NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES

CONTROLLED SUBSTANCE ABUSE AND
ALCOHOL MISUSE POLICY
With Procedures

Effective: January 2007
Updated: April 2010 (To coincide with existing personnel policies and practices. Added appendices)
October 2010 (To comply with Federal DOT testing requirement change)

Supercedes all previous Policies and Procedures related to this subject.
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SECTION ONE

POLICY STATEMENT

The Secretary of Environment and Natural Resources authorizes the following Controlled Substances Abuse and Alcohol Misuse Policy and Procedures as a condition of employment with the North Carolina Department of Environment and Natural Resources (NCDENR).

It is the policy of the NCDENR that all employees shall have the right to a workplace that is free of controlled substances and alcohol and that no employee will be permitted to perform job functions while abusing controlled substances, or misusing alcohol as identified in this policy. It is recognized that the magnitude of injury from the abuse of controlled substances and alcohol misuse can range from personal injury or equipment damage to the death of co-workers, the traveling public and public visitors.

It is also the policy of the NCDENR that employees who are required to possess a Commercial Driver License (CDL) to perform one or more of his/her job functions shall not be permitted to perform job duties while abusing controlled substances or misusing alcohol as identified in this policy. The more stringent regulations in this policy relating to employees who are required to have a CDL are necessary to meet United States Department of Transportation (USDOT) regulations covering safety sensitive functions for CDLs. (49 CFR Part 40) Safety sensitive functions revolve around the activities of drivers on duty, and other functions as defined herein.

Additionally, to minimize accidents and injuries, any employee using prescribed medications under a doctor’s direction, and any employee taking prescription or over-the-counter (OTC) medication that can alter his/her ability to perform the duties and responsibilities of his/her position must notify the appropriate supervisor or manager. Compliance with this policy is applicable to employees, as specified, as a minimum standard of conduct.

The NCDENR policy and procedures concerning controlled substances and alcohol is a "Zero Tolerance" policy. It is designed to ensure full compliance with federal requirements, including the United States Department of Transportation (USDOT) standards for all transportation modes, the Federal Drug-Free Workplace Program and other identified circumstances, and in some instances may exceed the minimum requirements as set forth by the federal government. In cases where the NCDENR requirements exceed those of the federal government, and as allowed by the federal government, the NCDENR requirements shall govern as NCDENR is the enforcing body upon the employee population by adoption of this agency policy. In the event of current or future conflict between the provisions of this policy and related federal law or policy, the federal law or policy shall govern.

This policy is established to ensure the safety and well being of employees of the NCDENR as well as the general public. All employees of the NCDENR including probationary, permanent full-time, permanent part-time, trainees and temporary
employees are covered by this policy. This policy also applies to applicants for safety sensitive positions and positions having safety sensitive functions.

It is the responsibility of managers, supervisors and employees to become familiar with the expectations of the NCDENR and to comply with the provisions of this policy. Alcohol misuse and drug abuse are legitimate concerns of management when they impact the workplace. Such misuse and abuse can directly affect the productivity, safety and general well being of everyone concerned.

The Secretary of Environment and Natural Resources reserves the right to modify, add or amend controlled substances or alcohol testing requirements for the NCDENR, when deemed necessary, to ensure compliance with state and federal mandates.

Wm G Ross Jr 8/31/06
Secretary Date
Department of Environment and Natural Resources
SECTION TWO

PURPOSE

The purpose of this policy is to:

- Identify all requirements and actions necessary to eliminate controlled substances abuse and alcohol misuse in the NCDENR.
- Establish a process and procedures for supervisors, managers, and employees to follow in order to comply with Federal and State Laws, and the NCDENR Controlled Substances Abuse and Alcohol Misuse Policy.

Definitions

A. **Department** is the N.C. Department of Environment and Natural Resources and its programs and divisions.

B. **Commercial Driver License (CDL) Supervisor** is the immediate supervisor and all other supervisors in the supervisory chain of a CDL holder.

C. **Controlled substance** means a drug or its immediate precursor, or other substance included in USC TITLE 21 - Food and Drugs Chapter 13 - Drug Abuse Prevention and Control, Subchapter I – Control and Enforcement, Part B - Authority To Control; Standards and Schedules. (A non-inclusive general listing can be found at: [http://www.usdoj.gov/dea/pubs/scheduling.html](http://www.usdoj.gov/dea/pubs/scheduling.html)

D. **Department CDL Officials** are the employees of the department who have the responsibility for administering the various aspects of the CDL program including the Department CDL Administrator.

E. **Department Controlled Substances and Alcohol Administrator** is the employee in the DENR Personnel/ Human Resources Division who is assigned the responsibility for administering the Controlled Substances and Alcohol Testing program. This individual also serves as the Designated Employer Representative (DER) as defined in 49 CFR, Subpart A-40.3.

F. **Impairing Substance** – Alcohol and/or any controlled substance as defined above, to include those listed under Chapter 90 of the NC General Statute, and any other drug or psychoactive substance capable of impairing a person's physical or mental faculties, or any combination of these substances.

G. **Medical Review Officer (MRO)** – is a person who is a licensed physician (U.S., Canadian, or Mexican) and is responsible for receiving and reviewing laboratory results generated by NCDENR's controlled substance abuse testing program. The MRO has knowledge of issues relating to adulterated and substituted specimens and has clinical experience in substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information. (CFR 40.121)
Definitions (cont.)

H. **Service Provider** is the independent, certified laboratory contracted by DENR to provide controlled substances, alcohol, and random testing and the Medical Review Officer services.

I. **Safety sensitive functions and positions** are defined as, but not limited to the following:
   - Certain Health and Safety Positions and Functions where the activities and responsibilities can cause immediate, substantial physical or personal injury if carried out under the influence of drugs or alcohol, usually involving a vehicle, equipment, and potentially dangerous instruments or machines.
   - Employees authorized to carry firearms.
   - Aviation personnel and those that have direct aircraft maintenance responsibilities. (fixed and rotary winged)
   - Law Enforcement Personnel
   - Discretionary Designations as determined by a necessary causal connection between the employee's duties and the feared harm for each testing designated positions (TDP).
   - Employee while driving a state owned vehicle or equipment.

J. **Alcohol Testing Threshold Results:**
   - **Negative Alcohol Test** using Evidential Breath Testing (EBT) Device is an EBT reading of **less than** 0.02.
   - **Positive Alcohol Test** using Evidential Breath Testing (EBT) Device is an EBT reading of 0.04 and above.
SECTION THREE

SCOPE, APPLICATION AND TESTING

I. SCOPE AND APPLICATIONS

By authority of the Federal Drug-Free Workplace Act of 1988 (TITLE 41 CHAPTER 10) and the Federal Omnibus Transportation Act of 1991, federally mandated controlled substances and alcohol testing pursuant to CFR 49 Part 40 is performed for NCDENR employees according to (1) dollar value contracting with the federal government and (2) the federal authority that governs the specific transportational mode. The Drug-Free Workplace Act of 1988 covers all employees. Under the authority of the USDOT, specific and more stringent requirements are applied to the varying transportation modes. For example, the USDOT governs CDL driver-testing requirements while the United States Coast Guard (USCG) governs marine vessels operated in the Marine Fisheries Division and Parks and Recreation Division. The following matrix delineates the transportation applicability within NCDENR:

<table>
<thead>
<tr>
<th>NCDENR</th>
<th>Federal Regulatory Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks and Recreation</td>
<td>USDOT (CDL)</td>
</tr>
<tr>
<td>Forest Resources</td>
<td>USDOT (CDL)</td>
</tr>
<tr>
<td></td>
<td>United States Coast Guard (USCG), as applies</td>
</tr>
<tr>
<td>Marine Fisheries</td>
<td>USDOT (CDL)</td>
</tr>
<tr>
<td></td>
<td>United States Coast Guard (USCG), as applies</td>
</tr>
<tr>
<td></td>
<td>Federal Aviation Administration (FAA), as applies</td>
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<td></td>
<td>Federal Transportation Administration (FTA)</td>
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<td></td>
<td>Federal Aviation Administration (FAA), as applies</td>
</tr>
<tr>
<td>Zoological Park</td>
<td>USDOT (CDL)</td>
</tr>
<tr>
<td></td>
<td>Federal Transportation Administration (FTA)</td>
</tr>
<tr>
<td>Air Quality</td>
<td>USDOT (CDL)</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>USDOT (CDL)</td>
</tr>
<tr>
<td>Museum of Natural Sciences</td>
<td>USDOT (CDL)</td>
</tr>
<tr>
<td>Water Quality</td>
<td>USDOT (CDL)</td>
</tr>
</tbody>
</table>

II. TRANSPORTATION AND LAW ENFORCEMENT ACTIVITIES

A. DIVISIONS WITH CDL REQUIRED DRIVERS

Division drivers required to have a CDL to perform one or more of their job functions will have controlled substance and alcohol testing in compliance with USDOT regulations. This testing of CDL drivers is
administered under the direction of the Human Resources Director, NCDENR Division of Human Resources.

