



Drug-Free Workplace Policy

Effective Date: May 1989

BOC Amended: 6/1989; 6/1992; 12/1994; 9/1998; 12/1999; 6/2004; 2/2007; 12/2001; 9/2021

Owner	Board of Commissioners
Reviewer(s)	Human Resources Department
Approver(s)	Chief Human Resources Officer
Related Policies	Employment Policy Motor Vehicle Reports Policy Conduct and Performance Policy Family Medical Leave Policy
Related Standards	Civil Service Rules and Standards
Storage Location	iCobb
HR Last Review Date	09/2023
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HR Review Cycle	2 years

1. PURPOSE

To provide regulations concerning misuse of drugs and alcohol by County employees.

2. SCOPE

Board of Commissioners' Employees.

3. GOVERNING LAWS, REGULATIONS & STANDARDS

Guidance	Section
Georgia Code Title 16. Crimes and Offenses	Schedules I-V of O.C.G.A. §§16-13-25 through 16-13-29 Schedules I-V of 21 C.F.R. Part 1308
Georgia Code Title 24 – Labor and Industrial Relations	Chapter 9, Article 11 – Drug-Free Workplace Programs (§34-9-414)
Drug Free Workplace Act of 1988	41 U.S.C. 81
Omnibus Transportation Employee Testing Act of 1991	
Federal Motor Carrier Safety Administration (FMCSA) – Controlled Substances and Alcohol Use and Testing	CFR, Title 49, Subtitle B, Chapter 3(B), Part 382
And all other applicable laws and regulations	

4. DEFINITIONS

- A. Controlled Substances – refers to substances covered in Schedules I-V of O.C.G.A. §§16-13-25 through 16-13-29 and Schedules I-V of 21 C.F.R. Part 1308, as either may be amended. Included are marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).
- B. Habitual Violator (HV) – In Georgia, a habitual violator is any person(s) who has been arrested and convicted within the US three (3) or more times within a five-year period of time, as measured from the dates of previous arrests for which convictions were obtained to the date of the most recent arrest for which a conviction was obtain.



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- C. Medical Review Officer (MRO) – A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluation medical explanations for certain drug test results.
- D. Reasonable Suspicion – The belief that an employee is using or has used alcohol or drugs in violation of the policy drawn from specific objective and articulable facts and reasonable inferences.
- E. Substance Abuse Professional (SAP) – A person who evaluates employees who have violated a drug and alcohol program regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

5. POLICY

Cobb County seeks to provide a safe and productive work environment for County employees, free from alcohol and misuse of drugs. The County is committed to complying with federal laws and regulations related to the Drug Free Workplace Act of 1988, as amended, and the Omnibus Transportation Employee Testing Act of 1991, as well as to ensuring safe operations where individuals are engaged in safety-sensitive job classifications. Cobb County seeks to maximize productivity without experiencing the costs, delays and tragedies associated with work-related accidents as a result of alcohol and substance-abuse.

A. Background

The County recognizes alcohol and drug abuse as a potential health, safety and security problem. The use of alcohol and/or drugs in the workplace and otherwise can seriously injure the health of employees, adversely impair the performance of their duties, and endanger the safety and well-being of fellow employees, citizens, and others. Health risks generally associated with alcohol and drug abuse can result in, but are not limited to: a lowered immune system, damage to critical nerve cells, physical dependency, lung damage, heart problems, liver disease, physical and mental depression, increased infection, irreversible memory loss, personality changes, and thought disorders.

B. Condition of Employment

Employees must, as a condition of employment, abide by the terms of this Policy.

Any employee for whom driving is an essential function who has been issued a citation for, been convicted of, and/or has had his/her license suspended, restricted, or revoked for driving under the influence (DUI) of drugs or alcohol and/or convicted as a habitual violator (HV), whether for conduct occurring on personal time or during work hours, must immediately report the matter to the employee's Department/Agency Head. (Further reporting requirements related to driving offenses are set forth in the Employment Policy and MVR Policy.)

