



Madison County
Personnel - Drug and Alcohol Policy
2012

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PART I – PERSONNEL POLICY

SECTION 1. INTRODUCTION

- A. Purpose - The purpose of this policy is to provide for an effective system of personnel administration for Madison County, Georgia.
- B. Employees Covered
1. Except as noted otherwise in this section 1(B), this policy applies to all Employees of Madison County holding classified positions, as defined in section 2 hereof.
 2. This policy does not apply to the following persons and positions:
 - a) Any elected position, including a person appointed to fill an expired term.
 - b) Any position of employment by an Elected Official, unless said official has adopted this policy, in writing, and the Board of Commissioners has agreed to accept such position of employment under this policy, as provided by O.C.G.A. § 36-1-21.
 - c) Membership positions on appointed boards, committees, and commissions.
- C. No Property Rights in Employment - All employees under the jurisdiction of the Board of Commissioners are "at will" employees, have no property interest in or expectation of continued employment, and have no rights to "due process" in connection with discipline or termination. As "at will" employees, such persons may be subjected to disciplinary action in the sole discretion of the Chairman of the Board of Commissioners, who is hereby vested with authority over such matters.
- D. Reservation of Powers of Amendment - The Board of Commissioners reserves the right in its sole and absolute discretion in the public interest to amend these policies. Any such amendment may, without limitation, reorganize, abolish, consolidate, or create departments or exempt departments, positions, or categories of positions from coverage of these policies, change positions from classified to unclassified positions, alter salary or benefits for services rendered after the date of such amendment, or abolish the system of personnel administration provided by these policies. Any such amendment shall apply to any then-current or future Employee of the County and the service of such then-current or future Employee after the date of the amendment, including all rights of compensation for services rendered after such amendment and tenure shall be governed by the amendment.

SECTION 2. DEFINITIONS

For the purpose of this policy, the following terms shall have the meanings respectively ascribed to them below, unless another meaning is specifically indicated.

Classified Position - A position of employment for which the compensation is specified by the pay plan.

Continuous Service - Continuous service is employment that is uninterrupted except for authorized leaves of absence, suspension or separation due to a reduction in work force.

Department Head - The position with overall administrative responsibility for a department.

Elected Official - The Sheriff, Tax Commissioner, Probate Judge, Magistrate Judge, Clerk of Superior Court, Coroner, and County Surveyor.

Paid Leave – Includes both annual (vacation) leave and sick leave.

Pay Plan - The schedule of employment positions and corresponding rate of compensation for each, adopted by the Board of Commissioners and as may be amended by the Board of Commissioners.

SECTION 3. PAY PLAN

- A. Establishment - The Board of Commissioners shall adopt a pay plan for positions of employment under the jurisdiction of the Board of Commissioners. The Board of Commissioners may choose to omit positions from the pay plan (e.g., positions it chooses to fill by individual contracts of employment). By definition, positions omitted from the pay plan are not subject to this policy, unless and to the extent the Board of Commissioners specifies application of this policy to such position in the contract or other arrangement with the person so employed.
- B. Amendment - The Board of Commissioners, in its sole discretion, may amend the pay plan at any time and in any manner, including but not limited to creating positions, abolishing positions, altering the job descriptions for positions, and raising or lowering the rates of pay for positions.

SECTION 4. RECRUITMENT AND SELECTION FOR VACANT POSITIONS

A. Recruitment

(1) Department Heads shall be responsible for notifying the Human Resources Manager of vacant, or soon to be vacant, positions in their departments. The Department Head and Human Resources Manager shall confer at the earliest opportunity to determine whether recruitment should be limited to current county employees or open to the public; how postings, advertisements, and notices should be made; and whether a closing date for applications should be specified.

(2) If the Human Resources Manager and Department Head wish, and the Board of Commissioners Chair consents, a position may be filled from review of applications previously submitted, without the necessity of new postings or advertisements. It is anticipated this process would typically be used in situations where an applicant is hired and then resigns after only a short time.

B - The Human Resources Manager may design application forms, and may require their use in

connection with any particular vacancy.

C - The Department Head and Human Resources Manager shall review applications and resumes, conduct interviews, and/or take such other review as they deem appropriate, and recommend one or more candidates to the Board of Commissioners Chair for approval. For Department Head positions, the Chair shall make the selection, with such assistance from the Human Resources Manager as he directs. In all cases, the final hiring authority rests with the Chair.

SECTION 5. OUTSIDE EMPLOYMENT, FINANCIAL INTEREST

A. Outside employment - Employees shall not engage in any other employment or in any private business or profession during the hours for which they are employed and scheduled to work for the County, nor outside of such hours in a manner or to an extent that affects or is deemed likely to affect the employee's performance.

B. Financial interest - Employees shall not knowingly have a financial interest in the profits of any contract, service or other work performed by the government. Nor shall employees profit directly or indirectly from any contract, purchase sale and/or service between the County and any person or company.

SECTION 6. GIFTS AND GRATUITIES

An Employee shall not accept gifts, gratuities, or loans from organizations, business concerns, or individuals with which he/she has official business. These limitations do not prohibit the acceptance of articles of negligible value, which are distributed generally, nor do they prohibit Employees from obtaining loans from regular lending institutions.

SECTION 7. POLITICAL ACTIVITY

Employees shall not make use of County time or equipment to aid a political candidate, political party, or political cause.

SECTION 8. SUPERVISORY AUTHORITY; REFERENCES

A. Scope of Authority – Supervisory employees should exercise such authority and discretion as set out in the employee's job description. If a supervisory employee has doubt as to his or her authority to make a decision or take an action, he or she should consult his or her own supervisor for direction. Department heads should consult the Chairman of the Board of Commissioners for direction on questions as to their own scope of authority, and on such inquiries from subordinates when they are unsure as to the proper answer.

- B. Reference Inquiries – All inquiries regarding current or former employees will be responded to by the Human Resources Manager. Any employee who receives such an inquiry shall not give out any information concerning such current or former employee, but rather shall refer the inquirer to the Human Resources Manager.

SECTION 9. REINSTATEMENT AND TRANSFERS

A. Reinstatement - If a previous Employee is re-hired by the County within 12 months, he/she will be given credit for prior time of service for purposes of compensation, leave time, and all other purposes hereunder.

B. Transfers - Employees transferring to another department will receive a pay rate adjustment to the entry level rate for that position. The Employee will retain years of service for reasons of pension and vacation pay. Also, the Employee will receive an equity code adjustment for years of service as applied to the new pay rate after three full pay periods in the new position.

