
**MACON BIBB CONSOLIDATED GOVERNMENT
ALCOHOL AND DRUG-FREE WORKPLACE POLICY**

PURPOSE AND GOAL

Macon Bibb Consolidated Government (MBCG) is committed to providing a safe, healthy, and secure work environment for all of its employees; fostering the well-being and health of its employees; ensuring that all employees perform their job duties in a safe, efficient, and productive manner; ensuring that its equipment and facilities are maintained and utilized appropriately so as not to pose a risk of harm; and, protecting the health, safety, and welfare of citizens, visitors, and persons who interact with MBCG employees during the course and scope of their employment.

The intention of this policy is to eliminate substance abuse and its effects in the workplace. This commitment is jeopardized when any MBCG employee illegally uses drugs on or off the job; comes to work under the influence of drugs; possesses, distributes, or sells drugs in the workplace; or, abuses alcohol on the job.

Therefore, MBCG has established, adopted, and will enforce the following policy to address drug and alcohol abuse:

APPLICATION

Unless otherwise provided, this policy applies to all employees of MBCG, applicants for employment who are offered positions with MBCG, applicants for safety-sensitive positions with MBCG, volunteers, interns, contract employees, and contractors when they are on MBCG property or when conducting any MBCG business in any location. This policy also applies during off-site lunch periods or breaks when an employee is scheduled to return to work. Visitors, vendors, and contract employees are governed by this policy while on MBCG premises and will not be permitted to conduct any MBCG business if found to be in violation of this policy.

MBCG is dedicated to assuring fair and equitable application of its alcohol and drug-free workplace policy. Supervisors, managers, and department heads are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor, manager, or department head who knowingly disregards the requirements of this policy or who is found to deliberately misuse the policy in regard to subordinates shall be subject to termination.

DEFINITIONS

1. "Alcohol" includes any beverage or substance containing alcohol manufactured for the primary purpose of personal consumption or as defined in 49 C.F.R. Part 382. The concentration of alcohol is expressed in terms of alcohol per 210 liters of breath as indicated by an evidential breath test.
2. "Illegal Drugs" refers to marijuana, cocaine, amphetamines, methamphetamines, opiates (including heroin and codeine), phencyclidine, and all other "controlled substances" as defined in Title 16 of the Official Code of Georgia Annotated and/or 49 C.F.R. Part 382. Use of any illegal drug or any substance identified in Title 16 of the Official Code of Georgia Annotated and/or 49 C.F.R. Part 382 is prohibited at all times unless a legal prescription has been written for the substance.
3. "Over-the-Counter Medications" includes any substance which does not require a prescription but which has the capacity to affect a person physically, mentally, or emotionally, or which could otherwise affect a person's ability to safely perform any essential job function.
4. "Prescription Drugs" means any substance which is attainable only by lawful prescription from a physician or other authorized medical provider. A lawful prescription must include the patient's name, name of the substance, quantity/amount to be taken, and the period of authorization.
5. "Safety-Sensitive Employees" are those employees who perform safety-sensitive functions, including but not limited to the use of dangerous equipment which may cause serious injury or harm to the operators or others, or a position which involves duties, functions, or situations which have the potential of causing serious injury or harm to the employee or others. Safety-sensitive functions include all time from the time an employee begins work or is on call for work and all responsibility for performing work. Safety-sensitive positions include, but may not be limited to the following:
 - a. Any duty related to inspecting equipment;
 - b. Driving or operating, in any manner, a motor vehicle;
 - c. Driving or operating, in any manner, a commercial motor vehicle;
 - d. Loading or unloading a vehicle, supervising or assisting in the loading or unloading, remaining in readiness to operate a vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
 - e. Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle;

- f. Maintenance of any motor vehicle or motorized equipment;
- g. Maintenance and custodial functions;
- h. Dispatch personnel;
- i. Security personnel;
- j. Law enforcement personnel;
- k. Any employee who holds a commercial driver's license;
- l. Employees of the parks and recreation department who work closely with families and children of Macon Bibb County.

PROVISIONS

1. Authorized Prescribed Medicine

The use of physician-prescribed or over-the-counter medications and drugs will not be, per se, a violation of this policy. However, any employee who is taking any medication or drugs which could interfere with the safe and effective performance of duties or operation of vehicles or equipment shall notify his or her supervisor before beginning work. Failure to do so may result in disciplinary action, including termination. If there is a question regarding such employee's ability to safely and effectively perform assigned duties, pre-clearance from a physician will be required.