C. General Prohibitions

It is against policy to:

- To manufacture, distribute, dispense, possess, purchase, consume, or sell controlled substances and/or alcohol on County property, at any County activity, or in a County-owned or leased vehicle, unless otherwise authorized by action of the Board of Commissioners or assigned as a work responsibility of the employee.
- To utilize prescription drugs or over the counter medications in a manner other than as prescribed or recommended on County property, at any County activity, or in a County owned or leased vehicle, including use by anyone other than the person for whom the drugs were prescribed.
- To provide direction or otherwise represent the County when under the detrimental influence of alcohol, prescription drugs, or over the counter medication, whether or not on County property, during regular business hours, at any County function, or in a County leased or owned vehicle.



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D. Controlled Substances

Controlled substances as used in this policy refers to those covered in Schedules I-V of O.C.G.A. §§16-13-25 through 16-13-29 and Schedules I-V of 21 C.F.R. Part 1308, as either may be amended. Included are marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

E. Discipline

Violations of this policy will result in disciplinary action, up to and including termination, and may have resulting criminal consequences. Disciplinary action may include a requirement for successful completion of an approved treatment plan. Employees must, as a condition of employment, abide by the terms of this policy.

F. Addressing Concerns

Any employee who has a concern about the manufacture, distribution, dispensing, possession, purchase, use, abuse or sale of alcohol, controlled substances and/or prescriptions and over-the-counter medications should immediately contact one of the following resources for assistance:

1. The Employee Assistance Program (EAP) regarding intervention and/or for referrals on treatment and related issues;
2. Human Resources and the appropriate Law Enforcement Agency to report incidents of illegal activity; and/or
3. The Human Resources Department or County Attorney's Office for assistance on the disciplinary process or policy-related issues.

G. Duty to Report Criminal Conviction

Employees must report any arrest and/or criminal conviction related to drug activity to the Chief Human Resources Officer within three (3) calendar days/72 hours after the arrest and/or conviction. Such notification of a conviction may result in disciplinary action, up to and including termination.

H. Drug-Free Awareness Program

The County has established a drug-free awareness program to educate employees about the dangers of alcohol and drug abuse in the workplace. As part of this program, the County provides all employees with a copy of this policy, which includes information concerning penalties that may be imposed for violations of the policy. Information regarding alcohol and drug abuse, drug counseling, treatment and rehabilitation, and employee assistance programs periodically will be supplied to employees. Furthermore, the County provides ongoing training for managers and supervisors responsible for the administration and enforcement of this policy, including training to determine whether reasonable suspicion exists to require testing and the availability of assistance for employees.

I. Employee Assistance

The County strongly encourages employees with drug or alcohol problems to seek professional advice and assistance before the problem leads to an incident requiring disciplinary action. Confidential assistance will be offered to employees who voluntarily identify themselves to an immediate supervisor, department, the County Employee Relations Specialist, or the County Chief Human Resources Officer as needing assistance with an alcohol or drug problem. Help is available through referrals to the Employee Assistance Program (EAP) or through other appropriate resources.

The County will use its best efforts to work with individuals who identify themselves as needing assistance and will seek to accommodate such persons for a reasonable time to permit evaluation, treatment, and rehabilitation. However, participation in a treatment or rehabilitation program does not preclude normal



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disciplinary action for violations of this policy or relieve an employee of responsibility for satisfactorily performing assigned duties.

The self-identification program may not be utilized to interfere with required testing. (For example, an employee may not identify him/herself as unfit to perform work after having been notified of a random or reasonable suspicion test and expect to avoid the consequences for a positive test or a refusal to test.)

Time away from work for treatment and rehabilitation may qualify for Family Medical Leave (FMLA). Contact the Human Resources Department for more information.

J. Records

The County, testing laboratories, Medical Review Officer(s) and Substance Abuse Professional(s) shall maintain in strict confidence all records developed and/or acquired in pursuing this policy. Such records may be released only as provided for by law or in accordance with federal regulations. Employees who wish to obtain copies of their testing results should contact the County's drug testing vendor.

K. Inquiries

Employee questions concerning this policy should be addressed to the Chief Human Resources Officer, who has been designated as the program coordinator to implement and maintain the alcohol and drug-testing program of the County within the guidelines of this policy and federal regulations.

L. Confidentiality

Employees should treat testing information and results as confidential and hold it in the strictest confidence. Unless the information needs to be conveyed for a business purpose, the information should not be discussed or shared with other employees.