SECTION 10. COMPENSATION POLICY

- A. Permanent Full-Time Employment - Employment for a forty-hour work-week, expected to continue indefinitely.
- B. Permanent Part-Time Employment - Employment for a work-week of less than forty hours, expected to continue indefinitely. Part-time employees shall be entitled to insurance benefits on a pro-rated basis (e.g., county will pay 50% of the amount it pays for full-time employees if employed for twenty hours per week, 75% if employed for thirty hours per week, etc.), and shall accrue leave time on a pro-rated basis (e.g., 50% if employed for twenty hours per week, 75% if employed for thirty hours per week, etc.).
- C. Temporary Employment - Employment on either a full-time or part-time basis indefinitely. Temporary employees shall not be entitled to insurance benefits or paid leave time.
- D. On Call - Employment simply by being placed on an approved list of persons who may be called upon by a Department Head when additional personnel are needed due to absences, vacations, or other reasons. On call employees shall not be entitled to insurance benefits or paid leave time. Placement on a call list is no guarantee of being called upon at all or of being called upon for any specific number of hours.
- E. Hours of Work – The Department Head shall, in his or her discretion, establish the work week end hours of work for Employees under his or her supervision, subject to the Fair Labor Standard Act and any other applicable law. For employees in offices located in the County Government Complex, work hours shall be consistent with the office hours established in the General County Policy.

F. Workers' Compensation - Any Employee who is accidentally injured on the job is covered under the Georgia Workers' Compensation Act. An Employee may elect to receive his/her accumulated sick, or sick and annual leave in lieu of Workers' Compensation benefits while he/she is disabled. In the event the available leave is inadequate to cover the entire period of disability (in excess of the first 7 days of disability) the Employee would be entitled to weekly benefits as of the day his/her leave was exhausted. Alternatively, an employee may opt to receive only the Workers' Compensation benefits that are authorized by law, which most often will be monetarily less than an individual's normal salary.

G. Return to Work Policy. Madison County participates in the Loss Control and Safety Incentive Program of the ACCG Group Self-Insurance Workers' Compensation Fund, through which workers' compensation coverage is provided to county employees. In accordance with the requirements of that program, department heads and elected officials are directed/encouraged to make efforts to return injured workers to employment as soon as reasonable and practicable. In situations where the employee's treating physician has determined that temporary physical limitations do not permit the employee's return to his previous job, such efforts should include providing "transitional employment" (i.e., temporary duties that are less strenuous than the employee's normal job duties) where reasonable and practicable.

H. Overtime and Compensatory Time:

1. Definitions

The County will comply with the Federal Fair Labor Standards Act (FLSA) and applicable State laws governing minimum wages, overtime pay, and child labor. The County determines "exempt" or "non-exempt" of positions in accordance with FLSA guidelines. Questions regarding exempt/non-exempt status should be directed to the Human Resources Manager.

- a. "Exempt" employees are not subject to the overtime pay provisions of the FLSA.
- b. "Non-exempt" employees are subject to the wage and hour provisions. Under the FLSA, most non-exempt employees must be paid:
 - (i) At least the federal minimum wage, and
 - (ii) FLSA overtime, which consists of time and one half (1 and 1/2) the employee's regular rate of pay for all hours worked in excess of 40 in a standard workweek (except as to fire protection and law enforcement personnel who have a work period of at least seven but fewer than 28 consecutive days, for whom overtime compensation is required when the ratio of the number of hours worked to the number of days in the work period exceeds a specified ratio as set forth in 29 U.S.C.A. § 207(k) and 29 C.F.R. § 553.201(a)). Paid leave or holiday time used is not counted as hours worked in determining overtime.

The payment of overtime to non-exempt employees is a legal requirement. Department Heads may not tell non-exempt employees that they are ineligible for overtime pay, and any who make such statements may be subject to progressive counseling up to and including termination.

2. Overtime/Compensatory Time

It is the County's intent to schedule work activities during the standard 40 hour workweek. However, in order to meet customer and business needs, it may be necessary for non-exempt employees to work in excess of those hours. When this is necessary, Department Heads will provide as much notice as possible to the employees required to work.

Authorization to work in excess of the standard 40 hour workweek must be obtained in advance from the Department Head. Employees who work in excess of 40 hours in a standard workweek without prior authorization may be subject to progressive counseling up to and including termination of employment.

3. Compensatory Time Maximums

Employees engaged in public safety or emergency response may not accrue more than 480 hours of compensatory time. Since compensatory time is accumulated at time and one half (1 1/2), this is 320 hours of actual overtime work (320 hours of overtime work x 1.5 = 480 hours). All other non-exempt employees may not accrue more than 240 hours of compensatory time (160 hours of overtime work x 1.5 = 240 hours). If a non-exempt employee's compensatory time balance exceeds the accumulation limits of 240 or 480 hours, the employee must be paid for any hours over the limit at time and one half (1 and 1/2) the employee's regular rate of pay.

4. Conditions of Use of Compensatory Time

An employee of a public agency who has accrued compensatory time and requests use of this compensatory time shall be permitted to use such time off within a reasonable period after making the request, if such use does not unduly disrupt the operations of the County and Department within which the employee works. What constitutes a "reasonable period" will be determined by considering the customary work practices within the department based on the facts and circumstances in each case. Such practices include, but are not limited to (a) the normal schedule of work, (b) anticipated peak workloads based on past experience, (c) emergency requirements for staff and services, and (d) the availability of qualified substitute staff.

5. Cash in Lieu of Compensatory Time

(a) Overtime compensation due under the FLAS may be paid in cash at the County's option, in lieu of providing compensatory time off hereunder, in any workweek or work period. The FLSA does not prohibit an employer from freely substituting cash, in whole or part, for compensatory time off; and overtime payment in cash would not affect subsequent granting of compensatory time off in future workweeks or work periods.

(b) Cash overtime compensation must be paid at a rate not less than one and one-half times the regular rate at which the employee is actually paid.

6. Cash Compensation at Termination of Employment

(a) Upon termination of employment, an employee shall be paid for unused compensatory time at a rate of compensation not less than

(i) The average regular rate received by such employee during the last 3 years of the employee's employment, or

(ii) The final regular rate received by such employee, whichever is higher.

(b) The phrase last 3 years of employment means the 3-year period immediately prior to termination. Where an employee's last 3 years of employment are not continuous because of a break in service, the period of employment after the break in service will be treated as new employment. However, such a break in service must have been intended to be permanent and any accrued compensatory time earned after April 14, 1986, must have been cashed out at the time of initial separation. Where the final period of employment is less than 3 years, the average rate still must be calculated based on the rate(s) in effect during such period.

SECTION 11. EMPLOYEE PERFORMANCE EVALUATION

- A. Objective - The purpose of the employee performance evaluation is to inform employees of how well they are performing their work and how they can improve their work performance.
- B. Evaluations - Evaluations shall be prepared by the immediate supervisor of each employee and reviewed by the Department Head. Evaluations should typically be given one time per year, but may be done more or less often, at the option of the Department Head.
- C. Review with Employees - The immediate supervisor shall discuss each performance evaluation with the employee being evaluated. If an employee disagrees with a statement(s) in an evaluation, such employee may submit, within ten days following the conference with his or her immediate supervisor, a written statement, which shall be attached to the evaluation form and forwarded to the Human Resource Manager.

