

CHAPTER IX

WORKPLACE SAFETY & SECURITY GUIDELINES

Spartanburg County is committed to providing a safe working environment. All employees should be safety-conscious, follow safety rules, and immediately alert management to any conditions in the work place that are believed to be unsafe or unhealthy. All employees are expected to abide by safe work practices and adhere to general safety rules to ensure their safety as well as the safety of coworkers.

Accident prevention is important to the well being of Spartanburg County's employees and citizens. It also is a factor in the County's overall operating expenses. Should an accident occur, employees will consider how the accident could have been prevented and take the necessary steps to prevent a similar accident in the future. It is the responsibility of each employee to conduct all tasks in a safe and efficient manner, complying with all local, state and federal safety and health regulations, programmatic standards, and any special safety concerns identified by Spartanburg County for use in a particular area. Violation of a safety rule, policy, or otherwise engaging in unsafe practices may result in disciplinary action, up to and including termination.

More comprehensive safety policies are contained in the Safety Program Manual that is available to each employee in the work area and/or on the County's intranet site. Such Manual should be used in conjunction with the information provided in this Handbook.

9.1 SAFETY RULES

Spartanburg County is committed to the safety of its employees, property and equipment. However, the most important part of safety is YOU. It is each employee's responsibility to abide by the safety rules; these rules are made for each employee's protection.

Our employees perform a wide range of functions in various locations. The following is not a complete list of safety rules and these rules are not intended as a substitute for common sense and good judgment. Although some safety rules apply only to specific positions, all employees are expected to comply with the following rules:

- Use common sense in performing your duties.
- Report any and all work injury/illness to your supervisor or the Risk Manager immediately.
- Report any and all unsafe conditions to your supervisor or the Risk Manager immediately.

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- Do not use any equipment, vehicles or materials when overly tired, nauseated, feverish or under the influence of any substance that may affect your judgment.
- Keep your work area neat and tidy.
- Use mechanical devices or request assistance in lifting heavy loads.
- Do not use tops of cabinets or bookcases for extra storage or displays.
- Be sure that aisles or exits are kept clear; do not let cords interfere with walkways.
- Keep paper clips, tacks, pins and other objects off the floors.
- Store all sharp objects properly when not in use.
- Open and close doors cautiously and use extra caution at blind hallway intersections.
- Open only one file cabinet drawer at a time to avoid tip-over. Cabinets also should be loaded from bottom to top and emptied in the reverse order.
- Report or clean up all spills immediately.
- Only use approved step stools, platforms or approved ladders for climbing.
- Report or replace frayed electrical cords.
- Hard-toed shoes must be worn when working on jobs where heavy objects may fall or as otherwise required by assigned job duties.
- Safety goggles or glasses and hearing protection will be provided when necessary. These protective devices must be used when breaking out concrete or asphalt, grinding, using a cutting torch, welding, sanding, using chisels, chipping slag, breaking rock, handling hazardous materials, operating loud power tools and machinery and as otherwise required by assigned job duties.
- Wear clothes suited for the job. This means hard-soled work shoes, shirts and long pants where appropriate. If working around equipment with moving parts, jewelry should be removed before reporting to the job.
- Locate the first aid kits that are available in the work area.
- All gasoline and petroleum-based products shall be stored in approved safety cans or the original manufacturer's container.
- Know where fire extinguishers are located and know how to use them if you need to.

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- Read and maintain copies of all Safety Data Sheets supplied with hazardous materials and abide by the instructions.
- Use tools only for intended purposes. Do not use broken or dangerously dull tools. Defective materials or tools must be turned in and must not remain on the job. Do not attempt to operate special machinery or equipment without permission and instructions.

9.2 SAFETY DATA SHEETS (SDS)

Spartanburg County will keep Safety Data Sheets (SDS) on all hazardous substances and materials in designated areas within each department. Employees should help ensure that SDS are kept in the respective areas or report missing SDS to the immediate supervisor or the Risk Manager.

9.3 TOBACCO-FREE ENVIRONMENT

Spartanburg County is committed to providing a safe and healthy work and living environment for its employees and customers. Smoking and/or the use of tobacco products in any form and the use of e-cigarettes regardless of whether they contain tobacco is permitted only in specifically designated areas of County property. Smoking and/or use of tobacco products in any form and the use of e-cigarettes regardless of whether they contain tobacco is prohibited at all times in County-owned or -leased vehicles. Smoking and/or use of tobacco products in any form and the use of e-cigarettes regardless of whether they contain tobacco is not permitted at any time while providing service to County customers or otherwise conducting County business regardless of location. If an employee has a question about the designated area location, the employee's immediate supervisor can assist. A violation can be subject to disciplinary action up to and including discharge. See Chapter VII, Section 7.8.

9.4 DRUG AND ALCOHOL (SUBSTANCE ABUSE) POLICY FOR EMPLOYEES

A. STATEMENT OF PURPOSE

- A.1 Spartanburg County (County) is firmly committed to a safe, healthy and productive work environment free of accidents and injuries resulting from the misuse of alcohol or drugs. The unlawful or improper presence or use of drugs or alcohol in the workplace presents a danger to everyone. For these reasons, the County has established the following substance abuse policy. As provided below, drug and alcohol testing is an integral part of our substance abuse policy. Compliance with the policy is required as a condition of continued employment with the County.
- A.2 This policy applies to all County employees, including employees in managerial or supervisory positions. Employees in positions subject to Department of Transportation testing are covered by a separate policy.
- A.3 The County maintains a policy of non-discrimination and will endeavor to make

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reasonable accommodations to assist recovering addicts or alcoholics and those having a medical history reflecting treatment for substance abuse conditions. We encourage employees to seek assistance before their drug and alcohol use renders them unable to perform their essential job functions or jeopardizes the health and safety of themselves or others.

- A.4 Questions regarding the meaning or application of this policy should be directed to the Director of Human Resources or Risk Manager.

B. PROHIBITED CONDUCT

B.1 Prohibited Conduct Concerning Alcohol And Drugs

The following conduct by employees is prohibited:

- a. Reporting for work or remaining on duty after the employee has consumed alcohol in any amount that adversely affects the employee's job performance
- b. Consuming alcohol at any time on County premises
- c. Consuming alcohol at any time during an employee's workday. This includes, but is not limited to, while an employee is on or off the premises of the County, as well as during the employee's meal and other break periods.
 - (i) Exception: This prohibition does not include the authorized and reasonable consumption of alcohol by a non-safety-sensitive employee of legal drinking age at functions or activities sponsored by the County or associated with County work. Responsible, professional, business-like behavior is expected of employees (including management) at all times. Inappropriate, unprofessional behavior associated with alcohol consumption may subject employees (including management) to disciplinary action, up to and including termination.
- d. Consuming alcohol within the eight-hour period immediately following a work-related accident (as defined in Section C.2) or until the employee has submitted to a post-accident alcohol test, whichever comes first
- e. Engaging in any illegal or unauthorized use of drugs at any time while on or off-duty
 - (i) This prohibition does not apply to prescription or over-the-counter medications taken by an employee in a non-safety position that have been lawfully prescribed or obtained by the employee, and are being used by the employee in accordance with the prescription's guidelines (if applicable) provided the employee

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complies with County and departmental safety and other related policies and procedures.

- (ii) This prohibition does not apply to prescription or over-the-counter medications taken by employees in safety-sensitive positions which:
 - (1) have been lawfully prescribed or obtained by the employee;
 - (2) are being used by the employee in accordance with the prescription's guidelines (if applicable); and
 - (3) before reporting to work under the influence of such medication, the employee has inquired whether the drug manufacturer or the employee's physician warns against driving, operating machinery or performing other work-related safety-sensitive tasks. If such warnings exist, the employee taking the medication must inform his/her supervisor of such restrictions before reporting to work under the influence of such substances. When informing his or her supervisor(s) or the Director of Human Resources or Risk Manager of such restrictions, the employee should not identify the medication(s) being used or the reason for its use. The County will evaluate and respond to this information on a case-by-case basis. Responses may include, among other things, temporary job reassignment or modifications, a request for additional medical documentation and consultation and/or an instruction that the employee not work until the restriction is removed. Any employee reporting to work in a safety-sensitive position without first advising the County about warnings accompanying lawfully prescribed or obtained medications will be subject to corrective action up to and including possible termination of employment. An employee's lack of knowledge concerning such warnings will not excuse a violation of this rule where an employee has failed to make the inquiries required by this rule.
- f. Failing to stay in contact with the County or its medical review officer while awaiting the results of a drug test
- g. Engaging in the unlawful or unauthorized manufacture, distribution, dispensation, solicitation, sale, purchase, transfer or possession of drugs or alcohol while on County-paid time, on County premises, in County vehicles or while otherwise engaged in activities for or on behalf of the County. In addition, an employee's illegal conduct involving drugs or alcohol during non-work times may also result in discipline, up to and including discharge, depending on the circumstances.

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- h. The refusal to submit to any drug or alcohol test that is required under the County's policy will result in the employee's immediate termination of employment.
- i. Testing positive on any drug or alcohol test that is required under this policy.

B.2 Refusal to Submit to a Test: An employee who engages in any of the following conduct will be considered to have refused to submit to a test:

- a. refusing or failing to appear for a drug or alcohol test within a specified time, as determined by the County, after being directed to do so by the County;
- b. failing to sign an authorization form permitting the release of the test result to the County;
- c. failing to remain at the testing site until the testing process is complete;
- d. failing to provide or attempt to provide a urine, saliva, breath or blood specimen for testing without adequate medical explanation;
- e. failing or declining to take a second drug or alcohol test that the County or collector has directed to be taken;
- f. failing to undergo a medical examination or evaluation, as directed by the medical review officer as part of the verification process, or as directed by the County as part of the shy bladder procedures, or the insufficient breath procedures;
- g. adulterating or substituting a urine sample, or attempting to adulterate or substitute a urine sample;
- h. refusing or failing to notify the County promptly that the employee was involved in a work-related accident (as defined in Section C.2 of this policy), without a valid excuse; or,
- i. failing to cooperate with any part of the testing process such as by delaying the collection, testing or verification process or otherwise engaging in conduct that clearly obstructs or manipulates, or attempts to obstruct or manipulate, the testing process.