6. PROHIBITIONS FOR ALL EMPLOYEES

A. Applicants

No applicant for a job or position requiring a pre-employment screening, ~~test~~ including an employee seeking a transfer or promotion into that position, with a result showing an alcohol concentration of **0.02 or greater** or a positive controlled substances test will be selected for that job or position. Applicants who are denied employment for this reason may re-apply **after six (6) months** from the date of the test.

B. Employees

Any employees in violation of using alcohol or controlled substances will be subject to severe disciplinary action, up to and including termination.

For the purposes of this policy, "on duty" means all time from the time an employee begins to work or is required to be in readiness to work (e.g. on call), until the time he/she is relieved from work and of all responsibility for performing work. An employee is considered to be "on duty" during all time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with any required testing procedure under this policy.

Any supervisor with actual knowledge that an employee is in violation of any of the prohibitions of this section shall not permit the employee to perform or continue to perform job-related duties.

1. Alcohol Prohibitions

(a) Alcohol Possession

It is against policy to manufacture, distribute, dispense, possess, purchase, consume, or sell alcohol on County property, at any County activity, or in a County-owned or leased vehicle, unless otherwise authorized by action of the Board of Commissioners or assigned as a work responsibility of the employee.



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(b) Alcohol Concentration

No employee shall report for duty or remain on duty while having an alcohol concentration of **0.02 or greater**.

No employee tested pursuant to this policy with an alcohol concentration of **0.02 or greater** shall remain on duty.

Regardless of disciplinary action, no employee tested pursuant to this policy with an alcohol concentration of **0.02 or greater** may perform any duties until the start of the employee's next regularly scheduled work period, which **shall be not less than 24 hours** following administration of the test.

(c) Pre-Duty Use

No Cobb County employee, including those whose jobs are classified as safety sensitive, shall perform safety-sensitive functions, or engage in the duties of a safety-sensitive job classification **within four (4) hours after** using alcohol.

(d) On-Duty Use

No employee shall use alcohol while on duty or while performing duties of his/her position.

(e) Use Following Accident

No employee required to take a post-accident alcohol test shall use alcohol for **eight (8) hours** following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

(f) Positive Test Results

An employee who is waiting on confirmation of a reasonable suspicion test or an employee that has tested positive on the instant test will be placed on administrative leave until an investigation of the circumstances is completed and/or lab tests have been confirmed. In no event shall an employee report for duty, remain on duty or perform the functions of his/her position **within 24 hours** of the time the employee tested positive for alcohol in violation of this policy. Positive results will subject an employee to disciplinary action, up to and including termination. For Category II employees, those who have an alcohol concentration of 0.04 or greater, or those who refuse to submit to a test, in addition to discipline will also be referred to the EAP, even if the employee will be terminated.

(g) Refusal to Submit to Required Test

No employee shall refuse to submit to a required alcohol test under this policy. Behavior that also constitutes a refusal to submit to a required test includes inability to provide sufficient quantities of breath, saliva, or urine to be tested without a valid medical explanation. A refusal to submit to testing will result in the same consequences as if the employee had submitted to the test and the result was positive.

(h) Tampering

No employee shall tamper with the specimen or testing equipment. A determination as to whether the tampering has occurred will be made by the testing personnel, physician, or responsible lab personnel. If it is determined that the specimen or equipment was tampered with by or on the behalf of the tested employee, the consequences shall be the same as a positive test.

2. Drug Prohibitions

(a) General Prohibition

No employee shall manufacture, distribute, dispense, possess, purchase, use, consume, and/or sell controlled substances (including prescription drugs used illegally) while on duty, on County property, at any County activity, and/or in County owned or leased vehicle.



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No employee shall use or abuse controlled substances, prescription medications or over-the-counter medications while on duty, on County property and/or in a County-owned or leased vehicle such that the employee's ability to perform the duties of his/her position and conduct himself/herself appropriately is negatively affected.

(b) Pre-Duty Use

No employee shall report for duty when the employee has used any controlled substance, prescription medication or over-the-counter medication, except when the use is in strict accordance with the recommended dosage instructions and/or instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect his/her ability to safely perform the duties of his/her position and/or according to the required dosage instructions.

