

Northern Virginia Cigarette Tax Board

Administrative Regulation

SUBSTANCE ABUSE POLICY AND PROCEDURES

I. PURPOSE

The purpose of this Administrative Regulation is to establish the Board's policy and procedures on the proper handling of substance abuse in order to:

1. Establish and maintain a safe, healthy, drug free working environment for all employees.
2. To reduce the incidence of accidental injury to persons and property in the Board environment.
3. To reduce absenteeism, tardiness and poor job performance.
4. To provide assistance toward rehabilitation for any employee who seeks the Board's assistance in overcoming any addiction to, dependence upon or problem with alcohol or drugs.

The Board expressly prohibits employees from reporting to work with a measurable quantity of any illegal drug or alcohol in the body. The possession, manufacture, distribution, purchase, or sale of illegal drugs or alcohol on the job is also strictly prohibited. If any employee is found to be distributing, selling, or possessing any illegal drug on the job, the Police will be called to the scene. The sale, manufacture, distribution, purchase, or use of illegal drugs or alcohol on the job are grounds for disciplinary action, up to and including immediate dismissal.

Confidentiality, consistent with legal, safety, and security considerations, is fundamental to this regulation. The results of all physical examinations and substance abuse tests will be treated as confidential, and distribution will be limited to those having a need to know.

Training will be provided to all employees on this policy. This policy will be a part of the employee handbook.

II. DEFINITIONS

1. Illegal Drugs – Means any controlled substance as defined by 21 U.S.C. Section 802 and includes all substances listed on Schedule I through V as they may be revised from time to time by 21 C.F.R. Section 1308. Illegal drugs include, but are not limited to, amphetamines, marijuana, cocaine and its derivatives, opiates, and PCP. The term "illegal drugs" does not include the

use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

2. Reasonable Suspicion – Means that the Board, or its agents, reasonably believes that actions or appearance or conduct of an employee while at work are indicative of substance abuse. Examples may include, but are not limited to, observations of excessive laughing, paranoia, slurred or rapid speech, sudden mood swings, blood shot eyes, odor of alcohol, or erratic job performance.
3. Substance Abuse – Means the use of any illegal drug or the misuse of alcohol. For the purposes of this policy, use of an illegal drug is evidenced by a measurable quantity of an illegal drug in the body at cutoff levels specified in the Department of Health and Human Services, Mandatory Guidelines for Federal Workplace Drug Testing Programs.

III. SCREENING

Designated employees will be screened for substance abuse under the following conditions:

1. Pre-employment Screening – All applicants for employment are subject to substance abuse screening as a condition of employment. A positive test result or a refusal to consent to or to take a required test shall be grounds for disqualification from employment consideration.
2. Reasonable Suspicion Screening – All employees are subject to reasonable suspicion substance abuse screening. If a supervisor reasonably suspects that another employee may be misusing drugs or alcohol, he/she may request that the employee be tested. Refusal to consent to a test or to be tested upon request may result in disciplinary action, up to and including dismissal.

IV. PROCEDURES

1. If a supervisor reasonably suspects an employee of substance abuse, he/she should first observe the employee closely, noting unusual behavior. It is important for the supervisor not to come to any set conclusions, because certain illnesses may have the same effect.
2. The supervisor should not attempt to diagnose the employee. When observing the employee, simply note abnormal behavior and the inability to perform job duties. Whenever possible, another supervisor should be called in as a witness to confirm findings, before the employee is confronted.
3. After observing the employee and making notes of unusual behavior, the supervisor shall confront the employee. The supervisor shall not accuse the employee of using illegal drugs or misusing alcohol. The supervisor should inform the employee of what has been observed, and then seek an

explanation from the employee for the actions. At this point, the supervisor also may request a “reasonable suspicion” substance abuse screen.

4. A reasonable suspicion substance abuse screen is done to screen employees for alcohol/illegal drug content and the Board’s expense. The employee does not have the right to refuse the substance screen, but may be subject to discipline, up to and including discharge, for failure to take a reasonable suspicion screen. The supervisor has the right to follow leave policies and procedures in accordance with the Personal Manual until the issue is resolved. The supervisor will complete the “Reasonable Suspicion Substance Screen Form” and have the employee sign the “Drug and Alcohol Consent Form”. If the employee refuses to sign the form, that person is subject to disciplinary action up to and including discharge. The supervisor or a designee is responsible for accompanying the employee to the site where the examination will take place, and either waiting for or picking the employee up after the examination. For no reason may the impaired employee operate a motor vehicle. If the supervisor is unable to drive the employee home after the exam, he/she should try to contact a family member, co-worker, or place the employee in a taxicab at Board expense.
5. The screening will take place at:

Individuals trained in the administering the alcohol swab, either Board employees or City of Fairfax personnel, may administer the alcohol test and then drive the worker to Inova for a drug screen.

