



EFFINGHAM COUNTY BOARD OF COMMISSIONERS

Human Resources Standards of Practice

Standards of Practice: Section 2.07	Issue Date: 11/3/2020 New ____ Revised <u>X</u> Supersedes Policy Dated:
Title: Substance Abuse	Approved By Effingham County Board of Commissioners

2.07 - SUBSTANCE ABUSE

A. GENERAL

Effingham County promotes a drug-free workplace in accordance with the requirements of the Drug Free Workplace Act of 1988, as amended, and applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. The Federal Transit Administration (FTA) of the U.S. Department of Transportation (DOT) has published 49 CFR Part 653 and Part 654, as amended, that mandates urine drug testing and breath alcohol testing for law enforcement positions and those involving drug interdiction and prohibits performance of these functions when there is a positive test result. The DOT has also published 49 CFR Part 40, as amended, which sets standards for the collection and testing of urine and breath specimens. In addition, the Federal government published 49 CFR Part 29, the Drug Free Workplace Act of 1988, as amended, which requires the establishment of drug free workplace policies and the reporting of certain drug related offenses to the FTA. Effingham County has adopted these requirements for employees in these positions, and others, when so noted.

B. STANDARD

Drug and alcohol use by all County employees during assigned working hours, in government buildings or on government grounds or otherwise while on government business is prohibited. This shall include the use of illegal substances, the abuse of prescription over-the-counter medications, Cannabidiol (CBD) oil, or any product containing CBD and the use of alcohol. The interpretation and administration of this policy shall be the responsibility of the County Manager and Human Resources Department.



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C. SCOPE

This policy applies to all County employees; paid part-time employees, contract employees and contractors when they are on County property or when performing any transit-related safety-sensitive business. The 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.

D. DEFINITIONS

1. **Covered Substances**

The following substances are covered by this policy:

- a. Alcoholic beverages of any kind.
- b. Controlled and/or illegal drugs or substances, including all forms of narcotics, hallucinogens, depressants, stimulants.
- c. Oils containing CBD or any other product containing CBD.
- d. Other drugs that are restricted or prohibited by law from use, possession, or transfer.

2. **Prohibited Activities**

The following activities are prohibited while an employee is on County premises or otherwise engaged in County business:

- a. The manufacture, possession, use, sale, distribution, dispensation, receipt, or transportation of any controlled substance or illegal drug;
- b. The consumption of alcoholic beverages;



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c. Being under the influence of alcohol, illegal drugs, or substances in any manner during business hours, whether or not consumed on County premises and whether or not consumed outside of, or during, working hours. This includes being impaired by lawfully prescribed drugs that have been abused; and,

d. Performing duties while under the influence of alcohol or controlled and/or illegal substances or drugs regardless of whether the employee is on or off County premises;

(1) Off-premise use of Alcohol, Controlled and/or Illegal drugs, or substances is prohibited, to the extent that it involves, or results in:

(i) Any actions involving alcohol, controlled and/or illegal drugs or lawfully prescribed drugs or substances that, in the opinion of management endanger the County's reputation for honesty, integrity and safety;

(ii) Indictment or conviction for criminal offenses related to the manufacture, possession, use, sale, distribution, dispensation, receipt or transportation of any controlled substances or illegal drugs;

(iii) Employees who are indicted for, or convicted of, controlled substance-related violations under state or federal law, or who plead guilty or *nolo contendere* (no contest) to such charges must inform the Department Head or Human Resources Department in writing within five (5) days of such conviction or plea. Failure to do so will result in disciplinary action, up to and including termination from employment for a first offense. The Department Head shall then investigate and make an appropriate recommendation to the County Manager.

3. Safety Sensitive Positions

The terms "safety sensitive position" and "safety sensitive employee" shall include the following employees and positions:

- a. authorized to drive any Effingham County vehicle; or
- b. required to carry a Commercial Driver's License; or



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- c. who carry a weapon in the course of performing their jobs; or
- d. who serve as dispatchers and Communications Officers; or
- e. who serve as medical service providers; or
- f. who serve as firefighters; or
- g. who have physical custody of detained persons in the course of performing their jobs; or
- h. who operate heavy equipment and/or motorized equipment and machinery.

