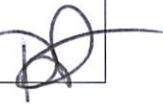




CITY OF KINSTON

Subject: Alcohol and Substance Abuse/Drug Free Workplace	Section: Employee Health Services		Review Responsibility: Director of Human Resources		
	Policy #: 1	Effective Date: 1/16/2026	Rev. #: 7	Revision Date: 1/7/2026	Page: 1 of 21
	Supersedes: 2/17/17	Prepared By: Blake Burkett, RN Tiffany Smith, HR Dir		Approved By: Rhonda Barwick, City Manager	

1.0 Purpose

It is the City of Kinston's policy that the workplace will be free of the presence of alcohol or unlawful controlled substances. Employees are expected to carry out their duties safely, efficiently, and without the adverse effects of these substances. This policy serves to inform both current and potential employees about the City's commitment to a Drug Free Workplace. This policy also outlines the guidelines for addressing job performance issues related to alcohol and drug use in the workplace and to provide procedures for assistance programs and processes for positive test results.

2.0 Departments Affected

2.1 All City employees in all departments, as well all individuals applying for employment, including those who hold a commercial driver's license (CDL) as part of their job responsibilities and those in safety-sensitive positions (see Appendix F).

3.0 Policy

3.1 Reasonable Suspicion: City employees will be drug and alcohol tested when there is reasonable cause to believe an employee is using drugs or alcohol, is impaired on the job, or after an employee returns to duty following an Employee Assistance Program referral for substance abuse.

3.2 Pre-employment: A pre-employment drug testing program for applicants for initial hire or transfer/promotion to safety sensitive positions within the City will undergo pre-employment drug testing.

3.3 Safety Sensitive: All employees in a safety sensitive position and employees who are required to possess a CDL as part of their job duties will be subject to pre-employment, random, reasonable cause, post-accident, and return- to-duty drug testing.

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4.0 Definitions

- 4.1 **Adulterated Specimen:** A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.
- 4.2 **Approved Laboratory:** A SAMHSA lab certified under the U.S. Department of Health and Human Services that has mandatory guidelines for federal workplace drug testing programs and that operates in compliance with the North Carolina Controlled Substances Examination Regulation, as set forth in Article 20 of Chapter 95 of the North Carolina General Statutes.
- 4.3 **Confirmed Positive Results:** The presence of an illicit substance in the pure form or its metabolites at or above the specified cutoff level identified on two (2) consecutive tests which employ different testing methods.
- 4.4 **Confirmation Test:** A second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. The confirmation test must be different in scientific principle from that of the initial test procedure. At this time gas/chromatography/mass spectrometry (GC/MS) shall be used.
- 4.5 **Controlled Substance:** A controlled substance is as defined in G.S. 90-87(5) or a metabolite thereof.
- 4.6 **Designated Employer Representative (DER):** The city approved DER is the Employee Health Nurse. The DER will receive all testing communication and information including verified results.
- 4.7 **Direct Observation:** The process in which an observer (person of same gender) will witness the urine pass from the donor's body into the collection container.
- 4.8 **Drug Test:** A chemical, biological or physical analysis or test administered for the purpose of determining the presence or absence of a drug or its metabolites and/or alcohol.
- 4.9 **Medical Review Officer (MRO):** A licensed physician whose duties include the review and interpretation of positive results from confirmatory testing and who evaluates those results together with medical history or any relevant biomedical information to verify positive results. This person has knowledge of substance abuse disorders and appropriate medical or forensic training.
- 4.10 **Negative results:** The absence of an illicit substance in the pure form or its metabolites in sufficient quantities to be identified by either an initial screen or confirmatory test or as determined by a Medical Review Officer.
- 4.11 **Substance Abuse Professional (SAP):** Licensed physicians, as well as licensed or

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

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

5.0 Implementation

5.1 Employees are prohibited from reporting for work or remaining on duty when using drugs, unless the drugs are used and prescribed by a medical doctor who has advised the employee that the substance will not adversely affect the employee's ability to perform job duties safely.

5.2 Employees are prohibited from reporting for duty or remaining on duty with an alcohol concentration of 0.02 or greater. Employees found to have an alcohol concentration of 0.02 or greater are prohibited from performing any covered functions for at least 24 hours from the time of the test.

5.3 Employees are prohibited from performing or continuing to perform safety sensitive duties if they have received a verified positive result from MRO.