SECTION 12. SEPARATIONS

- A. Resignation: An Employee shall submit to the Department Head written notice of resignation at least 14 days in advance of the date of resignation. A resigning Department Head shall submit such written notice to the Chairman of the Board of Commissioners. Resignations are deemed accepted upon submission.
- B. Abandonment of Job - An Employee not on authorized leave of absence who fails to report for work or three (3) consecutive days may be deemed to have abandoned employment. An employee who abandons employment forfeits all accrued vacation time.
- C. Lay-off or Reduction in Force - Any Employee may be laid off because of shortage of funds or

work, abolishment of the position, material changes in the duties or organization, or related reasons beyond the employer or the Employee's control which do not reflect dissatisfaction to other Employees holding positions appropriate classes shall be affected.

- D. Dismissals - Employees may be dismissed by the Chairman of the Board of Commissioners at any time and in his/her sole discretion.
- E. Retirement - The retirement of an Employee shall consist of the voluntary separation of an Employee who has met the requirements of age and length of service under the laws governing any applicable retirement plan of which such Employee is a member.
- F. Death - Separation shall be effective as of the date of the death of the Employee. All compensation, including annual leave pay, due to such Employee, as of the effective date of separation, shall be paid to the beneficiary of the Employee, the surviving spouse of such Employee, or to the estate of such Employee, as may be determined by law or by the applicable executed documents in the Personnel folder of such Employee.
- G. Mandatory Certification; Reimbursement - Whenever an employee obtains a professional or trade certification at county expense, which certification is required as a condition of holding the employee's job position, no reimbursement shall be required from the employee if he or she remains in the employ of the county for two or more years after obtaining such certification. If the employee leaves the employ of the county within one year of obtaining such certification, the employee shall be liable to the county for reimbursement of one hundred percent (100%) of all expenses incurred by the county for such certification, including but not limited to registration fees for training courses and certification examinations. If the employee leaves the employ of the county after one year but within two years of obtaining such certification, the employee shall be liable to the county for reimbursement of fifty percent (50%) of all expenses incurred by the county for such certification, including but not limited to registration fees for training courses and certification examinations.

SECTION 13. DISCIPLINARY ACTIONS

- A. Prohibited Conduct - Disciplinary action may be warranted by improper conduct including but not limited to the following:
 - 1. The conviction of a felony, or of a misdemeanor involving moral turpitude.
 - 2. Excessive absenteeism or job abandonment.
 - 3. Absence without leave, or failure to report after the expiration of a leave of absence.
 - 4. Excessive tardiness.
 - 5. Abuse of leave.
 - 6. Insubordination or serious breach of proper discipline.
 - 7. Negligence, inefficiency or incompetence.
 - 8. Abuse or theft of County property.
 - 9. The borrowing of County equipment for personal reasons.
 - 10. The loss of a job requirement, such as the loss of a necessary license, which prevents the

adequate performance of the essential functions of the positions.

11. The willful making of false statements to Supervisors, officials, the public boards, commissions, or agencies.
12. The violation of County ordinances, administrative regulations, departmental rules, or these rules and regulations.
13. The consumption, sale, or possession of alcoholic beverages and/or illegal substances while at work, or being intoxicated on the job, or being otherwise affected on the job because of the prior use of some illegal substance.
14. The making of a false statement in an application or on a time sheet, or any other false statement, verbal or written, on a matter relating to county business.
15. Acceptance of gratuities in conflict with state law or County ordinance.
16. Political activity in conflict with this policy.
17. Engaging in offensive conduct or using offensive language toward the public, Supervisory Personnel, or fellow Employees.
18. Harassment on the basis of race, color, sex, religion, national origin, citizenship, age, or disability.
19. Misconduct.
20. Any violation of the Madison County Drug and Alcohol Policy.
21. Conduct reflecting discredit upon the County.

B. Types of Disciplinary Action -

1. By Department Head - Department Heads may issue verbal or written reprimands, without the necessity of consulting with the Board of Commissioners Chair.
2. By Board of Commissioners Chair - The Board of Commissioners Chair may impose any action he/she deems appropriate, including but not limited to verbal reprimand, written reprimand, suspension without pay, and dismissal.

C. No Due Process Rights - As Set forth in Section 1(c) of this Policy, employees are at will and have no property interest in nor expectation of continued employment. Accordingly, there are no rights of appeal or other process review in connection with disciplinary action.

SECTION 14. PAYROLL

- A. Initial Appointments -** Upon hire of an Employee, the Department Head shall submit to the County Commission such information as is necessary to certify the employment status, title or position, and salary or wage of such Employee.
- B. Recovery of Salaries Improperly Paid -** Officers and Employees may be held liable for the return of salaries improperly, accidentally or illegally paid to Employees.

SECTION 15. ATTENDANCE AND LEAVE

- A. Attendance - Each Department Head shall maintain a Daily Report or Time Sheet of the total number of hours worked by each Employee of his or her department. At the end of each pay period, each Employee and Department Head shall sign the Time Sheet declaring that the times and dates are a correct representation of the days and hours worked. The Report or Time Sheet shall be submitted to the Human Resources Manager no later than Monday noon following the last day of the pay period.
- B. Holidays - The Board of Commissioners will establish paid holidays in its General County Policy each year.
- C. Annual (Vacation) Leave

1. Purpose - Vacations are for the purpose of rejuvenating both physical and mental faculties and all Employees are urged to avail themselves of vacation periods.

2. Eligibility – Permanent full time Employees are entitled to earn and accrue annual leave. Permanent part time Employees are entitled to earn and accrue a prorated share of annual leave, based on the number of hours regularly worked. Temporary and “on call” Employees are not eligible for annual leave.

3. Accrual – Permanent full time and part time Employees begin to accrue leave immediately upon employment. Annual leave shall be accrued according to the following schedule:

Number of Normal Hours per Work Day	Number of Hours Accrued Per Month	Number of Years of Continuous Employment
8 hours	8 hours	1 mth. & over
12 hours	9 hours	1 mth. & over
24 hours	11 hours	1 mth. & over
8 hours	10 hours	5 yrs. & over
12 hours	11 hours	5 yrs. & over
24 hours	13 hours	5 yrs. & over
8 hours	12 hours	10 yrs. & over
12 hours	13 hours	10 yrs. & over
24 hours	15 hours	10 yrs. & over
8 hours	14 hours	15 yrs. & over
12 hours	15 hours	15 yrs. & over
24 hours	17 hours	15 yrs & over

4. Notice of Leave - A request for annual leave shall be submitted to the Employee’s immediate

Supervisor. Annual leave may be taken only after approval by the appropriate Department Head so that, insofar as practicable, the department can function without the hiring of additional temporary help. Annual leave shall be authorized in units of days or hours only.

5. Maximum Allowance Accumulation –

(a) Unused annual leave not exceeding 240 hours may be carried in the next calendar year. Any leave in excess of 240 hours as of December 31 shall be lost.

