

**Minutes of the Marshall County Personnel Board
Public Hearing for Modifications to the Employee Handbook
Drug and Alcohol Provisions
Monday, September 14, 2015**

A meeting of the Marshall County Personnel Board was held on Monday, September 14, 2015 at 6:15 p.m. in the Commission Chambers of the Marshall County Courthouse in Guntersville, Alabama. The purpose of the meeting was to hold a public hearing to discuss amendments to the Personnel Policies, Drug and Alcohol Provisions.

The following Board members were present:

Jason Windsor, Chairman
Keith Swisher, Vice Chairman
Charles Whisenant, Board Member
Randall Haney, Secretary
Ben Gamel, Board Member

Also present were Board Attorney Jeffrey McLaughlin, Personnel Administrator Christy Kelley, and Personnel Assistant Beverly Lemons.

Chairman Windsor announced that the purpose of the public hearing being held by the Marshall County Personnel Board was to discuss proposed policy changes regarding the Drug and Alcohol Provisions of the Personnel Policies and Procedures.

A copy of the proposed changes is attached.

Chairman Windsor called the public hearing to order at 6:15 p.m. He asked if there was anyone present who wished to speak concerning the proposed change. There was no one present to speak concerning the policy change.

Chairman Windsor closed the public hearing at 6:20 p.m.



Randall Haney, Secretary

Marshall County Personnel Board
Meeting Date: September 14, 2015

12-14-15

Date

1.5 DRUG AND ALCOHOL PROVISIONS

1.5.1. PURPOSE. Marshall County is concerned about the effects of the abuse of controlled substances and alcohol upon the health and safety of its employees. The Marshall County Commission, the Marshall County Personnel Board, and the Appointing Authorities of Marshall County (hereinafter collectively referred to as the "County") recognize that substance abuse and alcohol use on or off duty leads to increased accidents; injuries, illnesses and medical claims and can lead to the deterioration of employees' health and adversely affect their family lives. Employees who abuse controlled substances or alcohol are not only a danger to themselves but to their fellow employees and as well as to the public. Medical costs incurred by employees with substance abuse and alcohol problems place an unacceptable financial burden on health and benefit programs to the detriment of the public and other employees. Decreased productivity, employee morale, increased absenteeism and turnover adversely affect the County's ability to serve the public.

In light of these concerns, it is the goal of this policy to maintain a safe, healthy and productive workplace and workforce free of substance and alcohol abuse. The County's policy is to identify substance and alcohol abusers as early as possible, help such employees with their problems associated with substance abuse and alcohol abuse, and encourage their rehabilitation and return to work. However, no part of this policy or any of the procedures hereunder, is intended to affect the County's right to manage the workplace or to discipline employees. Nor is this policy a contract or guarantee of employment, continued employment, or of any terms of conditions of employment. The County has an interest in maintaining a Drug & Alcohol Free Workplace. This policy is intended to further these interests by identifying and removing the adverse effects of alcohol and drug abuse on job performance, and to protect the safety of the employees and the public.

1.5.2. Prohibited Conduct. In order to achieve the goal of a drug and alcohol-free environment, this policy specifically **prohibits** the following:

1.5.2.1. The use of any intoxicants or illegal drugs, including narcotics or hallucinogenic drugs, marijuana, or other non-prescribed controlled substances as defined below in Sections 1.5.5.1. and 1.5.5.2. (hereinafter referred to as "Alcohol" and "Controlled Substances") during work hours while operating a County owned vehicle or equipment or while on County property. That includes use, possession, distribution, sale, purchase, trade, manufacture, offer to sale, offer to buy, or make arrangements to distribute, or reporting to work under the influence of Alcohol or Controlled Substances. This prohibition also includes the possession of equipment, products, and materials, which are used, intended for use, or designed for use with Controlled Substances.

1.5.2.2. Using prescription drugs illegally, this includes the use of a Controlled Substance that is not medically authorized or prescribed for the employee being tested.