5.4 The unlawful manufacture, distribution, dispensation, sale, possession or use of controlled substances; the unlawful use of prescription drugs; the possession or use of alcoholic beverages; and the possession of and the manufacture or delivery of drug paraphernalia is prohibited on city premises and workplaces. The city maintains a zero-tolerance position on the above issues. A violation of the policy outlined in this section will be considered unacceptable personal conduct and shall be cause for disciplinary action up to and/or including dismissal.

5.5 An employee determined to be using or under the influence and/or functioning below acceptable work standards due to alcohol or a controlled substance or unlawful use of prescription drugs on city premises or workplaces will receive not less than a written warning and if not terminated will be referred to the City's Employee Assistance Program. See Appendix-B

5.6 The City will report violations of criminal drug statutes occurring in the workplace to the appropriate law enforcement authority.

5.7 An employee charged with driving while impaired or charged with a drug or alcohol related offense will notify their department head no later than three (3) days after such a charge. An employee convicted of any criminal drug or alcohol statute violation for conduct occurring in the workplace must notify the supervisor no later

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than (5) five calendar days after such conviction. Failure to provide notification of such a conviction will result in dismissal (28 CFR Part 83). When required by the Federal Drug-Free Workplace Act of 1988, city management will notify the appropriate federal contracting agency of such a conviction.

- 5.8 All employees have a responsibility to report observed and suspected violations of this policy to their supervisor or department management.
- 5.9 Violation of the following actions will result in disciplinary action, up to and including dismissal:
 - a. Refusal to submit to a required drug or alcohol test.
 - b. Failure to show for a scheduled drug or alcohol test.
 - c. Intentional tampering, or attempts to tamper, with a drug or alcohol sample.
 - d. Producing a confirmed positive alcohol test at 0.02 or above or a verified positive drug test.
- 5.10 All information obtained in the course of testing, examining, counseling, rehabilitating, and treating applicants or employees pursuant to this policy shall be protected as confidential information. Documents or data concerning this information will not be open to inspection by persons other than the affected applicant or employee and will only be disseminated on a need-to-know basis and at the express direction of the Human Resources Director or to comply with applicable laws. Alcohol or drug test results may be disclosed in connection with legal proceedings related to the applicant or employee (including but not limited to unemployment and workers' compensation) and to the City's retained attorney.

6.0 Test Action

- 6.1 Drug Screen testing will be conducted during the pre-employment process, after a conditional offer letter has been extended to the applicant. The test conducted must not be more than 60 days old calculated from the time when the laboratory reports the results to the date of employment.
- 6.2 All candidates for employment will be requested to complete Appendix D: Drug Free Workplace Memo of Understanding. Prior to testing, all candidates/employees will be required to complete Appendix A: Consent and Acknowledgement Form.
- 6.3 In order to maintain the effectiveness and reliability of the drug testing process, applicants/employees should not be given more than 24-hour advance notice of the testing date and time.
- 6.4 Prior to testing an applicant or lateral transfer for a criminal justice position, Police Recruiter must submit a Records Request Search-Drug Testing request form to the Criminal Justice Standards Division to determine if the applicant or lateral transfer

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has previously produced a positive test result or refused to submit to drug testing, as outlined in the Implementation Manual for Drug Screening Through Urinalysis for North Carolina Criminal Justice Agencies by the NC Criminal Justice Education and Training Standards Commission. The request form, included in the Implementation Manual, must be mailed along with a copy of the Applicant's Drug Consent Form from the manual and a self-addressed, stamped envelope.

- 6.4.1 An applicant in this section refers to a person, other than a lateral transferee, who applies for employment or appointment as a criminal justice officer.
- 6.4.2 A lateral transferee in this section refers to a criminal justice officer who applies for employment or appointment where the officer has previously held general verification and has been separated by an agency and has been separated from a criminal justice officer position for no more than twelve months.

6.5 Drug testing will be conducted by urine testing. Substances that may be tested for under this policy include, but are not limited to: Marijuana/cannabinoids (THC), cocaine, opiates, Phencyclidine (PCP), amphetamines/methamphetamines, methadone, barbiturates, benzodiazepines, and tricyclic antidepressants. All positive drug screening tests results will be done by gas chromatography and mass spectrometry (GC/MS).

