

CHAPTER 3

DRUG FREE WORKPLACE

Policy

Section 3.1 Policy Statement

James City County is committed to a work environment free from the use of alcohol and illegal drugs.

Section 3.2 Guiding Principles

- A. Support the County's values of "Diversity, mutual respect, trust, honesty and personal responsibility" and "Demonstrating high standards of excellence, efficiency and commitment to service."
- B. Assure that employees are not impaired in their ability to perform assigned duties in a safe and productive manner and to protect our employees and the public from the risks posed by the misuse of alcohol and the use of prohibited drugs.
- C. Create a workplace free from the adverse effects of drug abuse and alcohol misuse.
- D. Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances.
- E. Encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.
- F. Use and apply all aspects of this policy in a fair and equitable manner. Disregarding the requirements or deliberate misuse of this policy is unacceptable.
- G. Protect individual dignity, privacy, and confidentiality throughout the testing process.

Section 3.3 Legal Basis

James City County is committed to ensuring that our Personnel Policies are in compliance with all applicable Federal regulations governing workplace anti-drug and alcohol programs, to include:

- A. The Federal Transit Administration of the United States Department of Transportation 49 Code of Federal Regulations Part 655, as amended, which mandates 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.
- B. Department of Transportation 49 Code of Federal Regulations Part 40, as amended, which sets standards for the collection and testing of urine and breath specimens.
- C. 49 Code of Federal Regulations 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 Federal Transit Administration.
- D. Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812), as further defined by 21 Code of Federal Regulations 1300.11 through 1300.15, which identifies illegal drugs or substances.

Bolded text is James City County Policy and is not specifically required by Department of Transportation regulations.

Section 3.4 Definitions

- A. Alcohol Screening Device – a device that measures the level of alcohol in either breath or other bodily fluids.
- B. Breath Alcohol Technician – a person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.
- C. Commercial Driver’s License – special certification to drive vehicles with a gross weight rating of 26,001 pounds or more; a combination of vehicles with gross combination weight rating of 26,001 pounds or more if the vehicle(s) being towed has a gross weight rating of more than 10,000 pounds; vehicles that carry 16 or more passengers, including the driver; or, any size vehicle that transports hazardous materials and that requires federal placarding.

- D. County Safety Sensitive Position – positions identified by James City County as having significant safety responsibilities for James City County property, staff, and citizens. All County Safety Sensitive Positions are identified in the County Compensation Plan.
- E. Department of Health and Human Services - agency of the Federal government that advises the President on health, welfare, and income security plans, policies, and programs of the Federal government.
- F. Department of Transportation - agency of the Federal government that oversees the formulation of national transportation policy and promotes intermodal transportation. Other responsibilities range from negotiation and implementation of international transportation agreements, assuring the fitness of US airlines, enforcing airline consumer protection regulations, issuance of regulations to prevent alcohol and illegal drug misuse in transportation systems, and preparing transportation legislation.
- G. Evidential Breath Testing Device – device approved by the National Highway Traffic Safety Administration for the evidential testing of breath at the .02 and above alcohol concentrations. The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath as measured by an Evidential Breath Testing Device.
- H. Federal Safety Sensitive Position – position defined by the Federal government as having a level of safety importance requiring drug and alcohol testing. These positions perform any duty related to the safe operation of mass transit service including the operation of a revenue service vehicle, dispatch or maintenance of a revenue service vehicle or equipment used in revenue service, and any other position that requires a Commercial Driver’s License. Performance is any period of time in which a driver is actually performing, ready to perform, or immediately after performing safety sensitive duties. All Federal Safety Sensitive Positions are identified in the County Compensation Plan.
- I. Federal Transit Administration – an agency of the Department of Transportation that assists in developing an improved mass transportation system for cities and communities nationwide. The Federal Transit Administration maintains the National Transit Images, a repository of reports, documents, and data generated by professionals and others from around the country.