1.5.2.3. Failing to notify the employee's Appointing Authority in writing of any conviction of a violation of a criminal drug statute not later than five (5) calendar days after the conviction in conformity with the Drug Free Workplace Act of 1988.

1.5.2.4. Operating county-supplied vehicles while under the influence of Alcohol or Controlled Substances.

1.5.2.5. Operating any vehicle, whether a personal or county provided vehicle, on official county business at any time while under the influence of Alcohol or Controlled Substances. This applies to employees who operate any vehicle on county business, including but not limited to, those who are receiving a travel allowance or drive their personal vehicle on county business. A DUI arrest may result in disciplinary action up to and including termination of employment.

1.5.2.6. Failing to report to the Appointing Authority any citation alleging that they were driving under the influence of Alcohol or Controlled Substances regardless of whether the offense may have occurred in the employee's vehicle, county-supplied vehicle, on personal business or on county business. The report must be made within two (2) calendar days of the citation, unless the employee is unable to make report due to extenuating circumstances.

1.5.2.7. Switching or adulterating any urine and/or blood sample submitted for testing, when requested.

1.5.2.8. Use of Alcohol or Controlled Substances off-the-job, or any other prohibited substances which results in impaired work performance, such as absenteeism, tardiness, poor work performance.

1.5.2.9. Refusing to consent to testing or to submit a urine and/or blood sample for testing under this policy, when requested.

1.5.2.10. Refusing to submit to a search of county owned/county controlled property that is under the control of or in the possession of the employee when requested by the appointing authority or his or her designee in accordance with this policy.

1.5.2.11. Failing to abide by the terms of this policy.

1.5.2.12. Failing to adhere to the requirements of any alcohol or drug treatment or counseling program in which the employee is enrolled.

1.5.2.13. Refusing to sign a statement agreeing to abide by the Marshall County Drug & Alcohol Free Workplace Policy.

1.5.3. Voluntary Treatment Encouraged. This policy is not meant in any way to discourage any employee from voluntarily seeking assistance, counseling, or treatment for drug or alcohol problems. The County urges any employee with a drug or alcohol dependency to seek this type of professional assistance before such dependency leads to an incident requiring disciplinary action. However, where a violation of this drug and alcohol policy has occurred, an employee's request to submit to a drug or alcohol rehabilitation program will not serve to waive the application of disciplinary action deemed appropriate for the violation.

1.5.4. **ALCOHOL AND CONTROLLED SUBSTANCES NOT ALLOWED ON COUNTY PROPERTY.** The County prohibits the possession or presence of Alcohol, Controlled Substances, contraband or paraphernalia in its buildings, vehicles, or on its property by its employees when such possession is outside the line and scope of the employee's employment. Any prohibited substance or contraband will be seized. The employee possessing or responsible for the presence of alcohol, illegal or controlled substances will be referred to law enforcement authorities for appropriate action. Further, the employee will be subject to disciplinary action, up to and including termination.

1.5.5. **DEFINITIONS**

1.5.5.1. **Alcohol.** Distilled or fermented beverage containing ethyl alcohol, including beer, malt beverages, wine, and distilled spirits.

1.5.5.2. **Controlled Substances** include, but are not limited to, Marijuana, Cocaine, Heroin, Hallucinogens, Methaqualone, Benzodiazepines, Opiates, Amphetamines, Methamphetamines, Barbiturates, Methadone, Phencyclidine (PCP), Propoxyphene and any other substance and all derivatives thereof, whose manufacture, sale, distribution, dispensation, possession or use is prohibited or controlled by Alabama Code §20-2-2(4) or federal law. Controlled Substances also include: (1) Any prescription substance to the extent and in the opinion of the Appointing Authority that the drug is present in such a quantity that it prevents the employee from performing the duties of his or her job or poses a risk to the safety of the employee, other employees, or any other persons; (2) Any so-called "designer drug", "look-alike", synthetic drug and similar substance, even if not specifically prohibited by state or federal law; and (3) Any other substance which may be abused, whether available legally or over-the-counter (such as cough syrup), or naturally occurring (such as hallucinogenic mushrooms) or which was never intended for human consumption (such as glue), and a metabolite of any substance described herein.