- 6.5.1 Applicants/employees must provide a urine specimen of at least 45-60 milliliters of urine for drug testing. If the individual is unable to provide the required amount, they will be instructed to drink fluids and attempt to provide a sufficient quantity of urine again. If the applicant/employee refuses to attempt to provide a new urine specimen, this will constitute a refusal to submit a test. If the applicant/employee has not provided a sufficient specimen within 3 hours of the first unsuccessful attempt, the collection will be discontinued. The DER, after consulting with the MRO, will then direct the applicant/employee to obtain, within five days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee's failure to provide a urine sufficient specimen (refer to 49 CFR 40.193). Failure to undergo such an evaluation constitutes a refusal to test.
- 6.5.2 Applicants/employees must stay at the collection site until a specimen of sufficient quantity is obtained, except as otherwise specified in section 6.5.1.

6.6 Alcohol screening tests will be performed by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing device (EBT). If the result of the screening test is an alcohol concentration of 0.02 or greater, a second confirmation test will be performed using an EBT. The confirmation test will be conducted within 15-30

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minutes from the end of the initial test. The confirmation test result is the definitive result upon which any disciplinary action or other measures taken under the City's policy will be based.

- 6.6.1 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 City will direct the employee to obtain, within five days, an evaluation from a licensed physician who is acceptable to the City and who has expertise in the medical issues raised by the employee'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 employee from providing a sufficient amount of breath, the employee'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 employee from providing a sufficient amount of breath, the employee will be considered to have refused to test.

7.0 Types of Tests

7.1 Pre-employment/Promotional: All applicants/employees for whom drug testing is job-related and consistent with business necessity, including those hired into or transferred/promoted to a safety-sensitive position shall be required to complete a drug test. The candidate/employee must produce a negative drug test prior to first performing their assigned job duties.

- 7.1.1 All offers of positions requiring pre-employment drug testing shall be conditional offers pending negative test results.
- 7.1.2 An employee/applicant who receives a positive drug test may request through the Medical Review Officer the same or split specimen be tested at another certified laboratory with the cost of such testing at the employee's/applicant's expense. Notification for retesting of a sample must be made within 72 hours of the employee receiving written notice of a positive test result.
- 7.1.3 If the drug test produces a positive result, the applicant will be notified by Human Resources of such and that the conditional offer of employment is being withdrawn. See Appendix C.
- 7.1.4 If an applicant tests positive, they will automatically be deemed ineligible for employment at the City of Kinston for a minimum period of 6 months from the date of the test result.
- 7.1.5 If a current employee tests positive for a transfer/promotional drug

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screen, disciplinary action up to and/or including dismissal will be at the discretion of Department Head and Director of Human Resources.

7.2 Post-accident/injury drug testing: A test conducted as soon as possible following all accidents involving motor vehicles or city property resulting in bodily harm and/or any damages regardless of fault, damages to property other than City of Kinston, or injuries where employees sought medical treatment outside of the Employee Health Clinic. (See Accident/Injury Policy)

- 7.2.1 For all employees including safety sensitive positions, a non-DOT urine drug test and breath alcohol test shall be required following all accidents involving motor vehicles resulting in bodily harm and/or damages regardless of fault.
- 7.2.2 A post-accident DOT urine drug and breath alcohol test on employees with a CDL in which the CDL driver received a moving citation as a result of the accident or if there was a human fatality regardless of citation. (See 49 CFR 382.303)
- 7.2.3 Alcohol testing must be done as soon as possible following an accident, but no more than eight (8) hours after the accident. Drug testing must be done as soon as possible after the accident, but not more than thirty-two (32) hours after the accident. If a post-accident alcohol test is not administered within eight (8) hours following the accident, the employer will write a statement documenting the reasons for the delay. If a post-accident drug test is not administered within thirty-two (32) hours following the accident, the employer will write a statement documenting the reasons for the delay. If the City does not administer an alcohol test within 8 hours following a post-accident, the City will ensure that it ceases attempts to administer the test and prepare and maintain on file a record stating the reasons the test was not administered.
- 7.2.4 All safety sensitive employees and CDL drivers must remain readily available for testing after an accident including notifying the employer representative of the employee's whereabouts. Failure to do so will be considered a test refusal. Testing may be conducted as soon as practical while the employee assists in the resolution of the accident or receives medical attention.
- 7.2.5 All DOT drug and alcohol violations will be reported to the Commercial Driver's License Drug and Alcohol Clearinghouse by the MRO or Employee Health Nurse.

7.3 Random Drug Testing: A test performed for both safety sensitive employees and

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CDL drivers.

7.3.1 For safety sensitive employees, random drug tests will be conducted at a minimum of four times a year and employees will be randomly selected from MRO group. The Employee Health Nurse will be notified of employees selected for testing. All employees will have an equal chance of being selected each time selections are made. Testing will be unannounced, and the employee must proceed to the collection site (Employee Health Clinic) immediately after being notified of the testing requirement.