- J. Legally Prescribed Drug – a drug for which an individual has a prescription or other written approval from a licensed physician for its use in the course of medical treatment. The prescription or written approval must include the patient's name, the name of the substance, the quantity/amount to be taken, and the period of authorization.
- K. Medical Review Officer - a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has detailed knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test results, together with his or her medical history and any other relevant biomedical information.
- L. National Highway Traffic Safety Administration – an agency of the Department Of Transportation responsible for reducing deaths, injuries and economic losses resulting from motor vehicle crashes. National Highway Traffic Safety Administration sets and enforces safety performance standards for motor vehicles and equipment and effective means of bringing about safety improvements.
- M. Reasonable Suspicion - specific contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. A supervisor or other company official who is trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations.
- N. Refusal To Test - can include the following. This list is not all-inclusive and incorporates all circumstances of refusal listed in Department of Transportation 49 Code of Federal Regulations Part 40 by reference.
1. *Refusal to provide a specimen.*
 - 1.2. An inability to provide a sufficient urine specimen or breath sample without a valid medical explanation.
 - 2.3. Tampering with the collection container
 - 3.4. Adulteration or substitution of the specimen
 - 4.5. Not reporting to the test site in the allotted time

- 5.6. Refusal to sign Step 2 of the breath alcohol form
- 6.7. Leaving the scene of an accident without a valid reason before testing is done.
- 7.8. Failure to remain once testing has started.
- 8.9. Failure to undergo a medical evaluation when required.
- 10. *Failure to cooperate with any part of the testing process.*
- 9.11. Failure/refusal to permit monitoring or observation where required.
- 10.12. Refusal to take a second test.

O. Reportable Accident - any accident:

- 1. With a fatality; or,
- 2. Where an individual suffers a bodily injury and immediately receives medical treatment away from the scene of an accident; or,
- 3. Where one or more vehicles involved incurs disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle.

P. Safety-sensitive function - any function related to the safe operation of mass transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), and the dispatch or maintenance of a revenue service vehicle or equipment used in revenue service. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment.

Q. Substance Abuse Professional - a licensed physician or certified psychologist, social worker, employee assistance professional, or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission, or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse. The Substance Abuse Professional must also have clinical experience in the diagnosis and treatment of drug and alcohol related diseases.

- R. Screening Test Technician – An individual who meets the requirements to be a Breath Alcohol Technician, provided that the individual has demonstrated proficiency in the operation of the non-evidential screening device he or she is using, or an individual who has successfully completed a course concerning the procedures required for conducting alcohol screening tests.

Section 3.5 Coverage

- A. This policy applies to:
 - 1. All employees;
 - 2. Individuals offered employment in positions identified as Federal Safety Sensitive Positions and County Safety Sensitive Position;
 - 3. ~~Contract employees or contractors while on County property or when performing any safety sensitive or non safety sensitive function.~~
 - 4. Off-site lunch periods or breaks when an employee is scheduled to return to work; and,
 - 5. In addition, visitors, vendors, and contract employees while on James City County premises will not be permitted to conduct James City County business if found to be in violation of the terms and conditions of this policy.
- B. All contractors performing Federal safety-sensitive functions must have a drug and alcohol testing program that meets the same requirements as the County's.
- C. Employees are subject to different levels of drug and alcohol testing based on the level of safety required of their positions. The following is a listing of these groups and the testing levels required.

Reason for Test	Federal Safety Sensitive	County Safety Sensitive	All Positions
Post Offer	Drug	Drug	
Post Accident	Drug and Alcohol		

Random	Drug and/or Alcohol		
Transfer to Safety Sensitive	Drug	Drug	Drug
Reasonable Suspicion	Drug and/or Alcohol	Drug and/or Alcohol	Drug and/or Alcohol
Return to Work	Alcohol	Alcohol	Alcohol

D. Participation in the drug and alcohol testing program is a requirement of each safety sensitive employee and, therefore, is a condition of employment.

Section 3.6 Prohibited Substances

A. 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 Code of Federal Regulations 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:

~~1.~~ Marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine.

~~B.~~ Any beverage, mixture, preparation, medication, or other substance containing alcohol.

C. Any prescription or over-the-counter (OTC) medication including, but not limited to:

~~2.1.~~ Any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration.

~~3.2.~~ Misuse of legally prescribed drugs.

~~4.3.~~ Use of illegally obtained prescription drugs.

~~B.4.~~ Any substance that carries a warning label that indicates that mental function, motor skills, or judgment may be adversely affected, unless reported to an employee's supervisor.