(c) On-Duty Use

No employee shall use any controlled substance while on duty, or remain on duty when he/she has used any controlled substance, except when the use is in strict accordance with the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect his/her ability to safely perform the duties of his/her position and/or according to the recommended dosage instructions. The abuse and/or inappropriate use of legally prescribed drugs or over-the-counter medication is ~~are~~ prohibited while on duty.

(d) Employee Duties When Using Prescription or Over-the-Counter Medications

It is the employee's responsibility to notify his/her prescribing medical practitioner of his/her duties and to understand whether the physician approves the use of the medication that carries a warning label that mental functioning, motor skills, or judgment may be adversely affected; or using caution when operating machinery or motor vehicles; or over-the-counter medication that exceeds the recommended dosage instructions while the employee is performing his/her duties. An employee shall not perform duties when (a) he/she knows or should know that he or she is potentially impaired due to a prescription or other drug use, or (b) has been advised by a physician that the substance will adversely affect his/her ability to safely perform his/her job functions.

When the use of a drug is pursuant to the instruction of a physician who has advised the employee that the substance will not adversely affect his/her ability to safely perform the functions of his/her position, the employee must notify the County of such approved therapeutic drug use in advance of conducting safety-sensitive functions (for Category II employees), engaging in the duties required under a safety-sensitive job classification (for Category III employees) or when regularly driving a County vehicle. Employees who fall into the above categories are required to complete the Drug Notification Form (located under Forms on iCobb), providing a copy to the Department. Failure to obtain physician approval to use a substance that can impair an employee's ability to safely perform their job functions may result in disciplinary action up to and including termination.

(e) Positive Test Results

An employee who is waiting on confirmation of a reasonable suspicion test or an employee that has tested positive on the instant test will be placed on administrative leave until an investigation of the circumstances is completed and/or lab tests have been confirmed. No employee shall report for duty, remain on duty, or perform the functions of his/her position if the employee has tested positive for controlled substances. Positive results will subject an employee to disciplinary action, up to and including termination.

(f) Refusal to Submit to Required Test

No employee shall refuse to submit to a required controlled substances test under this policy. Behavior that also constitutes a refusal to submit to a required test includes inability to provide sufficient quantities of breath, saliva, or urine to be tested without a valid medical explanation. A refusal to submit to testing



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will result in the same consequences as if the employee had submitted to the test and the result was positive.

(g) Tampering

No employee shall tamper with the specimen. A determination as to whether the tampering has occurred will be made by the physician or responsible lab personnel. If it is determined that the specimen was tampered with by or on the behalf of the tested employee, the consequences are the same as a positive test.

7. CATEGORIES OF EMPLOYEES (IDENTIFIED FOR TESTING)

To maintain a safe and drug-free environment, the County has established procedures to perform screenings for alcohol and controlled substances. For the purposes of describing prescribed tests and their applicability to segments of the County's employment population, employees are divided into three categories:

A. **Category I** employees include all employees of Cobb County. Category I employees may be required to submit to alcohol and/or drug testing as provided by County policy.

B. **Category II** employees include only those employees who perform safety-sensitive functions (CDL). Category II employees may be required to submit to alcohol and/or drug testing in accordance with federally established guidelines.

C. **Category III** employees include only those employees employed in designated safety-sensitive job classifications (see iCobb for list). Category III employees may be required to submit to alcohol and/or drug testing in accordance with County policy.

8. MANDATORY SUBMISSION

Submission to required screenings is a condition of employment. Any employee who fails to submit to the required testing under this policy is considered to have tested positive and is subject to the same discipline as if the employee had submitted to the test and the result was positive.

9. TYPES OF TESTS

Required alcohol and/or controlled substances screenings under this policy arise in six (6) circumstances. The types of tests to be administered are as follows:

A. Pre-Employment Testing

Because substance abuse is not easily detectable in an applicant without testing for controlled substances, and because the health and safety of employees and citizens depend on a workforce free of substance abuse, **Category II** and **Category III** employees must undergo pre-employment, controlled substances testing. Applicants for these positions will be required to submit to urinalysis testing at the medical provider chosen by the County and shall be required to sign an agreement releasing the medical provider and the County from liability. Prior to the employee being allowed to perform functions on behalf of the County, verification that the controlled substance screening was negative must be received. Any applicant with a confirmed positive test will be denied employment. Tampering with specimens is prohibited. A determination as to whether tampering has occurred will be made by the physician or responsible lab personnel. Where a determination of tampering is made, the applicant will not be considered for employment.

