

**COFFEE COUNTY GOVERNMENT**  
**SUBSTANCE ABUSE POLICY STATEMENT**  
**June 12, 2012**

Coffee County Government is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment can be jeopardized if any Coffee County employee illegally uses drugs on or off the job, comes to work under their influence, possesses, distributes or sells drugs in the workplace, or abuses alcohol on the job. Therefore, Coffee County Government has established the following policy pursuant to T.C.A. Section 50-9-100 et. seq. and Rules and Regulations 0800-02-12.01 et. seq.:

1] It is a violation of the Coffee County Substance Abuse Policy for any Coffee County employee to use, possess, sell, trade, offer for sale, or offer to purchase illegal drugs or otherwise engage in the illegal use of drugs on or off the job.

2] It is a violation of the Coffee County Substance Abuse Policy for any employee to report to work under the influence of or while possessing in his or her body, blood or urine, illegal drugs in any detectable amount.

3] It is a violation of the Coffee County Substance Abuse Policy for any employee to report to work, be on duty, or operate any vehicle for Coffee County Government purposes under the influence of or impaired by alcohol.

4] It is a violation of the Coffee County Substance Abuse Policy for any employee to use prescription drugs illegally, i.e., to use prescription drugs that have not been legally obtained or in a manner for a purpose other than as prescribed. However, nothing in this policy precludes the appropriate use of legally prescribed medications.

5] It is a violation of the Coffee County Substance Abuse Policy for any employee to frustrate, interfere with, or tamper with the drug or alcohol testing process, which includes the switching, altering, or diluting of any urine sample submitted for testing.

6] Violations of this policy will result in disciplinary action up to and including termination.

**It is a condition of employment for an employee to refrain from reporting to work or working with the presence of drugs or alcohol in the employee's body.**

**A refusal of an employee to be tested for alcohol or prohibited drugs in accordance with this policy will be considered insubordination and will constitute grounds for immediate termination. Failing an alcohol or a drug test under this policy is strictly prohibited and will lead to disciplinary action up to and including termination.**

An employee who is not terminated may be mandatorily referred to substance abuse counseling and subsequent rehabilitation as described later in this policy. However, nothing in this policy shall be deemed to preclude Coffee County Government from taking steps to terminate any employee found to be in violation of any part of this policy.

It is the responsibility of the county's supervisors to counsel employees whenever they see changes in performance or behavior that suggest an employee has a drug problem. Although it is not the supervisor's job to diagnose personal problems, the supervisor should encourage such employee's to seek help. Everyone shares responsibility for maintaining a safe work environment, and co-workers should encourage anyone who has a drug problem to seek help.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and drug free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs and the abuse of alcohol are incompatible with employment at Coffee County Government.

#### **A. Drug Testing Procedures**

Drug testing under this policy consists of the analyzation of urine samples for the following six (6) drugs or classes of drugs: marijuana[cannabinoids], cocaine [benzoylecgonine], opiates [narcotics, heroin, codeine, morphine], amphetamines, phencyclidine ["PCP"], and methamphetamines. The initial test performed by the laboratory on the urine specimen will be the enzyme-multiplied-immunoassay ["EMIT"] screen which will be used to eliminate negative urine specimens. All specimens identified as positive on the initial test shall be confirmed by using gas chromatography/mass spectrometry ["GC/MS"] techniques for the same cutoff values identified in the Testing Procedures.

The collection of urine samples for drug testing under this policy will occur at the offices of a local laboratory selected by the county which has been designated as the primary drug testing site. A designated collection site will be any suitable location where a urine specimen can be collected under conditions set forth in the Procedures, including properly equipped mobile facilities. Personnel trained in the process of collecting the urine samples and seeing that correct chain-of-custody procedures are followed will be available at the collection site. Coffee County, or any subsequent contractor performing Coffee County's urine specimen collection, shall have all necessary personnel, materials, equipment, facilities, and supervision to provide

for the collection, security, temporary storage, and shipping of urine specimens to a certified drug testing laboratory designated by Coffee County. These personnel shall follow standard testing procedures to ensure that the drug test results of the urine samples are attributable to the correct employee and to preserve the integrity of the testing process and validity of the test results.