1.5.5.3. **Medical Review Officer.** The "Medical Review Officer" (MRO) is a designated licensed physician with knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate positive results of Alcohol and Controlled Substance tests in light of an applicant's or employee's medical history and relevant biomedical information.

1.5.5.4. **Testing Laboratory.** The "Testing Laboratory" is a designated facility certified by the National Institution for Drug Abuse, and licensed or certified, when required, by appropriate local and state authorities, to test applicants and employees for the use of Alcohol and Controlled Substances.

1.5.5.5. **Screening Test.** A "Screening Test" is an immunoassay screen for Alcohol or Controlled Substances to eliminate negative samples from further consideration.

1.5.5.6. **Confirmatory Test.** A "Confirmatory Test" is a second analytical procedure to confirm the use of Alcohol or a Controlled Substance by gas chromatography/mass spectrometry (GC/MS).

1.5.5.7. **Collection Site.** The "Collection Site" is a designated physician office, hospital, clinic or other facility to collect samples for testing by the testing laboratory. Where necessary, a Marshall County representative or medical

personnel may obtain a specimen outside of a designated collection site (such as at a public restroom at an accident investigation site).

1.5.5.8. Chain of Custody. "Chain of Custody" is the procedure established and followed by the testing laboratory to account for identification and integrity of samples from point of collection to final disposition.

1.5.5.9. Sample Collector. A "Sample Collector" is a designated physician, agency or person authorized by the County to collect samples.

1.5.5.10. ~~Eligible Safety-Sensitive Position.~~ "Eligible Safety-Sensitive Positions" are those employees who are subject to random drug and alcohol testing. These positions include those in which employees participate in safety sensitive functions pursuant to their jobs, and are identified as such in their respective job descriptions. This would include, but not be limited to, employees who: (1) are authorized to carry firearms or other items as part of their duties which could be used as weapons such as knives, machetes, blades, tasers, or batons as part of their duties; (2) employees who regularly operate or maintain County vehicles or on or off road equipment or machinery including tractors/riding mowers; (3) use tools that have the capacity to injure any person including but not limited to hand tools, power tools, weed-eaters, or chainsaws; (4) load or unload vehicles or heavy equipment; (5) participate in any activity related to the safe operation of a transit system, including dispatching vehicles; (6) answer emergency calls or direct the provision of emergency services; (7) provide emergency medical services; and (8) employees required to have commercial drivers licenses (CDLs). CDL drivers must also abide by Federal Highway Administration and Federal and State Department of Transportation requirements.

1.5.5.11. Under the Influence of Alcohol. An employee shall be determined to be under the influence of alcohol if the employee's normal faculties are impaired due to the consumption of alcohol, or the employee has an alcohol level of .02 or higher.

1.5.6. NOTIFICATION OF CONVICTIONS & CITATIONS. An employee who is convicted of a criminal drug violation must notify the Appointing Authority in writing within five (5) calendar days of the conviction. The Appointing Authority will take action as appropriate under the circumstances and as required by the Drug-Free Workplace Act. Departments/agencies which have been awarded federal grants or contracts shall notify the appropriate contracting agencies as required by law.

1.5.7. DRUG/ALCOHOL TESTING. To detect violations of this important policy, Marshall County will presume that, by accepting or continuing employment, an employee agrees to abide by all aspects of this policy, including testing designed to detect the use of Alcohol. All testing is done in accordance with federal, state and local statutes, regulations, standards and guidelines. Submittal of an adulterated sample or refusal by an employee to submit to testing will be considered the same as a positive result. A positive result may result in disciplinary action, up to and including termination of employment, in accordance with the Policies and Procedures of the Personnel Board of Marshall County.