(b) Employees who had a leave balance in excess of 240 hours as of January 1, 2009, shall be permitted to carry said balance over for a period of three years, to allow them to use said balance during that time; any balance unused by December 31, 2011, shall be lost. Such employees may not add to their carry-over balance. For example, an employee who had a balance of 250 hours as of January 1, 2009, may carry over 250 hours, but no more, from 2009 to 2010 from 2010 to 2011, and from 2011 to 2012; if such employee still has a balance exceeding 240 hours as of December 31, 2012, the excess shall be lost. Employees who retire or become permanently disabled prior to December 31, 2012, shall be compensated for the full balance of their accrual (including any excess); employees who leave employment for any other reason shall be compensated only up to 240 hours of accrual and any excess shall be lost.

6. Payment for Unused Leave - Upon cessation of employment, an employee shall be paid for all unused annual leave (up to 240 hours) unless he or she fails to give proper notice of resignation as provided in Section 11(A).

7. Accrual Date – Accruals shall begin the month following the Employee's employment anniversary date.

D. Sick Leave

1. General - Sick leave shall be allowed to an eligible Employee:

a. in the case of actual sickness or disability of the Employee or for medical, dental or eye examination or treatment for which arrangements cannot be made outside of working hours; and

b. when the Employee is required to care for a sick or injured spouse, child, or member of the immediate family. The Employee shall report the illness prior to his or her scheduled work time if possible. If not, the Employee shall see that the illness is reported within 30 minutes after the time he or she is scheduled to have reported for work.

2. Eligibility - Those Employees entitled to earn annual leave shall also be eligible to earn sick leave.

3. Rate of Leave Accrual – Permanent full time Employees begin to accrue sick leave immediately upon employment at the rate of eight (8) hours per month. Permanent part time Employees are entitled to a prorated share of sick leave, based on the number of hours regularly worked.

4. Certification by Physician - A medical certificate signed by a licensed physician may be required by a Department Head to substantiate a request for sick leave.

5. Maximum Allowable Accumulation - Unused sick leave will not be lost.
6. No Payment of Unused Sick Leave - Upon cessation of employment, no payment shall be made for any unused sick leave.
7. Sick Leave Donation - Employees may, but are under no compulsion whatsoever to, donate unused sick leave either to the County Sick Leave Bank or to a specified employee, under the following conditions.

a. Donation of Time:

1. An employee may not donate time if such donation would cause his/her remaining sick leave balance to fall below 40 hours.
2. An employee wishing to donate time must contact the Human Resources Manager ("HRM") and provide such information and/or documentation as the HRM requires.
3. Employees leaving county employment may not donate time, regardless of the reason for leaving employment.
4. Donation of time, once accepted by the HRM, is irrevocable.
5. Only accrued sick leave, and no other form of leave (e.g., annual leave), may be

donated.

b. Use of Time:

1. Requests for use of donated time shall be submitted in writing by the employee to his/her department head, who shall relay it to the HRM, and the applicant shall provide such information and/or documentation as the HRM requires. IN NO INSTANCE shall an employee solicit donation of time directly from another employee; all requests for use of donated time MUST be relayed through the HRM as set forth herein.
2. Donated time is available only to employees who have depleted all of their own sick leave and vacation/annual leave.
3. Donated time is available only to employees under the following circumstances:
 - (i) Where the employee is experiencing (or would experience but for use of donated time) leave without pay due to a circumstance that would entitle him/her to leave under the federal Family and Medical Leave Act (FMLA). Certification of the circumstances, including but not limited to certification of illness by a physician on U.S. Department of Labor Form 1215-0181, may be required; or
 - (ii) Where the employee has been unable to report for work due to illness for at least one week, as verified in writing by the employee's health care provider; the employee shall be eligible in such circumstance for donated time beginning with the sixth work day.
4. Donated time may not be used by employees who do not accrue sick leave under the terms of their employment (e.g., temporary employees).
5. An employee may use no more than 120 hours of donated sick leave within a calendar year, except in situations where the employee is taking early retirement due to serious health issues. In this instance, an employee may receive additional sick leave hours to cover an additional 2 months and the donated time is necessary to keep the employee on

payroll until early retirement becomes effective.

6. Use of donated sick leave is dependent upon the HRM locating persons willing and able to make a designated donation or there being available leave time in the Bank (which is strictly a function of how much time is voluntarily donated). The County makes no representations or guarantees that time will be available.

7. Used donated leave time will be designated as FMLA leave of the recipient employee, to the full extent permitted by law.

E. Other Types of Leave

1. Military Leave

a. Any regular Employee who leaves the classified service to join the military forces of the United States during time of war or other national emergency, or is inducted by Selective Service, may, upon written request, prior to induction into the military, be placed on military leave without pay, such leave to extend through a date 90 days after which such service terminates. Such Employee shall be entitled to be restored to the vacated position, or a comparable position, provided the Employee makes application to the Department Head and/or Personnel Coordinator within 90 days of the date of discharge under honorable conditions, and is physically and mentally capable of performing the essential functions of the position without reasonable accommodation.

b. The returning Employee shall be entitled to any increases in salary (including Minimum Wage Adjustments) or any advancement in grade which would normally be accorded to the incumbent of the position, with the exception of any increases or advancement in grade which would normally be dependent on meritorious performance of the duties of the position.

c. In the event a position vacated by a person entering the military service as stated above in no longer exists at the time he or she qualifies to return to work, such person shall be entitled to be re employed in another position of the same status, class and pay in the classified service, provided such re employment does not necessitate the laying off of another Employee.

d. Any regular Employee who is a member of the National Guard or an organized military reserve of the United States will be allowed leave of absence with pay not to exceed 18 calendar days (or in compliance with state law) during any calendar year to attend training camps upon presentation of orders concerning such training. Such leave shall not be charged to annual leave.

2. Bereavement Leave - Bereavement leave of three (3) working days annually will be granted with pay for Employees absent from duty due in the event of death in the immediate family. Immediate family shall mean spouse, child, father, mother, father in law, mother in law, brother, sister, brother in law, sister in law, grandparents, grandchildren, or any relative who is domiciled in the Employee's household. (In the event of multiple losses, the Employee would be entitled to 3 days for each immediate family member.)