2. Prohibitions

The following conduct is expressly prohibited, and violations shall result in disciplinary action, which may include termination. Where criminal activity is suspected, Macon Bibb County law enforcement shall be notified.

- a. Unauthorized use, consumption, possession, manufacture, growth, distribution, dispensation, or sale of controlled substances or illegal drugs or drug paraphernalia on MBCG premises, in MBCG-supplied vehicles, in any MBCG work area, or while wearing a MBCG uniform or insignia.
- b. Unauthorized use, consumption, possession, manufacture, distribution, dispensation, or sale of alcohol, while on duty, on MBCG premises, in MBCG-supplied vehicles, in any MBCG work area, or while wearing a MBCG uniform or insignia.
- c. Being under the influence of an unauthorized or controlled substance or illegal drug or alcohol, while on duty, on MBCG premises, in MBCG-supplied vehicles, or in any MBCG work area.
- d. The use or possession of alcohol or illegal drugs off MBCG premises and while not on duty may be cause for discipline where such conduct can be shown to

have a direct and material adverse impact on MBCG's interests, including public image.

- e. Reporting to work or engaging in any work activity whatsoever on behalf of MBCG in a condition which could pose a threat of harm to the employee or other person, or reporting to or engaging in any work on behalf of MBCG in a condition which could impair the ability to satisfactorily perform any essential function of the job due to the use of drugs or misuse of alcohol.
- f. A conviction of an employee for the sale of or possession with intent to sell illegal drugs at any time or place is cause for immediate termination.
- g. Storage in a locker, desk, automobile, or other repository on MBCG property of any illegally-used drug, controlled substance, drug paraphernalia, or alcohol whose storage is unauthorized.
- h. Switching or adulterating any sample.
- i. Refusing to consent to or submit a breath, urine, hair, or blood sample for testing, or refusing to undergo a drug or alcohol test(s), which may include an inability to provide a sufficient urine specimen, saliva sample, or breath sample without a valid medical explanation; a verbal declaration of refusal to undergo a drug or alcohol test(s); obstructive behavior; or, physical absence resulting in the inability to conduct the test.
- j. Failure to notify, in writing, MBCG of any arrest or conviction under any drug or alcohol statute for a violation occurring in the workplace, within five (5) days of the conviction.
- k. Abusing or misusing prescription drugs or over-the-counter medications, which includes but is not limited to the use, possession, sale, or solicitation for the purpose of purchase or sale of any prescription medication for which the employee lacks a valid prescription.
- l. Failure to notify a supervisor of the use of a prescription drug which may alter the employee's behavior or physical or mental ability. If an employee obtains a performance-altering prescription, the employee must also obtain a written release from the attending physician which states that the employee can perform his/her job duties while using the medication as prescribed.
- m. Refusing to sign a statement agreeing to abide by MBCG's Alcohol and Drug-Free Workplace Policy, and any other forms required during any testing process.
- n. Hindering, obstructing, or refusing to cooperate or participate in any investigation involving suspected violations of this policy, including but not limited to providing false, misleading, or incomplete information in response to any inquiry from a supervisor related to a suspected violation of this policy.
- o. Hindering, delaying, or obstructing a drug or alcohol test(s), including but not limited to tampering with a sample or interfering in any way with the chain of custody; providing false information in connection with a test; or, falsifying test results through tampering, contamination, adulteration, or

substitution. Any employee who is suspected of false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed specimen collection.

Any employee reasonably suspected of violating any of these provisions shall be suspended from his/her job duties pending an investigation and verification of condition. The employee will be subject to alcohol and/or drug testing and, if the employee is under the influence of a prohibited substance or fails to pass a drug or alcohol test, he/she shall be terminated.

3. Drug and Alcohol Treatment

- a. An employee who voluntarily identifies himself/herself as a user of drugs or abuser of alcohol prior to being asked or required to take a drug/alcohol test will not be subject to disciplinary action if the employee seeks immediate assistance and treatment through MBCG's Employee Assistance Program or a similarly available treatment program.
- b. Failure to comply with all requirements of a treatment program, or continued use of drugs or alcohol during or after completion of such a program, will result in an appropriate disciplinary action if such use results in a violation of this policy.
- c. Nothing in this policy is intended to discriminate against any person on the basis of addiction to drugs or alcohol or on the basis of an individual's medical history of addiction to drugs or alcohol pursuant to the Americans with Disabilities Act (ADA). However, MBCG reserves the right to take into account, for purposes of employment or disciplinary action, any history of criminal activity related to such use to the extent that such may lead to disqualification from employment.

