I. POLICY STATEMENT

It is the policy of the NCDA&CS that no state employee may engage in speech or conduct that is defined as unlawful workplace harassment and that all employees are guaranteed the right to work in an environment free from unlawful workplace harassment, intimidation and retaliation. Violations of this policy will not be tolerated. Disciplinary action will be immediate and may include dismissal.

II. DEFINITIONS

**Unlawful Workplace Harassment**: Unwelcomed or unsolicited speech or conduct based upon race, sex, creed, religion, national origin, age, color, genetic information or handicapping condition, as defined by the references above, that creates a hostile work environment or circumstances involving quid pro quo.

**Hostile Work Environment**: A work environment that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. Hostile Work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating and whether it unreasonably interferes with an employee's work performance.

**Quid Pro Quo**: Harassment of unwelcome sexual advances, requests for sexual favors or other
verbal or physical conduct when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.

**Retaliation:** Adverse treatment taken against an employee because of opposition to unlawful workplace harassment.

**Advisory Notes:**
- Sexual Harassment does not include personal compliments welcomed by the recipient or social interaction or relationships freely entered into by State employees or prospective employees.
- In 1998, in “Oncale v. Sundowner Offshore Services, Inc.,” the U.S. Supreme Court held that “nothing in Title VII necessarily bars a claim of discrimination ‘because of... sex’ merely because the plaintiff and the defendant (or the person charged with acting on behalf of the defendant) are of the same sex”.
- Hostile includes offensive, aggressive, antagonistic, belligerent and/or contentious behavior involving unlawful workplace harassment based on age, sex, race, color, national origin, religion, creed, genetic information or handicapping condition as defined by G.S. 168A-3. A hostile work environment is determined by looking at the following: 1) whether the environment is objectively offensive in the eyes of a reasonable person, 2) whether the environment is subjectively offensive in the eyes of the person who is the object of the alleged harassment and 3) the nature of the alleged hostility.
- Conduct towards an outside vendor or contractor that would constitute unlawful workplace harassment toward an employee could constitute unacceptable personal conduct.

**III. OBJECTIVES**

In order to ensure that the Department supports a work environment free from unlawful workplace harassment, the following objectives must be met:
- To achieve and/or maintain a workplace free of harassment (speech or conduct that falls under the definition of unlawful workplace harassment).
- To provide training to supervisors and employees on how to recognize and deal effectively with unlawful workplace harassment.
- To create an atmosphere where employees report unlawful workplace harassment, whether the incident occurred to them personally or to another employee.

**IV. TIMETABLES**

The objectives will be met on a reoccurring basis using the following guidelines:
- All new hires will receive unlawful workplace harassment training at new employee orientation.
- All employees will receive annual unlawful workplace harassment training.
- All Managers will attend the Equal Employment Opportunity Institute within a year of being hired to a management position.

**V. RESPONSIBILITIES FOR IMPLEMENTATION**
A. Commissioner: Provide direction to staff as necessary to carry out all actions required to comply with the department’s Unlawful Workplace Harassment Policy.

B. EEO Officer
   1. Interpret and apply Federal laws, state statutes, policy regulations and guidelines related to unlawful workplace harassment.
   2. Review any incidences of harassment through a thorough investigation. Provide a copy of the investigation to the Human Resources Director, Director of the employees involved, Chief Deputy Commissioner and Commissioner.
   3. Analyze frequency and location of incidents, provide training to correct deficient areas and improve employee awareness.
   4. Coordinate with Training Coordinator to ensure that Unlawful Workplace Harassment is conducted on an annual basis.
   5. Provide confidential counseling or consultation for management and employees in matters involving concerns or complaints alleging unlawful workplace harassment (formally, informally and within department guidelines).
   6. Establish and maintain effective working relations with groups concerned with unlawful workplace harassment.
   7. Coordinate special programs (internally or in cooperation with State Personnel) to achieve program objectives and to provide for management and employee input and assistance in program development and implementation.