3. Worker's Compensation - An Employee who is temporarily disabled because of an injury or illness sustained directly in the performance of his or her work may be covered by the provisions of the State Workers' Compensation Act.
4. Temporary Disabilities Not Covered by Workers' Compensation - An Employee who becomes temporarily disabled shall be allowed to exhaust his or her accrued sick and vacation leave. After all sick and vacation leave have been used, further extension of leave (either with or without pay) must be specifically authorized by the County Commission upon recommendation of the Department Head and approval of the Chairman of the Board of Commissioners.
5. Civil Leave - An Employee shall be given necessary time off, without loss of pay, when performing jury duty, or when required by proper authority to be a witness in legal proceedings, provided such call to duty is reported in advance to the Employee's Department Head. Any compensation pay for such services rendered shall be paid to or endorsed to the Board of Commissioners.
6. Leave of Absence Without Pay - A Department Head, with the approval of the Chairman of the Board of Commissioners, may grant a regular Employee a leave of absence without pay for a period not to exceed six (6) months. Leave of absence without pay for a period exceeding six months and not more than one year may be granted with the approval of the County Commission. The following conditions apply:
 - a. Leave without pay shall be granted only when it will not adversely affect the interests of the County service.
 - b. Failure of an Employee to return to work at the expiration of approved leave shall be considered as absence without leave and grounds for disciplinary action.
 - c. An Employee will earn no sick leave or annual leave for the time that such Employee is on leave without pay.
 - d. An Employee may elect to have health insurance continue to be provided, with the Employee paying the total amount of the premium.
 - e. An Employee shall return from leave without pay to the same salary grade as at the time of commencement of leave.
 - f. An Employee who obtains either part time or full time employment elsewhere while on an authorized leave of absence without pay is required to notify his or her Department Head in writing within three days of accepting such employment.
 - g. An Employee returning from a leave of absence without pay shall be entitled to employment in the same department in the same or equivalent class wherein employed when said leave commenced.
7. Family and Medical Leave – Family and medical leave shall be granted in accordance with the Family and Medical Leave Act of 1993, whereas states; Public Law 103 3, 107 Stat. 6 (29 U.S.C. 2601 et seq.) (FMLA or Act). FMLA generally requires private sector employers of 50 or more Employees, and public agencies, to provide up to 12 workweeks of unpaid, job protected leave to eligible Employees for certain specified family and medical reasons; to maintain eligible Employees' pre existing group health insurance coverage during periods of FMLA leave; and to

restore eligible Employees to their same or an equivalent position at the conclusion of their FMLA leave. The Department Head, with the concurrence of the Human Resources Manager, may require that accrued but unused annual or sick leave be charged against leave available under the Act.

8. Absence Without Leave - An absence of an Employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of these regulations shall be deemed to be an absence without leave. Any such absence shall be without pay and shall be cause for disciplinary action.
 9. Notification to Human Resources Manager - When an Employee has taken leave of any kind or is absent without leave, his or her Department Head shall notify the Personnel Manager in writing within the same pay period in which the leave is taken or the absence without leave occurs. Such notification may be by notation on a time card or attendance sheet or by memo, giving specific information covering type of leave, dates, hours, and other pertinent data.
- F. Other Leave Required by Law- Leave shall be permitted to all employees (full-time, part-time, permanent, and temporary), and paid when required, to the extent required by all applicable state and federal law, including but not limited to O.C.G.A. §38-2-279, the Family Medical Leave Act, and the Uniformed Services Employment and Reemployment Rights Act. To the extent any provision herein conflicts with any such applicable law, the law shall prevail and the conflicting provision herein shall be null and void.

SECTION 16. NEPOTISM

An employee should not be hired, transferred, or promoted into a position that would make the employee subject to supervision by an immediate family member, nor that would give the employee supervisory authority over an immediate family member. "Immediate family" is defined as a spouse, child, step-child, parent, step-parent, son-in law, daughter-in-law, mother-in-law, or father-in-law.

SECTION 17. EQUAL OPPORTUNITY AND NON-DISCRIMINATION

- A. Policy - All applicants for positions and Employees of the County shall be assured of fair and equitable treatment in all aspects of personnel administration, including training, promotion, and disciplinary action, without regard to political affiliation, race, color, national origin, sex, age, disability, or religious creed, or genetics and with proper regard for their privacy and constitutional rights as citizens.
- B. Publicity - The Human Resources Manager shall see that information about job opportunities and the equal employment policy of the County is readily available to all citizens of the County and especially to all potential job applicants.

SECTION 18. HARASSMENT

The harassment policies and procedures applicable to Employees covered hereunder are contained in the Madison County General Policy, and incorporated herein by reference.

SECTION 19. OTHER POLICIES AND PROCEDURES

Other miscellaneous policies and procedures applicable to Employees covered hereunder are contained in the Madison County General Policy, and incorporated herein by reference.

SECTION 20. POLICY CHANGES

These policies shall reflect, and be superseded by, any changes mandated by State or Federal Legislation.

SECTION 21. SEVERABILITY

This policy and all its provision shall be construed in harmony with all applicable state and federal laws, statutes, and rules, to the extent possible. To the extent any provision cannot be so construed and thus is in conflict with state or federal law, statute, or rule, such provision is hereby declared null and void, and the remainder of this policy shall remain in full force and effect.

SECTION 22. DISCRETION IN ADMINISTRATION

It is impossible to anticipate every personnel issue that might arise. Therefore, the Chair of the Board of Commissioners is hereby vested with the discretion to address and make decisions regarding any personnel matter not specifically addressed herein, and the Chair's decision shall be final. The Chair's decision in such cases shall be in accord with all applicable state and federal laws, rules, and regulations.

PART II – DRUG AND ALCOHOL POLICY

SECTION 1. RATIONALE AND EMPLOYEES COVERED

Madison County is committed to maintaining a work environment free from the adverse impact of Employee drug and alcohol abuse. Employee drug and alcohol abuses create serious risks of physical harm to Employees, persons who rely on Madison County's services, and to the public. It constitutes a direct threat to the lives and property of the citizens of Madison County and the public health, safety and welfare of all persons in Madison County. Drug and Alcohol abuse leads to increased accident rates and absenteeism, causes job performance and efficiency to suffer, seriously compromises safety in the workplace and community, and discredits the County Government's reputation; therefore, Madison County will not tolerate an Employee's possession, sale, distribution, consumption or presence in the body of alcoholic beverages or illegal drugs while on County property or on County business at any time. In order to further the objective of protecting their persons and property of its Employees, citizens and the general public, Madison County hereby adopts and implements the

following policy.

SECTION 2. DRUG AND ALCOHOL USE PROHIBITED.

Substance and alcohol abuse by Madison County Employees during assigned working hours, in County building or on County grounds, or otherwise on County business is prohibited. This shall include the use of illegal substances, the abuse of prescription medications, and the use or abuse of alcohol.

A. Illegal Drugs

1. Madison County prohibits Employees from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing or selling or otherwise transferring any illegal drug or controlled substance while on the job, on County property, operating County equipment or vehicles or operating any other equipment or vehicles on County business. “Illegal drug or controlled substance” means any drug or substance the law prohibits individuals from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing or selling or otherwise transferring, including, without limitation, marijuana and cocaine, as well as drugs listed as controlled substances under the Controlled Substances Act, 21U.S.C. 812.
2. Madison County prohibits Employees from being on the job, on County Property, operating County equipment or vehicles or operating any other equipment or vehicles on County business while impaired due to any illegal drug or controlled substance. An Employee is impaired due to the influence of an illegal drug or controlled substance. An Employee is impaired due to the influence of an illegal drug or controlled substance if drug test results indicate the presence of an illegal drug or controlled substance in the Employee’s system in an amount that constitutes a positive test result under accepted scientific standards.
3. Off the job illegal drug use or activity or arrest relating to such illegal drug use or activity is a violation of the Policy. Off the job drug use or activity or arrest relating to such use or activity is likely to adversely affect the functioning of Madison County in many ways, including, without limitation, one or more of the following: adverse effects on job performance or attendance, jeopardizing the safety or welfare of the Employee or fellow Employees, jeopardizing the safety or welfare of persons which County services seek to protect, or risking damage to County or other property. An Employee convicted for a violation of a criminal drug statute in the workplace or elsewhere or cited for a DUI, must notify the County no later than five days after such conviction.