4. Searches

- a. MBCG reserves the right to search for evidence of prohibited conduct at any time and without notice or employee consent of all areas and property, real or personal, which are owned or controlled by MBCG or where MBCG has the right to control, including joint control with an employee. Such areas and property include, but are not limited to MBCG-owned or leased or controlled buildings, parks, land, motor vehicles, desks, lockers, files, or storage containers.
- b. With respect to personal property not owned or controlled by MBCG, but which is in the possession or control of the employee on MBCG premises or located in a MBCG-supplied vehicle or in a MBCG work area, and where any supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of alcohol or drugs, and where alcohol or drugs are suspected to be inside such

personal property, the employee may be ordered to submit said personal property to a search. Such may include orders to unlock and open vehicles, tool boxes, lunch boxes, lockers, etc., and to turn inside out clothing pockets and billfolds, purses, envelopes, sacks, etc. The refusal of the employee to comply with such order may be cause for discipline, including termination.

5. **Testing**

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 defined in 49 C.F.R. Part 40, as amended.

a. **Pre-Employment Testing:**

Applicants for all positions of employment with MBCG must undergo pre-employment drug testing after a conditional offer of employment has been extended but before the employee is placed on payroll. This requirement also applies to seasonal employees, interns, and any other persons who will be working in any MBCG facility. A negative drug test is a prerequisite for employment with MBCG. Failure of a pre-employment drug test disqualifies an applicant for employment with MBCG.

b. **Pre-Employment, Promotion, or Transfer to Safety-Sensitive Positions Testing:**

- i. MBCG shall require, as part of the employment process, that all applicants for initial employment for, or appointment or promotion or demotion or transfer to, any “safety-sensitive” positions (as defined in the “Definitions” section of this policy), must submit to a pre-employment drug and alcohol screening/testing in order to determine the individual’s suitability for employment or appointment. The results of such screening/testing will be revealed to the applicant and the applicant will be allowed to request a confirmatory test. Such retest shall be coordinated by the Human Resources/Risk Management Department and shall be performed on the original specimen provided by the applicant and shall be at the applicant’s expense. Additionally, the applicant shall be given an opportunity to explain or to provide a bona fide verification of a valid current prescription for any drug identified in the drug screening/testing. The applicant will be informed if the reasons for rejection for employment or appointment include the results of the

screening/testing.

- ii. An employee who screens/tests positive for alcohol or drugs will be in violation of this policy and may be subject to disciplinary action, including termination. An applicant who tests positive shall not be hired. Refusal of an employee-applicant to submit to the screen/test will be cause for rejection of the appointment or employment of such applicant.

c. **Regular Physical Examinations:**

Whenever MBCG's standard policy requires an employee in a "safety-sensitive" position (as defined in the "Definitions" section of this policy) to undergo a physical examination, that examination may include a breath, saliva, urine, and/or blood tests for alcohol and drugs. Opportunity for confirmatory testing shall be provided as set in this policy. An employee who tests positive for alcohol or drugs during such a physical exam will be in violation of this policy. Refusal of the employee to submit to the test will be cause for discipline, including termination.

d. **Accidents Resulting in Property Damage:**

- i. Any employee who is involved in a motor vehicle accident while operating a MBCG vehicle or equipment or any job-related motor vehicle accident or any other accident which results in property damage will be required to submit to drug and/or alcohol testing. The employee will be taken to a collection site to provide the required urine and/or blood and/or breath and/or saliva specimen as soon as possible after the accident.
- ii. An alcohol test should be completed within two (2) hours of the accident or report of injury but no more than eight (8) hours after the accident or report of injury. A drug test should be completed within eight (8) hours of the accident or report of injury but no more than thirty-two (32) hours after the accident or report of injury.
- iii. All cases involving post-accident testing must be immediately reported in writing to Risk Management/Human Resources.
- iv. The record of the test results shall be included with the report to Risk Management/Human Resources. The facts underlying the determination to require testing shall be disclosed to the employee at the time the order is given.
- v. An employee who tests positive for drugs or alcohol as a result of such testing will be in violation of this policy. Opportunity for confirmatory drug testing shall be provided as set in this policy.

e. Other Post-Accident Testing:

