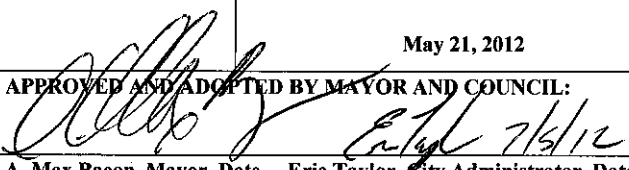
	PERSONNEL POLICIES AND PROCEDURES		SUBJECT: DRUG AND ALCOHOL
	NUMBER: GEN 11-0	REVISIONS:	EFFECTIVE DATE: May 21, 2012
	SUPERCEDES:	APPROVED AND ADOPTED BY MAYOR AND COUNCIL:  A. Max Bacon, Mayor, Date Eric Taylor, City Administrator, Date	

PURPOSE: To provide regulations concerning controlled substances use and/or alcohol misuse by City employees and to provide a safe and productive work environment for City employees.

STATEMENT OF POLICY

In professions that serve the public, alcohol and substance abuse represents a real danger to the health and safety not only of the employees themselves, but also of the constituents served by those employees.

It is the objective of The City of Smyrna to maintain a drug and alcohol-free environment while providing safe and effective public service. To achieve this objective, The City of Smyrna has developed a comprehensive alcohol and controlled substance abuse policy.

Definitions - Within this Substance Abuse Policy, and on any accompanying forms, the following terms shall have the meanings associated therewith:

1. **Controlled Substance** shall have the meaning and include the substances defined as “controlled substances” in the Georgia Controlled Substances Act, O.C.G.A § 16-13-20 and 16-12-21 (4) as said Act shall appear from time to time.
2. **Safety Sensitive Position** shall be those positions where inattention to duty or errors in judgment by the employee or applicant while on duty will have the potential for significant risk of physical harm to the employee, other employees or the general public. A list of such positions is attached as Exhibit C.
3. **Confirmed Positive Result.** Whenever an initial test for drugs or alcohol is found to be positive, the laboratory will carry out additional tests pursuant to laboratory testing guidelines to confirm that the initial positive indication was correct. If the second procedure also indicates the presence of drugs or alcohol, the test result will be considered a confirmed positive result.
4. **Medical Review Officer** shall mean a properly licensed physician who reviews and interprets the results of drug tests and evaluated those results together with medical history and any other relevant biomedical information to confirm positive results.

Drug and alcohol use prohibited - Alcohol and controlled substance use by employees during assigned working hours in City of Smyrna buildings and/or on City grounds, or otherwise while on official business shall be prohibited. This shall include the use or possession of controlled substances, the abuse of prescription medications, the possession of prescription medications by anyone other than the person for whom the medication was prescribed (except as required by official duty), and the use or abuse of alcohol. This prohibition (and the procedures set forth below) is in addition to any other drug and alcohol policy, including any policies or programs required by federal or state law.

Testing - Employees and applicants may be subject to the following tests:

1. **Pre-employment testing:** All job applicants being considered for employment in positions for which pre-employment drug and/or alcohol screening is allowed by law shall be required to pass a drug and/or alcohol screening test prior to being hired. Pre-employment testing shall take place only after an offer of employment has been made but before employment actually commences. Employees selected for promotion or transfer from a non-safety sensitive position into a safety-sensitive position will be required to pass such screening prior to commencing new position.
2. **Random and periodic drug testing:** Employees in all positions designated as safety sensitive, involved in drug interdiction, or having unsupervised access to prisoners or contraband shall be required to submit to a drug and alcohol screening test at random or on a periodic basis from time to time as determined by the Human Resources Director.

Upon notification by Human Resources of a random selection, the supervisor shall immediately notify and send employee for testing. Delay in notification due to staffing issues will not be acceptable.

