



Drug-Free Workplace Policy

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1. **Purpose**

In compliance with the Drug-Free Workplace Act of 1988, Buncombe County Government (the County) has a longstanding commitment to provide a safe, quality-oriented and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of Buncombe County Government employees and to the security of the County's equipment and facilities. For these reasons, Buncombe County Government is committed to the elimination of drug and alcohol use and abuse in the workplace.

2. **Applicability**

This policy applies to all Buncombe County departments and employees. Where there is a conflict with any department-specific policy, this document will supersede. All sections of this policy with the exception of section 3.2.3 apply to members of the Buncombe County Board of Commissioners. This policy does not apply to elected officials and their departments; however, they may elect to follow this policy by providing a written statement.

3. **Policy**

3.1. **Drug-Free Expectations**

Whenever employees are working, are operating any Buncombe County Government vehicle, using their private vehicle for Buncombe County business, are present on Buncombe County Government premises or are conducting company-related work offsite, they are prohibited from:

- Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia)
- Being under the influence of alcohol or an illegal drug as defined in this policy
- Possessing or consuming alcohol

The presence of any detectable amount of any illegal drug, illegal controlled substance or alcohol in an employee's body system, while performing County business or while in a County facility, is prohibited. Buncombe County Government will also not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in a container labeled by a licensed pharmacist or be prepared to produce the container if asked. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

3.2. Required Testing

3.2.1. Reasonable Suspicion

Employees are subject to testing based on (but not limited to) observations by at least two individuals, preferably management, of apparent workplace use, possession or impairment. After consultation with the Human Resources Director or their designee, a decision will be made to send the employee for testing. The employee will be provided transportation to/from the testing site and placed on paid administrative leave. Management must use the reasonable suspicion observation checklist to document specific observations and behaviors that create a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol.

Examples include:

- Odors (smell of alcohol, body odor or urine)
- Movements (unsteady, fidgety, dizzy)
- Eyes (dilated, constricted or watery eyes, or involuntary eye movements)
- Face (flushed, sweating, confused or blank look)
- Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts)
- Emotions (argumentative, agitated, irritable, drowsy)
- Actions (yawning, twitching)
- Inactions (sleeping, unconscious, no reaction to questions)

When reasonable suspicion testing is warranted, both management and HR will meet with the employee to explain the observations and the requirement to undergo a drug test within two hours. Testing refusal by an employee will be treated as a positive drug test result and the employee will be subject to disciplinary action, up to and including termination. Under no circumstances will the employee be allowed to drive to the testing facility. A member of management will arrange for a taxi to the testing facility and for the employee to be transported home.

3.2.2. Post-Accident

- 3.2.2.1. Employees are subject to testing when they cause or contribute to accidents that seriously damage a Buncombe County Government vehicle, machinery, equipment or property or that result in an injury to themselves or another employee requiring offsite medical attention. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle (including a County forklift, pickup truck, tractor, overhead crane or any other form of heavy equipment) is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place within two hours following the accident, if not sooner. Testing refusal by an employee will be treated as a positive test result and the employee will be subject to disciplinary action, up to and including termination.
- 3.2.2.2. Under no circumstances will the employee be allowed to drive themselves to the testing facility. A member of management will arrange for a taxi to the testing facility and for the employee to be transported home.

3.2.3. Applicant Drug Testing

- 3.2.3.1. Prior to the offer of employment, an applicant for employment with Buncombe County Government in a position that requires the ability to operate a vehicle or motorized equipment to perform the essential functions of the position will be required to submit to a

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drug testing procedure for the purpose of screening for the presence of illegal drugs or an abusive level of prescribed medication. It is the policy of Buncombe County that a negative result from this screening is a condition of employment. A confirmed positive test result indicating the presence of illegal drugs or an abusive level of prescribed medication will result in a rejection of the applicant for employment.

3.2.3.2. Drug test results will be held in the strictest confidence. Applicants who are tested will be provided with a copy of the results if requested. Specimens will be checked by a lab utilizing strict chain-of-custody procedures.

3.2.3.3. Drug testing will be limited to the top finalist upon completion of the employment selection process. All applicable applicants must sign a consent form for drug testing. Failure to sign a drug test consent form will result in the candidate not being considered for employment.

3.3. Mandated Drug Testing

When required by State or Federal Law, Buncombe County will conduct appropriate drug testing of employees.

3.4. Collection and Testing Procedures

Employees subject to drug and/or alcohol testing will be transported to an approved designated facility and directed to provide either a urine, breath, hair, saliva or blood specimen. All specimens will be tested by trained technicians using federally approved testing devices capable of producing printed results that identify the employee. For purposes of this policy, test results generated by law enforcement or medical providers will not supplant the County's approved designated facility testing requirement.

3.5. Consequences

3.4.1. Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy or who test positive will be subject to disciplinary action, up to and including termination.

3.4.2. Depending on the circumstances, such as the employee's work history and any state law requirements, Buncombe County may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which would include follow-up drug testing at times and frequencies determined by the County for a minimum of one year but not more than two years. If the employee agrees to the random testing after a documented violation, they will then waive their right to contest any termination resulting from a subsequent positive test.