C. Managers and Supervisors
   1. Administer the department’s policy.
   2. Prevent and correct any identifiable discrimination and/or unlawful workplace harassment.
   3. Counsel employees appropriate to prevent and correct unlawful workplace harassment.
   4. Create/maintain work environments free of unlawful workplace harassment.
   5. Minimize the impact of unlawful workplace harassment among their employees through supervision and education.
   6. Support the EEO Officer and Training Coordinator in conducting annual training for all employees.
   7. Provide a work environment and management practices which embraces zero tolerance of unlawful workplace harassment.

D. Employees
   1. Report all instances of unlawful workplace harassment, whether the employee is personally involved or offended, to Management and/or Human Resources for investigation.
   2. Support a work environment and management practices which embrace zero tolerance of unlawful workplace harassment.

VI. TRAINING

All employees, no matter their status, are to complete annual Unlawful Workplace Harassment training. Managers should seek to maximize employee attendance annually to ensure their

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personnel are continually refreshed on workplace harassment and their rights. Work areas that show need of training may be mandated to conduct training by upper level management.

Management has numerous venues available to conduct this training annually to include, but not limited to Personnel Development Center, Pure Safety, Department Training Coordinator run training and Management run/HR approved training.

Training as run by Human Resources or management must include the following:

- Appropriate disciplinary actions
- Department’s Policy on Unlawful Workplace Harassment
- Discrimination and corrective steps
- Grievance procedures
- State and Federal laws
- State’s policy on unlawful workplace harassment

VII. COUNSELING

Some victims of unlawful workplace harassment have been known to experience work-related problems such as absenteeism, low productivity and inefficiency as well as physiological problems that have been linked to stress. Assistance is available through the agency’s Employee Assistance Program (EAP) for those employees experiencing personal work related problems resulting from unlawful workplace harassment.

Employees have several resources available for their use to support any concerns they have with unlawful workplace harassment. Resources can include, but are not limited to:

- Management
- Fellow Workers
- EEO Officer
- ER Manager
- Deer Oaks

VIII. COVERED EMPLOYEES AND THE GRIEVANCE PROCESS

Any former employee or any full time or part time employee with either a permanent probationary, trainee, time-limited or temporary appointment is covered by this policy. Employees wishing to submit a grievance should follow the procedures and timelines below:

1. Submit a written complaint to the HR Director within 30 calendar days of the alleged harassing action.
2. The Department will conduct an investigation and take appropriate action within 60 calendar days from receipt of written complaint.
3. The department shall provide a written response to the grievant when the department has determined what action, if any, will result from the grievant’s written complaint. Agency grievance procedures shall include this responsibility.

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4. After the agency’s 60 calendar day response period has expired, the grievant may appeal directly to the State Personnel Commission through the Office of Administrative Hearings within 30 calendar days if not satisfied with the agency’s response to complaint.

Advisory Notes:
- A grievant has a right to file a simultaneous complaint under Title VII with the Equal Employment Opportunity Commission (EEOC).
- An individual with a grievance concerning a denial of employment, promotion, training or transfer, or concerning a demotion, layoff, transfer or termination due to discrimination based on age, sex, race, color, national origin, religion, creed, political affiliation or handicapping condition as defined by G.S. 168A-3 or a grievance based on retaliation for opposition to alleged discrimination may still appeal directly to the Office of Administrative Hearings.
- Grievances based upon genetic information can only be appealed internally or directly to the Equal Employment Opportunity Commission.

IX. EMPLOYEES EXPERIENCING UNLAWFUL WORKPLACE HARASSMENT

Any employee or former employee who believes he/she was subject to unlawful workplace harassment has the right to file a grievance according to the Department of Agriculture and Consumer Services Grievance Policy. The Commissioner supports employees utilizing this right.

Grievances based upon genetic information can only be appealed internally or directly to the Equal Employment Opportunity Commission.

Once a grievance has been filed, employees are protected from internal interference, coercion, restraint, retaliation or reprisal that can be directly connected to their grievance. In addition, employees who support or are called to testify on behalf of the grievant are protected from retaliation.