B. PUBLIC TRANSPORTATION

1. MARITIME VESSELS

All maritime crewmembers and maintenance personnel operating and/or maintaining a commercial or research vessel to include both sea and river-going vessels such as boats, skids, and other maritime vessels will have controlled substance testing for compliance with US Coast Guard (USCG) regulations. This testing is accomplished in accordance with this policy under the direction of each DENR Division/Office/Program director having maritime vessels.

2. MASS TRANSIT

Mass transit vehicle operators, controllers, mechanics and armed security personnel includes those employees within NCDENR involved in mass transit operations and duties, including CDL and non-CDL required licenses; those who drive or transport members of the public for DENR sponsored activities, whether or not governed by USDOT or USCG regulations.

Compliance with USDOT and non-USDOT regulations (Except US Coast Guard) for these operations is administered under the direction of the Human Resources Director, NCDENR Division of Human Resources.

Among the NCDENR Division/Office/Program’s that fall into this category include: Aquarium, Forest Resources, Museum of Natural Resources, Parks and Recreation and the NC Zoological Park.

3. AVIATION

Personnel subject to this requirement include flight crews, attendants, instructors, aircraft dispatchers, maintenance personnel and ground personnel. The Division of Forestry Resources and Marine Fisheries Division Director’s are responsible for ensuring compliance with Federal Aviation Administration (FAA) controlled substances testing as applicable to state-owned aviation operations within their respective Division.
4. **EQUIPMENT OPERATORS AND VEHICLE AND EQUIPMENT MAINTENANCE**

   This applies to all NCDENR equipment operators and NCDENR mechanics that service NC DENR vehicles and equipment. Examples include:

   Among the NCDENR Division/Office/Program’s that fall into this category include: Forest Resources, Marine Fisheries, Parks and Recreation and the NC Zoological Park. Compliance with this policy is administered under the direction of the Human Resources Director, NCDENR Division of Human Resources.

5. **FACILITY MAINTENANCE**

   Among the NCDENR Division/Office/Program’s that fall into this category include: Aquarium, Parks and Recreation and the NC Zoological Park. Compliance with this policy is administered under the direction of the Human Resources Director, NCDENR Division of Human Resources.

C. **Law Enforcement**

   In addition to the testing requirements identified for all employees, law enforcement officers are required to submit to controlled substance testing. Controlled substance testing for pre-employment purposes to meet state and federal requirements for law enforcement officers is conducted under the direction of the Division Director to which they are assigned. All other types of testing is conducted as noted for employees or as specifically noted for law enforcement. Compliance with random and post incident testing is administered under the direction of the Human Resources Director, NCDENR Division of Human Resources.

III. **TYPE AND METHOD OF TESTING APPLICABLE TO EMPLOYEES**

   As an agency doing business with the federal government, NCDENR is required to certify to the federal government each year that the NCDENR maintains a controlled substance and alcohol free workplace. To accomplish this the following types of controlled substance and alcohol testing will be conducted:

A. **ALL EMPLOYEES**

   All classes of employees are subject to two types of testing:

   REASONABLE SUSPICION TESTING
   POST-ACCIDENT TESTING
1. **REASONABLE SUSPICION TESTING (ALL EMPLOYEES)**

Reasonable suspicion testing is performed when supervisors, managers or NCDENR officials have reasonable suspicion to believe that any employee’s behavior or appearance may indicate controlled substance abuse or alcohol misuse. Supervisors, managers or NCDENR officials have the right and responsibility to require an employee to submit to controlled substances or alcohol testing when reasonable suspicion is present.

At the time of reasonable suspicion observation, the employee will be escorted to the specimen collection location by a supervisor. Transportation will be provided. An employee who is required to submit to controlled substances or alcohol testing will be placed on investigatory leave with pay, pending test results. *(EXCEPTION: Temporary, non-permanent employees may be terminated or placed on investigatory placement WITHOUT pay pending the results of the controlled substance abuse/alcohol misuse test.)*

An employee who is required to submit to controlled substances or alcohol testing shall be advised of the following:

- Methods of testing that will be used (an evidential breath testing or alcohol screening device for alcohol testing and urinalysis for controlled substances testing);
- Substances that the test can identify (marijuana metabolites, cocaine metabolites, opiate metabolites, phencyclidine, and amphetamines);
- Consequences of refusal to submit to testing (dismissal); and
- DENRs effort to keep test results confidential (test results shall only be given to personnel who have a need to know - see Section Seven)

The determination to test for reasonable suspicion must be based on the following:

- First-hand observations seen or heard by supervisors, managers, or NCDENR officials who have received specific training in the observation of controlled substances abuse or alcohol misuse related factors.
- 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 functions.

The supervisor **must** complete, *Observed Behavior-Reasonable Suspicion Record.* *(Form ALCDBG-03)* This form shall be completed within twenty-four (24) hours of testing an employee for reasonable suspicion and shall be forwarded to the NCDENR Division of Human
NOTE 1: Reasonable suspicion alcohol testing should be done within two (2) hours of the observed behavior or appearance. If a test cannot be done within eight (8) hours, it should not be done.

NOTE 2: If reasonable suspicion controlled substances testing cannot be done within thirty-two (32) hours of the observed behavior or appearance, it should not be done in reference to the observed behavior or appearance of that specific event. Further observation is required.

NOTE 3: An employee shall be removed from the workplace pending the results of reasonable suspicion or post accident testing. The employee will be placed on investigatory placement with pay. Effective August 1, 2006, the NCDENR shall initiate dismissal proceedings for any employee who tests positive for controlled substances or alcohol. (EXCEPTION: Temporary, non-permanent employees may be terminated or placed on investigatory placement WITHOUT pay pending the results of the controlled substance abuse/alcohol misuse test.)

NOTE 4: Employees must submit to reasonable suspicion testing. If an employee refuses to be tested or avoids meeting the time requirements identified, he/she shall be subject to the consequences of a positive test result, which is dismissal.

2. POST-ACCIDENT TESTING (ALL EMPLOYEES)

Controlled substance and alcohol tests are to be conducted following ANY INCIDENT/ACCIDENT an employee is involved in while on duty where:

1. An injury requires overnight hospital stay, or a serious or severe injury (such as a compound fracture or 2nd or 3rd degree burn, loss of limb, an impaling injury), OR
2. A life was lost OR
3. If operating a motor vehicle in the course of employment, the driver was cited for a moving traffic violation AND any individual involved was transported for medical treatment OR
4. If operating a motor vehicle in the course of employment, the driver was cited for a moving traffic violation AND a vehicle involved was disabled and removed from the scene by other than its own power.