1.5.7.1. Pre-Employment Testing. Each applicant offered employment with the County will be required to undergo a test to detect the presence of Alcohol and Controlled Substances. Any offer of employment is contingent upon such applicant testing negative. No such applicant shall be permitted to begin work until the test results have been obtained. Applicants will be provided with access to a copy of the Marshall County Drug-Free Workplace Policy. An applicant who decides not to cooperate in the pre-employment screening or testing or who is unwilling to acknowledge this policy on drug and alcohol screening or testing may withdraw his/her application, and will not be considered for employment. An applicant who refuses to undergo a test or who tests positive for Alcohol or a Controlled Substance will be ineligible for employment, unless the applicant is currently prescribed such substance for a valid medical reason by a licensed doctor of medicine (including a psychiatrist), osteopathy or dental surgeon familiar with the applicant's medical history and contemplated duties. Any applicant may, upon written request, obtain a confirmation test at the applicant's own expense.

1.5.7.2. Accident or Incident Testing. The Appointing Authority may test an employee involved in an accident or incident which caused or could have caused personal injury, including illness or death, or property damage, if the action or inaction of the employee contributed to, or cannot be ruled out as a factor leading to the accident or incident. If determined necessary by The Appointing Authority or his or her designee, tests should be conducted as soon as possible, but preferably not later than two (2) hours after the accident or incident. Employees are prohibited from using alcohol within eight (8) hours following an accident, until testing or initial screening is completed. In no way shall the immediate medical treatment of injured employees be jeopardized by the post accident testing procedure. Employees will be tested after any work related accident or injury where: 1.) an employee is injured beyond the need for simple first aid; 2.) property or vehicles are damaged; 3.) an employee has caused or contributed to an on-the-job injury which results in loss of time from work time; or 4.) there is reasonable suspicion of drug or alcohol use.

1.5.7.3. Reasonable Suspicion Testing. The Appointing Authority may take such action as it deems appropriate or necessary whenever it has reasonable suspicion that an employee may be in violation of the County's Drug & Alcohol Free Workplace Policy, including relieving an employee from duty and requiring the employee to submit to drug and/or alcohol testing. Reasonable Suspicion testing shall be based on objective facts sufficient to lead a reasonable person to suspect that an employee is under the influence of Controlled Substances or Alcohol so that the employee's ability to perform his/her job safely is reduced.

1.5.7.4. Random Drug & Alcohol Testing. As a condition of employment, Marshall County reserves the right to require all Safety-Sensitive Positions and employees having a Commercial Driver's License (CDL) to be tested throughout the year. ~~This is due to the safety sensitive nature of their jobs and is in the best interest of our community. Eligible Employees, as defined herein, will also be subject to random testing.~~ All employees who have Commercial Drivers License will be tested for Controlled Substances and Alcohol in accordance with the Department of Transportation's (DOT) Rule 49 CFR Part 40. ~~Of those employees holding a CDL, 50% will be tested for drugs and 25% will be tested for Alcohol during each calendar year. One fourth of the total number of employees in other eligible positions will be subject to random testing for Controlled Substances and~~

~~Alcohol during each calendar year.~~ Selections for random testing are done by a computer-generated list and are made without bias or prejudice.

1.5.7.5. Testing After Referral for Assistance. The Appointing Authority shall test an employee who has made a *voluntary self-referral* for assistance for counseling or rehabilitation under this policy before the employee returns to work, or on completion of the counseling or rehabilitation program, whichever is earlier. Testing shall be required and may occur at any time during the counseling or rehabilitation program and for a period of two (2) years after return to work or after the completion of the counseling or rehabilitation program, whichever is later.

Employees who return to employment after referral to counseling or rehabilitation shall meet all standards of conduct and job performance. Employees who have been referred for counseling or rehabilitation under this policy shall cooperate and participate fully in their rehabilitation and the recommendations of the program administrators, which may include regular attendance at Alcoholics or Narcotics Anonymous or similar therapy sessions and participation in after-care, follow-up and similar monitoring programs. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement.

1.5.7.6. Return to Work Testing: If an employee has violated the prohibited drug and alcohol rules, the employee must take and pass a drug and alcohol test before being returned to work. Further, any person who has violated the prohibited drug and alcohol rules is required to take a drug and/or alcohol test before returning to safety-sensitive functions for any DOT regulated employer and is also subject to unannounced follow-up testing at least six (6) times in the first twelve (12) months following a return to active safety-sensitive service.

