

## CITY OF WARNER ROBINS, GEORGIA

### ALCOHOL AND CONTROLLED SUBSTANCE POLICY

It is the position of the City of Warner Robins that alcohol and controlled substance abuse is the number one 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, tardiness, absenteeism, lost productivity, increased health insurance costs, and the costs involved in replacing and retraining new employees.

The use of alcohol and controlled substances by the City of Warner Robins employees while on the job constitutes a direct threat to property and the safety of others. The work involved in many positions is inherently dangerous, and the safety of citizens and fellow employees depends upon the ability of employees to think clearly with unimpaired faculties.

It is the objective of the City of Warner Robins to provide safe and effective public service. To meet this objective, the problem of alcohol and controlled substance abuse must be identified, confronted and defeated. In order to achieve this, the City of Warner Robins has developed a comprehensive alcohol and controlled substance policy. This policy consists of three interrelated programs: (1) An Employee Education/Supervisor Training Program; (2) An Employee Assistance Program (EAP); and (3) An Alcohol and Controlled Substance Testing Program. Although these programs cost money to implement, they should prove to be cost effective if they eradicate alcohol and controlled substance abuse among all employees. The City of Warner Robins considers its employees to be its most valuable resource, and sincerely wishes to assist its employees with any alcohol or controlled substance related problems they might have. As used in this Policy, the term "controlled substance" shall have the meaning and include the substances defined as "controlled substances" in the Georgia Controlled Substance Act, O.C.G.A. 16-13-20, et seq., and especially O.C.G.A., 16-12-21(4) as said Section and said Act shall appear from time to time.

### ALCOHOL AND CONTROLLED SUBSTANCE POLICY

#### REGULATIONS

NOTE: These regulations apply to all employees of the City of Warner Robins, effective the date of adoption.

- A. The manufacture, distribution, dispensation, possession, or use of a controlled substance or associated paraphernalia at any time or place, including while at the workplace shall be prohibited.
- B. The manufacture, distribution, dispensation, possession or use of alcohol while on work time or work premises shall be prohibited.
- C. Reporting to work, or working, while intoxicated or otherwise impaired by alcohol or a controlled substance shall be prohibited.
- D. The use of alcohol off-duty in a manner that tends to undermine the reputation, authority, or efficiency of the City of Warner Robins shall be prohibited.

E. The use or possession of prescription drugs while on work premises, or while working, which could affect or impair an employee's ability to function in their job shall be prohibited UNLESS:

1. The prescribing physician has been notified of the duties involved with the employee's position, and has approved, in writing, the use of the drug while that employee is performing those duties; AND
2. The employee's immediate supervisor has been notified in writing by the employee that he/she is using a prescription drug and the immediate supervisor has been provided a written statement by the employee's physician approving the use of the drug while the employee is at work.

F. Any employee who is arrested or convicted (including a plea of nolo contendere) of violating any criminal drug statute of any jurisdiction, regardless of whether the alleged violation occurred at the workplace or elsewhere, must notify the Department of Human Resources of this City in writing of each arrest or conviction, as soon as possible but in any event no more than 48 hours after the arrest or conviction.

G. Any individual employed by the City to drive city vehicles or operate city heavy equipment who is arrested or convicted (including a plea of nolo contendere) of violating any statute of any jurisdiction regarding driving under the influence of alcohol regardless of whether the alleged violation occurred at the workplace or elsewhere, must notify the Department of Personnel of this City in writing of each arrest or conviction as soon as possible but in no event more than 48 hours after the arrest or conviction.

H. Individuals shall submit to alcohol and/or controlled substance abuse testing as follows:

NOTE: References to safety sensitive utility employees handling gas service relates to alcohol testing only. Controlled substances are covered under a separate Anti-Drug Program.

1. At any convenient time during the final processing prior to the actual hiring in the safety sensitive positions of sworn police personnel, trained firefighters, school patrol, police reserve officers, utility personnel handling gas service, city driver's and heavy equipment operators.
2. When, in the opinion of the Department Director, there is reasonable suspicion that an employee of the City of Warner Robins has violated any provision of the Alcohol and Controlled Substance Policy.
3. When any employee is involved in an on-the-job accident involving property damage or personal injury.

4. When employed in safety sensitive positions, which include all sworn police personnel, school patrol, police reserve officers, trained firefighters, utility personnel handling gas service, city drivers, and operators of heavy equipment random testing will be conducted.
5. Upon return to work after participating in a rehabilitation program, a return to work test will be performed before resuming job duties.
6. Upon return to work after participating in a rehabilitation program and successfully passing a Return to Work Test, Follow Up (random) testing will be conducted, at least quarterly, for a twelve month period.

# A PROCEDURAL GUIDE TO THE CITY OF WARNER ROBINS ALCOHOL AND CONTROLLED SUBSTANCE POLICY

## I. Introduction

The problem of alcohol and controlled substance abuse has reached epidemic proportions in the United States. Although controlled substance abuse continues to receive a large amount of attention from the news media, alcohol remains the biggest substance abuse problem in the American workplace.