B. Random Testing

Employees who perform safety-sensitive functions (Category II employees) and those in safety-sensitive job classifications (Category III employees) may be subjected to random screenings.



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C. Post-Accident Testing

Any employee may be required to submit to an alcohol and/or substance abuse test following a work-related accident. Such testing is mandatory for a **Category II** and **Category III** employee when the accident involves a loss of human life, bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident and/or the employee receives a citation for a moving traffic violation arising from the accident.

For all employees, testing should be conducted if they sustained a serious injury or causes another individual to have a serious injury or causes substantial property damage. Such testing shall be performed as soon after the accident as practicable. However, an employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed to have refused to submit to the testing. No employee required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

Failure of the employee or his/her supervisor who has knowledge of the accident to report the accident in a timely manner may result in disciplinary action. In addition to disciplinary action, positive post-accident testing may, in conformance with the law, result in criminal penalties and/or the denial of workers' compensation benefits.

D. Reasonable Suspicion Testing

Any employee may be required to submit to an alcohol and/or controlled substances test procedure when there is a reasonable suspicion of drug or alcohol abuse. Reasonable suspicion testing will be used to determine fitness for duty and may include appropriate urine and/or breathalyzer testing.

1. Reasonable Suspicion Defined

Reasonable suspicion is based on the belief that an employee is using or has used alcohol or drugs in violation of the 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:

- Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse;
- Observations related to appearance, speech, or body odors;
- Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
- A report of substance abuse provided by a reliable and credible source;
- Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the County premises or while operating a vehicle, machinery or equipment;
- Evidence of visible impairment.

2. Reasonable Suspicion Procedures

Where there is reasonable suspicion of drug or alcohol abuse or impairment, an employee will be deemed unable to properly perform his or her required duties and will not be permitted to return to work. The following steps should be taken:

- Whenever possible, two supervisors should confirm and document the existence of reasonable suspicion.
- Senior management should determine whether the employee should be tested. In reaching the decision, management is encouraged when possible, to consult with Human Resources or the County Attorney's Office to the existence of reasonable suspicion.
- If a decision is reached that testing should occur, the employee should not be allowed to drive, but should be transported by a supervisor to and from the designated medical testing facility or the



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supervisor should arrange to have on-site testing conducted. Contact Human Resources for the County's drug testing vendor contact information.

- Employees may be placed on administrative leave while awaiting results.
- Employees who have been determined to be impaired or whose test results are pending should not be permitted to drive home. Rather, such individuals should be released to a competent adult or driven home by a supervisor.
- Senior management should notify the Chief Human Resources Officer, or his designee at 770-528-1188, that the employee was taken to the facility.

3. Duty to Report Belief of Reasonable Suspicion

All employees have an obligation to report reasonable suspicion based on the belief that an employee(s) is using or has used alcohol or drugs, based on Section (D)(1) above, through their chain of command or directly to Human Resources. Employees will not be penalized for reporting conduct when they believe in good faith that there may be a violation of this policy.

E. Return-to-Duty Testing

Any employee found to have engaged in prohibited conduct under this policy (or who identifies him/herself as needing assistance) shall, if eligible to return to work, submit to testing. Prior to returning to his/her duties, the employee's test results should show a breath alcohol concentration of **less than 0.02** and a verified negative controlled substance test.

Return-to-duty testing may arise under the following circumstances:

- a. Where the employee identified him/herself as needing assistance, was absent from the workplace for the purposes of evaluation and/or treatment, has been released to return to work, and is eligible to return to work.
- b. Where the employee was found to be in violation of this policy following a reasonable suspicion alcohol and/or drug screening, was not terminated, and is eligible to return to work.
- c. Where the employee was found to be in violation of this policy, was not terminated, participated in a rehabilitation program, and is eligible to return to work.

