

Unlawful Workplace Harassment

Contents:

- [Policy](#)
 - [Purpose](#)
 - [Definitions](#)
 - [Coverage](#)
 - [Complaint Process](#)
 - [Prevention Strategies](#)
-

Policy

All employees have the right to work in an environment free from discrimination and harassing conduct. No State employee shall engage in conduct that falls under the definition of unlawful workplace harassment, including sexual harassment discrimination, or retaliation, and no employment decisions shall be made on the basis of race, religion, color, national origin, ethnicity, sex, pregnancy, gender identity or expression, sexual orientation, age (40 or older), political affiliation, National Guard or veteran status, genetic information or disability.

Purpose

The purpose of this policy is to establish that the State of North Carolina prohibits in any form unlawful workplace harassment or retaliation based on opposition to unlawful workplace harassment of State employees or applicants and to require that every agency shall develop strategies to ensure that work sites are free from unlawful workplace harassment, including sexual harassment discrimination and retaliation.

Definitions

“Unlawful Workplace Harassment” is unsolicited and unwelcomed speech or conduct based of race, religion, color, national origin, ethnicity, sex, pregnancy, gender identity or expression, sexual orientation, age (40 or older), political affiliation, National Guard or veteran status, genetic information or disability where:

1. enduring the offensive conduct becomes a condition of continued employment, or
2. the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Unlawful Workplace Harassment

“Sexual Harassment” - Harassment on the basis of sex is a particular type of violation of this unlawful workplace harassment policy and in addition to the previous definition of unlawful workplace harassment, this unlawful workplace harassment policy prohibits the following: “Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

“Retaliation” is any adverse action taken against an individual for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit related to discriminatory employment practices based on race, religion, color, national origin, sex, pregnancy, gender identity or expression, sexual orientation, age (40 or older) political affiliation, National Guard or veteran status, genetic information or disability because of opposition to employment practices in violation of the unlawful workplace harassment policy.

Coverage

This policy covers, full-time or part-time employees with either a permanent, probationary, trainee, time-limited or temporary appointment; former employees; and applicants.

Complaint Process

An employee, former employee or applicant alleging unlawful workplace harassment or retaliation may file a complaint following the process outlined in the Employee Grievance Policy located in Section 7 of the State Human Resources Manual.

Prevention Strategies

Each agency head shall develop strategies to prevent unlawful workplace harassment.

The strategies shall at the minimum include:

- a commitment by the agency to the prohibition of unlawful workplace harassment, sexual harassment and retaliation,
- training and other methods to prevent harassing actions,

Unlawful Workplace Harassment

- a process for disseminating information prohibiting unlawful workplace harassment and retaliation to all agency employees

Workplace harassment prevention strategies shall be included as part of the agency's Equal Employment Opportunity (EEO) plan.

Effective Date: February 6, 2020

Workplace Violence

Workplace Violence

Contents:

[Policy](#)
[Purpose](#)
[Definitions](#)
[Coverage](#)
[Prohibited Actions and Sanctions](#)
[Employee Assistance Program](#)
[Authorized Exceptions to Policy](#)
[Support and Protections](#)
[Retaliation](#)
[Reporting Responsibilities](#)
[Agency Responsibilities](#)

Policy

It is the policy of North Carolina State government that all agencies shall provide a safe workplace for employees that is free from violence. Types of violent acts that are prohibited include, but are not limited to, threats, intimidation, bullying, stalking, domestic violence, physical attack or property damage by or against employees. Such actions, including the use of weapons, will subject the perpetrator to serious disciplinary action and possible criminal charges. Employees acting in good faith who report real or implied violent behavior will not be subject to retaliation or harassment based upon their report. All incident reports shall be confidential and released only as permitted by applicable law.

Purpose

The purpose of this policy is to establish preventative measures, hold perpetrators of violence accountable, and support victims of workplace violence. Committing violent acts, whether on-duty or off-duty, has the potential to impact an employee's ability to perform their job. The State is guided by the Federal Occupational Safety and Health Act of 1970 that requires employers to provide their employees with a safe and healthy work environment. It is intended that all useful management tools be employed to accomplish the dual purpose of reducing the effects of violence on victims and providing consequences to those who perpetrate violence. It is also intended that management utilize available resources such as an Employee Assistance Program (EAP), law enforcement, appropriate Human Resources divisions (Employee Relations, Equal Employment Opportunity, etc.), and applicable personnel policies and procedures.

Effective Date: February 6, 2020

Workplace Violence (cont.)

Definitions

Bullying is unwanted offensive and malicious behavior which undermines an individual or group through persistently negative attacks. There is typically an element of vindictiveness and the behavior is calculated to undermine, patronize, humiliate, intimidate, or demean the recipient. The behavior typically is severe or pervasive and persistent, creating a hostile work environment. Behaviors may be considered discriminatory if they are predicated on the targeted person's protected class (refer to the Unlawful Workplace Harassment Policy for additional information and procedures for discriminatory harassment).

Cyber-Bullying uses technology to intentionally harm others through hostile behavior, as well as threatening, disrespectful, demeaning, or intimidating messages. This is bullying that occurs via the Internet, cell phones, or other electronic devices (e-mails, IMs, text messages, blogs, pictures, videos, postings on social media, etc.). Refer to the Unlawful Workplace Harassment Policy for additional information and procedures for discriminatory harassment.

Domestic Violence is the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate relationship. This could include people who are married, divorced, separated, living or lived together, or currently or previously dated.

Intimidation is engaging in actions that include but are not limited to behavior intended to frighten, coerce, or induce duress.

Physical Attack is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, or throwing objects.

Property Damage is intentional damage to property and includes property owned by the State, employees, visitors, or vendors.

Reasonable Suspicion is a degree of knowledge enough to induce the belief that the circumstances being presented are more likely to be true than not. Reasonable Suspicion must be based on an articulable, specific and objective basis and may include direct observation and/or information received from a source believed to be reliable.

Stalking involves harassing or pestering an individual, whether in person, in writing, by telephone, or through an electronic format. Stalking also involves following an individual, spying on them, alarming the recipient, or causing them distress, and may involve violence or the fear of violence.

Effective Date: February 6, 2020

Workplace Violence (cont.)

Threat is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional, or future.

Weapon is a device, instrument, material or substance used to or capable of causing death, bodily injury, or damage to property. Weapons include but are not limited to: an explosive; a device principally designed, made or adapted for delivering or shooting an explosive, chemical, biological, or radiological weapon; a firearm such as a machine gun, rifle, shotgun, or handgun; a firearm silencer; sharp object such as a knife or other blade; or any other device used for the infliction of or threat of bodily injury, damage to property, or death.

Workplace Violence includes, but is not limited to, intimidation, bullying, cyber-bullying, stalking, threats, physical attacks, domestic violence, or property damage and includes acts of violence committed by State employees, clients, customers, relatives, acquaintances, or strangers against State employees in the workplace.

Coverage

This policy applies to full-time and part-time employees with permanent, probationary, trainee, time-limited permanent, or temporary appointments. This policy applies to the conduct of an employee while functioning in the course and scope of employment as well as off-duty violent conduct that has a potential adverse impact on a State employee's ability to perform the assigned duties and responsibilities.

Prohibited Actions and Sanctions

It is a violation of this policy to:

- Engage in workplace violence as defined herein;
- Use, possess, or threaten to use an unauthorized weapon during a time covered by this policy; or
- Misuse authority vested to any employee of the State of North Carolina in such a way that violated this policy.

A violation of this policy shall be considered unacceptable personal conduct as provided in the Disciplinary Action, Suspension and Dismissal Policy. Acts of violence, as defined herein, may be grounds for disciplinary action, up to and including dismissal.

Effective Date: February 6, 2020

Workplace Violence (cont.)

An act of off-duty violent conduct may also be grounds for disciplinary action, up to and including dismissal. In these situations, the agency must demonstrate that the disciplinary action is supported by the existence of a rational nexus between the type of violent conduct committed and the potential adverse impact on a State employee's ability to perform the assigned duties and responsibilities.

Examples of prohibited conduct include, but are not limited to, the following:

- Physically assaulting an individual;
- Communicating a threat to an individual or his/her family, friends, associates, or their property;
- Intentionally destroying or threatening to destroy property owned, operated, or controlled by the State;
- Intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, policy, or work rule that would affect the business interests of the State;
- Stalking or intending to place another person in reasonable fear for his or her safety; or
- Possessing or using firearms, weapons, or any other dangerous devices on state property in an inappropriate manner or without authorization.

Employee Assistance Program

When a threat has been reported or management determines that a potential for violence exists, management may require an employee to undergo an assessment to determine the risk of danger. The Employee Assistance Program (EAP) can assist agencies by facilitating a referral to an appropriate resource for this assessment.

Management may also recommend EAP services to support employees who are the victim of workplace violence.

Authorized Exceptions to Policy

Some State employees may be required as a condition of their work assignment to possess firearms, weapons or other dangerous devices, or permitted to carry them as authorized by law.

Effective Date: February 6, 2020

Workplace Violence (cont.)

An employee may possess a weapon if possession is:

- In compliance with North Carolina law;
- Authorized by the agency/university head or designee;
- Used by an employee who is a certified law enforcement officer;
- Required as a part of the employee's job duties with the State of North Carolina; or
- Connected with the training received by the employee in order to perform the responsibilities of their job with the State of North Carolina.

Possession of weapons in federal, state, and local buildings may or may not be permitted depending on the applicable statutes covering such premises.

Support and Protections

The agency shall make efforts to protect victims of workplace violence by offering all available and reasonable security measures. Victims may also need special accommodations or adjustments to their work schedule, location, or working conditions in order to enhance their safety. The agency shall accommodate these requests and needs whenever possible and appropriate. The agency shall work closely with victims to ensure that both the needs of the victims and the agency are addressed.

Management is expected to work in collaboration with the Human Resources department to offer support to victims of workplace violence, which includes domestic violence, and ensure all appropriate consultative resources are available. This support should include encouragement of the victim to use the services of the Employee Assistance Program (EAP), if available.

In addition, management shall work with their Human Resources department and use their discretion to grant a victim leave time for medical, court, or counseling appointments related to trauma and/or victimization. The following options should be considered:

- Flex Scheduling
- Vacation Leave
- Sick Leave
- Leave without Pay
- Safe Days

Effective Date: February 6, 2020

Workplace Violence (cont.)

Retaliation

This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence.

Reporting Responsibilities

Employees should immediately report any incident or potential incident of workplace violence, including new or existing protective orders, to their supervisor or their agency Human Resources department as soon as it is safe to do so. The incident will be discussed with the employee to assess the situation and evaluate threats of potential violence.

If an employee reports a workplace violence incident to the supervisor, the supervisor should then notify the Human Resources department, including the agency Employee Relations/EEO Manager and Safety Leader, or designee. If the incident presents a risk to the lives or safety of State employees, volunteers, interns, visitors or threatens property, the employee or supervisor shall call the State Capitol Police or the respective departmental, university, or local Law Enforcement Agency immediately.

Agency management will assess the situation/circumstances and direct immediate action as needed to defuse the situation. Possible actions may include:

- Coordination with law enforcement and emergency services personnel;
- Internal communications within the agency; or
- Communication with media and/or family members (via designated employees such as the Public Information Officer or Communications Department,).

The supervisor or the designated Human Resources employee should document the incident using the agency Workplace Violence Incident Report as soon as possible but no later than 15 calendar days after the alleged incident. Additional documentation may be necessary if there is a worker's compensation claim, OSHA recordable injury, or the incident qualifies as workplace harassment. A report of workplace violence is not equivalent to a formal grievance as defined by NCGS §126-34.01.

Agency management shall conduct an internal investigation as circumstances warrant. Agency management shall determine if disciplinary action is warranted and ensure that the action is consistent with agency Human Resources policy.

Effective Date: February 6, 2020

Workplace Violence (cont.)

Agency Responsibilities

The agency head or university chancellor shall create and maintain a workplace designed to prevent and manage workplace violence. This shall be done by developing a comprehensive workplace violence prevention and management program. Each workplace violence program shall, at a minimum, include:

- A statement establishing that workplace violence is prohibited.
- Designation of responsibility for the overall implementation of a workplace violence prevention and management program. The responsible individual may choose to establish a crisis management team approach or develop their own system that identifies and mobilizes appropriate consultative resources.
- A written workplace violence prevention and management plan including procedures for:
 - Disseminating the agency's workplace violence plan to new and existing employees;
 - Reporting of violations of the agency's workplace violence procedures by employees and supervisors;
 - Investigating a report of violation of this policy or agency procedures including a description of agency preparedness and precautionary measures to be taken in responding to acts or threats of violence;
 - Providing instruction to all employees regarding proper response to acts or threats of violence;
 - Reporting, collecting, and maintaining information regarding incidents of workplace violence; and
 - Facilitating critical incident stress debriefings for employees who have been affected by an event related to trauma and victimization.



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services

June 21, 2013

Dear Employees:

In order to conduct official State Government business, employees of the North Carolina Department of Agriculture and Consumer Services have access to databases which include confidential and personal information. Our citizens have placed this information in our trust so that we may fulfill our job responsibilities. As public servants, we have a professional responsibility to protect and safeguard this information in order to maintain the public's trust.

I want to remind all employees of their responsibilities with regards to access to confidential and personal information.

Accessing confidential and personal information contained in the Department of Agriculture and Consumer Services or any other state government database for any purpose other than to fulfill specific job duties is strictly prohibited and will not be tolerated. Any violation of this policy may result in disciplinary action up to and including dismissal from employment, civil penalty and/or criminal prosecution. To ensure compliance with our responsibilities, audit procedures will be put in place to monitor access of confidential and personal information maintained in state government databases. All instances of suspected abuse or illegal activities will be investigated and reported to the proper authorities in accordance with state and federal policies.

All managers and supervisors are responsible for ensuring that confidential and personal information accessed by their employees is appropriately protected and is only accessed for business purposes. All managers are responsible for maintaining an inventory of systems accessible by respective employees and ensuring employees acknowledge and understand all policies and procedures governing the use of those systems. Employees should acknowledge acceptance and understanding of this memorandum and policy referenced below by signing the attached acknowledgement form. In addition, these policies and procedures should be discussed on an ongoing basis.

The following policies govern access to state-owned computers and the related access of information for employees of Department of Agriculture and Consumer Services.

Information Technology Acceptable Use Policy

You may access this policy at [https://intranet.ncagr.gov/SitePages/All Department Policies List](https://intranet.ncagr.gov/SitePages/All%20Department%20Policies%20List)
Should you become aware of any instances of non-compliance with any of our policies and procedures, please report them to your supervisor or to anyone on the management team.

Thank you for upholding the highest standards of ethics.

Sincerely,



Steven W. Troxler
Commissioner



DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES

NUMBER: HR #001

TOTAL PAGES: 17

SUBJECT: Drug Free Workplace, Controlled Substance, and Alcohol Testing Policy

AMENDS: September 17, 2010, January 1, 2014,
August 8, 2017 & February 9, 2018 Version

Effective Date: September 5, 2018

APPROVED BY: 
Steven W. Troxler, Commissioner

9/4/18
Date Signed

RELATED LEGISLATION:

- A. Drug Free Workplace Act, 1988
- B. Final ruling under the United States Department of Transportation (DOT) Federal Motor Carrier Safety Administration (FMCSA) 49 Code of Federal Regulations (CFR) Parts 40 and 382
- C. Omnibus Transportation EE Testing Act, 1991
- D. NC General Statute 20-37, Employer Responsibilities
- E. NC General Statute 97-12, Official Health and Safety Rules
- F. NC Criminal Justice Education and Training Standards
- G. Federal Aviation Administration (FAA) requirements including 14 CFR Parts 91 and 119 for Aviation
- H. NC General Statute 95-230 through 235, Drug Testing Parameters

I. POLICY STATEMENT

The North Carolina Department of Agriculture and Consumer Services (hereafter NCDA&CS) is committed to the health, safety and welfare of its employees and the public it serves. Therefore, it is the policy of NCDA&CS 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 under the influence of controlled substances or alcohol as identified in this policy. NCDA&CS expects its employees to be fit, alert and prepared to perform their jobs safely and productively for the benefit of all concerned.

It is the responsibility of managers, supervisors and employees to become familiar with and to comply with the provisions of this policy. Controlled substance-abuse and alcohol misuse are legitimate concerns of management when they impact the workplace. Such misuse and abuse can directly affect the safety, productivity and general wellbeing of everyone concerned.

II. PURPOSE AND SCOPE

As a part of this commitment, NCDA&CS will implement a controlled substance and alcohol-testing program. NCDA&CS will ensure that employees whose work requires a commercial driver license (CDL) comply with Federal Motor Carrier Safety Administration (FMCSA) controlled substance and alcohol testing requirements, aviation employees that engage in safety-sensitive tasks follow guiding standards provided by the FAA and DOT , and that certified law enforcement officers comply with the testing requirements of the North Carolina Criminal Justice Education and Training Standards Commission. In addition, all NCDA&CS employees will be subject to controlled substance and alcohol testing under NCDA&CS authority as outlined in this policy.

The purpose of this policy is to:

- a) Promote a drug and alcohol free workplace for our employees,
- b) Provide all applicants and employees with notice of the drug and alcohol program provisions for NCDA&CS,
- c) Meet testing requirements set forth by the North Carolina Criminal Justice Education and Training Standards Commission for certified law enforcement officers,
- d) Comply with the requirements of the Omnibus Transportation Employee Testing Act of 1991 and its revisions, and
- e) Comply with the Drug Free Workplace Act of 1988.

