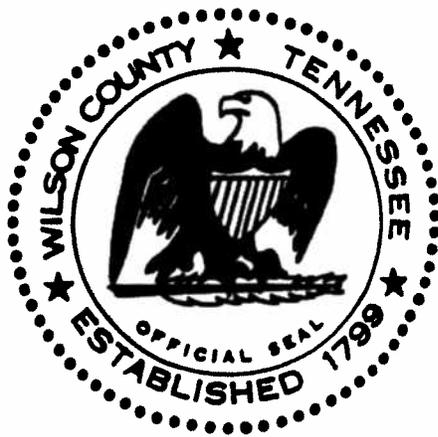


Wilson County Government

Drug-Free Workplace and Substance Abuse Policy



July 1, 2004

ROBERT DEDMAN
County Mayor



RACHEL WARREN
Assistant/Secretary

WILSON COUNTY GOVERNMENT

April 26, 2004

The illegal use of drugs and the abuse of alcohol are problems that invade the workplace, endangering the health and safety of the abusers and those around them. Wilson County Government is committed to creating and maintaining an environment free of substance abuse without jeopardizing valued employees' job security.

To address this problem, Wilson County Government has developed a policy regarding the illegal use of drugs and the abuse of alcohol that it believes best serves the interests of all employees and the community. The policy formally and clearly states that the illegal use of drugs or the abuse of alcohol or prescription drugs will not be tolerated. As a means of maintaining the policy, pre-employment and active employee substance abuse testing has been implemented.

To assist in providing a safe and healthy environment Wilson County Government maintains a resource file of information of various means of employee assistance in the community, including but not limited to drug and alcohol abuse programs. Employees are encouraged to use this resource file located on bulletin boards throughout the system. In addition the information will be distributed to employees for their confidential use.

An employee whose conduct violates Wilson County Government's Substance Abuse Policy will be disciplined up to and including termination. Thank you for helping ensure that Wilson County Government is a safe place to work.

Sincerely,

Robert Dedman
Wilson County Mayor

**DRUG-FREE WORKPLACE
SUBSTANCE ABUSE POLICY FOR
WILSON COUNTY GOVERNMENT**

It has been estimated that American companies spend over one hundred billion dollars each year on the consequences of substance abuse in the workplace. Cost incurred may include absenteeism, accidents, equipment damage, and increased medical cost and insurance premiums.

Research indicated that health insurance costs for employees with alcohol problems are approximately twice those of other employees. It has also been estimated that employees who abuse alcohol or drugs have two times as many accidents, three times as many vehicular accidents, and use three times as much sick leave as those who do not.

Each person reacts differently to drugs and alcohol, but one thing is clear—these substances affect our judgement and our ability to perform. Their abuse places employees of Wilson County Government, coworkers and the community at risk.

To maintain a drug-free work force and to eliminate the safety risks, lost time, and reduced productivity that results from the use and the influence of alcohol and/or drugs in the workplace, Wilson County Government has adopted a substance abuse policy in accordance with the Tennessee Worker's Compensation Reform Act of 1996. The intention of this policy is to make Wilson County Government a safer and better place to work.

POLICY STATEMENT:

Wilson County Government is committed to providing a safe work environment and to fostering the well being and health of its employees. This commitment is jeopardized when any Wilson County Government employee illegally uses drugs on or off the job, comes to work under their influence, possesses, distributes, or sells drugs in the workplace, or abuses alcohol on the job. Therefore Wilson County Government has established the following policy pursuant to Tennessee Code Annotated Section 50-9-100 et. Seq.:

1. It is a violation of Wilson County Government policy for any employee to use, possess, sell, trade, offer for sale or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job.
2. It is a violation of Wilson County Government policy for any employee to report to work under the influence of or while possessing illegal drugs in his or her body, blood, or urine, in any detectable amount.
3. It is a violation of Wilson County Government policy for any employee to report to work under the influence or impaired by alcohol or to engage in the use of alcohol during work hours.
4. It is a violation of Wilson County Government policy for any employee to use prescription drugs illegally, i.e. to use prescription drugs that have not been legally obtained or in a manner or for a purpose other than as prescribed. *Note that this policy in no way precludes the appropriate use of legally prescribed medications.*
5. Violations of this policy are subject to disciplinary action up to and including termination.
6. As a condition of employment, employees must abide by the terms of this policy and must notify Wilson County Government in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction

SCOPE:

Employees Subject to Testing:

All employees of Wilson County Government will be subject to testing for the use of alcohol and illegal drugs.