- i. When an employee is involved in an on-duty motor vehicle collision or an off-duty motor vehicle collision while operating a MBCG vehicle, or is injured during the course of their employment, alcohol and drug testing will be performed.
- ii. An alcohol test should be completed within two (2) hours of the accident or report of injury but no more than eight (8) hours after the accident or report of injury. A drug test should be completed within eight (8) hours of the accident or report of injury but no more than thirty-two (32) hours after the accident or report of injury.
- iii. The Supervisor or Department Head shall require tests for injuries received on the job, but for which medical attention is not necessary.
- iv. All employees who have been involved in an on-the-job accident, injury, or serious safety violation under circumstances that suggest possible use or influence of drugs or alcohol in the accident or injury event shall be required to submit to a drug and/or alcohol test. "Involved in an on-the-job accident or injury" means not only one who was injured, but also any employee who potentially contributed to the accident or injury event in any way.
- v. An employee who is required to submit to a test after an on-the-job injury will be escorted to a testing site as soon as practical within the parameters set forth in Section ii above.
- vi. An employee who refuses to provide a blood, urine, breath, or saliva sample as required for testing within the time set forth in this policy shall be advised by Risk Management/Human Resources in writing that such a refusal may result in the forfeiture of all compensation to which the employee may be entitled under the Workers' Compensation Laws of the State of Georgia, and may affect the approval of leave benefits offered by MBCG. Such refusal shall constitute a violation of this policy, and shall result in disciplinary action up to and including termination.
- vii. Pursuant to Georgia's Workers' Compensation laws, if the amount of alcohol in the employee's blood within three (3) hours of the time of an alleged accident, as shown by chemical analysis of the employee's blood, urine, breath, or other bodily substance, is 0.08 grams or greater, there shall be a rebuttable presumption that the accident and injury or death were caused by the consumption of alcohol. The amount of any alcohol found in the employee's blood at any time after the accident, however, may disqualify the employee from workers' compensation benefits.
- viii. If any amount of marijuana or a controlled substance as defined in this

policy, paragraph (4) of Code Section 16-13-21, Code Sections 16-13-25 through 16-13-29, Schedule I-V, or 21 C.F.R. Part 1308 is in the employee's blood within eight (8) hours of the time of the alleged accident, as shown by chemical analysis of the employee's blood, urine, breath, or other bodily substance, there shall be a rebuttable presumption that the accident and injury or death were caused by the ingestion of marijuana or the controlled substance. The amount of any marijuana or controlled substance in the employee's blood discovered during any time frame, however, may disqualify the employee from workers' compensation benefits.

- ix. This testing is performed in addition to any testing ordered by law enforcement authorities.

f. Reasonable Suspicion Testing:

- i. Whenever a supervisor, Department Head, member of Human Resources, or member of Risk Management has a reasonable suspicion that any employee on duty or scheduled for duty is intoxicated or under the influence of alcohol or drugs, the employee may be ordered by MBCG to submit to a drug and/or alcohol test. Refusal of an employee to submit to the test will be cause for discipline, including termination.
- ii. The Department Head or his/her designee shall be notified of the circumstances necessitating the test as soon as possible.
- iii. The supervisor or Department Head shall fully document all appropriate witnesses as soon as possible.
- iv. "Reasonable suspicion" is that quantity of proof or evidence that is more than intuition or strong feeling, but less than probable cause, and must be based on specific, objective facts or reasonable inferences drawn from facts that would cause a reasonable person to suspect that the employee is or has been using drugs or alcohol.
- v. Such "reasonable suspicion" facts include, but are not limited to any one or more of the following:
 - 1. Direct observation of prohibited drug or alcohol use;
 - 2. Slurred speech;
 - 3. Alcohol beverage odor on breath;
 - 4. Unsteady walking and movement or other such physical appearance;
 - 5. An accident involving MBCG property;
 - 6. An on-duty motor vehicle accident;
 - 7. Physical altercation;