At all times and in all testing locations, a DHHS-certified laboratory, has been selected by Coffee County to perform the testing of urine samples collected under this policy. The laboratory shall provide services in accordance with standard testing procedures. In the event that a need arises for a confirmation of a positive result by another laboratory, another DHHS-certified laboratory will be selected from the published list of DHHS-approved laboratories in the Federal Registry or latest DOT publication.

After completion of all necessary drug tests, the designated laboratory will report the results of the drug test to Coffee County's Medical Review Officer ["MRO"], who will be responsible for reviewing the results of each drug test before they are reported to the county. First Utility District's designated MRO will be a licensed physician with knowledge of drug and alcohol abuse disorders. The MRO will be responsible for reviewing and interpreting each confirmed positive, adulterated, substituted, and invalid drug test result to determine if there is an alternative medical explanation provided by the individual to determine if the test result occurred from legally-prescribed medication or physiologic condition; and verifying that the laboratory report and assessment are correct. After conducting a verification interview with the individual whose test result is either positive, adulterated, substituted or invalid and reviewing the medical information provided by the individual, the MRO will either verify the positive result, verify the adulterated or substituted result as a refusal to test, or cancel the test. Coffee County Government has designated a local physician with experience in substance abuse testing, as its MRO.

A verified positive test or refusal to test will result in disciplinary action imposed under this Policy up to and including termination.

The cutoff level specified in the laboratory's testing procedures may be adjusted without notice to meet current laboratory standards.

## **B. Alcohol Testing Procedures**

Alcohol testing will be conducted using evidential breath testing ["EBT"] devices approved by the National Highway Traffic Safety Administration ["NHTSA"]. The locations for alcohol testing will afford sufficient privacy to the individual being tested to prevent unauthorized persons

from seeing or hearing test results. Coffee County [or its agents for alcohol testing] may utilize mobile collection facilities which meet the privacy requirements.

A screening test will be performed by a qualified breath alcohol technician [“BAT”] utilizing an EBT. Any screening test with an alcohol concentration less than 0.04 percent is considered a negative test, and no further action will be taken. However, if the alcohol concentration in the screening test is 0.04 percent or greater, a second or confirmation test will be conducted after a 15-minute waiting period. The confirmation test must be performed no sooner than 15 minutes and no later than 30 minutes after the initial screen.

The confirmation test result is deemed to be the final result upon which any disciplinary action will be taken under this policy. The employee and BAT will complete and sign an alcohol testing form and the BAT will report the test results to the Medical Review Officer. Employees testing 0.04 or above are in violation of this policy and will be subject to disciplinary action up to and including termination.

### **Legal and Prescribed Drugs**

Due to the need to provide a safe workplace, employees who are prescribed drugs or medications by a health care provider that may affect their physical or mental capacities to perform their job must inform either their supervisor or a manager of their use of such drugs or medications. These drugs or medications may include but are not limited to muscle relaxers, tranquilizers, or mind-altering drugs or medications. An employee may continue to work even though under the influence of a legal drug if the county has determined after consulting with a county physician, that the employee does not pose a threat to his or her own safety or to the safety of co-workers, and that the employee’s job performance is not significantly affected by the legal drug. Otherwise, the employee may be required to take a leave of absence or comply with other appropriate action as determined by the county.

An employee may not possess or ingest prescription drugs which may cause impairment or create dangerous situations in the workplace without an appropriate prescription issued to the employee. A violation of this provision may subject the employee to discipline, including termination. If the employee’s personal prescribing physician determines that working while taking the medication will create a safety risk, the employee is directed to (1) advise his or her supervisor of any safety risks so that accommodations can be made and the assignment of steps can be taken to eliminate the risks, or (2) not report to work while taking any required medication which prevents the employee from performing in a safe manner. Violation of any of the foregoing requirements will lead to disciplinary action up to and including termination.

It is the responsibility of any employee who drug tests positive to inform the MRO of any prescription or non-prescription drug use that may have affected the results of the test. The purpose of this disclosure is to assist the MRO in determining whether such prescription or non-prescription drug use is the source of any positive test results. Any records of prescription drug use in the possession of the MRO will be maintained in a confidential manner and disclosed to Coffee County only to the extent necessary to address any work-related safety risks.

### **General Procedures**

Any employee reporting to work visibly impaired will be deemed unable to perform required duties and will not be allowed to work. If possible the employee's supervisor will first seek another supervisor's opinion to confirm the employee's status. Next, the supervisor will consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. If, in the opinion of the supervisor, the employee is considered impaired, the employee will be escorted by the Supervisor, or another employee, if necessary, to the designated drug testing facility. An impaired employee will not be allowed to drive.