Alcohol:

Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including but not limited to methyl and isopropyl alcohol.

No employee shall report to work or remain at work while having an alcohol concentration of 0.04 or greater. Possession of alcoholic beverages at the worksite is prohibited.

No employee shall be on duty or operate a commercial motor vehicle while possessing alcohol, unless the alcohol is manifested and transported as part of a shipment. Employees shall not operate a vehicle in the performance of work duties while having an alcohol concentration of 0.04 or greater.

No employee required to take a post-accident test shall consume alcohol for four hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first. An employee is required to take a post-accident alcohol test immediately provided there is not some reason beyond the employee's control that such testing cannot timely occur. In no case shall more than four (4) hours elapse before the test is administered.

Controlled Substance:

The Tennessee Worker's Compensation Reform Act of 1996 allows for controlled substance testing pursuant to drug testing regulations adopted by the United States Department of Transportation, which includes testing for amphetamines, barbiturates, benzodiazepines, cannabinoids, cocaine, opiates, and phencyclidine.

No employee shall report to work or remain at work while using or under the influence of any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely perform his or her work functions.

No employee shall report to work or remain at work if the employee tests positive for controlled substances.

Prescribed Medications or Non-Prescribed Over-the-Counter Medications:

All employees taking prescribed medications or non-prescribed over-the-counter medications that could impair their ability to safely perform their work functions must report this to their immediate supervisor prior to engaging in work related activities and as otherwise indicated in this policy.

DEFINITIONS:

- (1) “Alcohol” as used in these rules shall have the same meaning as in the federal regulations describing procedures for the testing of alcohol by programs operating pursuant to the authority of the United States Department of Transportation as currently compiled at 49 Code of Federal Regulations (C.F.R.) Part 40. This definition shall be changed to conform to any future revision of the Department of Transportation’s regulations.
- (2) “Alcohol test” means an analysis of blood, or any other analysis, which determines the presence, absence or level of alcohol as authorized by the relevant regulations of this policy.
- (3) “Certified laboratory” means any facility equipped to perform the procedures prescribed in this chapter, in accordance with the standards of the United States Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA), or the College of American Pathologists-Forensic Urine Drug Testing (CAP-FUDT).
- (4) “Chain of Custody” refers to the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing accountability at each stage in handling, testing, and storing specimens and reporting test results.
- (5) “Confirmation test”, “confirmed test”, or “confirmed drug test” means a second analytical procedure used to identify the presence of a specific drug, or alcohol, or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.
- (6) “Covered employer” means a person or entity that employs a person, is covered by the Workers’ Compensation Law, maintains a drug-free workplace pursuant to these rules, and also includes on the posting required by T.C.A. Section 50-9-105 a specific statement that the policy is being implemented pursuant to the provisions of these rules. These rules shall have no effect on employers who do not meet this definition.
- (7) “Drug” means any drug subject to testing pursuant to drug testing regulations adopted by the United States Department of Transportation. A covered employer may test an individual for any or all of such drugs.
- (8) “Drug Rehabilitation Program” means a service provider that provides confidential, *timely, and expert identification*, assessment and resolution of employee drug or alcohol abuse.
- (9) “Drug test” or “test” means any chemical, biological, or physical instrumental analysis administered by a certified laboratory for the purpose of determining the presence or absence of a drug or its metabolites or alcohol pursuant to regulations governing drug or

alcohol testing adopted by the United States Department of Transportation or such other recognized authority approved by rule by the commissioner of labor.