1.5.7.67. Consent Forms and Disclosure (Appendix A). In all cases involving testing for the presence of alcohol or drugs, applicants and employees will be asked to sign a consent form, a copy of which is attached hereto, authorizing the test and permitting release of information to Marshall County. THE SIGNING OF THE CONSENT FORM IS VOLUNTARY. All information from the tests will be kept in strict confidence, imparted only on a need-to-know basis, used for personnel purposes only and will not be used in any criminal proceeding.

1.5.7.78. Continuation of Work. Any employee testing .02 or higher for Alcohol, or who tests positive for any Controlled Substance, will be removed from safety-sensitive duties immediately for the remainder of the scheduled workday.

1.5.7.89. Specimen Collection & Analysis. Specimens shall be collected in a manner that will afford the individual privacy, yet be reasonably calculated to prevent substitution or adulteration of the specimen. The donor will be given the opportunity after specimen collection, to record any information considered relevant to the test, current or recently used prescription or nonprescription medication or other medical condition, on the back of the donor's copy of the chain of custody control form. The employee/applicant shall observe the collector prepare the chain of custody control form and the specimen for transportation to the testing site. The employee/applicant shall initial and/or sign the appropriate labels and control form for transporting the specimen as verification of the collector preparation of the control form and specimen. Once the analysis on the

specimen is complete, initial tests having a positive result shall be confirmed. The laboratory will forward the results of all tests to the medical review officer, the employee, and the County's Personnel Administrator.

1.5.7.910. Transportation to the Collection Site. If use is suspected, the Appointing Authority shall arrange transportation of employees to be tested to the collection site. Under no circumstance shall the employee be permitted to drive if the employee appears to be impaired, disoriented, or confused. If an employee refuses to accept transportation arranged by the Appointing Authority, the employee shall be warned that the Appointing Authority may take disciplinary action, up to and including discharge, if the employee refuses County-provided transportation. If supervisory or management personnel believe that the employee is impaired by Alcohol or a Controlled Substance, the employee shall be advised that the Appointing Authority will notify local law enforcement authorities if the employee attempts to drive, the law enforcement shall be notified immediately and all actions taken to persuade the employee not to drive shall be documented.

1.5.8. COMMUNICATION OF TEST RESULTS

1.5.8.1. Negative Test Results. The testing laboratory shall report negative results to the Personnel Administrator, who shall communicate the results confidentially in person to the applicant or the employee.

1.5.8.2 Positive Test Results. The testing laboratory shall confirm all positive test results using GC/MS. If the confirmatory test is positive, the following procedures shall be followed:

1.5.8.3. The testing laboratory shall report positive tests results to the MRO for verification and if verified, then to the employee and the County's Personnel Administrator.

1.5.8.4. Prior to finally verifying a positive test result, the MRO shall give the applicant or employee an opportunity to discuss the result in person, and shall review the applicant's or employee's medical history, relevant biomedical factors and all medical records made available by the applicant or employee to determine if a confirmed positive result might be due to an alternative medical explanation.

1.5.8.5. The MRO shall report as negative any initial positive result for which there is a legitimate medical explanation consistent with legal drug use or which, based on laboratory inspection reports, quality assurance control data and other test results, the MRO concludes is scientifically insufficient for further action.

1.5.8.6. If the MRO verifies that the positive result is correct, the MRO shall inform the applicant or employee, and the applicant or employee shall be asked to provide an explanation and whether a second confirmatory test is desired.

1.5.8.7. If the applicant or employee desires a second confirmatory test, he/she must submit a written request to the MRO for such retest. The applicant or employee should submit the request no later than **72 hours** after being informed of the initial positive result. The MRO shall notify the Personnel Administrator and the second test shall be done on the original sample at an authorized laboratory using GC/MS or equivalent. This test shall be at the applicant or employees expense and must be paid before retesting is done. Untimely requests for retesting shall be denied.

