

<b>COUNTY OF PRINCE GEORGE PERSONNEL POLICIES</b>  Prince George, Virginia	<b>POLICY NUMBER: 8.1 THROUGH 8.9</b>	Page 1 of 7
	<b>SUPERSEDES: July 13, 2021</b>	<b>DATE ISSUED: November 28, 2023</b>
<b>SUBJECT:  Intoxicants and Drugs</b>	<b>AUTHORIZATION: Adopted by the Board of Supervisors November 28, 2023; to become effective November 28, 2023</b>	

## 8.1 Intoxicants and Drugs

The County of Prince George seeks to establish and maintain a safe and healthy workplace for employees that is free from both illegal drug, prescription drug and alcohol abuse and to protect the safety of its citizens by preventing illegal drug, prescription drug and alcohol abuse. This policy establishes guidelines and procedures for drug and alcohol testing of applicants and employees, as well as disciplinary action related to illegal drug or alcohol use. This policy applies to all County employees. Sworn Police Officers and Fire & EMS Career personnel may be subject to more stringent policies than this policy when approved by the County Administrator. For purposes of this policy, the term "illegal drug" includes marijuana and marijuana products which are illegal under federal law.

The drug and alcohol tests conducted by the County will include: (1) "reasonable suspicion testing;" (2) tests as a part of annual or periodic physical exams; (3) random testing related to past conduct or within a county program; or (4) any testing necessary to comply with U. S. Department of Transportation regulations or federal statutes.

An Employee must:

- i. Not have a detectable presence of illegal drugs in his/her system, have an alcohol concentration of greater than 0.04, be under the influence or impaired by alcohol or any other illegal drugs, while on duty or on call, in an official capacity, or at any time while operating a county vehicle. Any employee, who as a result of testing is found to have a detectable presence of illegal drugs or an alcohol concentration of greater than 0.04 in his or her system, regardless of when, where or how the substance entered the employee's system, will be in violation of this policy.
  - ii. Not use alcohol while on duty or report to work exhibiting the signs of alcohol use.
  - iii. Not consume, use, possess, sell, buy, distribute, or offer to sell, to buy, or to distribute, or to manufacture any alcohol or illegal drugs, or any substance that purports to be an illegal substance, any time during the scheduled workday, while on or off County property and representing the County in an official capacity, or at any time while operating a County vehicle.
-

<b>COUNTY OF PRINCE GEORGE PERSONNEL POLICIES</b>  Prince George, Virginia	<b>POLICY NUMBER: 8.1 THROUGH 8.9</b>	Page 2 of 7
	<b>SUPERSEDES: July 13, 2021</b>	<b>DATE ISSUED: November 28, 2023</b>
<b>SUBJECT:  Intoxicants and Drugs</b>	<b>AUTHORIZATION: Adopted by the Board of Supervisors November 28, 2023; to become effective November 28, 2023</b>	

- iv. Submit to a drug or alcohol test when requested to do so by the supervisor, in accordance with this policy or U. S. Department of Transportation regulations.
- v. Provide within 24 hours of request such documentation as may be necessary to establish a current valid prescription for any controlled substance or drug identified in a positive drug test. Failure to provide the prescription and/or additional documentation as may be necessary in a timely manner shall be deemed to be an admission by the employee that the employee did not legally possess or use the controlled substance or drug.

## 8.2 Reasonable Suspicion Testing

The County of Prince George may require current employees to undergo a drug or alcohol test if the County Administrator or Constitutional Officer determines there is a “reasonable suspicion” to believe that the employee is under the influence of drugs or alcohol during work hours. Circumstances which constitute a basis for “reasonable suspicion” may include, but are not limited to:

- i. Unexplained inability to perform normal job functions;
  - ii. Slurred speech;
  - iii. Smell of alcohol or drugs on breath;
  - iv. Any unusual lack of physical coordination or loss of equilibrium;
  - v. Unexplained hyperactivity or depression and withdrawal;
  - vi. Unexplained inability to think or reason at the employee’s normal level;
  - vii. Possession of alcohol or illegal drugs or the presence of alcohol, alcohol containers, illegal drugs, or drug paraphernalia in an area subject to an employee’s control;
  - viii. Information obtained from a reliable person with personal knowledge;
  - ix. Unusual or bizarre behavior;
-

<b>COUNTY OF PRINCE GEORGE PERSONNEL POLICIES</b>  Prince George, Virginia	<b>POLICY NUMBER: 8.1 THROUGH 8.9</b>	Page 3 of 7
	<b>SUPERSEDES: July 13, 2021</b>	<b>DATE ISSUED: November 28, 2023</b>
<b>SUBJECT:  Intoxicants and Drugs</b>	<b>AUTHORIZATION:</b> Adopted by the Board of Supervisors November 28, 2023; to become effective November 28, 2023	

### 8.3 Random Testing

All County employees whose job duties require them to possess a valid Commercial Driver's License or operate heavy equipment or machinery shall submit to random drug testing.