- ~~E.5.~~ Any performance altering drug unless an employee has written authorization from his/her attending physician releasing the employee to perform his/her job duties.

Section 3.7 Prohibited Conduct

- A. Employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of any substance identified in Section 3.6 while on James City County or James City Service Authority premises, *in James City County or James City Service Authority* vehicles *or* uniform, or while on James City County or James City Service Authority business.
- B. Employees are prohibited from being intoxicated, impaired, or under the influence of any substance identified in Section 3.6 while on James City County or James City Service Authority premises, *in James City County or James City Service Authority* vehicles, *or* uniform, or while on James City County or James City Service Authority business.
- C. Employees are prohibited from reporting for duty or remaining on duty when their ability to perform assigned functions is adversely affected by alcohol or when their breath alcohol concentration is 0.02 or greater.
- D. Employees are prohibited from using alcohol when on duty, in uniform, while performing safety-sensitive functions, or just before or just after performing safety-sensitive functions.
- E. Employees in Federal Safety Sensitive Positions or County Safety Sensitive Positions are prohibited from using alcohol within four hours of reporting for duty.
- F. Employees in Federal Safety Sensitive positions are prohibited from using alcohol for eight (8) hours after an accident.*
- ~~F.G.~~ All employees are prohibited from using alcohol during the hours that they are on-call or on stand by status.

Section 3.8 Exceptions

The Police Chief may allow police officers assigned to undercover duty to consume alcoholic beverages while on duty when the integrity of the

operation warrants. The officer must report consumption to his/her supervisor within 24 hours.

Section 3.9 Required Compliance

- A. All individuals offered employment in a Federal Safety Sensitive Position or a County Safety Sensitive Position will be subject to urine drug testing ~~as a condition of employment.~~
- B. Any employee promoted, demoted, or transferred to a Federal Safety Sensitive Position *or County Safety Sensitive Position* will be subject to urine drug testing.
- C. All employees in Federal Safety Sensitive Positions will be subject to random testing for drugs and alcohol.
 - 1. Drug tests can be performed any time an employee in a Federal Safety Sensitive Position is on duty.
 - 2. Alcohol tests can be performed when an employee in a Federal Safety Sensitive Position is actually performing a safety sensitive function, or just before or just after the performance of a safety sensitive function.
- D. All employees will be subject to drug and alcohol testing whenever there is reasonable suspicion that they are under the influence of drugs and/or alcohol.
- E. All employees in Federal Safety Sensitive Position will be subject to post-accident testing for drugs and alcohol when involved in a reportable accident and it is determined that their performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.
 - 1. Drug tests must be performed as soon as possible but no more than 32 hours after the reportable accident. Exceptions must be documented.
 - 2. Alcohol tests shall be conducted within two hours but no later than eight hours after the reportable accident. Exceptions must be documented.

- F. All employees suspended for an alcohol test between .02 and .039 will be subject to a retest before returning to duty. In order for such an employee to return to duty he/she must:
1. Meet with the Substance Abuse Professional to whom James City County refers him/her and comply with the treatment plan and education prescribed by the Substance Abuse Professional;
 2. Upon recommendation of the Substance Abuse Professional, during the first year after testing between .02 and .039 on an alcohol test, the employee will undergo a minimum of six non-Department Of Transportation random tests. The Substance Abuse Professional will determine the frequency of the tests. Follow up testing may extend beyond a year but will not exceed 60 months; and,
 3. Have a result of less than .02 on the retest.

Section 3.10 Non-Compliance with Testing Requirements

- A. Any individual offered employment with James City County who refuses to submit to a drug test will have the offer of employment withdrawn.
- B. Any employee who refuses to submit to a drug or alcohol test shall be suspended without pay pending termination.
- C. Any 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 required to undergo an observed collection before leaving the testing site.
- D. Verification of falsified test results will result in the employee's suspension without pay pending termination.

Section 3.11 Treatment

- A. **All employees are encouraged to voluntarily make use of the available resources for treatment of alcohol misuse and illegal drug use problems. Under certain circumstances, employees may be required to undergo treatment for alcohol misuse.**

B. Any employee who refuses or fails to comply with James City County requirements for treatment, after care, or return to duty shall be suspended pending termination.