III. DEFINITIONS

Applicant: A person who applies for employment or an appointment to a Criminal Justice Certified Position, a position requiring a CDL, or a position performing safety-sensitive aviation duties as described in 14 CFR Part 120 with the FAA.

Certified Laboratory: A lab certified under the U.S. Department of Health and Human Services that has mandatory guidelines for federal workplace drug testing programs.

Collection Site: A designated place where employees present themselves to provide, under controlled conditions, urine or breathe specimen which will be analyzed for the presence of drugs or alcohol.

Collection Site Personnel: A person who instructs and assists individuals in the collection of the requested specimen for drug and/or alcohol testing under specific protocol.

Commercial Motor Vehicle: A motor vehicle or combination of motor vehicles used in commerce to

transport passengers or property if the motor vehicle:

- a) Has a gross combination vehicle weight of 26,001 or more pounds inclusive of a towed unit with a gross weight rating of more than 10,000 pounds.
- b) Has a gross vehicle weight rating of 26,001 or more pounds.
- c) Is of any size vehicle and used to transport any hazardous materials which require the vehicle to be placarded.
- d) Is designed to transport 16 or more persons, including the driver.

Confirmed Positive Alcohol Test: The result of an initial and a confirmatory test via breath or other approved body fluid with both tests reflecting an alcohol concentration of .02 BAC or above.

Confirmed Positive Result: The presence of an illicit substance in the pure form or its metabolites at or above the specified cutoff level identified on two (2) consecutive tests which employ different testing methods.

Confirmation Test: A second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. The confirmation test must be different in scientific principle from that of the initial test procedure. At this time gas chromatography/mass spectrometry (GC/MS) shall be used.

Consent and Acknowledgment Forms: The Applicant Consent and Acknowledgement Form, Consent and Acknowledge Form for Random Testing and Reasonable Cause, Consent and Acknowledge Form for CDL Applicant and CDL Random and Criminal Justice Drug Test Applicant Consent Form provide consent for testing and inform the applicant/employee of substances being tested.

Controlled Substance: A controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 CFR 1300.11 through 1300.15. Major substances for review by this policy shall include: marijuana/cannabinoids (THC); cocaine metabolites; opiates; phencyclidine (PCP); amphetamines/methamphetamines; methadone; barbiturates; benzodiazepines and tricyclic antidepressants.

Conviction: A finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

Criminal Drug Statute: A federal or non-federal criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.

DER: Designated employer representative (Employee Relations/EEO Manager or Designee).

Drug Test: A chemical, biological or physical analysis or test administered for the purpose of determining the presence or absence of a drug or its metabolites and/or alcohol.

FMCSA: Federal Motor Carrier Safety Administration.

Federal Drug Free Workplace Act of 1998: Requires institutions that receive grants and certain contracts from any federal agency to certify that it will provide a drug-free work place by complying with

the requirements set forth in Section 706(2) of the Act. The employer must establish an ongoing drug-free awareness program. The clause requires a specific agreement with workers on contracts or grants.

Federal Omnibus Transportation Employee Testing Act of 1991: Requires alcohol and drug testing of employees in a safety-sensitive position (aviation, motor carrier, railroad, mass transit). Employers covered by the law must provide alcohol and drug prevention programs.

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

Initial Drug Test: A sensitive, rapid, and reliable immunoassay procedure to identify negative and presumptive positive specimen.

Medical Review Officer: A licensed physician whose duties include the review and interpretation of positive results from confirmatory testing and who evaluates those results together with medical history or any other relevant biomedical information to verify positive results. This person has knowledge of substance-abuse disorders and appropriate medical or forensic training.

NCDA&CS Premises: Any location where the employer engages in business activities of the Department, including parking lots, NCDA&CS vehicles, or any work sites.

Negative Result: The absence of an illicit substance in the pure form or its metabolites in sufficient quantities to be identified by either an initial screen or confirmatory test or as determined by a Medical Review Officer.

Performing Safety Sensitive Duties for CDL Drivers: Covers the period of time when 1) an employee is performing the safety-sensitive function, 2) ready to perform such a function, or 3) is immediately available to perform such a function. For CDL employees this includes, but is not limited to, driving, waiting to be dispatched, inspecting equipment, time in or upon the motor vehicle while not actually driving (except resting in the sleep berth), loading or unloading or supervising such, or attendance with a disabled vehicle.

Post-Accident Test: a test for controlled substances and alcohol shall be performed following a vehicular accident in a commercial motor vehicle if the accident involves:

- loss of human life (fatality); **or**
- the CDL driver receives a moving traffic citation as a result of the accident, and the accident involved either:
 - injury of any person requiring medical treatment away from the accident scene; **or**
 - a vehicle had to be towed from the accident scene.

The employee must be tested for alcohol and controlled substances. Tests should be performed immediately following the accident; however, the alcohol test must be conducted within 8 hours and the controlled substance test must be administered within 32 hours.

Random Drug Test: A test performed according to rates established annually by the federal government on personnel needing CDL licensing to perform driving duties and personnel performing safety-sensitive aviation duties. Employee selection is randomly generated from a list of eligible employees.

Reasonable Cause Drug Testing: Testing based on a belief that an employee is using or has used alcohol or drugs in violation of the department's policy based on specific objective and articulable facts and reasonable inferences. Such facts and inferences may be based on, but not limited to, any of the following:

- a) Direct observations of abnormal conduct or erratic behavior by the employee which may render the employee unable to perform assigned duties or which may pose a threat to safety or health.
- b) A report of alcohol or drug use provided by a reliable and credible source.
- c) An on-the-job accident or occurrence where there is evidence to indicate the accident or occurrence, in whole or in part, may have been the result of the employee's use of a controlled substance or alcohol.
- d) Evidence that an employee is involved in the use, possession, sale, solicitation, or transfer of drugs or unauthorized alcohol while working, while on the employer's premises when off duty or while operating the employer's vehicle, machinery, or equipment.
- e) The employee's conviction of a criminal drug or alcohol statute violation within the past year.

Refusal to Submit to an Alcohol or Drug test: The failure of an employee to provide an adequate breath or urine specimen upon request for testing without a valid medical explanation or unreasonable conduct which clearly interferes with the testing process. This includes failure to appear at the testing location within a reasonable time or leaving the collection location area before the completion of the collection process.

Release of Information Form: Outlines the information that will be released to management from an Employee Assistance Program referral.

Substance Abuse Professional: Licensed physicians, as well as licensed or certified psychologists, social workers, employee assistance professionals, and alcohol and drug counselors certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) to assess or evaluate an employee who has engaged in prohibited alcohol or drug conduct.

Verified Positive Result: The positive result reported by a Medical Review Officer after the assessment of collection and testing protocols and a determination of no alternate medical explanation for the presence of the controlled substance.

IV. EMPLOYEE RESPONSIBILITY

NCDA&CS has a strong commitment to assist any employee who voluntarily requests assistance. The Department has provided a channel of help through the Department's Employee Assistance Program (EAP). The EAP provides confidential and professional assessments and referral services for the treatment of alcohol and drug problems. It is the employee's responsibility to seek help for such problems before they must be addressed at the workplace or otherwise become apparent as unacceptable job performance and/or unacceptable personal conduct. Such action on the part of the employee shall be viewed as a responsible action and shall be supported by management.

NCDA&CS employees shall not engage in conduct relating to controlled substance-abuse and alcohol misuse in violation of applicable regulations and federal laws or with the requirements of this policy. Employees are expected to report to the workplace prepared to perform their duties and assignments ("fit for duty"). Responsible use of alcohol and legal drugs (prescription and over the counter medication) is expected. Actions and behaviors that either discredit or endanger the people and the resources of the Department will be deemed unacceptable personal conduct, which shall be cause for disciplinary action up to and including dismissal.

V. SUPERVISOR RESPONSIBILITY

Action on the part of the supervisor to address legitimate concerns about controlled substance and alcohol problems, including unacceptable job performance and unacceptable personal conduct, and to make use of the Department's Employee Assistance Program continues to be expected and is a supervisory standard of performance. Supervisors shall become informed about controlled substance-abuse and alcohol misuse as it relates to and impacts the workplace. Each supervisor shall attend training to become familiar with the intent and procedures of this policy and be responsible for its implementation.

Supervisors, managers or NCDA&CS officials have the right and responsibility to institute necessary appropriate action as a result of violation of this policy and to require an employee to submit to controlled substances or alcohol testing when reasonable suspicion is present.

VI. CONTROLLED SUBSTANCE AND ALCOHOL AWARENESS AND EDUCATION:

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

- a) At least one (1) hour regarding alcohol misuse.
- b) At least one (1) hour regarding controlled substance-abuse.

Education/Awareness will be conducted for all employees to explain the following:

- a) Requirements of this policy.
- b) Information about the effects of controlled substances and alcohol, including how they affect work performance.

NCDA&CS will provide each employee with access to a copy of its Drug and Alcohol Free Workplace & Controlled Substance and Alcohol Testing Policy so that all employees will be prepared to meet the expectations and standards set forth in the policy. Literature on drug and alcohol abuse will also be made available.

VII. CONTROLLED SUBSTANCE, ALCOHOL AND/OR PRESCRIPTION MEDICATION USE IN THE WORKPLACE.

NCDA&CS prohibits the unlawful manufacture or unauthorized distribution, dispensing, possession, purchase or sale of alcohol during work hours, while on NCDA&CS premises, while performing any duties for or on behalf of NCDA&CS or while in a NCDA&CS vehicle. No employee shall perform job duties with a .02 level of alcohol or higher in his or her system. The distribution, dispensing, possession, purchase or sale of alcohol during work hours or on NCDA&CS premises may be allowed only if prior authorization is given by the Commissioner, Deputy Commissioner, Assistant Commissioner or Division Director or their designee. It is incumbent upon the employee to gain such authorization.

NCDA&CS recognizes that impairment or reduced abilities may create a hazard in the workplace as a result of on or off-duty use of controlled substances. NCDA&CS prohibits the unlawful manufacture, distribution, dispensing, possession, purchase, sale or use of controlled substances by its employees at any time. The presence of a controlled substance in an employee's system at or above the testing cut-off level set by the U.S. Department of Health and Human Services, without medical authorization, is prohibited for the safety and well-being of the workplace.

Any prescription medication used by an employee must be in the name of the employee, used in the amount and manner prescribed, and consistent with any usage warnings. Any over the counter medication must be used in accordance with manufacturer directions and warnings. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of his/her job duties. If the use of a medication could compromise employee performance or the safety of the employee, fellow employees or the public, it is the employee's responsibility to notify their supervisor of possible side effects before beginning work and use appropriate leave to avoid unsafe workplace practices. An employee may also be reassigned work duties temporarily if an employee's work performance might be adversely affected by the use of a medication. NCDA&CS may require an employee to provide a written release from the prescribing professional to allow the employee to perform safety-sensitive job duties.

VIII. VIOLATIONS AND CONSEQUENCES

The Human Resources Director or Designee, in conjunction with the Safety Director and the Employee Relations/EEO Manager, will be responsible for policy implementation and management. All positive alcohol or substance- abuse test results will be referred to the Employee Relations/EEO Manager or the Human Resources Director or Designee.

Management is committed to providing an alcohol and drug free workplace for all employees. Employees that violate the requirements of this policy may be subject to disciplinary action up to and including dismissal. Violations and consequences include but are not limited to the following:

1. The unlawful manufacture, distribution, dispensation, sale, possession, purchase or use of controlled substances; the unlawful use of prescription drugs; the possession or use of unauthorized alcoholic beverages; and the possession of and manufacture or delivery of drug paraphernalia is prohibited on

department premises and workplaces. The agency maintains a zero tolerance position on the above issues.

2. Violation of the policy set out in item 1 above and/or on-the job behavior impaired by alcohol or controlled substance shall be viewed as unacceptable personal conduct and shall be cause for disciplinary action up to and including dismissal.
3. An employee determined, either by administrative or other investigation methods, to be involved in the manufacture, distribution, dispensation or sale of a controlled substance on agency premises or workplaces shall be dismissed.
4. An employee determined to be in illegal possession of a controlled substance as well as possession of and involved in the manufacture or delivery of drug paraphernalia on department premises or workplaces shall receive at least a written warning and may be required to participate in the Agency's Employee Assistance Program.
5. An employee determined to be in possession of unauthorized alcohol on department premises or workplaces shall receive at least a written warning and may be required to participate in the Agency's Employee Assistance Program.
6. An employee determined to be using or under the influence and/or functioning below acceptable work standards due to alcohol or a controlled substance or unlawful use of prescription drugs on department premises or workplaces shall receive at least a written warning and if not released, shall be referred to the Agency's Employee Assistance Program.
7. The Agency will report violations of criminal drug statutes occurring in the workplace to the appropriate law enforcement authority.
8. Any employee CHARGED with a controlled-substance-related offense must notify his or her supervisor within the next business day of being charged. A controlled-substance-related offense includes possession of controlled substances or drug paraphernalia. Any employee CONVICTED of a controlled- substance or alcohol related offense must notify his or her supervisor within the next business day of conviction. A conviction includes any finding of guilty (including an admission of guilt by the employee) or an Alford plea or plea of no contest and/or any imposition of a fine, jail sentence or other penalty. Failure to provide notification may result in disciplinary action up to and including dismissal. If employee is paid in part or total from a federal grant, the grant manager must notify the granting federal agency within 10 days of receiving notification from employee.
9. Any employee CHARGED with an alcohol- related offense, whose job requires a driver's license, operation of hazardous machinery (e.g. forklifts, motorized farm or construction equipment or riding mowers) or use of hazardous substances, must notify his/her supervisor within the next business day of being charged. Failure to provide notification may result in disciplinary action, up to and including dismissal.
10. If an employee is charged with Driving While Impaired (DWI), during the automatic "thirty (30) day revocation," a temporary job reassignment which he/she is qualified or other arrangements may be

necessary or employee may be separated for cause. Under no circumstances will an employee operate a state vehicle without a valid operator's license and the department will not request a special exemption for driving a state vehicle.

11. Any employee convicted of an off-the-job controlled substance 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, shall be subject to review by management and may result in disciplinary action, up to and including dismissal.
12. Any employee with a CDL or pilot's license who tests positive for drug or alcohol use shall not operate a commercial motor vehicle or aircraft until successful completion of treatment. The Agency is also required to notify NCDMV of a positive test for a CDL driver.
13. Management, in accordance with Employee Assistance Program principles, will support the responsible action of an employee seeking help for an alcohol or controlled- substance problem. An employee's effort to obtain help through the Agency will be handled in confidence.
14. Every employee shall receive orientation on this policy and documentation shall be maintained by the Agency to support that this occurred.
15. All employees have a responsibility to report observed and suspected violations of this policy to their supervisor or agency management.
16. The Director of Human Resources is assigned responsibility and authority to establish supplemental policies and procedures necessary for the implementation and administration of this policy.
 - a) The Director shall coordinate the agency's alcohol and drug abuse awareness programs.
 - b) The Director has assigned responsibility to the Employee Relations/EEO Manager to oversee the agency program and to review the Department's good faith effort in this area and to consider proposed changes and/or additions to the policy as necessary.
13. Disciplinary action, in the form of a written warning, disciplinary suspension without pay, demotion or dismissal shall be taken when an employee:
 - a) Refuses to submit to a required drug or alcohol test,
 - b) Fails to show for a scheduled drug or alcohol test,
 - c) Intentionally tampers, or attempts to tamper, with a drug or alcohol sample, or
 - d) Produces a confirmed positive alcohol test or a verified positive drug test.
14. An employee who produces a confirmed positive alcohol test or a verified positive drug test, if not dismissed, shall receive at least a written warning and before the employee is eligible to return to duty must:
 - a) Undergo an evaluation or assessment by a substance-abuse professional through the Employee Assistance Program,
 - b) Satisfactorily complete any rehabilitation process that is recommended through this assessment,
 - c) Successfully complete any return-to-duty requirements which will include a return-to-duty DOT drug/alcohol test, and

- d) Successfully undergo at least six (6) unannounced follow-up tests within the first 12 months of returning to work at the direction of management and the Employee Assistance Program.
15. An employee/applicant who receives a positive drug test may request through the Medical Review Officer the same or split specimen be tested at another certified laboratory with the cost of such testing at the employee's/applicant's expense. Notification for re-testing of a sample must be made within 72 hours upon the employee/applicant receiving written notice of a positive test result.
16. Applicants or employees with a confirmed positive test will be afforded the opportunity for appealing the results. This is accomplished by providing medical data/history for review and assessment by the Medical Review Officer, who will make a final determination of the test result.
17. Employees who are dismissed may be referred to the Employee Assistance Program for evaluation or assessment.
18. An employee who tests positive in a second drug or alcohol test shall be dismissed.
19. Applicants that test positive will not be allowed to reapply for employment/service for a period of six (6) months from the date of the test results.

IX. TESTING PROCESS

1. Substances that may be tested for under this policy include:
 - a) Marijuana/cannabinoids (THC),
 - b) Cocaine metabolites,
 - c) Opiates,
 - d) Phencyclidine (PCP),
 - e) Amphetamines/methamphetamines,
 - f) Alcohol,
 - g) Methadone,
 - h) Barbiturates,
 - i) Benzodiazepines, and
 - j) Tricyclic antidepressants

Note: Tested substances can be expanded only in cases where reasonable cause identifies a need to test for a substance. Employees must be informed of the substances of which they will be tested. Request to expand testing must be approved by the Human Resources Director.

