

**HARTSVILLE/TROUSDALE  
COUNTY GOVERNMENT**

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**DRUG AND ALCOHOL  
TESTING POLICY**



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# I. PURPOSE

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The Hartsville/Trousdale County Government (the local government) recognizes that the use and abuse of drugs and alcohol in today's society is a serious problem that may involve the workplace. It is the intent of the Hartsville/Trousdale County government to provide all employees with a safe and secure workplace in which each person can perform his/her duties in an environment that promotes individual health and workplace efficiency. Employees of the Hartsville/Trousdale County Government are public employees and must foster the public trust by preserving employee reputation for integrity, honesty, and responsibility.

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the Hartsville/Trousdale County Government has adopted this drug and alcohol testing policy effective May 27, 2003. This policy complies with the "Drug Free Workplace Act of 1988", which ensures employees the right to work in an alcohol and drug free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL), Division of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass transit industries. In this case of this policy, the Omnibus Transportation Employee Testing Act of 1991 is the most significant with its additional requirement of using the "split specimen" approach to drug testing, which provides an extra safeguard for employees. The types of tests required are: pre-employment, transfer, reasonable suspicion, post-accident (post-incident, random, return-to-duty, and follow-up

It is the policy of the Hartsville/Trousdale Government that the use of drugs by its employees and impairment in the workplace due to drugs and/or alcohol are prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to termination of employment. Prohibited and/or illegal conduct includes but is not limited to:

- Being on duty or performing work in or on government property while under the influence of drugs and/or alcohol;
- Engaging in the manufacture, sale, distribution, use, or unauthorized
  - possession of (illegal) drugs at any time and of alcohol while on duty or
  - while in or on government property;
- Refusing or failing a drug and alcohol test administered under this policy;
- Providing an adulterated, altered, or substituted specimen for testing;
- Use of alcohol within four hours prior to reporting for duty on schedule
- Use of alcohol while on-call for duty.
- Use of alcohol or drugs within eight hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures.

This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical, or emotional ability of the employee to safely and efficiently perform his/her duties. It is the employee's responsibility to inform the proper supervisory personnel of his/her use of such legally prescribed medication before the employee goes on duty or performs any work.

In order to educate the employees about the dangers of the drug and/or alcohol abuse, the Hartsville/Trousdale County Government shall sponsor an information and education program for supervisors. Information will be provided on the signs and symptoms of drug and/or alcohol abuse; the effects of drug and/or alcohol abuse on an individual's health, work, and personal life; the government's policy regarding drugs and/or alcohol; and the availability of counseling. The personnel official has been designated as the local government official responsible for answering questions regarding this policy and its implementation.

All Hartsville/Trousdale County Government property may be subject to inspection at any time without notice. There should be no expectation of privacy in such property. Property includes, but is not limited to, vehicles, desks, containers, files, and lockers.

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## **II. SCOPE**

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This policy applies to all employees regardless of job classification or status. Alcohol and substance abuse testing will be conducted in a manner compliant with DOT regulations (49CFR Part 40). For positions not covered from these regulations, similar protocols will be followed. This policy also applies to all job applicants who have been given a conditional offer of employment.

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## **III. CONSENT FORM**

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Before a drug and/or alcohol test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the laboratory, medical review officer (MRO), the personnel official, or his/her designee. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the local government's drug and alcohol testing policy.

The consent form shall set forth the following information:

- The procedure for confirming and verifying an initial positive test result.
- The consequences of a verified positive test result.
- The consequences of refusing to undergo a drug and/or alcohol test.

The consent form also provides authorization for certified or licensed attending medical personnel to take and have analyzed appropriate specimens to determine if drugs or alcohol were present in the employee's system.

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## **IV. COMPLIANCE WITH SUBSTANCE ABUSE POLICY**

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Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The submission by an applicant or employee for a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or for termination.