### **Opportunity to Contest or Explain Test Results**

Employees and job applicants who have a positive confirmed drug or alcohol test result may explain or contest the result to the medical review officer [MRO] at the designated drug testing facility within five(5) working days after receiving written notification of the test result from the medical review officer; if an employee's or job applicant's explanation or challenge is unsatisfactory to the MRO, the MRO shall report a positive test back to the District; a person may contest the drug test pursuant to rules adopted by the Tennessee Department of Labor. Rule 0800-02-12-10.

### **Confidentiality**

The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained, except as otherwise provided by law.

### **Pre-Employment Screening**

All employment applicants of Coffee County Government will undergo testing for substance abuse as a condition of employment. Any applicant with a confirmed positive test result will be denied employment. Failure to consent to this test will be considered a withdrawal of the application.

Applicants will be required to submit voluntarily to a urinalysis test at the designated drug testing facility chosen by the county, and by signing a consent agreement which will release Coffee County Government from liability.

If the physician, an official or lab personnel has reasonable suspicion to believe that the job-applicant has tampered with the specimen, the applicant will not be considered for employment.

Coffee County Government will not discriminate against applicants for employment because of a past history of drug or alcohol abuse. It is the current illegal use of drugs and/or abuse of alcohol, preventing employees from performing their jobs properly, that Coffee County will not tolerate.

### **Employee Drug Testing**

Coffee County has adopted testing practices to identify employees who illegally use drugs on or off the job, or who abuse alcohol on the job. It shall be a condition of employment for all employees to submit to substance abuse testing under the following circumstances:

1. When there is reasonable suspicion to believe that an employee is illegally using drugs or abusing alcohol. "Reasonable suspicion" is based on a belief that an employee is using or has used drugs or alcohol in violation of the employer's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon, but not limited to, the following:
  - (A) Observable phenomena while at work such as direct observation substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse;
  - (B) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
  - (C) A report of substance abuse provided by a reliable and credible source;
  - (D) Evidence that an individual has tampered with any substance abuse test during his or her employment with Coffee County;
  - (E) Information that an employee has caused or contributed to an accident while at work;  
or
  - (F) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.
  - (G) Evidence that an employee has used drugs prescribed to a person other than the employee.

2. When employees have caused or contributed to an on-the-job injury that resulted in a loss of work time, which means any period of time during which an employee stops performing the normal duties of employment and leaves the place of employment to seek care from a licensed medical provider. An employer will send employees for a substance abuse test if they are involved in on-the-job accidents where personal injury or damage to county property occurs.
3. When random drug tests are conducted for active employees as described below.
4. As part of a follow-up program to treatment for drug or alcohol abuse.
5. Routine fitness-for-duty drug or alcohol testing. A covered employer must require an employee to submit to a drug or alcohol test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination where the examinations are required by law, regulations, are part of Coffee County's established policy, or one that is scheduled routinely for all members of an employment classification group.

### **Alcohol Testing**

The consumption or possession of alcoholic beverages on the county's premises is prohibited. An employee whose normal faculties are impaired due to alcoholic beverages, or whose blood alcohol level tests .04% while on duty/District business shall be guilty of misconduct, and shall be subject to discipline up to and including termination.

### **Random Testing**

Under this Policy, all employees including elected officials are subject to random drug testing at a rate equal to twenty percent (20%) of the total employees employed on an annual basis. The "annual basis" will follow the calendar year, so that all random testing percentages are based on January 1 through December 31 of each calendar year. The process will be unannounced as well as random. The frequency of testing dates will vary, and testing will be reasonably spread throughout the year. Employees will be notified that they have been selected for random testing after they have reported for duty on the day of collection.

The selection of employees for drug testing under this part will be done using a random number table, a computer-based random number generator that is matched with an employee's social security number or other appropriate identification number, or other process that is determined to be purely random in its selection of employees for testing.

If an employee refuses to submit to random drug testing, the refusal will be considered insubordination and necessary procedures will be taken to terminate the employee. An employee who tests positive on the random drug test will be subject to disciplinary action up to and including termination.