2. Mandatory drug testing shall apply to:
 - a) Final applicant or appointment for employment in positions requiring certification under the criminal justice standards.
 - b) Final applicants for employment in positions that require a CDL or perform safety-sensitive aviation duties.
 - c) Unannounced random testing for employees in positions that require a CDL and positions that perform safety-sensitive aviation duties.

- d) Employees suspected via reasonable cause to be under the influence of drugs or alcohol at work.
- e) Employees returning from a mandatory EAP referral program.
- f) Post-accident as defined on page 4 of this policy.

3. Testing Actions:

- a) Drug Screen testing shall take place during the application process for those identified on page 2 of this policy. The test conducted shall not be more than 60 days old calculated from the time when the laboratory reports the results to the date of employment/service.
- b) In order to maintain the effectiveness and reliability of the drug testing process, applicants/employees should not be given notice more than 24 hours in advance of the testing date and time.
- c) Employees subject to random testing shall be chosen randomly by the testing contractor. The contractor shall notify the agency Designated Employee Representative (DER) of the employees selected for testing. The DER shall arrange for employee testing immediately following notification.
- d) When management has reasonable cause to believe an employee is using or is under the influence of alcohol or a controlled substance in violation of this policy or has cause for post-accident testing, the employee may be required to submit to a drug and/or alcohol test.
 - i. All tests conducted for reasonable cause must have the Division Director's or their designee's approval.
 - ii. The supervisor, with the Human Resources Director or their designee, shall inform the employee that as a condition of employment, management has the right to ask him/her to submit to a drug or alcohol test.
 - iii. The employee shall be advised of the: basis for the reasonable cause or post-accident; methods of testing which may be used; substances which may be identified; importance of cooperating with the collection site personnel; confidentiality of individual test results; appeals process through a Medical Review Officer following a confirmed positive drug test; and the consequences of refusing to sign consent forms, failing to submit to testing, failing to report for a specimen collection, or receiving a verified positive test result or confirmed positive alcohol test.
 - iv. The Human Resources Director or designee shall initiate the reasonable cause or post-accident testing process as soon as possible. An alcohol test must be conducted within 8 hours and the controlled-substance test must be administered within 32 hours. If this is not completed within this timeframe, then efforts will cease and a report will be prepared to document the reason for failure to test.
 - v. The employee shall be given verbal notification of the time, date and location of the test and be required to sign a consent and acknowledgment form. Employee is given a copy of the form and a copy is placed in the personnel file.
 - vi. If the employee refuses to sign the consent form or to undergo testing as scheduled; the supervisor shall take disciplinary action upon consultation with the Human Resources Director or designee in accordance with agency policy.
 - vii. Once the testing process is initiated, the employee will be placed on investigatory placement with pay, as provided in Section 7 of the State Human Resources Policy (Disciplinary Action, Suspension and Dismissal), pending the results of the test.

- viii. If a non-positive test result occurs, the employee shall be notified immediately by the Human Resources Director or designee. All records surrounding this incident shall be removed from the employee's personnel file.
- ix. If the test is positive, the division director shall inform the employee in writing of the results and proposed action to be taken as soon as possible. The employee who tests positive, if not dismissed, shall be required to participate in the Department's Employee Assistance Program. The Employee Relations/EEO Manager shall contact the Employee Assistance Program consultant to schedule an appointment for the employee. The employee shall be given verbal notification of the date, place and time of the session.
- x. The employee shall be required to sign and date a Release of Information form when seen by the Employee Assistance Program consultant. A copy of this form shall be given to the employee and a copy retained by the EAP Consultant. This form shall permit the Human Resources Director or designee to be informed on: whether the employee reported for the initial session; whether the employee is engaged in a treatment program; and whether the employee successfully completed the recommended course of treatment.
- xi. The employee will be granted leave to participate in an appropriate and approved education or treatment program. The employee will be allowed to use accumulated sick and vacation leave or leave without pay. It may be recommended by the EAP that an employee return to work while still participating in treatment. For safety reasons, an employee would not be able to perform the work required in a safety-sensitive position but may be reassigned to a non-safety-sensitive position if available until treatment is completed. The Human Resources Director must approve such measures.
- xii. Upon successful completion of the Employee Assistance Program recommended course of action, the employee will be returned to the work unit after approval by the Human Resources Director or designee.
- xiii. Upon return to the work unit, the employee must successfully undergo at least six (6) unannounced follow-up tests within the first 12 months of returning to work at the direction of management and the Employee Assistance Program.
- xiv. Disciplinary actions resulting from a confirmed positive test result, refusal to participate in a test, altering results, or failure to complete a required referral to an education or treatment program shall be handled in accordance with established Department and state human resources policy for disciplinary action.

4. Employment Actions:

- a) All offers for positions requiring pre-employment drug testing shall be conditional offers upon satisfactory test results.
- b) A refusal to submit, fail to show, or tampering with a sample or a positive test result that cannot be explained to the satisfaction of the Medical Review Officer and the employing agency shall result in the offer of employment or continued employment service being withdrawn.
- c) Refusal to submit to a drug test or a positive test result that cannot be explained to the satisfaction of the North Carolina Criminal Justice Education and Training Standards Commission on criminal justice positions may result in suspension, revocation or denial of certification for the individual involved for a period of not less than five years. When the Commission suspends or denies the certification, the period of sanction shall not be less than five years; however, the Commission

may either reduce or suspend the period of sanction or substitute a period of probation in lieu of suspension of certification.

- d) If a dilute negative test result is received, then the applicant or employee must undergo an immediate unannounced recollection and retest. If the second test result is a dilute negative result, then the test will be considered negative.
- e) If the drug test produces a negative result, then the department will proceed with the employment process.
- f) If the drug test produces a positive result, applicant will be notified of such and that the conditional offer of employment/service is being withdrawn. If the positive test is for a current employee, then disciplinary guidelines as outlined in this policy will also be followed. If the positive test is for someone in a criminal justice position, then the person will be informed that he/she may be ineligible to hold certified positions. Documentation of the positive laboratory result will be retained and reported to the Criminal Justice Standards Division and the applicant informed of appeal rights.
- g) In cases which involve possible manufacture, distribution, dispensing, selling or possession of controlled substances at the workplace, the site director or designee should contact the local law enforcement agency and the State Bureau of Investigation for assistance.
- h) All drug and alcohol test results will be maintained in a secure and confidential manner in the employee's personnel file and will not be released without written consent of the applicant or employee except as a result of action initiated by or on behalf of the applicant or employee or as ordered by a court of competent jurisdiction.

X. RECORD KEEPING AND CONFIDENTIALITY

All Employees

All records pertaining to alcohol and controlled-substance testing will be maintained in a confidential and secured file. Except as required or allowed by law, NCDA&CS will not release employee information contained in any of the records for controlled-substances and alcohol tests without the written release of the employee. This means testing information may be provided to decision makers in actions initiated by or on behalf of the employee, such as for workers' compensation and unemployment hearings or as ordered by a court of competent jurisdiction.

Records for Commercial Driver License Operators Covered by FMCSA Rules

NCDA&CS will maintain or cause to maintain records on all testing activities as follows:

Five Years

- Confidential reports on alcohol tests reporting alcohol concentration of .02 BAC or greater or any verified positive drug test,
- Documentation of refusals to take required alcohol or drug tests,
- Calibration documentation from the EBT equipment,
- Driver evaluation and referral documentation, including Substance-Abuse Professional (SAP) evaluations and documentation of donor compliance with SAP evaluations, and
- Periodic statistical laboratory summaries and consolidated calendar year statistical summaries

- containing the data to complete the standard management information system
- (MIS) form required by DOT.

Two Years

- Records relating to the alcohol and drug collection process (except for calibration records per above) including:
 - Random selection process information,
 - Documentation of Breath Alcohol Testing (BAT) training,
 - Reasonable-suspicion testing decision documentation,
 - Post-accident testing decision documentation,
 - Documentation of donor inability to provide breath/urine specimen, and
 - Supervisor training records and employee information acknowledgment forms.

One Year

- Records of negative drug tests, canceled tests and alcohol tests reporting an alcohol concentration below .02 BAC.

Indefinitely

- Specific required information and records that will be maintained include but are not confined to:
 - Materials on alcohol misuse and drug awareness, including a written copy of the alcohol misuse and substance-abuse policy,
 - Written acknowledgment by each driver of receiving copies of the above education material,
 - Documentation of training for supervisors to assist them in determining the need of alcohol and/or drug reasonable-suspicion testing,
 - Certification that any such training meets the requirements of DOT/FMCSA,
 - Agreements with collection facilities, testing laboratory, Medical Review Officer (MRO), and consortium and
 - The names of employer representatives and their positions that have designated roles in the administration of this policy.

Any of the above records will be made available to an authorized regulatory authority within two business days after a request has been made.

Certified Law Enforcement Officers

The Department will maintain all employee records pertaining to alcohol and controlled-substance testing in confidential and secured files. Except as required or ordered by law and as required by the North Carolina Criminal Justice Education and Training Standards Commission, NCDA&CS will not release employee information contained in any of the records for controlled-substances and alcohol tests without the written release of the employee. Records to the North Carolina Criminal Justice Education and Training Standards Commission will be made available within two business days. For example, testing information may be provided to decision makers in actions initiated by or on behalf of the employee such as for workers' compensation and unemployment hearings.

XI. CONFIDENTIALITY AND RELEASE OF INFORMATION:

All information obtained as a result of this program will be maintained in secure confidential files. No information will be released without the written permission of the employee, except in the case of an action initiated by or on behalf of an employee such as, but not limited to, a grievance, workers' compensation hearing, or unemployment hearing, or as required or ordered by law. Written notice will be provided to the donor describing what information was released. An applicant may receive a copy of his or her test results upon written request within 30 days of the test.

Applicants for DOT-covered positions must sign an authorization form for the release of substance-abuse testing data compiled by previous employers covered under the Omnibus Transportation Employee Testing Act of 1991 and its revisions. This information includes alcohol test results of .04 BAC or greater, positive drugs tests, refusals to test, and any other specified information for the required time period under FMCSA rules. An applicant will be expected to provide to NCDA&CS information about any drug and alcohol violations which have occurred in the last 2 years, including positive pre-employment drug and alcohol tests even when the applicant ultimately was not hired by the company. Failure to provide this information will be considered falsification of data and will result in disqualification from the application process, or if the individual has assumed duties for NCDA&CS, dismissal.

ADMINISTRATIVE NOTES

Questions regarding this policy and its requirements may be directed to a supervisor, division director, or the Human Resources Division's Safety Office, Employee Relations/EEO Manager, or Human Resources Director or Designee. The phone number to contact the Human Resources Division is 919-707-3200.

REVISION HISTORY

This program was amended to standardize the format across the Department. This amendment updated the format of the program and revised the policy to current standards including record keeping/confidentiality.

The following revisions were made in 2013:

- Reorganization of Policy Sections
- Removed N.C. State Employee Safety & Health Handbook and added FAA requirements including 14 CFR for aviation under related legislation
- Added that licensed pilots comply with FAA requirements including 14 CFR for aviation
- Added definitions for the following terms: Applicant, Conviction, Post-Accident Test, Random Drug Test, Reasonable Cause Drug Testing, Refusal to Submit to an Alcohol or Drug Test, and Release of Information Form
- Removed definitions for the following terms: Adulterated Specimen, Alcohol, Alcohol Concentration, Alcohol Test, BAC, Breath Alcohol Technician (BAT), CDL, Over the Counter Medication, Prescription Medication, and Substance-Abuse Mental Health Service Administration (SAMHSA), Substituted Specimen, USDHHS and USDOT

- Expanded on the definition of the Federal Drug Free Workplace Act of 1998 and Refusal to submit to an alcohol or drug test
- Added the word unauthorized prior to distribution, dispensing, possession, purchase or sale of alcohol during work hours, while on NCDA&CS premises, while performing any duties for or on behalf of NCDA&CS or while in a NCDA&CS vehicle. The word unauthorized was placed before the word alcohol throughout the policy
- Removed the statement about employees not performing safety-sensitive duties within four (4) hours of consuming alcohol
- Random drug testing added for pilots
- Expanded the drug testing panel from an 8 to 10 panel and identified the panel of drugs to be tested and allowed for an expanded panel if approved by HR Director
- Added Pre-Employment drug testing for pilots
- Added time period for which someone cannot reapply after a positive pre-employment drug test
- Removed Testing Procedures Section
- Removed Drug Verification Process Section
- Removed requirement of a SAP referral for a positive pre-employment testing
- Removed consequences for a confirmed positive alcohol test of .04 BAC or greater
- Added additional clarification on the alcohol and drug testing process
- Added the Human Resources Director and the Employee Relations/EEO Manager as the contacts to work with management on whether or not an alcohol or drug test is appropriate
- In addition to the Safety Director, the Employee Relations/EEO Manager and the Human Resources Director will be consulting on policy
- Added that if a dilute negative result is received then the applicant or employee must undergo an immediate unannounced recollection and retest. If the second test result is a dilute negative, then the test will be considered negative
- Updated and revised forms
- Added NCDA & CS Alcohol and Drug Testing Program Consent and Acknowledgement Form, NCDA & CS Testing Notification Form and NCDA & CS Testing Protocol Form

The following revisions were made in 2017:

- The DER changed from the Safety Director to Employee Relations/EEO Manager or Designee
- The timeframe for employees to notify their supervisor of a charge or a conviction went from 5 calendar days to the next business day

The following revisions were made in 2017:

- Provided additional clarification that testing did not just apply to pilots by indicating that Aviation employees that engage in safety-sensitive tasks follow guiding standards provided by the FAA and DOT for testing.

The following revisions were made in 2018:

- Provided additional clarification that any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of his/her job duties.

XI. FORMS

1. Alcohol and Drug Testing Program Consent and Acknowledgement Form #001.01
2. Employee Rights and Responsibilities for Confirmed Positive Tests Form # 001.02
3. NCDMV CDL Notification Form #001.03
4. Reasonable Suspicion Form #001.04
5. Employee Statement/Certification of CDL Drug and Alcohol Program Compliance Form #001.05
6. Employee Consent to Release Prior to Drug/Alcohol Testing Information Form #001.06
7. NCDA and CS Testing Notification Form #001.07
8. NCDA and CS Testing Protocol Form #001.08



DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES

NUMBER: SH #023

TOTAL PAGES 7

SUBJECT: Motor Vehicle Use Policy

AMENDS: Motor Vehicle Use Policy

EFFECTIVE: April 1, 2016

REVISED: January 2016, February 2012

RELATED LEGISLATION:

North Carolina Administrative Code, 01 NCAC 38

North Carolina General Statute, §130A-493

North Carolina General Statute § 20-137.4A

Federal Motor Carrier Safety Administration (FMCSA) 76 FR 75470-75488

I. POLICY

The North Carolina Department of Agriculture and Consumer Services Motor Vehicle Use policy ensures that employees who operate State-owned or State-operated vehicles do so in a safe and responsible manner, complying with all motor vehicle laws and regulations and exercising safe and courteous driving habits while in possession of those vehicles.

II. PURPOSE

The purpose of this policy is to provide guidelines that ensure all employees who operate State owned or operated vehicles do so in an appropriate, safe and responsible manner.

Divisions of the department may implement policies and procedures in addition to the department's policy.

III. DEFINITIONS

1. **State Vehicle** – any motor vehicle owned, leased, assigned to or otherwise under the control of the North Carolina Department of Agriculture & Consumer Services (hereinafter referred to as the department). Includes motor vehicles owned by the department, motor vehicles assigned to the department by the North Carolina Department of Administration, Division of Motor Fleet Management, motor vehicles leased by the department from any other third party, and motor vehicles controlled by the department pursuant to an agreement other than a lease. The term “vehicles” does not include private vehicles belonging to employees of the department.
2. **Office-in-Home** – determined by the following factors:
 - a) The employee’s home is his/her official base of operation.
 - b) The employee normally begins and ends his/her workday from his/her home.

The employee does not begin travel from his/her home to a state office on any two consecutive days, or travel to any one state office more than two days a week. (Exceptions to non-routine meetings, seminars or other temporary activities as required by the employee’s supervisor.)

IV. IMPLEMENTATION

Only persons with a valid and current State issued driver’s license from any state and who are employed by the State of North Carolina or are not employed by the State of North Carolina but are assisting the State of North Carolina during an emergency may operate State vehicles. Before any employee will be allowed to operate a State vehicle, the employee must certify in writing or electronically that they have read and signed the Motor Vehicle Use Policy. This certification shall be maintained as a part of the employee’s personnel file.

Violation of this policy is considered unacceptable personal conduct and may result in disciplinary action, up to and including dismissal.

V. HOW AND WHEN STATE VEHICLES MAY BE USED

1. State vehicles may be used exclusively for official purposes and the conduct of the business of the department. Permissible uses of department vehicles include but are not limited to: (1) performance of employment duties such as inspections and visits to facilities, collection, transport and delivery of samples for analysis; and (2) transportation of department employees and materials to and from meetings, conferences, training, or other events related to employment duties; and (3) transportation of individuals to and from department facilities in the discharge of official business, as necessary to fulfill contractual obligations and maintain active and productive cooperation with local, state, and federal partner agencies; and (4) other official business as deemed necessary and appropriate by department management.