- (10) “Employee” means any person who works for a salary, wages, or other remuneration for a covered employer.
- (11) “Employee Assistance Program” means an established program capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee drug or alcohol abuse; referrals of employees for appropriate diagnosis, treatment and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work. If, in addition to the above activities, an employee assistance program provides diagnostic and treatment services, these services shall in all cases be provided by the program.
- (12) “Employer” means a person or entity that employs a person and is covered by the Workers’ Compensation Law.
- (13) “Injury” means a harm or damage to any employee, occurring in the workplace or in the scope of employment which must be recorded, in accordance with Occupational Safety and Health Administration (OSHA) reporting guidelines, in the covered employer’s OSHA 200 Log.
- (14) “Initial drug test” means a procedure that qualifies as a “screening test” or “initial test” pursuant to regulations governing drug or alcohol testing adopted by the United States Department of Transportation or such other recognized authority approved by rule by the commissioner of labor.
- (15) “Job Applicant” means a person who has applied for a position with a covered employer and has been offered employment conditioned upon successfully passing a drug or alcohol test, and may have begun work pending the results of the drug or alcohol test.
- (16) “Medical Review Officer” or “MRO” means a licensed physician, employed with or contracted with a covered employer, who has knowledge of substance abuse disorders, laboratory testing procedures and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee’s positive test result in relation to the employee’s medical history or any other relevant biomedical information.
- (17) “Reasonable-Suspicion Drug Testing” means drug testing based on a belief that an employee is using or has used drugs or alcohol in violation of the covered employer’s policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:
 - (a) Observable phenomena while at work, such as direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol;

- (b) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
 - (c) A report of drug or alcohol use, provided by a reliable and credible source;
 - (d) Evidence that an individual has tampered with a drug or alcohol test during his employment with his/her current covered employer;
 - (e) Information that an employee has caused, contributed to, or been involved in an accident at work; or
 - (f) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs or alcohol while working or while on the covered employer's premises or while operating the covered employer's vehicle, machinery, or equipment.
- (18) "Safety-Sensitive Position" means a position involving a safety-sensitive function pursuant to regulations governing drug testing adopted by the United States Department of Transportation. For drug-free workplaces, the commissioner is authorized, with the approval of the Advisory Council on Workers' Compensation, to promulgate rules expanding the scope of safety-sensitive position to cases where impairment may present a clear and present risk to co-workers or other persons. "Safety-sensitive position" means, with respect to a public employer, a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations or work with controlled substances, or a position in which momentary lapse in attention could result in injury or death to another person.
- (19) "Specimen" means tissue, fluid, or a product of the human body capable of revealing the presence of alcohol, drugs or their metabolites.
- (20) "Split Specimen" means the procedure by which each urine specimen is divided in two and put into a primary specimen container and a secondary, or "split", specimen container. Only the primary specimen is opened and used for the initial screening and confirmation test. The split specimen container remains sealed and is stored at the testing laboratory.
- (21) "Threshold Detection Level" means the level at which the presence of a drug or alcohol can be reasonably expected to be detected by an initial and a confirmatory test performed by a certified laboratory. The threshold detection level indicates the level at which a valid conclusion can be drawn that the drug or alcohol is present in the employee or job applicant's sample.

QUALIFICATIONS FOR EMPLOYMENT AND PROHIBITED CONDUCT:

Prohibited Conduct:

Alcohol:

1. Use and/or possession is prohibited during working hours.
2. Reporting for work or remaining at work with an alcohol concentration of 0.04 or greater is prohibited.
3. Operating a vehicle in the performance of work duties with an alcohol concentration of 0.04 or greater is prohibited.
4. Possession of alcohol in an open container on County property or in a County vehicle or during regular work hours is prohibited.
5. Use during the eight hours following an accident or until the employee undergoes a post-accident test is prohibited.
6. Refusal to take a required alcohol test is interpreted as a positive alcohol test result.
7. Driving a County vehicle while under the influence of drugs or alcohol is strictly prohibited.