Safety sensitive positions are the only positions that will be subject to Random Testing. The following departments are safety sensitive and will be subject to random testing:

**Emergency Personnel-EMS**  
**Sheriff Department/ Jail- All Certified Officers and Corrections**  
**Communication Center**  
**EMA**  
**Animal Control**  
**Codes Department**  
**Maintenance Department**  
**Health Department**

### **Refusal to Submit**

Failure to submit to a required substance abuse test is misconduct, and the employee shall be subject to discipline up to and including termination.

**It is a condition of employment in a drug-free workplace for an employee to refrain from reporting to work or working with the presence of drugs or alcohol in his or her body and if an injured employee refuses to submit to a test for drugs or alcohol, the employee forfeits eligibility for workers' compensation medical and indemnity benefits.**

### **Voluntary Reporting of Substance Abuse**

Employees are reminded that Coffee County's group health insurance plan may provide substance abuse counseling or treatment for our employees. Coffee County strongly encourages employees misusing alcohol or using illegal drugs to voluntarily refer to themselves to a counseling or rehabilitation program. An employee may place a confidential call to the County Drug Free Coordinator for assistance in getting an appointment with a professional counselor or rehabilitation program. If an employee voluntarily reports a substance abuse problem prior to the occurrence of the circumstances warranting drug testing or disciplinary action, the county will support the employee's efforts toward rehabilitation through the following:

- (A) The employee may request a leave of absence, if eligible.
- (B) The cost of treatment not covered by company benefits will be the responsibility of the employee.
- (C) The county will require documentation of the treatment program (must be treatment from a certified treatment facility for drug and alcohol abuse) and periodic certification that the employee has followed through with the prescribed program.
- (D) Employees completing voluntary treatment may be required to consent to periodic testing thereafter, for up to twelve (12) months without notice.

Coffee County reserves the right to mandatorily refer an employee to substance abuse counseling when work performance or the ability to safely perform in the employee's position has been affected by alcohol or prohibited drugs, or when the employee has otherwise violated



this policy. An employee who fails either an alcohol or drug test, and who is not terminated, will be mandatorily referred to a substance abuse professional. In the case of a mandatory referral, substance abuse counseling is not confidential, and the employee will be required to sign a release authorizing the substance abuse professional to furnish Coffee County with appropriate information concerning the nature of the employee's substance abuse problem, and the employee's participation, progress and completion or failure to complete the program designed by the substance abuse counselor or treatment center. If Coffee County decides to terminate an employee for violating this policy, the employee is not eligible for counseling or rehabilitation. The costs of counseling, treatment, or rehabilitation for a voluntary or a mandatory referral may be covered under Coffee County's group health insurance plan, subject to the eligibility requirements, limitations, and conditions of the plan. **All costs of counseling, treatment, and/or rehabilitation, whether or not incurred as a result of a voluntary or mandatory referral that are not paid or covered by the county's health insurance plan will be the responsibility of the employee.**

Disciplinary action related to the actions giving rise to a violation of Coffee County's Substance Abuse policies may occur prior to, during or following an employee's participation in counseling or rehabilitation program. Employees returning to work following counseling or rehabilitation for alcohol or drug abuse will be subject to a Return-to-Work Agreement to help ensure the employee continues to follow the treatment or recommendations of the substance abuse professionals. A Return-to-Work Agreement will specify the circumstances and conditions of the employee's return to duty including, among other things, follow-up drug and alcohol testing and the requirement that the employee follow any recommended rehabilitation and after-care program. Failure of the employee to comply and complete the recommended treatment program outlined by a substance abuse professional or rehabilitation facility, or any other violation of the Return-to- Work Agreement, will lead to disciplinary action up to and including termination.

An employee who is permitted and approved to enter a rehabilitation program will be allowed to use any accumulated paid time off that the employee had accrued prior to the time of entering the rehabilitation program. If no paid days are available, the employee may be approved for absence without pay as long as the employee is continuing in the rehabilitation program. Time spent in a rehabilitation program will count toward the employee's entitlement under the Medical Leave policy, if it applies.

**Employee assistance is available by contacting the following agency:**

Magellan Health Services

1.855.HERE.4.TN or 1.855.437.3486

**Important Information for Job Applicants and Employees**

When an employee or job applicant submits to a drug and/or alcohol test, they may be given a form by the specimen collector that contains a list of common medications and substances which may alter or affect the outcome of a drug or alcohol test. This form will also have a space for the donor to provide any information that he/she considers relevant to the test, including the identification of currently or recently used prescription or non-prescription medication or other relevant information. The medical review officer (MRO) at the designated drug testing facility will take this information into account when interpreting any positive confirmed test results. The information provided shall be treated as confidential and will not be given to the employer. All employees and job applicants have a right to consult with the medical review officer (MRO) for technical information regarding prescription and non-prescription medicine.