2. State vehicles may NOT be used for any purpose other than conducting the official business of the department. State vehicles shall not be used for personal purpose, including travel to and from personal business, meals, or entertainment, even when such personal purpose does not cause substantial detour or deviation.
3. When an employee is required to use a State vehicle for travel away from his or her work station (travel status), is in approved commuter status or approved office-in-home status, the employee may use the vehicle for travel to obtain meals and other necessities, but not for entertainment or for any other personal purposes.
4. State vehicles may not be used for the transportation of an employee to or from his or her residence, except where permitted by applicable state law and regulations and in conformity therewith, and upon review and approval by department management.
5. Operators of State vehicles are expected to exercise courtesy and consideration to other drivers, and to conduct themselves according to the highest standards of personal conduct on the road. Persons operating State vehicles may NOT exceed the designated speed limit or engage in any practice that substantially increases the risk of damage or destruction to other persons, or private or public property.
6. Operators of a State vehicle must comply with all state laws regulating their use including observing all State motor vehicle laws and ordinances and requiring all persons operating State vehicles and passengers to wear seat belts or other age- and weight-appropriate restraints as required by law.
7. Operators of a State vehicle owned and assigned by the Department of Administration Division of Motor Fleet Management will comply with all applicable regulations. Operators of a department vehicle owned by any entity other than the State of North Carolina will comply with all valid contractual provisions governing the use of that vehicle.
8. Smoking is not permitted in State vehicles according to G.S. §130A-493.
9. Texting and emailing while driving is illegal according to G.S. § 20-137.4A. The department recognizes that in certain urgent situations employees may deem it necessary to talk using a cellular phone while operating a motor vehicle. However, given the dangers of driving while using a Mobile Communication Device (MCD), the department strongly discourages this practice and encourages drivers to use MCDs only while safely parked. The department encourages the use of hands-free devices for limited conversations.
10. Commercial Drivers Licenses (CDL) drivers driving commercial motor vehicles are restricted from holding a mobile device to make a call, or dialing by pressing more than one button and are only allowed to use a hands-free phone located in close proximity.

11. No person may use a State vehicle to store or transport intoxicating beverages, drugs, or other controlled substances, except where such use occurs in the discharge of the official business of the department.
12. No person may operate a State vehicle while intoxicated or otherwise under the influence of intoxicating beverages, drugs, controlled substances, or any other substance that causes a substantial impairment.
13. The gas credit card and pump key card issued with the vehicle are for fueling that vehicle only. Using the credit card or pump key for any personal use whatsoever is strictly prohibited.

VI. REPORTING ACCIDENTS

Each driver entrusted with the use of a State vehicle under this policy is expected to exercise due care and caution in operation of the vehicle. All accidents involving State vehicles must be reported to management immediately. Accidents must also be reported to the Division of Motor Fleet Management if owned by this Division (or the owner of the vehicle, when the department vehicle is owned by an entity other than the State of North Carolina) and the appropriate insurer, as required by law. All appropriate accident reporting forms that need to be completed are located in the vehicle's glove compartment.

VII. VEHICLE MAINTENANCE AND REPAIR

The department maintains information related to the repair of State vehicles, including costs, nature of repairs, billing information, and other relevant data as required by law. These records are maintained in an accessible and retrievable format for a minimum of three years, and in accordance with state laws and regulations.

1. Vehicles Assigned by the Division of Motor Fleet Management

In accordance with Department of Administration regulation, the department is responsible for regular maintenance and maintenance records. The department complies with the Division of Motor Fleet Management preventive maintenance schedule, and timely remits mileage information and logs to the Division of Motor Fleet Management. Persons operating a State vehicle must ensure routine maintenance is performed to the extent required by law, including checking the vehicle for proper oil level, water and antifreeze levels, battery operation, wear on belts, and proper tire inflation.

2. Vehicles under Control of the department Pursuant to Lease Agreement or an Agreement other than Lease

The department maintains vehicles under its control pursuant to a lease agreement or an agreement other than a lease according to the valid terms of the agreement. The department maintains records of repairs of vehicles under its control pursuant to a lease agreement or an agreement other than a lease only when required by the valid terms of the agreement.

3. *Vehicles Owned by the department*

Appropriate authorizations and estimates for repair and maintenance expenses of State vehicles must be obtained. Divisions must maintain records of vehicle inspection, repairs, maintenance and mileage to ensure that all vehicles meet or exceed State Safety and Emissions standards as under N.C. Gen. Stat. 20-183.1 *et seq.*

VIII. TRACKING OF MILEAGE

The department records and maintains information related to the usage of department vehicles, including tracking of trips, mileage per trip, daily mileage, and monthly mileage tracking. These records are maintained in an accessible and retrievable format for a minimum of three years, and in accordance with state laws and regulations.

1. *Vehicles Assigned by the Division of Motor Fleet Management*

Travel logs (Form FM-12) for permanently assigned vehicles are to be filled out on a daily or trip basis when the vehicle is in use. Log entries should accurately reflect the use of the vehicle. The travel logs are to be entered via the MFM Web site by the 15th calendar day following the month of use.

Mileage for the use of a temporarily assigned vehicle is recorded on the FM-12 form when the temporary car is returned to the Garage, Motor Pool or other rental facility.

2. *Vehicles under Control of the Department Pursuant to Lease Agreement or an Agreement other than Lease*

The department maintains records pursuant to a lease agreement or an agreement other than a lease according to the valid terms of the agreement.

3. *Vehicles Owned by the Department*

The department maintains travel logs to be filled out on a daily or trip basis when the vehicle is in use. Log entries should accurately reflect the use of the vehicle.

IX. TIRE MAINTENANCE AND CHANGING

Vehicle tire condition is the responsibility of the employee to whom the vehicle is assigned.

1. *Tire Pressure*

Tire pressure should be checked at least once per week while the tires are “cold.” Information on the proper cold inflation tire pressure for a specific vehicle can be found

on either the inside of the driver's door jamb or in the vehicle owner's manual. The proper inflation information for the specific tire is listed on its sidewall.

2. *Tire Wear*

Tread depths must be at least 2/32 of an inch to pass state safety inspections. Employees can check for tire wear by using a penny. Insert the side with Lincoln's head into the tread along several tread grooves across the tire. If part of Lincoln's head is always covered by the tread, you have more than 2/32 of an inch of tread depth remaining.

If the tread depths are less than 2/32 of an inch, then employees are responsible for notifying their supervisor that new tires are needed. The supervisor must ensure that new tires are procured for their assigned vehicle to ensure that tires are safe at all times.

3. *Tire Sidewall Condition*

Employees should conduct daily visual inspections on the tires of their assigned vehicles looking for any bulges in the sidewall or tread. A bulge is an indication that the interior structure of the tire may be breaking down or that there may be a manufacturing defect. If a bulge is found, the tire should be replaced as soon as possible. A vehicle exhibiting a bulge should not be driven on an Interstate or open road at speeds of 45 mph or greater.

4. *Hydroplaning*

In conditions where hydroplaning may occur, traveling at the posted highway speed is not safe and vehicle speed must be reduced. If the assigned vehicle has cruise control, discontinue use during poor weather conditions. The less tread depth a tire has the more susceptible the vehicle is to hydroplaning.

5. *Flat Tire*

If an employee's State vehicle is suspected of having a flat tire, speed must be reduced immediately. If possible, they should pull off the road into a parking lot or area where unexposed to direct traffic from the roadway. At a minimum, the vehicle should be pulled onto the shoulder of the roadway. Employee must wear their safety vest when exiting the vehicle and noting the conditions of all of the tires. Employee must alert their management team of the situation and if necessary the management team or the employee will contact an approved towing company that will assist in changing the tire. If the vehicle is located on the side of the road, employee should seek shelter away from vehicle unless there is no other area to safely shelter. If no other safe area exists, employee should return to the vehicle and sit in the seat that would put them the farthest away from vehicular traffic.

Employee must fasten their seat belt if waiting in the vehicle to protect them if they are struck from behind.

NOTE: If an employee has a flat and their vehicle is on the shoulder or side of the road, safety triangles should be deployed to alert passing motorists.

6. *Changing a Flat Tire*

An employee must first inform their management team that they have a flat tire before proceeding to change it. The employees should communicate back to the management team after the damaged tire has been replaced and employee has safely returned to the vehicle. Employees should only change a tire on a State vehicle, if they feel it can be performed without putting themselves at risk. The employee should check their surrounding conditions (softness of ground, incline on which is vehicle is parked, level of traffic, etc), check to verify that they have the proper equipment for task, and check the spare tire for proper inflation prior to beginning the task. Activate the parking brake and use wheel chocks if available. If the vehicle is on slope, and no wheel chocks are available, employees must not attempt to change the tire.

X. VEHICLE TOWING PROCEDURES

If a division owned vehicle needs to be towed due to a mechanical breakdown or accident, it is the employee's responsibility to first contact their supervisor and advise them of the situation prior to contacting a suitable towing provider to carry out the work. When a vehicle is to be towed, the tow truck driver should be the only person that loads or connects the disabled vehicle to the truck. The employee is to remain in an area far enough away from the operation to prevent injury if a chain breaks, vehicle slips, etc. An individual should **only** help a tow truck operator load a vehicle in a case of **absolute necessity** (i.e.: there is absolutely no other option available).

Employees are *required* to wear their safety vests when in the presence of vehicular traffic such as a tow truck. The North Carolina Department of Transportation does provide towing services in some areas. Contact the closest DOT to check availability as this service may not be offered in rural areas and sometimes is limited to DOT owned vehicles only.



North Carolina Department of Agriculture and Consumer Services

ACKNOWLEDGMENT OF TELEMATICS INSTALLATION ON STATE VEHICLE

Your signature on this form acknowledges that any Motor Fleet vehicle you may drive on behalf of the North Carolina Department of Agriculture and Consumer Services may have been equipped with a Telematic unit. Telematic units report several thousand data points daily to a central system accessible by Motor Fleet and Department management. In addition to routine reporting of vehicle diagnostics, the Telematic unit reports information on vehicle location and driver behaviors. Information accessible by management includes, but is not limited to, the following:

- *Real time location of the vehicle*
- *Actual driving speeds including alerts for speeding*
- *Alerts when seatbelts are not used*
- *Daily trip reports showing individual stops and duration of each stop*
- *Alerts if the Telematic unit is disconnected*

It is important you understand this data will be monitored to ensure safe and appropriate use of State-owned vehicles and may be used in performance evaluations and in determining appropriate corrective action, if necessary. Please sign and date this acknowledgement. A copy will be placed in your personnel file.

I acknowledge I have read this document and understand a Telematic unit may have been installed on state vehicles I may drive. I further acknowledge that management may use the data from the Telematic unit in my performance evaluation and to determine appropriate corrective action if necessary.

Date: _____

Division: _____

Signature: _____

Printed Name: _____



NC Department of Agriculture and Consumer Services

Security Standard

Title: E-mail Usage Policy

Scope: This policy covers the appropriate use of any e-mail sent from an N.C. Department of Agriculture and Consumer Services e-mail address and applies to all employees, vendors, and agents operating on behalf of the Department.

1.0 Purpose

The purpose of this policy is to prevent tarnishing the public image of the N.C. Department of Agriculture and Consumer Services (NCDA&CS). When e-mail goes out from the NCDA&CS, the general public will tend to view that message as an official policy statement from the Department.

2.0 Policy

2.1 Prohibited Use

NCDA&CS e-mail system must not contain offensive, threatening, or harassing statements or language including disparagement of others based on their race, color, national origin, sex, sexual orientation, age, disability, religious or political beliefs, or any other protected classification.

In addition the following are not permitted:

Sending, saving, or soliciting sexually oriented messages or images through the e-mail system.

Sending chain letters, gambling or engaging in any other activity in violation of local, state or federal law.

Using e-mail for private business activities or for purposes of political lobbying or campaigning.

Violating copyright laws by inappropriately distributing protected works.

Posing as anyone other than oneself when sending email, except when authorized to send messages for another when serving in an administrative support role.

Employees who receive any e-mails with content covered under this section from any NCDA&CS employee should immediately report the matter to their supervisor.

2.2 Email Format

E-mail will be generated with a professional appearance. Background images (wallpaper) should not be used unless they specifically pertain to a NCDA&CS program. All e-mails will have a subject that summarizes the content of the e-mail. Business fonts such as Aerial, Times New-Roman, etc. should be used. Use of cursive fonts is not recommended. Signature statements should be avoided unless they specifically pertain to a NCDA&CS program.

2.3 Personal Use

Using a reasonable amount of NCDA&CS resources for personal e-mails is acceptable, but non-work related e-mail shall be saved in a separate folder from work-related e-mail. Sending chain letters or joke e-mails from an NCDA&CS e-mail account is prohibited.

2.4 Broadcast E-mails

Broadcast e-mails can affect the functioning of network communications and the efficient operations of electronic mail systems. Large-scale emailing such as electronic mail sent to Agriculture All is intended for use where the message is of common importance to the receiving community.

Virus and malware warnings and mass mailings that are received by employees should be forwarded to the Department's IT staff to be addressed. If the information is verified and found to be a true concern, the Department's IT staff will send out notification to Agriculture All regarding the concern. Employees outside of the IT Department are restricted from forwarding these notifications."

Minimize sending excessively large messages (usually due to attached documents or pictures). It is recommended if at all possible that in place of an attachment a URL (link) be provided in the body of the email.

Examples of acceptable large scale emails: Job Vacancy announcements, Lost and Found, Flag Alerts, surplus equipment etc.

Examples of unacceptable large scale emails: Movie passes, Concert/Sport tickets, Food for sale, Deaths and Health Updates etc. The intent on Deaths and Health updates is not to exclude these notifications but to distribute, with employee or family permission, on a small scale to those co-workers that have a close association with the employee as opposed to an Agriculture All e-mail.

2.5 E-mail Security

Individual users should take all reasonable precautions to prevent the use of their e-mail account by unauthorized individuals. Transmission of e-mail to locations outside of the Department's local area network may require the use of the Internet for transport. Individual users should realize that the Internet adheres to open standards and is

inherently insecure. Users also must assess risk before sending confidential or sensitive information over an open network.

Disclosure may occur intentionally or inadvertently when an unauthorized user gains access to electronic messages. Disclosure may also occur when e-mail messages are forwarded to unauthorized users, directed to the wrong recipient, or printed in a common area where others can read them.

Confidential or sensitive information should not be included in e-mail communications unless proper, formalized security precautions have been established (e.g. social security numbers)

2.6 E-mail Public Records Notification

E-mail messages sent from NCDA&CS systems shall include a notice that discloses that e-mail sent and received on an NCDA&CS system is subject to monitoring and subject to disclosure under the Public Records Law.

All NCDA&CS employees and contractors shall include the following text in each e-mail:

NOTICE: E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

2.7 Monitoring

All messages distributed by any of the department's email systems shall become the property of NCDA&CS. NCDA&CS employees shall have no expectation of privacy in anything they store, send or receive on the State's e-mail system. The NCDA&CS may monitor messages without prior notice. The NCDA&CS managed e-mail system shall retain email records for a 5-year period.

3.0 Enforcement

Any employee found to have violated this policy may be subject to disciplinary action, up to and including dismissal.

4.0 Definitions

<u>Term</u>	<u>Definition</u>
E-mail	The electronic transmission of information through a mail protocol such as SMTP or IMAP, Exchange. Typical e-mail clients include Microsoft Outlook.
Forwarded e-mail	resending an e-mail message delivered to one email address onto a possibly different email address
Chain e-mail	E-mail sent to successive people. Typically the body of the note has direction to send out multiple copies of the note and promises good luck or money if the direction is followed.
Sensitive information	Information is considered sensitive if it can be damaging to the N.C. Department of Agriculture and Consumer Services or its customers' reputation or market standing.

Virus warning. E-mail containing warnings about virus or malware. The overwhelming majority of these e-mails turn out to be a hoax and contain bogus information usually intent only on frightening or misleading users.

5.0 Revision History

<u>Rev</u>	<u>Date</u>	<u>Explanation</u>
01	8/8/13	clarification of 2.4 mass mailings Addition of surplus equipment

**USER CERTIFICATION OF NOTIFICATION AND AGREEMENT OF E-MAIL
POLICY**

I certify that I am an employee, vendor, contractor or agent working for or on behalf of the Department of Agriculture and Consumer Services and that I have read this “E-Mail Policy” and understand my obligations as described herein. I understand that failure to observe and abide by these obligations may result in disciplinary action, which may include disciplinary action up to and including dismissal and/or contract termination. I also understand that in some cases, failure to observe and abide by these obligations may result in criminal or other legal actions. Furthermore, I have been informed that the Department will retain this signed Agreement on file for future reference. A copy of this Agreement shall be maintained in the personnel file and/or in the contract administration file.

Print Name

Employee, Vendor or Contractor Signature

_____ Date

Supervisor’s Signature

_____ Date



NC Department of Agriculture

Information Technology Policy

Title: Information Technology Acceptable Use Policy

Scope: The standard applies to all department employees (permanent or temporary) or contractors. This policy applies to all equipment that is owned or leased by the NCDA&CS.

1.0 Overview

The Information Resource Management Council's (IRMC) intentions for publishing an Information Technology Acceptable Use Policy are not to impose restrictions that are contrary to the North Carolina Department of Agriculture and Consumer Services (NCDA&CS) established culture of openness, trust and integrity. IRMC is committed to protecting NCDA&CS employees, partners and the Department from illegal or damaging actions by individuals, either knowingly or unknowingly.

Internet/Intranet/Extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail, WWW browsing, and FTP, are the property of the NCDA&CS. These systems are to be used for business purposes in serving the interests of the Department, and of our clients and customers in the course of normal operations.

Effective security is a team effort involving the participation and support of every NCDA&CS employee and affiliate who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

2.0 Purpose

The purpose of this policy is to outline the acceptable use of computer equipment at the NCDA&CS. These rules are in place to protect the employee and the NCDA&CS. Inappropriate use exposes NCDA&CS to risks including virus attacks, compromise of network systems and services, and legal issues.