7.3.2 For CDL employees, random testing will be performed according to rates established by the federal government on personnel needing CDL licensing to perform driving duties. Employee selection is randomly generated from a list of eligible employees. The Employee Health Nurse will be made aware of employees selected for random CDL tests by MRO group.

7.4 Reasonable Suspicion Drug/Alcohol Testing: Testing conducted when there is a belief that an employee is using or has used alcohol or drugs in violation of the City's policy. This belief must be based on specific, objective, and articulable observations related to the employee's appearance, behavior, body odors, performance, or speech, along with reasonable inferences. These facts and inferences may include, but are not limited to, the following:

- a. Direct observations of unusual conduct or erratic behavior by the employee, including actions that may render the employee's ability to perform assigned duties or pose a risk to safety or health.
- b. A report from a reliable and credible source indicating observed alcohol or drug use.
- c. An on-the-job accident or incident where evidence suggests that the employee's use of drugs or alcohol may have contributed to, in whole or in part, the occurrence.
- d. Evidence that an employee is involved in the use, possession, sale, solicitation, or distribution of drugs or alcohol while working, on the employer's premises/workplace, or operating the employer's vehicle, machinery, or equipment.

7.4.1 After the supervisor completes the Reasonable Suspicion Checklist (Appendix G), all reasonable cause tests must receive approval from the City Manager or their designee, as well as the Human Resources Director or their designee, prior to testing. The Human Resources Director shall initiate a testing process as soon as possible.

7.4.1.1 The supervisor, with the Human Resources Director, will inform the employee that, as a condition of employment, management

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has the right to request that they submit to a drug or alcohol test. The employee should also be advised of the following:

- a. the basis for the reasonable cause;
- b. the testing methods that may be used;
- c. the substances that may be detected;
- d. the importance of cooperating with collection site personnel;
- e. the confidentiality of individual test results;
- f. the appeals process with a Medical Review Officer in the case of a confirmed positive drug test;
- g. and the consequences of refusing to sign consent forms, failing to submit to testing, failing to report for a specimen collection, or receiving a verified positive test result or confirmed positive alcohol test.

7.4.1.2 The employee will be verbally notified of the time, date and location of the test and will be required to sign a consent and acknowledgment form. The employee will receive a copy of the form, and another copy will be placed in the employee's personnel file. If the employee refuses to sign the consent form or to undergo the scheduled testing, the employee will be considered to have refused to test – see 8.0 Refusal to Test section.

7.5 If a reasonable suspicion drug/alcohol test is negative, the Human Resource Director will notify the employee as soon as practicable. If the test is positive, the Employee Health Nurse, within five days of receiving positive test confirmation, shall inform the employee in writing (Appendix C) via certified mail of the results. The test results will also be shared with the employee's supervisor and department head, who may take disciplinary action up to and including dismissal, in accordance with city policy, if necessary.

7.6 Return-To-Duty Testing: An employee who produces a verified positive drug test or an alcohol test at 0.04 or higher, and who has not been dismissed, must complete the following requirements before becoming eligible to return to duty:

- a. Undergo an evaluation or assessment by a substance abuse professional through the Employee Assistance Program. The Employee Health Nurse will review Appendix B with the employee and have employee consent to release of information from EAP.
- b. Satisfactorily complete any rehabilitation process that is recommended through this assessment.
- c. Successfully complete any return to duty requirements which will include a direct observation return to duty drug/alcohol test, and
- d. Participate in a follow-up drug/alcohol testing program recommended by the SAP or management which includes a follow-up testing plan.

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7.7 Follow-up Drug/Alcohol Testing: The City will ensure that a SAP or management establishes a follow-up testing plan for any employee who was not terminated due to refusing to test or produces a positive test, before allowing the employee to return to duty.

- 7.7.1 The City will ensure that follow-up testing is performed on an unannounced basis, at a frequency established by the SAP or management, for a period of not exceeding 60 months. At least six tests must be conducted within the first 12 months following the employee's return to duty.
- 7.7.2 The City will ensure that all follow-up testing is performed under direct observation at the collection site.

