



Non-DOT Drug and Alcohol Policy

Effective July 01, 2018

The City of Covington

Non-DOT Drug and Alcohol Policy

Effective as of 07/01/2018

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Safety/Risk Manager

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I. Purpose of Policy

In a continued effort to ensure the safety of its employees and the public in general, the City of Covington is committed to maintaining a drug free work environment. The purpose of this policy is to establish procedures for the administration of the City of Covington's Non-DOT Drug and Alcohol Program.

All City of Covington employees are subject to the provisions of the Drug-Free Workplace Act of 1988.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify the Human Resources Director no later than five days after such conviction.

2. Covered Employees

This policy applies to every employee or applicant for employment with the City of Covington. Within this pool of employment, it is important to note that there is a sub group of employees who are classified as “Non-DOT safety-sensitive” employees for the purpose of Random Non-DOT drug and alcohol testing.

An employee is covered by this policy if he or she:

- Is employed or being offered a conditional offer of employment by the City of Covington

An employee is classified as a “Non-DOT safety-sensitive” employee for the purposes of this policy if he or she:

- Performs a function or is required to be in a state of readiness to perform a function which would directly threaten public safety, health, or welfare if the employee was to perform the function impaired.

The Human Resources Director will determine which employees are classified as “Non-DOT safety-sensitive.”

3. Prohibited Behavior

Use of Illegal Drugs

Use of drugs which are illegal under the laws of the State of Georgia is prohibited at all times. All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body. Prohibited drugs include:

- marijuana
- cocaine
- phencyclidine (PCP)
- opioids
- amphetamines

Use of Alcohol

All employees are prohibited from reporting to work or continuing to work while having an alcohol concentration of 0.04 or greater.

All employees are prohibited from consuming alcohol while working during their regularly assigned working hours. If an on-call employee has consumed alcohol, the employee must acknowledge the use of alcohol at the time that they are called to report for duty. If the on-call employee claims the ability to perform his or her job function, he or she must take an alcohol test with a result of less than 0.02 prior to performance.

All employees are prohibited from consuming alcohol within four (4) hours prior to the performance of scheduled job functions.

All employees are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first.

4. Consequences for Violations

Per City of Covington policy 601 (A Drug and Alcohol Free Workplace), any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will be subject to termination from employment, but may, depending upon the circumstances and the employee's work history/record, be offered the opportunity to return to work on a last chance basis pursuant to mutually agreeable terms which could include follow-up drug testing at times and frequencies determined by the Employee Assistance Program (EAP). In the event that this opportunity for return to work is afforded, the City of Covington will pay for an initial evaluation by the EAP. The employee will be required to use accrued leave or leave without pay (if accrued leave is exhausted) until returned to work by the EAP. The employee will be responsible for all treatment costs associated with the recommendations required from the EAP evaluation.

5. Circumstances for Testing

Pre-Employment Testing

After a contingent offer of employment has been extended to a City job applicant, pre-employment alcohol and drug testing will be required.

Pre-employment alcohol and drug tests will also be conducted on a current employee when that employee transfers from a function which is not subject to Random Drug and Alcohol Testing into a function which would classify the employee as a “Non-DOT Safety Sensitive” employee.

If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass before beginning employment.

A negative pre-employment alcohol and drug test result is required before an employee or transfer can perform any job function which would classify them as a “Non-DOT Safety Sensitive” employee.

Reasonable Suspicion Testing

All employees shall be subject to a drug and/or alcohol test when the City of Covington has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor or other trained City of Covington official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

Employees may be subject to reasonable suspicion drug testing any time while on duty.

Post-Accident Testing

All employees shall be subject to post-accident drug and alcohol testing if they cause or contribute to an accident that:

- Damages a City-owned vehicle, machinery, equipment, or other property or the property of a private citizen or business and the sum total of the damage is greater than \$1,000 dollars;
- Results in an injury to themselves, another employee, or another party requiring off-site medical attention; or
- Results in the death of another employee or another party.

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An employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

Random Testing

The fourth amendment to the United States Constitution protects citizens from unreasonable search and seizure by the government. Collection of one's breath or urine and the analyzation of the specimen for its contents certainly qualifies as a search and seizure. For that reason, the City (government) cannot legally perform random drug and alcohol testing of all employees (citizens). The U. S. Supreme Court has limited government employers to randomly test only those employees where the government (in this case, the City) has a compelling interest to ensure that the employee is alcohol and drug free. This compelling interest test has been primarily limited to positions where the government employer can demonstrate that the employee's inability or impaired ability to perform job-related tasks due to alcohol or drug use could result in a direct threat to public safety, health, or welfare. For this reason, only employees classified as "Non-DOT Safety-Sensitive" or regulated by United States Department of Transportation Guidelines will be subject to random drug testing.

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Minimal testing rates for the "Non-DOT Safety Sensitive" Drug and Alcohol testing pools will be set annually by the City of Covington Drug Free Workplace Program Coordinator. The current year testing rates can be found in Appendix A under the testing pool titled "Non-DOT Safety Sensitive".