Employees must notify the laboratory of any administrative or civil action brought pursuant to T.C.A. 50-9-100 et.seq. and Rules and Regulations 0800-02-12.01 et.seq.

### **Criminal Charges and Convictions**

Any employee who is **criminally charged** with or **convicted** of a drug-related offense or with violating a criminal law related to operating a motor vehicle under the influence of alcohol, while on or off-duty or off county property, must report the charge or conviction to the employee's supervisor no later than five(5) days after the individual has been charged with or convicted of such an offense. If an employee who drives Coffee County vehicles or equipment has his or her license suspended, revoked or canceled because of a criminal offense, or if the employee is otherwise disqualified from driving due to such an offense, the employee must notify the county Drug Free Coordinator before the end of the business day following the day the notice was received. Failure to comply with these reporting requirements will lead to disciplinary action up to and including termination. Coffee County will investigate the circumstances of the charge or conviction and, depending upon the circumstances, the charge or conviction could result in disciplinary action up to and including termination.

### **Right to Inspection**

Coffee County retains the right, based upon the reasonable suspicion of a violation of this policy or other legitimate business reason, to search an employee's office, desk, locker and other county property under the control of the employee, as well as employee's personal effects in or on county property, such as parcels, packages, purses, lunchboxes, briefcases and employee vehicles located in county designated parking areas.

Reasonable suspicion sufficient to justify a search may be based upon a clear and reasonable belief, through observation or information provided by a reliable and credible source, that alcohol is being used or prohibited drugs are being possessed, distributed, sold or used while on duty, while operating county vehicles or equipment, while on county property, or that an employee is otherwise violating this policy. A decision to search should be made by a supervisor

in consultation with the County Mayor and the search should be conducted by them or their respective representatives.

In certain circumstances, however, an immediate search may be necessary. Generally, an immediate search is necessary where it is likely that the object of the search may be removed, altered or destroyed before a more thorough evaluation of the situation can be made. If an immediate search is conducted, the purpose of the search should be explained to the affected employee if the employee is present at the time of the search, in any event, at least two members of management should be present to observe and conduct the search. Any alcohol, drugs or paraphernalia which is discovered should be marked for identification and turned over to the county Drug Free Coordinator at the earliest possible moment.

An employee who refuses to allow a search of his or her personal property or vehicle parked in Coffee County's designated parking areas will be charged with insubordination and will be subject to immediate termination. Searches of County property under the control of an employee (e.g., offices, desks, filing cabinets, lockers, etc.) are subject to being conducted without notice to the employee once the reasonable suspicion or legitimate business reason standard has been satisfied.

In addition to the foregoing, Coffee County reserves the right, where it deems appropriate, to use trained drug-detection dogs and law enforcement personnel to detect prohibited drugs. Identification of the presence of prohibited drugs by the trained dogs will constitute individualized reasonable suspicion to allow the County to search any property in accordance with and pursuant to the foregoing part, and in addition, to request that the employee submit to a reasonable suspicion drug or alcohol test.

Possession of open containers (i.e., containers with broken seals, open containers of beer, etc.) of alcoholic beverages or possession of illegal drugs while on duty, whether on or off County property, is a violation of this policy and constitutes grounds for immediate termination.

### **Effective Date**

This policy will be effective June 13, 2012 and from that date forward, Tenn. Code Ann. 50-6-110(c) applies to this employer. Testing under this policy will begin no earlier than August 31, 2012.



## **COFFEE COUNTY GOVERNMENT SUBSTANCE ABUSE POLICY ACKNOWLEDGEMENT FORM**

I do hereby certify that I have received and read the Coffee County substance abuse and testing policy and have had the drug-free workplace program explained to me. I understand that if my performance indicates it is necessary, I will submit to a drug and/or alcohol test. I also understand that failure to comply with a drug and/or alcohol testing request or a positive confirmed result for the illegal use of drugs and/or alcohol may lead to discipline up to and including termination of employment and/or loss of worker's compensation benefits.

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Name of Employee(please print)

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Employee's Signature

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Date