8.0 Refusal to Test

8.1 Employees may not “refuse to submit” to any drug or alcohol test required under this policy. Refusal to submit to a drug/alcohol test will be considered a positive and will result in termination. For applicants, a refusal will result in the withdrawal of the employment offer. A test refusal includes the following circumstances:

- a. Failure to promptly notify the City that the employee was in an accident or not being readily available for testing after an accident (except as necessary to obtain assistance, medical care, or law enforcement reports).
- b. Failure to provide a sufficient volume of urine or breath specimen without a valid medical explanation. The medical evaluation shall be provided by the employee's physician within 5 days of initial test attempt.
- c. The provided urine sample has been verified by the MRO as substitute or adulterated.
- d. Failure to appear for any test within a reasonable time, as determined by the City, after being directed to do so.
- e. Failure to provide a urine specimen for any drug test or breath specimen for any alcohol test, except when excused by a valid medical explanation.
- f. Failure to permit the observation or monitoring of a specimen collection if required.
- g. Failure or declination to take a second test as directed by the City DER or collector.
- h. Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the City.
- i. Failure to cooperate with any part of the testing process such as delaying, manipulating, obstructing, or including the use of any type of device and attempts thereof.
- j. Refusing to empty pockets, remove unnecessary outer garments such as a coat or jacket, and leave all personal belongings (may retain his/her wallet) outside of collection site when directed by the collector.

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- k. Behaving in a confrontational way that disrupts the collection process.
- l. Failure to follow the observer's instructions during a direct observation collection to include raising and lowering all clothing and turn around.
- m. Admit to the collector or MRO that you adulterated or substituted the specimen.

9.0 Direct Observations

9.1 If an employee is directed to submit to a collection under direct observation, the DER, supervisor, or collector must explain to the covered applicant or employee the reason for a directly observed collection. The observer of direct observations must be the same gender as the employee. Circumstances requiring direct observation include:

- a. All return to duty tests.
- b. All follow-up tests.
- c. Anytime temperature on the original specimen was out of the acceptable temperature range.
- d. Anytime the original specimen appeared to have been tampered with.
- e. Anytime a collector observes materials brought to the collection site or conduct that clearly indicates an attempt to tamper with a specimen.
- f. When the MRO determines the original specimen was positive, adulterated, or substituted and a new specimen must be provided.
- g. The laboratory reported to the MRO that the specimen was negative-dilute with a creatine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen to the City as negative-dilute and that a second collection must take place.

10.0 Test Results

- 10.1 Laboratory drug tests are reported directly and only to the MRO. Before reporting a positive drug test result to the City, the MRO will give the employee/applicant an opportunity to discuss the test results and to provide any information that may explain the test result to the MRO. If the applicant or employee fails to respond to the MRO's contact, the MRO will verify the test is positive and report it to the City's DER. The DER and the Human Resources Director will notify the affected employee in writing using Appendix C. The MRO reports the drug test results within the time constraints and in a confidential manner.
- 10.2 Any employee who produces a positive alcohol test of at least 0.02 may receive disciplinary action as determined by management. In addition, any CDL classified employee shall not perform driving duties until at least 24 hours have lapsed.
 - 10.2.1 An employee in a safety sensitive position who receives a verified positive drug test will be immediately removed from safety sensitive

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functions. An employee who has a positive drug test cannot return to the performance of safety sensitive functions until the employee successfully completes the return-to-duty process described in this policy. Further, the employee will be subject to disciplinary action, up to and including termination at the discretion of Department Head and Director of Human Resources.

- 10.1.1 The employee with a verified positive drug test and/or confirmed alcohol breath test, if not dismissed, will be required to participate in the city's Employee Assistance Program. The Employee Health Nurse will contact the Employee Assistance Program consultant to schedule an appointment for the employee. The employee will be given verbal notification of the date, place, and time of the session.
- 10.1.2 The employee will be required to sign and date a Release of Information form (Appendix B) prior to being seen by the Employee Assistance Program consultant. A copy of this form will be given to the employee and a copy retained by the Employee Health Nurse. This form will permit the Employee Health Nurse to be informed on: whether the employee reported for the initial session; whether the employee is engaged in a treatment program; and whether the employee successfully completed the recommended course of treatment.
- 10.1.3 The employee will be granted leave as reasonable to participate in an appropriate and approved education or treatment program. The employee will be allowed to use accumulated sick leave in accordance with the Sick Leave personnel policy.
- 10.2 An employee who tests positive in a second drug or alcohol test will be dismissed.
- 10.3 Disciplinary actions resulting from a confirmed positive test result, refusal to participate in a test, altering results, or failure to complete a required referral to an education or treatment program will be handled in accordance with the established city policy for disciplinary action.
- 10.4 If the test is negative, the DER informs the supervisor or department head and Human Resources Director and employment process may proceed.
- 10.5 Refusal to submit to a drug test or a positive test result that cannot be explained to the satisfaction of the North Carolina Criminal Justice Education and Training Standards Commission on criminal justice positions may result in suspension, revocation or denial of certification for the individual involved for a period of not less than five years. When the Commission suspends or denies the certification, the period of sanction shall not be less than five years; however, the Commission may either reduce or suspend the period of sanction or substitute a period of

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probation in lieu of suspension of certification.