Advisory Note: Former employees may appeal directly to the Office of Administrative Hearings. Applicants, while not covered under the state Statute (SB7), are covered under other state and federal Civil Rights Acts.

X. DISCIPLINE

Any speech or conduct determined to constitute unlawful workplace harassment will be considered a violation of this policy. A prompt impartial investigation will be made in all cases alleging harassment based on presented facts surrounding the misconduct. Each case will be reviewed based on the presented facts. All parties involved are entitled to a fair and impartial hearing. Interference, coercion, restraint or reprisal against any person complaining of sexual harassment is prohibited.

XI. DISSEMINATION
The unlawful workplace harassment prevention plan will be communicated to all department employees through annual training, refresher training, new employee orientation and via the intranet.

XII. EVALUATION

The department’s goal is to achieve a productive workplace. In order to reach this goal, supervisors are required to monitor the activity in their respective work areas to ensure the workplace is free of harassment. The EEO Office will review and ensure compliance of the responsibilities outlined in the policy, record information in BEACON as required and complete any reporting request initiated by OSP, EEOC, the General Assembly or others. The EEO Office will maintain records of allegations, investigations, and documented occurrences of workplace harassment and/or retaliation through established procedures.
Workplace Violence

Contents:
- Purpose
- Definitions
- Coverage
- Prohibited Actions and Sanctions
- Authorized Exceptions to Policy
- Support and Protections
- Retaliation
- Reporting Responsibilities
- Agency Responsibilities

Purpose

It is the intent of the State Human Resources Commission to provide a workplace for State employees that is free from violence by establishing preventative measures, holding perpetrators of violence accountable and by providing assistance and support to victims. Committing violent acts, whether on-duty or off-duty, has the potential to impact an employee’s ability to perform their job. In implementing this policy, 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, and applicable personnel policies and procedures.

Definitions

Workplace Violence includes, but is not limited to, intimidation, bullying, stalking, threats, physical attack, 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.

Intimidation is engaging in actions that includes but is not limited to behavior intended to frighten, coerce, or induce duress.
Workplace Violence (continued)

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.

Stalking involves harassing or pestering an individual, in person, in writing, by telephone or 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.

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.

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

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, live together or date or who have been married, lived together or dated.

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

Coverage

This policy applies to SPA 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
Workplace Violence (continued)

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, and
- Misuse authority vested to any employee of the State of North Carolina in such a way that it violates 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.

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, suspension or dismissal 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.

Advisory Note: 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. An Employee Assistance Program (EAP) can assist agencies by facilitating a referral to an appropriate resource for this assessment.

Authorized Exceptions to Policy
An employee may possess a weapon if possession is:
- In compliance with North Carolina law,
Workplace Violence (continued)

- Authorized by the agency/university head or his/her 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 training received by the employee in order to perform the responsibilities of their job with the State of North Carolina.

Support and Protections
The agency shall make efforts to protect victims of workplace violence by offering all available 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 offer support to victims of workplace violence, which includes domestic violence. This support should include encouragement of the victim to use the services of an Employee Assistance Program (EAP), if available. In addition, management shall 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

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.
Workplace Violence (continued)

Reporting Responsibilities
All employees are encouraged to be alert to the possibility of violence on the part of employees, former employees, customers and strangers. Employees shall place safety as their highest concern, and shall report all acts of violence and threats of violence. All reports of violence will be handled in a confidential manner, with information released only on a need-to-know basis. Management shall be sensitive and responsive to the reporting employees' fear of reprisal.