B.3 Consumption of Food or Food-Products Containing Hemp: The consumption of food and food-products containing hemp may cause an employee to test positive. A test result that is positive as a result of an employee's consumption of food or food-products containing or made from hemp or hemp products will be reported as a positive test and subject the employee to discipline, up to and including termination.

B.4 Prohibition On Employee Working: No supervisor or manager who has actual knowledge that an employee has engaged in or is engaging in conduct prohibited

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under this policy shall permit the employee to work or continue working under such circumstances. Any employee who has been directed not to work or directed to stop working under such circumstances must immediately comply.

- B.5 Notification of Arrest or Conviction under Criminal Alcohol or Drug Statute:
Employees must notify their supervisor or Human Resources Director on the next work day of any arrest or conviction under any criminal or drug statute. Failure to do so may result in disciplinary actions up to and including termination.

C. REQUIRED TESTS

Except as otherwise provided in this policy, employees are required to submit to testing under the circumstances described below. Except where conditions otherwise require, all tests will normally be conducted either during or immediately after the regular work period, which includes any period when an employee is working overtime.

C.1 “Reasonable Suspicion” Drug and Alcohol Testing – Applies to All Employees

- a. An employee must submit to a drug test and/or an alcohol test whenever the County has reason to suspect the employee has or may have used drugs or alcohol in violation of the County’s policy.
- b. The County’s “reasonable suspicion” determinations will be based on specific, current observations that can be verbalized, including but not limited to the employee’s appearance, behavior, conduct, speech or body odors. These observations also may include indications of an employee’s chronic use of, or the effects of withdrawal from, drugs or alcohol. The determination may be based on a single instance of conduct involving a serious potential risk of harm to the employee or others, or to County property or the property of others.
- c. All “reasonable suspicion” tests must be administered as soon as possible following the determination.
- d. The County shall transport or make arrangements for the transport of the employee to and from the collection site.
- e. An employee who is required to submit to a “reasonable suspicion” test will be suspended until the drug or alcohol test results are received. The County also reserves the right to evaluate the employee’s conduct that triggered the drug and/or alcohol test, to determine if the conduct in and of itself warrants discipline, up to and including termination.

C.2 Post-Accident Drug and Alcohol Testing of Employee

- a. Whenever an employee causes or contributes to a work-related accident (as defined below), the employee will be required to submit to a drug test and/or an alcohol test.

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- (i) As used in this policy, “work-related accident” means an accident which occurs while the employee is on the premises of the County or at another work-site location, or is off-site while engaged in activities for or on behalf of the County, or while the employee is operating a vehicle or other equipment, including the employee’s, for or on behalf of the County, and
 - (ii) the accident results in one or more of the following: (i) a fatality; or (ii) bodily injury to any individual who, as a result of the accident, requires immediate medical treatment (excluding first aid) at or away from the scene of the accident; or (iii) any damage to County property or to the property of another party that exceeds \$500 as estimated in the County’s sole judgment at the time of the occurrence; or (iv) in the case of a vehicle accident, any property (iv) in the case that damage occurs and it is determined in the County’s sole judgment that the employee may have contributed to the accident.
- b. All post-accident tests must be administered as soon as possible following the accident. Employees who are involved in a work-related accident must remain readily available for testing or will be considered to have refused to submit to a test. However, an employee who is involved in a work-related accident is not prohibited from leaving the scene of an accident for the period of time necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care for the employee or others injured as a result of the accident.
 - c. Except where circumstances do not permit, the County shall transport or make arrangements for the transport of the employee to and from the collection site.
 - d. An employee who is required to submit to a post-accident test may be suspended until the drug or alcohol test results are received. The County also reserves the right to evaluate the employee’s conduct that triggered the test, to determine if the conduct in and of itself warrants discipline, up to and including termination.

C.3 Random Drug Testing of Safety-Sensitive Employees

- a. The County will conduct random drug testing on safety-sensitive employees.
- b. Random drug tests will be unannounced ahead of time and the dates of such tests will be spread out reasonably throughout the calendar year.
- c. Safety-sensitive employees who will be subject to random testing will be put into one or more random selection pools and will be selected for

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testing by the County using a scientifically valid random selection process that ensures that each employee in the selection pool has an equal chance of being selected each time a selection is conducted. Appropriate safeguards will be used to ensure that the identity of individual employees who could be selected cannot be determined until after an employee is actually selected.

- d. Whenever an employee is notified of his/her selection, the employee is expected to proceed to the test site immediately. An employee who does not proceed to the test site immediately may be deemed to have refused to test.

D. CONSEQUENCES FOR POLICY VIOLATIONS

Employees who violate the County's policy are subject to the following consequences:

- D.1 Refusal To Submit: Employees who refuse to submit to a test when requested will be terminated from employment. Refer to section B.2 of this policy for a description of the conduct which will be considered as a refusal to submit to a test.
- D.2 Positive Test Results: Any employee who receives a verified positive drug test result or a confirmed alcohol test result of 0.04 or greater will be terminated.
- D.3 Other Policy Violations: The employee will be immediately removed from his/her job duties and will be subject to discipline, up to and including termination.
- D.4 Fitness-For-Duty Evaluation: Whenever an employee is required to submit to a "reasonable suspicion" test and receives a negative test result, the County may require the employee to submit to a fitness-for-duty evaluation if he/she occupies a safety-sensitive position. The evaluation may include a review of the employee's medical records and/or a medical examination by a licensed physician. The purpose of the evaluation is to determine whether the employee poses a significant risk of substantial harm to the health and safety of the employee, others in the workplace, or to the public. Employees will be required to provide the necessary authorizations for obtaining the medical records and conducting the examination. Depending upon the results of the evaluation, the County will consider whether the safety or health risk can be eliminated or sufficiently reduced by a reasonable accommodation, if applicable.
- D.5 Potential Forfeiture of Workers' Compensation and/or Unemployment Compensation Benefits: An employee's violation of the County's policy will be considered as gross and willful misconduct. In addition to the discipline and other consequences imposed under this policy, therefore, such employee misconduct may also result in the denial of unemployment compensation under applicable state law. Additionally, employees who are injured as a result of using drugs or

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alcohol in violation of this policy and/or the other County safety rules also risk forfeiture of workers' compensation benefits under the applicable state law.

E. NOTIFICATION OF TEST RESULTS, CONFIDENTIALITY, TESTING EXPENSES AND COMPENSATION FOR TESTS

- E.1 Employees will be provided with a copy of their test results if they test positive.
- E.2 The County will maintain records of its substance abuse program in a secure location with controlled access. These records are confidential and will not be disclosed, except in accordance with applicable law.
- E.3 The County will pay for all drug or alcohol tests required by the County, which includes a confirmation drug test performed on an employee's primary urine specimen.
- E.4 Time that an employee spends providing a specimen for testing, including travel time to and from the collection site in order to comply with a test required under this policy, shall be considered as working time.

F. TESTING PROCEDURES

The County's drug and alcohol testing procedures comply with applicable state and local law. The County's procedures ensure the integrity, confidentiality and reliability of the testing process, safeguard the validity of the test results and ensure that test results are attributed to the correct individual. These procedures also are intended to minimize the impact upon the privacy and dignity of employees being tested.

F.1 Drug Testing

The County has established a chain of custody procedure for urine specimen collection and testing that will verify the identity of each urine specimen and test result.

a. Collection facilities and laboratories

Drug testing will be conducted at outside collection facilities and laboratories. The laboratories analyzing the test results will be certified by the U.S. Department of Health and Human Services (DHHS-certified laboratory) or as otherwise required or permitted under applicable state law.

b. Drugs to be tested for

The County will test for the following drugs: amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, methadone, methaqualone, opiates, phencyclidine (PCP), propoxyphene and their metabolites.

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c. **Confirmation and review of drug test results**

All positive drug test results will be confirmed by gas chromatography and mass spectrometry (GC/MS). All confirmed positive drug test results will be reviewed by a medical review officer (MRO) to determine whether there is any legitimate explanation for the positive test result. This review may include a medical interview, review of the employee's medical history, or review of any other relevant biomedical factors and all medical records made available by the employee.

An employee's use of prescription and over-the-counter medications may result in a positive test result. Employees will be given the opportunity to discuss with the MRO any legitimate explanation for the positive test result. Employees may provide any information which may be considered relevant to the test, including identification of prescription or nonprescription drugs currently or recently used, or other relevant medical information. If the MRO determines that there is a legitimate medical explanation for the confirmed positive test result, the MRO will report the test result as negative. If the MRO determines that there is no legitimate explanation for the confirmed positive test result, the result will be verified by the MRO as a confirmed positive test.

If an employee refuses or fails to make himself/herself available to speak with the MRO, the MRO may verify a test as positive without having communicated directly with the tested individual. If the MRO reports to the County that a negative drug test was dilute, the employee will be directed to take another test immediately. If the employee refuses to take a second test, this constitutes a refusal to test.

d. **Right to have "confirmatory re-test" after positive test result**

Employees who test positive may request a confirmatory re-test of their original urine specimen, at their own expense, in a different DHHS-certified laboratory (or other laboratory required or permitted under state law) selected by the County. This request must be made by the employee within 72 hours of being notified by the MRO of a verified positive test result.

e. **Inability to provide adequate amount of urine**

Employees must provide at least 45 milliliters of urine for a drug test. If the employee is unable to provide such a quantity of urine, then the individual will be instructed to drink a set amount of fluids and, after a set period of time, again directed to provide a complete specimen. If the employee refuses to drink the fluids as directed, or refuses to provide a new urine specimen, this will constitute a refusal to submit to a test.

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If an employee has not provided a sufficient specimen within a certain time period after the first unsuccessful attempt to provide the specimen, the County will direct the employee to provide a blood specimen. If blood testing is not possible, the County will direct the employee to undergo a medical evaluation to determine whether the employee has a medical condition that prevented the provision of a sufficient urine specimen.

F.2 Alcohol Testing

a. **In general**

Alcohol screening tests will be performed either by a screening test technician (STT) using a non-evidential screening device which the STT is proficient to operate, or by a breath alcohol technician (BAT) using an evidential breath testing device (EBT) which the BAT is proficient to operate.

b. **Confirmation of alcohol test results**

If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be performed. The confirmation test will be conducted within 30 minutes from the end of the screening test. If the confirmation test result is an alcohol concentration level of 0.04 or greater, the test result will be reported as a positive. The confirmation test result is the final result upon which any discipline or other action taken under the County's policy shall be based.

c. **Inability to provide adequate specimen amount for alcohol testing**

If the employee is unable to provide sufficient saliva to complete a test on a saliva screening device, the STT shall conduct a new test, using a new device. If the employee refuses to complete the new test, this will constitute a refusal to submit to a test and the employee will be terminated. If the new test is completed, but there is an insufficient amount of saliva to activate the device, the employee shall immediately take a breath alcohol test using an EBT.