As soon as practical after an accident, the employee will be escorted to the specimen collection location by a supervisor or their designee.
Transportation will be provided. If properly licensed to do so, controlled substance and alcohol testing may be conducted at the medical facility where the injured employee was transported. An employee who is required to submit to controlled substances or alcohol testing will be placed on investigatory placement with pay pending test results.  
(EXCEPTION: Temporary, non-permanent employees may be terminated or placed on investigatory placement WITHOUT pay pending the results of the controlled substance abuse/alcohol abuse test.)

**NOTE 1:** Post-accident alcohol testing should be done within two (2) hours of the accident. If a test cannot be done within eight (8) hours of the incident, no test shall be given.

**NOTE 2:** Post-accident controlled substances testing must be done within thirty-two (32) hours. If a test cannot be done within thirty-two (32) hours, no test shall be given.

**NOTE 3:** An employee shall be removed from the workplace pending the results of reasonable suspicion or post accident testing. The employee will be placed on investigatory placement with pay. Effective August 1, 2006, the NCDENR shall initiate dismissal proceedings for any employee who tests positive for controlled substances or alcohol.  
(EXCEPTION: Temporary, non-permanent employees may be terminated or placed on investigatory placement WITHOUT pay pending the results of the controlled substance abuse/alcohol misuse test.)

**NOTE 4:** Employees must submit to post-accident testing and are responsible for ensuring that timelines are met for post-accident testing. If an employee refuses to be tested or does not meet the time requirements identified, he or she will be subject to the consequences of a positive test result, which is initiation of the dismissal process. If unable to meet specified timelines due to circumstances beyond the employee’s control, such circumstances must be documented and validated to the NCDENR Division of Human Resources, Controlled Substances and Alcohol Abuse Administrator.

### B. CDL HOLDERS

As an agency doing business with the federal government, NCDENR is required to conform to more stringent testing of employees who are required to obtain a CDL to perform one or more of their job functions. **NOTE:** Appendix A provides a flowchart for DOT drug testing. CDL EMPLOYEES shall be subject to five types of testing:

- **PRE-EMPLOYMENT TESTING**
- **REASONABLE SUSPICION TESTING**
- **POST-ACCIDENT TESTING**
- **RANDOM TESTING**
- **FOLLOW-UP TESTING**
1. PRE-EMPLOYMENT TESTING (CDL EMPLOYEES ONLY)

a. A controlled substance test shall be performed before an applicant's initial hiring to operate a commercial motor vehicle. (This pre-employment test applies to applicants in possession of, or a current employee receiving, a NC CDL learner's permit to operate a CDL vehicle for DENR.) Verification from previous employers for the past two (2) years concerning controlled substances and alcohol tests information shall be obtained by the hiring authority.

b. If someone is already employed by the NCDENR, he/she is required to submit to pre-employment testing only when he or she is going from non-CDL job function(s) to CDL job function(s).

2. RANDOM TESTING (CDL EMPLOYEES ONLY)

Unannounced random testing shall be completed on a certain number of employees who are required by the USDOT to have a CDL to perform one or more of their job functions. The USDOT requires that the NCDENR randomly test all employees who perform “safety sensitive functions.” “Safety sensitive functions” for CDL employees are defined as the functions required by commercial motor vehicle operators. Commercial motor vehicle operators are required to have a CDL. The “simple random sample” method is used and all names of CDL employees are entered in the “pool” for random selection. Employees whose names are randomly selected from the pool must be tested just before, during, or immediately after performing CDL related job functions. Random testing is done on a percentage basis set each year by the USDOT.

3. FOLLOW-UP TESTING (CDL EMPLOYEES ONLY)

Follow-up testing is required by the USDOT for any applicant hired by the NCDENR who has tested positive for controlled substances or alcohol while previously employed in a CDL position with DENR or another employer. NOTE: For purposes of this section, “Applicant” is defined as anyone who applies for a CDL position within the NCDENR and has tested positive for controlled substances or alcohol within the past two years. Upon hiring such applicant, the following test results are required:

1. An alcohol concentration of less than 0.02
2. A verified negative controlled substances test.
Effective August 1, 2006, the NCDENR shall dismiss any employee who tests positive for controlled substances or alcohol, however, the USDOT regulations still require:

1. Employees who violate alcohol or controlled substances prohibitions will be referred to the Employees’ Assistance Program to determine what treatment is necessary.

2. Employees must do the following before being considered for re-employment:
   a. Produce an alcohol test of less than 0.02 alcohol concentration (if the violation was alcohol related).
   b. Produce a verified negative controlled substances test (if the violation was controlled substances related).
   c. Be re-evaluated by the Employees’ Assistance Program to determine satisfactory completion of treatment recommendations.
   d. Be subject to a minimum of six (6) unannounced follow-up tests within the first year back in a CDL position.

   **NOTE:** Follow-up testing can be performed for up to five (5) years after return to a CDL position. The Employees’ Assistance Program can recommend follow-up tests any time after the first six (6) tests have been administered.

3. Applicant - if hired - shall be dismissed if he/she produces a positive test result on a follow-up test.

C. LAW ENFORCEMENT

As an agency doing business with the federal government, NCDENR is required to certify to the federal government each year that the NCDENR maintains a controlled substance and alcohol free workplace. To accomplish this the following types of drug and alcohol testing will be conducted for Law Enforcement:

PRE-EMPLOYMENT TESTING consistent with the NC Criminal Justice Standards requirements.
REASONABLE SUSPICION TESTING same as for all employees.
POST-ACCIDENT TESTING same as for all employees.
RANDOM TESTING using the same testing procedure as CDL employees.
FOLLOW-UP TESTING same as for all employees

The law enforcement random testing pool shall be separate from the CDL random testing pool. The testing procedures will follow those identified in the CDL testing procedures for random testing.
SECTION FOUR
PROHIBITED ACTIVITIES & BEHAVIOR REGARDING
CONTROLLED SUBSTANCE & ALCOHOL MISUSE
(ALL EMPLOYEES)

I. ILLEGAL POSSESSION ACTIVITIES

A. The manufacture, distribution, or dispensation of controlled substances or alcohol is prohibited at NCDENR facilities, operations and worksites. This includes possession or use of controlled substances obtained by unlawful means.

NOTE: Alcoholic beverages dispensed in accordance with State law and DENR policy for lawful purposes at authorized functions on DENR property are excluded from Item IA.

- Any illegal drug activity observed by employees, supervisors, managers, or NCDENR officials shall be reported immediately to the appropriate law enforcement authority. Any employee who violates this provision at the workplace shall be dismissed.

- Possession of known drug paraphernalia as defined in NCGS 90-113.21-(a) (11) and (12) in or at the workplace. Any employee who violates this provision at the workplace shall be dismissed.

II. CONTROLLED SUBSTANCE ABUSE AND/OR ALCOHOL MISUSE ON THE JOB (ALL EMPLOYEES)

A. No employee shall report to the workplace while abusing controlled substances or misusing alcohol. This includes drugs prescribed by a doctor and over-the-counter medications, unless the physician has informed the employee that the medication will not affect job performance.

B. Employees using prescribed medications under a doctor’s direction and any employee taking prescription or over-the-counter (OTC) medication that can alter his/her ability to perform the duties and responsibilities of his/her position must notify the appropriate supervisor or manager prior to performing the specific task that may be influenced by use of the medication. Failure to notify the supervisor may be cause for disciplinary action.

The employee is responsible for seeking the above information concerning the effects of any medication(s) taken. This may be accomplished by the employee asking a health care professional or the pharmacist, and/or by reading the adverse effects listed or noted on prescribed, or OTC medication containers or its insert. Failure to obtain such information may result in disciplinary action under this policy.
III. IMPAIRMENT OR OTHER BEHAVIOR OFF THE JOB

Any employee whose job duties require operation of a motorized vehicle, hazardous machinery or use of hazardous materials who is CHARGED with a controlled substances or alcohol related offense must notify the appropriate supervisor or manager no later than the next business day of arrest, issuance of a citation, arraignment or indictment. An employee’s failure to notify his/her supervisor or manager may result in disciplinary action up to and including dismissal.