Controlled Substance:

1. Use of any illegal drug is prohibited during working hours, except by doctor's prescription written for that individual, and then only if the doctor has advised the employee that the drug will not adversely affect the employee's ability to safely perform his or her job functions. A supervisor may request the employee provide proof by a doctor's written statement.
2. Possession of any illegal drug is prohibited any time an employee is on the job unless it is in the performance of his/her work duties.
3. Employee is required to advise his/her supervisor of the use of any prescription medication, over-the-counter medication, or other substance which displays a warning advising the user of a danger of drowsiness or any possible impairment of mental ability or physical dexterity.
4. Refusal to take a required test is interpreted as a positive controlled substance test result.

Consequences and Disqualifications:

1. The employee shall not perform or be permitted to perform a work function if any of the above listed conditions is violated.
2. Any employee reporting to work visibly impaired will be deemed unable to perform required duties and will not be allowed to work. If possible the employee's supervisor will first seek another supervisor's opinion to confirm the employee's status. Next, the supervisor will *consult privately with the employee to determine the cause of the observation, including whether the substance abuse has occurred.* If, in the opinion of the supervisor, the employee is considered impaired, the employee will then be sent home or to a drug and alcohol testing facility by taxi or other safe transportation—depending on the determination of the observed impairment—and accompanied by the supervisor or another employee if necessary.

Opportunity to Consent or Explain Test Results:

Employees and job applicants who have a positive confirmed drug or alcohol test result may explain or contest the result to the medical review officer within five (5) working days after receiving written notification of the test result from the medical review officer. If an employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the County. A person may contest the drug test result pursuant to rules adopted by the Tennessee Department of Labor.

Confidentiality:

The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained except as otherwise prohibited by law.

TESTING CIRCUMSTANCES:

Pre-Employment Testing:

All job applicants at Wilson County Government will undergo testing for substance abuse as a condition of employment prior to beginning official work duties. A confirmed positive result will result in the revocation of the conditional employment.

Applicants will be required to submit voluntarily to a urinalysis test at a collection site and conducted by a laboratory chosen by Wilson County Government and by signing a consent agreement will release Wilson County Government from liability.

If the physician, collection site personnel, or lab has reasonable suspicion to believe that the job applicant has tampered with the specimen, the applicant will not be considered for employment.

Wilson County Government will not discriminate against applicants for employment because of a past history of drug or alcohol abuse. It is the current illegal use of drugs and/or alcohol which is of concern. *Note that the applicant may be excluded from eligibility for employment through other policies prohibiting the employment of a person with a criminal record which may have resulted from alcohol and/or drug abuse. A past history of drug or alcohol abuse in itself is not an adequate reason for exclusion from employment eligibility.*

Post-Accident Testing:

Any employee involved in a work-related accident which causes an injury to himself/herself or another person sufficient to require treatment for the injury or which disables a vehicle or equipment while carrying out official duties will be required to submit to an alcohol and controlled substance test. Testing will be administered immediately following the accident or as soon as medically and legally possible. In no case shall more than four (4) hours elapse before the test is administered. It is the employee's responsibility to notify Wilson County Government immediately to ensure actions are taken to meet the testing requirements.

The employee must refrain from consuming alcohol for eight hours following the accident or until he/she submits to an alcohol test, whichever comes first.

The drug test must be administered within four (4) hours following the accident. The employee must remain available for testing or Wilson County Government will consider the employee to have refused to submit to testing. If an injured employee refuses to submit to a test for alcohol and/or illegal drugs, the employee forfeits eligibility for worker's compensation benefits.

In case of non-emergency injuries reported after the fact, the injured employee must submit to testing at the time the injury is entered into the OSHA 200 log or any authorized replacement for the OSHA 200 log.

Note: Nothing in this requirement should be construed to require the delay of necessary medical attention for injured persons following an accident.