Each employee shall blow forcefully into the mouthpiece of the EBT for at least six seconds or until the EBT indicates that an adequate amount of breath has been obtained. If an employee fails to provide or claims that he or she is unable to provide a sufficient amount of breath to permit a valid breath test, the County will direct the employee to submit to blood testing. If the employee refuses, the employee will be considered to have refused to test. If blood testing is not possible, the County will direct the employee to undergo a medical evaluation to determine whether the employee has a medical condition that prevented the provision of a sufficient breath specimen.

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G. SELF-IDENTIFICATION OF SUBSTANCE ABUSE PROBLEM

- G.1 Consistent with and subject to the County’s policies concerning the Family and Medical Leave Act, or other applicable leave policy, if any, employees who voluntarily self-identify themselves as having a drug or alcohol problem and who voluntarily request assistance for such problem will be referred to a substance abuse professional for an evaluation and for an appropriate counseling, treatment or rehabilitation program, if recommended. The cost of the evaluation and any counseling, treatment or rehabilitation is the employee’s responsibility. (For further details concerning the employee’s payment obligations, employees should refer to their individual medical insurance plan.)
- G.2 This request must be made before the employee is required to submit to a drug or alcohol test required by this policy. Employees may not use this self-identification provision to avoid taking a test when required under this policy or to avoid being disciplined for receiving a positive test result or for refusing to submit to a test (refer to Section B.2 for a description of conduct that constitutes a refusal to submit to a test).
- G.3 Once leave commences, periodic certification that the employee is actively continuing to participate in the program, together with progress reports, shall also be required. As a further condition of taking such leave, the employee will be required to authorize the attending substance abuse professional to communicate directly with the County, including to release the employee’s relevant treatment records to the County, except as federal or state law may otherwise require. All such oral and written communications between the substance abuse professional and the County shall be treated as confidential.
- G.4 Except where the federal or state law prohibits, all leave time taken for the evaluation, counseling, treatment or rehabilitation will be counted against the leave to which the employee may be entitled under the federal or state Family and Medical Leave laws, or other applicable leave policy, if any.
- G.5 In accordance with the applicable “Agreement For Voluntary Treatment and Conditions for Continued Employment” executed prior to the commencement of such leave, safety-sensitive employees may be required to submit to a return-to-duty drug and/or alcohol testing as a condition of returning to work and receive a negative result. Safety-sensitive employees may also be required to submit to unannounced follow-up drug and/or alcohol tests as part of the program, as recommended by their treating substance abuse professional.

9.5 DRUG AND ALCOHOL (SUBSTANCE ABUSE) POLICY FOR VEHICLE DRIVERS REGULATED BY THE FMCSA

A. STATEMENT OR PURPOSE AND SCOPE OF POLICY

- A.1 Spartanburg County, South Carolina (County) is firmly committed to ensuring a safe, healthy, productive and efficient work environment for our

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employees, customers and the public in general. The County has a vital interest in ensuring a safe, healthy and efficient working environment and the prevention of accidents and injuries which can result from the misuse of alcohol or drugs by drivers of the County's commercial motor vehicles. For these reasons, and as required by the drug and alcohol testing regulations of the Federal Motor Carrier Safety Administration (FMCSA), the County has established this substance abuse policy for the drivers of its commercial motor vehicles. Drug and alcohol testing is an integral part of our policy and program. Compliance with this policy is required by applicants as a condition of employment and by drivers as a condition of continued employment.

- A.2 This policy applies to any "driver" (as defined in Section B.5 of this policy) who operates a "commercial motor vehicle" (as defined in Section B.3 of this policy) for or on behalf of the County and who is required to have a commercial driver's license (CDL) in order to operate that vehicle. The policy also applies to all applicants who seek employment for such driver positions. Additionally, this policy applies to any County supervisor and other managerial personnel who drive or may be required to drive a commercial motor vehicle from time-to-time on the County's behalf.
- A.3 This policy explains the FMCSA's drug and alcohol regulations and the County's own policies with respect to the use of drugs or the misuse of alcohol. Provisions of this policy which are included under the County's independent authority are specifically identified by text which has been underlined.
- A.4 **This policy is not a contract of employment. All County employees are employees at-will. This means that employment can be terminated at any time either by the employee or the County with or without cause and with or without notice.**
- A.5 The County maintains a policy of non-discrimination and will endeavor to make reasonable accommodations to assist recovering addicts or alcoholics and those having a medical history reflecting treatment for substance abuse conditions. We encourage employees to seek assistance before drug and alcohol use renders them unable to perform their essential job functions or jeopardizes the health and safety of themselves or others.
- A.6 Any questions regarding the meaning or application of this policy should be directed to the County's Designated Employer Representative (DER), the County Risk Manager or his designee who can be contacted in the Human Resource Department.

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B. DEFINITIONS

- B.1 “**Alcohol**” means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol.
- B.2 “**Alcohol Use**” means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.
- B.3 “**Commercial Motor Vehicle**” (CMV), for purposes of this policy, means 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 weight rating of 11,794 or more kilograms (26,001) or more pounds) including a towed unit with a gross vehicle weight of more than 4,536 kilograms (10,000 pounds)
 - b. has a gross vehicle weight rating of 26,001 or more pounds
 - c. is designed to transport more than 16 passengers, including the driver; or
 - d. is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F/)
- B.4 “**Disabling Damage**” means damage which prevents a motor vehicle from being driven from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if driven. This terms **does not include** damage which can be remedied temporarily at the scene of the accident without special tools or parts; tire disablement without other damage even if no spare tire is available; headlight or taillight damage; or damage to turn signals, horn or windshield wipers which make them inoperative.
- B.5 “**Driver**” means any person who operates a “commercial motor vehicle” (as defined in Section B.3). Under FMCSA regulations, this includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers; and independent owner-operator contractors.
- B.6 “**Drugs**” means marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), or their metabolites, and, for purposes other than testing, any other substance included in Schedules I through V, as defined by the Controlled Substances Act, 21 U.S.C. §812, as they may be revised from time to time. The term “drugs” include legal substances obtained illegally or used in an unauthorized manner, but does not refer to the proper use of drugs authorized by law which do not affect job safety or performance.
- B.7 “**Medical Review Officer**” (MRO) means a licensed physician (medical doctor

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or doctor of osteopathy) with the requisite knowledge, experience, qualification training and continuing education, who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

- B.8 **“Performing A Safety-Sensitive Function”** means any period in which a driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.
- B.9 **“Safety-Sensitive Function”** means the following activities and includes the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work:
- a. all time at a County or client property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the County;
 - b. all time inspecting equipment as required by the FMCSA's regulations, 49 C.F.R. §§392.7 and 392.8, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
 - c. all time spent at the driving controls of a commercial motor vehicle in operation;
 - d. all time, other than driving time, in or upon any commercial motor vehicle, except time spent resting in a sleeper berth (a berth conforming to the requirements of the FMCSA's regulation 49 C.F.R. §393.76);
 - e. all time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
 - f. all time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
- B.10 **“Split Specimen”** means, in drug testing, a part of the urine specimen that is sent to a first laboratory in a separate container and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.
- B.11 **“Substance Abuse Professional” (SAP)** means a person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare. An SAP may be: (1) a licensed physician (medical doctor or doctor of osteopathy), or (2) a licensed or certified psychologist, or (3) a licensed or certified social worker, or (4) a licensed or certified employee assistance

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professional, or (5) a drug and alcohol addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse. All SAPs must have knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders.

C. **PROHIBITED CONDUCT**

C.1 **Prohibited Conduct Concerning Drivers' Use of Drugs and Alcohol**

- a. Drivers are prohibited from reporting for duty or remaining on duty when using drugs (as defined in Section B.6), except when the use is pursuant to the instructions of a medical doctor who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. (For details concerning the lawful use of prescription drugs, refer to Section C.5.)
- b. Drivers are prohibited from reporting for duty or remaining on duty with an alcohol concentration of 0.02 or greater.
- c. Drivers are prohibited from using alcohol in any form (***including medications containing alcohol***) while performing safety-sensitive functions (refer to Section B.8 of this policy for the definition of performing safety-sensitive functions).
- d. Drivers are prohibited from performing safety-sensitive functions within four hours after using alcohol. On-call employees who are not at work, but could be called to drive or perform other safety-sensitive functions, are subject to this pre-duty alcohol prohibition. This means a driver who scheduled to report or is on-call must decline a call to work if his/her acceptance would require the employee to drive or perform other safety-sensitive functions within four hours after consuming alcohol. An on-call driver who is required to decline work because of his/her use of alcohol in violation of the four-hour rule is subject to discipline up to and including termination.
- e. Drivers are prohibited from using alcohol for eight hours following an accident or until the driver takes a post-accident alcohol test (and tests negative), whichever occurs first.
- f. Drivers may not "refuse to submit" to any drug or alcohol test required under the FMCSA's drug and alcohol rules and/or this policy. (For further details concerning what actions will be considered as a "refusal," refer to section C.2 of the policy.)
- g. Drivers are prohibited from performing or continuing to perform a safety-sensitive function if they have tested positive for drugs or alcohol.

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- h. Drivers are prohibited from engaging in the unlawful or unauthorized manufacture, distribution, dispensation, sale, purchase, solicitation, transfer, possession, use or transport of drugs or alcohol.
- i. Drivers are prohibited from failing to stay in contact with the County or its medical review officer (MRO) while awaiting the results of a drug test.