Employees in safety-sensitive positions may be required to submit to random drug/alcohol testing.

An individual selected for random testing shall be notified within two hours of the scheduled testing by the Human Resources Department. The 12-panel rapid test will be administered by the employee's supervisor. If the rapid drug screening is positive, the employee will be sent to an off-site facility for immediate re-testing. Proof of the results from the rapid testing shall be sent to the Human Resources Director to maintain it in a confidential file separate from the employee's personnel file.

Random testing will be conducted at minimum, once every quarter.

### 8.4 Post-Accident Testing

#### ***Procedures within Prince George County:***

An employee must undergo post-accident testing for alcohol and drugs within six hours after any motor vehicle accident which occurred while operating a county vehicle.

The supervisor or his/her representative shall ensure immediate transport of the driver to a secure work site where he/she will undergo a 12-panel rapid drug test administered by his/her supervisor. In addition, the supervisor of the employee involved in the accident shall request to have a preliminary breath test administered by the Police Department.

If the rapid drug screening is positive, the employee will be sent to an off-site facility for immediate re-testing. If the preliminary breath test is more than 0.04 concentration, the employee will also be sent to an off-site facility for immediate re-testing. Proof of the results from the rapid testing shall be sent to the Human Resources Director to maintain it in a confidential file separate from the employee's personnel file.

<b>COUNTY OF PRINCE GEORGE PERSONNEL POLICIES</b>  Prince George, Virginia	<b>POLICY NUMBER: 8.1 THROUGH 8.9</b>	Page 4 of 7
	<b>SUPERSEDES: July 13, 2021</b>	<b>DATE ISSUED: November 28, 2023</b>
<b>SUBJECT:  Intoxicants and Drugs</b>	<b>AUTHORIZATION:</b> Adopted by the Board of Supervisors November 28, 2023; to become effective November 28, 2023	

***Procedures outside of Prince George County while operating a County vehicle:***

An employee must undergo post-accident testing for alcohol and drugs within 12 hours after a motor vehicle accident which occurred while operating a county vehicle.

The employee shall report to the nearest urgent care facility where he/she will undergo a drug screening and an alcohol test. The results of such a screening shall be sent to the Human Resources Director.

**8.5 Testing During Periodic Physical Examinations**

An employee who is required to submit to undergo a physical examination as a part of his job will undergo a drug/alcohol test as a part of the periodic physical.

The failure of an employee to submit to a drug or alcohol screening shall be considered a positive test and may result in discipline up to termination.

Employees do not possess an expectation of privacy in any county property which includes but is not limited to rooms, desks, lockers, files, computers, electronic equipment or County vehicles.

No employee shall be disciplined for the appropriate use of non-prescription or prescribed medication in the treatment of illness or injury provided that the employee is capable of adequately performing the functions of his/her position.

Employees must, as a condition of employment, abide by the terms of this policy and report any charge, arrest or conviction for violations related to illegal drug or alcohol possession or use. A report of a charge, arrest or conviction must be made to the Department Director within one business day after the charge, arrest or conviction if the employee is required to drive a vehicle as part of his/her job. If the employee is not required to drive as part of his/her job, then the employee must report a charge, arrest or conviction to the Department Director within five calendar days of the charge, arrest, or conviction.

An employee who is subject to the guidelines of the Drug-Free Workplace Act of 1989 is also subject to additional requirements as follows: Within ten days after learning of an employee's criminal conviction for illegal drug activity within the workplace, the County will notify the state or federal agency providing a grant to the County of such conviction, as required by the Act. Within 30 days of learning of an

<b>COUNTY OF PRINCE GEORGE PERSONNEL POLICIES</b>  Prince George, Virginia	<b>POLICY NUMBER: 8.1 THROUGH 8.9</b>	Page 5 of 7
	<b>SUPERSEDES: July 13, 2021</b>	<b>DATE ISSUED: November 28, 2023</b>
<b>SUBJECT:  Intoxicants and Drugs</b>	<b>AUTHORIZATION: Adopted by the Board of Supervisors November 28, 2023; to become effective November 28, 2023</b>	

employee's conviction for illegal drug activity within the workplace, the County may take appropriate personnel action up to and including termination.

## **8.6 Procedures for Completing Drug or Alcohol Testing (Off-Site location)**

The employee will provide a urine sample or blood sample at the facility for testing. The supervisor shall have the authority to place on administrative leave with pay, or to temporarily reassign, an employee while awaiting the results of the test when such action is appropriate under the circumstances and in the best interests of Prince George County.