Random Testing:

Employees of Wilson County Government who are under the CDL guidelines or in a safety-sensitive position will be subject to random testing for controlled substances and alcohol. Random testing will be conducted on a percentage basis in a fair and equitable manner.

Safety-sensitive positions are defined as following but not limited to:

- EMT's
- Paramedics
- Firefighters
- Dispatchers
- Law enforcement officers
- Maintenance

Drug and alcohol testing may be conducted at any time the employee is at work for Wilson County Government.

Selection of employees for a computer will make random testing based random number generator that is administered by an outside source contracted by Wilson County Government.

Each time a random selection is made, every employee will have an equal chance of being selected. Random tests will be unannounced and spread reasonably throughout the year. When notified that they have been selected for random testing, employees will proceed immediately to the collection site, which may be on the work site.

Reasonable Suspicion Testing:

When there is a reasonable suspicion to believe that an employee is illegally using drugs or abusing alcohol reasonable suspicion testing may be required. Reasonable suspicion is based on a belief that an employee is using or has used drugs or alcohol in violation of Wilson County Government's policy drawn from specific objective and explainable facts and reasonable inferences drawn from those facts in light of experience and/or training.

It shall be a condition of employment for all employees to submit to reasonable suspicion substance abuse testing including but not limited to the following circumstances:

1. Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse.
2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
3. A report of substance abuse provided by a reliable and credible source.
4. Evidence that an individual has tampered with any substance test during his or her employment with Wilson County Government.
5. Information that an employee has used, possessed, sold, solicited, or transferred drugs while on Wilson County Government's property or while operating Wilson County Government's vehicle, machinery, or equipment.
6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while on Wilson County Government's property or while operating Wilson County Government's vehicle, machinery, or equipment.

Return to Duty Testing:

Any employee who is allowed to return to duty, based on Wilson County Government's approval, following referral, evaluation, and treatment as a result of positive alcohol or drug test will be required to submit to a return-to-duty alcohol and/or controlled substance test. An alcohol concentration of less than 0.04 and a negative drug test will be required before a return-to-duty decision is made.

Follow-Up Testing:

In the event an employee is allowed to return to duty following referral, evaluation and treatment, a minimum of four unannounced alcohol and/or drug tests will be required during the next 24 months of employment all at the employee's expense.

Alcohol and controlled substance testing may be performed at any time the employee is at work for Wilson County Government.

ALCOHOL TESTING METHODOLOGY:

Alcohol testing will only be performed by the drawing of blood by trained medical personnel and only tested by a laboratory certified by the Department of Health and Human Services. All alcohol testing will be conducted in a location that affords visual and aural privacy

to the individual being tested. Unauthorized persons will not be permitted access to the testing location when a test is in progress.

ALCOHOL TESTING PROCEDURES:

When the result is less than 0.04 no further testing is authorized and the result will be transmitted to Wilson County Government in a confidential manner and will be stored to ensure confidentiality is maintained.

When the results is 0.04 or greater a confirmation test must be performed to verify the initial test. The confirmation test will be conducted no less than 15 minutes and no more than 20 minutes after the initial test. In the event the initial and confirmation test results are different, the confirmation test is deemed to be the final result upon which any action under the terms of this policy shall be based.

Following the completion of the test, a form will be signed to certify the results. The employee will sign the certification and fill in the date on the form. This insures that each employee is attesting to the fact that the reported result is specific to the employee.

Refusal to submit to testing will be treated the same as if the result is 0.04 or greater. Wilson County Government will maintain alcohol and drug tests in a secure and confidential manner, so that disclosure of information to unauthorized persons does not occur. Employee information shall only be released as required by law or as expressly authorized.

An employee shall have access to any of his/her alcohol and drug testing records upon written request. When requested, Wilson County Government shall disclose post-accident testing information to the National Transportation Safety Board as part of an accident investigation.

Wilson County Government will make records available to a subsequent or prospective employer upon receipt of a written request from the tested employee. Wilson County Government may disclose information to the employee or the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual or in defense of Wilson County Government.