If an employee is charged with Driving While Impaired (DWI) a temporary job reassignment may be necessary during the automatic “thirty (30) day revocation” period. Under no circumstances will an employee operate a state vehicle or equipment without a valid operator’s license.

Any employee CONVICTED of a controlled substances or alcohol related offense must notify the appropriate supervisor or manager within five (5) days of conviction. Failure to notify management may result in disciplinary action up to and including dismissal.

If an employee’s job functions require an operator’s license and the employee’s operator’s license is revoked, the employee shall be dismissed.

Failure to notify the supervisor of a controlled substances or alcohol related offense CONVICTION within the five (5) day timeframe shall be cause for disciplinary action up to and including dismissal.

Any employee **convicted** of an off-the-job controlled substances or alcohol related offense, which could directly or indirectly affect his/her credibility or ability to effectively carry out the duties and responsibilities of his/her position with the Department of Environment & Natural Resources shall be subject to review by the Secretary of Environment and Natural Resources and possible disciplinary action up to and including dismissal.
SECTION FIVE

PROGRAM RESPONSIBILITIES AND TRAINING

I. RESPONSIBILITIES

A. EMPLOYEE’S RESPONSIBILITY

1. All Employees

Employees are expected to follow all applicable policies contained herein. Furthermore, they are to report to the workplace prepared to perform their duties and assignments. Employees’ actions and behaviors that either discredit the organization or endanger the people and resources of the organization due to controlled substances abuse or alcohol misuse will be viewed as unacceptable personal conduct and those employees shall be dismissed. Controlled substance abuse or alcohol misuse shall be determined by testing as defined in this policy. (See Section 3 subsection III and Section Seven.)

Employees who consume legal alcoholic beverages are expected to act responsibly and not allow this consumption to interfere with their job duties and assignments. Employees who use legal medications (to include both prescriptive and over-the-counter medications) are equally expected to act responsibly and not allow this usage to interfere with their job duties and assignments.

Abuse of controlled substances or misuse of alcohol and legal drugs is deemed unacceptable personal conduct for which employees shall be dismissed. The employees shall be fully liable for the consequences of their actions.

2. CDL Employees (Required by USDOT regulations)

Controlled Substances

a. Employees may not report for duty or stay on duty while using any controlled substances. The exception to this ruling is if a physician has prescribed the substance and has advised the CDL employee that it does not interfere with his/her ability to perform the job.

b. Employees testing positive for controlled substances shall be dismissed.
c. All prescribed medications that are a **controlled substance** are to be reported to the employee’s supervisor.

**Alcohol** –
A CDL employee may not report for duty or stay on duty:

a. With an alcohol concentration of 0.02 or greater;
b. If in the possession of alcohol;
c. If using alcohol;
d. Within four (4) hours of using alcohol.

**NOTE:** Supervisors and managers with knowledge of any of the above facts cannot permit the employee to engage in CDL-related/safety sensitive functions.

B. **SUPERVISOR’S RESPONSIBILITY**

The supervisor’s responsibility is to manage the NCDENR’s operations safely and efficiently. Therefore, the supervisor’s key responsibility is to concentrate on safe conduct, effective job performance and employee fitness for duty.

Supervisors must become informed about controlled substances and alcohol as they impact the workplace. This will be accomplished by understanding the NCDENR Policy and Procedures and by attending NCDENR training about controlled substances abuse and alcohol misuse.

A supervisor who knowingly tolerates or ignores information and events indicating controlled substance abuse or alcohol misuse, or who otherwise fails to act appropriately in accordance with this policy shall be subject to disciplinary action.

Supervisors must comply with departmental requests for controlled substance and alcohol testing contained in this policy. Failure to do so is grounds for disciplinary actions unless adequate justification for such action is provided.
C. PROGRAM ADMINISTRATIVE RESPONSIBILITY

The NCDENR Human Resources Director or his/her designee is responsible for administering this policy and procedures to ensure an alcohol and drug free workplace. Responsibilities shall include:

1. As required, provide an annual certification to the USDOT that the NCDENR has implemented an effective and viable program to ensure an alcohol and drug free workplace.

2. Monitor compliance of policy and procedures through reports from divisions, sections, units and branches to the NCDENR Human Resources Director and/or designee.

3. Accumulate data and information necessary to prepare reports certifying a good faith effort to continually maintain an alcohol and drug free workplace.

4. Coordinate with the Attorney General’s office on matters and activities necessary to comply with federal regulations.

5. Ensure alcohol misuse and controlled substances abuse awareness training programs are provided for all managers and supervisors in order to accomplish the following objectives:
   a. To increase awareness about alcohol and drug problems in the workplace.
   b. To identify unsatisfactory job performance and work habits caused by employees using alcohol and controlled substances.
   c. To identify the supervisory role in dealing with alcohol and drug problems.

6. Ensure alcohol and drug orientation sessions are provided for employees to increase their awareness of alcohol and controlled substance abuse problems in the workplace to include:
   a. The NCDENR’s policy on alcohol and controlled substances in the workplace including the consequences of having positive test result.
   b. The dangers of drugs in the workplace.
   c. Their responsibilities regarding controlled substances use and alcohol misuse.
   d. The availability of professional help for personal problems with alcohol and drugs.

7. Oversee and audit the implementation of specific Transportation Controlled Substances and Alcohol policies that fall as subsets of this NCDENR policy. The NCDENR Controlled Substances and Alcohol Abuse Administrator will be the central point of contact for
all issues department-wide concerning the controlled substances and alcohol policies. The Controlled Substances and Alcohol Abuse Administrator will be the point of contact for information regarding the NCDENR policy, will provide guidance to supervisors and managers, will be the identified contact with physicians and the servicing laboratory, and will work with Division/Office/Program Human Resource Manager’s in coordinating employee assistance.

8. Establish the percentage basis for random testing requirements using the requirements of applicable Federal governmental agencies (i.e., USDOT, FTA, FAA)

D. Division Human Resource Manager (including Office/Program)

Each Division Human Resource Manager (HRM) shall ensure that supervisor’s coordinate drug and alcohol testing with the Department’s Controlled Substance and Alcohol Program Abuse Administrator. Each Division/Office/Program will also designate a backup coordinator or contact person within their division to communicate with the Department’s Controlled Substance and Alcohol Program Abuse Administrator. When an Employee Assistance Program (EAP) referral is necessary or required the HR Manager will review and follow the EAP SOP.

E. EMPLOYEE ASSISTANCE PROGRAM RESPONSIBILITY

1. Consistent with the department’s policy and practices, when an Employee Assistance Program (EAP) referral is necessary or required the DENR Employee Relation’s Manager will evaluate the need for EAP and where necessary will establish an initial EAP assessment to discern the employee’s issues and to refer him/her to the appropriate resource(s) for assistance.

2. The EAP assessment and referral responsibilities will include the following:

   a. Provide initial assessment and evaluation of all referrals (self, supervisory, and employee’s family members).

   b. Refer the individual(s) to the most appropriate available resource in a timely and efficient manner.

   c. Maintain a network of community resources and be knowledgeable about available services and their costs.

   d. Act as liaison with the Controlled Substances & Alcohol Abuse Administrator- personnel.

   e. Maintain discretion and confidentiality of all personnel and personal information concerning program participants.

3. Each Division's Controlled Substances and Alcohol Program Coordinator shall ensure that the employee’s attendance is
documented and the EAP service is utilized and satisfactorily completed.

II. TRAINING

NCDENR will utilize various resources to develop or provide specific supervisory and employee awareness training regarding alcohol misuse, controlled substances abuse and compliance requirements. Depending upon availability, the Office of State Personnel (OSP) and State EAP contractor may also serve as a resource in the development and communication of employee awareness and training programs.