3.0 Policy

3.1 General Use and Ownership

1. While the NCDA&CS network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on the Department's systems remains the property of the NCDA&CS. Because of the need to protect the NCDA&CS network, management cannot guarantee the

confidentiality of *personal* information stored on any network device belonging to the NCDA&CS.

2. Employees are responsible for exercising good judgment regarding the reasonableness of personal use. Individual divisions are responsible for creating guidelines concerning personal use of Internet/Intranet/Extranet systems. In the absence of such policies, employees should be guided by departmental policies on personal use, and if there is any uncertainty, employees should consult their supervisor or manager. Employees who choose to use social media sites should also view the Department's Social Media Policy for acceptable use on these sites. Employee's personal devices shall not be backed up on their work computer or on Department's network. ***Managers and Supervisors reserve the right to limit internet usage based on job duties in coordination with IT.***
3. For security and network maintenance purposes, authorized individuals within the NCDA&CS may monitor equipment, systems and network traffic at any time, per IRMC's Audit Policy.
4. NCDA&CS reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

3.2 Security and Proprietary Information

1. The user interface for information contained on Internet/Intranet/Extranet-related systems should be classified as either confidential or not confidential. Examples of confidential information include but are not limited to: Department private, Department strategies, competitor sensitive, trade secrets, specifications, customer lists, and research data. Employees should take all necessary steps to prevent unauthorized access to this information.
2. Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts. System level passwords will be changed quarterly, user level passwords will be changed every **90** days.
3. All PCs, laptops and workstations should be secured with a password-protected screensaver with the automatic activation feature set at 10 minutes or less, or by logging-off when the host will be unattended.
4. Because information contained on portable computers is especially vulnerable, special care should be exercised. Protect laptops in accordance with the "Desktop and Laptop Security" policy.
5. Postings by employees from a NCDA&CS email address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of NCDA&CS, unless posting is in the course of business duties.
6. All hosts used by the employee that are connected to the NCDA&CS Internet/Intranet/Extranet, whether owned by the employee or NCDA&CS, shall be continually executing approved virus-scanning software with a current virus database, unless overridden by departmental policy.
7. Employees must use extreme caution when opening e-mail attachments received, especially from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code.

3.3. Unacceptable Use

The following activities are, in general, prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services). Under no circumstances is an employee of the NCDA&CS authorized to engage in any activity that is illegal under local, state, federal or international law or to view obscene or pornographic sites while utilizing NCDA&CS owned resources.

The lists below are by no means exhaustive, but attempt to provide a framework for activities that fall into the category of unacceptable use.

System and Network Activities

The following activities are strictly prohibited, with no exceptions:

1. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by the NCDA&CS.
2. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, *movies or videos*, and the installation of any copyrighted software for which NCDA&CS or the end user does not have an active license.
3. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question.
4. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
5. Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
6. Using a NCDA&CS computing asset to view pornographic sites or actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws.
7. Making fraudulent offers of products, items, or services originating from any NCDA&CS account.
8. Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
9. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of

regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.

10. Port scanning or security scanning is expressly prohibited unless prior notification to Information and Technology Services Section is made.
11. Executing any form of network monitoring which will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job/duty.
12. Circumventing user authentication or security of any host, network or account.
13. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).
14. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.
15. Providing non-public information about NCDA&CS employees to parties outside the NCDA&CS. Consult Human Resources Management for guidance on information that may be released.
16. Using programs such as key loggers or any other hacking event to obtain information about a user unless this activity is a part of the employee's normal job/duty.

Email and Communications Activities

1. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).
2. Any form of harassment via email, telephone or paging, whether through language, frequency, or size of messages.
3. Unauthorized use, or forging, of email header information.
4. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
5. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.
6. Use of unsolicited email originating from within NCDA&CS networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by the NCDA&CS or connected via NCDA&CS network.
7. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).
8. Inappropriate use of Department Instant Messaging resource (Microsoft Lync). Examples of unacceptable use includes but is not limited to, transmitting non-public personal information, communication which interferes with legitimate business of NCDA & CS, jokes, rumors, or any unsubstantiated opinions.

4.0 Enforcement

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

5.0 Definitions

Term Definition

Spam Unauthorized and/or unsolicited electronic mass mailings.

Host A computer located on a network that provides file storage or services to other computers on the network. This may also include printers set up with IP addresses.

Pirated-Software that has not been purchased by the Department or by the employee

Ponzi - A Ponzi scheme is an investment scheme in which returns are paid to earlier investors, entirely out of money paid into the scheme by newer investors. Ponzi schemes are similar to pyramid schemes, but differ in that Ponzi schemes are operated by a central company or person, who may or may not be making other false claims about how the money is being invested, and where the returns are coming from.

Key logger - is a diagnostic tool used in software development that captures the user's keystrokes

6.0 Revision History

June 23, 2003 – Section 4.3 to include pornographic sites

June 24, 2003 – Section 4.3 Item 15 to include non-public and to add Consult HR Management for guidance on information that may be released.

June 30, 2003 – added to 6.0 Host : A computer located on a network that provides file storage or services to other computers on the network. Also added a definition of pirated. Definition added for Ponzi.

December 18, 2006 – Changed format

May 7, 2007 – Added information about key loggers.

June 19, 2013 – Change Acceptable Use Policy to Information Technology Acceptable Use Policy

July 8, 2014 – Section 3.3 Email and Communication Activities – Added #8, reference to new Instant Messaging resource which the department is utilizing now.

October 2014 – By direction of the IRMC we are adding *Employee's personal devices shall not be backed up on their work computer or on Department's network* to Section 3.1 #2.



New Health Insurance Marketplace Coverage Options and Your Health Coverage

Form Approved
OMB No. 1210-0149
(expires 6-30-2023)

PART A: General Information

When key parts of the health care law take effect in 2014, there will be a new way to buy health insurance: the Health Insurance Marketplace. To assist you as you evaluate options for you and your family, this notice provides some basic information about the new Marketplace.

What is the Health Insurance Marketplace?

The Marketplace is designed to help you find health insurance that meets your needs and fits your budget. The Marketplace offers "one-stop shopping" to find and compare private health insurance options. You may also be eligible for a new kind of tax credit that lowers your monthly premium right away. Open enrollment for health insurance coverage through the Marketplace begins in October 2013 for coverage starting as early as January 1, 2014.

Can I Save Money on my Health Insurance Premiums in the Marketplace?

You may qualify to save money and lower your monthly premium, but only if your employer does not offer coverage, or offers coverage that doesn't meet certain standards. The savings on your premium that you're eligible for depends on your household income.

Does Employer Health Coverage Affect Eligibility for Premium Savings through the Marketplace?

Yes. If you have an offer of health coverage from your employer that meets certain standards, you will not be eligible for a tax credit through the Marketplace and may wish to enroll in your employer's health plan. However, you may be eligible for a tax credit that lowers your monthly premium, or a reduction in certain cost-sharing if your employer does not offer coverage to you at all or does not offer coverage that meets certain standards. If the cost of a plan from your employer that would cover you (and not any other members of your family) is more than 9.5% of your household income for the year, or if the coverage your employer provides does not meet the "minimum value" standard set by the Affordable Care Act, you may be eligible for a tax credit.¹

Note: If you purchase a health plan through the Marketplace instead of accepting health coverage offered by your employer, then you may lose the employer contribution (if any) to the employer-offered coverage. Also, this employer contribution -as well as your employee contribution to employer-offered coverage- is often excluded from income for Federal and State income tax purposes. Your payments for coverage through the Marketplace are made on an after-tax basis.

How Can I Get More Information?

The Marketplace can help you evaluate your coverage options, including your eligibility for coverage through the Marketplace and its cost. Please visit HealthCare.gov for more information, including an online application for health insurance coverage and contact information for a Health Insurance Marketplace in your area.

¹ An employer-sponsored health plan meets the "minimum value standard" if the plan's share of the total allowed benefit costs covered by the plan is no less than 60 percent of such costs.

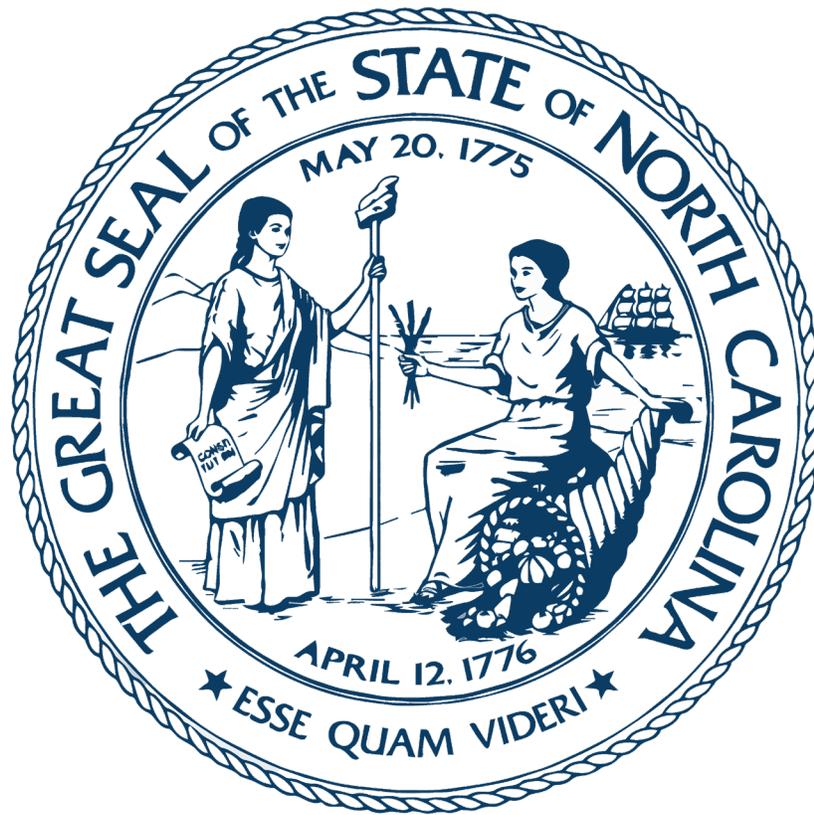
PART B: Information About Health Coverage Offered by Your Employer

This section contains information about any health coverage offered by your employer. If you decide to complete an application for coverage in the Marketplace, you will be asked to provide this information. This information is numbered to correspond to the Marketplace application.

3. Employer name		4. Employer Identification Number (EIN)	
5. Employer address		6. Employer phone number	
7. City		8. State	9. ZIP code
10. Who can we contact at this job?			
11. Phone number (if different from above)		12. Email address	

You are not eligible for health insurance coverage through this employer. You and your family may be able to obtain health coverage through the Marketplace, with a new kind of tax credit that lowers your monthly premiums and with assistance for out-of-pocket costs.

North Carolina State Employee **Safety and Health Handbook**



Last Revised: February 2017

Table of Contents

Purpose.....	2
General Responsibilities.....	3
Employee Responsibilities.....	3
Supervisor/Management Responsibilities.....	4
Safety and Health Leader Responsibilities.....	4
Agency/University Responsibilities.....	5
Incident Investigation and Reporting.....	6
Complaint Procedure.....	6
First Aid.....	6
Hazard Recognition Program (Be a Hazard Hero).....	7
Slips, Trips, and Falls Prevention.....	8
Back Injury Prevention Through Safe Lifting.....	9
Muscle Injury Prevention Through Ergonomic Interventions.....	10
Office Safety Injury Prevention.....	12
Medical Surveillance to Prevent Workplace Illness.....	14
Motor Vehicle Injury Prevention and Requirements.....	14
Fire Prevention.....	15
General Housekeeping/Sanitation/General Waste.....	16
Emergency Response Plan.....	17
Workplace Violence Prevention.....	18
Specific Safety and Health Programs.....	19
<i>(The following sections are not required reading for all employees. Supervisors must assign sections based on job duties, OSHA regulations, and exposure).</i>	
Asbestos.....	19
Biological Hazards.....	19
Bloodborne Pathogens.....	20
Confined Spaces.....	20
Electrical Safety.....	21
Ground Fault Circuit Interrupters (GFCIs).....	21
Hazard Communication Program.....	22
Chemical Inventory.....	23
Contractors.....	23
Lockout/Tagout – Control of Hazardous Energy.....	23
Machine Guarding.....	24
Noise.....	25
Personal Protective Equipment.....	25
Portable Ladders.....	26
Scaffolds.....	27
Powered Industrial Trucks/Material Handling Equipment.....	28
Tools – Hand and Power.....	28
Powder-Actuated Tools.....	28
Trenching and Excavations.....	28
Waste Disposal.....	29

North Carolina State Employee Safety & Health Handbook

The N. C. Industrial Commission Safety Department has accepted for filing the rules in this handbook as the official safety and health rules under G.S. 97-12 N.C. Workers' Compensation Act, for all state agencies and universities.

Prepared by: State Safety and Health Steering Committee

Published by: North Carolina Office of State Human Resources

Originally Published: 1987
Revised: July 1995
February 2002
February 2005
October 2010
April 2013
September 2015
June 2016
February 2017

Purpose

This handbook is designed to give state employees a firm understanding of the state's concern for protecting its employees from job related injuries or illnesses. The handbook has been developed to provide employees with answers to general questions regarding safety in the workplace. This handbook affirms that most hazards are created by personnel and thus personnel are responsible for following procedures and being mindful of their surroundings to prevent hazards from developing.

Each new employee should attend New Employee Orientation within 30 days of hire. During this orientation you will be given facility-specific information regarding how to respond during various emergencies. Your supervisor or Human Resources representative will also discuss site-specific safety policies and programs for your work area. Your supervisor must inform you of safety procedures and required training you will need to do your job.

Additionally, you should keep this handbook available for immediate access, as you would any important job related personal property. If you are confronted with a situation not covered in this document, consult your supervisor before making a decision.

The following pages contain only some of the highlights of the Safety and Health Regulations for general industry and construction under the North Carolina Occupational Safety and Health Act (NCOSHA) and other regulatory groups. **It is not intended as a complete manual on safety and health, but should be used as a guide to help prevent common hazards that might develop in the workplace.** For specific standards applicable to your agency or university, contact your safety and health leader or your supervisor.

All employees are required to read and be familiar with the contents of this Safety and Health Handbook.

If you have questions about this handbook or any other safety-related issues. Contact your agency's safety or human resources personnel.

Safety Leader:

Human Resources Representative:

General Responsibilities

Employee Responsibilities

- Employees have the right to report work-related injuries and illnesses. Employers are prohibited from discharging or in any manner discriminating against employees for reporting work-related injuries or illnesses.
- All injuries, including minor first aid treatment, occurring on the job and any illness associated with the job shall be reported promptly and in writing to your supervisor. Questions concerning medical treatment of these injuries/illnesses should also be addressed to the supervisor and your Worker's Compensation Administrator.
- The protection of employees and the public on state property is a shared responsibility of every employee.
- Working while impaired by alcohol or drugs is strictly forbidden. The use of prescription drugs, which may affect your alertness or work abilities, must be reported to your supervisor or HR Department prior to beginning work.
- Failure to comply with or enforce Safety and Health Rules and Regulations may result in disciplinary action up to and including dismissal. Violation of work rules is a job performance issue and shall be dealt with through the job performance disciplinary process.
- Part of each employee's job is to make recommendations to improve the safety and health in the workplace.
- Employees shall wear, clean, maintain, and use prescribed personal protective equipment (PPE) for work that requires such equipment.
- Employees should refrain from operating any equipment without proper instructions, training, and authorization.
- Employees should only use properly guarded equipment. They should not remove or attempt to defeat safety devices.



Hazard Hint

Make sure you immediately report the following to your supervisor:

- **Injuries**
- **Near hits**
- **Hazardous conditions**
- **Burning odors**
- **Fires**
- **Damage to property**
- **State vehicle accidents**
- **Hazardous material spills**
- **Unsafe behaviors**
- **Violations of procedures**

Let's keep everyone safe!

- Employees should not indulge in any form of “horseplay”, which is strictly prohibited.

Supervisor/Manager Responsibilities

Supervisors and managers should:

- Recognize that the most valuable asset in state government is employees and protecting employee safety and health is the greatest responsibility of state government.
- Remind employees to report all hazards, near hits, property damage, incidents, and injuries to their supervisor immediately. Workplace hazards shall be reported by using the “Be a Hazard Hero” form or at hazards.nc.gov.
- Investigate near hits, property damage, incidents, and injuries as soon as possible, first determining whether a hazard is still present that could injure others. Eliminating or guarding against the hazard is a first priority after providing medical attention to the employee (if injured).
- Investigate reported hazards and document results through the Hazard Hero reporting system. Send the completed form to the safety and health leader for your agency.
- Follow all reporting and documentation requirements found in the [Incident Investigation and Reporting Program](#).
- Identify corrective actions and interim controls put in place for hazardous work environments under their control.
- Know and understand safety procedures and ensure that employees receive proper safety and health training.
- Start each day/shift with a short safety and health debriefing to review hazards associated with daily assignments, discuss injuries, or general safety topics.
- Lead or participate in hazard assessments and implement required engineering controls, administrative controls, and provide required personal protective equipment to employees.
- Ensure that notification to the agency’s designated person occurs when regulatory (i.e., OSHA, EPA, DEQ) inspections occur at their agency sites.

Safety and Health Leader Responsibilities

- The safety and health leader for each agency is responsible for ensuring that the State Employee Workplace Requirements Program for Safety, Health and Workers’

Compensation and OSHA regulations are created and implemented, along with associated training classes.