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## **V. GENERAL RULES**

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These are the general rules governing the Hartsville/Trousdale County's drug and alcohol testing program:

- Government employees shall not take or be under the influence of any drugs unless prescribed by the employee's licensed physician. Employees who are required to take prescription and/or over-the-counter medications shall notify the proper supervisory personnel before the employees go on duty.
- Government employees are prohibited from engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal drugs at any time and of alcohol while on duty or while in or on city property.
- All Hartsville/Trousdale County Government property is subject to inspection at any time without notice. There should be no expectation of privacy in or on such property. Local Government property includes, but is not limited to, vehicles, desks, containers, files, and lockers.
- Any employee convicted of violating a criminal drug statute shall inform his or her department head of such conviction (including pleas of guilty and nolo contendere) within five days of the conviction occurring. Failure to so inform the local government, subjects the employee to disciplinary action up to and including termination for the first offense.

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## VI. DRUG TESTING

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An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to drug testing under six separate conditions:

### A. **TYPES OF TESTS**

#### **PRE-EMPLOYMENT**

All applicants for a position with the Hartsville/Trousdale County Government, who have received a conditional offer of employment with the Hartsville/Trousdale Government, must take a drug test before receiving a final offer of employment.

#### **TRANSFER**

Employees transferring to a safety sensitive position or a position within the local government that requires a commercial driver's license (CDL) shall undergo drug testing.

#### **POST-ACCIDENT/POST-INCIDENT TESTING**

Following any workplace accident (incident) determined by supervisory personnel of the Hartsville/Trousdale County Government to have resulted in property or environmental damage of \$400.00 or more or in personal injury requiring treatment by a physician, including but not limited to a fatality or human injury requiring medical treatment, each employee whose performance may have contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident(incident) as determined during a routine post-accident (post-incident) investigation or who receives citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) drug test.

Post-accident (post-incident) testing shall be carried out immediately and not exceed 12 hours following the accident (incident). Urine collection for post-accident (post-incident) testing shall be monitored or observed by qualified collection personnel at the established collection site.

In instances where post-accident (post incident) testing is to be performed, the Hartsville/Trousdale County Government reserves the right to direct the medical review officer (MRO) to instruct the designated laboratory to perform testing on submitted urine specimens for possible illegal/illegitimate substances.

Any testing for additional substances listed under the Tennessee Drug Control Act of 1989 as amended shall be performed as the urinary cutoff level that is normally used for those specific substances by the laboratory.

#### **1. *Post-Accident (Post-Incident) Testing for Ambulatory Employees***

Following all workplace accidents (incidents) where drug testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by their supervisor or designated personnel of the Hartsville/Trousdale County Government to the designated urine specimen collection site immediately and not to exceed 12 hours following the accident. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to

the testing site (Sumner Regional Medical Center) within 12 hours. No employee shall consume drugs prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site for post-accident (post-incident) testing. Any unreasonable delay in providing specimens for drug testing shall be considered a refusal to cooperate with the substance abuse program of the Hartsville/Trousdale County Government and shall result in administrative action up to and including termination of employment.

## **2. *Post-Accident (Post-Incident) Testing for Injured Employees***

An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following an accident (incident) shall consent to the obtaining of specimens for drug testing by qualified, licensed attending medical personnel and consent to the testing of the specimens. Consent shall also be given for the attending medical personnel and/or medical facility (including Sumner Regional Medical Center) to release to the medical review officer (MRO) of the Hartsville/Trousdale County Government, appropriate and necessary information or records that would indicate only whether or not specified prohibited drugs (and what amounts) were found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the Hartsville/Trousdale County Government or upon hiring following the implementation date.

### **TESTING BASED ON REASONABLE SUSPICION**

A drug test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of drugs and/or alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used drugs. This belief shall be based on recent, physical, behavioral, or performance indicators of possible drug use. One supervisor who has received drug detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior. It is recommended that two such supervisors make the observation when possible. Supervisory personnel of the Hartsville/Trousdale County Government making a determination to subject any employee to drug testing based on reasonable suspicion shall document their specific reasons and observations in writing to the personnel official within 24 hours of the decision to test and before the results of the urine drug tests are receiving by the department. Urine collection for reasonable suspicion testing shall be monitored or observed by qualified collection personnel.