A. TRAINING FOR SUPERVISORS

Training is required for supervisors, managers, and NCDENR officials who are responsible for determining if employees need to undergo testing for reasonable suspicion. Supervisors, managers, and DENR officials must attend a minimum of two (2) hours of training in the following areas:

1. At least 60 minutes regarding alcohol misuse,
2. At least 60 minutes regarding controlled substances abuse,
3. At least 30 minutes regarding this policy, its contents and an overview of the procedures of the program.

NOTE: A sign-in sheet shall be used to document the above supervisor training.

B. TRAINING FOR GENERAL EMPLOYEES (NON-CDL EMPLOYEES)

A minimum of 60 minutes of training for general employees is required to explain the following:

1. Requirements of this policy including the reasonable suspicion and post accident testing process,
2. Information about the effects of controlled substances and alcohol on the body, including how they affect work performance. and on the signs and symptoms that may indicate prohibited drug use.

NOTE: Additionally, a statement to sign verifying that the employee has received information regarding the location of this policy shall also be completed and retained in the employee's file. (Form ALCDRG-04).
C. TRAINING FOR CDL EMPLOYEES

The NCDENR will provide to each CDL employee the following:

1. A copy of this written policy (or a location of where it can be viewed and obtained);
2. Educational materials explaining the requirements of this policy;
3. Specific information regarding the NCDENR’s contact persons to answer questions about educational materials and this policy;
4. A clear and specific definition of the portion of the work day which CDL employees must comply as well as information regarding “safety sensitive” functions performed by these employees;
5. Specific information about which alcohol and controlled substances use is prohibited by this policy;
6. When and where CDL employees will be tested for alcohol and/or controlled substances;
7. How testing is conducted and how the results are handled;
8. The requirement that CDL employees must submit to testing, an explanation of what constitutes “refusal to submit” to testing and the consequences involved upon refusal to submit;
9. The consequences of violating the alcohol and controlled substances restriction;
10. The consequences of having an alcohol concentration of 0.02 or greater, but less than 0.04; (placed on disciplinary suspension)
11. Information about the effects of alcohol and controlled substances on the body, including how they affect work performance;
12. DENR Employee Assistance resources for alcohol or controlled substances problems, and
13. A statement to sign verifying that CDL employees have received the information listed in this section. (Form ALCDRG-04)

D. RECORD RETENTION FOR TRAINING

Records of training provided to CDL supervisors and drivers shall be retained while the individual continues to perform the function which requires the training and for two years after ceasing to perform those functions.

A sign-in sheet shall be used to document the above general training.
SECTION SIX

CONTROLLED SUBSTANCES TESTING INFORMATION

Controlled substance testing requires an employee to provide a urine specimen for urinalysis at an approved clinic or medical facility. The collecting, analyzing and reporting process is strictly controlled to ensure accuracy of test results and maximum confidentiality. Urinalysis will be conducted only by laboratories that are certified by the Department of Health and Human Services (DHHS). Controlled substance testing will be performed for the following types of drugs:

- Marijuana
- Cocaine
- Opiates (Codeine, Morphine, and Heroin)
- Phencyclidine (PCP)
- Amphetamines (including methamphetamine and MDMA (Ecstasy))

The employee must provide photo identification at the specimen collection facility (i.e. a valid vehicle operator’s license).

The employee must sign the consent form at the specimen collection facility. Refusal to sign the form is considered a refusal to be tested and is considered the same as a “positive” test result for which he/she shall be dismissed.

Any employee who intentionally tampers with a sample provided for controlled substances or alcohol testing, violates identification procedures or willingly falsifies, in any way, test information will be treated as if a “positive” test result was obtained.

Every specimen is required to undergo an initial screen followed by confirmation of all positive screen results. The screen-confirmation process utilizes highly sophisticated techniques to detect very small levels of prohibited substances in urine. Appendix B lists the initial cutoff levels that are used by the laboratory when screening specimens to determine if they are negative:
All specimens identified on the initial screen at or above the initial test level must be confirmed by gas chromatography/mass spectrometry (GC/MS) at or below the cut-off levels listed in the confirmatory cutoff column of the table in Appendix B.

Controlled substances test results shall be reported to a designated Medical Review Officer (MRO) who will confirm the results. For positive tests, the MRO will contact the employee to ensure that no factors exist that may have influenced the outcome of the testing process.

When positive tests are confirmed by the MRO, employees are advised by the MRO that they have the option of having the split sample tested and the procedures to follow.

Test results will be provided to the NCDENR Controlled Substances & Alcohol Abuse Administrator personnel and test results will be revealed only to those persons authorized as having an established need for the information.

**POST TESTING ACTIONS**

- An employee shall be removed from the workplace pending the results of a controlled substances test for reasonable suspicion or post accident. The employee will be placed on investigatory placement with pay. (**EXCEPTION:** Temporary, non-permanent employees may be terminated or placed on investigatory placement **WITHOUT** pay pending the results of the controlled substance abuse/alcohol misuse test.)

- A confirmed “positive” test result means the detection of an illegal substance in its pure form or its metabolites at or above the specified threshold which was not caused by alternative medical explanation or scientifically insufficient data. This determination is made by the MRO.

- A “negative” result means no detection of an illegal substance in its pure form or its metabolites at or above the specified threshold.

Employees with confirmed “positive” test results shall immediately have dismissal proceedings initiated.
SECTION SEVEN

ALCOHOL TESTING INFORMATION
(Not Applicable to Pre-Employment Screening)

Alcohol testing consists of an employee providing a breath specimen through the use of a evidential breath testing or alcohol screening device at an approved clinic or medical facility. The testing, analyzing and reporting process is strictly controlled to ensure accuracy of test results and maximum confidentiality. All evidential breath testing or alcohol screening device testing is to be performed by a certified Breath Alcohol Technician (BAT). The employee to be tested must provide a picture identification to the BAT at the Specimen Collection Facility (i.e. a valid operator's license).

The employee must sign the consent form at the specimen collection facility. Refusal to sign the form is taken as refusal to be tested and is considered the same as a “positive” test result for which he/she shall be dismissed.

A screening test is done initially, followed by a confirmation test if necessary.

If the reading is less than 0.02, the employee signs the certification and dates the form.

If the reading is 0.02 or greater, a confirmation test must be done. This test must be completed no sooner than 15 minutes of the screening test, but no later than 20 minutes of that test.

If screening and confirmation tests are not the same, the confirmation test result is deemed to be the final result.

The BAT operator must show the employee the results as displayed on the evidential breath testing or alcohol screening device.

The BAT operator and employee sign and date the test form.

Test results are immediately given to the designated NCDENR Controlled Substances and Alcohol Abuse Administrator personnel by telephone.

A confirmed “positive” test means that the evidential breath testing or alcohol screening device reading was 0.04 or higher. If the reading is 0.04 or above, the employee shall be dismissed consistent with personnel action process in place at the time.
If the reading is between 0.02 and 0.0399, the employee shall be placed on **disciplinary suspension** for a twenty-four (24) hour period (eight (8) hours away from the workplace).

A “negative” test means that the evidential breath testing or alcohol screening device reading was less than 0.02.

If an employee is unable or states that he/she is unable to provide adequate breath for testing:

- The BAT operator will make another attempt to have the employee complete the breath test.

- If the employee still cannot provide adequate breath, the BAT operator will note this action in the remarks section of the form and notify the designated NCDENR Controlled Substances and Alcohol Abuse Administrator personnel immediately by telephone.

- Controlled Substances and Alcohol Abuse Administrator personnel will require that the employee be evaluated by a physician acceptable to the NCDENR concerning the employee’s ability to provide an adequate amount of breath.