1.5.8.8. If the results of the additional confirmatory test are negative, the MRO shall notify the Personnel Administrator and the results of the initial positive test will not be used to deny employment or impose discipline.

1.5.8.9. If the results of the additional confirmatory test are positive, the employee may contest or explain the results to the Appointing Authority within five (5) working days after notification of the positive test results. The MRO will provide the employee with an opportunity to discuss the results of an apparently positive confirmed lab test. If the employee expressly declines the opportunity to discuss the test results with the MRO, the MRO may verify the test as confirmed positive without further discussion with the employee. If, in the sole judgment of the MRO, there is a legitimate medical reason for a confirmed positive lab test, the MRO will verify the test as negative. If there is no legitimate medical reason for a confirmed positive lab test, the MRO will verify the test as positive and report the finding to the Personnel Administrator. It is the employee's responsibility to return any phone calls from the MRO within a reasonable period of time and not to exceed 24 hours. If the employee does not contact the MRO within 5 days of notification, or if the employee refuses to talk to the MRO, then the MRO may report the results of the test to the Personnel Administrator.

1.5.8.10. An employee who tests positive for drugs or alcohol in a positive confirmed lab test will be subject to disciplinary action, up to and including termination of employment.

1.5.8.11. The Personnel Administrator shall notify an employee of any positive results of any random, post-accident, reasonable cause or post rehabilitation controlled substance test conducted. The employee shall also be advised what drug or alcohol was indicated by the test.

1.5.8.12. The Personnel Administrator shall notify any applicant who is rejected on the basis of a positive result of a drug or alcohol test

1.5.9. Unreadable Sample. The testing laboratory shall report any sample, which is adulterated, contaminated, unreadable, not authentic or otherwise impossible to analyze properly to the Personnel Administrator. If the testing laboratory determines immediately that the sample is impossible to analyze, the employee or applicant may be requested to remain at the test site until another sample can be obtained.

1.5.10. CONSEQUENCES OF POLICY VIOLATION. Violations of this policy, including (but not limited to) a positive confirmed laboratory test result for Controlled Substances or Alcohol; refusal to sign a consent or chain of custody form; refusal to submit to or cooperate with substance screening, including the initial screening, as required by this policy; knowingly submitting an adulterated, diluted or otherwise altered blood or urine specimen; or submitting a specimen from another person, are subject to disciplinary actions by the Appointing Authority, up to and including termination. Refusals will be classified as a positive test.

Under Alabama Law, Section 25-5-51, *et seq.*, of the Code of Alabama (1975), workers' compensation benefits may not be paid under the Alabama Workers' Compensation Law if the employee's injury is caused by an accident due to the injured employee being intoxicated from the use of alcohol or being impaired by a Controlled Substance. No workers' compensation shall be allowed an injured employee if the injured employee refused to submit to or cooperate with a test conducted in accordance with the standards

set forth in this policy. Such refusal will forfeit an injured employee's right to recover workers' compensation benefits.

An individual may be denied total or partial unemployment compensation as a consequence of the use of a Controlled Substance or Alcohol, for submitting an adulterated specimen, or for refusing to submit to or cooperate with a test conducted in accordance with the standards set forth in this policy.

Any employee subject to discipline or termination for the violation of this policy shall have the same rights of hearing or appeal as set forth for any other violation of the policies and procedures of the Marshall County Personnel Board.

1.5.11 EMPLOYEE RESPONSIBILITIES. Individual employee shall

1.5.11.1. Refrain from the use of Controlled Substances or Alcohol, which adversely affects safety or job performance.

1.5.11.2. Refrain from the possession of Controlled Substances or Alcohol in the buildings, vehicles, or on other property of Marshall County.

1.5.11.3. Refrain from using alcohol if designated to be on-call for the specific on-call hours. The Appointing Authority will provide an opportunity for such on-call employee to acknowledge the use of alcohol at the time he/she is called to report for duty, and it is the employee's responsibility to inform his/her supervisor at the earliest possible time of any potential impairment from alcohol.