It is likely that some of these individuals are employed by the City of Warner Robins. Although it would be pleasant to assume that all employees never break the law, or report to work under the influence of alcohol or a controlled substance, such an "ostrich-like" approach ignores the fact that substance abuse is a major public health problem. This problem must be squarely dealt with. Employees abusing alcohol and/or controlled substances are more apt to be involved in accidents, and have a higher absentee rate than non-abusers. To combat this problem the City of Warner Robins has developed a comprehensive Alcohol and Controlled Substance Policy that shall apply to all employees. (Note: Utility employees have a separate Anti-Drug Policy.)

## II. Overview of the Alcohol and Controlled Substance Policy

The Alcohol and Controlled Substance Policy of the City of Warner Robins is made up of three separate but interrelated programs:

- 1) an Employee Awareness/Supervisor Training Program;
- 2) an Employee Assistance Program (EAP);
- 3) an Alcohol and Controlled Substance Screening Test Program.

The overall responsibility for the Alcohol and Controlled Substance Policy lies with the City of Warner Robins Department of Human Resources. Drug tests and any other expenditures for program costs will be cleared through and approved by the Human Resources Director and the Mayor. Although it was already prohibited for an employee of the City of Warner Robins to be "under the influence of alcohol and/or non-prescribed drugs on the job," this Alcohol and Controlled Substance Policy was developed to prevent illicit use of alcohol or controlled substances by City of Warner Robins employees without violating the legal rights of those employees. In order to do this, it is necessary that supervisors at every level within the City understand the Policy, follow the Policy, and give the Policy their full support. This will lead to greater acceptance and understanding of the Policy by the employees, making the goals of the Policy more easily attained.

The Policy has five primary goals. These are:

- A. **PREVENTION** - to prevent the abuse of alcohol and controlled substances by the City of Warner Robins employees.

It is universally accepted that alcohol and controlled substance abuse is destructive. Yet many individuals start or continue these habits because they lack reliable information about the devastating effects of alcohol and controlled substance abuse. The Policy seeks to educate the employees about the facts behind substance abuse so they can see the potential effects of this behavior. This should help prevent employees from developing alcohol or controlled substance-related problems. The Policy also seeks to educate and motivate the "non-using" co-workers so they will encourage employees to seek help. Peer group pressure can be an extremely powerful force.

The Policy also seeks to communicate to the employees the fact that the City of Warner Robins is concerned about alcohol and controlled substance abuse among its employees and that the City will do everything within its power to prevent such abuse.

- B. **COST EFFECTIVENESS** - to combat the abuse of alcohol and controlled substance in a way that is cost effective.

Although alcohol and controlled substance abuse is recognized primarily for its "human" costs, the economic costs associated with the problem are also unacceptable. Properly instituted, the Policy will increase worker productivity, and decrease absenteeism, accidents, and health care costs.

As a good many of the workers affected by the Policy are in safety-sensitive positions, the Policy will also help decrease the chances of the City being held legally liable for acts committed by an impaired employee.

Finally, the Policy should improve employee retention rates, thereby lowering employee "turn-over" costs such as hiring and training new employees to replace those who have quit or have been terminated due to alcohol and controlled substance abuse.

- C. **CLEAR COMMUNICATION OF CITY POLICY** - to clearly communicate the position of the City of Warner Robins regarding the abuse of alcohol and controlled substances.

The policy seeks to effectively communicate to each employee and the general public the position that alcohol and controlled substance abuse will not be tolerated among employees of the City of Warner Robins. Employee awareness of this position and of the mechanisms to enforce this position should act as a deterrent to substance abuse. Additionally, awareness on the part of employees may encourage those who believe they might have a problem to seek assistance. Awareness of the provisions of the policy should lead to greater compliance with the policy by all employees.

Furthermore, publicity about the Policy should act to increase public respect for the employees of the City. Implementing such a policy reassures the citizens that City employees are not entitled to a double standard, that they do in fact obey the law, and that they will continue to serve as role models for citizens of all ages. The Policy will also reassure the public that City services paid for by tax dollars are the safest and most effective services available.

#### D. PROVIDE ASSISTANCE TO ALCOHOL/CONTROLLED SUBSTANCE DEPENDENT EMPLOYEES

A chemically dependent individual is not able to control his/her alcohol or controlled substance intake. The Policy recognizes this fact by providing for referral to the Employee Assistance Program at the discretion of the Department Director. This is not a device for the employee to use to “get around the rules”. Rather, the decision to terminate or to refer to the EAP is to be made in accordance with this Policy.

#### E. LEGAL METHOD OF CONTROL -to provide a legal means to employee control.

One of the challenges facing the City of Warner Robins is to devise a way to test employees for alcohol or controlled substance use that would withstand legal challenge. It is necessary for the City to control its employees as it may be held liable for injuries to co-workers or the public that are caused by impaired employees. At the same time, the City of Warner Robins employees have rights that need to be protected. The Policy balances these two interests, by stating precisely what is expected of the employees, as well as explaining what will happen should a violation occur.

### III. Specific Guidelines on Policy Administration

The preceding section of this guide discussed some of the general considerations behind the Alcohol and Controlled Substance Policy. The next section of the guide will provide practical assistance in implementing the three programs within the Policy.

#### A. Implementing the Alcohol/Controlled Substance Awareness Program

The basic idea behind this program is that employee alcohol/controlled substance abuse can be prevented by supplying the employees with information about the problems alcohol/controlled substance abuse can create. The awareness program is subdivided into two sections, an Employee Education section to include all City employees and a Supervisor Training section.