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:

- Developing a policy statement establishing that workplace violence is prohibited,
- Designating a coordinator to be responsible for the overall implementation of a workplace violence prevention and management program. The coordinator may choose to establish a crisis management team approach or develop their own system that identifies and mobilizes appropriate consultative resources,
- Developing and implementing a written workplace violence prevention and management plan including:
  ✓ A process for disseminating the agency's workplace violence policy to new and existing employees,
  ✓ A procedure for employees and supervisors to report violations of the agency's workplace violence policy,
  ✓ A procedure for investigating a report of a violation of this policy including a description of agency preparedness and precautionary measures to be taken in responding to acts or threats of violence,
Workplace Violence (continued)

✓ A procedure for providing instruction to all employees regarding proper response to acts or threats of violence,

✓ A procedure for reporting, collecting and maintaining information regarding incidents of workplace violence, and

✓ A procedure for facilitating critical incident stress debriefings for employees who have been affected by an event related to trauma and victimization.
DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES

NUMBER: HR 001

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

AMENDS: Drug Free Workplace Policy Version September 17, 2010

Effective Date: January 1, 2014

APPROVED BY: Steven W. Troxler, Commissioner
Date Signed

RELATED LEGISLATION:

A. Drug Free Workplace Act, 1988
B. Final ruling under the United States Department of Transportation Federal Motor Carrier Safety Administration (FMCSA) 49 Code of Federal Regulations
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. FAA requirements including 14 CFR 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.
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’s license comply with Federal Motor Carrier Safety Administration (FMCSA) controlled substance and alcohol testing requirements, that licensed pilots comply with FAA requirements including 14 CFR for aviation, and that certified law enforcement officers comply with the testing requirements of the North Carolina Criminal Justice Training and 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

III. DEFINITIONS

Applicant: A person who applies for employment or an appointment to a Criminal Justice Certified Position, a position requiring a commercial driver’s license (CDL), or a position requiring a pilot’s license.

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/methamphetamine; 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 (Safety Director 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 testing 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.

**Human Resources Division**

**Drug Free Workplace, Controlled Substance, and Alcohol Testing Policy**

4/16

January 1, 2014

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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 needing pilot licensing to perform flight 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.

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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. Medication use that may adversely affect job performance must be reported to the employee’s supervisor along with the possible medical side effects before beginning work. An employee may be reassigned work duties temporarily or placed on sick leave or vacation 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, in conjunction with the Safety Director and the Employee Relations Director, will be responsible for policy implementation and management. All positive alcohol or substance- abuse test results will be referred to the Employee Relations Director or the Human Resources Director.

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.

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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 five (5) calendar days 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 five (5) calendar days 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 drivers 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 five (5) calendar days 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

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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 Safety Director 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 requiring a commercial driver’s license (CDL) or pilot’s license.
   c) Unannounced random testing for employees in positions that require a CDL and positions that require a pilot’s license.
   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.

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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 Director 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 work 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 Drivers 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.

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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:

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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 Director, or Human Resources Director. 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

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• 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 Director 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 Director 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

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

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Policy Number: 001
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
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,

[Signature]
Steven W. Troxler
Commissioner
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.

E-mail Usage Policy
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 email system. The NCDA&CS may monitor messages without prior notice. The NCDA&CS managed email 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

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>E-mail</td>
<td>The electronic transmission of information through a mail protocol such as SMTP or IMAP, Exchange. Typical e-mail clients include Microsoft Outlook.</td>
</tr>
<tr>
<td>Forwarded e-mail</td>
<td>Resending an e-mail message delivered to one email address onto a possibly different email address</td>
</tr>
<tr>
<td>Chain e-mail</td>
<td>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.</td>
</tr>
<tr>
<td>Sensitive information</td>
<td>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.</td>
</tr>
<tr>
<td>Virus warning</td>
<td>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.</td>
</tr>
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### 5.0 Revision History

<table>
<thead>
<tr>
<th>Rev</th>
<th>Date</th>
<th>Explanation</th>
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<tbody>
<tr>
<td>01</td>
<td>8/8/13</td>
<td>clarification of 2.4 mass mailings</td>
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<tr>
<td></td>
<td></td>
<td>Addition of surplus equipment</td>
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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
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

Information Technology Acceptable Use Policy
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.
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.