C. Treatment may be covered under James City County's Employee Assistance Program or the employee's health insurance plan.

The cost of any treatment or rehabilitation services not covered will be paid for by the employee.

D. Employees will be allowed to use accumulated sick leave and vacation leave to participate in the prescribed treatment or rehabilitation program.

Section 3.12 Required Notification of Criminal Drug Conviction

A. All employees are required to notify their supervisor of any criminal drug statute conviction within five days after such conviction.

B. Failure to comply with this provision shall result in suspension without pay pending termination.

Section 3.13 Drug Testing Procedures

A. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities that have been approved by the Department of Health And Human Services.

B. All testing will be conducted consistent with the procedures put forth in 49 Code of Federal Regulations Part 40, as amended.

C. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the testing procedure, and the validity of the test result.

D. The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine and others that may be added under 49 Code of Federal Regulations 40, as amended.

E. Urine specimens will be collected using the split specimen collection method described in 49 Code of Federal Regulations Part 40, as amended.

- F. Each specimen will be accompanied by a Department of Transportation or non-Department of Transportation Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual.
- G. An initial drug screen will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry test will be performed.
- H. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 Code of Federal Regulations Part 40, as amended. The minimum thresholds are listed in Attachment B.
- I. The test results from the laboratory will be reported to a Medical Review Officer. The Medical Review Officer will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive test result.
- J. In the event of a positive laboratory result, the Medical Review Officer will contact the employee or the individual offered employment and provide opportunity for the employee or individual offered employment to explain the confirmed test result. The Medical Review Officer will subsequently review the employee's medical history/medical records to determine whether there is a legitimate medical explanation for a positive laboratory result.
- K. If no legitimate medical explanation is found, the test will be verified positive and reported to James City County's designated contact. If a legitimate explanation is found, the Medical Review Officer will report the test result as negative.
- L. Test results reported by the laboratory to be "dilute" will be repeated as follows:
 - 1. Dilute-Positive - are considered positive results.
 - 2. Dilute-Negative - requires a second test at the County's expense. If the second test is also reported as dilute, the second test becomes the test of record.

- M. The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed.
 - 1. If the primary specimen is negative, the split specimen will be discarded.
 - 2. If the primary specimen is positive, the split sample will be retained for testing if so requested of the Medical Review Officer by the employee or individual offered employment.
- N. In instances where there is reason to believe an employee or individual offered employment is abusing a substance other than the five drugs listed above, James City County reserves the right to test for additional drugs under James City County's own authority using standard laboratory testing protocols.

Section 3.14 Alcohol Testing Procedures

- A. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities that have been approved by the Department Of Health And Human Services.
- B. All testing will be conducted consistent with the procedures put forth in 49 Code of Federal Regulations Part 40, as amended.
- C. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the testing procedure, and the validity of the test result.
- D. All initial and confirmatory tests for breath alcohol concentration will be conducted using a National Highway Traffic Safety Administration approved Evidential Breath Testing Device or Alcohol Screening Device operated by a trained Breath Alcohol Technician or Screening Test Technician.
- E. 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 Code Of Federal Regulations Part 40, as amended.
- F. If the initial test indicates an alcohol concentration of 0.02 or greater, a second confirmation test will be performed to ensure that no residual mouth alcohol may have affected the test results.

- G. The Evidential Breath Testing Device will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each Evidential Breath Testing Device printout. If the screening test is performed with an alcohol screening device, a number assigned by the Screening Test Technician will be used and recorded on the form.
- H. The Evidential Breath Testing Device printout along with an approved alcohol testing form will be used to document the test, the subsequent results, and to attribute the test to the correct employee. If the screening test is performed with an alcohol screening device, the result along with the lot number and expiration date of the alcohol screening device will be recorded on the form.
- I. An employee in a Federal Safety Sensitive Position or County Safety Sensitive Position 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 a retest results in a concentration measure of less than 0.02.
- J. 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 James City County disciplinary procedures.
- K. 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 Code of Federal Regulations Part 655 for safety-sensitive employees.
- L. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be cancelled.

Section 3.15 Employee Requested Testing

- A. Any employee or individual offered employment in a Federal Safety Sensitive Position or County Safety Sensitive Position who questions the results of a required drug test under Section 3.13.A through Section 3.13.L of this policy may request that the split sample be tested.
- B. This test must be conducted at a different Department Of Health And Human Services-certified laboratory.