The City of Warner Robins will work with local resources to provide instruction and materials for training programs. Awareness services are provided by various hospitals, clinics, and organizations such as Alcoholics Anonymous.

The Employee Education section will provide:

- 1) educational seminars;
- 2) questionnaires at both the start and the completion of the program (to chart belief/knowledge changes);
- 3) audiovisual programs;
- 4) group discussions;
- 5) a presentation of what a treatment program is, what it does, and how to take advantage of one; and

- 6) a description and discussion of the City of Warner Robins Alcohol and Controlled Substance Policy.

The Supervisor Training section will focus on the important role supervisors have in preventing alcohol/controlled substance abuse. This program will include:

- 1) instruction in identifying the warning signs of alcohol/controlled substance by employees;
- 2) role playing scenarios;
- 3) group discussions;
- 4) participation of first line supervisors and upper level supervisors, during which first line supervisors should be assured of the support they will receive should they intervene with a problem employee; and
- 5) a thorough presentation of the Alcohol and Controlled Substance Policy, with particular emphasis placed upon the procedural requirements involved with disciplining employees.

## B. Implementing the Employee Assistance Program

### 1) The Employee Assistance Program (EAP)

The reference point and clearinghouse of the EAP will be the Houston Healthcare Complex. The EAP will be provided with proper resources to interview employees and refer them to appropriate rehabilitation/treatment programs. The EAP office will not be located in the Human Resources Department. Employees will be hesitant to avail themselves of the EAP if it appears adverse employment action will be taken against them, in spite of the employer's assurance to the contrary.

The confidentiality of the records of the coordinator will be assured to further promote employee trust and confidence in the EAP. For purposes of statistical reporting, names and dates will not be released. However, the coordinator will have the authority to sideline an employee who has informed the coordinator that he/she is presently impaired. The notion of confidentiality does not give an impaired employee the right to continue working simply because he/she accessed the EAP. In such a situation, the coordinator will seek a "disability leave" or some other type of action that will not label the employee as an alcoholic or drug user.

### 2) Employees Completion of EAP

If an employee must take time off to take part in a rehabilitation program, the absence will be treated as sick leave, annual leave or leave without pay for seniority purposes.

If the employee was referred to the EAP by his/her Department Director or his designee upon returning to work, the employee will be subject to unannounced alcohol/controlled substance screening tests for a period of 12 months. These tests will be administered approximately every three months, with an emphasis on post-weekend (Monday) testing or end-of-week testing (Friday). However, an element of surprise must be retained, so a fixed schedule will not be established. Management should refrain from directing the administration of more than one screening test per month, unless the circumstances clearly require more frequent testing.

### 3) Financing the EAP

An outside EAP professional will be utilized as the EAP coordinator at no charge. The cost of the rehabilitation programs themselves will be covered as any other medical problem by the employee's health insurance.

#### C. Implementing the Alcohol and Controlled Substances Screening Test Program

##### 1) Establishing Necessary Test Procedure

The first step in implementing the screening test program will be to provide employees proper notice. Copies of the Alcohol and Controlled Substance Policy will be distributed to each affected employee through in-house orientation programs within each department and bulletin board postings.

After policy distribution has occurred, the City of Warner Robins will establish a professional relationship with a quality laboratory certified through NIDA-DHHS.

The City of Warner Robins will establish the procedure involved with the collection of samples. The samples will be carefully checked and marked with the name of the employee, the date the sample was collected, and the location where the sample was collected. A chain of custody/control will be established so samples are properly handled before testing occurs. Every effort must be made to assure that the sample being tested is the sample actually collected from the employee/applicant in question.

When testing for alcohol, the standard Breathalyzer used for DUI suspects is sufficient. The City policy is that, any blood alcohol content (BAC) level indicates policy violation. The employee has the right to request a blood test if he/she so desires. This test will be conducted at the employee's expense.

Although some laboratories have their own policies, City of Warner Robins will establish which chemical tests are to be performed on the urine and saliva samples. For controlled substance testing, urine samples or saliva swabs will be used, and the presence of foreign metabolites in such samples will indicate a violation of this policy.

Although, alternative testing methods such as blood tests and hair analysis may be interpreted as more intrusive, these methods may be used if deemed necessary.

There are a variety of chemical tests that can be performed on urine samples to detect controlled substance use. The most widely used technique is called immuno-assay technique. The immuno-assay technique has a high degree of reliability under "optimal" conditions, but can produce, in certain cases, false positive rates. The manufacturers of the leading immuno-assay counsel that every positive immuno-assay test should be confirmed by another more elaborate test method.

The confirmatory methods include thin layer chromatography, gas chromatography, and gas chromatography/mass spectrometry. Ideally, all samples that test positive should be confirmed with one of the three confirmatory techniques, or a technique that is at least as accurate.

The use of a rapid response saliva test is also available for testing employees for illegal drugs. The rapid response saliva test is completed by swabbing the inside of the employee's mouth and yields a result within ten minutes. All samples that test positive will be sent off to a designated lab for further confirmation of the presence of illegal drugs.