<table>
<thead>
<tr>
<th>3. Employer name</th>
<th>4. Employer Identification Number (EIN)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NC Department of Agriculture &amp; Consumer Services</td>
<td>56-6000732</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. Employer address</th>
<th>6. Employer phone number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1001 Mail Service Center</td>
<td>919-707-3200</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>7. City</th>
<th>8. State</th>
<th>9. ZIP code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raleigh</td>
<td>NC</td>
<td>27699-1001</td>
</tr>
</tbody>
</table>

10. Who can we contact at this job?
   Connie Blankenship

11. Phone number (if different from above)
   919-707-3204

12. Email address
   connie.blankenship@ncagr.gov

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.
NCDA&CS WORKPLACE MANUAL FOR SAFETY AND HEALTH

Policy and Procedures

I. Purpose:

NCDA&CS believes every employee is entitled to a safe and healthful workplace. To achieve this goal, the Commissioner has approved and signed a policy statement for safety, health and the environment. In addition, the Commissioner, deputy commissioner, assistant commissioners and division heads have approved specific health and safety policies all of which have been published and distributed as the NCDA&CS Safety and Health Policy and Reference Manual.

In conjunction with safety and health policies, the following information lists requirements and how they are accomplished for specific aspects of NCDA&CS’s overall safety program. The material herein is written to group specific program elements in a way to facilitate communication of these elements to employees, managers and the Office of State Personnel.

II. Scope:

These requirements and procedures shall apply to all NCDA&CS employees.

III. Responsibility:

Division directors are responsible for ensuring compliance of all health and safety requirements set forth by OSP, OSHA, EPA, N.C. General Statutes and other regulatory agencies which govern workplace safety and health. The NCDA&CS safety director shall assist management by information dissemination, providing technical advice, and by conducting inspections and audits. Division directors are responsible for ensuring documentation is kept for all requirements specified, such as, self inspections, training, occupational injuries and illnesses, safety meetings and reporting requirements.

IV. Minimum Requirements:

A. Record keeping - The minimum recordkeeping requirements are to be kept at each NCDA&CS physical location (site). Divisions with field forces may keep their records in the Division Office.

1. First aid log
2. OSHA 300 log
3. Accident reports
4. Safety meetings
5. Self inspection lists
6. Safety orientation material
7. Other records required for special circumstances or equipment (e.g. forklifts)
8. Training record minutes

B. Hazard Assessment - Each site/division shall conduct a self-audit and inspection at least annually to determine the effectiveness of their safety efforts. The safety director may conduct an inspection and audit all areas and division locations to assist management in identifying program deficiencies. The safety director will conduct these inspections at management's request. The following are specific inspection items and minimum frequencies of inspection to be conducted by each division.

1. Fire extinguishers - monthly
2. Safety showers - monthly
3. Eye wash - monthly
NCDA&CS employees or the public at large. Such determinations may be implemented immediately, but preferably after consultation with the division head and safety director.

5. **Training Procedure** - Each division is responsible for safety and health training. The safety director will assist management in acquiring training materials and resources. Training needs are defined by OSHA, Department and OSP requirements. The effectiveness of this training will be periodically evaluated by management and the safety director.

I. **Hazard Communication** - The Department has a written hazard communication policy concerning all employees. The Chemical Hygiene Plan for all laboratories further details hazard communication procedures.

1. **New Employee Orientation** - New employees are required to read and sign the OSP Employee Safety and Health Handbook. In addition, other information is conveyed to the new employee by their supervisor according to his or her hazard exposure.

2. **Safety Awareness** - The use of posters, incentives, newsletters and other promotional material is encouraged. Each division shall develop and implement promotional material as the division head sees fit.

3. **Personal Protective Equipment** - Written procedures explaining the purpose, use and maintenance of personal protective equipment shall be provided. Two department policies are devoted to respirators. Each division shall have such procedures covering their particular needs.

4. **Medical Surveillance** - The Department has policies for medical surveillance of organophosphate pesticides, lead, formaldehyde, benzene, respirator use and noise exposure. Each affected division has a chemical hygiene plan which describes procedures for additional medical surveillance when it is required.