F. Follow-Up Testing

When an employee has been found to have violated this policy and a determination has been reached that the employee will be permitted to return to work, the employee will be subjected to unannounced follow-up testing. The number and frequency of such follow-up testing will consist of **at least six (6) tests** in the first 12 months following the employee's return-to-duty. The actual requirements of the follow-up testing should be determined after consultations with a Substance Abuse Professional (SAP), the Human Resources Department, and/or the County Attorney's Office.

10. TESTING PROCEDURES

Required testing procedures use an evidential breath testing (EBT) device for alcohol testing. For controlled substances testing, urine specimen collection and testing by a laboratory certified by the U.S. Department of Health and Human Services are required. At the discretion of the physician or employer, alternative types of testing (e.g. blood or hair) may be required. Random alcohol testing and controlled substances testing shall be limited to the time period surrounding the performance of safety-related functions which includes immediately prior to or following the employee's performance of a safety-related function. Controlled substances testing may be performed at any time the employee is at work.



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11. CONSEQUENCES OF POSITIVE TESTS

When testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee will be removed immediately from work-related activity and may be subjected to severe disciplinary action, up to and including termination. (Employees who undergo assessments from a substance abuse professional following a positive test result are not protected from disciplinary action. The County is not required to provide rehabilitation, to pay for substance abuse treatment, or to reinstate an employee on the basis of an assessment occurring after a positive test result.)

An employee may request a split specimen on DOT-regulated drug testing (Category II employees), but the employee must pay for the cost of testing.

12. COSTS & ADMINISTRATION

The costs of all required screenings are to be borne by the County, which will contract with appropriately certified testing laboratories and/or other providers to conduct required testing, analysis, review, and reporting with the exception of a split specimen test. The employee must pay the cost of the split specimen test. If the employee is unable to pay for the test at the time of request, the County will pay for the test, but will seek reimbursement from the employee by deducting the cost of the test from his/her next paycheck.

Contractors must provide, maintain, and actively enforce a drug and alcohol testing program that meets the requirements of federal regulations and this policy.

13. TESTING CATEGORIES

A. CATEGORY I: Alcohol & Controlled Substances Testing for All Employees

1. Who is covered?

Category I employees include all employees of Cobb County.

2. Tests Required

All County employees are required to submit to reasonable suspicion testing and may be required to submit to random or post-accident testing depending on the circumstances. When appropriate, County employees must also submit to return-to-duty testing and follow-up testing and an evaluation by an SAP if a rehabilitation plan is permitted.

B. CATEGORY II: Alcohol & Substance Abuse Testing for Employees Engaged in Safety-Sensitive Functions (CDL Drivers)

1. Who is covered?

Category II employees are deemed to be those performing safety-sensitive functions (e.g., employees required to hold a CDL as a condition of employment) as defined by federal law. The Act is intended to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by employees performing safety-sensitive functions.

2. Tests Required

Category II employees are required to pass urine and/or breath testing prior to employment, to submit to random testing, to submit to reasonable suspicion testing, to submit to post-accident testing, to submit to return-to-duty testing, and to submit to follow-up testing if a rehabilitation plan is permitted.

3. Random Testing Provisions

The County shall randomly select and test ten percent (10%) of the average number of Category II positions for alcohol and fifty percent (50%) of the average number of Category II positions for controlled substances, as provided under federal regulations. Category II employees will be randomly selected on a monthly basis



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for testing. (*The random selection of Category II employees will be separate from the selection of Category III employees.*)

C. CATEGORY III: Substance Abuse Testing for Employees in Designated Safety-Sensitive Job Classes

1. Purpose

The County has a compelling and substantial interest in ensuring that employees who occupy safety-sensitive positions are unimpaired by controlled substances when performing their duties. This policy is instituted to deter the use of controlled substances by persons occupying or applying to occupy safety-sensitive job classifications.

2. Who is Covered?

Category III employees include all persons who hire into, are transferred into, or are promoted into safety-sensitive job classifications. The job classifications identified as safety-sensitive positions are approved by the Board of Commissioners. A current listing of positions called "Safety Sensitive Job Classes" is regularly updated and maintained on iCobb.