Finally, in establishing necessary test procedures, the City of Warner Robins will decide which substances are to be tested for. O.C.G.A. 16-13-25 through 16-13-29 lists over 193 controlled substances, the possession or use of which is illegal. The cost of individual tests for each substance would probably be prohibitive. Additionally, urinalysis tests and saliva swabs are directed at drug use and do not detect alcohol in the bloodstream. Thus, the City of Warner Robins will establish testing for alcohol by use of the breathalyzer, and the use of urinalysis or rapid response saliva swabs to detect controlled substances such as marijuana (THC), cocaine, amphetamines, barbiturates, etc.

## 2) Issues and Procedures Involved with Testing

Testing will begin upon implementation of this policy. The Alcohol and Controlled Substance Policy provides for testing in five different situations:

- a) Pre-employment for employees in safety sensitive positions including sworn police personnel, trained firefighters, school patrol, police reserve officers, utility employees handling gas service, city drivers, and operators of heavy equipment.
- b) the "Reasonable Suspicion" test;
- c) when an employee has been involved in an accident at work which results in:
  - (A) Property damage;
  - (B) An on the job injury which resulted in a loss of worktime, or medical costs;
  - (C) Personal injury to a person who is not a City employee.
- d) Random testing when employed in safety sensitive positions which include sworn police personnel, trained firefighters, school patrol, utility employees handling gas service, city drivers, and operators of heavy equipment.
- e) Return to Work Testing occurs when an employee successfully completes a rehabilitation program. The Return to Work Test must be successfully completed before the employee resumes job duties.
- f) Follow-Up testing upon return to work after successfully completing a return to work test and rehabilitation program.

### The Pre-employment Test

1. During the final interview process the job applicant for safety sensitive positions will be provided with a copy of the "Pre-employment Consent and Notice" form.
2. At that time, the Alcohol and Controlled Substance Policy will be explained to the applicant and the "Pre-employment Consent and Notice" form will be signed by the applicant.
3. Should the applicant refuse to sign the consent form, the application process will continue. On the application it will be noted only that the applicant "refused test". It will not mention suspected alcohol or drug use by the applicant. The applicant has the right to refuse to consent to the test, but the City of Warner Robins has the parallel right to refuse to hire the applicant.
4. Should an inquiry as to that specific application be made by the applicant or a third party at a later date, the City must be sure to protect the confidentiality of the application process. For instance, if another employer contacts the City of Warner Robins in the context of a reference check, the only information that will be supplied is that the applicant did apply and that the applicant "failed to meet

the qualifications necessary for employment.” It will never be revealed that the applicant refused to consent to an alcohol/controlled substance test.

5. If the applicant being considered for a position consents to the test and the test results are negative, the applicant will continue with the hiring process.
6. Should the test results be positive, the test must be confirmed. If the confirmatory test also indicates the presence of alcohol and/or controlled substances, the applicant will be assumed to be in violation of this policy and will no longer be considered for employment. Inquiries to a specific application will be advised that the applicant "failed to meet the qualifications necessary for employment.”
7. Any job applicant who has a positive drug test result, who expressly refuses pre-employment testing, or who fails to successfully complete a test will be disqualified from holding any position with the City for a period of two (2) years.

#### The Test upon "Reasonable Suspicion"

1. The test upon "reasonable suspicion" involves a great deal of discretion on the part of the supervisory personnel.
2. The Supervisor Training program will provide precise guidelines as to what is involved with identifying a potential alcohol or controlled substance abuser. The task of identifying potential abusers does not include diagnosing a worker. The fact that a problem exists is all that is to be discussed when dealing with an employee.
3. When it is suspected that an employee has violated the Alcohol and Controlled Substance Policy, the employee will only be told that job related problems have developed and that it is suspected that these job related problems are the result of alcohol or controlled substance abuse. The underlying cause of such abuse should not be of concern to the supervisor.
4. The phrase "reasonable suspicion" means just that - a screening test should be administered if it is reasonable to suspect that an employee has violated the Policy. A "suspicion" must be based upon objective indications of substance abuse, or other Policy violations.
5. There are a few considerations to keep in mind before a test upon reasonable suspicion is administered. Thorough documentation of all steps of the investigation is a must. This will include items such as (1) memos to the personnel file of the employee, stating why a reasonable suspicion exists; (2) notes placed in the file stating the date and time of any discussions with the employee regarding substance abuse, and the employee's reaction; and (3) documentation of any evidence suggesting alcohol or controlled substance abuse.
6. In documenting the investigation, every effort will be made to assure the confidentiality of the case.
7. After it has been determined that a "reasonable suspicion" exists, the next step is to actually test the employee for the presence of alcohol and/or controlled substances.
8. The employee will be called into a private office, informed of the allegations of Policy violation.
9. If the employee refuses to consent to the testing, he/she will be allowed to leave the office (See Section IV, page 31).

10. If an employee consents to testing, he/she always has the option of taking a blood test at his/her own expense. This test must be under such circumstances to insure validity of the test.
11. The supervisor should not touch the employee at any time or attempt to coerce the employee into consenting to the screening test.
12. Upon the employee's refusal to consent, he/she may be disciplined. The employee may be terminated for insubordination pursuant to the procedure outlined in the City Code and the Alcohol and Controlled Substance Abuse Policy.
13. If the employee consents to the screening test, and the confirmed results indicate the presence of alcohol or controlled substances in the employee's system, the employee will be assumed to be in violation of this Policy and will be disciplined in accordance with this Policy and the City Code.
14. If it is determined that a violation of the Policy has occurred (the reasonable suspicion has been backed up by a positive confirmed screening test plus any other corroborating evidence of a violation), the employee may be terminated or referred to the EAP.
15. As a practical matter, the fact that the employee's alcohol and/or controlled substance abuse had affected the employee's work performance to the degree that a reasonable suspicion was developed in the first place, should be considered when deciding whether to terminate the employee or refer him/her to the EAP, in addition to the factors discussed earlier in this guide.
16. If the investigation reveals that the employee has not violated the Policy or if the evidence is ambiguous, the employee will be reinstated with back pay.