C.2 Refusal to Submit

For purposes of this policy, the following employee conduct will be considered a refusal to submit to a test for:

- a. failing to appear for any test (except a pre-employment test) within a reasonable time, as determined by the County, after being directed to do so by the County, its consortium or third-party administrator (as applicable);
- b. failing to remain at the testing site until the testing process is complete; however, an applicant who leaves the testing site before the pre-employment testing process commences is not deemed to have refused to test;
- c. failing to provide a urine specimen, or breath or saliva specimen for testing;
- d. failing to attempt to provide a breath or saliva specimen for testing;
- e. failing to provide a sufficient amount of urine when directed, unless it has been determined, through a required medical evaluation, that there was an adequate medical explanation for the failure;
- f. failing or declining to take a second drug or alcohol test that the County or collector has directed to be taken, including failing to take a second test that the employer has directed following a negative dilute test result, when the County so elects;
- g. failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the shy bladder procedures (in the case of applicants, only after a contingent offer of employment has been extended), or the insufficient breath procedures;
- h. failing to provide a sufficient breath specimen when directed, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- i. failing to sign the certification at Step 2 of the Alcohol Testing Form; adulterating or substituting a urine specimen;
- j. adulterating or substituting a urine specimen;
- k. admitting to the collector or MRO that the specimen was adulterated or substituted;

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- l. in the case of a directly observed or monitored collection in a drug test, failing to permit the observation or monitoring of the provision of a urine specimen (including failing to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine whether there is any prosthetic or other device that could be used to interfere with the collection process); possessing or wearing a prosthetic or other device that could be used to interfere with the collection process;
- m. possessing or wearing a prosthetic or other device that could be used to interfere with the collection process;
- n. failing to cooperate with any part of the testing process, such as by delaying the collection, testing or verification process or otherwise engaging in conduct that clearly obstructs or manipulates, or attempts to obstruct or manipulate, the testing process (e.g., leaving the test site before the collection process is completed, refusing to empty pockets when so directed by the collector, failing to wash hands after being directed to do so by the collector or behaving in a confrontational way that disrupts the collection process); or,
- o. failing to promptly notify the County that the driver was in an accident or not being readily available for testing after an accident (except as necessary to obtain assistance or medical care).

C.3 Consumption of Food or Food-Products Containing Hemp, And Use of "Medical" Marijuana: The consumption of food and food-products containing hemp (for example, hemp oil) may cause a driver to test positive for marijuana. A test result that is positive as a result of a driver's consumption of food or food-products containing hemp will be reported as a positive test. Additionally, marijuana is illegal under federal law and the use of "medical" marijuana does not excuse a positive test result on a DOT-required drug test.

C.4 Prohibition On Supervisor Or Manager Permitting A Driver To Work
No supervisor or manager who has actual knowledge that an employee has engaged in or is engaging in conduct prohibited under this policy shall permit the employee to work or continue working under such circumstances. Any employee who has been directed not to work or directed to stop working under such circumstances must immediately comply.

C.5 Prohibition Against Working While Using Any Drug Medications Which Affects Safety Or Performance

- a. Except as otherwise provided in this section, the lawful use of any therapeutic drug medication(s) while performing a safety-sensitive function is prohibited to the extent such use may affect the driver's ability to perform his/her job duties safely.

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- b. Before reporting for duty under the influence of any therapeutic medication(s), the driver must inquire whether the drug manufacturer or the driver's physician warns against driving or performing other safety-sensitive functions while taking such medication(s). If such warnings exist, the driver must inform his or her supervisor of such restrictions before commencing any safety-sensitive functions under the influence of such medication(s). The County will evaluate and respond to this information on a case-by-case basis. Responses may include, among other things, temporary job reassignment or modifications, a request for additional medical documentation and consultation, and/or an instruction that the driver not work until the restriction is removed.
- c. Any driver reporting for work without first advising the County about warnings accompanying lawfully prescribed or obtained medications or substances will be subject to discipline up to and including termination of employment. A driver's lack of knowledge concerning such warnings will not excuse a violation of this policy where an employee has failed to make the inquiries required in this Section.

C.6 Requirement to Report Drug Charges, Convictions and DWIs and/or DUIs

Employees charged with or convicted of a drug-related offense, or any DWI or DUI, shall report the occurrence to the Human Resources Manager before reporting for further duty. Any employee convicted of a drug-related offense during his/her term of employment, whether based on activity on or off the job, shall be considered in violation of this policy and may be subject to adverse employment action described in Section F.4 below, including possible termination, in the County's sole discretion.

D. REQUIRED TESTS AND INVESTIGATION OF DRIVER'S SAFETY PERFORMANCE HISTORY

As required by DOT's and FMCSA's regulations, the County will conduct drug and alcohol tests under the conditions and circumstances described below.

D.1 Pre-Employment Drug Testing and Investigation of Driver's Safety Performance History

- a. All applicants who have received a conditional offer of employment in a commercial motor vehicle (CMV) driver position, and all existing employees whose transfer to a CMV driver position has been conditionally approved are required to submit to a pre-employment drug test and must receive a negative test result as a condition of employment. Such tests will be conducted prior to the time the applicant is hired or transferred.
- b. Among other information required to be obtained by the County under DOT and FMCSA regulations as part of the investigation of the driver's safety performance history, an applicant must provide: (i) a list of the

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names and addresses of the applicant's employers during the three years preceding the date of application; (ii) the dates that he/she was employed by each employer; (iii) the reasons for leaving the employ of each employer; and, (iv) (A) whether the applicant was subject to the FMCSA's regulations while employed by those previous employers; and (B) whether the job was designated as a safety-sensitive function by any DOT operating agency and subject to the drug and alcohol testing requirements of 49 C.F.R. Part 40.

- c. DOT's regulations also require the County to obtain the following specific drug and alcohol-related information from an applicant's former DOT-regulated employers during the previous three years:
- (i) whether, within the previous three years, the driver violated DOT's or FMCSA's drug and alcohol prohibitions, including, but not limited to: (A) confirmed alcohol tests with results of 0.04 or greater; (B) drug tests whose results were verified positive; (C) all instances in which the applicant refused to be drug or alcohol tested (including verified adulterated or substituted drug test results); and, (D) other violations of DOT drug and alcohol testing regulations, including the regulations of all DOT operating administrations;
 - (ii) whether the driver failed to undertake or complete a rehabilitation program prescribed by a substance abuse professional (SAP) pursuant to DOT's and FMCSA's return-to-duty requirements. If the previous employer does not know this information (*e.g.*, where a previous employer terminated an employee who tested positive on a drug test), the County must obtain documentation of the driver's successful completion of the SAP's referral directly from the driver.
 - (iii) For a driver who successfully completed a SAP's rehabilitation referral, and remained in the employ of the referring employer, information on whether the driver had the following testing violations subsequent to completion of the return-to-duty process: (A) alcohol tests with a result of .04 or higher alcohol concentration; (B) verified positive drug tests; (C) refusals to be tested (including verified adulterated or substituted drug test results).
- d. The County will provide applicants with an authorization form permitting the release of the required information described above from each of the applicant's previous employers. If the applicant refuses to complete and sign the authorization form(s), the driver will be ineligible for employment by the County. All information will be sought in a confidential manner

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and the County will maintain a written confidential record with respect to each former employer contacted. The information obtained from a previous employer who employed the applicant in a CMV driver or other DOT-regulated safety-sensitive position may contain alcohol and drug information which that employer obtained from other previous employers regarding the DOT-required drug and alcohol testing of the applicant during the past three years.

- e. If the County learns from the driver's previous employers that the driver had an alcohol test result of 0.04 or greater, a verified positive drug test or refused to be tested on a DOT-required drug or alcohol test, or learns that the driver violated any other DOT drug and alcohol regulation, the driver either will be ineligible to drive for the County, or if hired, the driver will be terminated, unless the County obtains evidence that the driver has complied with the return-to-duty requirements, including follow-up tests, set forth in Subpart O of 49 C.F.R. Part 40.
- f. An applicant must inform the County whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the applicant applied for, but did not obtain, safety-sensitive transportation work covered by any DOT operating administration's drug and alcohol testing rules during the past three years.
- g. When a driver has not performed a safety-sensitive function for 30 consecutive calendar days regardless of the reason, and the driver has not been in the County's random selection pool during that time, the driver must submit to a pre-employment drug test and obtain a negative result prior to performing safety-sensitive functions.

D.2 **Post-Accident Drug And Alcohol Testing**

- a. A driver who is performing safety-sensitive functions (as defined in Section B.8 of this policy) involving a commercial motor vehicle is required to submit to a post-accident drug and/or alcohol test as soon as practicable following the accident, under the following circumstances:
 - (i) **Fatal accidents:** A driver who is involved in an accident which results in a death to another human being must always submit to a drug and alcohol test.
 - (ii) **Non-fatal accidents:** A driver who is involved in a non-fatal accident, must submit to a post-accident drug and/or alcohol test if:
 - (1) the driver was given a citation for a moving traffic violation arising from the accident within eight hours of the accident

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(as to alcohol tests), or within 32 hours of the accident (as to drug tests) *and*

- (2) the accident also results in one of the following:
- a. bodily injury to the driver or another individual, requiring immediate medical treatment away from the scene of accident; or
 - b. one or more of the vehicles involved in the accident incurs disabling damage (as defined in Section B.4 of the policy), requiring the vehicle(s) to be transported away from the scene by a tow truck or other vehicle.

- b. Drivers involved in any accident involving their vehicle must notify the DER as soon as possible to advise the DER of the accident and to obtain further information on how to proceed with the required testing. Drivers are obligated to follow the DER's instructions and, if directed, submit to post-accident drug and alcohol tests as soon as possible.

A driver who is subject to post-accident testing must remain readily available for such testing or else will be deemed to have refused to submit to such testing. However, this "readily available" requirement does not require the delay of necessary medical attention for injured people, or prohibit a driver from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

- c. A driver who is required to submit to a post-accident test will be placed on administrative leave after completion of the drug and/or alcohol tests. The County also reserves the right to evaluate the conduct of the driver which may have caused or contributed to the accident, to determine if this conduct in and of itself should warrant discipline, up to and including termination.
- d. The results of a breath or blood test for the use of alcohol, or the results of a urine test for the use of drugs, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable federal, state or local alcohol testing requirements, and that the results of the tests are obtained by the employer.

D.3 Random Drug And Alcohol Testing

- a. Each year the County will administer random alcohol and drug tests. Random *drug* tests may be conducted at any time. Random *alcohol* tests will only be conducted while a driver is performing safety-sensitive functions, just before the driver performs safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.