### **RANDOM TESTING**

Only employees of the Hartsville/Trousdale County possessing or wishing to obtain a commercial driver's license (CDL) or are determined to be in a safety sensitive position are subject to random urine drug testing. It is the policy of the Hartsville/Trousdale County Government to annually random test for drugs at least 50% of the total number of employees possessing or obtaining a commercial driver's license (CDL) and employees in safety positions.

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random urine drug testing and the actual presentation for specimen collection.

Random donor selection dates will be unannounced with unpredictable frequency. Some may be tested more than once each year while others may not be tested at all, depending on the random selection. This shall be administered by Sumner Health Management Systems.

If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to produce a specimen on the date random testing occurs, the Hartsville/Trousdale County Government may omit that employee from that random testing or await the employee's return to work.

### **RETURN-TO-DUTY AND FOLLOW-UP**

Any employee of the Hartsville/Trousdale County Government who has violated the prohibited drug conduct standards and is allowed to return to work, must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returned to duty. Follow-up testing may be extended for up to 60 months following return to duty. The EAP professional will call for when these must be performed but no less than 6 times during the first 12 months after return-to-duty.

The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly.

Testing will also be performed on any employee possessing a CDL or in a safety sensitive position returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

## **B. PROHIBITED DRUGS**

All drug results will be reported to the medical review officer (MRO). If verified by the MRO, they will be reported to the personnel official. The following is a list of drugs for which tests will be routinely conducted (See Appendix A for cutoff levels):

- Amphetamines
- Marijuana
- Cocaine
- Opiates
- Phencyclidine (PCP)

The Hartsville/Trousdale County Government reserves the right to test for any additional substances listed under the Tennessee Drug Control Act of 1989.

## **C. DRUG TESTING COLLECTION PROCEDURES**

Drug testing will be accomplished as non-intrusively as possible. Affected employees, except in cases of random testing, will be taken by their supervisor or designated personnel of the Hartsville/Trousdale County Government (Sumner Regional Medical Center), where a urine sample will be taken from the employee in privacy. The urine sample will be immediately sealed by personnel overseeing the specimen collection after first being examined by these personnel for signs of alteration, adulteration, or substitution. The sample will be placed in a secure mailing

container. The employee will be asked to complete a chain-of-custody form to accompany the sample to a laboratory selected by Sumner Regional Health Systems to perform the analysis on collected urine samples.

#### **D. DRUG TESTING LABORATORY STANDARDS AND PROCEDURES**

All collected urine samples will be sent to a laboratory that is certified and monitored by the federal Department of Health and Human Services (DHHS).

As specified earlier, in the event of an accident (incident) occurring after regular work hours, the supervisor or designated personnel shall take the employee(s) to the Sumner Regional Medical Center immediately but no later than 12 hours after the accident (incident) where proper collection procedures will be administered.

The Omnibus Act requires that drug testing procedures include split specimen procedures. Each urine specimen is subdivided into two bottles labeled as "primary" and a "split" specimen. Both bottles are sent to a laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of drugs, the employee has 72 hours to request sending the split specimen to another federal Department of Health and Human Services (DHHS) certified laboratory for analysis. The employee will be required to pay for his or her split specimen test(s).

For the employee's protection, the results of the analysis will be confidential except for the testing laboratory. After the MRO has evaluated a positive test result, the employee will be notified, and the MRO will notify the personnel official. Corporate Health Management Services (CHMS) a subsidiary of Sumner Regional Health Systems, under the direct supervision of Dr. Matt Karl (or his successor), is responsible for the administration of the medical review services.

#### **E. REPORTING AND REVIEWING**

The Hartsville/Trousdale County Government shall designate Corporate Health Management Services to assist Dr. Matt Karl in the verification of positive results as allowed by applicable State and Federal regulations or industry practices. Dr. Karl or his designee shall also receive, report, and file testing information transmitted by the laboratory.

CMHS shall use a licensed physician with knowledge of substance abuse disorders.