10.6 All drug and alcohol test results will be kept secure and confidential in the employee's personnel file and will not be disclosed without written consent of the applicant or employee, unless required by law or as part of an action initiated by Human Resources on behalf of the applicant or employee.

Appendices

Appendix A- Candidate/Employee Consent and Acknowledgement Form Authorization

Appendix B- Release of Information for Employee Assistance Program Authorization

Appendix C- Notice of Positive Drug/Alcohol Examination Results

Appendix D- Drug Free Workplace Memo of Understanding

Appendix E- Police Applicant Drug Screening Consent Form

Appendix F- Safety Sensitive Positions

Appendix G- Reasonable Suspicion Checklist



CITY OF KINSTON

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Appendix A

Candidate/Employee Consent and Acknowledgement Form Authorization

Under the authority of the City of Kinston's Alcohol and Substance Abuse/Drug Free Workplace policy, as a current employee or candidate for employment, you are requested to submit to a test(s) to determine the use of illegal drugs. Current employees, selected for testing may also be tested for alcohol use. The specimen collection will be completed by the Employee Health Nurse or designated health care provider and will consist of urine samples and/or breathalyzer for alcohol testing. The results of the test(s) will be used by the City to determine eligibility of employment or continuation of employment for current employees. Refusal to submit to the testing will result in revoked employment offer or termination. You may have a witness present during the signing of this authorization form. By signing below, you consent to the testing for alcohol and/or drugs, and authorize the City's Employee Health Nurse to release the results of the test to the appropriate Supervisor, Department Head, and Human Resources Director.

I acknowledge and understand the test(s) are to determine if I have been taking/using illegal drugs and/or consumed alcohol and that a positive, invalid, canceled or adulterated test finding, absent of a valid medical/legal explanation, is a violation of City Policy and will be grounds for revoking my employment offer, or result in disciplinary action, up to and including termination of my employment. I have read or had read to me the above statement and the referenced Alcohol and Substance Abuse/Drug Free Workplace policy and understand and agree to these terms and conditions.

Candidate/Employee Signature: _____ Date: _____

Witness Signature: _____ Date: _____

I refuse to agree to the testing of my breath and/or urine for drugs/marijuana/alcohol. I understand refusal may result in revocation/termination of my employment with the City. I have read or had read to me the above statement and the referenced Alcohol and Substance Abuse/Drug Free Workplace policy and understand those terms.

Candidate/Employee Signature: _____ Date: _____

Witness Signature: _____ Date: _____

(Office Use Only) Employee Name: _____ Dept/Div: _____

New Employee Random Post-Accident Reasonable Suspicion Other



CITY OF KINSTON

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	Supersedes: 2/17/17	Prepared By: Blake Burkett, RN Tiffany Smith, HR Dir		Approved By: Rhonda Barwick, City Manager	

Appendix B Release of Information Form for Employee Assistance Program Authorization

Under the authority of the City of Kinston's Alcohol and Substance Abuse/Drug Free Workplace policy, you have tested positive for one of the listed illegal drugs or alcohol and have been directed or requested assistance/participation in the City's Employee Assistance Program (EAP).

By signing this authorization form, you give permission for the Employee Health Nurse or Human Resources Director to schedule an initial appointment with the EAP consultant and to allow the EAP consultant to inform the Employee Health Nurse of the following:

- Employee reported for initial session
- Employee engaged in the treatment program
- Employee successfully completed the recommended course of treatment

Accepting assistance for a drug or alcohol addiction is a major step in healing. In support of this step, the City will grant leave as reasonable to participate in the EAP education and treatment program. Employees may use accumulated sick and vacation leave or leave without pay.

Upon successful completion of the EAP treatment the Human Resources Director and City Manager will consider a course of action for returning the employee to work. The employee will be subject to after care testing during a twelve-month period following return.

I consent and request to be allowed the opportunity to attend an educational and treatment program offered by the City of Kinston's Employee Assistance Program. I have read or had read to me the above information and agree to these terms and conditions.