1.5.11.4. Advise his or her supervisor if they are an employee in a Safety-Sensitive Position~~an eligible employee in a safety or security sensitive position~~ taking a prescribed or over-the-counter narcotic or drug, if such narcotic or drug might pose a risk to the safety of the employee, other persons or property, or if its use may interfere with the employee's job-related performance. Such prescriptions brought to work should remain in the original labeled container and show both the prescribing doctor's name and the prescription's expiration date. An employee using such prescribed or over-the counter substances may be required to take a leave of absence or other appropriate action as determined by the Appointing Authority.

1.5.11.5. If an employee has direct knowledge, report the use, possession, or storage of Controlled Substances or Alcohol in the buildings, vehicles, or on the property of Marshall County.

1.5.11.6. Pursue and complete rehabilitation, if the employee has a Controlled Substance or Alcohol abuse problem that affects job performance or safety. Rehabilitation will include regular random drug testing and supervision of these requirements.

1.5.12. APPOINTING AUTHORITY'S AND DEPARTMENT HEADS' RESPONSIBILITIES.

1.5.12.1. Appointing Authorities and department heads shall inform supervisors of their responsibilities in implementing this policy. Supervisors shall be counseled and receive instruction on 1). focusing concerns on job performance and safety; 2.) identifying Controlled Substance and Alcohol abuse problems including determining "Reasonable Cause" to refer an employee for testing; and

3.) advising management and law enforcement authorities in instances of illegal possession.

1.5.12.2. Appointing Authorities and department heads shall conduct an orientation for all employees on this policy. The orientation should cover 1.) restrictions on Controlled Substance and Alcohol possession and use; 2.) availability of counseling and treatment for administrative referrals to psychological services and rehabilitation facilities; 3.) disciplinary actions for noncompliance; and 4.) responsibility to report instances of policy violations.

1.5.13 CONFIDENTIALITY. The County is committed to a safe, productive workplace that is free of substance abuse. The County is also concerned about employee's privacy. All information received by the County, its supervisors, testing lab, and/or MRO, concerning employee drug and alcohol testing, initial screening results, lab test results, and related medical information is *confidential*.

1.5.13.1. Such information shall only be released upon the written consent of the employee 1.) to local, state, or federal agencies with investigative or regulatory jurisdiction; 2.) to the County's workers' compensation carrier, or other third-party administrator of workers' compensation or insurance claims; ; 3.) to employees of the County who have a "need to know," as well as 4.) to any retained consultant or counselor of the County relating to its drug and alcohol testing program; 5.) as evidence, obtainable in discovery, or disclosure in any public or private proceedings, with the exception of any criminal proceeding against the employee; 6.) following a subpoena from a court of competent jurisdiction; and/or 7.) to subsequent employers upon receipt of a written request/release from the former employee.

1.5.13.2. Records relating to Controlled Substance and Alcohol testing, initial screening, lab reports showing test results, or other documents relating to the County's Controlled Substance and Alcohol testing program shall be kept in a separate location from employee's individual personnel files. Records shall be kept in a secure location and only authorized personnel shall have access to the records.

1.5.13.3. A written consent form from the employee to release such records shall contain at a minimum 1.) the name of the person who is authorized to obtain the information; 2.) the purpose of the disclosure; 3.) the precise information to be disclosed; 4.) the duration of the consent; and 5.) the signature of the person authorizing release of the information.

1.5.14. SECTION 10. EMPLOYEE ASSISTANCE/BENEFITS PROGRAM

1.5.14.1. Counseling and rehabilitation for Alcohol or Controlled Substance abuse is available for employees currently enrolled in the County's Group Health Care Plan, only to the extent of the current benefits package. The County will assume no direct financial responsibility for counseling or rehabilitation costs of an employee. Any costs in addition to or in excess of any available health benefits are the employee's responsibility. The County can provide a list of state and national resources upon request.

1.5.14.2. An eligible employee with a Controlled Substance or Alcohol problem may make a *voluntary self-referral* for assistance prior to being chosen for

screening or testing without jeopardizing his/her continued employment, provided the employee immediately discontinues the substance abuse. Employees may not, however, make a voluntary self-referral to avoid taking a required any Controlled Substance or Alcohol test or screen.