1. The laboratory shall report test results only to the designated MRO who will then review them in accordance with accepted guidelines and the procedures adopted by the Hartsville/Trousdale County Government.
2. Reports from the laboratory to the MRO shall be in writing or by fax. The MRO may talk with the employee by telephone only upon exchange of acceptable identification.
3. The testing laboratory, collection site personnel, and MRO shall maintain security over all the testing data and limit access to such information to the following: the respective department head, the personnel official, and the employee.
4. Neither the Hartsville/Trousdale County Government, the laboratory, nor the MRO shall disclose any drug test results to any other person except under written authorization from the affected employee, unless such results are necessary in the process of resolution of accident (incident) investigations, requested by court order, or required to be released to

parties (i.e. DOT, the Tennessee Department of Labor, etc.) having legitimate right-to-know as determined by the County Attorney.

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## VII. ALCOHOL TESTING

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An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to alcohol testing under six separate conditions.

### TYPES OF TESTS

#### 1. ***Post-Accident/Post-Incident Testing***

Following any workplace accident (incident) determined by supervisory personnel of the Hartsville/Trousdale County Government to have resulted in property or environmental damage of over \$400 or in personal injury requiring treatment by a physician, including but not limited to a fatality or human injury requiring medical treatment, each employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) as determined during a routine post-accident (post-incident) investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) alcohol test.

Post-accident (post-incident) testing shall be carried out within two hours following the accident (incident).

#### 2. ***Post-Accident (Post-Incident) Testing for Ambulatory Employees***

Following all workplace accidents (incidents) where alcohol testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by their supervisor or designated personnel of the Hartsville/Trousdale County Government to the designated breath alcohol test site for a breath alcohol test within two hours following the accident (incident). In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to Sumner Regional Medical Center within two hours. No employee shall consume alcohol prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site for post-accident (post-incident) testing. Any unreasonable delay in appearing for alcohol testing shall be considered a refusal to cooperate with the substance abuse program of the Hartsville/Trousdale County Government and shall result in administrative action up to and including termination of employment.

#### 3. ***Post-Accident (Post-Incident) Testing for Injured Employees***

An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following an accident (incident) shall consent to the obtaining of specimens for alcohol testing by qualified, licensed attending medical personnel and consent to specimen testing. Consent shall also be given for the attending medical personnel and/or medical facility to release to the Medical Review Officer (MRO) of the Hartsville/Trousdale County Government appropriate and necessary information or

records that would indicate only whether or not specified prohibited alcohol and what amount was found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the Hartsville/Trousdale County Government or upon hiring following the implementation date.

Post-accident (post-incident) breath alcohol testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if alcohol was present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within two hours must be fully documented by the attending medical personnel.

#### **4. *Testing Based on Reasonable Suspicion***

An alcohol test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used alcohol. This belief shall be based on recent, physical, behavioral, or performance indicators of possible alcohol use. One supervisor who has received alcohol detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior. It is recommended that two such supervisors make the observation when possible.

Supervisory personnel of the Hartsville/Trousdale County Government making a determination to subject any employee to alcohol testing based on reasonable suspicion shall document their specific reasons and observations in writing to the personnel official within eight hours of the decision to test and before the results of the tests are received by the department.

#### **5. *Random Testing***

Only employees of the Hartsville/Trousdale County Government possessing a commercial driver's license (CDL) or in a safety sensitive position are subject to random alcohol testing. It is the policy of the Hartsville/Trousdale County Government to annually random test for alcohol at least 25 percent of the total number of drivers possessing, obtaining a commercial driver's license (CDL) or working in a safety sensitive position.

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random alcohol testing and the actual presentation for testing.

Random test dates will be unannounced with unpredictable frequency. Some employees may be tested more than once each year while others may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to be tested on the date random testing occurs, the Hartsville/Trousdale County

Government may omit that employee from that random testing or await the employee's return to work.

**6. Return-to-Duty and Follow-Up**

Any employee of the Hartsville/Trousdale County Government who has violated the prohibited alcohol conduct standards must submit to a return-to-work test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return-to-duty.

The employee will be required to pay for his/her return-to-duty and follow-up tests accordingly.

