

	The University of North Carolina Greensboro Police Department	
	General Order 1-3.7	Drug and Alcohol Free Workplace

Purpose and Scope

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

Policy

It is the policy of the University of North Carolina at Greensboro Police Department to provide a drug-and alcohol-free workplace for all members in accordance with the Drug and Alcohol Free Workplace Policy of the State Human Resources Manual and the Policy on Illegal Drugs in the UNCG Policy Manual.

A. General Guidelines

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Supervisor or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work.

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on- duty status.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

B. Members Responsibilities

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow on-duty member is impaired due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

C. Work Restrictions

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of his/her job duties. If the use of a medication could compromise employee performance or the safety of the employee, fellow employees or the public, it is the employee's responsibility to notify their supervisor and use appropriate leave in order to avoid unsafe workplace practices

If a member informs a supervisor that he/she has consumed any alcohol, drug, or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

D. Applicant Drug Testing

All applicants for employment with the UNCG Police Department are required to take a drug test during the application process, but not more than sixty days prior to the date of employment.

Applicants will be disqualified from consideration for employment for the following reasons:

- Refusal to submit to a required drug test; or
- A confirmed positive drug test indicating drug use prohibited by this policy.

Professional Standards submits all confirmed positive drug screen results and refusals to be tested by applicants for sworn positions to the North Carolina Criminal Justice Training and Standards Commission.

E. Employee Drug Screening Testing

All employees will be required to submit to a drug test, as a condition of continued employment, in order to ascertain prohibited drug use in any case where there exists an individualized "reasonable suspicion" that the officer or employee uses or is using illegal drugs.

Reasonable suspicion that an employee uses or is using illegal drugs may be based on but not limited to:

- Direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug;
- A pattern of abnormal conduct or erratic behavior, including abnormal leave patterns;
- Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking;
- Information provided either by reliable and credible sources or independently corroborated;
- Evidence that an employee has tampered with a previous drug test; or
- Facts or circumstances developed in the course of an authorized investigation of an accident or unsafe working practice.

An employee's confirmed positive drug test may result in disciplinary action.

Confirmed positive drug screen tests on police officers will also be reported to the North Carolina Criminal Justice Training and Standards Commission. State regulations require the reporting of positive test results and a possible revocation of certification.

An employee's refusal to submit to drug screening will not be reported to the Commission. However, a refusal will subject the employee to possible disciplinary action up to dismissal.

F. Screening Specimen Collection Procedures

The participation in drug testing will be considered a direct order on behalf of the Chief of Police. Employees are required to submit to a drug test within 48 hours after being notified.

Time spent commuting to and from the collection site, and time spent being at the collection site, is considered compensable work time for Fair Labor Standards Act (FLSA) purposes. Upon arrival at the

collection site, no delay will be permitted in beginning the testing. The employee must present photo-identification.

A controlled substance screening test shall be reliable, minimally invasive, and conducted as follows (N.C.G.S. § 95-230; N.C.G.S. § 95-232; 12 NCAC 10B.0301; 12 NCAC 10B.0410; 12 NCAC 9B.0101; 12 NCAC 9C.0310):

- The test shall be performed by an approved laboratory.
- Screening tests that produce a positive result shall be confirmed by a second examination of the sample utilizing gas chromatography with mass spectrometry or an equivalent scientifically accepted method.
- The Department shall establish procedures regarding chain of custody for sample collection and examination that ensures proper record keeping, handling, labeling, and identification of samples.
- A portion of a sample that produced a positive result shall be preserved by the laboratory that conducts the confirmatory examination for a period of at least 90 days from the time the results of the confirmed positive examination are delivered to the Department.
- Retesting of positive samples: the examinee shall have the right to retest a confirmed positive sample at the same or another approved laboratory. The examiner, through the approved laboratory, shall make confirmed positive samples available to the affected examinee, or a designated agent, during the time which the sample is required to be retained. The examinee must request release of the sample in writing specifying to which approved laboratory the sample is to be sent. The examinee incurs all reasonable expenses for chain of custody procedures, shipping, and retesting of positive samples related to this request.
- Confirmed positive samples will be available to the member, or a designated agent, during the time which the sample is required to be retained. The member shall incur all reasonable expenses for the retest.
- Notice shall be provided as required in 13 NCAC 20.0401 and 13 NCAC 20.0402, and reports shall be provided to the Commission, as required by 12 NCAC 10B.0410 and 12 NCAC 9C.0310.

G. Records of Employee Drug Tests

All records of mandatory drug tests of employees will be maintained by Professional Standards.

H. Compliance with the Drug-Free Workplace Act

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

I. Confidentiality of Test Results

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's medical file in accordance with the Personnel Records Policy.

J. Employee Assistance Program

A voluntary employee assistance program is available to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse may also be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.