3.4.3. Employees will be paid for time spent in alcohol or drug testing and pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled to discuss the results of the test; this meeting will include a member of County Management and HR, and pending the results, this meeting will be considered a pre-disciplinary hearing with a separation recommendation.

3.6. Confidentiality

3.5.1. Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the Employee Relations Manager will be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed to the County Manager,

Assistant County Manager, Human Resources Director and the employee’s immediate supervisor on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

3.5.2. Buncombe County Government reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees, volunteers and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

3.7. Crimes Involving Drugs

3.6.1. Buncombe County Government prohibits all employees, including employees performing work under government contracts, from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on company premises or while conducting company business. County employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel will be notified, as appropriate, when criminal activity is suspected.

3.6.2. Buncombe County Government does not want to intrude into the private lives of its employees but recognizes that employees' off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, the County reserves the right to take appropriate disciplinary action for drug use, sale or distribution while off company premises. All employees who are convicted of, plead guilty to or are sentenced for a crime involving alcohol or an illegal drug(s) are required to report the conviction, plea or sentence to HR within five calendar days. Failure to comply will result in automatic discharge. Cooperation in complying may result in suspension without pay to allow management to review the nature of the charges and the employee's past record with Buncombe County Government.

3.8. Resources and Employee Assistance

This policy encourages employees to voluntarily seek help with alcohol and/or drug problems. The County recognizes that issues with alcohol and drug abuse and addiction are treatable. We also recognize that early intervention and support improves the success of rehabilitation. This policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help
- Offers all employees and their family member’s assistance with alcohol and drug problems through our insurance plan and/or our employee assistance program

3.8.1. Local Resources for Drug and Alcohol Concerns

Center	Contact Information
Asheville AA	https://ashevilleaa.org
Carolina Region of Narcotics Anonymous	855-613-2762 www.crna.org/
SMART Recovery	828-604-6124 www.ashevillerecoverycenter.com
Rethinking Drinking	https://www.rethinkingdrinking.niaaa.nih.gov/
YWCA	www.ywcaofasheville.org

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Codependent’s Anonymous	First Congregational Church 20 Oak Street Asheville
Faces and Voices of Recovery	www.facesandvoicesofrecovery.org

Employees and their dependents are encouraged to contact each agency for additional information regarding specific services and costs.

3.8.2.Substance Abuse Counseling Centers

Counseling Center	Services	Contact Information
Legacy Freedom Treatment Centers	Substance abuse assessment and treatment, outpatient	(828) 774-5420
Western Carolina Treatment Center, Inc.	Medication-assisted treatment for opiate dependency	(828) 251-1478
Crest View Recovery Center	Substance abuse assessment and treatment, intensive outpatient program	(828) 575-2701
October Road	Evaluation and outpatient services (Specializes in substance abuse services)	(828) 350-1000
Mountain Health Solutions	Medication-assisted treatment for opiate dependency	(877) 762-3798
Angel Light	Outpatient and assessment services (Licensed and approved for DWI and other court-related substance abuse assessments)	(828) 350-9191
Beyond Addiction	Substance abuse assessment and treatment, outpatient, DWI assessment and groups	(828) 225-2535
Julian F. Keith Alcohol and Drug Abuse Treatment Center	Inpatient substance abuse treatment	(828) 257-6200
Black Mountain Substance Abuse Treatment Center for Women	Inpatient substance abuse treatment for women	(828) 669-4174
Women's Recovery Center	Substance abuse assessment and outpatient treatment for women	(828) 248-0056
Willow Place	Substance abuse assessment and intensive outpatient treatment for women	(561) 512-1605

Employees are encouraged to contact each agency for additional information regarding specific services, costs and insurance requirements.

3.8.3.Health Risks of Commonly Abused Substances

Substance	Nicknames or Slang	Short Term Effects	Long Term Effects
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Alcohol		Slurred speech, drowsiness, headaches, impaired judgment, decreased perception and coordination, distorted vision and hearing, vomiting, breathing difficulties, unconsciousness, coma, blackouts	Toxic psychosis, physical dependence, neurological and liver damage, fetal alcohol syndrome, vitamin B1 deficiency, cancer, physical dependence
Amphetamines	Uppers, speed, meth, crack, crystal, ice, pep pills	Increased heart rate, increased blood pressure, dry mouth, loss of appetite, restlessness, irritability, anxiety	Delusions, hallucinations, heart problems, hypertension, irritability, insomnia, toxic psychosis, physical dependence
Barbiturates and Tranquilizers	Barbs, bluebirds, blues, yellow jackets, red devils, roofies, rohypnol, ruffies, tranqs, mickey, flying v's	Slurred speech, muscle relaxation, dizziness, decreased motor control	Severe withdrawal symptoms, possible convulsions, toxic psychosis, depression, physical dependence
Cocaine	Coke, cracks, snow, powder, blow, rock	Loss of appetite, increased blood pressure and heart rate, contracted blood vessels, nausea, hyper-stimulation anxiety, paranoia, increased hostility Increased rate of breathing, muscle spasms and convulsions, dilated pupils, disturbed sleep	Depression, weight loss, high blood pressure, seizure, heart attack, stroke, hypertension, hallucinations, psychosis, chronic cough, nasal passage injury, kidney, liver and lung damage
Gamma Hydroxy Butyrate	GHB, liquid B, liquid X, liquid ecstasy, G, Georgia homeboy, grievous bodily harm	Euphoria, decreased inhibitions, drowsiness, sleep, decreased body temperature, decreased heart rate, decreased blood pressure	Memory loss, depression, severe withdrawal symptoms, physical dependence, psychological dependence