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- b. The County shall select drivers for testing using a random number table or a computer-based random number generator that is matched with the drivers' social security numbers, or other comparable identification numbers which will ensure that each driver has an equal chance of being tested each time selections are made.
- c. All random tests will be unannounced and the dates for administering the tests will be spread reasonably throughout the calendar year. The dates of random testing, locations and names of those to be tested are kept in the strictest confidence by the DER and the specimen collector.
- d. Each driver who is notified of selection for random drug or alcohol testing must proceed to the test site immediately. If the driver is performing a safety-sensitive function (refer to section B.9) at the time of notification, the driver must cease performing the safety-sensitive function and proceed to the test site as soon as possible, but not longer than 30 minutes, plus travel time, from the time of notification. Drivers who do not proceed to the test site immediately upon notification of the test may be considered to have refused to submit to the test.

D.4 Reasonable Suspicion Drug and/or Alcohol Testing

- a. A driver must submit to a reasonable suspicion drug and/or alcohol test whenever a manager or supervisor has reasonable suspicion to believe that the driver has violated the drug or alcohol prohibitions contained in this policy. Reasonable suspicion drug tests may be conducted at any time. Reasonable suspicion alcohol tests may be conducted only while the driver is performing safety-sensitive functions, just before the driver performs safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.
- b. Reasonable suspicion determinations will be based on specific, contemporaneous, articulable observations concerning the driver, including but not limited to, the driver's appearance, behavior, speech, or body odors. For drug testing, the observations may also include indications of the chronic and withdrawal effects of drugs.
- c. Documentation of the observations leading to a reasonable suspicion test will be prepared and signed by the supervisor or manager who made the observations. The supervisors and managers who will make reasonable suspicion determinations must have received training on alcohol misuse and drug use in accordance with the FMCSA's regulations. The particular supervisor or manager who makes a reasonable suspicion determination will not conduct the drug or alcohol test.
- d. A driver who is directed to take reasonable suspicion drug and/or alcohol test must submit to the test as directed. The County shall transport or ensure transport of the driver both to and from the collection site.

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- e. A driver who is requested to submit to a reasonable suspicion drug and/or alcohol test will be placed on administrative leave pending receipt of the test result(s). The County also reserves the right to evaluate the conduct of the driver which warranted the reasonable suspicion drug or alcohol tests to determine if the conduct in and of itself should warrant discipline, up to and including termination.

E. DRUG AND ALCOHOL TESTING PROCEDURES

As required by the FMCSA's rules, the County's drug and alcohol testing procedures comply with the Federal Procedures For Transportation Workplace Drug and Alcohol Testing Programs, 49 C.F.R. Part 40, as amended. (A copy is available for inspection in the office of the DER). These procedures ensure the integrity, confidentiality and reliability of the testing processes, safeguard the validity of the test results and ensure that these results are attributed to the correct driver. Further, these procedures minimize the impact upon the privacy and dignity of persons undergoing such tests. The following provides a summary of the federal procedures.

E.1 Drug Testing Procedures

- a. **Drugs being tested for:** The drugs specifically being tested for include: marijuana, opiates, amphetamines (including "MDMA" or "Ecstasy"), cocaine, 6-Acetylmorphine, and phencyclidine (PCP) and their metabolites.
- b. **Laboratory, Chain-of-custody and Split-Specimen Collection Method:** Drug testing is conducted by analyzing an employee's urine specimen. The specimen collection procedures and chain of custody are intended to ensure that the specimen's security, proper identification and integrity are not compromised. All drug tests conducted pursuant to this policy shall be performed by laboratories which are certified by the Department of Health and Human Services (DHHS). DOT has established a chain-of-custody procedure for the collection and analysis of urine specimens that will verify the identity of each specimen and test result. The collector of the specimen will seal and label the urine specimen, complete a required chain of custody form (Federal Drug Testing Custody and Control Form), and prepare the specimen and accompanying paperwork for shipment to a DHHS-certified laboratory. Only official DOT-authorized Federal Custody and Control forms shall be used in connection with this procedure. A split-specimen collection method will be used for drug tests. This means that a urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to a laboratory. Only the "primary" specimen is opened and used for the urinalysis. The "split" specimen bottle remains sealed and is stored at the laboratory. Under certain circumstances, the applicant or driver may request a test of the "split" specimen by another DHHS-certified laboratory. (See Section E.1(c)(v) below.) This split specimen procedure provides the applicant or driver with an opportunity for a "second opinion."

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c. **Confirmation, review and verification of drug test results**

- (i) All positive drug screening test results will be confirmed by gas chromatography and mass spectrometry (GC/MS). All confirmed positive drug test results will be reviewed by a medical review officer (MRO) to determine whether there is any legitimate explanation for the positive test result. This review may include a medical interview, review of the applicant's or driver's medical history, or review of any other relevant biomedical factors and all medical records made available by the tested individuals.
- (ii) Individuals with confirmed non-negative results (*i.e.*, positive, adulterated, substituted, and invalid) will be given the opportunity to discuss with the MRO any legitimate explanation for the test result. If, after speaking with the driver, the MRO determines that there is a legitimate medical explanation for the confirmed positive test result, the MRO will report the test result as negative to the DER. If the MRO determines that there is no legitimate explanation for the confirmed positive test result, the result will be verified as a "verified positive test result" by the MRO.
- (iii) Under the circumstances set forth in 49 C.F.R. Part 40, the MRO is permitted to verify a test result as positive or cancelled or a refusal to test without having first communicated directly with the driver. In the event that serious illness, injury or other unavoidable circumstances prevented the driver from being contacted by the MRO or the DER, the MRO may reopen the verification process to permit the driver to provide information concerning a legitimate medical explanation for the positive test.
- (iv) All confirmed adulterated or substituted test results will be reviewed by the MRO to determine whether there is any legitimate medical explanation for the laboratory findings. It is the applicant's or driver's burden of proof to show that there is a legitimate medical explanation. If the MRO determines that the applicant's or driver's explanation does not present a reasonable basis for concluding that there is a legitimate medical explanation, the MRO will report the test to the DER and the individual tested as a verified refusal to test because of adulteration or substitution, as set forth in Section C.2.g. (Refer to Section F.2 for the consequences of a refusal to submit to a test.) If, however, the MRO believes that the applicant's or driver's explanation may present a reasonable basis for concluding that there is a legitimate medical explanation, the MRO shall direct the applicant or driver to obtain, within five days of the MRO's verification interview of the applicant or driver, a further medical evaluation. This evaluation will be performed by a licensed physician,

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acceptable to the MRO, with expertise in the issues raised by the applicant's or driver's explanation. The driver or applicant is responsible for finding and paying for a referral physician. However, on request of the applicant or driver, the County or MRO will provide reasonable assistance to the applicant's or driver's efforts to find such a physician. If, after conferring with the referral physician, the MRO concludes that there is a legitimate medical explanation, the MRO shall cancel the test and report the cancellation and the reasons for it to the DER and the tested individual. If, after conferring with the referral physician, the MRO concludes that there is no legitimate medical explanation, the MRO will notify the DER and the tested individual of a verified refusal to test because of adulteration or substitution, as set forth in Section C.2.g. (Refer to Section F.2 for the consequences of a refusal to submit to a test.)

(v) **Right to have split-specimen analyzed**

- (1) **Verified Positive Tests:** All applicants and drivers whose primary urine specimen results in a verified positive test result have the right to request that their split-specimen be analyzed in a different DHHS-certified laboratory, selected by the County, for the presence of the drug(s) for which a positive result was obtained. The request must be made to the MRO within 72 hours of being notified by the MRO of a verified positive test result. If the split-specimen fails to reconfirm the presence of the drug(s) found in the primary specimen, or if the split-specimen is unavailable, inadequate for testing or untestable, the MRO shall cancel the test and report the cancellation and the reasons for it to the DER, the tested individual and the DOT. However, if the split-specimen reconfirms the presence of the drug(s) or drug metabolite(s), the MRO will notify the DER and the tested individual of the test results.
- (2) **Verified Adulterated or Substituted Tests:** All applicants and drivers whose primary urine specimen is verified adulterated or substituted have the right to request that their split-specimen be analyzed in a different DHHS-certified laboratory, selected by the County, to reconfirm the adulterated or substituted result. The request must be made to the MRO within 72 hours of being notified by the MRO of a verified adulterated or substituted test result. If the split-specimen fails to reconfirm adulteration or substitution of the primary specimen, the MRO shall cancel the test and report the cancellation and the reasons for it to the DER, the tested individual and the DOT. Additionally,

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if the split-specimen is unavailable, inadequate for testing or untestable, the MRO shall cancel the test and report the cancellation and the reasons for it to the DER, and the tested individual. The DER shall ensure the immediate collection of another specimen from the applicant or driver under direct observation, with no notice given to the applicant or driver until immediately prior to the collection. However, if the split-specimen reconfirms adulteration or substitution, the MRO will notify the DER and the tested individual of the test results. Reconfirmation of adulteration or substitution constitutes a refusal to submit to a test, as set forth in Section C.2.g. (Refer to Section F.2 for the consequences of a refusal to submit to a test.)

- (vi) **Inability to provide an adequate amount of urine specimen**
Applicants and drivers must provide a urine specimen of at least 45 milliliters of urine for a drug test. If the tested individual is unable to provide such a quantity of urine, then the tested individual will be instructed to drink a set amount of fluids and after a set period of time, again attempt to provide a complete specimen. If the applicant or driver refuses to attempt to provide a new urine specimen, this will constitute a refusal to submit to a test. If the applicant or driver has not provided a sufficient specimen within three hours of the first unsuccessful attempt to provide the specimen, the collection will be discontinued. The DER, after consulting with the MRO, will then direct the applicant or driver to obtain, within five working days, a medical evaluation. Failure to undergo such an evaluation constitutes a refusal to test. The purpose of the evaluation is to determine whether the applicant or driver has a medical condition that has, or with a high degree of probability could have, precluded the applicant or driver from providing a sufficient amount of urine.
- (vii) **Collections or Re-collections under Direct Observation**
Procedures for collecting urine specimens allow an individual privacy unless there is a reason to believe that a particular individual has adulterated or substituted, or attempted to adulterate or substitute, the specimen, as defined in the Federal Procedures For Transportation Workplace Drug Testing Programs, 49 C.F.R. Part 40. In such cases, a specimen may be obtained under the direct observation of a specimen collector of the same gender as the individual being tested. In addition, the County will direct an immediate collection under direct observation with no advance notice to the applicant or driver, if:

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- (1) the laboratory reported to the MRO that a specimen is invalid, and the MRO reported to the County that there was not an adequate medical explanation for the result;
- (2) the MRO reported to the County that the original positive, adulterated or substituted test result had to be canceled because the test of the split specimen could be not performed;
- (3) the MRO reported to the County that the specimen was a negative dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL; or,
- (4) the test is a return-to-duty test or a follow-up test.

