

NORTH CAROLINA DEPARTMENT OF COMMERCE		POLICY # HR 37
Title: Alcohol and Drug-Free Workplace		
Effective Date: July, 1997	Administering Authority: Human Resources Dir.	
Revisions:		
Statutory Authority (if applicable):		

Purpose: To provide a work environment free of drugs and alcohol

Policy:

It is the policy of the Department of Commerce that all employees have the right to a workplace that is free of alcohol and drugs. This policy is established to ensure the safety and well being of employees of the DOC as well as the general public. All employees of the DOC including permanent full-time, trainee, permanent part-time, permanent hourly, and temporary will be covered by this policy. Therefore, the Department of Commerce has established the following policy to address this concern: *(In the event of a conflict between the provisions of this policy and related federal law or policy, the federal law or policy shall always control.)*

DEFINITIONS

IMPAIRED shall mean such performance and/or behavior that would indicate to the observer that the employee's ability to handle job assignments safely and efficiently may be compromised.

WORK SITE OR WORKPLACE shall be defined as any office, building, property (including parking lots), or vehicle that is owned or operated by the State of North Carolina where an employee performs work for the Department of Commerce.

ILLEGAL DRUGS are drugs that are not legally obtainable and drugs that are legally obtainable but have been obtained illegally.

DISCIPLINARY ACTION UP TO AND INCLUDING DISMISSAL shall include a written warning, a transfer, a demotion in classification and/or pay, leave without pay for up to three days, and dismissal. In keeping with State Personnel Policy, the intent is to utilize the disciplinary process in a constructive, rather than punitive manner.

SUBSTANTIATED shall mean the impairment of performance, work habits, or behavior that is deemed consistent with alcohol or drug abuse. Medical tests or other tests may also be used to substantiate impairment.

ALCOHOL AND DRUG ABUSE AT THE WORK SITE

Illegal Drug Activity

The manufacture, distribution, dispensing, possession, or use of an illegal substance is prohibited. An employee who violates this provision at the work site is subject to disciplinary action up to and including dismissal. Any illegal drug activity will be reported to the appropriate law enforcement authority.

Any employee convicted of any criminal drug statute violation occurring in the workplace must notify the appropriate supervisor or management representative no later than five calendar days after such conviction. Failure to provide notification will result in automatic dismissal.

The employee is responsible for notifying management within five calendar days after arrest. Also, after indictment takes place, the employee is responsible for notifying management within five calendar days. Failure to do so will be addressed as a performance of duty requirement that was not met.

Any employee convicted of an off-the-job, drug-related offense that could directly or indirectly affect credibility or ability to carry out effectively the duties and responsibilities of their position with the DOC, shall be subject to disciplinary action up to and including dismissal.

Impairment on the Job

No employee shall report to the work site impaired by drugs or alcohol, including drugs prescribed by a doctor and over-the-counter medications. If an employee reports to the work site while impaired by any of the above, this behavior shall be deemed unacceptable personal conduct for the purpose of the State's disciplinary action policy. The employee shall be placed under Investigator Suspension Without Pay and ordered to leave the workplace.

Following the investigation, the supervisor shall schedule a conference with the employee to review the results of the investigation and to give the employee the opportunity to respond. When the findings of the investigation include substantiated abuse, referral to the State Employee Assistance Program (EAP) will be the condition for continued employment. Reporting to the work site while impaired is personal conduct for which disciplinary action up to and including dismissal may be taken.

Any employee using prescribed medications under a doctor's direction, and any employee taking prescription or over-the-counter medication that could alter their ability to perform the duties and responsibilities of their position, must notify the appropriate supervisor or Division Director. Such employee is responsible for finding out from a health-care professional the effects of any drug being taken. Failure to obtain such information will not be a bar to disciplinary action under this policy.

If, it is deemed by the employee's supervisor, that an employee's actions or behavior are considered unsafe as a result of using the medication, the employee may be sent home on sick leave. Other options might include referral to the State EAP and/or temporary reassignment.

Failure to notify the supervisor shall be deemed personal conduct which shall be cause for disciplinary action up to and including dismissal.

Impairment or other Behavior off the Job

Any employee whose job requires a valid operator's license and who is convicted of driving while impaired resulting in a revocation of such license must report this action to their supervisor immediately. The supervisor shall determine whether revocation shall interfere with a minimum level of job performance.

During the automatic "10-day revocation," a temporary job reassignment may be considered. If revocation of the operator's license is for one year or less and no restricted license can be obtained, management may either assign the employee to another job for which he is qualified or may separate

the employee for cause. In the event the employee is retained, a mandatory referral to the State EAP may be required as a condition of continued employment.

Failure to notify the supervisor shall be cause for disciplinary action up to and including dismissal.

ALCOHOL AND DRUG ABUSE AS A PERSONAL PROBLEM

The DOC recognizes that alcohol and drug abuse can affect an employee's personal and family life and can contribute to problems on the job. Without appropriate intervention, an employee presents a problem not only to themselves but to their family and employer as well. It is also recognized that alcohol and drug abuse are treatable illnesses.

The DOC has a strong commitment to assist any employee who voluntarily asks for help. The agency has provided a channel of help through the agency and EAP. It is the employee's responsibility to seek help for such problems before they must be addressed at the work site or otherwise become apparent as unsatisfactory job performance or work habits. Such action on the part of the employee shall be viewed as responsible and shall be supported by management and the supervisor.