SPECIMEN COLLECTION PROCEDURES:

Specific guidelines provided by the U.S. Department of Transportation will be followed in urine specimen collections for the purpose of drug testing. In accordance with the Department of Health and Human Services (DHHS) guidelines, a clear and well-documented procedure for collection, shipment, and accession of urine specimens from Wilson County Government to the laboratory has been established. Procedures will account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.

Collection facilities chosen by Wilson County Government must meet security requirements as specified by DHHS guidelines. The collection site will be a secure location to

allow for privacy, which includes a toilet for completion of urination and a source of water for washing hands excluded from the area provided for urination.

When reporting to a collection site for specimen collection, each employee will be required to provide a photo I.D. Employees will be asked to remove all unnecessary outer garments (i.e., coat or jacket) and secure all personal belongings (individual may retain his/her wallet).

Employee will be required to wash his/her hands prior to providing specimen.

Employee will be allowed to provide his/her specimen in the privacy of a stall or individual restroom.

Specimen cup is equipped with a temperature strip, which must be read between 90 and 100 degrees F. Specimen out of temperature is unacceptable. Employee's temperature may be taken to ensure that body temperature is within normal range. If body temperature is consistent with sample, results will be noted and reported to lab and Medical Review Officer. If body temperature is within range a second sample will be collected and both temperatures reported to lab and Medical Review Officer.

In all cases the employee and the collection site personnel shall keep the specimen in view at all times prior to being sealed and labeled. The specimen will be labeled with tamper proof seals and the employee will sign appropriate places on the Chain of Custody form and initial the seal on the bottle attesting to the fact that the specimen is specific to the person providing the sample. A failure of the employee to cooperate will be considered a refusal to test which is considered a verified positive test result. The terms of this policy will then be administered.

TESTING METHODOLOGY:

Only laboratories certified by the Department of Health and Human Services (DHHS) will be used for drug urinalysis.

Every specimen is required to undergo initial screen followed by confirmation of all positive screen results. This screen confirmation process utilizes highly sophisticated techniques to detect minute levels of prohibited substances in urine.

Reporting of Results:

The laboratory is required to report the test results to the Medical Review Officer within five working days. The report shall indicate the drug/metabolites tested for, whether the results are positive or negative, the specimen number assigned by the collection site, and the drug testing laboratory identification number. As with alcohol testing, every reasonable precaution will be taken to maintain the confidentiality to the test results.

Review of Results/MRO:

The Medical Review Officer (MRO) is a licensed physician and possesses a knowledge of drug abuse disorders. The MRO may be an employee of Wilson County Government or one contracted to provide the services required. The MRO will review and interpret results obtained from the laboratory. The MRO through a verification process will assess and determine whether alternate medical explanations could account for the positive test results.

The MRO may conduct medical interviews of the employee, review the employee's medical history, and review any other relevant bio-medical factors. Additionally, the MRO will examine all medical records and data made available by the tested individual, such as evidence of prescribed medications.

The MRO will give an individual testing positive an opportunity to discuss the test results prior to making a final decision. After the final decision is made, the MRO will notify the Employee Benefits Coordinator or the Finance Director in the absence of the Employee Benefits Coordinator as prescribed below.

If during the course of an interview with an individual who has tested positive, the MRO learns of a medical condition, which could, in the MRO's reasonable medical judgment, pose a risk to safety, the MRO may report that information to Wilson County Government. An employee or applicant should report his/her use of prescription drugs to the MRO prior to taking a drug or alcohol test, or, in any event, no later than the time of the MRO's post-test review of the results with the individual. The individual's disclosure to the MRO of the use of prescription or non-prescription drugs will be kept confidential.

