


<p>RABUN COUNTY SHERIFF'S OFFICE</p>  <p>General Order Number: 2.10</p>	<p>Date of Issue</p> <p>2/23/2016</p>	<p>Effective Date</p> <p>2/23/2016</p>	<p>Revision Date</p>
<p>Subject: DRUG-FREE WORK PLACE</p>	<p>Amends:</p>	<p>Rescinds:</p>	
<p>Index as: Drug-Free Work Place, Drug and Alcohol Testing, Post Accident Testing, Random Drug Testing, Reasonable Suspicion Testing</p>	<p>State Certification Standards: 3.3a</p>		

PURPOSE

The purpose of this policy is to establish guidelines for maintaining a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988.

STATEMENT OF POLICY

It shall be the policy of the Rabun County Sheriff's Office to maintain a drug and alcohol-free workplace in order to provide a safe and productive work environment for all employees and to the community we serve. Furthermore, the use, sale, distribution, manufacture or possession of alcohol or drugs, paraphernalia, and/or the unauthorized use of prescription drugs on agency property, including agency vehicles, **is strictly prohibited**, except as required by the duties of the job.

DISCUSSION

The Rabun County Sheriff's Office recognizes its obligation to employees and the public to take reasonable steps to assure safety in the workplace and in the community. Alcohol and/or substance abuse have an adverse effect on safe, effective and productive job performance, and the Sheriff's Office recognizes that employees who are impaired in their ability to perform their jobs because of their use or abuse of drugs and alcohol, jeopardize the integrity of the workplace, place the public at risk, and jeopardize the overall mission of the Rabun County Sheriff's Office.

I. DRUG AND ALCOHOL TESTING

A. Random Testing

1. **All employees may be subjected to random, unannounced testing.** The selection of employees shall be made by randomly generating an employee identifier from a pool of Rabun County Sheriff's Office employees. Selections will be unannounced and spread reasonably throughout the calendar year. Employees will remain in the pool and subject to selection, whether or not the employee was previously tested. An employee may be tested for drug and alcohol anytime the employee is on duty.
2. Upon notification of their selection, employees are required to proceed to the collection site immediately and must complete testing within two hours of notification. Should a result be inconclusive, a re-test will be ordered and upon notification a supervisor will accompany the employee to the testing site.

B. Post -Accident Testing

1. **All** Rabun County Sheriff's Office personnel involved in a work related accident or automobile accident (regardless of fault) will be required to undergo drug and alcohol testing, regardless of injury to the employee.
2. Employees will be directed by their supervisor to proceed immediately to a testing site for breath and urine testing.
3. In the case of a worker's compensation injury, the employee may be directed and / or escorted to the designated location (e.g., medical facility, test site, worker's compensation panel physician) for the urine and breath test for drugs and alcohol.
4. Any employee, who is subject to post accident testing who fails to remain readily available for such testing, may be deemed to have refused to submit to testing. Any employee, who is subject to post accident testing and leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
5. Supervisors do not have discretion to waive post accident testing. Supervisors who waive or attempt to waive testing will be subject to disciplinary action.

Note: Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an 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.

C. Reasonable Suspicion Testing

1. For the purposes of this policy, reasonable suspicion shall be defined as objective evidence based upon specific or contemporaneous observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and or alcohol misuse.
2. Reasonable suspicion testing can be conducted any time the employee is on duty. Rabun County employees will be subject to a reasonable suspicion test when there are reasons to believe that drug or alcohol use is impacting job performance and safety. Observations must be made by a supervisor who is knowledgeable of the signs and symptoms of drug use and alcohol misuse, such as, but not limited to:
 - a. Slurred speech;
 - b. Unsteady gait;
 - c. Dilated pupils; and/or
 - d. Odor of alcohol or controlled substance.
3. Reasonable suspicion must be documented in writing at or near the time of observation. A written record of the observations leading to the reasonable suspicion for drug/alcohol testing must be prepared and signed by the supervisor making the observation. The Division Commander or designated representative must also approve the drug/alcohol testing.
4. Upon determination of reasonable suspicion, the supervisor shall take the employee aside to a private area and express his/her observations. The supervisor will confer with the Division Commander and the employee will be required to submit to a drug and or alcohol test in accordance with this policy.
5. Rabun County shall be responsible for transporting the employee to the testing site, to avoid placing the employee or others in a situation that might endanger the physical safety of the employee or the public. Employee will be removed from performing safety-sensitive functions pending the outcome of the test result(s).