Testing will also be performed on any employee with a CDL or in a safety sensitive position returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

**ALCOHOL TESTING PROCEDURES**

All breath alcohol testing conducted for the Hartsville/Trousdale County Government shall be performed using evidential breath testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA).

Alcohol testing is to be performed by a qualified technician as follows:

**1. Step One:**

An initial breath alcohol test will be performed using a breath alcohol analysis device approved by the National Highway Traffic Safety Administration (NHTSA). If the measured result is less than 0.02 percent breath level (BAL), the test shall be considered negative. If the result is greater or equal to 0.04 percent BAL, the result shall be recorded and witnessed, and the test shall proceed to Step Two.

**2. Step Two:**

Fifteen minutes shall be allowed to pass following the completion of Step One above. Before the confirmation test or Step Two is administered for each employee, the breath alcohol technician shall insure that the evidential breath testing device registers 0.00 on an air blank. If the reading is greater than 0.00, the breath alcohol technician shall conduct one more air blank. If the reading is greater than 0.00, testing shall not proceed using that instrument. However, testing may proceed on another instrument. Then Step One shall be repeated using a new mouthpiece and either the same or equivalent but different breath analysis device.

The breath alcohol level detected in Step Two shall be recorded and witnessed.

If the lower of the breath alcohol measurements in Step One and Step Two is 0.04 percent or greater, the employee shall be considered to have failed the breath alcohol test. Failure of the breath alcohol test shall result in administrative action by proper officials of the Hartsville/Trousdale County Government up to and including termination of employment.

Any breath level found upon analysis to be between 0.02 percent BAL and 0.04 percent BAL shall result in the employee's removal from duty without pay for a minimum of 24 hours. In this situation, the employee must be re-tested by breath analysis and found to have a BAL of no more than 0.02 percent before returning to duty with the Hartsville/Trousdale County Government.

All breath alcohol test results shall be recorded by the technician and shall be witnessed by the tested employee and by a supervisory employee of the Hartsville/Trousdale County Government when possible.

The completed breath alcohol test form shall be submitted to the personnel official.

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## **VIII. EDUCATION AND TRAINING**

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### **A. SUPERVISORY PERSONNEL WHO WILL DETERMINE REASONABLE SUSPICION TESTING.**

Training supervisory personnel who will determine whether an employee must be tested based on reasonable suspicion will include at the minimum two 60-minute periods of training on the specific, contemporaneous, physical, behavioral, and performance indicators of both probable drug use and alcohol use. One 60-minute period will be for drugs and one will be for alcohol.

### **B. DISTRIBUTION OF INFORMATION**

The minimal distribution of information for all employees will include the display and distribution of:

- Informational material on the effects of drug and alcohol abuse;
- An existing community services hotline number, available drug counseling, rehabilitation, and employee assistance programs for employee assistance.
- The Hartsville/Trousdale County Government policy regarding use of prohibited drugs and/or alcohol; and
- The penalties that may be imposed upon employees for drug abuse violations occurring the in the workplace.

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## **IX. CONSEQUENCES OF A CONFIRMED POSITIVE DRUG AND/OR ALCOHOL TEST RESULT AND/OR VERIFIED POSITIVE DRUG AND/OR ALCOHOL TEST RESULT**

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Job applicants will be denied employment with the Hartsville/Trousdale County Government if their initial positive pre-employment drug test results have been confirmed/verified.

If a current employee's positive drug and alcohol test result has been confirmed, the employee is subject to immediate removal from any safety-sensitive function and may be subject to disciplinary action up to and including termination. The Local Government may consider the following factors in determining the appropriate disciplinary response: The employee's work history, length of employment, current work assignment, current job performance, and existence of past disciplinary actions. However, the Local Government reserves the right to allow employees to participate in an education and/or treatment program approved by the Local Government as an alternative to or in addition to disciplinary action. If such a program is offered and accepted by the employee, then the employee must satisfactorily participate in and complete the program as a condition of continued employment.