- The safety and health leader should develop a risk assessment-based methodology to be used in correcting workplace hazards on a priority basis throughout the agency, development of an agency safety and health documentation system for review of effectiveness, and establishment of long-range safety and health performance goals.
- The safety and health leader should submit a report annually to the agency head indicating achievements, identifying major problem areas, annual goals and objectives, long-range plans, and funding needs.

Agency/University Responsibilities

- The agency or university shall develop and maintain an effective occupational safety and health program, including life safety and property protection.
- No agency or university shall knowingly require an employee to work in conditions that are hazardous without proper training and personal protective equipment (PPE).
- Frequent and regular inspections of the workplace, materials, and equipment shall be made by trained persons designated by each agency or university.
- Unsafe tools, materials, or equipment shall be tagged, locked, or removed from the workplace to prevent their use.
- The agency or university shall instruct each employee on how to recognize and avoid unsafe conditions, unsafe work practices, and the regulations and/or standards applicable to their work environment to control or eliminate any hazards.
- The agency or university shall provide medical services required for on-the-job injuries or illnesses. The agency or university is responsible for compensation to the employee for wages lost from work and/or any disability rating as a result of the on-the-job injury/illness. For more information, see the [Worker's Compensation website](#).
- All employees, escorted visitors, and contractors shall be informed of hazards before entering a designated hazardous, caution, or restricted area; shall use required PPE; and shall adhere to safety and health procedures immediately upon access to the area.
- The agency or university shall provide appropriate PPE, conduct a hazard assessment, develop engineering controls, and/or provide training in the use of PPE whenever there is exposure to hazardous conditions.

- The agency or university will designate safety and health committees as required, assuring equal representation in the composition of the committees between management and employees.

Incident Investigation and Reporting

If you have an accident, near hit, or if you are injured on the job, you must notify your supervisor. See the Employee Responsibility section of this handbook.

Employees and supervisors should work together to complete the [Incident Reporting and Investigation forms found on the OSHR website](#).

If your injury requires medical treatment, follow the agency or university procedures regarding medical treatment. With reference to occupational disease, an employee must give notice to the employer when the employee is first informed by a competent medical authority of the nature and work related causes of the illness.

If you have questions about coverage or benefits under workers' compensation you should contact your Workers' Compensation Administrator.

Complaint Procedure

The complaint procedure is established to ensure open communication between all levels of employment to foster a safe and healthful workplace. There will not be reprisals nor sanctions taken against any employee for bringing management's attention to a safety and health problem. If after registering a complaint or concern with your supervisor you feel the need to process the complaint further, contact your safety leader or human resources representative.

First Aid

First aid is the immediate emergency treatment provided for injury or sudden illness before professional medical care is available. First aid kits are required in all workplaces. **First aid kits should be available for treatment of minor cuts and scratches; however, they are not a substitute for obtaining medical treatment.** Routine administration of first aid for other than



Hazard Hint

To improve workplace safety and health, we must collect useful, accessible, and specific injury and illness information.

Employees and supervisors are required to document any incident using forms found on the Office of State Human Resources website and work together to develop corrective actions that will prevent injuries. With this information we can work together to be proactive in preventing workplace hazards.

minor cuts and scratches must be performed by certified first aid personnel (i.e. American Red Cross, National Safety Council, etc.) or licensed medical personnel.

Every facility must have a Bloodborne Pathogen Exposure Control Plan that describes who is responsible for cleaning up blood and body fluids and methods to do this safely. Normally, the First Aid Team for the building, the clinic in the building or housekeeping would be responsible.

If an employee has the symptoms of a medical emergency (i.e. stroke, heart attack, etc.) the employer has the obligation to call 911 immediately even when the employee does not want to be transported. The employee will be evaluated by EMS and can decide the next step after the evaluation.

It is recommended that an Automated External Defibrillator (AED) be installed in each building, when possible. The OSHA First Aid standard (29 CFR 1910.151) requires trained first-aid providers at all workplaces of any size if there is no “infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees.” A voluntary first aid team should be trained in First Aid, CPR, AED use, and Bloodborne Pathogens. Never minimize the seriousness of an injury or illness. If in doubt, seek medical attention.

In the event of an emergency, immediately call for emergency services, locate someone trained in first aid, obtain the AED, and send someone to the front door to direct EMS staff to the scene.

Flag the Hazard Reporting Program

To prevent injuries a hazard recognition program has been developed to train workers on how to identify, correct and report unsafe behaviors and unsafe conditions. Hazards can be reported online at hazards.nc.gov and copies of the form can be obtained from your Safety and Health Leader or by printing directly from the website.

Employees are empowered to correct the unsafe condition immediately, if it is under their span of control. Supervisors will involve employees in identifying solutions to the unsafe act or condition, therefore creating a culture of caring.



Hazard Hint

Over 90 percent of all injuries are caused from unsafe acts. To prevent injuries:

- **Check your surroundings before entering.**
- **Look for hazards and unsafe conditions.**
- **Ask your supervisor if you don't know how to do the job safely.**

Safety Committees will be involved in reviewing the Hazard Hero reports, ensuring that hazards are communicated across the agency to prevent similar hazards and possible injuries from occurring in other locations.

Notify your supervisor and safety committee representative of any known hazards immediately and complete the hazard report.

Slips, Trips, and Falls Prevention

Slips, trips, and falls in state government are the number one cause of injuries. Many of these incidents can be prevented by following these procedures:

- Keep work spaces, floor surfaces, walkways, and similar locations free of hazards (i.e. carpeted areas secured to floor, free of worn or frayed seams, tiles lying flat on the floor) and don't present a tripping hazard.
- Chairs must be in safe, operable condition and designed to support the weight of the individual. Broken chairs should be tagged "Do Not Use" until repaired or discarded.
- Sit in the center of a chair and not on the edge. Watch out for chairs on casters which can be inadvertently pushed from under you when you attempt to sit down. Place your hand behind you to make sure your chair is in place before you settle into it.
- Do not stand or climb on a desk, chair, stool, or other unstable surface to reach for an object; always use a ladder.
- Place wastebaskets, briefcases, umbrella stands, and similar objects where they will not present a tripping hazard.
- When walking, maintain an erect posture, and watch where you are going.
- To prevent slips and falls, select shoes that are slip-resistant, comfortable, supportive, and compatible with your work environment. Wear shoes at all times.
- To prevent trips, do not wear pants that drag the ground.
- When stepping down from a height of more than eight inches, step down backwards, not forward.



Hazard Hint

Many slips, trips and falls are caused by being distracted while walking, using a cell phone, or carrying belongings that block your view of the walkway.

- Always use handrails when using stairways.
- Proper attention should be given to the act of going up and down stairs. Falls on stairs occur when people are distracted while ascending and descending.
- Use caution when walking on uneven surfaces or surfaces which contain ice, snow, rock, oil, water, or other adverse or unstable material.
- Immediately clean spills.

Back Injury Prevention Through Safe Lifting

Serious strains often result from improper lifting and handling of boxes, office supplies, and equipment. Such objects should be moved with a hand truck or unpacked and handled in smaller parcels.

- Bulky objects shall be carried in such a way as not to obstruct the view ahead or interfere with the use of handrails on stairways.
- Avoid placing heavy objects on bottom shelves or the floor if they must be picked up again later. Heavy items should be stored near waist height and lighter objects on bottom or upper shelves.
- Use a mechanical device for heavy items, if possible, and inspect the device before use. If the object is too heavy, large, or awkward, get help.
- Avoid lifting above your shoulder height. Use a ladder or step stool to move objects at these heights.
- Push rather than pull an object. While pushing, maintain your lumbar curve and push with your legs.
- Check the path before moving the load to ensure the path is clear and well-lighted, and determine where to put the load.
- To lift safely, spread your feet apart to keep a wide base of support, bend at your knees instead of at your waist and maintain your lumbar curve at all times, hold the object you are lifting as close to your body as possible and lift slowly, smoothly without jerking.
- Avoid a long reach to pick up an object and unnecessary twisting. Turn your feet, not your hips or shoulders. Leave enough room to shift your feet so as not to have to twist.

- Take your time and use the same techniques when setting down the object.

Muscle Injury Prevention through Ergonomic Interventions

Ergonomics is the science of fitting the job to the worker. Where feasible, the workplace should be

evaluated to reduce the following risk factors:

- Repetition
- Inadequate work/rest scheduling
- Forceful exertions
- Awkward and extreme positions of the body
- Sustained or static positioning of the body.

Be sure to report to your supervisor any work-related discomforts. If you and your supervisor are unable to identify the source of the discomfort or find a solution, contact your Safety and Health Leader for assistance. For workers who sit the majority of the day, it is a good idea to stand up every hour and move around and stretch.

As a state employee, you are in the best position to evaluate the tasks you do each day whether it is data entry, microsurgery, or plumbing. The tips provided below are intended to provide you with the information and basic tools necessary to assess and correct your own job.

- If a repetitive job is awkward, try to find a better way to accomplish it.
- When using vibrating tools, try to insulate the vibration from your hands with gloves, padding, etc.
- Keep your wrists in a neutral position as much as possible, not bent or twisted.
- Use your whole hand to grasp objects, not just your thumb and index finger.
- Alternate easy and hard tasks that require the use of your hands.



Hazard Hint

Muscle-related injuries are the Number Two reported injury in state government. Employee Ergonomic teams are encouraged in working groups that lift, push or pull frequently.



Hazard Hint

Musculoskeletal disorders (MSDs) are a category of injuries that affect the body's muscles, bones, ligaments, tendons, and nerves. When there is a mismatch between the physical requirements of the job and the physical capability of the worker, MSDs can result.

- Give your hand and wrist time to recover after forceful movements.
- Don't carry heavy objects for long periods. Use jacks, carts, or dollies whenever possible.
- Increase the diameter of the handles of tools and equipment with tape, foam or other materials to help reduce the force of your grip and to spread the pressure more evenly over the hand.
- Sit with your knees slightly higher than your hips, with lower back against a firm backrest or pillow and feet flat on the floor or foot rest. Avoid leaning forward and try to allow your hips to support your torso.
- When standing, stand straight and maintain lumbar curve. Avoid bending at the waist. For prolonged standing, use a low footstool for alternate resting of your legs and altering your stance.

Computer Workstations

Here are some suggestions for setting up your computer workstation properly:

- Adopt a neutral posture. Sit with your lower back against the chair, your upper legs parallel to the floor and your feet flat on the floor or on a footrest.
- Adjust your desk height or keyboard tray so that your elbows are bent at right angles and your forearms are approximately parallel to the floor.
- Keep your wrists neutral (straight) by using a wrist rest that is the same height as the keyboard.
- Place your mouse (or other pointing device) on a surface close to and at the same height as your keyboard.



Hazard Hint

To avoid sprains and strains, exercise every day, warm up and stretch prior to physical exertion. Eat a well-balanced diet to keep muscles strong and maintain a healthy weight.



Hazard Hint

Employees working at a desk should get up every hour and move and stretch to prevent discomfort.

- Position your monitor directly in front of you, approximately an arm's length away, with the top of the screen at or slightly below eye level.
- Use a document holder to position work at eye level and close to the screen.
- Adjust your lighting and monitor to prevent glare or use an anti-glare filter.
- When performing tasks involving repetitive motions or awkward positions, take periodic stretching breaks or alternate with other tasks.



Hazard Hint

Use extra caution when removing staples from a jammed stapler or eye injuries may result.

Office Safety Injury Prevention

Many state employees work in office environments. Following safe work procedures in the office can prevent many accidents.

- Do not attempt to carry stacks of materials which are high enough to obstruct your vision.
- Close file drawers when not in use to avoid a trip hazard.
- Close cabinet doors to avoid head or leg injuries.
- Accidents can result when you stand in front of doors, so stand away from the path of the door swing.
- Use razor blades, knives, scissors, and other objects with sharp edges or points with caution. Keep razor blades in protective containers. Never keep loose razor blades in desk drawers.
- Exercise care when loading or using staple machines to avoid eye injuries and puncture wounds. Use a proper staple remover for removing staples. Properly dispose of broken staple removers.
- Keep fingers away from the sharp edge of paper cutters. Never leave a cutting knife in a raised position. All paper cutters should have proper finger protection.
- Do not store anything within 24 inches of the ceiling per fire code.

Office Equipment

- Do not wear ties, loose fitting clothing, or long jewelry when using paper shredders to avoid accidentally being fed into the paper entry port.
- Do not place computers or other office equipment too close to the edge of a desk or other surface.
- Outlet or light switch covers must be present and free from cracks.
- Office equipment should be properly grounded or double insulated to safeguard against electrical shock.
- Do not use two-pronged extension cords or outlet adapters in the workplace. Three pronged extension cords can ONLY be used as “temporary wiring” for up to 90 days and must not be plugged into another extension cord. Notify your supervisor if additional outlets are required. Extension cords should be protected from accidental damage which may be caused by traffic, sharp corners, or pinching in doors or elsewhere.
- Surge protectors must be plugged directly into the wall and not into extension cords, another surge protector, or uninterruptible power supply (UPS). This practice is called "daisy chaining" or "piggy backing" and can lead to a short circuit or electrical fire.



Hazard Hint

Use only surge protectors or power strips that have an internal circuit breaker. These units will trip the breaker if the power strip is overloaded or shorted to prevent overheating and fire and are listed by a national testing laboratory such as Underwriter Laboratories (UL). The UL label must never be removed from the unit. On the underside of the casing, there should be the manufacturer's name and the name of the testing lab where the unit was tested.

- Refrigerators, microwaves or equipment that pulls high amperage must be plugged directly into a wall outlet.
- Do not place a surge protector or power strip in an area where the unit would be covered with carpet, furniture, or any other item that will limit or prevent air circulation.
- Worn, frayed or damaged electric cords or connectors should not be used and should be tagged “Danger, Out of Service, Do Not Use” until replaced.
- If at any time the surge protector or power strip is hot to the touch, remove and replace the unit.

Medical Surveillance to Prevent Workplace Illnesses

When you work with certain toxic chemicals, infectious diseases, biological agents, excessive noise, or wear respiratory protection, you are required to be medically evaluated. This evaluation may include periodic physicals, blood or other biological testing, and other tests such as audiometric or pulmonary evaluations. If you work with any of these, check with your supervisor and your safety and health leader for specific requirements in the North Carolina Occupational Safety and Health Standards.

Motor Vehicle Requirements and Injury Prevention

Employees may not operate a state vehicle or other means of state-owned motorized conveyance unless you possess and can present a valid driver’s license. Agencies are required to conduct motor vehicle license checks for all drivers at regular intervals, and all drivers should attend defensive or safe driving training courses. If you are required to drive a state vehicle or



Hazard Hint

Never use a cord or plug with evidence of burning, melting, or any other visible damage. If the insulation is damaged or missing, or the cord has come loose from the plug, replace the unit. Never use a cord repaired with electrical tape.



Hazard Hint

Distracted driving, alcohol, and speeding are the leading causes of vehicle accidents.

Talking “hands free” does not eliminate the hazard of distracted driving. The brain loses information that is needed to see, hear, and discern upcoming changes.

Silence your phone before you start your drive. Allow enough time during your commute for stops so you can pull over and park in a safe location to check email and voicemail messages.

personal vehicle for state business and have had your driving privileges suspended or license revoked, you must report this condition to your supervisor immediately.

Any accident involving a state vehicle, regardless of the extent of the damage, is to be investigated by a police officer with jurisdiction in the area.

Consult with your agency's requirements related to vehicle use.

Fire Prevention

You have a personal responsibility to prevent and control fires. Obey all rules, regulations, and signs for fire safety such as those controlling:

- Smoking
- Open flames
- Other sources of ignition
- Storage
- Handling
- Use of flammable liquids or other hazardous materials

Familiarize yourself with the location of fire suppression equipment in the area where you work and the proper method of turning on a fire alarm. You should be trained on how to use portable fire protection equipment (such as fire extinguishers) in order to properly use them, but in the event of an emergency any one can use a fire extinguisher as long as they remember to PASS: Pull, Aim, Squeeze, and Sweep. If you use a fire extinguisher or any other fire equipment, notify your supervisor at once so that it can be immediately replaced and serviced. Keep hand-operated fire equipment such as extinguishers and hoses fully accessible, mounted, and unobstructed at all times.

Before using any decorative electric lighting device, check for loose connections, frayed wiring, broken sockets, or other defects. Any defective electrical device should be replaced or repaired. Electrical devices should bear the listed label, i.e. UL, FM, etc.



Hazard Hint

The best way to practice fire safety is to make sure a fire doesn't break out in the first place. This means being aware of potential hazards in your home and in your workplace:

- Be proactive by changing your batteries in your smoke detectors once a year.
- Have a fire extinguisher in your home.
- Plan escape routes, have a meeting place outside, and practice.

General Housekeeping/Sanitation/General Waste

Good housekeeping is essential to maintaining safe working conditions:

- Keep your work area clean and material properly stored; keep walkways and floor areas clear of slip, trip, and fall hazards.
- Clean up all water or beverage spills.
- If hazardous chemical spills are identified, evacuate the immediate area, barricade the spill area, and notify your agency's safety and health leader or designated person for clean-up.
- Maintain three feet clearance from all electrical panels, 150 volts or less. Do not store materials in or near switch boxes, switchboards, in mechanical equipment rooms, attics, in stairwells, and telephone switch gear rooms.
- Keep tools stored neatly in designated area and materials securely racked or stored.
- Employees should never block or lock emergency exits, fire alarm pull stations, or fire extinguishers.
- Employees should not store combustibles in exit aisles. They should maintain a 36-inch aisle clearance.
- Store oily waste or rags and other flammable waste in approved metal self-closing waste cans that have lids and properly dispose of contents daily.
- Sharp items, such as razor blades, should be disposed of in an impermeable, closed container.
- Medical waste sharp items require immediate deposit in biohazard sharps containers and hazardous materials control for disposal.