B. Legally Obtained Drugs

1. Employees must not be on the job, on County property, operating County equipment or vehicles, or operating any other equipment or vehicles on County business while impaired due to any drug, legal or illegal, that renders the Employee unfit for duty. An Employee is “unfit for duty” if, in the County’s opinion, the Employee’s use of legally obtained drugs jeopardizes the Employee’s ability to work safely or efficiently. An Employee who is using legally obtained drugs must notify the Employee’s immediate Supervisor of any and all symptoms that may render the Employee unfit for duty. If an Employee’s medically required use of legally obtained drugs renders the Employee unfit for duty and, in the opinion of the County, a temporary alternative job assignment is not available, the Employee will be considered as an Employee unfit for duty due to illness.

2. Employees using prescription medication while on the job shall do so in strict accordance with medical directions. It is the Employee's responsibility to notify the prescribing physician of the duties required by the Employee's position and to insure the physician approves the use of the prescription medication while the Employee is performing the Employee's duties.
3. The abuse or inappropriate use of legally prescribed drugs during assigned work hours is prohibited. Job performance or attendance deficiencies resulting from abuse or inappropriate use shall be cause for disciplinary action. If an Employee's behavior or job performance gives rise to a reasonable suspicion that the Employee is abusing or inappropriately using prescription medication, the Employee may be required to submit to drug testing and to take any accrued sick or annual leave or leave without pay until such time as the Employee is cleared to return to work by the Employee's physician and Department Head.

C. Alcohol

1. Madison County prohibits Employees from using, consuming, possessing, distributing, purchasing, selling or otherwise transferring alcoholic beverages on the job, on County property, while operating County equipment or vehicles or operating any other equipment or vehicles on County business.
2. Madison County also prohibits Employees from being at work or on County property or operating any other equipment or vehicles on County business under the influence of alcohol. An Employee is under the influence of alcohol if, based on the Employee's speech, statements, behavior, conduct, appearance or odor, the County believes the Employee is under the influence of alcohol. An Employee is also under the influence if test results indicate the Employee's blood alcohol concentration level is .04 or higher. An Employee is also under the influence of alcohol if he has been arrested for operating, under the influence of alcohol, County equipment or vehicles or any other equipment or vehicles or any other equipment or vehicles on County business.
3. Off the job uses of alcohol that the County reasonably believes adversely affect job performance or attendance, jeopardize the safety or welfare of the Employee or fellow Employees, jeopardize the safety, health or welfare of persons covered by the County's insurance programs or risks damage to County or other property are also a violation of this policy.

D. Penalty for Violation of the Policy - An Employee who, in the opinion of the County, violates any provision of this Section 2 of this Policy is subject to discipline as set forth in the Madison County Personnel Policy, up to and including discharge.

SECTION 3. PRE-EMPLOYMENT DRUG AND ALCOHOL TESTING.

A. Drug Screening - To further the goal of providing a drug free workplace and protecting the health, safety and welfare of the Employees, citizens, and general public of Madison County, all job applicants being considered for employment shall be required to pass a drug screening test prior to employment. As a part of the pre-employment physical, the test will be required after the interview process has verified the applicant has the necessary skills required to perform the job duties. All job applicants will be informed in advance that the test shall be required. A candidate for employment shall not be allowed to start working until the drug test results have been reviewed and approved by the MRO, as defined below.

- B. Positive Test Results - An applicant who has an initial screening positive test result for an illegal drug or controlled substance will not be hired and will not be reconsidered for any subsequent employment for a period of six months.
- C. Consent - An applicant who refuses to consent to the test will not be hired.

SECTION 4. TESTING FOR EMPLOYEES.

A. Requirement - To ensure the success of this Drug and Alcohol Policy, the County will require Employees to undergo urinalysis or other medical drug and alcohol detection procedures under the circumstances described below. All required medical tests, all procedures in connection therewith, the interpretation thereof and the determination of positive results will be conducted in accordance with the procedures for drug and alcohol testing set out in 49 CFR Part 40, which is incorporated herein by reference, at the County's expense, by qualified, County designated medical personnel under the direction of the person designated as the Medical Review Officer, the "MRO". All job applicants and Employees who are required to undergo testing must sign a consent form authorizing the medical personnel to conduct testing.

B. Random Testing

1. Certain positions are critical to the public welfare and the safety and health of fellow Employees. Employees in safety and health sensitive positions or Employees whose job duties require maintenance or operation of a motor vehicle or motorized equipment shall be required to submit to a drug and alcohol screening at unannounced times or on a periodic basis from time to time as determined by the County. The following positions are considered safety sensitive: the Chairman and members of the Board of Commissioners; Buildings & Grounds Custodian Supervisor and Maint. Supervisor; Courthouse Security; Sheriff's Department Chief Deputy, Deputy Sheriff's, Investigators and Lieutenants; Jail Cook, Detention Officers, Jail Administrator and Nurse; D.A.R.E. Officers; Ambulance Service Director, Asst. Director, EMT's, Paramedics, and Supply Manager; EMA Director; E-911 Director, Asst. Director and Dispatchers; Road Department Supervisor, Asst. Supervisor, Drains & Bridges Technicians, Heavy Equipment Operators, Maintenance Detail, Mechanics, Mowing Crew and Truck Drivers; Transfer Station Heavy Equipment Operators; Senior Center Van Drivers; Recreation Department Maintenance Coordinator, Park Maint. Supervisor and Park Maintenance Technicians; Building Inspectors; Code Enforcement Officer.
2. Employees in safety and health sensitive positions or Employees whose job duties require maintenance or operation of a motor vehicle or motorized equipment may expect to be tested on an unannounced basis. The Chairman of the Board of Commissioners, subject to review by the Board, is authorized to develop an unannounced and anonymous method of selecting Employees for testing on a periodic basis. In each unannounced selection, the names of all Employees subject to testing shall be included for each draw of names to be tested. The Chairman shall determine a percentage of Employees to be tested each time that is deemed both cost effective and sufficient to insure that the goals of the Policy are implemented. The Chairman may direct the testing of any or all of the Employees subject to testing on an occasional or periodic basis.