8. Verbal altercation;
 9. Lapse in cognitive abilities;
 10. Aggressive, hostile, threatening, disruptive, or unusual behavior;
 11. A report of prohibited drug or alcohol use as provided by a reliable and credible source;
 12. Evidence that an employee diluted, tainted, tampered, or interfered with any breath, blood, saliva, or urine sample, or any test required under this policy, or that the employee attempted to do the same;
 13. Evidence that the employee is involved in the use, possession, sale, solicitation, or transfer of prohibited drugs;
 14. Drugs, drug paraphernalia, alcohol, or containers indicating the presence of drugs or alcohol observed or discovered in a location in which the employee had primary control or access, including but not limited to desks, lockers, equipment, machines, or vehicles. The employee must have accessed the location within twelve (12) hours prior to the discovery of such items;
 15. Conviction for a drug-related offense in the workplace or during work hours;
 16. Repeated or flagrant violations of MBCG's safety or work rules which are determined by a supervisor to pose a substantial risk of injury or property damage and which are not attributable to other factors and appear to be related to drug and/or alcohol abuse;
 17. Tardiness or absence indicative of off-duty use of alcohol or prohibited drugs, which renders the employee unable or unwilling to perform duties.
- vi. Any employee ordered to be tested based upon reasonable suspicion shall be immediately removed from duty, escorted to the testing facility, and taken home (unless other suitable arrangements have been made to transport the employee, including calling a cab). Under no circumstances will the employee be allowed to drive himself/herself home. The employee shall turn in keys to a MBCG vehicle, building, or office, as well as his/her identification badge or any other property belonging to MBCG.

g. **Random Drug Testing:**

- i. Employees identified below are subject to alcohol and/or drug testing on a random basis.

1. Safety-Sensitive Positions:

In order to ensure a safe working environment, promote employee efficiency, protect MBCG from liability, and protect MBCG's assets, other employees, and the public, individuals employed in safety-sensitive positions shall be subject to testing on a random basis.

2. Commercial Drivers:

Individuals employed as operators of vehicles or equipment requiring the Commercial Driver's License (CDL) shall be subjected to additional alcohol and drug testing on a random basis as required by 49 Code of Federal Regulations Part 382, as amended.

- ii. Tests will be ordered on a random, unannounced basis from the pool of CDL and safety-sensitive employees throughout the year.
- iii. A random number table or computer-based random number generator will be used to select employees for random drug and alcohol testing, thereby allowing each employee an equal chance of being tested each month.
- iv. The percentage of employees in the CDL random testing pool to be selected for breath alcohol testing and the percentage of employees in the CDL random testing pool to be selected for substance abuse testing shall be determined by the United States Department of Transportation and the Federal Motor Carrier Safety Association's Random Testing Rates, published annually.
- v. At least 2-10% of safety-sensitive employees per department will be selected and tested for alcohol and drugs each year.
- vi. An employee's name will remain in the pool after being selected so that every employee will have an equal chance of being tested each time selections are made. Therefore, it is possible that any employee who is randomly selected may be randomly selected again during the same year.
- vii. Any employee with a confirmed positive drug or alcohol test will be removed from his/her position to a substance abuse professional for assessment at the employee's expense. A confirmed positive drug or alcohol test will result in termination of employment.
- viii. The County Administrator or Risk Management or Human Resources shall ensure that all departments comply with all reporting and recordkeeping requirements of 49 Code of Federal Regulations Part 382,

as amended.

h. **After-Care Testing:**

- i. Employees in safety-sensitive positions returning to work from an approved, self-referred treatment program for drug or alcohol abuse will be subject to frequent, unannounced urine and/or breath testing following return to duty. Follow up testing will be performed for a period of one (1) to five (5) years with a minimum of six (6) tests to be performed during the first year following return to duty.
- ii. Employees who re-enter MBCG's work force following self-referral to a drug or alcohol treatment program or facility must agree to a re-entry agreement with MBCG. The agreement may include, but is not limited to:
 1. A release to work statement from the substance abuse professional;
 2. A negative test for alcohol and/or drug use;
 3. An agreement to submit to unannounced and frequent follow-up testing for a period of one (1) to five (5) years with a minimum of six (6) tests to be administered during the first year following return to duty;
 4. Statement of work-related behaviors;
 5. An agreement to follow specified after-care requirements with the understanding that violations of the re-entry agreement shall be grounds for termination of employment.

i. **Return to Duty Testing:**

Employees who are absent from work on any leave for thirty (30) days or longer shall be tested for drugs immediately prior to returning to work and before performing any job duties. Any employee who screens/tests positive for alcohol or drugs will be in violation of this policy and may be subject to further disciplinary action, including termination. Refusal of an employee to submit to the screen/test will also be cause for disciplinary action, including termination.

j. **Consent Testing:**

When any employee has consented to a drug or alcohol test, the consent must be signed by the employee and a supervisor from the employee's

department or an authorized person from the Human Resources Department or Risk Management Department. This consent shall also include consent to the release of the test results to MBCG's Human Resources or Risk Management Department. Absent such signature, the testing provider will note on the form the individual's refusal and attempt to go forward with the test. Continued refusal by the employee constitutes failure to obey an order to submit to the test and is grounds for disciplinary action, including termination. The failure of an employee to provide a urine specimen within two hours of the request at the test site is tantamount to a refusal. Refusal by an applicant to sign the consent form and/or be tested shall be grounds for rejection of the application.