No disciplinary action may be taken pursuant to this drug policy against employees who voluntarily identify themselves as drug users and obtain counseling and rehabilitation through a program sanctioned by the Local Government and thereafter refrain from violating the Local Government's policy on drug and alcohol abuse. However, voluntary identification will not prohibit disciplinary action for the violation of the Local Government's personnel rules and regulations, nor will it relieve the employee of any requirements for return-to-duty testing.

Refusing to submit to an alcohol or controlled substances test means that a CDL holder or person in a safety-sensitive position: (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part; (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part; or (3) engages in conduct that clearly obstructs the testing process. In either case, the physician or breath alcohol technician shall provide a written statement to the Local Government indicating a refusal to test.

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## **X. VOLUNTARY DISCLOSURE OF DRUG AND/OR ALCOHOL USE**

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In the event that an employee of the Hartsville/Trousdale County Government is dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, that employee should voluntarily discuss his/her problem with the respective department head in private.

Such voluntary desire for help with a substance abuse problem will be honored by the Hartsville/Trousdale County Government. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment.

Affected employees of the Hartsville/Trousdale County Government may be allowed up to 30 consecutive calendar days for initial substance abuse treatment as follows:

- The employee must use all sick, vacation and compensatory time available.
- In the event accumulated sick, vacation, and compensatory time is insufficient to provide the medically prescribed and needed treatment up to a maximum of 30 consecutive calendar days, the employee will be provided unpaid leave for the difference between the amount of accumulated leave and the number of days prescribed and needed for treatment up to the maximum of 30-day treatment period.

### **VOLUNTARY DISCLOSURE MUST OCCUR BEFORE AN EMPLOYEE IS NOTIFIED OF OR OTHERWISE BECOMES SUBJECT TO A PENDING DRUG AND/OR ALCOHOL TEST.**

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the substance abuse professional (SAP) of the Hartsville/Trousdale County Government. The SAP may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The respective department head and personnel official of the Hartsville/Trousdale County Government will consider each case individually and set forth final conditions of reinstatement to active duty. These conditions of reinstatement must be met by the employee. Failure of the employee to complete treatment or follow-up after-care conditions, or subsequent failure of any drug or alcohol test under this policy will result in administrative action up to and including termination of employment.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the Hartsville/Trousdale County Government. Voluntary disclosure provisions do not apply to applicants. Employees found positive during drug and/or alcohol testing under this policy are subject to administrative action up to and including termination of employment as specified elsewhere in this policy.

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## XI. EXCEPTIONS

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This policy does not apply to possession of alcohol and/or drugs by employees in the performance of authorized work assignments such as undercover police enforcement. In all cases, it is the individual employee's responsibility to ensure that job performance is not adversely affected by the possession or use of alcohol while undercover.

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## XII. MODIFICATION OF POLICY

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This policy may be revised by Resolution of the Hartsville/Trousdale County Government at any time to comply with applicable federal and state regulations that may be implemented, to comply with judicial rulings, or to meet any changes in the work environment or changes in the drug and alcohol testing policy of the Hartsville/Trousdale County Government.

This employee drug and alcohol testing policy has been approved and adopted by the Hartsville/Trousdale County Government effective upon approval by the Hartsville/Trousdale County Commission.

These rules apply primarily to those employees required to hold a commercial driver's license (CDL) and those in a safety-sensitive position such as police officers, dispatchers, firefighters and dispatchers, and heavy equipment operators. This does not preclude the local government from modifying this policy to include others who are later deemed to be in a safety-sensitive positions. These rules also will apply to those employees in the Utility Division that are covered by the DOT rules and regulations or others administered by the United States of Tennessee State Government.

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## XIII. DEFINITIONS

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For purposes of the drug and alcohol testing policy, the following definitions are adopted:

**ALCOHOL** – The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl or isopropyl alcohol.

**ALCOHOL CONCENTRATION** – The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test.

**APPLICANT** – Any person who has on file an application for employment or any person who is otherwise being considered for employment or transfer to the police department, fire department, a position requiring a commercial driver's license (CDL), or a heavy equipment operator, being processed for employment. For the purposes of this policy, an applicant may also be a uniformed employee who as applied for and is offered a promotion or who has been selected for a special assignment, a non-uniformed employee who is offered a position as a uniformed employee, or an employee transferring to or applying to a position requiring a CDL or the operation of heavy equipment.

