

HEARD COUNTY GOVERNMENT EMPLOYEE SUBSTANCE ABUSE POLICY

1.0 POLICY

The Heard County Government is dedicated to providing dependable, prompt services for the health and welfare of the citizens of Heard County, Georgia. Heard County employees are our most valuable resource and it is our goal to provide a healthy, satisfying work environment which promotes personal opportunities for growth. In meeting these goals, it is our policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) to encourage employees to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

2.0 PURPOSE

The purpose of this policy is to ensure worker fitness for duty and to protect our employees, property, and the public from the risk posed by the misuse of alcohol and use of prohibited drugs. This policy applies to all safety-sensitive and non-safety sensitive employees, paid part-time employees, contract employees, and contractors when they are on County property or when performing County related safety-sensitive or non-safety sensitive business. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Visitors, vendors, and contractor employees are governed by this policy while on County premises and will not be permitted to conduct business if found to be in violation of this policy.

3.0 APPLICABILITY

A safety sensitive function is any duty related to the safe operation of a County owned vehicle or equipment, dispatch, maintenance of a County owned vehicle or equipment used in County service and security and law enforcement activities. An employee performing a safety sensitive function shall be considered a safety sensitive employee. A non-safety sensitive function shall be the duties and functions of all other employees and individuals defined in paragraph 2.0. An employee only performing non-safety sensitive functions shall be considered a non-safety sensitive employee.

4.0 PROHIBITED SUBSTANCES

“Prohibited substances” addressed by this policy include the following:

a. Illegally Used Controlled Substances or Drugs

The use of any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamine, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legal prescribed drugs, and use of illegally obtained prescription drugs.

b. Legal Drugs

The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. However, the use of any substance which carries a warning label that indicated that mental functioning, motor skills, or judgment may be adversely affected must be reported to the employee's supervisor or department head. In addition, the employee must obtain a written release from the attending physician releasing the person to perform their job duties any time they obtain a performance altering prescription. A legally prescribed drug means that an individual has a prescription or other approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing County business is prohibited.

c. Alcohol

The use of beverages containing alcohol or substance including any medication, mouthwash, food, candy, or any other substance such that alcohol is present in the body while performing County business is prohibited.

5.0 PROHIBITED CONDUCT

a. Manufacture, Trafficking, Possession, and Use

County employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances on County premises, in County vehicles, in uniform or while on county business. Employees who violate this provision will be discharged. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

b. Intoxication/Under the Influence

Any safety-sensitive or non-safety sensitive employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be suspended from job duties pending an investigation and verification of condition. Employees found to be under the influence of prohibited substances or who fail to pass a drug or alcohol test shall be removed from duty and are subject to disciplinary action or termination. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds set forth herein.

c. Alcohol Use

No safety sensitive or non-safety sensitive employee should report for duty or remain on duty when his/her ability to perform assigned safety sensitive functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No safety sensitive or non-safety sensitive employee shall use alcohol while on duty, in uniform, while performing safety sensitive functions, or just before or just after performing a safety sensitive function. Safety sensitive or non-safety sensitive employee shall not use alcohol within four hours of reporting for duty, or during the hours that they are on call. Violation of these provisions is prohibited and punishable by disciplinary action up to and including termination.

6.0 COMPLIANCE WITH TESTING REQUIREMENTS

All safety sensitive or non-safety sensitive employees will be subject to urine drug testing and breathe alcohol testing as a condition of employment. Any safety sensitive or non-safety sensitive employee who refuses to comply with a request for testing shall be removed from duty and their employment terminated. Any safety sensitive or non-safety sensitive employee who is suspected of providing false information in connection, adulteration, or substitution will be required to undergo an observed collection. Verification of these actions will result in the employee's removal of duty and their employment terminated. Refusal can include an inability to provide sufficient urine specimen, saliva sample, or breathe sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

7.0 TREATMENT REQUIREMENTS

All employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use problems. The cost of any treatment or rehabilitation services will be paid for directly by the employee or their insurance provider. Employees who make self-referrals (i.e., no management intervention or positive test results) will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program. Employees that test positive will be referred to a Substance Abuse Professional (SAP) for assessment.

8.0 NOTIFYING THE COUNTY GOVERNMENT OF CRIMINAL DRUG CONVICTION

All employees are required to notify the Chief Executive Officer of Heard County of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action, up to and including termination.