3. Background

In 1998, the County independently identified safety-sensitive job classifications to be subjected to pre-employment and random testing for substance abuse only. While recognizing a significant need to expand its drug-testing policies to include employees in safety-sensitive job classifications, the County limited the reach of the policy based on historical alcohol and substance abuse testing observations. In January 1995, the County implemented a federally mandated drug and alcohol testing program for Category II employees, whose positions primarily required them to have Commercial Drivers' Licenses. The random testing portion of that program resulted in a number of positive tests and a number of refusals to test, specifically related to controlled substances. Effective in 2011, based on a number of positive alcohol tests through reasonable suspicion reports, testing was expanded to include safety-sensitive job classifications.

4. Tests Required

Employees occupying safety-sensitive job classifications are required to pass controlled substances testing prior to employment and to submit to random testing for controlled substances. Requirements for reasonable suspicion testing, post-accident testing, return-to-work testing, and follow-up testing (whether for drugs or alcohol) remain applicable to individuals employed in safety-sensitive job classifications.

5. Random Testing Provisions

The County shall randomly select and test ten percent (10%) of the workforce identified as being employed in safety-sensitive job classifications each year for controlled substances. Category III employees will be randomly selected on a monthly basis for testing. (*The random selection of Category II employees will be separate from selection of Category III employees.*)

6. Safety-Sensitive Job Classifications Identified

The County identified the following job classes as safety-sensitive, reasonably warranting pre-employment and random drug testing:

- a. Positions involving public safety wherein employees possess police powers and/or are authorized to carry weapons: Employees who have authority to carry weapons pose a danger to themselves, their fellow employees and/or the citizenry when their performance or judgment is impaired by controlled substances or alcohol. The use of controlled substances by employees with police powers can impair judgment and/or undermine the governmental interest in enforcing drug and other laws.



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b. Positions that require employees to be prepared to react quickly and make decisions affecting the public health, welfare, and safety. Employees so employed may endanger themselves, their fellow employees, and/or the public if controlled substances or alcohol impair their performance.

c. Positions involving the supervision of correctional and/or detention center inmates: Positions where employees work with and/or have access to correctional/ detention centers and inmates require that personnel be of uncompromised integrity and judgment. Because of the inmate supervisory issues, allowing detention and/or correctional employees to use or possess controlled substances while in the workplace poses significant risks to security and good order.

d. Positions involving handling of hazardous chemicals and/or medication: A concrete danger of substantial harm to the employee, co-employees, and the public exists if employees involved in handling hazardous chemicals and/or medications are impaired by controlled substances or alcohol. Because such individuals are not subject to day-to-day scrutiny as in a traditional office environment, great harm may occur before supervisors notice signs of impairment.

e. Positions involving the repair and/or operation of equipment, machinery and vehicles that are oversized or potentially dangerous: A concrete danger of substantial harm to the employee, co-employees, and the public exists if employees involved in repairing and/or operating equipment and machinery that is oversized or dangerous if not used correctly. Because such individuals are not subject to day-to-day scrutiny as in a traditional office environment, great harm may occur before supervisors notice signs of impairment.

7. COBB COUNTY SAFETY SENSITIVE JOB CLASSES CATEGORY III CRITERIA:

Job Classes (or the part-time equivalent) that:

1. Are involved with public safety and/or authorize employees to carry weapons
2. Require employees to be prepared to react and make decisions regarding life-threatening situations
3. Has been certified to supervise correctional and/or detention center inmates
4. Involve the handling of chemicals and/or medications
5. Involve the repair and/or operation of equipment, machinery and/or vehicles that are oversized or potentially dangerous.

NOTE: Other positions may be considered safety sensitive if they meet **ANY** of the five criteria listed above.

A current listing of positions called "Safety Sensitive Job Classes" shall be regularly updated and maintained on iCobb.

REVISION HISTORY

Version ID	Date of Change	Author	Rationale
	05-1989		Adoption
	06-1989		
	06-1992		
	12-1994		
	09-1998		



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	12-1999		
	06-2004		
	02-2007		
	12-2011		
v.1.0-2020	09-2020	Human Resources	Reformat
v.1.1-2021	09-2021	Human Resources	Revision