The results of the test shall be reported to the employee and Department Director.

If a drug test is positive, the supervisor will meet with the employee. The employee will be given an opportunity to explain the test result. The employee may request, at his own expense, additional drug screening of the off-site laboratory test specimen by gas chromatography/mass spectrometry (G.C.M.S.) or other reliable testing procedure. The test shall be completed within two hours by using an approved licensed testing facility. If the second drug test is negative, the County, at its expense, may request a third test for further analysis of the test specimen. If the second drug test is negative, the County will reimburse the employee's share of the screening test costs to the employee, up to the normal cost that the County pays for its screening tests; and all test-related records will be purged.

If an alcohol test is positive, meaning more than 0.04 concentration, a second alcohol test will be performed to confirm the results of the initial test.

If the rapid drug or alcohol test is positive, the Director, after consultation with the County Administrator, shall have the authority to place the employee on administrative leave without pay pending the outcome of the off-site testing. If the off-site screening is positive, the employee may be subject to further disciplinary action up to and including termination. If the off-site screening is negative, the employee may be reimbursed for the lost wages while on administrative leave without pay. Proof of the results from the rapid testing shall be sent to the Human Resources Director to maintain it in a confidential file separate from the employee's personnel file.

In the event that the employee, in order to comply with this policy, has to pay for a drug test, the employee will be reimbursed by the County for the cost of the test.

<p><b>COUNTY OF PRINCE GEORGE PERSONNEL POLICIES</b></p> <p>Prince George, Virginia</p>	<p><b>POLICY NUMBER: 8.1 THROUGH 8.9</b></p>	<p>Page 6 of 7</p>
<p><b>SUBJECT:</b></p> <p><b>Intoxicants and Drugs</b></p>	<p><b>SUPERSEDES: July 13, 2021</b></p>	<p><b>DATE ISSUED: November 28, 2023</b></p>
<p><b>AUTHORIZATION:</b> Adopted by the Board of Supervisors November 28, 2023; to become effective November 28, 2023</p>		

All written requests and test results will be placed in a separate, medical and confidential file in the Human Resources Department, which will be kept separate from the official personnel file of the employee.

### **8.7 Legalization of Marijuana in Virginia**

The Virginia Cannabis Control Act (Title 4.1, Subtitle II of the Code of Virginia (1950), as amended) does not require Virginia employers to tolerate the use, possession, or being under the influence of marijuana or marijuana products in the workplace.

The use of marijuana and marijuana products are still illegal under the federal law and the use is prohibited by the County.

In accordance with Virginia Code 40.1-27.4 (1950), as amended, an employee may lawfully use cannabis oil during non-work hours pursuant to a valid written certification issued by a practitioner for the treatment or to eliminate the symptoms of the employee’s diagnosed condition or disease as long as the employee does not show up to work impaired by the use of cannabis oil.

### **8.8 Disciplinary Actions**

If any employee refuses to consent to a drug/alcohol screen, it shall be considered a positive test, and the employee may be subject to disciplinary action up to and including termination.

Adulteration detected in a specimen, substitution of a specimen or otherwise tampering with a specimen by the employee to be tested or by another County employee may be grounds for disciplinary action up to and including termination. In the event of adulteration, substitution or tampering, a new test may be ordered.

A positive drug/alcohol test that confirms that an employee (1) has a detectable presence of illegal drugs in his system or has an alcohol concentration of 0.04 or greater, or (2) has his ability to perform job duties impaired by alcohol or any other illegal drug, during work hours, or “on-call” time, may result in appropriate disciplinary action. If an employee is “called out” while they are not in an “on-call” status, the employee shall let his/her supervisor know that he/she is unable to drive and shall decline the call-out.

### **8.9 Rehabilitation and Treatment**

<p><b>COUNTY OF PRINCE GEORGE PERSONNEL POLICIES</b></p> <p>Prince George, Virginia</p>	<p><b>POLICY NUMBER: 8.1 THROUGH 8.9</b></p>	<p>Page 7 of 7</p>
<p><b>SUBJECT:</b></p> <p><b>Intoxicants and Drugs</b></p>	<p><b>SUPERSEDES: July 13, 2021</b></p>	<p><b>DATE ISSUED: November 28, 2023</b></p>
<p><b>AUTHORIZATION:</b> Adopted by the Board of Supervisors November 28, 2023; to become effective November 28, 2023</p>		

Employees needing help in dealing with dependency are encouraged to use the Employee Assistance Program.

If an employee remains employed after testing positive for drugs or alcohol, they will be subject to being tested at random intervals for up to 12 months following the initial positive test and may be subject to continued follow-up testing for a period of up to two years.