CITY OF WARNER ROBINS  
ALCOHOL AND CONTROLLED SUBSTANCE POLICY

ATTACHMENT B

POLICIES AND PROCEDURES TO BE FOLLOWED FOR EMPLOYEES SUSPECTED TO BE IN VIOLATION OF THE ALCOHOL AND CONTROLLED SUBSTANCE POLICY

If in the opinion of the Department Director or his/her designee, a reasonable suspicion (a reasonable suspicion must be based on objective indications of alcohol and/or controlled substance abuse; more obvious indications of alcohol and/or controlled substance abuse include repeated unauthorized absences, repeated illnesses, bloodshot eyes, slurred speech, lethargic behavior, behavior inappropriate or inconsistent with circumstances, or an employee's arrest for DUI, public drunkenness, or Violation of the Georgia Controlled Substance Act) exists that the employee is reporting to work, or is working, while under the influence of alcohol or controlled substances, or while impaired from the use of same, the following procedures shall be followed:

1. A supervisor shall determine if an employee "appears" to be under the influence of alcohol, drugs, including controlled substances and prescriptions, or both.
2. The supervisor shall arrange, for at least one other supervisor to observe the conduct of the employee. The observing supervisor shall make a written report (SEE ATTACHMENT B-1) of the observations, which report shall include a description of the conduct of the employee upon which such reasonable suspicion is based. In the case of an arrest, a copy of the police reports will be obtained.
3. A supervisor shall personally escort the employee to the supervisor's office.
4. The supervisor shall have a witness present during the questioning of the employee.
5. The employee shall be asked to explain why it appears that he/she is under the influence of or impaired by the use of alcohol or controlled substances. The supervisor shall ask the questions in sequence as in "Questions for Suspected Alcohol or Substance Users." (Attachment B-2).
6. If the employee agrees, the supervisor shall have the employee take the "Basic On-site Coordination Examination," (Attachment B-3), in the presence of the witness.
7. The supervisor shall complete the "Opinion Based on Observations" checklist, (Attachment B-4).
8. If the supervisor concludes that the employee does not appear to be under the influence of alcohol or drugs, including controlled substances and prescription drugs, or both, and he is able to perform his work duties, then he will have the employee return to his work site.
9. If the supervisor concludes that the employee is unfit for work due to the influence of alcohol or drugs, including controlled substances and prescriptions, or both, then the Department Director or his designee will request the employee to be screened for illegal drugs and undergo alcohol testing, according to the previously signed employee consent form (Alcohol and Controlled Substance Policy

Consent Form) agreeing to testing, and being escorted to the medical facility or Police Department by a supervisor.

10. The Department Director or his designee will contact the Department of Human Resources who will schedule this test with the medical facility or Police Department. This test will be conducted at the expense of the city.
11. If the chemical analysis results of such tests indicate the presence of alcohol or any controlled substance in the system of the employee in any degree, it will be assumed that the employee is in violation of this policy. This assumption of policy violation will result in:
  - a. Discipline the employee following the procedural guidelines as set forth in the Personnel Policies and Procedures of the City Code.
  - b. Refer the employee to the Employee Assistance Program, when applicable; and they will determine if there is a significant chance that the employee can be rehabilitated and the employee has not committed an act or omission which presented an immediate danger to the public or fellow workers. This referral would be the employee's "last chance." After successful completion of an alcohol and/or controlled substance rehabilitation program, the employee may return to work subject to random alcohol and controlled substance screening tests for a period of 12 months. If at any time during this "last chance" testing period, a screening test indicates the presence of alcohol or any controlled substance in the employee's system, the employee shall be immediately terminated.
  - c. In the event of an employee's arrest, the EAP is not available.
  - d. Violation of Regulations A and B of this policy (Page 2) will ordinarily result in termination consistent with the procedural guidelines set forth in the City of Warner Robins Personnel Policy and Procedures of the City Code.
12. The employee may through his/her own effort attempt to rebut the assumption of policy violation. For example, in the case of a urine sample used to detect a violation of controlled substances, the employee may request an additional test of the remaining portion of his/her sample. However, additional testing will be at the expense of the employee. If such tests produce negative results, the assumption of policy violation may be considered rebutted, depending upon such factors as the timing of the tests and other circumstances surrounding the indication of policy violation, and the employee may be reimbursed the cost of the second test.
13. A refusal of testing will be treated as insubordination and will be grounds for discipline.
14. Under no circumstances shall the employee suspected of being under the influence of alcohol or drugs including controlled substances and prescriptions or both, be permitted to leave the work site by himself.

