

A RESOLUTION AMENDING THE CITY OF MAYSVILLE HUMAN RESOURCE POLICY AND PROCEDURES MANUAL; ESTABLISHING PROTOCOLS FOR MANDATORY DRUG TESTING; ENHANCING PUBLIC SAFETY, AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the City of Maysville (the "City") is a municipal corporation duly organized and existing under the laws of the State of Georgia

WHEREAS, the duly elected governing authority of the City is the Mayor and Council thereof

WHEREAS, the City has a vital interest in maintaining a safe, healthy and efficient working environment free from the adverse effects of employee drug and alcohol abuse;

WHEREAS, the City finds that this Resolution will enhance the safety of City residents and the City's employees; and


WHEREAS, this Resolution is in the best interests of the health, safety, and general welfare of the City and its employees, residents, and visitors.

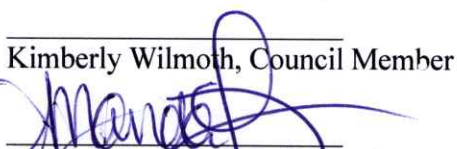
NOW THEREFORE, IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MAYSVILLE:

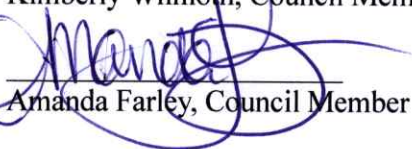
- I. **[See Drug Testing Policy as attached.]**
- II. All policies or parts of policies in conflict with this Resolution are repealed.
- III. Should any provision of this policy be rendered invalid by a court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the City Council.
- IV. This Ordinance shall take effect November 4, 2024.

RESOLVED this 4 day of November, 2024.

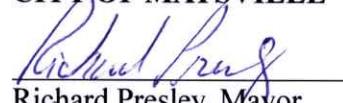
ATTEST

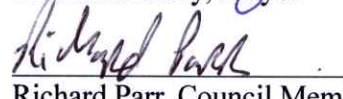

Kim Jackson, City Clerk


Kimberly Wilmoth, Council Member


Amanda Farley, Council Member

CITY OF MAYSVILLE


Richard Presley, Mayor


Richard Parr, Council Member


Brodrich Jackson, Council Member

SUBSTANCE ABUSE POLICY

Policy Statement

It is the position of **CITY OF MAYSVILLE** that alcohol and controlled substance abuse is a significant health problem in the United States today. The costs involved with this problem include human costs, such as lost jobs, morale problems, injuries, illnesses, and deaths, as well as economic costs, such as property damage, absenteeism, tardiness, lost productivity, increased health insurance costs, and the costs involved in replacing and retraining new employees. Further, 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 **CITY OF MAYSVILLE** to provide safe and effective public service. To meet this objective, the problem of alcohol and controlled substance abuse must be identified, confirmed and defeated. In order to achieve this, **CITY OF MAYSVILLE** 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 16-13-21(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 evaluates 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 MAYSVILLE** buildings or on **CITY OF MAYSVILLE** 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.

Types of testing to be implemented

- 1) **Pre-employment testing:** Because substance abuse is not easily detectible in an applicant without the provision of a drug and alcohol screening, and because the safety and health of employees and the health and safety of citizens depend upon a workforce free from drug and alcohol abuse, 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. All job applicants shall be informed in advance that such testing shall be required, and postings for all jobs shall include a notice of this testing requirement. Pre-employment testing shall take place only after an offer of employment has been made but before employment actually commences.
- 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 department head and the personnel director.
- 3) **Drug and/or alcohol screening test based on reasonable suspicion:**
 - a. An 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 immediately before, during or immediately after 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 a 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 of 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 and shall complete the form entitled *Observation Checklist* (Exhibit A).
- 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 facts underlying the determination of reasonable suspicion shall be disclosed to the employee 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.
- f. 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 **MAYOR**

- 4) **Testing after accidents or injury:** An employee in a safety sensitive position, an employee involved in the interdiction of illegal drugs, or an employee who, in his/her job duties, is given unsupervised custody of prisoners or contraband shall be subject to a drug and alcohol test conducted when, while on duty or just prior to going on duty:
- 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.