6. Testing Procedures

- a. Testing for the presence of alcohol and/or drugs may be conducted by analysis of breath, urine, hair, saliva, and/or blood.
- b. In any situation in which the employee has been ordered to be tested or tests positive and the employee refuses assistance in leaving the building or property or insists on leaving in his/her own vehicle, supervisors and/or department heads must document the situation and, depending on the circumstances, contact the Macon Bibb County Sheriff's Office non-emergency line and provide the sheriff's department with the employee's name, vehicle description, and license plate number. However, if the employee is extremely agitated, violent or is making threats of violence, leaves the premises in a MBCG vehicle, or if it is believed that the employee has violated the law, 9-1-1 must be called.
- c. The drug and/or alcohol analysis may test for alcohol or a controlled substance which could impair an employee's ability to safely or effectively perform the function of his/her job. Controlled substance means any drug listed in 21 U.S.C. 812 and other federal regulations and any "illegal drugs" as defined in the Definitions section of this policy. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to prescription medications, heroin, cocaine, morphine and its derivatives, P.C.P., methadone, barbiturates, amphetamines, marijuana, and other cannabinoids.
- d. Lab reports and/or test results will not be placed in the employee's personnel record. This information will remain in a separate medical record that will be securely kept under the control of Risk Management/Human Resources. Test results will only be released by Risk Management/Human Resources to MBCG officials on a strictly need-to-know basis, to the tested individual upon request, and other persons required by law. Such release may also occur in case of the following events:

- i. The information is compelled by law or by judicial or administrative process, including disciplinary proceedings;
- ii. The information is needed as evidence in a disciplinary hearing involving the subject employee;
- iii. The information is needed to determine eligibility for employee benefits, including sick leave, disability pension, retirement benefits.
- iv. The information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

7. Drug/Alcohol Screen Analysis

a. Alcohol:

- i. For purposes of this prohibition, an employee shall be deemed to be “under the influence” of alcohol where a blood alcohol content by weight of alcohol exists in the person’s blood exceeding .04 percent.
- ii. An employee may be found to be “under the influence” where blood alcohol content by weight of alcohol exists in the person’s blood is less than the foregoing amounts and other competent evidence shows job performance or employee safety to be affected.
- iii. Pursuant to Georgia’s Workers’ Compensation laws, if the amount of alcohol in the employee’s blood within three (3) hours of the time of an alleged accident, as shown by chemical analysis of the employee’s blood, urine, breath, or other bodily substance, is 0.08 grams or greater, there shall be a rebuttable presumption that the accident and injury or death were caused by the consumption of alcohol. The amount of any alcohol found in the employee’s blood at any time after the accident, however, may disqualify the employee from workers’ compensation benefits.
- iv. If any amount of marijuana or a controlled substance as defined in this policy, paragraph (4) of Code Section 16-13-21, Code Sections 16-13-25 through 16-13-29, Schedule I-V, or 21 C.F.R. Part 1308 is in the employee’s blood within eight (8) hours of the time of the alleged accident, as shown by chemical analysis of the employee’s blood, urine, breath, or other bodily substance, there shall be a rebuttable presumption that the accident and injury or death were caused by the ingestion of marijuana or the controlled substance. The amount of any marijuana or controlled substance in the employee’s blood discovered during any time frame, however, may disqualify the employee from workers’ compensation benefits.
- v. No CDL employee shall perform his/her safety-sensitive job functions within eight (8) hours after using alcohol.

- vi. Alcohol screening will be conducted using a federally approved testing device operated by a trained technician. An initial screening will be conducted first. 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. The confirmatory test will be performed using a federally approved evidential breath testing device operated by a trained breath alcohol technician.
- vii. Any tested employee with a confirmed alcohol concentration of 0.02 or greater but less than 0.04 will be removed from duty for 24 hours without pay. This removal from duty will be treated as an unexcused absence subject to termination of employment for a second offense. A confirmed alcohol concentration of 0.04 or greater shall constitute a positive alcohol test in violation of this policy and a violation of the federal requirements for safety sensitive employees set forth in 49 C.F.R. Part 654.