- If the physician determines and provides a written statement that a medical condition could prevent the employee from completing the test, the result will **not** be regarded as a refusal to test.
SECTION EIGHT

REPORTING TEST RESULTS TO FEDERAL AND STATE AGENCIES

Each year the NCDENR Division of Human Resources, Controlled Substances and Alcohol Abuse Administrator will prepare an annual calendar year summary of the results of the alcohol and controlled substances testing program. The report will cover the prior calendar year and will be completed no later than March 1st of each year.

Upon the USDOT’s written request for submission, the NCDENR Division of Human Resources, Controlled Substances and Alcohol Abuse Administrator will submit reports for CDL employees covered by USDOT regulations.

No later than March 1st of each year, a report listing the number of tests conducted including the test type (alcohol, controlled substance, random, preemployment, reasonable suspicion, etc.) and the number of positive cases shall be provided to the Safety Director and reported to the Human Resources Director.

To comply with the 2005 passage of NC House bill 740, NCDENR’s Controlled Substance and Alcohol Program Abuse Administrator shall notify the NC DMV of all Federally required positive drug and alcohol test results for NC DENR employees required to have a CDL for their job function or task.
SECTION NINE

ACCESS TO RECORDS AND CONFIDENTIALITY

The following requirements are intended to protect the rights of the employees and to provide the federal government and others access as needed for oversight purposes.

- Except as required by law, the NCDENR will not release employee information contained in any of the records for controlled substances and alcohol tests.

- Upon written request to division management, an employee can obtain copies of his or her records.

- The NCDENR must provide test results of employees and access to any facility used in complying with controlled substances and alcohol rules to the following:
  * Any USDOT agency for employees governed by federal regulations
  * State or local officials with regulatory authority over the NCDENR or any of its employees including the state Employees’ Assistance Program staff

- If requested by the National Transportation Safety Board (NTSB) as part of an accident investigation, the NCDENR must release information on the post-accident testing of the accident in question.

- Records are provided to a future employer upon written request of the employee or as required by 49 CFR 382.

- The NCDENR can disclose records to a decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee that arises from test results or the violation of either alcohol or controlled substances prohibitions.

- The NCDENR can only disclose records to others, not previously mentioned, with the written consent of the employee.
SECTION TEN

EMPLOYEE NOTIFICATION OF TEST RESULTS
[49 CFR Part 40 Subpart G (40-131 and 133)]

The NCDENR’s responsibilities to provide test results to employees are as follows:

- Pre-employment test results are provided if the prospective employee requests them in writing within 60 days of being notified of the status of the employment application (CDL applicants).

- Random test results (including the name of the substance) are provided to the employee if the results are verified positive (CDL employees).

- Reasonable suspicion and post accident results (including the name of the substance) are provided to the employee if the results are verified positive (all employees).

If the MRO is unable to contact the employee within the allotted time, it is then the NCDENR’s responsibility to attempt to have the employee contact the MRO within twenty-four (24) hours to discuss the test results.

Upon notification from the MRO that employee contact has not occurred the Division of Human Resources, Controlled Substances and Alcohol Abuse Administrator (the DER) shall make an effort to contact the employee using procedures that protect, as much as possible, the confidentiality of the MRO’s request that the employee contact the MRO. The employee will be informed of the consequences of failing to contact the MRO within 72 hours of the call. Contact shall be attempted at least three times over the next 24 hours. Attempts to contact the employee and the results shall be documented.

If contact is made the MRO will be notified by the NCDENR Division of Human Resources, Controlled Substances and Alcohol Abuse Administrator (the DER) that employee contact was made.

If no contact is able to be achieved by the DER after three documented attempts within the 24 hour period then the MRO will be notified by the NCDENR (Division of Human Resources, Controlled Substances and Alcohol Abuse Administrator).
SECTION ELEVEN

RELEASE OF TEST INFORMATION BY PREVIOUS EMPLOYERS (CDL APPLICANTS)

Previous employers are required by USDOT regulations to provide test information for the previous two years. NCDENR is required to obtain this information as follows:

- With the applicant’s written consent, the NCDENR shall obtain test information from the applicant’s previous employers for the past two (2) years.

- The release of this information must be done in such a manner as to protect the applicant’s confidentiality.

- Unless a written evaluation clearing the applicant for duty is also obtained from a substance abuse professional, the NCDENR shall not hire an applicant if information obtained from a previous employer indicates the following:

  * An alcohol concentration of 0.04 or above
  * A verified positive controlled substances test
  * A refusal to submit to testing

**NOTE:** Signing the Authorization for Release of Controlled Substance and Alcohol Test Information by Previous Employer (Form ALCDRG-01) is a condition of employment.
SECTION TWELVE
PROGRAM PROCEDURES

PROCEDURES
If a supervisor suspects an employee is using controlled substances or misusing alcohol or if an illegal drug activity occurs in the workplace, the following action steps should be taken: (Sections 12. A.-E.)

A. PROCEDURE FOR OBSERVATION OF ILLEGAL DRUG ACTIVITY

If it involves a NC DENR employee, contact the closest supervisor and your Division/Office/Program Human Resource Manager, then on-site or local law enforcement or the SBI. For activities not involving NC DENR employee, contact law enforcement.

B. PROCEDURE FOR POST ACCIDENT TESTING - CONTROLLED SUBSTANCES AND ALCOHOL (ALL EMPLOYEES)

STEP 1: Immediately following an on-the-job accident, the employee involved in the accident is responsible for the following:

1. Notifying supervision/management as soon as possible.
2. Acquiring an alcohol and controlled substances test following any accident where:

a. A life was lost, OR,
b. An injury requires overnight hospital stay, or a severe injury, such as an open or multiple fracture (also known as a compound fracture) or moderate/partial thickness or full thickness burns (2\textsuperscript{nd} or 3\textsuperscript{rd} degree burn), is sustained, OR,
c. If operating a motor vehicle, the driver was cited for a moving traffic violation AND any individual involved was transported for medical treatment, OR,
d. If operating a motor vehicle, the driver was cited for a moving traffic violation AND a vehicle involved was disabled and removed from the scene by other than its own power.
3. No use of alcohol until post-accident testing is completed or for a period of eight hours—whichever comes first.

4. An appropriate form (DOT or NonDOT) will be requested of and provided for use by the Department’s Controlled Substance and Alcohol Abuse Administrator as needed.

**NOTE:** Failure to obtain a controlled substances test within thirty-two (32) hours and an alcohol test within two (2) hours and no more than eight (8) hours shall result in dismissal, unless adequate justification for such action can be provided. Employees who are injured should seek medical attention first. Responding to individual injury or assisting others who are injured is a higher priority.

**NOTE:** Refusing to submit to controlled substances and alcohol testing will be treated as a “positive” test result.

STEP 2: The service provider will contact the Controlled Substances and Alcohol Abuse Administrator and provide the test results. In the interim period while NCDENR is awaiting test results, the employee will be placed on investigatory placement with pay. (**EXCEPTION:** Temporary, non-permanent employees may be terminated or placed on investigatory placement WITHOUT pay pending the results of the controlled substance abuse/alcohol misuse test.)

STEP 3A: If the test(s) result is positive, the Controlled Substances and Alcohol Abuse Administrator will notify DENR’s DHR Employee Relations.

STEP 3B: If the test(s) result is positive the Controlled Substances and Alcohol Abuse Administrator will contact the supervisor/manager instructing them to contact their HR Manager or DENR’s DHR Employee Relations staff for the purpose of initiating personnel actions to dismiss the employee. Test results are not official until verified in the service provider’s online reporting system and provided to the designated division representative by the NCDENR Division of Human Resources, Controlled Substances and Alcohol Abuse Administrator or in their absence a DHR authorized representative. Notification is initially made by telephone to the designated division representative with a follow-up fax to them via a secure fax machine or via an email not having readily identifiable personal data. (i.e., Social Security number.)
If the test(s) result is negative, the Controlled Substances and Alcohol Abuse Administrator will document the test results. Test results are not official until verified in the service provider’s online reporting system. The Controlled Substances and Alcohol Abuse Administrator will immediately notify the designated person in the division/branch/section of the affected employee, who will in turn notify the employee to return to work immediately. The successful completion of a controlled substances or alcohol test does not bar any other disciplinary or administrative actions deemed appropriate by the supervisor/manager in relation to the accident.