Employee Signature

Date

Employee Health Nurse

Date



CITY OF KINSTON

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	Supersedes: 2/17/17	Prepared By: Blake Burkett, RN Tiffany Smith, HR Dir		Approved By: Rhonda Barwick, City Manager	

Appendix C Notice of Positive Drug/Alcohol Examination Results

Name: _____ Date: _____ Dept. Div.: _____

Address: _____ City: _____ State: _____ Zip: _____

The Laboratory's report on the drug/alcohol screen that you completed on _____ indicates: _____.

If you were an applicant and this test was a pre-employment drug screen, this finding disqualifies you for employment with the City of Kinston. You are not eligible for employment with the City of Kinston at this time and are barred from reapplying for employment for six months from the date of this notification.

If you are a current employee with City of Kinston, this form documents notification of positive drug and/or alcohol screening results.

If you have any questions, please contact the Employee Health Nurse at (252) 939-3373. A copy of your test results is attached and verify the two-test method for positive results. The drug screening process includes a second confirming method known as Gas Chromatography /Mass Spectrometry (GC/MS) method.

Employee Health Nurse _____ Date: _____

Verbal Notification to:

Human Resources Director: _____ Date: _____

Department Head: _____ Date: _____

Notice by certified mail (date): _____



CITY OF KINSTON

Subject: Alcohol and Substance Abuse/Drug Free Workplace Appendix D	Section: Employee Health Services		Review Responsibility: Director of Human Resources		
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Appendix D Drug Free Workplace Memo of Understanding

To be Completed by all Employees/Candidates for Employment

I _____, an employee/candidate for employment with the City of Kinston hereby certify that I have received a copy of the City's policy statement regarding the maintenance of a drug free workplace. I realize the unlawful manufacture, distribution, possession or use of a controlled substance on the City's premises/workplace and/or during working hours is strictly prohibited and a violation will result in disciplinary action up to and including dismissal from employment. I realize that as a condition of employment with the City of Kinston, I must abide by the terms of the policy statement and *if charged with driving while impaired or charged with a drug or alcohol related offense I will notify my department head no later than three (3) days after such a charge*. I further agree I will notify the City of Kinston of any criminal drug or alcohol conviction for a workplace violation within five (5) business days of such a conviction. I further realize that federal law mandates that the City of Kinston, as all receivers of federal grant monies, communicate this conviction to the federal agency, and I hereby waive any and all claims that may arise from conveying this information to the federal agency.

I have read or had read to me the above statement and understand and agree to these terms.

Date: _____

Name (print): _____

Signature: _____

Witness: _____ Date: _____



CITY OF KINSTON

Subject: Alcohol and Substance Abuse/Drug Free Workplace Appendix E	Section: Employee Health Services		Review Responsibility: Director of Human Resources		
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Appendix E Police Applicant Drug Screening Consent Form

I, _____, understand that as part of the pre-employment process as required by the North Carolina Department of Justice Training and Standards Commission and by the City of Kinston, I must submit to a urinalysis drug screening.

I do hereby voluntarily consent to the sampling and submission for testing of urine for the purpose of screening for the presence of illegal drugs. I understand that a negative result from this screening is a condition of employment. I understand that refusal to submit the necessary sample in a reasonable and timely manner or producing a positive test result may result in my being denied certification as a criminal justice officer. I also understand that in the case of a refusal to submit to testing or a positive outcome will result in my name being forwarded to the North Carolina Department of Justice Training and Standards Commission and a denial of employment with the City of Kinston.

I authorize disclosure of the drug screen results by and between the testing laboratory, Medical Review Officer, employing agency and the North Carolina Department of Justice Training and Standards Commission. I further authorize disclosure of this or any related information, to include results of prior drug screens or refusals, by the Criminal Justice Standards Division to the extent that such disclosure is made to a law enforcement agency or criminal justice licensing or regulatory agency as needed or requested for certification or employment and other valid non-criminal purposes.

I further understand that the results of the drug screen will be available to me as soon as possible after receipt by the City of Kinston.

Signature of Applicant/Employee: _____

State of North Carolina, County of _____

I, _____, a Notary Public in and for said County and State do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument in writing for the purposes therein expressed.

Witness my hand and notarial seal, this the _____ day of _____, 20 ____.

My Commission Expires: _____.