**BREATH ALCOHOL TECHNICIAN (BAT)** – An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT)

**CHAIN OF CUSTODY** – The method of tracking each urine specimen to maintain control from initial collection to final disposition for such samples and accountability at each stage of handling, testing, storing, and reporting.

**COLLECTION SITE** – A place where applicants or employees present themselves to provide, under controlled conditions, a urine specimen than will be analyzed for the presence of alcohol and/or drugs. Collection site may also include a place for the administration of a breath analysis test.

**COLLECTION SITE PERSONNEL** – A person who instructs donors at the collection site.

**COMMERCIAL DRIVER’S LICENSE (CDL)** – A motor vehicle driver’s license required to operate a commercial motor vehicle (CMV).

**COMMERCIAL MOTOR VEHICLE (CMV)** – Any vehicle or combination of vehicles meeting the following criteria: Weighing more than 26,000 pounds; designed to transport more than 15 passengers; transporting hazardous materials required by law to be placarded, regardless of weight; and/or classified as a school bus.

**CONFIRMATION TEST** – In drug testing, a second analytical procedure that is independent of the initial test to identify the presence of a specific drug or metabolite that uses a different chemical principle from that of the initial test to ensure reliability and accuracy. In breath alcohol testing, a second test following an initial test with a result of 0.02 or greater that provides a quantitative data of alcohol concentration.

**CONFIRMED POSITIVE RESULT** – The presence of an illicit substance in the pure form or its metabolites at or above the cutoff level specified by the National Institute of Drug Abuse identified in two consecutive tests that utilize different test methods and that was not determined by the appropriate medical, scientific, professional testing, or forensic authority to have been caused by an alternate medical explanation or technically insufficient data. An EBT result equal to or greater than 0.02 is considered a positive result.

**DEPARTMENT HEAD/DIRECTOR** – The director or chief of a local government department or his/her designee. The designee may be an individual who acts on behalf of the director to implement and administer these procedures.

**DHHS** – The federal Department of Health and Human Services or any designee of the secretary, Department of Health and Human Services.

**DOT AGENCY** – An agency of the United States Department of Transportation administering regulations related to alcohol and/or drug testing. For the Hartsville/Trousdale County Government, the Federal Highway Administration (FHWA) is the DOT agency.

**DRIVER** – Any person who operates a commercial motor vehicle

**EMPLOYEE** – An individual currently employed by the Hartsville/Trousdale County Government.

**EVIDENTIAL BREATH TESTING DEVICE (EBT)** – An instrument approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA’s “Conforming Products List of Evidential Breath Measurement Devices”.

**FWHA** – Federal Highway Administration

**INITIAL TEST** – In drug testing, an immunoassay test to eliminate negative urine specimens from further analysis. In alcohol testing, an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

**MEDICAL REVIEW OFFICER** – A licensed physician (medical doctor or osteopathy) responsible for receiving laboratory results generated by an employer’s drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his/her medical history and any other relevant biomedical information.

**NEGATIVE RESULT** – The absence of an illicit substance in the pure form or its metabolites in sufficient quantities to be identified by either an initial test or confirmation test.

**NHTSA** – National Highway and Traffic Safety Administration

**REFUSE TO SUBMIT** – Refusing to submit to an alcohol or controlled substances test means that a person in a safety-sensitive position: (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part; (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part; or (3) engages in conduct that clearly obstructs the testing process.

**SAFETY-SENSITIVE** – Employees holding a commercial driver’s license (CDL), a police officer or dispatcher, a firefighter or dispatcher, or a heavy equipment operator.

**SPLIT SPECIMEN** – Urine drug test sample will be divided into two parts. One part will be tested initially, the other will remain sealed in case a re-test is required or requested.

**SUBSTANCE ABUSE PROFESSIONAL** – A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.