STEP 4: The Controlled Substances and Alcohol Abuse Administrator will compile and maintain all required records.

C. PROCEDURE FOR REASONABLE SUSPICION TESTING - CONTROLLED SUBSTANCES AND ALCOHOL (ALL EMPLOYEES)

STEP 1: The supervisor, manager, or NCDENR official will—upon reasonable suspicion of controlled substances abuse or alcohol misuse—talk with the employee about his/her behavior, advise him/her that he/she does not appear to be “ready for duty.” Point out the behavior that concerns you. Do not accuse him/her of controlled substances abuse or alcohol misuse. It is advisable to have a “third party” present as a witness to the conference. Utilize behavioral indicators. Behavioral indicators consist of what the supervisor, manager, or DENR official sees the employee do, hears the employee say, or observes in changes of the employee’s appearance or body odors.

For further consultation, contact either the Department’s Controlled Substance and Alcohol Abuse Administrator or the Department’s Employee Relation Manager at (919) 715-4500 or the state EAP service provider.

STEP 2: The supervisor, manager, or NCDENR official will contact the approved specimen collection site and determine that the site can provide the desired test. Transport the employee to the approved specimen collection site for his/her area. An appropriate form (DOT or NonDOT) will be requested of and provided for use by the Department’s Controlled Substance and Alcohol Abuse Administrator.
STEP 3: The supervisor, manager, or NCDENR official will assist the employee in making arrangements to have someone else drive him/her home following completion of reasonable suspicion testing. An employee receiving a positive breathalyzer test, or suspected of controlled substance or alcohol use should not drive himself/herself home. If he/she refuses to allow someone else to drive, explain that you will notify the proper authorities that he/she is possibly impaired and should not be driving.

STEP 4: The supervisor, manager, or NCDENR official will use the Observed Behavior/Reasonable Suspicion Record (ALCDRG-3) to document the incident. The documentation shall be done immediately and no later than twenty-four (24) hours after the events leading up to and including action taken by the supervisor, manager, or NCDENR official. Include date, time, and specific behaviors observed. Place in an envelope and mark CONFIDENTIAL and forward this documentation to the Division's Controlled Substances and Alcohol Coordinator and send a CONFIDENTIAL copy to the Department's Controlled Substances and Alcohol Abuse Administrator within NCDENR's Division of Human Resources.

STEP 5: The service provider will contact the Controlled Substances and Alcohol Administrator and provide the test results. While NCDENR is awaiting test results, the employee will be placed on investigatory placement with pay. (EXCEPTION: Temporary, non-permanent employees may be terminated or placed on investigatory placement WITHOUT pay pending the results of the controlled substance abuse/alcohol misuse test.)

STEP 6A: If the test(s) result is positive, the Controlled Substances and Alcohol Abuse Administrator will notify DENR’s DHR Employee Relations.

STEP 6B: If the test(s) result is positive the Controlled Substances and Alcohol Abuse Administrator will contact the designated person in the division/branch/section of the affected employee and instruct them to contact their HR Manager or DENR’s DHR Employee Relations staff for the purpose of initiating personnel actions to dismiss the employee. Test results are not official until verified in the service provider’s online reporting system and provided to the designated division representative by the NCDENR Division of Human Resources, Controlled Substances and Alcohol Abuse Administrator or in their absence a DHR authorized representative. Notification is initially made by telephone to the designated division.
representative with a follow-up fax to them via a secure fax machine or via an email not having readily identifiable personal data. (i.e, Social Security number.)

If the test(s) result is negative, the Controlled Substances and Alcohol Administrator will document the test results and will immediately notify the supervisor/manager. Test results are not official until verified in the service provider’s online reporting system. The supervisor/manager will in turn notify the employee to return to work immediately. The successful completion of a controlled substances or alcohol test does not bar any other disciplinary or administrative actions deemed appropriate by the supervisor/manager in relation to the behavior which initiated a cause for reasonable suspicion testing.

STEP 7: The Controlled Substances and Alcohol Abuse Administrator will compile and maintain all required records.

D. PROCEDURE FOR PRE-EMPLOYMENT CONTROLLED SUBSTANCES TESTING (CDL EMPLOYEES)

STEP 1: Supervisors/managers interviewing prospective employees will explain NCDENR’s pre-employment controlled substances testing program during the interview process. Supervisors/managers shall also have applicants being interviewed complete Form ALCDRG02 (Consent and Acknowledgement Controlled Substances and Alcohol Testing), and Form ALCDRG01 (Authorization for Release of Controlled Substance and Alcohol Test Information by Previous Employer)
Signing this form is a condition of employment.

STEP 2: Recommended candidate’s hire packages will be forwarded to NCDENR Human Resources, as required.

STEP 3: When notified by the NCDENR Human Resources of hire authorization, the supervisor/manager will tender a conditional offer of employment to the prospective employee and inform the prospective employee as listed below:

1. AT THE TIME OF THE OFFER, the supervisor/manager will provide the prospective employee with the name and address of the local NCDENR specimen collection
facility and instruct the prospective employee of the following:

a. Successful completion of a controlled substances test is required as a condition of the offer of employment.

b. The prospective employee must report to a service provider lab WITHIN 48 HOURS OF THE TIME OF THE OFFER for a urinalysis test.

c. Any attempt at alteration/adulteration of the specimen, of the control forms, or of the testing process will result in immediate withdrawal of the offer.

AND

2. AT THE TIME OF THE OFFER, the supervisor/manager will advise the prospective employee of the following:

a. The prospective employee’s signed Form ALCDRG02 (Consent and Acknowledgement Controlled Substances and Alcohol Testing), and Form ALCDRG01 (Authorization for Release of Controlled Substance and Alcohol Test Information by Previous Employer) will be sent to his/her previous employer(s) for the past two (2) years for certification. (The supervisor/manager will request previous employer alcohol and controlled substance testing records by mailing a copy of the signed ALCDRG-01 within 14 days after beginning of employment period.)

b. NC DENR provides the NC DMV with the results of all positive results for CDL employees.

c. The previous employer(s) must certify that the prospective employee has not had a positive controlled substances or alcohol test result, has not refused to be tested within the past two (2) years, or if the previous employer(s) certifies that the prospective employee has received a positive controlled substances or alcohol test, the previous employer’s substance abuse professional must certify that the prospective employee has completed the recommended treatment plan and is ready to return to work.
c. A “negative” controlled substances and alcohol tests results/no refusal to be tested or completion of the recommended treatment plan is required as a condition of the offer of employment.

STEP 4: The service provider will contact the DENR Controlled Substances and Alcohol Administrator and provide the test results. Test results are not official until verified in the service provider’s online reporting system and provided to the designated division representative by the NCDENR Division of Human Resources, Controlled Substances and Alcohol Abuse Administrator, or in their absence a DHR authorized representative.

STEP 5: If the test(s) result is positive, the Controlled Substances and Alcohol Abuse Administrator will immediately notify the designated person in the division/branch/section of the affected employee, who will in turn instruct the hiring manager to withdraw the offer. Notification is initially made by telephone to the designated division representative with a follow-up fax to them via a secure fax machine or via an email not having readily identifiable personal data. (i.e, Social Security number.)

If the test result is negative, the Controlled Substances and Alcohol Abuse Administrator will contact the supervisor/manager so that an effective employment date can be established for the applicant.

STEP 6: The Department’s Controlled Substance and Alcohol Abuse Administrator will compile and maintain all required records of test results.
E. PROCEDURE FOR RANDOM TESTING - ALCOHOL & CONTROLLED SUBSTANCES (CDL EMPLOYEES ONLY)

STEP 1: Periodically throughout the year, the Controlled Substances and Alcohol Administrator will provide the division director, branch managers/section chiefs, a confidential list of employees under their supervision who have been selected by the computer for random testing.