- C. The test must be conducted on the split sample that was provided by the employee or individual offered employment at the same time as the original sample.
- D. The employee or individual offered employment will pay all costs for such testing unless the result of the split sample test invalidates the result of the original test.
- E. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 Code Of Federal Regulations Part 40, as amended.
- F. The employee's or individual offered employment'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 documentable facts that were beyond the control of the employee or individual offered employment.

Section 3.16 Post-Offer Testing

- A. All individuals offered employment in Federal Safety Sensitive Position or County Safety Sensitive Position covered by this Policy shall undergo urine drug testing prior to hire. This also includes employees transferring from a non-safety sensitive to a Federal Safety Sensitive Position or County Safety Sensitive Position or employees who have been removed from the random pool for a period of ~~120~~ 90 days or more.
- B. Receipt by James City County of a negative drug test result is required prior to employment.
- C. A positive post-offer drug test will disqualify an individual offered employment from applying for a position with James City County or James City Service Authority for a period of ~~120~~ 90 days.
 - 1. After the ~~120~~ 90 day waiting period, evidence of the absence of drug dependency from a Substance Abuse Professional that meets with the approval of James City County and a negative drug test will be required prior to further consideration for employment.
 - 2. The cost for the assessment and any subsequent treatment will be the sole responsibility of the individual.

D. Individuals offered employment who have a positive drug test will be provided the names of Substance Abuse Professionals.

~~E.~~ In instances where an individual is on temporary leave, i.e. vacation, sick, jury duty, no drug test is required before an individual can resume his/her safety-sensitive duties provided the individual has not been out of the random pool for more than ~~120~~ 90 days. If selected for a random test while on temporary leave of ~~120~~ 90 days or less, the individual will be tested if he/she returns to duty prior to the next random testing.

~~E.~~F. In instances where the individual's status within the organization changes or is reclassified for more than ~~120~~ 90 days (i.e., seasonal layoff, leave of absence, out of work or reassigned for worker's compensation), a drug test is required prior to reassignment to a safety-sensitive job function.

Section 3.17 Reasonable Suspicion Testing

- A. All employees may be subject to urine and/or breath testing when there are specific contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee that may indicate drug use or alcohol abuse.
- B. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances that are consistent with the short-term effects of substance abuse or alcohol misuse.
- C. 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.

D. Employees referred for reasonable suspicion testing will immediately be removed from any safety sensitive job function.

Section 3.18 Post-Accident Testing

- A. All employees in Federal Safety Sensitive Positions are required to undergo urine and breath testing if they are involved in a reportable accident with a James City County or James City Service Authority vehicle regardless of whether or not the vehicle is in revenue service

and whether or not their performance could have contributed to the accident.

B. This includes all surviving safety-sensitive employees that are operating the vehicle and any other whose performance could have contributed to the accident.

C. Employees involved in reportable accidents will immediately be removed from duty.

~~C.D.~~ Following an accident, employees in Federal Safety Sensitive Position shall be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing.

~~D.E.~~ Any employee in a Federal Safety Sensitive Position involved in a reportable accident must refrain from alcohol use for eight hours following the accident.

~~E.F.~~ Any employee in a Federal Safety Sensitive Position 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 placed on suspension without pay pending termination.

~~F.G.~~ Employees tested under this provision will include not only the operations personnel, but also any other covered employee whose performance could have contributed to the accident.

~~G.H.~~ If James City County is unable to perform a Federal Transit Administration drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), James City County may use drug and alcohol post-accident test results administered by State and local law enforcement officials provided the tests are performed in accordance with Federal Transit Administration/Department Of Transportation requirements. The State and local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with State and local law.

Section 3.19 Random Testing

A. Employees in Federal Safety Sensitive Position will be subjected to random, unannounced testing.

- B. 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.
- C. The random tests will be unannounced and spread throughout the year. Tests can be conducted at any time during an employee's shift (i.e. beginning, middle, end).
- D. Employees are required to proceed immediately to the collection site upon notification of their random selection.