Necessary arrangements should be made to have the employee taken home. If the employee refuses any assistance, be certain that the witness can verify such refusal. However, if an employee cannot control his actions, under no circumstances should he be allowed to leave without assistance. The supervisor must call the Warner Robins Police Department to warn them

of the employee's condition and refusal of assistance before the employee is allowed to leave the work site. Law enforcement officials should be told the employee's name and make of vehicle.

15. The supervisor and witness shall be present throughout all proceedings, and appropriate notes should be taken for future reference and supporting documentation.
16. The supervisor and witness shall be aware at all times of the employee's "right to privacy" and involve only those people who have a "need to know" in the situation. The confidentiality of the case will be protected.

Attachment B- 1

OBSERVATION CHECK LIST

Directions: check pertinent items.

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

- Threatening
  - Calm
  - Drowsy
  - Profanity
  - Hyperactive
  - Hostile
  - Erratic
6. Eyes
- Bloodshot
  - Watery
  - Dilated
  - Glassy
  - Droopy
  - Closed
7. Face
- Flushed
  - Pale
  - Sweaty
8. Appearance/Clothing
- Unruly
  - Messy
  - Dirty
  - Partially Dressed
  - Body excrement stains
  - Stains on clothing
  - Having odor
  - Neat
  - Clean
9. Breath
- Alcoholic odor
  - Faint alcoholic odor
  - No alcoholic odor
10. Movements
- Fumbling
  - Jerky
  - Slow
  - Normal
  - Hyperactive
11. Eating/Chewing
- Gum
  - Candy
  - Mints
  - Other – identify \_\_\_\_\_

12. Other observations

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Supervisor

Date

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Witness

Date

Attachment B-2

Questions for Suspected Substance Abusers

1. Are you feeling ill? \_\_\_\_\_  
If yes, what are your symptoms? \_\_\_\_\_  
\_\_\_\_\_
2. Are you under a doctor's care? \_\_\_\_\_ For what? \_\_\_\_\_  
What is your doctor's name and address? \_\_\_\_\_  
When were you last seen? \_\_\_\_\_
3. Are you taking medication? \_\_\_\_\_ What? \_\_\_\_\_  
Who prescribed it? \_\_\_\_\_  
When did you take your last dose? \_\_\_\_\_  
Do you have prescription on hand? \_\_\_\_\_  
Any other medication? \_\_\_\_\_ What? \_\_\_\_\_

(Record all information regarding prescriptions and take sample if employee is willing to provide.)

4. Do you have any pre-existing medical problems? \_\_\_\_\_ What? \_\_\_\_\_  
\_\_\_\_\_  
Are you a diabetic? \_\_\_\_\_ Taking insulin? \_\_\_\_\_ Do you have low blood sugar? \_\_\_\_\_  
Do you have a seizure disorder? \_\_\_\_\_
5. Do you have a cold? \_\_\_\_\_ Are you taking cold medicine? \_\_\_\_\_ Cough medicine? \_\_\_\_\_  
Antihistamines? \_\_\_\_\_
6. Are you using any type of drug? \_\_\_\_\_ If Yes, what? \_\_\_\_\_  
When? \_\_\_\_\_ Where? \_\_\_\_\_ How much? \_\_\_\_\_
7. Did you drink alcohol or an alcoholic beverage today? \_\_\_\_\_  
If yes, what did you drink? \_\_\_\_\_ When did you start? \_\_\_\_\_  
When did you stop? \_\_\_\_\_ Where did you drink?  
How much? \_\_\_\_\_
8. Would you submit to a basic coordination test? \_\_\_\_\_
9. Would you submit to a medical chemical test by a medical doctor so we can be sure you are able to  
safely perform your job? \_\_\_\_\_ If no, reasons for refusal \_\_\_\_\_  
\_\_\_\_\_

If employee agrees, Department Director should:

- a) Contact the Department of Human Resources to make physician arrangements.
- b) Get signed release statement by the employee (Alcohol & Controlled Substance Policy Attachment C).

If the employee refuses to sign the statement for voluntary testing, the employee should be told that he is refusing a direct order which constitutes insubordination and that such refusal may be treated as a violation of the Alcohol and Controlled Substance Policy.

\_\_\_\_\_  
Supervisor Date

\_\_\_\_\_  
Employee Date

\_\_\_\_\_  
Witness Date

ATTACHMENT B-3

"BASIC ON-SITE COORDINATION EXAMINATION" (check pertinent items)

- 1. Balance Fair  
(eyes closed, one foot, head back, etc.) \_Falling
  - \_\_Swaying
  - \_\_Staggering
  - \_\_Sagging knees
  
- 2. Walking/turning \_\_Fair  
Straight line test \_\_Swaying
  - \_\_Arms extended for balance
  - \_\_Falling
  - \_\_Sure footed
  - \_\_Reaching for support
  
- 3. Finger to nose:Right \_\_Sure
  - \_\_Uncertain  
Left \_\_Sure
  - \_\_Uncertain
  
- 4. Speech \_\_Fair
  - \_\_Slurred
  - \_\_Incoherent
  - \_\_Confused
  - \_\_Silent
  - \_\_Whispering
  
- 5. Awareness \_\_Fair
  - \_\_Confused
  - \_\_Bewildered
  - \_\_Sleepy
  - \_\_Alert

---

Supervisor Date

---

Witness Date

ATTACHMENT B-4

"OPINION BASED ON OBSERVATIONS"