E.2 Alcohol Testing Procedures

- a. **How test will be performed:** Alcohol screening tests will be performed by a screening test technician (STT) using a non-evidential screening device, or by a breath alcohol technician (BAT) using an evidential breath-testing device (EBT). The County ensures that the STTs are proficient in the operation of non-evidential screening devices and that the BATs are proficient in the operation of EBTs. In addition, the County will use only non-evidential alcohol screening devices and EBTs which are listed on the conforming products list issued by the National Highway Traffic Safety Administration.
- b. **Confirmation of alcohol test results:** If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be performed using an EBT. The confirmation test will be conducted within 30 minutes from the end of the screening test. The confirmation test result is the final result upon which any discipline or other action taken under the County's policy shall be based.
- c. **Inability to provide adequate amount of specimen for alcohol testing**
 - (i) If the driver is unable to provide sufficient saliva to complete a test on a non-evidential saliva screening device, the STT shall conduct a new test, using a new device. If the driver refuses to complete the new test, this will constitute a refusal submit to a test. If the new test is completed, but there is an insufficient amount of saliva to activate the device, the driver shall immediately take an alcohol test using an EBT. If the driver declines, or otherwise interferes with the testing, this will constitute a refusal to submit to the test.

If a driver fails to provide or claims that he/she is unable to provide a sufficient amount of breath to permit a valid breath test, the County will direct the driver to obtain, within five days, an evaluation from a licensed physician who is acceptable to the County and who has expertise in the medical issues raised by the

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driver's failure to provide a sufficient specimen. Failure to undergo such an evaluation constitutes a refusal to test. If the physician concludes that a medical condition has, or with a high degree of probability could have, precluded the driver from providing a sufficient amount of breath, the driver's test will be canceled. If the physician concludes that there is not an adequate basis for determining that a medical condition has, or with a high degree of probability could have, precluded the driver from providing a sufficient amount of breath, the driver will be considered to have refused to test.

F. CONSEQUENCES FOR POLICY VIOLATIONS

The consequences discussed below apply to applicants and drivers who are found to have violated this policy. Regardless of any personnel actions which may be taken, however, FMCSA's regulations require drivers who engage in any prohibited conduct under this policy to be advised of available resources for evaluating and resolving problems associated with drug use and alcohol misuse, including the names, addresses and telephone numbers of Substance Abuse Professionals. This information will be provided through the County's Human Resources Department.

- F.1 **Removal From Safety-Sensitive Functions:** DOT's and FMCSA's regulations require drivers who violate this policy in any way to be immediately removed from their safety-sensitive functions. Such drivers are prohibited from performing, or being permitted to perform, a safety-sensitive function, including driving County trucks and motor vehicles with gross vehicle weight ratings over 10,001 pounds, as well as other County motor vehicles.
- F.2 **Refusal To Submit:** Any driver who refuses to submit to a test will be terminated. Applicants who refuse to submit to a test will be ineligible for employment with the County. Refer to Section C.2 concerning what actions will constitute a driver's "refusal to submit."
- F.3 **Positive Test Results:**
- a. **Applicants:** All applicants who receive a verified positive drug test result will be ineligible for employment with the County.
 - b. **Drivers:**
 - (i) **Temporary suspension:** Any driver who is required to submit to a reasonable suspicion or post-accident drug or alcohol test pursuant to this policy will be placed on administrative leave pending receipt of the test results.

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- (ii) **Verified positive drug test results and confirmed alcohol test results of 0.04 or greater:** If a driver receives a verified positive drug test result or a confirmed alcohol test result of 0.04 or greater, he or she will be terminated.

Under DOT regulations, a driver may not return to performing safety-sensitive functions after testing positive (which means, for alcohol, testing at 0.04 BAC or greater under DOT regulations) unless the driver: (1) is evaluated by a substance abuse professional; (2) successfully complies with the SAP's recommendations; (3) takes a return-to-duty drug test and receives a negative result, and/or a return-to-duty alcohol test and receives a result of less than .02 BAC; and, (4) participates in a follow-up testing program recommended by the SAP which includes mandatory follow-up testing.

- (iii) **Positive alcohol test results of 0.02 or greater but less than 0.04:** A driver who receives a confirmed alcohol test result of 0.02 or greater, but less than 0.04, will be placed on administrative leave for at least 24 hours and may be subject to disciplinary action.

- (iv) **Fitness-for-duty evaluation in the event of driver's legal and authorized use of a drug:** Whenever a driver is required to submit to a reasonable suspicion drug or alcohol test and receives a negative test result, the County may require the driver to submit to a fitness-for-duty medical evaluation conducted by a licensed physician. The evaluation may include a review of the driver's medical records, a medical examination, or both. The purpose of the evaluation is to determine whether the driver poses a significant risk of substantial harm to the health and safety of the driver or others in the workplace, including customers and visitors. Drivers will be required to provide the necessary authorizations for obtaining the medical records and conducting the examination. Depending upon the results of the evaluation, the County will consider whether the safety or health risk can be eliminated or sufficiently reduced by a reasonable accommodation, if applicable.

- (v) In accordance with DOT regulations, the County will provide each applicant and driver who violates a DOT regulation (as set forth in this policy) with a list of substance abuse professionals (SAPs) who are readily available to the employee and acceptable to the County.

F.4 **Other Policy Violations:** Drivers who commit policy violations other than those addressed in Sections F.2 and F.3 above will be subject to discipline, up to and including immediate termination. Applicants who violate this policy will be ineligible for employment with the County.

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- F.5 **Potential Denial of Workers' Compensation and/or Unemployment Compensation Benefits:** For purposes of this policy, violations of DOT's and FMCSA's regulations and/or the requirements of this policy constitute gross and willful misconduct. In addition to the discipline and other consequences imposed by DOT, FMCSA and the County under this policy, such gross and willful misconduct may also result in the denial of unemployment compensation under applicable state law. In addition, drivers who are injured as a result of a violation of DOT's or FMCSA's regulations and/or the County's safety rules (including but not limited to the conduct prohibited under this policy) may also be denied workers' compensation benefits under applicable state law.

G. NOTIFICATION OF TEST RESULTS

Applicants will be notified of the results of a pre-employment drug test, if the applicant requests his/her test results within 60 days of being notified of the disposition of the employment application. Drivers will be advised of drug test results which are verified positive and the drug or drug(s) for which a positive result was verified. Drivers will be notified of the results of their alcohol tests immediately after the administration of the screening test and, if necessary, the confirmatory test.

H. TESTING EXPENSES AND COMPENSATION FOR TESTS

The County will pay for drug and alcohol tests and related expenses as follows:

- H.1 All drug and alcohol tests required to be taken by drivers or applicants under this policy, including confirmation tests, will be paid for by the County. Any test taken at a driver's or applicant's request will be at the driver's or applicant's expense. (See Section E.1 regarding sampling.) However, compliance with an applicant's or driver's request for a split-specimen test may not be conditioned on the driver's or applicant's direct payment to the MRO or laboratory or the driver's or applicant's agreement to reimburse the County for the costs of testing.
- H.2 All time spent by drivers providing a specimen required under this policy, including travel time to and from the collection site, will be considered as on-duty time. The driver will receive his or her regular compensation, including overtime if applicable, for such time.

I. VOLUNTARY SELF-IDENTIFICATION OF SUBSTANCE ABUSE PROBLEM

- I.1 Consistent with and subject to the County's policies concerning sick leave, annual leave, and/or family and medical leave, a driver who voluntarily self-identifies himself or herself as having a drug or alcohol problem and requests assistance for such a problem will be referred to a substance abuse professional (SAP) (which, for purposes of this section, may include an employee assistance professional or qualified drug and alcohol counselor) for an evaluation and, if recommended, an

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appropriate counseling, education, treatment or rehabilitation program. The cost of the counseling, treatment, or rehabilitation is the driver's responsibility. (For further details concerning the employee's payment obligations, employees should refer to their medical insurance plan.)

- I.2 **This request must be made before the driver begins performing safety-sensitive functions on any work day (i.e., before reporting for duty). This request also must be made before the driver is directed or otherwise required to submit to a drug or alcohol test required by DOT or this policy, or before the driver has been found to have violated a prohibition contained in this policy. Such timely request shall not constitute a basis for reasonable suspicion testing.**
- I.3 Once leave commences, periodic certification that the employee is actively continuing to participate in the program, together with progress reports, shall also be required. As a further condition of taking such leave, the employee will be required to authorize the attending SAP to communicate directly with the County, including to release the employee's relevant treatment records to the County, except as federal or state law may otherwise require. All such oral and written communications between the substance abuse professional and County shall be treated as confidential.
- I.4 Except where the law prohibits, all leave time taken for the evaluation, counseling, treatment or rehabilitation will be counted against the leave to which the employee may be entitled under the federal Family and Medical Leave Act.
- I.5 Prior to the time such leave begins, the driver will be required to execute the County's "Agreement for Evaluation and Conditions for Continued Employment." This agreement provides, among other things, that before a driver will be permitted to return to his/her driving duties or perform other safety-sensitive functions for the County, the driver will be required to submit to post-voluntary rehabilitation return-to-duty drug test and/or a post-voluntary rehabilitation return-to-duty alcohol test and must receive a negative result. The agreement also provides that the driver may be required to submit to post-voluntary rehabilitation follow-up drug tests and/or post-voluntary rehabilitation follow-up alcohol tests after returning to work, if directed by the treating substance abuse professional.
- I.6 If a driver voluntarily self-identifies that he/she has a substance abuse problem and requests assistance for such problem, but fails or refuses to comply with the requirements of this Section, the driver will not be permitted to perform safety-sensitive functions and will be subject to discipline, up to and including termination.