STEP 2: An appointment will be made with the service provider laboratory for the employee to be tested on a specified date.

STEP 3: Just prior to the time for the employee to report to the collection site, the supervisor will provide notification to the employee(s) required to submit to random testing. Where necessary, the supervisor may transport the employee to the test site.

1. The employee shall be instructed by the supervisor that within one hour of completion of the random testing they are to notify their supervisor.

2. Failure to complete the test as scheduled will result in dismissal, unless there is a certified medical reason for not completing the test.

3. Any attempt at adulteration of the specimen, of the control forms, or of the testing process shall be treated as if a “positive” test result was obtained.

STEP 4: The service provider will contact the Controlled Substances and Alcohol Administrator and provide the test results.

STEP 5: If the test result is **positive**, the Controlled Substances and Alcohol Abuse Administrator will immediately notify the designated person in the division/branch/section of the affected employee.

If the test result is **negative**, the Controlled Substances and Alcohol Administrator will document the test results and will notify the division/branch/unit/section. No further action is required on the part of the supervisor or employee.

If the alcohol test result is .02 through .0399, the Controlled Substances and Alcohol Administrator will contact the division director/branch manager/section chief to place the employee on disciplinary suspension for a period of twenty-four (24) hours (eight (8) hours away from the work).
STEP 6: The Controlled Substances and Alcohol Administrator will compile and maintain all required records test results.

F. PROCEDURE FOR FOLLOW-UP TESTING (CDL EMPLOYEES ONLY)

When someone applies for a job with NCDENR which requires a CDL, that person must have a controlled substances test and produce a “negative” result before he/she can be hired for a CDL job. NCDENR is also required to verify the individual's controlled substances and alcohol record for the previous two (2) years. (Use Form ALCDRG-02 (Consent and Acknowledgement Controlled Substances Testing), and Form ALCDRG-01 (Consent for Release of Controlled Substance and Alcohol Test Information by Previous Employer are used for this purpose.)

If verification reveals a positive controlled substances or alcohol test result within the previous two (2) years, the person must have completed the recommended treatment plan of a Substance Abuse Professional and be cleared for duty before coming to work with the NCDENR. If the individual is employed by NCDENR in a CDL job, he/she must agree to and adhere to follow-up testing. The procedures are as follows:

STEP 1: An applicant applies for a CDL job. At the time the applicant is interviewed, he/she signs the consent form for NCDENR to check with previous employers for the past two years. Signing the form is a condition of employment. The Division's Controlled Substances and Alcohol Coordinator for the respective branch/division/section verifies the recommended applicant’s controlled substances and alcohol record for the previous two years. Form ALCDRG-01 (Consent for Release of Controlled Substance and Alcohol Test Information by Previous Employer) is used for this purpose.

STEP 2: The division/branch/unit/section is notified by NCDENR Human Resources of hire authorization.

STEP 3: If the recommended applicant has received a positive controlled substances or alcohol test within the previous two years, the Controlled Substances and Alcohol Administrator personnel must obtain clearance from the applicant’s substance abuse professional before he/she can begin work with the NCDENR.
STEP 4: If the applicant is cleared for duty, receives a “negative” pre-employment test, and is hired by NCDENR, the employee is then required to submit to follow-up testing.

STEP 5: The Employee Assistance Program (EAP) will guide NCDENR in the required follow-up testing.

STEP 6: The Controlled Substances and Alcohol Administrator will compile and maintain all required records.
Appendix A

Overview of DOT Drug Testing

3. You report immediately to the collection site.

4. Urine Collection
- Verify ID
- Empty Pockets
- Select Sealed Kit
- Provide 45 ml of urine
- Watch collector check temp and pour into 2 bottles
- Watch collector seal bottles A & B
- Sign paperwork

5. Lab Testing
- Analyzes bottle A
- Results sent to Medical Review Officer (MRO)

1. Notification
You are notified to submit for a drug test

2. Why
- Pre-employment
- Reasonable Suspicion
- Random
- Post-Accident
- Return-to-duty & Follow-up

3. You report immediately to the collection site.

6. Medical Review
As gate-keeper to the integrity of the drug testing process, the MRO reviews lab results and determines if there are any legitimate medical reasons for a positive, adulterated or substituted result. This includes an interview with you, review of your medical records or a request that you be examined by MRO approved physician.

7. Employees’ Rights
Upon notice by the MRO, you have 72 hours from the MRO interview to request the B Bottle be tested by another certified lab.

8. Verified Results
MRO verifies results to employer as either:
- Negative
- Positive
- Refusal
- Cancelled

SOURCE: What Employees Need To Know About DOT Drug & Alcohol Testing, USDOT, Office of Drug & Alcohol Policy & Compliance
Appendix B

Controlled Substance Cutoff Concentrations

<table>
<thead>
<tr>
<th>Initial test analyte</th>
<th>Initial test cutoff concentration</th>
<th>Confirmatory test analyte</th>
<th>Confirmatory test cutoff concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana metabolites</td>
<td>50 ng/mL</td>
<td>THCA&lt;sup&gt;1&lt;/sup&gt;</td>
<td>15 ng/mL</td>
</tr>
<tr>
<td>Cocaine metabolites</td>
<td>150 ng/mL</td>
<td>Benzoylcegonine</td>
<td>100 ng/mL</td>
</tr>
<tr>
<td><strong>Opiate metabolites</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Codeine/Morphine&lt;sup&gt;2&lt;/sup&gt;</td>
<td>2000 ng/mL</td>
<td>Codeine</td>
<td>2000 ng/mL</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Morphine</td>
<td>2000 ng/mL</td>
</tr>
<tr>
<td>6–Acetylmorphine</td>
<td>10 ng/mL</td>
<td>6–Acetylmorphine</td>
<td>10 ng/mL</td>
</tr>
<tr>
<td>Phencyclidine</td>
<td>25 ng/mL</td>
<td>Phencyclidine</td>
<td>25 ng/mL</td>
</tr>
<tr>
<td><strong>Amphetamines&lt;sup&gt;3&lt;/sup&gt;</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AMP/MAMP&lt;sup&gt;4&lt;/sup&gt;</td>
<td>500 ng/mL</td>
<td>Amphetamine</td>
<td>250 ng/mL</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Methamphetamine&lt;sup&gt;5&lt;/sup&gt;</td>
<td>250 ng/mL</td>
</tr>
<tr>
<td>MDMA&lt;sup&gt;6&lt;/sup&gt;</td>
<td>500 ng/mL</td>
<td>MDMA</td>
<td>250 ng/mL</td>
</tr>
<tr>
<td></td>
<td></td>
<td>MDA&lt;sup&gt;7&lt;/sup&gt;</td>
<td>250 ng/mL</td>
</tr>
<tr>
<td></td>
<td></td>
<td>MDEA&lt;sup&gt;8&lt;/sup&gt;</td>
<td>250 ng/mL</td>
</tr>
</tbody>
</table>

1 Delta-9-tetrahydrocannabinol-9-carboxylic acid (THCA).
2 Morphine is the target analyte for codeine/morphine testing.
3 Either a single initial test kit or multiple initial test kits may be used provided the single test kit detects each target analyte independently at the specified cutoff.
4 Methamphetamine is the target analyte for amphetamine/methamphetamine testing.
5 To be reported positive for methamphetamine, a specimen must also contain amphetamine at a concentration equal to or greater than 100 ng/mL.
6 Methylenedioxymethamphetamine (MDMA).
7 Methylendioxyamphetamine (MDA).
8 Methylendioxyethylamphetamine (MDEA).

**SOURCE:** Subpart F- 49CFR40.47-www.dot.gov/ost/dapc/NEW_DOCS/subpart_f/40_87.pdf