In addition, the term "safety sensitive position" and "safety sensitive employee" encompass safety sensitive functions, which include any duty related to the safe operation of Effingham County services and any employee or position with the responsibility to regularly perform high-risk work wherein inattention to duty or errors in judgment have the potential for significant harm to the employee, other employees, or the general public.

E. PROCEDURE

All County employees are subjected to the provisions of this policy.

1. **Current Employees**

Each current employee will be provided with a copy of this policy and the Substance Abuse Acknowledgement form. By signing this form, each employee acknowledges that he/she has received the policy, understands, and agrees to the provisions of this policy. If a current employee refuses to comply with the provisions of this policy, then that employee will be immediately terminated. All completed forms will be forwarded to the Human Resource Department.



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2. New employees

Each new employee shall, at the time of hire, be provided with a copy of the policy and the acknowledgement form. The new employee must read the policy and sign the form before being permitted to work.

F. COMPLIANCE WITH TESTING REQUIREMENTS

1. Pre-Employment Drug and Alcohol Testing

All job applicants identified as final candidates for employment in a safety sensitive position with Effingham County shall sign a statement of understanding and consent for pre-employment drug testing and shall submit to required drug testing procedures.

a. Failure to sign the consent release form or to submit to drug screening will result in rejection of the applicant.

b. If the test measurement of the presence of prohibited substances is less than the sensitivity levels established by the National Institute on Drug Abuse, then the candidate will have passed the screening procedures.

- (1) Prohibited Substances:
- | | | |
|--------------|---------------------|-----------------|
| Marijuana | Opiates/Narcotics | Amphetamines |
| Cocaine | PCP (hallucinogens) | Sedatives |
| Methaqualone | Stimulants | Benzodiazepines |
| Alcohol | Cannabidiol (CBD) | |

c. If one or more of the measures equals or exceeds the sensitivity levels, then the candidate will not have passed the screening and will not be offered employment.

(1) Job candidates rejected for consideration of employment due to the presence of controlled substances may reapply for employment following a twenty-four month waiting period.

2. Random testing



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All employees of the county in safety sensitive positions will be subject to random, unannounced testing. The selection of employees for random testing will be made using a scientifically valid method, which ensures that each employee will have an equal chance of being selected each time selections are made. The random tests will be unannounced and spread throughout the year. Failure to report to the random testing site may result in disciplinary action up to and including termination. Testing positive during random testing may result in immediate termination

3. **Employee Assistance Program**

In compliance with state law, if an employee notifies the County Manager of a drug problem and agrees to attend an approved treatment program, that employee will not be terminated solely for drug dependence or use for one year if the employee adheres to the treatment program. This option is available only one time during any five year period. This policy does not prevent the restructuring of an employee's duties to take the drug dependence into account.

4. **Post Accident testing**

Whenever any employee of the County has been involved in an accident, or receives an injury, alcohol and drug testing shall be conducted within two (2) hours of the accident or when the following incidents occur:

- a. Vehicle/equipment damage or bodily injury occurs on public property; or
- b. There is a fatality; or
- c. Driver is cited with a traffic violation; or
- d. There is reasonable suspicion to believe that the employee's behavior or appearance may indicate alcohol or drug use; or
- e. When an employee sustains a work-related injury requiring medical treatment.

5. **Reasonable Suspicion testing**



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All County employees may be subject to urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance.

a. A Reasonable Suspicion referral for testing will be made on the basis of documented objective facts and circumstances that are consistent with the short-term effects of substance abuse or alcohol misuse. Situations that may give rise to a conclusion that an employee is under the influence of drugs and/or alcohol include, but are not limited to the following:

- (1) An employee is involved in a physical or verbal altercation on the job.
- (2) An employee has an excessive number of incidents/accidents on the job.
- (3) An employee has an excessive number of sick days off.
- (4) An employee exhibits unusual behavior such as slurred speech or unsteady walking or movement on the job, and/or change in behavior.
- (5) An employee has an odor of alcohol on his/her person on the job.
- (6) An employee is in possession of alcohol or drugs on the job.

b. Department Heads suspecting that an employee is under the influence of drugs and/or alcohol shall immediately report the incident to the Human Resources Department.

c. The determination of whether reasonable suspicion exists shall be made by the Department Head or by the highest-ranking supervisory staff on duty at the time. The facts underlying the determination of reasonable suspicion shall be disclosed to the employee at the time the demand is made to submit to testing.