Hazard Hint

Storing any combustible material in a stairwell is prohibited since this is a primary exit route.



Hazard Hint

If you are a diabetic, do not put used needles in the regular trash. These must be collected in a hard-walled container and properly labeled.

Emergency Response Plan

Obtain and learn your agency's specific emergency response plan for your workplace for fire, chemical release, severe weather, bomb threat, etc. The following general rules and actions should be learned before an emergency and followed in the event of an emergency.

Before an Emergency

Obtain a copy of your agency's Emergency Action Plan from your supervisor.

- Learn how to contact emergency services.
- Locate local fire alarms or other emergency alarm systems and learn how to operate them.
- Learn the location of all exits, from your work area, and determine a primary and alternate exit route.
- Know your designated assembly areas for fire alarms, bomb threats, and severe weather.
- Learn and become familiar with the signaling methods/devices used in emergencies by your agency. If distinct signals are used based on an emergency, know the distinction, so you may react appropriately during a given emergency.

When an Emergency Occurs

- If a fire alarm sounds, evacuate the building immediately.
- Do not run. Do not use elevators. Use stairwells in multi-story buildings. Report to your designated meeting area outside the building immediately.



Hazard Hint

Be prepared for emergencies by practicing all emergency drills and thinking:

- Where are the exits?
- Where are tornado shelters?
- Is there a fire alarm pull station in my building?
- Where is the nearest automated external defibrillator (AED)?
- What details should I record during a threat?
- If there is workplace violence, do I know how to respond?



Hazard Hint

Almost every stairwell in North Carolina is approved as an *Area of Refuge* for people to stay in if they can't walk down the stairs during a fire evacuation. The fire department must be notified if any occupant remains.

- If you have a visitor, escort them to your designated meeting area. Do not re-enter the building after an emergency evacuation until you have been instructed by management.
- Do not leave your designated meeting area until instructed to do so by emergency services personnel.

Workplace Violence

Every agency and university is dedicated to providing a work environment that is free from violence or threats of violence by or against employees and the public we serve.

Your agency or university has developed policies and procedures for the prevention and management of violence or threats of violence, this includes but is not limited to holding perpetrators accountable and providing assistance and support to victims.

Workplace violence can take a range of forms. It can include, but is not limited to, emotional abuse, intimidation, bullying, harassment, threats, stalking, domestic violence, and physical assaults.

Violence or threats of violence are prohibited. Such behavior on the part of any individual in or on any state government/university property, including but not limited to, buildings, grounds, and vehicles, will not be tolerated. Employees who violate this policy will be subject to disciplinary action up to and including termination.

If you are a victim of workplace violence, which includes domestic violence, your agency or university will make every effort to provide support and reasonable security measures for you. You are encouraged to talk with your supervisor, human resources representative, or you may contact the [Employee Assistance Program](#).



Hazard Hint

Employees should be alert to the possibility of incidents and threats of violence. You are encouraged to report any violence or threats of violence you have received or witnessed. If your supervisor is the source of the threat, then the report should be made to your human resources representative. Every effort will be made to protect the safety and anonymity of anyone who reports such concerns. NC Statutory regulations protect against retaliation for any employee who, in good faith, reports a violation.

Specific Safety and Health Programs

Asbestos

Employees shall not remove or disturb asbestos or material suspected of containing asbestos. Asbestos may be contained in materials such as:

- Adhesives and mastics ceiling areas
- Duct work
- Flooring and/or floor tiles
- Insulation
- Piping in lab fume hoods
- Vented enclosures

If there is any damage to materials or items suspected of containing asbestos, contact your safety and health leader immediately.

Employees should be notified of procedures related to asbestos, if relevant for their facility.

Biological Hazards

Biohazards are biological agents or substances present in or arising from the work environment which present or may present a hazard to the health or well-being of employees or the community.

Biological agents and substances include, but are not limited to, infectious and parasitic agents, toxins derived from organisms, or non-infectious microorganisms such as some mold, fungi, and/or other plant or animal products that cause diseases.

Generally, biohazards are either:

- Infectious microorganisms;
- Toxic biological substances;
- Allergens; or
- Any combination of these.

Biological agents can be found in numerous settings, but are primarily found in training, clinical, and laboratory settings or the result of infectious agents brought into the areas as a contaminant.



Hazard Hint

Intact and undisturbed asbestos containing materials (ACM) do not pose a health risk to building occupants. When ACM is properly managed, release of asbestos fibers into the air is minimized, and the risk of asbestos-related health problems is negligible.

Employees must be trained on what biological hazards may be encountered and which control measures and work practices must be used in order to have a safe work place. In addition, employees should be familiar with and refer to other documents such as the Exposure Control Plan, a Laboratory Safety Manual, or the Biosafety Control Plan that identifies the hazards as well as specific practices and procedures designed to minimize or eliminate risk.

Bloodborne Pathogens

Employees who have occupational exposure to human blood, body fluid, pathogens, or body parts are required to have a written Exposure Control Plan and receive training in work practices, methods of exposure, and universal precautions, initially and annually thereafter.

Employees exposed to blood or other body fluids should contact their supervisor and safety and health leader immediately and request information on the agency or university Exposure Control Plan and the employer-provided hepatitis or other applicable vaccinations.

The most important thing to remember is a strict adherence to the specified practices and procedures and use of universal precautions when interacting with all human blood or body fluids. These include a system of administrative controls and use of personal protective equipment (PPE) at all times.

Immediate washing of hands and contaminated areas of the body shall be implemented should an exposure to bodily fluids occur.

Confined Spaces

OSHA defines a confined space as a space that is large enough for an employee to enter or break the plane of entry, has restricted means of entry or exit, has unfavorable natural ventilation, and is not designed for continuous employee occupancy.

Examples of confined spaces include, but are not limited to:

- Digester
- Manholes
- Sewers
- Silos
- Tanks
- Tunnels
- Trenches
- Vaults



Hazard Hint

Washing hands with warm soapy water for 30 seconds prevents colds and other illnesses. Some state facilities provide hand sanitizers to help prevent spreading illnesses.

Do not enter a confined space or break the plane of entry with any part of your body if you are not trained. Entry into confined space can be extremely dangerous. Possible hazards can include:

- Oxygen deficiency
- Exposure to dangerous vapors and toxic gases
- Fire, explosion hazards
- Physical hazards

All personnel involved with or having responsibility for entry into confined spaces must be thoroughly familiar with permit entry and rescue procedures. Detailed agency or university procedures are issued in a separate document. Regulations governing entry into confined spaces are specified by [OSHA 29 CFR 1910.146](#).

Electrical Safety

Training by your supervisor is essential for all work environments. It shall include basic information on electrical safety as it relates to that environment. Employees whose jobs require them to work on or near exposed energized parts are required to be trained in electrical-related safety practices that pertain to their respective job assignments.

Electrical work must follow all federal and state requirements and good industry practices. To the maximum extent possible, work on electrical equipment or circuits should be done with the power off.

A safety warning and tagging system should be used to ensure that all power is removed from the system. (See the Lock-out/Tagout section for more information). Circuits must be checked with the proper equipment before work is started to ensure that no voltage is present.

Extension cords used with portable electric tools and appliances should be three-wire grounded type and protected by Ground Fault Circuit Interrupters (GFCIs).

Ground Fault Circuit Interrupters (GFCIs)

GFCIs should be used on power circuits serving outlets in damp, wet, or outdoor locations and in any other areas where people using electrical equipment may become grounded.



Hazard Hint

Ground Fault Circuit Interrupters (GFCI) constantly monitor current flowing through a circuit. If there is a small difference of current, the GFCI will interrupt power before you are exposed to the current and get shocked. A GFCI works even on two-slot receptacles. If you own an older home, consider adding a GFCI to possible wet locations such as the kitchen, bathroom, laundry room, garage, outdoors, or crawl spaces.

Hazard Communication Program

The [OSHA Hazard Communication Standard](#) has been revised and now meets the provisions of the United Nations “Globally Harmonized System of Classification and Labeling of Chemicals” (GHS). Two significant changes contained in the revised standard require the use of new labeling elements and a standardized format for Safety Data Sheets (SDSs), formerly known as Material Safety Data Sheets (MSDSs). The new label elements and SDS requirements will improve worker understanding of the hazards associated with the chemicals in their workplace.

The [NCOSHA Hazard Communication Standard](#) requires employers to provide employees with information concerning the hazards associated with the chemicals in their workplace. This standard requires:

- A written hazard communication program;
- Labels on containers;
- An inventory of chemicals;
- Posting area warning signs;
- Availability of Material Safety Data Sheets/Safety Data Sheets; and
- Chemical safety training and information sessions upon initial assignment and when new chemicals are introduced into the workplace.

Laboratories with a Chemical Hygiene Plan are exempt from the OSHA Hazard Communication Standard requirements except:

- Labels are not to be removed or defaced;
- Maintain SDS/MSDS for each chemical;
- SDS/MSDS should be readily available; and
- Provide information and training, except location and availability of written program.

A laboratory that ships chemicals is considered to be a distributor or manufacturer and must ensure that containers are appropriately labeled prior to shipment and a SDS is provided to other distributor(s) or employer(s).

Laboratories must comply with all Hazard Communication elements for non-lab chemicals being used e.g. housekeeping, maintenance activities.

Chemical Inventory

A current inventory of all hazardous chemicals present in the workplace must be maintained. The inventory should be kept with the SDS/MSDS file.

State agencies and universities must maintain received SDSs/MSDSs and make them readily available to employees in a file, notebook, computer directory, or by fax upon request. If a SDS/MSDS for a chemical is not received, contact the chemical manufacturer or distributor to obtain the SDS/MSDS. Efforts to obtain the SDS/MSDS must be documented by either a telephone log or with copies of correspondence.

Your supervisor or the safety and health leader may be contacted for Hazard Communication Program Training for new employees.

Contractors

The safety and health leader or project coordinator will be notified when contractors are to work in areas covered by the Hazard Communication Program. The safety and health leader or project manager will inform the contractor that they may encounter hazardous chemicals at their work location and the name of the agency or university person(s) from whom chemical safety information is available.

Contractors who use hazardous chemicals at state facilities must provide a list of the chemicals that are brought on the property and to maintain a copy of the SDSs at the work-site.

Lockout/Tagout – Control of Hazardous Energy

The control of hazardous energy is required before service, repair, maintenance, inspection, or exposure to equipment or areas where a hazard may be presented by uncontrolled energy, including the flow of solids, liquids, or gases into confined spaces or environments. Equipment that has more than one energy source or multiple hazards (pneumatic, steam, chemical, or hydraulic) must have written procedures for shut down and start up.



Hazard Hint

To prevent chemicals from becoming outdated and possibly unstable, expiration dates should be written on the label or included in the inventory list.



Hazard Hint

Lockout/Tagout (LOTO) is a fairly simple process, yet shortcuts are statistically the second most common source of violations. A key component of LOTO is identifying and locking out all energy sources prior to starting work.

All employees who will be working on equipment where the unexpected energizing, start-up, or release of hazardous energy could cause injury shall be trained and follow the Lockout/Tagout (LOTO) procedure that follows [NCOSHA 29 CFR 1910.147](#).

Machine Guarding

Safeguards on machines are designated to protect you from injury. The basic types of hazardous mechanical motions and actions are:

Motions

- rotating (including in-running nip points)
- punching
- reciprocating
- transverse

Actions

- cutting
- shearing
- bending

To reduce a potential injury, follow these basic rules:

- Safeguard any machine part, function, or process which may cause injury.
- Never start a machine unless you have been trained in the use of the machine.
- Never start a machine unless required personal protective equipment (PPE) is on, in use, and you are wearing appropriate clothing. (See PPE section).
- Do not wear loose clothing, neckties, rings, or other jewelry. If your hair is long, tie it back.
- Never start a machine unless guards are in place and in good condition.
- Report all missing guards to your supervisor immediately.
- No guard barrier or enclosure should be adjusted or removed for any reason, unless you are trained to do the work, have the permission of your supervisor, and adjust machines as part of your job.
- Never service or perform maintenance on a machine without disconnecting power and implementing the lockout/tagout procedure.

Noise

Excessive noise levels may exist when operating certain equipment or machinery. Exposure to high noise levels could result in a gradual loss of hearing which may not be noticeable to the individual.

If noise levels exceed safe limits as prescribed by NIOSH, employees must be protected by either engineering control or by a hearing conservation program which includes hearing protection (ear plugs or ear muffs) and appropriate hearing tests.

If you suspect you are exposed to high noise levels in the workplace, contact your supervisor so that the noise level can be measured by trained individuals.

Personal Protective Equipment (PPE)

Your supervisor's annual hazard assessment of the job will be used to identify required PPE, according to [ANSI-Z-89.1-1997](#):

- **Head Protection** is required to protect employee's head where there is a danger of head injury from impact and falling or flying objects.
- **Ear Protection** must be used as required to protect employees from noise when engineering controls cannot reduce noise to acceptable levels.
- **Eye and Face Protection** must be used when exposed to hazards such as flying particles, molten metal, dust, chemicals, gases, steam, vapors, objects, biological hazards, potentially injurious glare, light or heat radiation, or other potentially harmful exposures which may cause injury to the eye or face. All eye & face protection must meet or exceed the requirements specified in the most current ANSI Z 87.1 standard.
- **Respiratory Protective Equipment** must be used as part of a comprehensive respirator



Hazard Hint

Hearing loss can happen very slowly or very suddenly: it can be temporary or permanent. NIOSH states that workers exposed to an average of 85 dBA or more over an eight-hour period (a normal conversation is 50-60 dBA) must be involved in the hearing conservation program.

Remember this...Wearing hearing protection is a sound investment.



Hazard Hint

Personal protective equipment, or PPE, is designed to protect workers from serious workplace injuries or illnesses. If such hazards are present in your workplace you are required to wear the appropriate PPE.

program when required to protect employees from airborne contaminants which, when measured, are above the Threshold Limit Value in NIOSH Standards.

- **Foot Protection (safety shoes)** is required to protect employees working in areas where there is a danger of foot injuries due to falling or rolling objects, exposure to piercing of the sole, or where protection is needed against electrical or chemical hazards. Protective footwear must comply with [American Society Testing Materials \(ASTM\) F-2413-05](#).
- **Hand Protection** is required by established standards to protect employees from physical, biological, chemical, radiation, or electrical hazards.
- **Fall Protection** (safety harness, lifelines and lanyards) is required to protect employees from falling while working at heights of six feet or more not protected by standard guardrails or safety nets or as required when working in confined spaces.

Your agency or university may have specific requirements; therefore, contact your supervisor to determine the equipment needed to perform your job safely.

Portable Ladders

- All ladders must be inspected frequently and rechecked for soundness and proper working condition prior to daily use.
- Ladders which have developed defects must be withdrawn from service for repair or destruction and tagged or marked as "Dangerous, Do Not Use."
- Do not use ladders on or near power lines or other electrical devices.
- Straight and extension ladders must be tied off and secured to the upright structure against which they lean.
- Non self-supporting ladders shall be used at an angle such that the horizontal distance from the top support to the foot of the ladder is approximately one-quarter (1/4) of the working length of the ladder (the distance along the ladder between the foot and the top support).



Hazard Hint

Choose the right ladder for the job. Not sure how to pick the right ladder? Ask these questions:

- **Is the ladder positioned properly?**
- **Does the ladder have proper feet?**
- **Does the ladder show no signs of damage?**
- **Is the ladder clearly marked with the weight limit?**

Think safety before you start because "chance takers are accident makers."

- Non self-supporting ladders must extend three feet above the point of support of eaves, gutters, or roof line and should be tied off.
- Use a ladder with safety feet which are suitable and positioned firmly on the floor, ground, or concrete, which provides a stable, flat, and level surface.
- Work facing the ladder with both feet on the rungs.
- Only one person is permitted on a ladder at a time unless ladder design specifies otherwise.
- Ladders must be maintained free of oil, grease, and other slippery hazards.
- Ladders must not be loaded beyond the manufacturers' maximum rated capacity.
- Maintain a three-point contact by gripping the side rails with both hands at all times when climbing a ladder. Raise and lower tools or equipment by a hand line and canvas tool bag.
- Do not reach out more than an arm's length from a ladder. If necessary, descend the ladder and move the ladder to a better location.
- Step ladders must be fully opened and set level, spreaders locked, and all four legs set level on the ground.
- Do not stand on the top step or top cap of a stepladder.
- Do not use the bracing on the back legs of a stepladder for climbing.
- Ladders shall be maintained in good condition at all times, the joint between the steps and side rails should be tight, all hardware and fittings securely attached, and the movable parts should operate freely without binding or undue play.

Reference: OSHA General Industry Standards [1910.25](#), [1910.26](#), and [1910.27](#) and [Construction. Std. 1926.1060](#).

Scaffolds

The use and construction of scaffolds must follow all federal, state, and local legal requirements and good industry practice.

Only competent employees authorized by the supervisor should erect scaffolds, platforms, and staging. Scaffolds and their parts must be sound, rigid, and capable of supporting at least four times their maximum intended loads.

All scaffolds, platforms, and staging shall comply with [OSHA General Industry Standard 1910.28-29](#) and [Construction Standard 1926.451-453](#).