3. **Drug and/or alcohol screening test based on reasonable suspicion:**
 - a) Any employee shall be required to submit to drug and/or alcohol testing when there is reasonable suspicion to believe that such employee is under the influence or effects of drugs and/or alcohol during assigned working hours or while otherwise on duty or in control of government property.
 - b) Reasonable suspicion means a reasonable belief based on specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Situations that may give rise to conclusion that an employee is under the influence of drugs and/or alcohol include, but are not limited to, the following:
 - i. An employee is involved in a physical or verbal altercation on the job.
 - ii. An employee has an excessive number of incidents or accidents on the job.
 - iii. An employee exhibits unusual behavior such as slurred speech or unsteady walking or movement on the job.
 - iv. An employee has an odor of alcohol or marijuana on their person on the job.
 - v. An employee is in possession of alcohol, drugs, or drug paraphernalia on the job.
 - vi. An employee is observed using illegal drugs or alcohol or has exhibited the symptoms and manifestations or being impaired due to alcohol or drug use.
 - vii. An employee has caused or contributed to an accident while on the job.
 - c) In the event a supervisor determines that reasonable suspicion exists that an employee is under the influence of drugs and/or alcohol, the supervisor shall immediately report the incident to his/her immediate supervisor or department head. The "*Observation Checklist*" should be used as a guide to identify physical signs or conditions.
 - d) The determination of whether reasonable suspicion exists shall be made by the department head or, in his/her absence, by the highest-ranking supervisory staff on-duty at the time.
 - e) Following the determination that reasonable suspicion exists, the Department Head or supervisor shall immediately notify the Human Resources Director.
 - f) After consultation with the Human Resources Director, the facts underlying the determination of reasonable suspicion shall be disclosed to the employee by the

Department Head or supervisor, at the time the demand to submit to testing is made. The employee shall be transported to and from the testing site by the employee's supervisor or a designee. Following the testing procedure, the person transporting the employee shall make appropriate arrangements to transport the employee home.

- g) Supervisors shall be required to document in writing, by the next working day, the specific facts, symptoms or observations that formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. All documents created in connection with the determination of reasonable suspicion shall be forwarded to the Human Resources Director.
4. **Testing after accidents or injury:** All employees shall be subject to a drug and alcohol test conducted while on duty or just prior to going on duty if:
- a) The employee is operating a vehicle and/or equipment causing damage or bodily injury; or
 - b) The employee is involved in a fatality; or
 - c) The employee is cited with a traffic violation; or
 - d) The employee sustains a work-related injury requiring medical treatment beyond first aid.

Special Notice: Employees who fail to appear at the designated collection site to submit to a required drug and/or alcohol test when so directed shall be deemed to have refused to submit to the test.

Any attempt to adulterate a test sample or otherwise frustrate, impair, or otherwise impede the testing process shall be considered a violation of this policy.

Prescription drug use - Any employee using prescription medication while on the job shall do so in strict accordance with medical directions. It is the employee's responsibility to notify the prescribing physician of the duties required by the employee's position and to ensure the physician approves the use of the prescription medication while the employee is performing his/her duties.

The abuse and/or inappropriate use of legally prescribed drugs, including the performance of duties when the employee knows or should know that he or she is potentially impaired due to prescription drug use, shall be prohibited and shall be deemed a violation of this policy. Job performance or attendance deficiencies resulting from use shall be cause for disciplinary action up to and including termination. If any employee's behavior or job performance gives rise to a reasonable suspicion that the employee is abusing or inappropriately using prescription medication, the employee may be required to submit to drug testing and to take leave until such time as the employee is cleared to return to work by the employee's physician, the Medical Review Officer, and the Human Resources Director.

Employees and job applicants shall, at the time of testing, provide the testing facility with a list of those prescriptions and over-the-counter medications the employee recently has used. The list of medications shall be kept confidential until there has been a test result. The list of medications shall be disclosed only to the Medical Review Officer who will determine whether the positive result was due to the lawful use of any of the listed medications.

Testing laboratory guidelines - All testing procedures shall be administered and accounted for by an approved laboratory and/or medical facility operating in compliance with the National Institute of Drug Abuse (NIDA) or College of American Pathologists (CAP) guidelines.

Urine samples shall be provided in a private restroom stall or similar enclosure so that employees and applicants may not be viewed while providing the sample, unless circumstances require monitored testing. Outer garments, bags, briefcases, purses, or other containers will not be

permitted into the test area. The water in the commode shall be colored with dye to protect against dilution of test samples.

If the drug and/or alcohol test is to be conducted using a specimen other than urine (e.g. hair, saliva, blood, etc.), the sample shall be collected in a manner consistent with the privacy of the employee and the need to minimize the possibility of adulteration and/or mislabeling of the sample.

Whenever an initial test for drugs and alcohol is found to be positive, the laboratory will then carry out additional tests pursuant to laboratory testing guidelines to confirm that the initial positive indication was correct. If the second procedure also indicates the presences of drugs or alcohol, the test result is considered a Confirmed Positive Result.

Confidentiality - To the extent allowed by law, all information from an employee's or job applicant's drug and alcohol screening shall be confidential and only available to the Medical Review Officer, department head, the Human Resources Director and those with a need to know at the discretion of The City of Smyrna. Disclosure of test results to any other person, agency, or organization shall be prohibited unless written authorization is obtained from the employee or job applicant. In any case, the results of an initial positive drug or alcohol test shall not be released until the results are confirmed.