Inova Emergency Care Center
4315 Chain Bridge Road
Fairfax, VA 22030

6. If the employee agrees to undergo screening, the employee shall be placed on administrative leave as soon as the test samples have been taken and the employee is on the way home. The employee cannot return to work until the test results are returned. If the test results are negative, the time will be charged to paid administrative leave. If the test results are confirmed positive, the time will be charged to unpaid administrative leave. If an employee refuses to undergo substance abuse screening, that person is subject to disciplinary action, up to and including discharge.
7. No disciplinary action shall be taken until the results of the test are in. The results will be sent directly to the Personnel Director, who will then contact the Administrator who will determine the appropriate course of action. All testing will be in accordance with established State and Federal guidelines.

8. In the event an employee tests positive on the initial screen, a confirmation test will be performed. Upon notification of confirmed positive results, the employee has the right to request, within 24 hours, the retesting of the original sample at his/her expense by a fully qualified medical examiner specified by the employee. The personnel department will coordinate the process. If the confirmation test (or retest, if applicable) is positive, the following disciplinary actions will apply:
 - A. First Offense: In an effort to encourage the employee to take responsibility for his/her problem, the first violation will result in a formal referral to the employee assistance program. If the employee accepts the referral and satisfactorily completes the course of action prescribed by Employee Assistance Service, no further disciplinary action will be taken at that time concerning the use of illegal drugs or the misuse of alcohol. The Administrator reserves the right to determine when and under what conditions the employee returns to work. If the employee refuses the referral or fails to satisfactorily complete the program, the employee may be discharged.
 - B. Subsequent Offenses: the Administrator will evaluate the circumstances, length of time since the first offense, severity of the incident and other appropriate factors and make a decision on the disciplinary action that will be taken in accordance with the Personnel Manual.
9. In the event that a Board employee self-discloses the use or abuse of alcohol, illegal, controlled or other substances, it shall be handled using all the same standards, processes and procedures in place for a positive result from a reasonable suspicion test administered under Section V of this administrative regulation. Admittance of such a problem to a supervisor or the Administrator will be kept confidential and the employee's job security and/or promotional opportunities will not be jeopardized because of a request for help. In order for an employee's admission of a substance abuse problem to be considered voluntary, the employee must make this admission prior to a request to submit to a substance abuse test which subsequently results in a confirmed positive test result or a refusal to be tested.
10. Board employees are required to notify the Administrator immediately of any charges of violation of criminal drug statutes or driving under the influence of drugs or alcohol. All employees convicted of violation of any criminal drug statutes in the workplace must notify the Administrator not later than 5 calendar days after the conviction.

V. EXEMPTION OF PRESCRIBED MEDICAL TREATMENT

The Board will not allow any employee to perform their duties while taking either prescribed or over-the-counter drugs that are adversely affecting the employee's job performance or is detrimental to the public trust or safety of other employees or citizens. While use of medically prescribed medications and drugs is not a violation, when taken in accordance with the physician's instructions, you must notify your supervisor if you are taking any medication, either prescribed or over-the-counter, that could interfere with the safe performance of your job. If the use of prescribed or over-the-counter drugs adversely affects an employee's job performance, it is in the best interest of the employee and the Board for the employee to be placed on sick leave during the period the worker's performance is affected by the substance.

Deborah L. Cannon, Administrator, NVCTB

**NORTHERN VIRGINIA CIGARETTE TAX BOARD
REQUEST FOR A DRUG AND ALCOHOL SCREEN**

Employee's Name: _____

Supervisor's Name: _____

Witness' Name: _____

Describe employee's actions which prompted examination, including physical or behavioral signs and time and place incident took place. Please be detailed, and list all abnormal or unusual actions:

Employee's explanation of the impaired performance, if any:

Date

Administrator's Signature

DRUG AND ALCOHOL SCREENING CONSENT FORM

TO: _____ (Board Employee)

FROM: _____ (Administrator)

DATE: _____

SUBJECT: Urine Testing and/o Breathalyzer Testing for Alcohol; Urine Testing for Illegal Drugs

As an employee of the Northern Virginia Cigarette Tax Board, you are being requested to submit to urine testing and/or breathalyzer testing for alcohol and urine testing for illegal drugs. To insure authenticity, you will be observed submitting the specimen for the test. Please complete this form and sign below.

I, _____ hereby
(name must be printed)

DO CONSENT _____

(check only one item)

DO NOT CONSENT _____

To urine testing and/or breathalyzer testing for alcohol and urine testing for illegal drugs and am aware that failure to submit to this testing may result in disciplinary action, up to and including discharge.

I AM _____

I AM NOT _____

Currently taking any drugs or medication for medical reasons, including over the counter medications. (examples: cold, sinus medicines, etc.)

**YOU MUST LIST ANY MEDICATION OR DRUG(S) YOU ARE TAKING BELOW.
CROSS OUT ANY UNUSED SPACES.**

1) _____ 2) _____ 3) _____

4) _____ 5) _____ 6) _____

I do hereby certify that the specimen I have submitted is my own and that I have sealed and labeled the container with my name.

Employee Signature

Date

Initials of Observer/Witness