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Heroin	H, junk, smack, horse, skag	Euphoria, flushing of the skin, dry mouth, "heavy" feeling arms and legs, slowed breathing, muscular weakness	Constipation, loss of appetite, lethargy, weakening of the immune system, respiratory (breathing) illnesses, muscular weakness, partial paralysis, coma, physical dependence, psychological dependence
Morphine/Opiates	M, morf, duramorph, Miss Emma, monkey, roxanol, white stuff	Euphoria, increased body temperature, dry mouth, "heavy" feeling in arms and legs	Constipation, loss of appetite collapsed veins, heart infections, liver disease, depressed respiration, pneumonia and other pulmonary complications, physical dependence, psychological dependence

Substance	Nicknames & Slang Terms	Short Term Effects	Long Term Effects
Ketamine	K, super K, special K	Dream-like states, hallucinations, impaired attention and memory, delirium, impaired motor function, high blood pressure, depression	Urinary tract and bladder problems, abdominal pain, major convulsions, muscle rigidity, increased confusion, increased depression, physical dependence, psychological dependence
LSD	Acid, stamps, dots, blotter, A-bombs, Cid	Dilated pupils, change in body temperature, blood pressure and heart rate, sweating, chills, loss of appetite, decreased sleep, tremors, changes in visual acuity, mood changes	May intensify existing psychosis, panic reactions, can interfere with psychological adjustment and social functioning, insomnia, physical dependence, psychological dependence

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MDMA	Ecstasy, XTC, adam, X, rolls, pills	impaired judgment, confusion, blurred vision, teeth clenching, depression, anxiety, paranoia, sleep problems, muscle tension	same as LSD, sleeplessness, nausea, confusion, increased blood pressure, sweating, depression, anxiety, memory loss, kidney failure, cardiovascular problems, convulsions, death, physical dependence, psychological dependence
Marijuana or Cannabis	Pot, grass, dope, weed, joint, bud, blunt, reefer, doobie, roach, mary-jane	Sensory distortion, poor coordination of movement slowed reaction time, panic, anxiety	bronchitis, conjunctivas, lethargy, shortened attention span, suppressed immune system, personality changes, cancer, psychological dependence, physical dependence possible for some
Mescaline	peyote cactus	nausea, vomiting, anxiety, delirium, hallucinations, increased heart rate, blood pressure, and body temperature	lasting physical and mental trauma, intensified existing psychosis, psychological dependence
PCP	crystal, tea, angel dust, embalming fluid, killer weed, rocket fuel, supergrass, ozone	shallow breathing, flushing, profuse sweating, numbness in arms and legs, decreased muscular coordination, nausea, vomiting, blurred vision, delusions, paranoia, disordered thinking	memory loss, difficulties with speech and thinking, depression, weight loss, psychotic behavior, violent acts, psychosis, physical dependence, psychological dependence
Psilocybin	mushrooms, magic mushrooms, shrooms, caps, psilocybin, psilocyn	nausea, distorted perceptions, nervousness, paranoia	confusion, memory loss, shortened attention span, flashbacks may intensify existing psychosis

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Steroids	roids, juice	increased lean muscle mass, increased strength, acne, oily skin, excess hair growth, high blood pressure	Cholesterol imbalance, anger management problems, masculinization or women, breast enlargement in men, premature fusion of long bones preventing attainment of normal height, atrophy of reproductive organs, impotence, reduced fertility, stroke, hypertension, congestive heart failure, liver damage, psychological dependence
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4. Policy Non-Compliance

Employees willfully violating the terms and conditions of this policy may be subject to appropriate disciplinary action, up to and including dismissal.

5. Audit

All policies for Buncombe County may be subject to audit or review as outlined in the [Internal Auditor’s Statement](#).

6. Definitions

- 6.1. County premises - includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by Buncombe County Government or any site on which the County is conducting business.
- 6.2. Illegal drug - a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)
- 6.3. Refuse to cooperate - to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.
- 6.4. Under the influence of alcohol - means an alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.
- 6.5. Under the influence of drugs - means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient's name, the name of the substance, quantity/amount to be taken and the period of authorization).

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7. Approval and Revision History

Policy Origination Date:	May 10, 2022
Requires Board Approval:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Board Approval Date:	May 19, 2022
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