b. **Drugs:**

- i. The drug screen analysis will include those agents that most frequently are the drugs of abuse. The list will be subject to review and modification. Each drug screening may include a test for the following illicit narcotics or drugs:
 1. Amphetamines (Benedrine, Dexedrine, Methamphetamine);
 2. Barbiturates (Seconal, Phenobarbital, Pentobarbital);
 3. Benzodiazepines;
 4. Cannabinoid metabolites (Marijuana, Hashish, THC);
 5. Opiate derivatives (Heroin, Morphine, Codeine);
 6. Cocaine metabolites (Benzoyllecgonine, Ecgonine, Crack);
 7. Phencyclidine (P.C.P.);
 8. In any instance in which there is reason to believe an employee is abusing a substance other than what is listed above, MBCG reserves the right to test for additional drugs under its own authority using standard laboratory testing protocols.
- ii. To ensure accuracy and fairness of the testing program, all testing will be conducted by medical personnel.
- iii. Two types of drug tests may be employed: initial screening tests, often referred to as color tests; and confirmatory tests. Initial screening (color) tests are designed to distinguish negative from presumptive positive samples. Confirmatory tests positively identify a drug or metabolite when preliminary or field tests indicate their presence. Drug screening

technologies will include gas chromatography/mass spectrometry (GC/MS) analysis and may include other tests as follows:

1. Enzyme Immunoassay (EIA);
 2. Radioimmunoassay (RIA);
 3. Fluorescence Polarization Immunoassay (FPIA);
 4. Intoxilyzer Model 5000 (for alcohol);
 5. Field tests such as Abuscreen ® Assays.
- iv. Thresholds have been established which set the limit at which a drug test may be called positive. Specimens containing the drug or metabolite below the threshold are identified as “negative.” All specimens identified as positive on the initial test shall be confirmed.
1. The initial and confirmatory drug test cutoff values promulgated by the Department of Health and Human Services (Federal Register, Vol. 53, No. 69, published April 11, 1988), and as amended, are hereby adopted as the cutoff values for this policy. These tests levels are subject to change by the Department of Health and Human Services as advances in technology or other considerations warrant identification of these substances at other concentrations.
 2. Threshold levels specified by the reagent manufacturers will be used for drugs or compounds not listed in the Federal Register, or specified by law.
- c. **Acceptable Laboratories:**
- i. Only laboratories currently certified to meet Subpart C of Mandatory Guidelines for Federal Workplace Drug Testing Programs (53 F.R. 11986) may conduct confirmatory drug tests.
 - ii. Chain of custody procedures will be followed and documented.
 - iii. Specimens found to be positive will be maintained (frozen) for one year, unless the laboratory is otherwise directed.
 - iv. An inadvertent failure to comply with a requirement of this protocol which does not render the test result unreliable shall not prevent MBCG from imposing disciplinary action, including termination, against the employee.
- d. All positive drug results will be interpreted by a physician approved by MBCG as a Medical Review Officer (MRO) before the results are reported to MBCG.

The MRO will make reasonable efforts to ascertain whether there may be a legitimate medical explanation for any positive test result by requesting information from the employee prior to administering the test.

- e. Upon notification of a verified positive result for drugs, the employee may request that the remaining portion of his/her (original) split specimen undergo a second confirmation test at his/her expense at a different DHHS laboratory. If the test conducted at the employee's request is negative for the presence of drugs, a third test may be made at MBCG's sole expense at a separate DHHS facility of its choosing. The results of the third facility will be determinative. If the results from the third facility are negative, all prior positive tests will be disregarded and shall not be the basis for any disciplinary or adverse action.
- f. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 C.F.R. Part 40, as amended. The employee's request for a split sample test must be made to the MRO within 72 hours of notice of the original sample verified result. Requests after 72 hours will only be accepted if the delay in the request was due to documented facts beyond the control of the employee.
- g. MBCG will make reasonable efforts to notify the employee of a positive test within five (5) days from the date it receives the test results. Because the results of a breath alcohol test are immediately available, this provision will not apply to alcohol tests conducted in such a manner.
- h. In the event that it is not reasonable under the circumstances to conduct an alcohol test based on a breath test, MBCG reserves the right to test for the presence of alcohol by a blood, or other, test analysis. If this procedure is used, MBCG will make reasonable efforts to notify the employee of a positive test within five (5) days from the date it receives the test results. An MRO will not be used when a blood test for alcohol is administered.