3. The Board of Commissioners may designate additional positions which are deemed to be safety sensitive and subject to testing on an unannounced or periodic basis.
4. Employees selected for random testing shall not be notified of the test until it is time to proceed to the collection site, and shall proceed to the collection site as quickly as possible upon notification, and in any event no later than 4:30 PM. If a selected employee is off-duty or otherwise unavailable at the time the employer desires to conduct the test, a replacement employee shall be randomly selected, and the employee's supervisor or the Human Resources Manager shall document the reason for the individual's unavailability. Mere inconvenience to the employee or the employer shall not be considered as rendering the employee unavailable.
5. It is understood that firefighters and rescue personnel are volunteers and contribute their time unselfishly for the protection of the citizens of the County. The County recognizes that volunteer firefighters, first responders, and rescue personnel ordinarily hold full time employment elsewhere. In order to avoid disrupting their employment, volunteers shall be given a reasonable period of time in which to report for such testing, but not less than 24 hours.

C. Reasonable Suspicion Testing

1. Testing will be required when a Supervisor reasonably suspects an Employee is impaired or unfit for duty due to illegal drugs, controlled substances, or alcohol. Testing based on a reasonable belief an Employee is using or has used drugs or alcohol in violation of the policy may be drawn from specific objective and documented facts and reasonable inferences drawn from those facts and may be based upon, among other things:
 - a. Observable phenomena, such as direct observation of possession, transfer or use of such drugs, controlled substances, or alcohol, or the physical symptoms of being impaired or unfit for duty due to any of same;
 - b. Abnormal conduct or erratic behavior while at work including, but not limited to: slurred speech, staggered gait, flushed face, dilated or pinpoint pupils, deterioration of work performance including absenteeism and tardiness; or a report of alcohol or drug use during assigned working hours provided by reliable and credible sources and independently corroborated.
 2. Each Employee is subject to, but not entitled to, drug or alcohol testing whenever the County reasonably suspects the Employee uses illegal drugs or controlled substances, abuses legally obtained drugs, or abuses alcohol.
 3. An Employee who is tested pursuant to Section 4.C. will be suspended pending the test outcome. If the test is negative, the Employee will be allowed to return to work with full back pay, unless the suspension was imposed for additional reasons unrelated to this Policy.
- D. Post Accident Testing - All Employees involved in a work related incident which requires medical attention, involves personal injury, or involves property damage may be tested promptly for drug and

alcohol use in accordance with County policies, at the discretion of the Department Head. Any Employee involved in a motor vehicle accident while driving a County vehicle on a public roadway shall be tested for drugs and alcohol. This Section shall also apply to any Employee involved in a motor vehicle accident while driving a private vehicle on County business.

- E. Test Results Will Be Kept Confidential - All information from an Employee's or job applicant's drug and alcohol test shall be confidential and only available to at the Department Head, Board of Commissioners and their legal counsel, the medical review officer, those Employees of Madison County who have valid need to know, and those involved in any appeal process should it become necessary. Disclosure of test results to any other person, agency, or organization shall be prohibited unless written authorization is obtained from the Employee or job applicant. The results of a positive drug or alcohol test shall not be released until the results are confirmed. These confidentiality provisions are subject to and may be superseded by requirements of the Georgia Open Meetings Act, Georgia Open Records Act, and other state or federal laws or regulations, including but not limited to the requirement that evidence for disciplinary action by the Board of Commissioners be taken in open session.
- F. List of Medications - If an applicant or Employee tests positive for drugs or alcohol, Madison County will ask the individual to provide a list of those prescriptions and over the counter medications recently used. The list of medications shall be kept confidential. The list of medications shall be disclosed only to the medical review officer who will determine whether the positive result was due to the lawful use of any of the listed medications.
- G. Drugs for Which Employees Will Be Tested
 - 1. The drugs to be tested for include, but are not limited to, the following:

Marijuana	Amphetamines
Sedatives	Benzodiazepines
Opiates/Narcotics	Hallucinogens
Stimulants	Cocaine
 - 2. Any Employee who undergoes any test for alcohol and the results indicate a blood alcohol concentration of 0.04 or more shall be considered to be in violation of this Policy which shall subject the Employee to all the terms and conditions of the Policy.
- H. Consent - Before a test is administered, Employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the employer and the medical review officials. The consent form shall provide a space for Employees and job applicants to acknowledge they have been notified of the requirements of this Policy.
- I. Refusal to Consent
 - 1. Job Applicants: Any applicant for a job with Madison County who refuses to consent to a drug test shall be denied employment.
 - 2. Employees: Any Employee who refuses to sign the consent form or submit to a drug and alcohol

test as required herein shall be subject to termination. Employees who fail to appear at the designated collection site to take the test when so directed shall also be subject to termination.

- J. Failure to Cooperate - Any Employee, who (1) fails to cooperate with a County investigation into possible violations of this policy or (2) refuses to sign the consent to or to take a drug or alcohol test, will be discharged.

SECTION 5. SEARCHES

When a Supervisor reasonably suspects, as outlined in Section 4 of the Policy, that an Employee is impaired or unfit for duty due to an illegal drug, controlled substance, or alcohol, or that an Employee is manufacturing, dispensing, using, consuming, possessing, distributing, purchasing or selling or otherwise transferring any illegal drug, controlled substance or alcohol while on the job, on County property, operating County equipment or vehicles or operating any other equipment or vehicles on County business, the County shall have the right to conduct reasonable searches of the Employee's clothing, briefcase, purse, lunch box, tool box, or motor vehicle. Prior to conducting a search pursuant to this paragraph, the County will explain to the Employee the reasons and grounds for the search and request the Employee's consent to the search. Searches will be conducted in a manner that minimizes any intrusions into the Employee's privacy. No search will be conducted if the Employee refuses to consent to the search, but the Employee's refusal to cooperate with search efforts may subject the Employee to discipline up to and including discharge. If a search uncovers evidence of Employee wrongdoing, illegal activity, or Employee violations of County rules or policies, the evidence may be used to support disciplinary actions up to and including discharge. In cases involving suspected illegal activities, the evidence may be turned over to the proper legal authorities.

SECTION 6. DRIVERS OF COMMERCIAL MOTOR VEHICLES

- A. Applicability; Conflict with Federal Law.

The provisions of this Drug and Alcohol Policy apply to all persons in the employ of Madison County, Georgia, who are required to have a commercial driver's license and who operate a commercial motor vehicle while performing duties for Madison County (hereafter "drivers"). This Section 6 imposes certain additional policies and procedures on such drivers. The purpose of this Section 6 is to comply with 49 U.S.C.A. section 31306 and all Regulations promulgated thereunder, and to the extent anything herein should be deemed to conflict with such statute or regulations, the statute and Regulations shall control.

- B. Return-to-Duty and Follow-Up Testing.

1. In addition to any other requirements hereunder, any driver who has engaged in conduct in violation of this policy concerning alcohol shall be required to undergo an alcohol test with a result of less than 0.02 prior to returning to duty. In addition to any other requirements hereunder, any driver who has engaged in conduct in violation of this policy concerning controlled substances shall undergo a controlled substance test with a result indicating a verified negative result for controlled substance use

prior to returning to duty.