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J. RECORDKEEPING, ACCESS TO RECORDS AND CONFIDENTIALITY OF TEST RESULTS

- J.1 The County will maintain records related to its drug and alcohol testing program as required by the DOT's and FMCSA's regulations. These records will be maintained in a secure location with controlled access and will not be released to any person except as required by law or expressly authorized by the driver.
- J.2 The laboratory may disclose drug test results only to the MRO. The MRO, STT and BATT may disclose test results only to the individual tested, designated County representatives, a treatment program, or a court of law or administrative tribunal to the extent required by law. Beyond that, a driver's test results shall not be released to any person without the individual's written consent.

9.6 INFORMATION CONCERNING THE EFFECTS OF ALCOHOL AND DRUG USE ON AN INDIVIDUAL'S HEALTH, WORK AND PERSONAL LIFE

The impact of drug use and alcohol misuse in the workplace is more than just causing harm to the health and safety of the affected individual. Drug use and alcohol misuse decrease an individual's performance and the performance of co-workers who rely on him/her. Impaired judgment, carelessness and lack of coordination cause more accidents, which put the safety and lives of the affected individual and co-workers at risk. Co-workers may become frustrated trying to help the affected individual by covering up, taking on additional work or lending him/her money. The result of this frustration can be decreased morale and distrust as co-workers become tired of trying to help and supervisors become suspicious of increased absenteeism, tardiness, lowered job efficiency, etc.

A. ALCOHOL (A NON-CONTROLLED SUBSTANCE) AND ITS EFFECTS

Alcohol is a legal substance that is widely used and, unfortunately, misused. While it is important for your safety, the safety of your co-workers and the general public to continue to be very concerned about the significant dangers of controlled substances, the abuse of alcohol has a major impact on the safety of those individuals as well. The most common substance found in drivers of commercial vehicles involved in fatal accidents is alcohol (the second most prevalent substance is marijuana).

The significance of alcohol misuse among the American population is borne out by statistics:

- It is estimated that 3-10% of all Americans have an alcohol related problem, depending upon how alcoholism is defined.
- 25% of all hospital admissions in the United States are related to alcohol misuse.
- 2-3% of the driving population is legally drunk at any one time. This rate doubles at night and on weekends.
- 40% of family court cases involve an alcohol problem.
- 2/3 of all homicides are committed by people who drink prior to the crime.

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- More than 60% of burns, 40% of falls, 69% of boating accidents and 76% of private aircraft accidents are alcohol related.

Alcohol abusers are costing companies, health care organizations and the general public tens of thousands of dollars each year in poor quality products, health care costs, workers' compensation costs and unemployment costs. More importantly, these abusers are costing innocent lives.

The National Institute on Alcohol Abuse and Alcoholism has estimated that 50% of the people with job performance problems suffer from alcohol-related problems. The rationale underlying an employer's approach to alcohol abuse in the workplace is that any alcohol abuser, even one in the early stages of abuse, will tend to exhibit a pattern of deteriorating job performance that will eventually affect not only the abuser, but his or her co-workers, and the general public.

Unless detected early on, alcohol use in the workplace can lead to a series of costly and potentially dangerous situations, including:

- Absenteeism: Tardiness and excessive use of sick time
- Lower Productivity: Studies have shown that an alcohol abuser works at only two-thirds of his/her actual work potential.
- Poor Work Quality: Shoddy work, rework, and material waste may be evident. For drivers it means decreased mental and physical agility and concentration.
- Poor Morale: Chronic alcohol misuse often creates wide mood swings, anxiety, depression and anger. Non-drinking co-workers often see alcohol users as poor team workers and safety hazards.
- Increased Number of Accidents and Near Misses: Impaired individuals are 3-6 times more likely to be involved in on-the-job accidents or near miss incidents. A person that's legally intoxicated is six times more likely to have an accident than a sober person is.
- Equipment Problems Due to Negligence: Alcohol misuse often leads to inadequate maintenance of machinery or equipment because the driver has lost interest or is hoping their equipment will not work to avoid working themselves.

B. CONTROLLED SUBSTANCES AND THEIR EFFECTS

Substance abuse is a national problem that negatively impacts every American. It not only affects individual users and their families, but it also presents new and increasing dangers in the workplace. One in six working Americans has a drug related problem. Employees who use controlled substances are 33% less productive, 500% more likely to be involved in an on-the-job accident, 500% more likely to file a worker's compensation claim, 250% more likely to have an absence exceeding eight days, significantly more likely to be involved in employee theft and 360% more likely to injure themselves or another person in the workplace.

As with alcohol abuse, drug use can lead to a series of costly and potentially dangerous problems in the workplace, including:

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- Absenteeism: Tardiness and excessive use of sick leave
- Staff Turnover: Substance-abusing employees have disorganized lives. Many quit rather than face detection. Others transfer or are fired because of poor or unsafe performance.
- Lower Productivity and Work Quality: As with alcohol abusers, substance-abusing employees perform at about two-thirds of their actual work potential. Shoddy work, rework and material waste may be evident. For drivers, decreased mental and physical agility and concentration causes increased cargo damage or passenger complaints, missed schedules, incomplete or lost shipments and more traffic accidents.
- Equipment Breakdown: Again, substance-abusing employees often do not maintain their equipment, either because they have lost interest in their job, or look forward to having equipment declared out of service as a means of avoiding work.
- Poor Morale: Chronic substance abusers create the same atmosphere as alcohol abusers in the workplace. Non-drug using employees often view them as poor team workers and a hazard to the safety of others.
- Increased Accidents and Near Misses: Substance abusers are 3.6 times more likely to be involved in an accident. Even small quantities of controlled substances in the system can cause a deterioration of alertness, clear-mindedness and reaction.

9.7 DRIVING RECORDS

Any employee who is required as a condition of employment to possess and maintain a valid driver's license must inform his/her direct supervisor immediately (no later than the employee's next work day) in the event that the driver's license is denied, expired, suspended or revoked.

Review of driver's license status will be conducted periodically by the Risk Manager. Any employee that is found not insurable by the insurance carrier would therefore be relieved of his/her current driving position. For employees who drive vehicles in the course of job duties for the County, an accident, citation for D.U.I., D.W.I., or any other serious driving violation or citation (even those occurring off duty) may create an unacceptable driving record. An unacceptable driving record may result in an employee not being allowed to drive a County vehicle or other discipline, up to and including immediate separation from employment.

9.8 VEHICLE AND DRIVER SAFETY

The safety and well being of employees is of critical importance to Spartanburg County. Each employee has a responsibility to not only protect himself/herself when on the road but also to help protect others. Employees that are required to drive on County business at any time will be expected to consistently follow all the policies and procedures below.

Only authorized employees may operate County vehicles. If a County vehicle incurs any damage while under the responsibility of a particular employee, that employee must report the damage immediately and may be responsible for paying some or all of the repair costs, to be determined in the County's sole discretion.

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Likewise, if an employee receives a citation for any violation while operating a County vehicle, the employee is responsible for paying any fine or penalty incurred and may be subject to discipline, up to and including immediate separation. All such violations or citations must be reported to the employee's immediate supervisor immediately. Failure to immediately report a violation or citation may result in disciplinary action including, immediate separation from employment. In addition, if an employee is driving a personal vehicle while on County business and is involved in an accident, the employee must report the accident to the Risk Manager even if no injuries occurred.

An employee who drives either a personal or a County vehicle in the course of his/her job duties must report in writing to his/her supervisor any citation, D.U.I., D.W.I., violation or accident that occurs at any time after beginning employment with the County. Failure to report such incidents within 48 hours of occurrence (i.e., accident or receipt of citation, not conviction on the charges) may result in discipline, up to and including immediate separation from employment.

Spartanburg County recognizes that seat belts are extremely effective in preventing injuries and loss of life. Spartanburg County cares about its employees, and wants to make sure that no one is injured or killed in a tragedy that could have been prevented by use of seat belts. All drivers and passengers must wear seat belts when operating a County vehicle or while operating any vehicle on County property. Seat belts must be worn whether the employee is a driver or a passenger and regardless of whether air bags are available.

Employees whose job responsibilities include regular or occasional driving are expected to refrain from using electronic devices while driving County vehicles. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are encouraged to keep the call short, use hands-free options, refrain from discussion of complicated or emotional discussions and keep their eyes on the road. Special care should be taken where there is traffic, inclement weather, or the employee is driving in an unfamiliar area.

Emailing or text messaging will not be performed while driving a County vehicle on County business.

Engaging in other distracting activities including, but not limited to, eating, putting on makeup, reading or changing radio stations or music, is also strongly discouraged while driving, even when in slow-moving traffic.

Operation of County heavy equipment or specialized machinery while using electronic devices is prohibited.

Drinking alcoholic beverages or otherwise violating the Drug and Alcohol (Substance Abuse) Policy is prohibited in a County-owned vehicle or in a personal vehicle while on County

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business. Use of alcohol, drugs or other substances, including certain over-the-counter cold or allergy medications that in any way impair driving ability, is prohibited. No driver shall operate a County vehicle when his/her ability to do so safely has been impaired.

All employees are expected to follow all driving laws and safety rules such as adherence to posted speed limits and directional signs, use of turn signals and avoidance of confrontational or offensive behavior while driving.

Employees should never allow anyone to ride in any part of the vehicle not specifically intended for passenger use and/or any seat that does not include a working seat belt.

Employees must promptly report any accidents to local law enforcement as well as to the employee's immediate supervisor and/or the Risk Manager.

Drivers are responsible for the security of County vehicles assigned to them. The vehicle engine must be shut off, ignition keys removed and vehicle doors locked whenever the vehicle is left unattended.

Head lights and windshield wipers shall be operated in accordance with state law and all other state and local laws regarding operation of a vehicle must be obeyed.

9.9 TAKE HOME COUNTY VEHICLE

Some positions with Spartanburg County require a response to special situations, emergencies or events exceeding normal working hours on a regular basis. Employees in such positions may be assigned a take home County vehicle. Employees with take home vehicle privileges must abide by all County policies including but not limited to, the Vehicle and Driver Safety policy (Section 9.7) for operation of a County vehicle and should avoid use that is other than *de minimis*, unless provided under state law.

9.10 PARKING LOTS AND ROADWAYS

All employees should park their vehicles in designated employee parking. If an employee is unsure of where designated employee parking is located, the employee should speak with his/her immediate supervisor.

Employees are prohibited from speeding or operating a motor vehicle in an unsafe or reckless manner on County property or while conducting County business. County parking lots are considered as much a part of the County's property as the inside of a building, and employees are subject to all County rules in County parking lots.