CITY OF KINSTON

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Appendix F Safety Sensitive Positions

All applicants for safety sensitive positions, as designated below must pass a preemployment physical examination, including a drug test prior to placement. In addition, certain positions are considered so critical to the health and safety of others that an employee cannot be placed in any of those positions (even if a current employee) without passing a pre-placement physical examination including a drug test. The positions listed below fall into this category. An employee moving into any of these safety sensitive positions from a non-safety sensitive position must take a drug test before being promoted or demoted into any of them. This list of safety sensitive positions is subject to change as determined by the City of Kinston. Currently, these positions are:

Full-time Positions:

Assistant Engineering Technician
Assistant Facilities Director
Battalion Chief
Building and Grounds Superintendent
Building Maintenance Technician
Code Enforcement Officer
Corporal Police Officer
Crew Supervisor I
Crew Supervisor II
Crew Supervisor III
Deputy Fire Chief
Electric Ground Worker
Electric Line Crew Leader
Electric Line Operations Supervisor
Electric Line Technician I
Electric Line Technician II
Electric Line Technician III
Electric Substation & Control Technician I
Electric Substation/Control Tech II
Electric Substations and Control Supervisor

Electric System Superintendent
Engineering Technician
Environmental Compliance Officer
Environmental Compliance Supervisor
Environmental Services Superintendent
Equipment Operator I
Equipment Operator II
Facilities Maintenance Technician
Facility Director
Fire Captain
Fire Chief
Fire Engineer
Fire Inspector
Fire Lieutenant
Fire Training Captain
Firefighter I
Firefighter II
Fleet Maintenance Superintendent
Housing Rehabilitation Specialist
Journey Line Technician
Laboratory Supervisor

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Laboratory Technician	Wastewater Treatment Plant Operator IV
Maintenance Worker I	Water Production Superintendent
Maintenance Worker II	Water Production Supervisor
Maintenance Worker III	Water Production Technician I
Mechanic	Water Production Technician II
Mechanic Supervisor	Water Reclamation Facility Superintendent
Occupational Health Nurse	Water Reclamation Plant Supervisor
Parks Maintenance Worker I	Water Resources Operation Superintendent
Parks Maintenance Worker II	
Parks Maintenance Worker III	
Parks Superintendent	
Parts Manager	
Police Captain	
Police Chief	
Police Major	
Police Officer	
Police Officer I	
Police Officer II	
Police Sergeant	
Police Trainee	
Property & Evidence Cont. Tech	
Recreation Center Supervisor I	Lifeguards and all Aquatic Personnel
Recreation Center Supervisor II	Center Assistant
Recreation Program Supervisor I	Spray Ground Attendant
Recreation Program Supervisor II	All Summer/Day Camp Personnel
Recreation Superintendent	Bus Drivers
Residual Management Coordinator	All Recreation Instructors
Safety Officer	
Sanitation Equipment Operator	
Sanitation Worker	
Senior Police Officer	
Service Maintenance Attendant	
Smart Grid Superintendent	
Smart Grid Supervisor	
Smart Grid Technician	
Stadium Maintenance Supervisor	
Stadium Maintenance Technician	
Street Superintendent	
Turf Maintenance Specialist	
Utility Mechanic	
Victim Services Specialist	
Warehouse Technician I	
Wastewater Treatment Plant Operator I	
Wastewater Treatment Plant Operator II	
Wastewater Treatment Plant Operator III	

Part Time/ Temporary Seasonal Positions:

Lifeguards and all Aquatic Personnel
Center Assistant
Spray Ground Attendant
All Summer/Day Camp Personnel
Bus Drivers
All Recreation Instructors

*All other employees working in positions with responsibility to oversee minors



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Appendix G Reasonable Suspicion Checklist

Employee Name: _____ Dept/Div: _____

Position Title: _____ Date of Observation: _____

Supervisors Name: _____ Signature: _____

Supervisor's Observation:

- A. Condition of Clothes: Disheveled Soiled Missed Orderly
- B. Odor of Alcohol on Breath: Strong Moderate Faint None
- C. Eyes: Sleepy Alert Blood Shot Glassy Dilated Pupils
- D. Attitude: Excited Carefree Cocky Insulting Talkative Forgetful
 Using Profanity Cooperative Polite Anxious Irritable
- E. Unusual Behaviors: Hiccupping Belching Vomiting Crying Laughing
 Fighting
- F. Speech: Not understandable Mumbled Slurred Confused Thick-tongued
 Stuttered Fair Normal

Describe other unusual actions or statements including when these observations were made: _____.

Supervisor's Opinion:

- A. Effects of alcohol and/or drugs: Extreme Obvious Slight None
- B. Fitness for driving: Unfit Fit
- C. Indicate briefly what led you to suspect alcohol and/or drug influence: _____.

Action recommended by supervisor per this report: Sent for drug and alcohol testing

EAP Referral Made: Yes No