, he or she shall be terminated.
9. If an employee agrees to undergo professional evaluation, the Town Manager will stay in contact with the employee's physician or counselor to ensure that the employee is in compliance with the prescribed treatment. The employee will be placed on unpaid medical leave during his absence. Once the Town has been informed by the physician or counselor that the employee is again suitable for employment, the employee may be reinstated in accordance with the needs of the Town.
10. Testing for reasonable cause must be approved by the Town Manager. An Observed Behavior Reasonable Suspicion Form must be filled out prior to a test for cause.
11. Before returning to work, the employee must test negative on a drug screen. This test will be at the employee's expense.

Any employee who feels that he or she has developed addiction or dependence on alcohol or drugs is encouraged to seek assistance. Requests for assistance will be kept strictly confidential.

APPROVED: By the Town of Atlantic Beach Mayor and Town Council on January 7, 2002.