D. Test Results

1. A positive test result will constitute disciplinary actions up to and including possible termination.
2. Positive test results are subject to review prior to the county being notified. A trained and licensed physician is to verify positive test results and determine if a medical reason exists for the result. If a verifiable medical reason does exist, the test result will be reported to the county as a negative. If a medical reason is unable to be verified, a positive test result will be reported to the county.
3. Should an employee wish to appeal a positive test result, a second test will be performed at the expense of the employee. The retest will be conducted from the original sample and must be requested within 72 hours of notification.

4. Probationary employees who test positive will be terminated.
5. Non-probationary employees may be allowed to return to work, but he or she must first complete a course of rehabilitation as prescribed by an approved counselor hired at the discretion of Rabun County.
6. Employees who are terminated under the provisions of this policy shall be provided with the names, addresses and telephone numbers of substance abuse professionals, counseling and treatment programs that can determine what assistance, if any, the employee may need to help him or her resolve any problems associated with substance abuse. Rabun County will not be responsible for any financial costs for treatment, evaluation, rehabilitation, or counseling. Rabun County also has no obligation to rehire terminated employees.

II. PRESCRIPTION OR LEGALLY OBTAINED DRUGS OR ALCOHOL

- 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 requirements for the employee's position in order to ensure proper use of the prescription medication while performing their duties.
- B. The employee shall be responsible for notifying his or her supervisor of any restrictions or medications that are sedating in nature or may affect/prevent the safe performance of the employees required duties.
- C. The supervisor will be authorized to reassign or send home the employee so as not to place the employee or the public at risk.
- D. The abuse of legally prescribed drugs shall be prohibited. Any employee whose job performance or attendance deficiencies result from abuse shall be subject to disciplinary actions. If an employee's behavior and/or job performance gives rise to a reasonable suspicion that the employee is abusing prescription drugs, the employee may be required to submit to drug testing and must not be permitted to return to duty.

III. REFUSAL TO TEST

- A. Any employee who refuses to submit to a drug and alcohol test will not be permitted to finish his or her shift, and may immediately be placed on administrative leave or may be subject to disciplinary action up to and including termination.
- B. The following are also considered a refusal to test, if the employee:
 1. Fails to appear for any test within a reasonable time, as determined by Rabun County, after being directed to do so;
 2. Fails to remain at the testing site until the testing process is complete;
 3. Fails to provide a urine specimen for any drug test;
 4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the provision of a specimen;

5. Provides a sample that does not meet required standards;
6. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
7. Fails or declines to take a second test the employer or collector has directed;
8. Fails to undergo a medical examination or evaluation as part of the verification process, or as directed by the Designated Employer Representative as part of the "shy bladder" procedures;
9. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process);
10. If the person administering the test reports that there is verified adulterated or substituted test result; and/or
11. Fails or refuses to sign required documents.

IV. RECORDS ACCESS

- A. The Rabun County Human Resources Department will maintain all testing records. The County will not release employee information except as specifically allowed. An employee may obtain copies of any records pertaining to his/her alcohol or drug use with a written request.
- B. Employee test results are kept confidential and only released to the Sheriff (or his designee), the Human Resources Director and substance abuse professionals. In order to release information to another party, the employee or applicant must sign consent to release the information, or a court order or subpoena must be obtained.

Note: A complete copy of the Rabun County Government Drug Testing Policy is available for inspection in Human Resources, upon request. Please contact Human Resources at 706-782-5271 if you have any questions or need further assistance.



By Order of the Sheriff: **Chad K. Nichols**
Sheriff, Rabun County