



**COUNTY OF PRINCE GEORGE**  
**Human Resources Department**  
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*Corrie Hurt*  
*Director of Human Resources*

MEMORANDUM

To: Mr. Percy Ashcraft  
County Administrator

From: Corrie Hurt  
Director of Human Resources

Date: July 26, 2018

Re: Personnel Policy Update from July 10<sup>th</sup> BOS Meeting Discussion

During the July 10, 2018 Board Meeting, Mr. Hunter asked me to follow up with the Administrative Executive Committee (AEC) to determine if they wanted the Intoxicants and Drugs Policy revised from the statement on page four that indicated "A report of a charge, arrest or a conviction must be made to the Department Director within one business day after the charge, arrest or conviction".

The AEC has agreed that it should be revised as follows in bold print; "A report of a charge, arrest or a 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***".

If the Board agrees to this change, a revision will be sent to all employees. If you have questions or concerns, I am available at your convenience.

Board of Supervisors  
County of Prince George, Virginia

Resolution

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia this 14<sup>th</sup> day of August, 2018.

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Present:

Alan R. Carmichael, Chairman  
Donald R. Hunter, Vice-Chairman  
Floyd M. Brown, Jr.  
Marlene J. Waymack  
T. J. Webb

Vote:

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C-5

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, which carried unanimously, the following Resolution was adopted:

RESOLUTION; PROPOSED REVISIONS; PRINCE GEORGE  
COUNTY PERSONNEL POLICY; SECTIONS 8.1 THROUGH  
8.87 ENTITLED *INTOXICANTS AND DRUGS*

WHEREAS the Prince George County Personnel Policy Manual has been reviewed by staff and it has been recommended that the existing policy entitled *Intoxicants and Drugs* be reviewed and considered for modification;

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George, this 14<sup>th</sup> day of August, 2018 does hereby amend the Prince George County Personnel Policy by revising the policy entitled *Intoxicants and Drugs* as requested.

A Copy Teste:

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Percy C. Ashcraft  
County Administrator

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## 8.1 Intoxicants and Drugs

The County of Prince George is obligatedseeks to establish and maintain a safe and healthy workplace for employees that is free from both drug and alcohol abuse and to protect the safety of its citizens by preventing 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 drug or alcohol use. This policy applies to County employees. who work for Constitutional Officers, but does not apply to employees of the Prince George County Police Department. The County Administrator may enact additional policies or modify this policy, provided that the terms are consistent with, or more stringent than, this policy.Sworn Police Officers and Fire & EMS Career & Volunteer personnel may be subject to more stringent policies than this policy when approved by the County Administrator.

The drug and alcohol tests conducted by the County will include: (1) "reasonable suspicion testing;" (2) tests of persons applying for promotion; (3) tests as a part of annual or periodic physical exams; (4) random testing related to past conduct or within a County program; or (5) any testing necessary to comply with U. S. Department of Transportation regulations or federal statutes.

Employees must report to work on time and in appropriate mental and physical condition for work. Accordingly, an An Eemployee must:

- i. Not have a detectable presence of illegal drugs in his system, have an alcohol concentration of greater than 0.021 or greater, be under the influence or impaired by alcohol or any other drugs whether legal or illegal, while on duty or on call, while on County property or while off County property 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 0.021 or greater 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 with the odor of alcohol on his/her breath or person.
- 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

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during the scheduled work day, while on or off County property and representing the County in an official capacity, or at any time while operating a County vehicle.

- 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 found to be in the employee's possession or 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 give rise to a presumption that the employee did not legally possess or use the controlled substance or drug..

~~A current employee who seeks a transfer or a promotion and who tests positive for drugs or alcohol shall not be eligible for such transfer or promotion and shall be subject to further action in accordance with this policy.~~

## 8.2 Reasonable Suspicion Testing

The County of Prince George may require current employees to undergo a drug or alcohol test if 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. A pattern of abnormal or erratic behavior;
- ii. Information provided by a reliable individual of improper behavior related to drugs or alcohol. The employee will not be provided with the name of any such individual;
- iii. Work-related accidents or personal injuries;
- iv. Direct observation of drug or alcohol use;
- v. Presence of physical symptoms of drug or alcohol use;

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- vi. Disregard or violations of established safety, security or other work rules;
- vii. Excessive time away from the workplace and excessive absenteeism or tardiness;
- viii. Possession of alcohol or illegal drugs; or the presence of alcohol, alcohol containers, illegal drugs, or drug paraphernalia in a work area subject to the employee's control;
- ix. Unexplained inability to think or reason at the employee's normal levels;
- x. Fighting, combative or assaultive behavior.

### 8.3 Promotion or Transfers

A current employee who seeks a transfer or a promotion and who tests positive for drugs or alcohol shall not be eligible for such transfer or promotion and shall be subject to further disciplinary action in accordance with this policy.