Prescription drug use

- 1) Any Employees 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.
- 2) 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 personnel director.
- 3) Employees and job applicants shall at the time of testing provide the testing laboratory 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.

Consent

Before a drug and alcohol test is administered, employees and job applicants will be asked to sign a *Consent Form* (Exhibit B) authorizing the test and permitting release of test results to the employer and the Medical Review Officer. The consent form shall provide a space for employees and job applicants to acknowledge that they have been notified of the requirements of this policy.

Refusal to consent

- 1) Job applicants: Any applicant for a position for which pre-employment drug and/or alcohol screening is permitted by law who refuses to consent to a drug and/or alcohol test shall be denied employment, and any conditional offer of employment shall immediately be rescinded.
- 2) Employees: Any employee who refuses to sign the required consent form or to submit to a drug and/or alcohol test as required shall be deemed to have violated this policy.
- 3) No show: 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 shall be deemed to have violated this policy. A “no show” shall include any attempt to adulterate a test sample or otherwise frustrate, impair, or otherwise impede the testing process.

Testing laboratory guidelines

- 1) 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.
- 2) 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.

- 3) 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 presence of drugs or alcohol, the test result is considered a Confirmed

Positive Result.

Confidentiality of test results

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, personnel director and those with a need to know at the discretion of the department head. 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.

Violations of this policy

Any violation of this policy shall be handled in a manner consistent with disciplinary procedures.

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

Employees shall report to his or her department head within five (5) working days 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.

EXHIBIT A

OBSERVATION CHECKLIST

Physical Signs or Conditions

1. Walking

- Stumbling
- Swaying
- Staggering
- Holding On
- 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
- Stains on clothing
- Having odor
- Neat
- Clean

8. Breath

- Alcoholic odor
- Faint alcoholic odor
- No alcoholic odor

9. Accidents

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

**EXHIBIT B
PRE-EMPLOYMENT DRUG TESTING
CONSENT AND RELEASE FORM**

I hereby consent to submit to urinalysis and/or other tests as shall be determined by **CITY OF MAYSVILLE** in the selection process of applicants for employment, for the purpose of determining the drug content thereof.

I hereby acknowledge that I have been notified of the requirements the **CITY OF MAYSVILLE's** Substance Abuse Policy.

I agree that **CITY OF MAYSVILLE** may collect these specimens for these tests and may test them or forward them to a testing laboratory designated by the **CITY OF MAYSVILLE** for analysis.

I further agree to and hereby authorize the release of the results of said tests to **CITY OF MAYSVILLE**.

I understand that it is the current use of illegal drugs that prohibits me from being considered for employment with **CITY OF MAYSVILLE**.

I further agree to hold harmless **CITY OF MAYSVILLE** and its agents (including the above named physician or clinic) from any liability arising in whole or in part, out of collection of specimens, testing, and use of the information from said testings in connection with **CITY OF MAYSVILLE's** consideration of my application of employment.

I further agree that a reproduced copy of this pre-employment consent and release form shall have the same force and effect as the original.

I have carefully read the foregoing and fully understand its contents. I acknowledge that my signing of this consent and release form is a voluntary act on my part and that I have not been coerced into signing this document by anyone.

Applicant:
Print Name: _____ SS# _____

Applicant:
Signature: _____ Date: _____

Witness Printed Name: _____

Witness Signature: _____

Guardian Signature (if applicant/employee under 18): _____

- | | |
|---|---|
| <input type="checkbox"/> DRUG TEST | <input type="checkbox"/> PRE-EMPLOYMENT |
| <input type="checkbox"/> BLOOD ALCOHOL | <input type="checkbox"/> CAUSE/REASONABLE SUSPICION |
| <input type="checkbox"/> BREATH ALCOHOL | <input type="checkbox"/> POST-ACCIDENT |
| | <input type="checkbox"/> RANDOM |
| | <input type="checkbox"/> FOLLOW-UP TREATMENT |
| | <input type="checkbox"/> OTHER _____ |

EXHIBIT C
SAFETY SENSITIVE POSITIONS

Employees who pose a risk of substantial bodily harm to while performing their duties or using the equipment provided.

[INSERT LIST OF SAFETY SENSITIVE POSITIONS]