1. Under the influence of alcohol \_\_\_\_\_
2. Under the influence of drugs \_\_\_\_\_
3. When not sure which one of either alcohol or drugs or both \_\_\_\_\_
4. Unfit to operate machinery or to perform safely in the workplace \_\_\_\_\_
5. Unfit for work for other reasons (list) \_\_\_\_\_  
\_\_\_\_\_
6. Frequent absences \_\_\_\_\_
7. Frequent tardiness \_\_\_\_\_
8. Mood swings \_\_\_\_\_
9. Other observations \_\_\_\_\_  
\_\_\_\_\_
10. Recommended for chemical testing \_\_\_\_\_
11. Does not appear to be under the influence of alcohol  
\_\_\_\_\_
12. Does not appear to be under the influence of drugs \_\_\_\_\_
13. Remarks:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Supervisor Date

\_\_\_\_\_  
Witness Date

The Testing Following an Accident of Any Employee Which Involves Property Damage or Personal Injury. (SEE ATTACHMENT C)

1. At the time a person is employed by the City, the Alcohol and Controlled Substance Policy will be explained to them along with City policies regarding accidents and the employee will sign the "Employee Consent and Notice" form.
2. At the time an employee is involved in an accident, the employee will undergo a screen test when such accident involves one or more of the following:
  - (A) Property damage,
  - (B) An on the job injury which resulted in a loss of worktime, or medical costs; or
  - (C) Personal injury to a person who is not a City employee.
3. The Department Director or his designee will contact the Department of Human Resources to arrange for the employee to be tested for alcohol and illegal drugs.
4. Should the test results be negative, normal city policy and procedure in dealing with accidents will be followed.
5. Should the confirmed test results indicate the presence of alcohol or controlled substance, the employee will be assumed to be in violation of this Policy and may be disciplined, in accordance with the Alcohol and Controlled Substance Policy and City Code.
6. If there is sufficient cause to believe that a Policy violation has occurred, the employee may be either (a) terminated pursuant to the procedure set forth in the City Code; or (b) disciplined and referred to the EAP by his/her Department Director.
7. If after the investigation has been completed and it is determined that a Policy violation has not occurred, the employee will be reinstated with back pay to his/her former position and standard city policy in regard to accidents will be followed.
8. The individual's refusal to sign the consent form at the time of employment, may be grounds for non-hire.

The Random Testing of Safety Sensitive Positions of sworn Police Officers, trained Firefighters, School Patrol, Police Reserve Officers, and Utility Employees handling Gas Service, City Drivers and Heavy Equipment Operators. (SEE ATTACHMENT C)

1. The random testing of employees involves periodic testing of all persons authorized by the city to carry firearms or who are otherwise employed in safety sensitive positions. The names of such employees will be drawn at random throughout the year. A minimum of 10% of the workforce will be tested annually.
2. If an employee refuses to consent to random testing, the employee may be terminated for "insubordination," pursuant to the procedure set forth in the City Code. The stated reasons for terminating an employee will never be "refusal to submit to Urinalysis," but rather "insubordination" or "failure to follow the legitimate instructions of the supervisor" or a reason of similar language.
3. If the employee consents to the test and the test results are negative, the employee can return to work.
4. Should the test results indicate the presence of alcohol and/or controlled substances, that test result must and will be confirmed.
5. If the confirmatory test also indicates the presence of alcohol/controlled substances, the employee will be assumed to be in violation of this policy, and will be disciplined in accordance with the Alcohol and Controlled Substance Policy and City Code.

Testing Following Return to Work after Rehabilitation. (SEE ATTACHMENT E)

1. This random testing of employees follows their return to work after voluntary or Department Director referral for rehabilitation services.
2. At the time the employee enters into a rehabilitation program, the Department Director or the Department of Human Resources is to be notified immediately by the employee or their representative.
3. Upon release from a rehabilitation program, the employee will be subject to a Return to Work Test. This test must be successfully completed before the employee returns to normal job duties.
4. Upon successful completion of the rehabilitation program and Return to Work Test, the employee will be subject to Follow Up (random) alcohol and controlled substance screening tests for a twelve month period.
5. Should the employee refuse to submit to follow up testing, the employee will be disciplined according to the procedures set forth in the City of Warner Robins City Code.
6. An investigation into the matter will be made. Following investigation, he/she may be terminated for "insubordination" pursuant to the procedure set forth in the City Code. The stated reasons for terminating an employee will never be "refusal to submit to urinalysis", but rather "insubordination" or "failure to follow the legitimate instructions of the supervisors" or a reason of similar language.
7. If the follow up tests indicate the presence of alcohol/controlled substances, the employee will be assumed to be in violation of this policy, and will be disciplined, in accordance with the Alcohol and Controlled Substance Policy and City Code.

#### IV. Other Issues Involving the Policy

##### A. The Duty to Protect Other Employees and the Public from Impaired Individuals

If it is discovered that an employee is impaired while working, the employee will not be allowed to drive home. After the necessary disciplinary procedures have taken place, the impaired employee should either be driven home, or a taxi should be called for the employee. If the employee is allowed to leave on his own in an obviously intoxicated state, it is possible the City of Warner Robins or the employee's supervisors may be held legally liable for the actions of the employee.