### 8.43 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 must submit to random drug testing. in compliance with U.S. Department of Transportation regulations.

Work groups that have duties which can create risk to the public or co-workers or that work with controlled substances may be included in a program of random drug/ alcohol testing. In addition, the Department Director, with advance written approval from the County Administrator, may designate a work group for inclusion in a program of random drug/alcohol 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. The supervisor or other designated staff shall escort the employee to the testing facility.

### 8.54 Testing During Periodic Physical Examinations

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An employee who is required to submit mandated to undergo a scheduled 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 shall result in discipline up to termination.

The County may search, at any time, without employee consent, all areas and property in which the County maintains either joint control with the employee or full control, including rooms, desks, containers, files, lockers, electronic equipment and all County vehicles. 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 of injury provided that the employee is capable of adequately performing the functions of his/her position. All employees are responsible for knowing what use of a non-prescription or prescribed medication could impair his ability to operate a County vehicle or equipment, or interfere with his job performance. In such case, the employee shall inform his immediate supervisor and shall be prepared to provide a copy of the prescription or other evidence of the medication upon request. Violation of this section of the policy may subject the employee to disciplinary action, up to and including termination.

Employees must, as a condition of employment, abide by the terms of this policy and report any charge, arrest or conviction under a criminal statute for violations related to drug or alcohol possession or use. occurring on or off County premises. A report of an charge, arrest or a conviction must be made to the Department Director within five daysone 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 employee's conviction for illegal drug activity within the workplace, the County may will take appropriate personnel action up to and including termination.

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### **8.65 Procedures for Completing Drug or Alcohol Testing**

The employee will be given an opportunity by the supervisor to respond to a supervisor's conclusions that result in a "reasonable suspicion" drug/alcohol test. If the supervisor still believes the test is necessary or if the test is pursuant to the random testing program or any follow-up testing at random intervals, the supervisor will ask the employee to sign a consent to have the test performed by the County's designated representative.

The supervisor or a designee will physically escort the employee to the facility where the test has been arranged to be conducted. The employee will provide a body specimen, 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 tested for reasonable suspicion 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 original test specimen by gas chromatography/mass spectrometry (G.C.M.S.) or other reliable testing procedure. The test should be completed within one hour 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 0.02 concentration, a second alcohol test will be performed to confirm the results of the initial test.

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

### **8.76 Disciplinary Actions**

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If any employee refuses to consent to a drug/alcohol screen, it shall be considered a positive test and the employee shall 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 is may be grounds for termination. In the event of adulteration, substitution or tampering, a new test may be ordered. if the employee is not terminated.

If the drug test is positive, the supervisor will meet with the employee prior to determination of an appropriate personnel action. 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 original test specimen by gas chromatography/mass spectrometry (G.C.M.S.) or other suitable testing procedure. If the second drug test is negative or inconclusive, the County, at its expense, may request a third test for further analysis of the test specimen. If both the second and third drug tests are 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 two of the three drug test results are inconclusive, the employee shall be subject to follow-up drug/alcohol testing at random intervals during the next 12 months and may be subject to continued follow-up testing for a period of up to five years.

If an alcohol test is positive, i.e. .01 concentration or higher, a second alcohol test will be performed to confirm the results of the initial test.

If the drug/alcohol test is positive (and if any confirmation test is also positive), the supervisor will determine an appropriate personnel action including discipline.

Any sworn law enforcement officer or law enforcement employee who works directly with controlled substances will be terminated, if he tests positive for illegal drugs.

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 0.022 or greater, or (2) has his ability to perform job duties impaired by alcohol or any other drug, whether legal or illegal, 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 should let his/her supervisor know that he/she is unable to drive and should decline the call-out.



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An employee who tests positive for drugs or alcohol and who also exhibits one or more of the reasonable suspension criteria in this policy shall be presumed to have been at work under the influence of drugs or alcohol.

The County may also base a determination that an employee has used drugs or alcohol in violation of County policies on observed facts and conditions without the need for a confirming test.

### **8.87 Rehabilitation and Treatment**

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

While referral to the County's Employee Assistance Program is normally available following a positive drug/alcohol test, certain circumstances may justify immediate disciplinary action up to and including termination. In appropriate circumstances, the employee will be referred to a counseling or a rehabilitation program approved by the County until the program administrator is able to state that the employee has been successfully rehabilitated and can remain drug or alcohol free. While in the rehabilitation program, an employee may use annual, personal, sick, earned compensatory leave or request leave of absence without pay. If the employee refuses treatment, fails to complete the program, or fails to be rehabilitated, he shall be subject to termination.

Employees who test positive for drugs or alcohol are 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 five two years.