9.0 PROPER APPLICATION OF THE POLICY

Heard County Government is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all knowingly disregard the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

10.0 TESTING PROCEDURES

Analytical urine drug testing and breathe testing for alcohol may be conducted when circumstances warrant or as required by Federal Law. All safety sensitive or non-safety sensitive employees shall be subject to drug testing prior to employment, for reasonable suspicion, and following an accident as defined in Section 6.2, 6.3, and 6.4 of this policy. In addition, all safety sensitive or non-safety sensitive employees will be tested prior to returning to duty after failing a drug or alcohol test and after completion of the Substance Abuse Professionals recommended treatment program. Follow-up testing will also be conducted following return to duty for a period of one to five years, with at least six test performed during the first year. Those employees who perform safety sensitive functions as defined herein shall also be subject to testing on a random, unannounced basis. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended. The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and

phencyclidine. An initial drug screen will be conducted on each urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended. In instances where there is a reason to believe an employee is abusing a substance other than the five drugs listed above, the County reserves the right to test for additional drugs on the County's own authority using standard laboratory testing protocols. Test for breath alcohol concentration will be conducted utilizing a Georgia Department of Public Safety approved testing device operated by a trained technician. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. A safety sensitive or non-safety sensitive employee who has a confirmed alcohol concentration of 0.02 or greater but less than 0.04 will be removed from his/her position for eight hours unless a retest results in a concentration measure of less than 0.02. The inability to perform safety sensitive duties due to an alcohol test result of 0.02 or greater but less than 0.04 will be considered an unexcused miss-out subject to Heard County disciplinary procedures. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and a violation of the requirements of this policy. Any safety sensitive or non-safety sensitive employee that has a confirmed positive drug or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available and referred to a SAP for assessment. A positive drug and/or alcohol test may also include termination. The County affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process.

11.0 EMPLOYEE REQUESTED TESTING

Any safety or non-safety sensitive employee who questions the results of a required drug test under paragraphs 6.2 through 6.7 of this policy may request that the split sample be tested. This test must be conducted on the split sample that was provided by the employee at the same time as the original sample. All cost for such test are paid by the employee unless the result of the split test invalidates the results of the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Chief Executive Officer of the County within 72 hours of notice of the original sample verified test results. Request after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

12.0 PRE-EMPLOYMENT TESTING

All safety sensitive or non-safety sensitive position applicants shall undergo urine drug testing immediately following the offer of employment or transfer into a safety sensitive position. Receipt by the County Government of a negative drug test result is required prior to employment. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of 120 days. Evidence of the absence or drug dependency from a SAP that meets with the approval of the Heard County Government and negative pre-employment drug test will be required prior to further consideration for employment.

13.0 REASONABLE SUSPICION TESTING

All safety sensitive or non-safety sensitive employees may be subject to a fitness for duty evaluation, and urine and/or breathe testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the short term effects of substance abuse or alcohol misuse. Examples of reasonable suspicion include, but are not limited to, the following:

1. Physical signs and symptoms consistent with prohibited substance use or alcohol misuse.
2. Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substances.
3. Occurrence of a serious or potentially serious accident that may have been caused by prohibited substance abuse or alcohol misuse.
4. Fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures.

Reasonable suspicion referrals must be made by a supervisor or the Chief Executive Officer of the County; if they reasonably conclude that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse.

14.0 POST ACCIDENT TESTING

All employees will be required to undergo urine and breathe testing if they are involved in an accident involving a Heard County owned vehicle or equipment. Following an accident, the employee will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. Any employee who leaves the scene of the accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test and their employment terminated. Employees tested under this provision will include not only the operations personnel, but any other employee whose performance could have contributed to the accident. Any employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test.

1. Employee is to report the accident to their immediate supervisor. In cases of major accidents/fatalities the supervisor in charge should immediately contact their department head.
2. The supervisor/department head should then report the accident immediately to the Human Resources Department between the hours of 8am-5pm Monday-Friday at 706-675-3821. If you are unable to speak with Human Resources, you will need to speak with the Human Resource designee. If it is before/after the hours of 8am-5pm you will need to leave a voicemail.
3. All employees who are not transported to the hospital from the accident scene by ambulance will need to be transported by their immediate supervisor or a designated employee for Drug and Alcohol testing to:

Tanner Occupational Health/Urgent Care
1480 Hwy 27 South
Carrollton, GA 30117
Hours of operation: Monday-Friday 7:30am-8pm
Saturday-Sunday 8am-5pm

ANY ACCIDENT that occurs before/after 8am-5pm Monday-Friday or on weekends: The immediate supervisor or designated employee will need to transport the employee to Tanner Occupational Health/Urgent Care during Hours of Operation as stated above. If accident occurs outside of Tanner Occupational Health/Urgent Care Hours of Operation the employee will need to be transported to the emergency room at Tanner Hospital at 165 Clinic Avenue, Carrollton, GA for testing. The accident should be reported to the Human Resource Department immediately (if after hours) by calling and/or leaving a message at 706-675-3821 ext. 224.