##### B. Discipline Generally

The suspension or termination of an employee will never be justified on the basis that the employee is an alcoholic or substance abuser. The employee's physical/psychological state of being will not be mentioned when disciplining that employee. Instead, discipline will center around the employee's failure to meet objective, job-related criteria. "Substandard performance," "insubordination," "violation of policy," or "failure to follow orders" are examples of proper reasons for discipline. Supervisors are to always remember - don't diagnose it, describe it.

##### C. Employees Right To Privacy

All meetings involving a violation of the Alcohol and Controlled Substance Policy should be on a "closed door" basis, with admission restricted to those who have a legitimate interest in the proceedings. Under no circumstances will the proceedings be discussed outside of these closed-door meetings, nor will it ever be publicly stated that an employee is an alcoholic or controlled substance abuser. After disciplinary proceedings have taken place, inquiries as to the reason for termination/suspension will be answered with an "objective" cause only ("insubordination," for example). The use of alcohol or controlled substances shall not be publicly attributed to an employee.

#### V. Conclusion

The problem of alcohol and controlled substance abuse is one that requires immediate action on the part of all employers. Yet, the legal rights of employees must be protected or the efforts of the employer will be wasted. The Alcohol and Controlled Substance Policy has been developed with these two considerations in mind, but it cannot achieve the necessary balance of these considerations by itself. The Policy will be supported by all levels of supervision, and the regulations will apply to all employees of the City of Warner Robins. It is hoped this Policy will be cost effective. But most important, the "bottom line" is that everyone (the employees themselves, their co-workers, and most importantly, the public) is better served by alcohol and controlled substance-free employees.

CITY OF WARNER ROBINS  
ALCOHOL AND CONTROLLED SUBSTANCE POLICY

**ATTACHMENT A**

PRE-EMPLOYMENT NOTICE AND CONSENT

As a condition of employment by the City of Warner Robins, you must submit to an alcohol and/or controlled substance screening test.

By signing this form, you are acknowledging that you consent to such a screening test, and that you understand that such testing is part of the City of Warner Robins' Alcohol and Controlled Substance Policy.

DATE\_\_\_\_\_

Signature\_\_\_\_\_

Printed Name\_\_\_\_\_

Witness\_\_\_\_\_

CITY OF WARNER ROBINS  
CONSENT TO ALCOHOL AND  
CONTROLLED SUBSTANCE TESTING  
PURSUANT TO POLICY

**ATTACHMENT C**

I, the undersigned, understand and acknowledge that my employment with the City of Warner Robins requires abiding by the stipulations of the City's Alcohol and Drug Policy.

I hereby give my consent to screening tests for Alcohol and Controlled Substances in any and all of the circumstances enumerated below.

- a. **Reasonable Suspicion** - When, in the opinion of the Department Director, there is reasonable suspicion that an employee of the City of Warner Robins has violated any provision of the Alcohol and Controlled Substance Policy dealing with the use of alcohol and/or any controlled substance.
- b. **Accident/Injury** - When any employee is involved in an on-the-job accident involving property damage or personal injury or lost time.
- c. **Random** - When employed in safety sensitive positions, which include all sworn police personnel, school patrol, police reserve officers, trained firefighters, utility personnel handling gas service, city drivers, and operators of heavy equipment, random testing will be conducted.

I understand that my employment with the City of Warner Robins is contingent upon adherence to the City's Alcohol and Controlled Substance Policy.

I further understand that refusal to abide by this policy or my refusal to submit to testing as outlined in the circumstances above will result in the termination of my employment with the City of Warner Robins. Termination will be consistent with procedural guidelines set forth in the City of Warner Robins Human Resources Policies and Procedures.

By signing this consent form you agree to submit to Alcohol and Controlled Substance Testing whenever directed to do so according to the City's Policy.

DATE \_\_\_\_\_ Signature \_\_\_\_\_

Printed Named \_\_\_\_\_

Witness \_\_\_\_\_

CITY OF WARNER ROBINS  
CONSENT TO ALCOHOL AND  
CONTROLLED SUBSTANCE TESTING  
PURSUANT TO POLICY

**ATTACHMENT E**

I, the undersigned, understand and acknowledge that my employment with the City of Warner Robins requires abiding by the stipulations of the City's Alcohol and Drug Policy **after attending EAP.**

I hereby give my consent to screening tests for Alcohol and Controlled Substances in the circumstances enumerated below.

- a. **Return to Work** - Upon return to work after participating in a rehabilitation program, a return to work test will be performed before resuming job duties.
  
- b. **Follow Up Testing** - Upon return to work after participating in a rehabilitation program and successfully passing a Return to Work Test, Follow Up (random) testing will be conducted, at least quarterly, for a twelve month period.

I understand that my continued employment with the City of Warner Robins is contingent upon adherence to the City's Alcohol and Controlled Substance Policy concerning participation in the EAP following a violation of the Alcohol/Drug Program.

I further understand that refusal to abide by this policy or my refusal to submit to testing as outlined in the circumstances above will result in the termination of my employment with the City of Warner Robins. Termination will be consistent with procedural guidelines set forth in the City of Warner Robins Human Resources Policies and Procedures.

By signing this consent form you agree to submit to Alcohol and Controlled Substance Testing whenever directed to do so according to the City's Policy.

DATE \_\_\_\_\_ Signature \_\_\_\_\_

Printed Named \_\_\_\_\_

Notary \_\_\_\_\_