Powered Industrial Trucks/Material Handling Equipment

When using heavy equipment, remember:

- Do not operate equipment unless you have been trained or are receiving training from a qualified person.
- Operators of forklifts and other specialized vehicles must be properly licensed for the equipment being operated. This license is in addition to a NC vehicle operator's license.

Your safety and health leader, supervisor, or designated trainer will provide you with additional information on particular machines. However, remember that your own good judgment as well as common sense are important in the safe operation of your equipment.

Tools – Hand and Power

Any use of hand and power tools shall be both coordinated with and have the authorization of your supervisor and the supervisor of the area in which the tool will be operated and the Safety and Health Leader.

Powder-Actuated Tools

Any use of powder-actuated tools should be both coordinated with and have the authorization of your supervisor and the supervisor of the area in which the tool will be operated, in addition to the safety and health leader.

Trenching and Excavations

Excavation work must follow state legal requirements, including Building Code Requirements and N.C. Occupational Safety and Health Standards ([NC OSHA Standard 29 CFR 1926, Subpart P](#)). Excavations include, but are not limited to, operations such as drilling, digging, and trenching.



Hazard Hint

Safety for pedestrians is often overlooked in lift truck safety programs. When operating trucks or heavy machinery use warning devices, slow down, make eye contact with pedestrians and never talk or text on your cell phone.



Hazard Hint

Tools are such a common part of our lives that it is difficult to remember that they may pose hazards. Before use of tools, learn to recognize the potential hazards associated with each tool.

The following brief overview of safety controls must be followed in addition to all specific requirements which are required for the job and by N.C. Occupational Safety and Health Standards.

Waste Disposal

Hazardous Waste Generators– 40 CFR 261 – 266

Facilities will attempt to minimize the generation of hazardous waste through source reduction and recycling prior to sending waste for disposal. Hazardous waste is to be kept in closed containers that are labeled in a manner to describe its contents. Employees that manage hazardous waste should at a minimum be thoroughly familiar with proper waste handling and emergency procedures.

Universal Waste – 40 CFR 273

Universal waste includes used batteries, pesticides, and mercury-containing equipment and lamps. Fluorescent lights and thermostats that contain mercury, as well as lead-acid batteries, are banned from landfills in North Carolina. Universal waste regulations were developed to ease the regulatory burden on facilities that wish to collect these wastes, reduce the amount of these wastes going to solid waste landfills, and ensure that the waste will go to the appropriate treatment or recycling facilities pursuant to the full hazardous waste regulatory controls. Used lamps must be maintained in a closed container that is labeled as “Universal Waste-Lamps”, “Waste Lamps”, or “Used Lamps”. Used batteries must be maintained in a container that is labeled as “Universal Waste-Batteries”, “Waste Batteries”, or “Used Batteries”. Universal waste can be stored onsite for no longer than one year.

Electronics

Discarded televisions and computer equipment are banned from landfills in North Carolina. Old electronic equipment should be sent for recycling.

Used Oil – 40 CFR 279

Used oil is banned from landfills in North Carolina. Used oil must be stored in tanks or containers that are in good condition and not leaking. Tanks and containers must be labeled as “Used Oil” and all spills must be stopped, contained, cleaned, and managed properly. Fill pipes used to transfer used oil into underground storage tanks must be labeled as “Used Oil”.

Prepared by:

Safety, Health & Workers' Compensation
North Carolina Office of State Human Resources

Mailing Address:
1331 Mail Service Center
Raleigh, NC 27699-1331

Phone: (919) 807-4800

Fax: (919) 715-9750

NC State Government Safety and Health Handbook

I understand that it is my responsibility to become familiar with and abide by these instructions, insofar as they apply to the duties which I will perform for the State of North Carolina. (A copy of this certification will be filed with the employee's personnel records.)

Additionally, I hereby acknowledge receipt of a copy of the **North Carolina State Government Safety and Health Handbook**.

Employee's Signature: _____

Agency or University: _____

Date: _____

Workers' Compensation

Workers' Compensation

Contents:

[Statutory Authority](#)

[Special Considerations](#)

[Purpose](#)

[Employee Responsibility](#)

[Employer Responsibility](#)

[Office of State Human Resources \(OSHR\) Responsibilities](#)

[Leave on Day of Injury](#)

[Leave During Seven Day Waiting Period](#)

[Workers' Compensation Leave of Absence](#)

[Use of Supplemental Leave](#)

[No Leave Required for Follow-up Authorized Medical Treatment After Return To Work](#)

[Attending Workers' Compensation Legal Proceedings](#)

[Vacation and Sick Leave Credits Continue](#)

[Leave Payout if Employee Does Not Return to Work](#)

[Vacation Leave in Excess of 240 Hours](#)

[Health Insurance](#)

[Retirement Service Credit](#)

[Total State Service Credit](#)

[Longevity Pay](#)

[Severance Salary Continuation Eligibility](#)

[Reinstatement of Salary](#)

[Return To Work](#)

[Refusal of Suitable Employment](#)

Statutory Authority

The North Carolina Workers' Compensation Act (WC Act), Chapter 97 of the NC General Statutes, governs claims for compensation for injuries arising out of employment. The North Carolina Industrial Commission (NCIC) maintains claim records, adjudicates disputes, and approves certain awards of benefits in accordance with the WC Act.

The Office of State Human Resources (OSHR) pursuant to Chapter 143, Article 63 of the General Statutes, administers the State Workers' Compensation Program (SWCP) for all claims arising in State agencies. The State is self-insured for workers' compensation liabilities. OSHR contracts with vendor(s) to provide workers' compensation claim administration and related services. Each State agency is responsible for paying individual claim costs. The SWCP covers all agency and university full-time, part-time, and temporary State employees and officers including all State elected officials, members of the General Assembly and those appointed to serve on a per diem, part-time or fee basis.

Workers' Compensation

Special Considerations

Claims of employees of the North Carolina Department of Public Instruction are administered through a separate workers' compensation program per N.C.G.S. §115C-337. This policy applies to employees eligible for salary continuation pursuant to N.C.G.S. §143-166.14 and §115C-338.

Temporary employees are not eligible for leave; thus, leave related benefits described in this policy do not apply to temporary employee injuries.

Purpose

The purpose of this policy is to provide a brief overview of the SWCP including the responsibilities of employees, employers, and OSHR. It is the goal of the SWCP to consistently apply the WC Act, administrative rules, policies, and procedures to provide benefits to which an injured employee is entitled under the WC Act.

Employee Responsibility

An injured employee is responsible for making a workers' compensation claim pursuant to the WC Act. In accordance with the WC Act, no compensation shall be payable unless written notice is given within 30 days unless reasonable excuse is made to the satisfaction of the NCIC for not giving such notice, and the NCIC is satisfied that the employer has not been prejudiced thereby.

An injured employee or the employee's legal representative shall:

- give notice of an accident to the employee's supervisor immediately following the accident;
- give written notice of an accident to the employer within 30 days after occurrence of the accident or death;
- obtain authorized medical treatment as directed by employer;
- timely provide all written statements from authorized treating physician regarding the employee's work status to supervisor;
- cooperate with authorized medical providers, vendors, and employer; and

Workers' Compensation (continued)

- if appropriate, file a claim with the NCIC within two years from the date of injury or knowledge of an occupational disease.
-

Employer Responsibilities

Each State agency is responsible for administering an effective and efficient workers' compensation program. The agency shall ensure injured employees receive benefits which are paid with State funds to which the employee is entitled under the WC Act while controlling and containing claim costs. To meet these objectives, each agency shall:

- designate a Workers' Compensation Administrator responsible for ensuring appropriate reporting and monitoring of all agency claims;
 - timely pay all claim costs;
 - communicate workers' compensation policies and procedures to all employees and supervisors;
 - report injuries to the State's claims administration vendor who shall make required injury reports to the NCIC within five days from knowledge of any claim that results in more than one day's absence from work or if medical expenses exceed the reportable amount established by the NCIC;
 - communicate regularly with workers' compensation vendors, OSHR, and the Attorney General's office, if applicable, to assist in handling of claims; and
 - actively participate in claim related decision-making processes, mediations, NCIC hearings, settlement negotiations, and execution of settlement documents as needed.
-

Office of State Human Resources (OSHR) Responsibilities

OSHR shall:

- serve as SWCP information resource and liaison for employees and employers;

Workers' Compensation (continued)

- provide consultation to agency staff in managing their workers' compensation programs regarding application of WC Act requirements, administrative rules, policies and procedures to all claims;
 - measure and evaluate the effectiveness of agencies' workers' compensation programs and recommend changes to achieve optimum results;
 - engage in vendor contract oversight and monitoring, evaluate vendor effectiveness, and serve as liaison between all workers' compensation vendors and State agencies; and
 - develop training and educational materials for use in training programs for the agencies and provide periodic training for agency workers' compensation administrators.
-

Leave on Day of Injury

An injured employee receives usual pay and no leave is charged for the day of injury if the employee is treated by an authorized treating physician who instructs the employee not to return to full duty or restricted duty work.

When an injured employee is treated by an authorized treating physician who instructs the employee to return to full duty or restricted duty work on the date of injury, the injured employee will not be charged leave for time spent obtaining authorized medical treatment.

An injured employee shall obtain a written statement from the authorized treating physician indicating that the employee was instructed not to return to full duty or restricted duty work on the date of injury and present it to the supervisor as soon as practical thereafter.

Leave During Seven-Day Waiting Period

During the seven-day waiting period required by N.C.G.S. §97-28, an injured employee must select one of the options listed below. Once an election is made, it may not be rescinded for the duration of the claim.

Option 1: Employee may use available sick, vacation, bonus, or compensatory leave if applied within the time frames provided under the Hours of Work and Overtime Compensation policy.

Workers' Compensation (continued)

Option 2: Employee may go on leave without pay.

If the injury results in disability of more than seven days, the weekly disability compensation benefit shall be allowed from the first date of disability. If this occurs in the case of an employee who elected to use leave during the waiting period, no adjustment shall be made for leave used for these days.

Workers' Compensation Leave of Absence

After the N.C.G.S. §97-28 waiting period is satisfied, an injured employee who is full-time or part-time (half-time or more) permanent, probationary, trainee, or time limited and is unable to return to full duty or restricted duty work as certified by a written statement from the authorized treating physician will be placed on workers' compensation leave.

Use of Supplemental Leave

After an injured employee has been placed on workers' compensation leave (i.e. waiting period is exhausted), an employee may supplement weekly disability compensation by use of leave (sick, vacation, or bonus) earned prior to the injury in accordance with a schedule published by OSHR each year. Compensatory leave may also be used if applied within the timeframes provided under the Hours of Work and Overtime Compensation policy. An injured employee may be eligible for transferred/donated leave for use as supplemental leave.

Supplemental leave is paid at the employee's hourly rate of pay and is subject to State and Federal withholding taxes and Social Security, but not subject to retirement withholding.

No Leave Required for Follow-up Authorized Medical Treatment After Return To Work

An injured employee that has returned to work is not charged leave for time lost from work for authorized injury related medical treatment that occurs during regularly scheduled work hours. However, time away from work attending authorized medical treatment shall be noted in the injured employee's payroll records. Paid time is limited to reasonable time for medical treatment and travel. Any excess time away from work shall be unpaid or recorded as leave without pay or charged to earned leave (sick, vacation, or bonus) or compensatory

Workers' Compensation (continued)

leave if applied within the time frames provided under the Hours of Work and Overtime Compensation policy.

If an employee previously incurred a compensable injury while working for another State employer, the workers' compensation administrator or human resources representative of the current employing agency shall contact the prior State employer to confirm employee's attendance at authorized injury related medical appointments. The injured employee is not charged leave for time lost from work for authorized injury related medical treatment related to the previously occurring injury in accordance with guidelines described above.

A State employee injured while working for a non-State employer is charged leave for time away from work for medical treatment.

Attending Workers' Compensation Legal Proceedings

Employees as follows are not charged leave for reasonable time away from work attending workers' compensation related legal proceedings

- Injured employee, witness, or other employee requested to attend by the Attorney General's office;
 - Employee subpoenaed by either party;
 - Employee whose attendance is approved by their employing agency.
-

Vacation and Sick Leave Credits Continue

While on workers' compensation leave, an injured employee continues accumulating vacation and sick leave to be credited to the employee's account for use upon return to work.

Leave Payout if Employee Does Not Return to Work

If an injured employee does not return to work following workers' compensation leave, the employee shall be paid a lump sum for unused vacation and bonus leave eligible for payout already earned as of the date of injury, unused vacation and sick leave accumulated only during the first 12 months of workers' compensation leave, and any unused bonus leave eligible for payout on or after the date of injury.

Workers' Compensation (continued)

Vacation Leave in Excess of 240 Hours

When an injured employee returns to work following a period of workers' compensation leave, the employee's vacation leave balance may exceed the 240-hour maximum as the employee has been unable to exhaust leave during the period of workers' compensation leave. This shall be handled as follows:

- The 240-hour maximum to be carried forward to the next calendar year may be exceeded by the amount of vacation accumulated during workers' compensation leave. The excess vacation leave may be used after returning to work or carried on the leave account until the end of the calendar year at which time any vacation leave exceeding the 240-hour maximum shall be converted to sick leave.
- If the employee separates for any reason during the period (i.e. calendar year) that excess vacation is allowed, the employee shall be paid a lump sum for unused vacation and bonus leave eligible for payout already earned as of the date of injury, unused vacation leave accumulated during the first twelve months of workers' compensation leave, and unused bonus leave eligible for payout granted on or after the date of injury.

Health Insurance

While on workers' compensation leave prior to separation, an injured employee may elect to continue or not continue health insurance coverage under the State Health Plan or other employer-based health plan. All injured employees are responsible for paying directly the employee's share of monthly premiums for the employee coverage and premiums for any dependent coverage. Employers should provide detailed information to all injured employees regarding health insurance coverage continuation and premium payments while an injured employee is receiving weekly disability compensation.

Retirement Service Credit

While on workers' compensation leave, an injured employee does not receive retirement service credit. After returning to work, an injured employee may purchase service credits for

Workers' Compensation (continued)

the time period on workers' compensation leave. Upon employee request, the Retirement System will provide a statement of the cost and date by which purchase must be made. If purchase is not made by the deadline date, the cost must be recomputed.

Total State Service Credit

While on workers' compensation leave, an injured employee remains in pay status and continues to receive total state service credit.

Longevity Pay

While on workers' compensation leave, an injured employee remains in pay status and continues to receive longevity credit. Injured employees eligible for longevity pay receive their annual payments.

Severance Salary Continuation Eligibility

While on workers' compensation leave, an injured employee is not excluded from eligibility for severance salary continuation if the employee otherwise meets the eligibility requirements set forth in 25 NCAC 01D .2702.

Reinstatement of Salary

Upon return to work following a period of workers' compensation leave, an employee's salary shall be computed based on the last salary plus any legislative increase to which entitled. Any performance increase which would have been given had the employee been working may be included in the reinstatement of salary, or it may be given on any payment date following reinstatement.

Return to Work

When an injured employee is released to return to work by the authorized treating physician and the employee has not been separated, the employer should act as follows:

1. If an injured employee has reached maximum medical improvement and has been released to return to work by the authorized treating physician without restrictions or

Workers' Compensation (continued)

with restrictions that can be accommodated, the agency shall return the employee to the same position held prior to the period of workers' compensation leave.

2. If an injured employee has reached maximum medical improvement and has been released to return to work by the authorized treating physician but has been assigned work restrictions which cannot be accommodated in the previous position, the agency shall attempt to place the employee in another position that is suitable to the employee's capacity.
3. If an injured employee has not reached maximum medical improvement but is able to return to work with restrictions assigned by the authorized treating physician, the agency shall provide a work assignment suitable to the employee's capacity and approved by the treating physician if such work is available.

Advisory Note: The WC Act does not prohibit the separation of an employee in receipt of workers' compensation benefits. Employees should not be separated in retaliation for filing a workers' compensation claim. Separation may occur anytime in accordance with 25 NCAC 01C .1007 Separation.

Refusal of Suitable Employment

If an employee who is released to return to work by written statement of the authorized treating physician refuses suitable employment, the employer shall request termination of disability compensation payments and implement separation procedures.

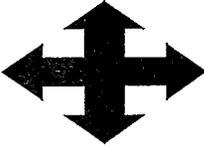
NCDA&CS Workers Compensation Flow Chart



Workplace Incident or Injury



**MEDICAL EMERGENCY
CALL 911**



**EMPLOYEE:
NOTIFY SUPERVISOR
IMMEDIATELY**

**EMPLOYEE:
Call CorVel 24/7 Employee Inju-
ry Call Center @
1-877-764-3574**

**EMPLOYEE to Complete Paperwork from
CorVel**

1. NC Employee Incident Report statement & Leave Option Form
2. CorVel Authorization to Obtain Medical Information Form

* PLEASE TAKE PICTURES



Report the Injury Immediately to the Agency Workers Compensation Administrator (WCA)

Janine Owens.....919-707-3027 (o)
252-413-9250 (c)



**SUPERVISOR Complete Paperwork for
NCDA&CS**

1. NC Supervisor Incident Investigation Report
2. NC Witness Statement Form

* All reports to be completed within 3 days of incident



**SUPERVISOR Contact Safety
Director**

*In the event of hospitalization or cat-
astrophic cases, Safety Director must
notify NCDOL within 8 hours of in-
jury or incident.*

**Kathy Buckley - 919.703.3637 ©
919.707.3215 (o)**



Email forms to WCA :Janine.Owens@ncagr.gov
as soon as possible.



Employee is required to keep constant communication
with their supervisor about their condition, appoint-
ments, return to work status.