2. In addition to any other requirements hereunder, following a determination that a driver is in need of assistance in resolving problems associated with alcohol misuse or use of controlled substances, the driver shall be subject to unannounced follow-up testing as directed by a substance abuse professional. Such testing shall be conducted only while, just before and just after the driver is performing safety-sensitive functions.

C. Test Results, Record Retention and Confidentiality.

1. Record Retention. The County will maintain records in connection with this policy in accordance with the requirements of CFR § 382.401.

2. Reporting. The County shall report the results of the program set up by this policy in accordance with CFR § 382.403.

3. Access to Facilities and Records. No information required to be maintained under this policy shall be released except (1) as provided herein, (2) as provided by law, including without limitation CFR § 382.405 or (3) as expressly authorized.

4. Medical Review Officer Notifications to Madison County. The medical review officer, herein MRO, shall report to the County official designated by the Board of Commissioners the results of the MRO's review made pursuant to 49 CFR Part 40. The report shall be in writing, signed and received by the County within three business days of the completion of the review. The MRO shall notify the County if unable to contact the driver as set out in 49 CFR Part 40. The County shall immediately require the driver to contact the MRO and notify the MRO that the driver has been notified to contact the MRO.

5. Record Retention by the Medical Review Officer. The MRO shall maintain all records, identified by individual, for five years for verified positive controlled substance tests and for one year for negative or canceled tests. Other than as allowed by law and this policy, the MRO shall not release the test results to any third person without the specific written authorization of the driver.

6. County Notifications. Any driver tested under this policy shall be notified by the County of the results of the tests conducted and, if positive for controlled substances, shall request the driver contact the MRO, if the driver has not already done so.

7. Previous Employers. It shall be a condition of employment that a driver applying for employment consent to the County obtaining information maintained by any previous employer under CFR § 382.401(b)(1)(i) through (iii). The County shall obtain and review such information prior to employing the driver. If the County obtains information showing a refusal to be tested, a verified positive controlled substance test or an alcohol test with a concentration of 0.04 or greater, the driver shall not be employed by the County.

D. Testing Procedures.

All tests shall be performed in accordance with 49 CFR Part 40-Procedures for Transportation Workplace Drug Testing Programs. The controlled substances for which tested shall include only those approved by the U. S. Department of Transportation. The County will contract for the services of a medical review officer and a certified laboratory for controlled substance testing. The County will use County employees for alcohol testing. The County reserves the right to change any of these. Any contract for service will include a requirement for compliance with 49 CFR Part 40.

SECTION 7. DISCIPLINARY POLICY.

- A. Notice - If a specimen is confirmed positive, the Employee will be informed of the results by the MRO.
- B. Disciplinary Policy
 - 1. The following reasons shall be grounds for immediate termination of an Employee:
 - a. A confirmed positive test for drugs or alcohol.
 - b. Manufacturing, dispensing, using, consuming, possessing, distributing, purchasing or selling or otherwise transferring any illegal drug or controlled substances while on the job, on County property, operating County equipment or vehicles or operating any other equipment or vehicles on County business;
 - c. Operating a County vehicle or motorized equipment while unfit for duty due to the use of drugs or alcohol;
 - d. Felony conviction for violation of drug laws;
 - e. Refusing to consent to or to take a drug or alcohol test pursuant to this Policy;
 - f. Failure to appear at the designated collection site to take the test when so directed.
 - g. Failure to cooperate with a County investigation into possible violations of this Policy; or
 - h. Refusal to consent to a reasonable search pursuant to Section 5 of the Policy.
 - 2. Additional Factors to be Considered - Additional factors may be reviewed to determine disciplinary action for violations of this Policy. These factors include, but are not limited to:
 - a. Public safety and law enforcement personnel shall be held to a higher standard;
 - b. Positions of leadership within the County shall be held to a higher standard;
 - c. Prior violations of drug or alcohol laws and regulations; and

- d. Any other occurrence or circumstance which indicates the need to impose immediate or enhanced disciplinary sanctions.

C. Voluntary Admissions

An Employee with a drug or alcohol abuse problem may voluntarily report such to his or her department head, to the Human Resources Manager, or to the Chairman of the Board of Commissioners. For purposes of this section, a voluntary admission is one made by the Employee prior to actual or constructive notice that he or she is, or may in the immediate future be, asked or required to undergo a random, post-accident, or reasonable suspicion drug and alcohol test. If an Employee makes a voluntary admission of drug or alcohol abuse pursuant hereto, he or she may be transferred to another position of employment within the county under the following conditions;

- a. The position must be one not classified as safety sensitive under Section 4(B)(1) hereof; the position must be one that does not require operation of equipment, machinery, or motor vehicles; and the position must be one which does not require direct contact with members of the public.
- b. The position must be one that is in existence and vacant at the time of the voluntary admission; i.e., a position may not be created for the Employee.
- c. The Employee must, at his or her own expense (to the extent not covered by any applicable insurance), immediately enter into evaluation and treatment with a substance abuse professional ("SAP"), in accordance with the terms and conditions prescribed under 49 CFR Part 40, which terms and conditions are incorporated herein by reference. The Employee must comply with the treatment plan prescribed by the SAP, and shall provide evidence of same to the county upon request.
- d. The Employee must, prior to transfer, present written certification from the SAP that he or she is capable of performing the duties of the proposed new position.
- e. The Employee shall, until satisfactory completion of the treatment program and certification of fitness to return to a safety sensitive position, in accordance with the terms and conditions set out in 49 CFR Part 40, submit to drug and alcohol testing upon request. Failure to so submit, or a confirmed positive test, shall result in immediate dismissal.
- f. The position vacated by the Employee upon his or her voluntary admission shall not be held open; however, upon satisfactory completion of the treatment program and certification of fitness to return to a safety sensitive position, in accordance with the terms and conditions set out in 49 CFR Part 40, the Employee may apply and be considered for employment for vacant safety sensitive positions in the same manner as any other county Employee or applicant.
- g. For purposes of determining whether a vacant position requires operation of a motor vehicle, it shall be presumed that all positions of employment in the county require the Employee to hold the license and ability to operate a motor vehicle unless at least seventy-five percent of the

positions within the department, or three positions within the department, whichever is greater, are already filled by Employees holding such license and ability.

- h. Failure to comply with any of the terms and conditions hereunder, including but not limited to failure to seek or make adequate progress in evaluation and treatment, or failure to provide evidence same upon request, shall constitute grounds for immediate dismissal.

This Personnel and Drug & Alcohol Policy is approved by the Madison County Board of Commissioners on the _____ day of _____, 2012, to be effective immediately.

Honorable Anthony Dove, Chairman, Madison County Board of Commissioners

ATTEST:

Linda Cox, County Clerk, Madison County Board of Commissioners