9.11 WORKPLACE VIOLENCE PREVENTION

Spartanburg County is committed to preventing workplace violence and to maintaining a safe work environment. Spartanburg County has adopted this policy to deal with intimidation,

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harassment or other threats of or actual violence that may occur on-site or off-site during work-related activities.

All employees, customers, vendors and business associates should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, horseplay or other conduct that may be dangerous to others.

Conduct that threatens, intimidates or coerces another employee, customer, vendor or business associate will not be tolerated. Spartanburg County resources may not be used to threaten, stalk or harass anyone at the workplace or outside of the workplace. Spartanburg County treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to a supervisor, security personnel, human resources, administration, risk management or any member of senior management. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Employees should promptly inform the Human Resources Director of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to intimate partner violence. Spartanburg County's Employee Assistance Program (EAP) can provide support for victims of violence.

Spartanburg County will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. Spartanburg County will not retaliate against employees making good-faith reports of violence, threats, or suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, Spartanburg County may place an employee suspected of workplace violence or threats of violence on administrative leave without pay pending investigation.

Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of this policy will be subject to prompt disciplinary action up to and including termination of employment.

Spartanburg County encourages employees to bring their disputes to the attention of their supervisors or the Human Resources Director before the situation escalates. Spartanburg County will not discipline employees for raising such concerns in good faith.

9.12 SEVERE WEATHER OR EMERGENCY CONDITIONS

Normal weather should not affect County business. However, under extreme weather conditions, an employee may not be able to report to work or the County may close.

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The County Administrator may suspend work if the situation warrants for one or more departments and offices. The suspension of work may be charged to administrative leave. If work is suspended during normal business hours, leave will be recorded as follows:

- For those employees who remain until the official time of suspension, the entire time will be recorded as administrative leave with no penalty to the employee.
- For those employees who appear for work but leave before the official suspension time, the time will be recorded as annual leave or approved leave without pay, as determined by the employee and Department Head for the time between departure and official closing, and to administrative leave for the time work was officially suspended.
- For those employees who did not report for work as scheduled, the entire day will be recorded as annual leave or approved leave without pay as determined by the employee and Department Head.
- State offices and their employees will follow the same severe weather delays and closings as county government.

9.13 EMERGENCY ACTION PLAN

Although most safety regulations are consistent throughout each department and program, it is the responsibility of each employee to identify and familiarize him/herself with the Emergency Action Plan for a particular working area. The Emergency Action Plan is prominently posted in each department and provides emergency procedures and an evacuation plan to follow in the event of fire or other disaster. Exits, fire extinguishers and first aid kits are located in each building. All employees are expected to familiarize themselves with the location of such equipment.

9.14 EMERGENCY EVACUATION PLANS AND RE-ENTRY

In any emergency, employees should follow alarms or other alerts to evacuate the building and/or a work area. Always follow the basic evacuation procedures but remember that personal safety is paramount and takes precedence.

- Check work area for anything needing to be secured and store it quickly.
- All secure containers and cabinets should be locked as well as doors prior to leaving.
- An employee should leave the work area and report to the designated assembly area.

The Risk Manager will coordinate with fire, police or other emergency preparedness personnel to determine when the building may be re-entered. This information then will be passed through Department Heads to employees.

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9.15 WORKERS' COMPENSATION INSURANCE

Spartanburg County insures all employees against accidental injuries occurring on the job, in accordance with the guidelines of the South Carolina Workers' Compensation law. Workers' compensation benefits include medical benefits, and if an employee is unable to work, income maintenance benefits. Coverage begins on date of employment and covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Additional information can be obtained from the Risk Manager.

9.16 REPORTING OF ACCIDENTS, HAZARDS AND ON-THE-JOB INJURIES

All accidents—including those that do not involve serious injury and those involving customers—must be reported immediately to the Risk Manager. Only through a full knowledge of accidents can Spartanburg County become a safer, healthier place to work for everyone.

An employee must immediately report any unsafe conditions, defective tools or equipment, or other hazards to his/her supervisor. Each employee is expected to assist the County in maintaining safe working conditions. Safety is a state of mind, and requires constant vigilance and common sense. Safety is everyone's responsibility.

If an employee is injured on the job, the employee must report the accident immediately to his/her supervisor and/or the Risk Manager. No matter how minor an on-the-job injury may appear, it is important that it is reported immediately. This procedure will enable an eligible employee to apply for possible workers' compensation benefits in a timely manner.

The supervisor of the injured employee must complete immediately all required paperwork detailing how and when the injury occurred and providing any witness information.

The employee must provide both the supervisor and the Risk Manager with all medical documentation of the employee's initial work status and any subsequent changes to it. The employee's authorized medical care provider must support, in writing, all injury-related time away from work.

An employee must stay in contact with his/her supervisor in order to keep him/her informed about treatment and recovery.

Medical appointments associated with a workers' compensation injury or claim should be made before or after work hours to have the least amount of impact on an employee's ability to carry out work assignments. An employee must use sick time when work time is missed for a doctor's appointment and/or physical therapy. An employee must attend all scheduled medical appointments. If an employee cannot meet a scheduled medical appointment, the employee must contact the Risk Manager in advance of the appointment regarding the need to reschedule. When the employee's medical care provider releases the employee to return to work (regardless of the employee's assigned limitations or restrictions), the employee must return to work when requested by the County.

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Any eligible time away from work will be counted against an employee's total leave entitlement under Family and Medical leave.

9.17 RETURN TO WORK/TEMPORARY LIGHT DUTY

Spartanburg County is concerned about the health and good work habits of its employees. In the event an employee has a work-related injury and is unable to perform all of the essential job functions, the County may temporarily place an employee into an available position consistent with the medical restrictions prescribed by an authorized treating physician. Ideally, the employee will work within his/her own department. However it may become necessary to place the employee in another department and/or adjust work hours because of medical restrictions. The duration of the temporary light duty assignment may range from one day to a maximum of 12 weeks. A Request for Temporary Light Duty Assignment form must be completed by the treating physician with a recommendation that the employee may return to light duty, contain a recommendation by the Risk Manager for the return to work, and be approved by the County Administrator prior to any employee being returned to work in a temporary light duty position.

9.18 FITNESS FOR DUTY

At times, a need may arise for the County to consider seeking a fitness for duty medical evaluation for an employee. Usually, such a situation arises when an employee's conduct creates a reasonable belief that a threat to the health or safety of the employee or others, or to County property exists; or where there is objective evidence that the employee cannot perform the essential job functions. The purpose of the evaluation is to find out if the employee can perform his/her job in a safe manner. The County will pay the cost of the fitness for duty evaluation. The employee will be required to provide the necessary authorizations for obtaining the medical records and conducting the examination. No fitness for duty medical evaluation may be sought without prior approval of the County Administrator. In order to ensure safety while the employee is being evaluated, the employee may, if appropriate, be placed on administrative leave for the time needed to conduct the evaluation. Depending on the results of the evaluation, the County will consider whether the safety or health risk can be eliminated or sufficiently reduced by a reasonable accommodation, if applicable.

9.19 INFECTIOUS CONDITIONS

Spartanburg County's decisions involving persons who have infectious conditions shall be based on current medical information concerning the condition, the risks of transmitting the illness to others, the symptoms and special circumstances of each individual who has an infectious condition, and a careful weighing of the identified risks and the available alternatives for responding to the person.

Spartanburg County will not discriminate against any job applicant or employee based on the individual having an infectious condition. Applicants and employees shall not be denied access to the workplace solely on the grounds that they have an infectious condition.

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Spartanburg County reserves the right to exclude a person with an infectious condition from the workplace facilities, programs and functions if the County finds that, based on a medical determination, such restriction is necessary for the welfare of the person who has the condition and/or the welfare of others within the workplace.

Spartanburg County will comply with all applicable statutes and regulations that protect the privacy of persons who have an infectious condition. Every effort will be made to ensure procedurally sufficient safeguards to maintain the personal confidence of the person with the infectious condition. The Director of Human Resources should be consulted regarding any situation arising under this policy.

9.20 INSPECTIONS OF WORK AREA

Employees are reminded that permission to bring items, such as vehicles and bags, onto County property is conditioned on agreeing to inspection by the County upon request when deemed necessary by management. Therefore, the County may search in specific situations, without further advance notice, desks, cabinets, tool boxes, vehicles, including personal vehicles brought onto the County's property, bags, or any other property on County property or in County vehicles. Refusal to cooperate in a search, inspection or investigation will result in disciplinary action up to and including termination.

9.21 COUNTY EQUIPMENT AND PROPERTY

County equipment and property must be returned to the County at the time of separation from employment for any reason. This includes, but is not limited to, any identification badge or other items used as a means to identify a person as a County employee.

An identification badge that also is an electronic key to enter specific buildings and other secured areas must be reported as lost or stolen immediately to security.

9.22 KEYS AND RESTRICTED ACCESS

In order to provide as much protection as possible for the security of employees and the County's property, certain areas and designated rooms will have restricted access. Keys will be issued only to those employees whose responsibilities require access.

Duplication of any restricted access key is prohibited. Loss of any restricted access key must be reported to the issuing party as soon as the loss is discovered. If a restricted access key is stolen, the employee must file an official police report. The County has an established fee for a replacement key and/or lock replacements. Subsequent replacement keys will result in increased fees and may result in the loss of privilege of carrying a key. At no time may an employee with a restricted access key permit another employee to borrow or use the key.

Upon leaving employment with the County for any reason, all restricted access keys should be returned to the County prior to release of final pay. Failure to comply can result in deductions to final pay for the cost of the key and any rekeying expenses.

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Keys to file cabinets, desk drawers and personal lockers will remain the responsibility of the individual employee and/or Department Head of the area unless specifically restricted because of a special need as determined by the Department Head.

9.23 USE OF COUNTY PROPERTY AND EQUIPMENT

Employees are expected to learn and follow all operating instructions, perform preventive maintenance, where applicable, and observe all safety practices. When an employee has questions about proper operation or maintenance of County property or equipment, the employee should ask his/her supervisor for direction. Property and equipment that appears to be unsafe, damaged, defective, or in need of repair should be reported promptly to the supervisor.

Employees causing damage to County property and equipment may be subject to disciplinary action up to and including immediate termination. This includes loss or damage due to carelessness, negligence, improper use, or unsafe practices. Monetary reimbursement to the County may also be required if applicable.

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