Action on the part of the supervisor to address legitimate concerns about alcohol and drug problems, including unsatisfactory work performance and work habits, and to make use of EAP continues to be expected.

A supervisor who knowingly tolerates or ignores information and events, as described in this policy, that are brought to their attention is considered to be acting irresponsibly in carrying out the intent of this policy. Such a supervisor shall be disciplined in accordance with the job performance category of the State's disciplinary action policy.

A supervisor who otherwise fails to act appropriately in accordance with this policy concerning information and events as described in this policy may also face disciplinary action should circumstances warrant it.

Employee's Responsibility

Employees are expected to report to the work site prepared to perform their duties and assignments.

Actions and behaviors that either discredit DOC or endanger the people and resources of DOC will be viewed as personal conduct that is cause for disciplinary action up to and including dismissal.

Responsible use of alcohol and legal drugs (to include both prescription and over-the-counter medications) is expected of employees.

Use of illegal drugs or abuse of alcohol and legal drugs is deemed personal conduct that is cause for disciplinary action up to and including dismissal and the employee is held liable for the consequences of their actions.

Employees who are experiencing alcohol and drug problems should seek help before the problem is discovered at the workplace. Such action on the part of the employee shall be viewed as responsible and shall be supported by management and the supervisor. Efforts of the employee to obtain help will be

respected and will be handled in utmost confidence.

Supervisor's Responsibility

The responsibility of the supervisor is to see that operations within the agency are run safely and efficiently. Therefore the supervisor's primary responsibility is to concentrate on job performance and fitness for duty.

It is important for supervisors to become informed about alcohol and drugs as they impact on the workplace. This is to be accomplished by understanding the Agency Policy and Procedures.

Supervisors are not expected however to become "detectives" or "medical diagnosticians." If a supervisor suspects an employee is impaired by either alcohol or drugs or if any illegal drug activity occurs in the workplace, the following action steps shall be taken:

Illegal Drug Activity

Contact the Personnel Office to inform them of the illegal drug activity or to discuss concerns about suspected drug or alcohol abuse.

On the Job Impairment

Advise your superiors as soon as possible of the situation and seek their guidance.

- Confront the employee about their behavior and advise them that they do not appear to be "ready for duty." Point out the behavior that concerns you. Do not accuse them of alcohol or drug abuse. Have an appropriate "third party" present as witness to the conference.
- Initiate an "Investigatory Suspension Without Pay" with the prior approval of the Personnel Officer
- Take steps to remove the employee from the workplace. Ask them to leave or, if necessary, use security personnel to escort them from the work area. Such an impaired employee should not drive home on their own. Assist the employee in making arrangements to have someone else drive them. If they refuse, explain that you will notify the proper authorities that they are impaired and should not be driving.
- Document in writing the events up to and including your action. Include dates, times, and specifics.
- A written notification must be sent to the employee. It must include specific reasons for the suspension and the employee's notice of right to appeal. In this letter advise them of the formal nature of the incident and schedule a conference to review the results of the investigation.
- Conduct the conference with the employee. Follow the disciplinary procedures and be sure to allow the employee an opportunity to respond to the results of the investigation. Instruct the employee of the options they may take. Included should be a referral to the state EAP as a condition for continuation of employment. Also point out that clearance through the State EAP will be required before returning to duties.
- Arrange a referral to the State Employee Assistance Program.

Management/Administrative Responsibility

All steps taken in accordance with this policy are to be reviewed by management.

The DOC Personnel Director or their designee, is responsible for implementing this policy to insure an alcohol and drug-free work site. The DOC Personnel Director will guide management and employees in

carrying out this policy. The Personnel Director will assist management and employees in coordinating and working with the State EAP when requested. Responsibilities shall include:

1. The Personnel Office will schedule and coordinate Alcohol and Drug Abuse Awareness Training Programs for all managers and supervisors in order to accomplish the following objectives:
 - To increase awareness about alcohol and drug problems in the workplace.
 - How to identify unsatisfactory job performance and work habits caused by the alcohol and drug problems.
 - To understand the supervisory role in dealing with alcohol and drug problems.
2. Provide Alcohol and Drug Awareness Sessions for non-supervisory employees to increase awareness of the alcohol and drug problems in the workplace.
 - The Agency's policy on alcohol and drugs at the work site.
 - The dangers of drugs in the work site.
 - Their responsibility regarding the use/abuse of alcohol and drugs.
 - The availability of professional help for personal problems with alcohol and drugs.
3. The basic role of the State Employee's Assistance Program Office is to provide employees with an initial assessment to attempt to discern the troubled employee's problem and to refer the employee to the appropriate resources(s) for help.
4. The State EAP's assessment and referral responsibilities will include the following:
 - Providing initial assessment and evaluation of all referrals (supervisory, self referrals, and employee's family members).
 - Referring the individual(s) to the most appropriate available resource and in a timely and efficient manner.
 - Maintaining a network of community resources and being knowledgeable about available services and their costs.
 - Liaison with the Program Coordinators (within the Department).
 - Monitoring employee's attendance and completion of services utilized.
 - Maintaining discretion and confidentiality of all personnel and personal information concerning program participants.
5. The State EAP's responsibility for supervisory and employee awareness will be to assist agencies in meeting compliance requirements. The State EAP serves as the staff resource in the development and communication of employee awareness and training programs.
6. In the case of "emergency situations" or "mandatory referrals," the State EAP agrees to schedule an assessment within three working days of receiving the referral.