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d. Following the determination that reasonable suspicion exists, the employee's Department Head or designee shall transport to and from the testing site the employee. If an employee is found to be in violation of these regulations, then following the testing procedure, the person transporting the employee shall make appropriate arrangements to transport the employee home.

e. Department Heads shall be required to document in writing, within the next working day, the specific facts, symptoms or observations that formed the basis for his/her 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 Department.

6. Prescription Drug Use, r Over the Counter Medications, or Cannabidiol (CBD)

a. An 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 that the physician approves the use of the prescription medication while the employee is performing his/her duties. The employee shall be responsible for notifying his or her Department Head of any restrictions that may affect/prevent the safe performance of the required duties, including driving county vehicles.

b. An employee using over the counter medications while on the job shall do so in strict accordance with dispensing information contained with the product. The employee shall be responsible for notifying his or her department Head of any restrictions that may affect/prevent the safe performance of the required duties, including driving county vehicles.

c. An employee using Cannabidiol (CBD) while on the job is in violation of the County's Substance Abuse Policy.

1. While hemp based CBD is legal in the State of Georgia, it is not regulated by the FDA.

2. Hemp based CBD contains amounts of THC, the psychoactive ingredient in marijuana, and when used can trigger a positive response on a drug test.



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The amount of THC in the hemp based CBD varies from manufacturer to manufacturer. There exists a possibility of testing positive on a drug test while using hemp based CBD.

d. An employee or job applicant shall, at the time of testing, provide a list of those prescriptions and over-the-counter medications that he/she has recently 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 officials who will determine whether the positive result was due to the lawful use of any of the listed medications.

7. Testing Procedures

All testing procedures shall be administered and accounted for by an approved laboratory and/or medical facility that are operated in compliance with the National Institute of Drug Abuse (NIDA) Guidelines. These procedures and guidelines shall be available for inspection by contacting the Human Resources Department.

a. All NIDA urine drug-testing specimens must be collected as "split" specimens, which mean that one urine specimen will be divided into two (2) separately sealed specimen bottles for submission to the laboratory.

b. Whenever an initial test is found to be positive, an automatic confirmation test will be performed. If result is positive, then that employee has 72 hours to request from the medical review officer that the split sample be sent to a second lab for testing.

c. If the second portion of the sample also tests positive, then the employee may be terminated. Notification of Termination shall be by certified letter from the Human Resources Department within two working days of the test result. If the second portion produces a negative result, or for any reason the second portion is not available, the test is considered negative and no sanctions shall be imposed.

d. If result of an Evidential Breath Test (EBT) is 0.02 or greater, a confirmation test must be conducted within at least 15 minutes, but not more than 20 minutes, after the completion of the initial test.

8. Confidentiality of Test Result



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All information from an employee's or job applicant's drug and alcohol test shall be confidential and only available to the management and the Human Resources Department. Disclosure of test results to any other person, agency, or organization shall be prohibited unless written authorization is obtained from the employee, job applicant, or by court order or subpoena. The results of a positive drug or alcohol test shall not be released until the results are confirmed.

9. **Disciplinary and Termination Policy**

An employee found to be in violation of the Substance Abuse Policy is engaged in misconduct. The employee may be subject to immediate dismissal. As a condition of continued employment, the employee may at his/her own expense be required to participate in and successfully complete drug or alcohol abuse counseling, or a rehabilitation program, if necessary.

a. **Immediate Termination** - The following reasons shall be grounds for immediate termination of an employee:

- (1) Distributing controlled substances while on the job.
- (2) Operating a County vehicle while under the influence of drugs and/or alcohol.
- (3) Felony conviction for violation of drug laws.
- (4) Testing positive for drugs or alcohol under the provisions of this policy.
- (5) Refusal to submit to a drug test required by the provisions of this policy.
- (6) Failure to disclose a drug problem
- (7) Failure to participate in a random drug monitoring program.