1.5.14.3. Employees, who are referred for rehabilitation through administrative channels, may use the extent of any accrued paid annual or sick leave time during such time as they are in attendance at the rehabilitation program. If the employee has accrued no paid annual or sick leave time at the time he/she enters the rehabilitation program, such attendance will be without pay to the employee.

1.5.15. INVESTIGATIONS OR SEARCHES. Where there is reasonable cause to suspect an employee has violated this policy, the Appointing Authority reserves the right for a supervisor to inspect County property or County vehicles without prior notice. "Cause to Suspect" shall be solely in the judgment and discretion of the Appointing Authority. The County may release any Controlled Substance, Alcohol, or paraphernalia to law enforcement authorities in accordance with appropriate procedures.

1.5.16. MISCELLANEOUS

1.5.16.1. This policy shall not alter nor supersede any existing disciplinary appeal or grievance procedures established under the policies and procedures of the Marshall County Personnel Board.

1.5.16.2. The Marshall County Personnel Board reserves the sole right to interpret all provisions of this policy and take all appropriate actions within its sole discretion and judgment.

1.5.16.3. The County shall provide 60 days prior notice of initiation of the testing requirements of this policy. A copy of this policy shall be distributed to all employees and shall be available in the office of the Marshall County Commission and Personnel Board for inspection and copying during regular business hours.

1.5.16.4. Upon written request, an employee shall have access during regular business hours to any records relating to the employee's screening tests conducted pursuant to this policy. The employee is entitled to one copy of the results, if requested in writing.

1.5.16.5. All information involving medical examination, testing, counseling, rehabilitation, treatment, or discipline of an individual employee or applicant shall be treated as confidential medical information.

1.5.16.6. Adherence to this policy on Controlled Substance and Alcohol is a condition of employment for all employees who are subject to the Marshall County Personnel Board. All employees will be required to sign the applicable acknowledgement form and to consent to this policy.

1.5.16.7. This policy can be altered or amended, as provided in the Policies and Procedures of the Marshall County Personnel Board, in order to accommodate changes in current state and federal regulations, testing technologies, or circumstances which impact County practices and policies or industry standards.

MARSHALL COUNTY
DRUG & ALCOHOL TESTING CONSENT & RELEASE FORM

I hereby certify that I have reviewed a written copy of Marshall County's Drug & Alcohol Free Workplace Policy which **was (is) effective 05/19/2011, as revised.** I have been given the opportunity to ask questions regarding this policy. I understand that violation of this policy is cause for disciplinary action, up to and including termination, or disqualification of employment.

I hereby give my voluntary consent for specimen(s) to be collected from me and submitted for drug and/or alcohol testing as a condition of my initial or continued employment. I understand that I will not be forced to submit to any alcohol or drug test, but my refusal to do so shall result in termination of employment or consideration for employment. I further consent to the release of said test results to Marshall County and their Medical Review Officer. I understand that these results will be held in strict confidence; to be used for County's employment purposes only and will not be used in any criminal proceedings.

I understand that consent and cooperation in these procedures is a condition of employment, and that refusal to consent may result in termination or disqualification from employment. I also understand that an employee subject to discipline or termination for the violation of this policy shall have the same rights of hearing or appeal as set forth for any other violation of County policy.

I agree to hold harmless this County and its agents (**Name of laboratory and Medical Review Officer**) from any liability arising in whole or in part from the collection of specimens, testing, and use of the results from said tests in connection with the County's consideration of my application for employment or disciplinary action, up to and including termination.

I authorize the release of any test results to the Marshall County's worker's compensation insurer, the Alabama Department of Industrial Relations, Unemployment Compensation Division, or any other government agency investigating my employment or termination thereof, or in any related administrative or court proceeding, and as set forth in the Policy Statement.

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

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

Employee/Applicant Printed Name: _____ **Date:** _____

Employee/Applicant Signature: _____

Employee/Applicant SSN: _____

Witness Printed Name: _____ **Date:** _____

Witness Signature: _____