The selection of "Non-DOT Safety-Sensitive" employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

Each "Non-DOT Safety-Sensitive" employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

Return to Duty Testing

Any employee who is allowed to return to safety-sensitive duty after failing or refusing to submit to a Non-DOT drug and/or alcohol test must first be evaluated by the Employee Assistance Program (EAP),

complete an EAP-required program of education and/or treatment, and provide a negative return-to-duty drug and/or alcohol test result.

Follow-up Testing

Employees returning to safety-sensitive duty following leave for substance abuse rehabilitation will be required to undergo unannounced follow-up alcohol and/or drug tests. The duration, type (drug and/or alcohol), number, and frequency of such follow-up testing shall be directed by the Employee Assistance Program (EAP). The follow-up alcohol and/or drug test can be extended at the discretion of the EAP to account for any subsequent leaves of absence, as necessary.

6. Testing Procedures

Non-DOT Pre-employment alcohol tests may be conducted using a Portable Breath Test (PBT) given by a representative of the City of Covington Safety/Risk Department or by utilizing industry best practices as determined by the certified screening test technician or certified breath alcohol technician who administers the test. All other Non-DOT alcohol tests will be performed utilizing industry best practices as determined by the certified screening test technician or certified breath alcohol technician who administers the test.

Non-DOT Pre-employment drug tests may be conducted using a five-panel split specimen key cup administered by a representative of the City of Covington Safety/Risk Department or by utilizing industry best practices as determined by the certified collector who administers the test. All other Non-DOT drug tests will be performed utilizing industry best practices as determined by the certified collector who administers the test. The certified collector will be required to utilize proper chain of custody, a Substance Abuse and Mental Health Services Administration ("SAMSHA") certified laboratory, and a Medical Review Officer ("MRO") as part of a holistic drug testing collection process.

Notification and Reporting

The employee will be notified by his/her supervisor or another appropriate City of Covington official that they are being subject to drug and / or alcohol testing and shall report immediately to the collection site. If the employee does not report to the testing site within 30 minutes of notification to report, then the employee will be notified by the City of Covington Drug Free Workplace Program Coordinator that he or she has refused to test.

Privacy

Procedures for collecting urine specimens shall allow individual privacy unless there is reason to believe that a particular individual may alter or substitute the specimen to be provided. Exclusive grounds for constituting a reason to believe that the individual may alter or substitute specimen are as follows:

- The employee has presented a urine sample that falls outside the normal temperature range (32-38C/90-100F).
 - the employee declines to provide a measurement of oral body temperature or the oral body temperature varies by more than 1C/1.8F degrees from the temperature of the specimen.
- The last urine sample provided by the employee was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration level below .2g/l.
- The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or dilute the sample (e.g., substitute urine in plain view, dye in specimen presented, etc.); or

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- The employee has previously been determined to have used a controlled substance without medical authorization and the particular test was being conducted under DOT agency regulation providing for return to duty or follow-up testing.

A higher-level supervisor of the collection site person or the City of Covington Drug Free Workplace Program Coordinator shall review and concur in advance with any decision by a collection site person to obtain a specimen under direction of a same gender collection site person based upon the circumstances previously described.

7. Test Refusals

As a covered employee, you have refused to test if you:

- (1) Fail to appear for any test (except a pre-employment test) within 30 minutes of notification to appear for drug testing.
- (2) Fail to remain at the testing site until the testing process is complete. However, an employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. However, an employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or the City of Covington for drug testing.
- (7) Fail to undergo a medical evaluation as required by the Medical Review Officer (“MRO”) or the City of Covington Drug Free Workplace Program Coordinator.
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer’s instructions to raise and lower clothing and turn around during a directly-observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or Medical Review Officer (MRO).
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions and referred to Employee Assistance Program (“EAP”).

8. Voluntary Self-Referral

Any employee who has a drug and/or alcohol abuse problem and has not been selected for reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the Human Resources Director or the City of Covington Drug Free Workplace Program Coordinator, who will refer the individual to the Employee Assistance Program (EAP”) for evaluation and treatment.

The EAP will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.

Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety-sensitive function and will not be allowed to perform such function until the employee is evaluated by EAP, completes an EAP-required program of education and/or treatment, and provides a negative return-to-duty drug and/or alcohol test result.

9. Prescription Drug Use

The appropriate use of legally prescribed drugs and non-prescription medications is not directly prohibited, however covered employees shall obtain the approval of the City of Covington Drug Free Workplace Program Coordinator before working in a “safety-sensitive function” while taking lawfully prescribed medications that are likely to impair normal physical and mental functions. The use of any legally prescribed substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported by the employee to the Safety/Risk Manager prior to performing any “safety-sensitive function”. Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties.

10. Contact Persons

For questions about the City of Covington’s anti-drug and alcohol misuse program, contact the City of Covington Drug Free Workplace Program Coordinator:

Name: Asher Dozier
Title: City of Covington Safety / Risk Manager
Address: 2194 Emory Street NW
Covington, GA 30014
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Appendix A

2018 Random Drug Testing Rates

Testing Pool	2018 Random Drug Testing Rate ** Minimum**	2018 Random Alcohol Testing Rate **Minimum**
Non-DOT Safety Sensitive	25%	10%
Federal Motor Carrier Safety Administration (FMCSA) Regulated	25%	10%
Pipeline & Hazardous Materials Safety Administration (PHMSA)	50%	N/A