Section 3.20 Return-To-Duty Testing

- A. All employees who previously tested between .02 and .04 on an alcohol test must test below 0.02 on a return-to-duty test and be evaluated and released to duty by a Substance Abuse Professional before returning to work.
- B. Before scheduling the return to duty test, the Substance Abuse Professional must assess the employee and determine if the required treatment has been completed.

Section 3.21 Consequences

- A. Any employee who has a confirmed positive drug test or breath alcohol test greater than .04 will be:
 - 1. *Immediately removed from safety sensitive or other job function.*
 - 1.2. Suspended without pay pending termination;
 - 2.3. Informed of educational and rehabilitation programs available; and,
 - 3.4. Provided the names of Substance Abuse Professionals.
- B. Assessment by a Substance Abuse Professional or participation in James City County's Employee Assistance Program does not shield an employee from disciplinary action.

Section 3.22 Information Disclosure

- A. 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 will only be released in the following circumstances:
1. To a third party only as directed by specific, written instruction by the employee;
 2. To the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on the behalf of the employee tested;
 3. To a subsequent employer upon receipt of a written request from the employee;
 4. To the National Transportation Safety Board during an accident investigation;
 5. To the Department of Transportation or any Department Of Transportation agency with regulatory authority over the employer or any of its employees, or to a State oversight agency authorized to oversee rail fixed-guideway systems; or
 6. To the employee, upon written request.

Section 3.23 Records Retention and Disposition

Drug and alcohol screening or testing records that document the administration and results of screening or testing of job applicants or employees for illegal drug or alcohol use will be retained for five years after administration of tests and then destroyed.

Section 3.24 Employee and Supervisor Training

- A. All employees in Federal Safety Sensitive Position will undergo a minimum of 60 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. The training must also include manifestations and behavioral cues that may indicate prohibited drug use.

- B. Employees in supervisory positions will also receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.
- C. Information on the signs, symptoms, health effects and consequences of alcohol misuse is presented in Attachment A of this policy.

Section 3.25 Prior Substance Abuse Violations

- A. Employees or individuals offered employment who have a prior record of substance abuse must furnish the following to be considered for employment.
 - 1. A release to work statement from a Substance Abuse Professional.
 - 2. A negative test for drugs and/or alcohol.
 - 3. An agreement to submit to random testing.
 - 4. An agreement to follow specified after care requirements with the understanding that violation of the agreement is grounds for termination.

Section 3.26 System Contacts

Any questions regarding this policy or any other aspect of the drug free workplace policy should be referred to the Drug and Alcohol ~~Coordinator~~ Program Manager, Medical Review Officer or Substance Abuse Professional listed in Attachment C of this policy.

Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

- Dulled mental process
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed alcoholic)
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related).

Social Issues

- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
- Forty percent of family court cases are alcohol problem related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

The Annual Toll

- 24,000 people will die on the highway due to the impaired driver.
- 12,000 more will die on the highway due to the alcohol-affected driver.
- 15,800 will die in non-highway accidents.
- 30,000 will die due to alcohol-caused liver disease.
- 10,000 will die due to alcohol-induced brain disease or suicide.
- Up to another 125,000 will die due to alcohol-related conditions or accidents.

Workplace Issues

- It takes one hour for the average person (150 pounds) to eliminate one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person is.

Minimum Thresholds for Tested Drugs

Drug	Initial Levels Mg/ml	Confirmation Levels Mg/ml
Marijuana	50	15
Cocaine	300	150
Opiate	2,000	2,000
Phencyclidine (PCP)	25	25
Amphetamines	1,000	500

DRAFT

System Contacts

Drug *and* Alcohol *Program Manager*:

Name: Sandra P. Hale
Title: Human Resource Specialist II
Address: James City County
P. O. Box 8784
Williamsburg, VA 23187-8784
Telephone Number: (757) 253-6681
FAX Number: (757) 253-6878

Medical Review Officer:

Name: Dr. Michael Williams
Address: Safety Management, Inc.
5129 Stannart Street
Norfolk, VA 23503
Telephone Number: (757) 461-1430
FAX Number: (757) 461-1352

Substance Abuse Professional:

Name: Sentara Employee Assistance Program
Address: Koger 11, Suite 142
Norfolk, VA 23502
Telephone Number: (800) 899-8174
FAX Number: (757) 461-0833