15.0 RETURN TO DUTY

All safety sensitive and non-safety sensitive employees who previously tested positive on a drug or alcohol test must test negative for drug and alcohol (below 0.02 for alcohol) on a return-to-duty test and be evaluated and released to duty by the Substance Abuse Professional before returning to work. The employee will be responsible for the cost of such testing. This paragraph shall not constitute any obligation on the County to allow any employee to return to work, but provides a condition for any such return.

16.0 FOLLOW-UP TESTING

Safety sensitive or non safety sensitive employees will be required to undergo frequent, unannounced urine and/or breathe testing following their return to duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The employee will be responsible for the cost of such testing.

17.0 EMPLOYMENT ASSESSMENT

Any safety sensitive or non safety sensitive employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth herein will be referred for evaluation by a Substance Abuse Professional (SAP). A SAP is a licensed or certified physician, psychologist, social worker, employee assistant profession, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug or alcohol misuse. Assessment by a SAP does not shield an employee from disciplinary action or termination, or guarantee employment or reinstatement with the County. If a safety sensitive or non-safety sensitive employee is allowed to return to duty, he/she must properly follow the rehabilitation program prescribed by the SAP, the employee must have negative return to duty drug and alcohol test, and be subject to unannounced follow-up testing for a period of one to five years. The cost of any treatment or rehabilitation service will be paid directly by the employee or their insurance provider. Employees will not be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program.

18.0 RE-ENTRY CONTRACTS

The Chief Executive Officer of the County may allow an employee to re-enter the county work force after satisfactory completion of a rehabilitation program. Employees who re-enter the work force must agree to a re-entry contract. That contract may include (but is not limited to):

1. A release to work statement from the Substance Abuse Professional.
2. A negative test for drugs and/or alcohol.
3. An agreement to unannounced frequent follow-up testing for a period of one to five years with at least six tests performed the first year. All such test to be at the employee's expense.
4. A statement of work related behaviors from your supervisor.
5. An agreement to follow specified after care requirements with the understanding that violation of the re-entry contract is grounds for termination.

19.0 SYSTEM CONTACT

Any questions regarding this policy should contact the following government representative:

Program Manager:

Name: Hope Cole

Title: County Clerk/Benefits Coordinator

Address: P.O. Box 40, Franklin, Ga. 30217

Phone: 706-675-3821

20.0 INFORMED DISCLOSURE

1. Heard County Government shall release information regarding a covered employee's record as directed by specific, written consent from the employee authorizing release of the information to an identified person.
2. A covered employee is entitled, upon written request, to obtain copies of any records pertaining to his/her use of prohibited substances, including any records pertaining to test results.
3. Heard County Government may disclose information that is required to be maintained to the decision maker in a lawsuit, grievance, or other proceedings initiated by or on behalf of the employee tested.
4. Records shall be made available to subsequent employers upon receipt of written request from the covered employee.

Attachment A
Minimum Thresholds

49 CFR Part 40.87

Initial Test Analyte	Initial Test Cutoff Concentration	Confirmatory Test Analyte	Confirmatory Test Cutoff Concentration
Marijuana metabolites	50 ng/mL	THCA¹	15 ng/mL
Cocaine metabolites	150 ng/mL	Benzoylcegonine	100 ng/mL
Opiate metabolites			
Codeine/Morphine²	2000 ng/mL	Codeine	2000 ng/mL
		Morphine	2000 ng/mL
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamines³			
AMP/MAMP⁴	500 ng/mL	Amphetamine	250 ng/mL
		Methamphetamine⁵	250 ng/mL
MDMA⁶	500 ng/mL	MDMA	250 ng/mL
		MDA⁷	250 ng/mL
		MDEA⁸	250 ng/mL

¹ Delta-9-tetrahydrocannabinol-9-carboxylic acid (THC)

² Morphine is the target analyte for codeine/morphine testing

³ Either a single initial test kit or multiple initial test kits may be used provided the single test kit detects each target analyte independently at the specified cutoff

⁴ Methamphetamine is the target analyte for amphetamine/methamphetamine testing

⁵ To be reported positive for methamphetamine, a specimen must also contain amphetamine at a concentration equal to or greater than 100 ng/mL

⁶ Methylenedioxymethamphetamine (MDMA)

⁷ Methylenedioxyamphetamine (MDA)

⁸ Methylenedioxyethylamphetamine (MDEA)