8. Program Administration:

- a. Risk Management/Human Resources is responsible for the overall administration of the program.
- b. Responsibilities are to:
 - i. Prepare a report outlining the number of tests given; the basis of the tests (random, pre-employment, post-accident, etc.); the results on a summary basis; and, the costs incurred in the program.
 - ii. Provide Department Heads with the names of employees selected at random to be tested.
 - iii. Assist Department Heads in the administration of MBCG's Drug-Free Workplace Program.

- iv. Assist employees who voluntarily come forward to get assistance with any substance abuse problems.
- v. Receive the results of all drug tests and maintain the information in a secure file for a minimum of five (5) years. When positive results are received, notify the appropriate Department Head. The Department Head will provide the person tested with an opportunity to explain the results prior to personnel action being taken.
- vi. Designate collection sites and perform other actions necessary to implement this policy.

9. Consequences for Violation of this Policy:

- a. One of the goals of the alcohol and drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates this policy, the consequences are serious.
- b. MBCG will allow all applicants and employees who test positive for alcohol and/or drugs the opportunity to explain the test results prior to taking an adverse action.
- c. If an applicant tests positive for drugs and/or alcohol and is unable to provide a reasonable explanation for the result, MBCG will withdraw the offer of employment or, in the case of applicants applying for safety-sensitive positions, MBCG will not offer employment.
- d. Violation of this policy may result in severe disciplinary action, including discharge for a first offense at MBCG's sole discretion.

10. Confidentiality:

All reports of test results for drugs and alcohol, searches, or any employee referral to or participation in an EAP program or treatment program for addictive disorders will be maintained in strict confidence. Any person authorized to have access to such confidential information who, without authorization, discloses it to another person shall have engaged in gross misconduct and shall be subject to severe disciplinary action up to and including termination of employment.

The confidentiality of such information shall not apply to any use by or communication to the office of the MBCG Attorney, or where the information is relevant to the MBCG's defense in an administrative or civil action. Such information may also be disclosed to the extent required by any federal, state, or local law, statute, ordinance or regulation. All personal health information shall be maintained in accordance with the Health Insurance Portability and Accountability Act (HIPAA); access to such information shall be limited to individuals who need the information to process claims under a

MBCG program, or to individuals for whom the employee has signed a release form and presented the form to the administrator of such program.

11. Shared Responsibility:

- a. A safe and productive alcohol and drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.
- b. All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.
- c. In addition, employees are encouraged to:
 - i. Be concerned about working in a safe environment.
 - ii. Support fellow workers in seeking help.
 - iii. Request information from Human Resources or Risk Management on alcohol and/or drug rehabilitation programs in the community.
 - iv. Report dangerous behavior to their supervisor.
- d. Supervisors' responsibilities are to:
 - i. Assist Human Resources and Risk Management in informing employees of the Alcohol and Drug-Free Workplace Policy.
 - ii. Observe employee performance.
 - iii. Work with Human Resources and/or Risk Management to investigate reports of dangerous practices.
 - iv. Document negative changes and problems in performance and to counsel employees as to expected performance improvement.
 - v. Refer employees to Human Resources or Risk Management for information on alcohol and/or drug rehabilitation programs in the community.
 - vi. Clearly state consequences of policy violations.

12. Training:

- a. In an effort to ensure that department heads, managers, supervisors, the Mayor, and members of the County Commission continue to be informed and educated on MBCG's alcohol and drug policies, updated training will be required every three (3) years.
- b. Any employee hired or promoted into a supervisory position must receive training on this policy within one (1) year of hire or promotion.

- c. All employees will receive training on this policy upon hire at orientation.

13. Communicating the Alcohol and Drug-Free Workplace Policy:

- a. All employees will receive a written or electronic copy of this policy.
- b. This policy will be reviewed in orientation sessions with new employees.
- c. All employees will receive an update of this policy annually.
- d. Employee education about the dangers of alcohol and drug use and the availability of help will be provided to all employees.

**MACON BIBB CONSOLIDATED GOVERNMENT
ALCOHOL AND DRUG-FREE WORKPLACE POLICY**

ACKNOWLEDGEMENT

I hereby acknowledge that I have received the Macon Bibb Consolidated Government Alcohol and Drug-Free Workplace Policy. I have carefully and thoroughly read this Policy. I agree, without reservation, to follow the policy and procedures. I understand I may be required to submit to an alcohol and/or drug test. I also understand that failure to comply with the policy and procedures is the basis for discipline, including termination.

DATE

EMPLOYEE'S SIGNATURE

EMPLOYEE'S NAME (PRINTED)