5. **Training Requirements** - The following topics are required training according to applicability by division. The amount of training each division employee receives will vary by relevancy of the topic. Employees shall receive all applicable training with initial work assignment or reassignment.

1. **Annual Training Required**

   1.1 Respiratory Protection
   1.2 Other Personal Protective Equipment
   1.3 Fire Extinguishers
   1.4 Emergency Evacuation Training and Drill
   1.5 Confined Space Entry
   1.6 Lockout-Tagout
   1.7 Hydrogen
   1.8 Benzene
   1.9 Formaldehyde
   1.10 Forklift Review
   1.11 Anhydrous Ammonia
   1.12 CPR/AED
   1.13 Medical Records Access
   1.14 Hazard Communication
   1.15 Farm Equipment
   1.16 Hearing Conservation
Committee members are chosen by the division head and should consist of an equal number of staff and supervisors. The minimum number on the division's committee shall be 3 employees. The chairman of the committee may be voted or appointed by the division head.

J. **Accident Reporting and Investigation** - Consult NCDA&CS's Policy on this subject in the Safety and Health Manual.

K. **Safe Work Practices and Rules** - Each site manager shall develop, post and distribute to all employees a list of safe work practices and safety rules.

1. **Discipline** - An employee who violates any established safety rule shall be reprimanded by site management. Depending on the severity and frequency of a safety rule violation, the manager may discipline the employee according to State Personnel Policy. Discipline may include immediate dismissal.

2. **Contractors, Visitors** - The site manager shall ensure all contract workers at the site will be informed of physical, chemical or biological hazards they may encounter during their work at the site. Visitors shall be informed of potential hazards in the area(s) they will be visiting. Personal protective equipment will be issued if necessary (example - issuing safety glasses to visitors in laboratories which require safety glasses for employees). Contractors and visitors who are not accompanied by a site employee shall be informed of site emergency procedures. All of these topics shall be discussed with the contractor at a pre-construction meeting.

L. **Procedures for Employee Safety and Health Complaints** - Any employee has the right to complain to their supervisor about any unreasonable potential or existing safety and health hazard. This complaint may be made verbally or in writing by using NCDA&CS's Safety Observation Report. An employee can make a complaint without fear of retaliation. Anonymous complaints may be submitted directly to the safety director by using the Safety Observation Report form. Whenever possible, a response to the complaint will be made within five (5) working days of the date the complaint is received.

M. **Record Retention** - Each Division shall retain safety and health documents for the following minimum lengths of time:

1. Safety meeting minutes - 3 years
2. Facility Inspection reports (both internal and external inspections and audits) - 3 years
3. SBO reports - 3 years
4. Form 19 - 6 years
5. Supervisor's Incident Report - 6 years
6. Training - 3 years
7. Fork Lift Inspection reports - 1 year
8. Fire extinguisher inspection records - life of extinguisher
9. Vehicle inspections - 1 year
10. OSHA 300 logs - 6 years
11. OSHA 300A form - 6 years
12. Medical Records - length of employment plus 30 years
13. Air/Noise monitoring data - 30 years
14. Respirator fit test data - 2 years
15. Hazard assessments (PPE, JSA, Near Miss, SOR) - 2 years

N. **Medical Attention for Work Related Injuries and Illnesses** - It is the objective of NCDA&CS to ensure an employee who is hurt while performing the prescribed duties of their job will be given the best treatment available. To facilitate such treatment, each NCDA&CS site should establish
NCDA&CS Workers Compensation Flow Chart

Workplace Incident or Injury

MEDICAL EMERGENCY
CALL 911

EMPLOYEE:
NOTIFY SUPERVISOR IMMEDIATELY

EMPLOYEE:
Call CorVel 24/7 Employee Injury 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

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

SUPERVISOR Contact Safety Director
In the event of hospitalization or catastrophic cases, Safety Director must notify NCDOL within 8 hours of injury or incident.
Kathy Buckley - 919.703.3637 ©
919.707.3215 (o)

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