Employee assistance program - Referrals to an employee assistance program or rehabilitation program shall be made in accordance with established employee assistance policies, if any.

Drug and alcohol convictions - Consistent with the Federal Drug-Free Workplace Act of 1988, employees shall report to his or her department head immediately upon your return to work, any arrest or conviction made under a criminal drug or alcohol law and any charge made under a drug or alcohol law for which conviction could cause the loss of driving privileges.

The department head shall then investigate and make appropriate recommendations to the Human Resources Director.

Violations - Any violation of this policy shall be handled in a manner consistent with the City of Smyrna Personnel Policies and Procedures for disciplinary procedures. Refusal to submit to or failure of a required drug screen may subject employee to immediate termination.

Failure to report drug and/or alcohol arrest or conviction may subject employee to disciplinary action up to and including termination.

EXHIBIT "A"
OBSERVATION CHECKLIST

Employee Name _____

Observer _____

Physical Signs or Conditions

1. Walking

- Stumbling
- Swaying
- Staggering
- Holding
- Unable to Walk
- Unsteady
- Falling

2. Standing

- Swaying
- Sagging at knees
- Rigid
- Unable to stand
- Feet wide apart
- Staggering

3. Speech

- Shouting
- Silent
- Whispering
- Slow
- Rambling
- Mute
- Slurred
- Slobbering
- Incoherent

4. Demeanor

- Cooperative
- Polite
- Calm
- Sleepy
- Crying
- Silent
- Talkative
- Excited Sarcastic
- Fighting

5. Actions

- Resisting communications
- Fighting
- Withdrawn or improperly talkative
- Spends excessive amount of time on telephone
- Displays violent behavior
- Avoids talking with supervisor regarding work issues
- Has exaggerated sense of self-importance

6. Eyes

- Bloodshot
- Watery
- Dilated
- Glassy
- Droopy
- Closed

7. Appearance/Clothing

- Unruly
- Messy
- Dirty
- Partially dressed
- Body excrement stains
- Having odor

8. Breath

- Alcoholic odor
- Faint alcoholic odor

9. Accidents

- Taking needless risks
- Disregarding for safety of others
- Higher than average accidents on the job

EXHIBIT "C"
City of Smyrna Safety Sensitive Positions

Drug and alcohol testing will be required of individuals applying for safety-sensitive positions. (For example, job applicants for positions which deal with public safety or which require or permit the use of motor vehicles, chemicals, or heavy equipment as an essential function of the position will be tested.

Assistant City Administrator	Fire Lieutenant	Probation Officer
Assistant Director, Parks & Recreation	Firefighter I, II and Uncertified	Recreation Coordinator
Assistant Director, Public Works	Foreman, Building & Grounds	Recycling Center Coordinator
Athletic/Aquatics Coordinator	Foreman, Fleet Maintenance	Sanitation Truck Driver
Building Inspector	Foreman, Parks & Recreation	Senior Recreation Coordinator
Chief Building Official	Foreman, Sanitation	Supervisor, Garage
Chief Jailer	Foreman, Streets	Supervisor, Sanitation
Chief Probation Officer	Foreman, Utility Services	Supervisor, Streets
City Administrator	Foreman, Water & Sewer	Supervisor, Warehouse
City Engineer	Forensics Evidence Specialist	Supervisor, Water & Sewer
City Marshal (Code Enforcement)	Head Lifeguard	Traffic Signal Technician
City Marshal (Court Services)	Heavy Equipment Operator	Utilities Locator
Communications Operator	Information Systems Manager	Utility Meter Install Technician
Communications Supervisor	Lead City Marshal	Utility Services Meter Technician
Deputy Fire Chief	Lead Detention Officer	Warehouse Attendant
Deputy Police Chief	Lifeguard	Zoning Inspector
Director, Community Development	Maintenance Technician	
Director, Keep Smyrna Beautiful	Maintenance Technician, Senior	
Director, Parks & Recreation	Master Police Officer	
Director, Public Works	Mechanic	
Crew Chief	Mechanic, Senior	
Crew Leader	Information Support Specialist	
Crew Worker	Park Ranger (Certified and Uncertified)	
Detention Officer	Park Ranger, Senior	
Detention Shift Supervisor	Police Captain	
Equipment Operator	Police Chief	
Equipment Operator, Senior	Police Detective	
Fire Battalion Chief	Police Lieutenant	
Fire Chief	Police Officer (Certified and Uncertified)	
Fire Engineer	Police Sergeant	
Fire Hydrant Inspector	Pool Manager	