The MRO will notify each employee or applicant who has a confirmed positive test that the individual has 72 hours in which to request a test of the split specimen. If the individual makes such a request, the MRO will direct, in writing, the laboratory to provide the specimen to another certified laboratory for analysis. If the analysis of the specimen fails to reconfirm the presence of the drug(s) or metabolite(s) found in the primary specimen, or if the specimen is unavailable or inadequate for testing the MRO will cancel the test, report the cancellation, and the reasons for it to the employee and Wilson County Government. A request for re-testing of the sample and associated costs are the responsibility of the individual. Wilson County Government will comply with any additional rules promulgated by the Tennessee Department of Labor regarding the contesting of the drug test results.

If the MRO, after making and documenting all reasonable efforts, is unable to contact the testing person the MRO will contact a designated management official of Wilson County Government. He/She will arrange for the tested person to contact the MRO. If the person does not do so, the MRO will verify the test as positive and report it to the appropriate person.

An employee or applicant may have certain appeal rights to the courts under the Worker's Compensation Reform Act of 1996. It is the employee's or applicant's responsibility to notify the testing laboratory of any administrative or civil action brought pursuant to the Act.

DISCIPLINE AND CONSEQUENCES:

Pre-Employment:

An applicant for employment with a verified positive controlled substance test will be denied employment. If the individual has been allowed to begin performing duties, the person will be compensated for the time worked and terminated.

Reasonable Cause:

Any employee of Wilson County Government subject to the terms of this policy, as a result of reasonable cause testing, with a verified positive controlled substance test result and/or a blood alcohol confirmed test result of 0.04 or greater shall be subject to a disciplinary action up to and including termination. Whether or not he/she is terminated, the employee will be referred to a list of qualified substance abuse professionals.

Post-Accident:

Any employee of Wilson County Government subject to the terms of this policy, as a result of a post-accident test, with a verified positive controlled substance test result and/or a confirmed blood alcohol test result of 0.04 or greater (vehicular or workplace accident) will be subject to disciplinary action up to and including termination. Whether or not he/she is terminated, the employee will be referred to a list of qualified substance abuse professionals.

Random:

Any employee of Wilson County Government subject to the terms of this policy, as a result of a random test, with a verified positive controlled substance test result and/or a blood alcohol test with a confirmed test result of 0.04 or greater, will be subject to disciplinary action up to and including termination. Whether or not he/she is terminated, the employee will be referred to a list of qualified substance abuse professionals.

Return-to-Duty:

Any employee with a verified positive controlled substance test result and/or a confirmed blood alcohol test of 0.04 or higher, as the results of a return-to-duty test will be terminated and referred to a list of substance abuse professionals for evaluation, referral, and treatment. The employee is responsible for any expense incurred under such treatment or rehabilitation.

Follow-up:

Any employee returning to duty after a positive test and a negative return-to-duty test must be tested four (4) times within a 24-month work period. Any employee with a verified positive controlled substance test or blood alcohol test of 0.04 or greater during this period will be subject to disciplinary action up to and including termination.

OTHER CONSIDERATIONS:

In all cases a refusal to submit to a test will be treated as a “positive” test result for purposes of discipline and decision making.

Supervisory and employee training as required under the guidelines of The Tennessee Drug-Free Workplace initiative will be provided.

Should an employee voluntarily approach Wilson County Government administrative personnel for assistance through rehabilitation for drug abuse or alcohol abuse prior to a testing request by Wilson County Government, all possible and positive consideration for a medical leave of absence for treatment and/or counseling will be pursued. The employee will not be discharged or otherwise discriminated against because he/she voluntarily sought treatment, if he/she has not previously tested “positive” for alcohol or illegal drug use or entered an alcohol or drug rehabilitation program. If an employee’s employment is terminated, however, Wilson County Government will not be obligated to provide assistance beyond the last day of employment.

Wilson County Government offers resource information on various means of employee assistance in our community, including but not limited to drug and alcohol abuse programs. Employees are encouraged to use this resource file at the end of this policy statement. In addition we will distribute this information to employees for their confidential use.

Substance abuse testing for job applicants and employees will include a urinalysis screen and/or blood alcohol test (not required for job applicant testing) for the following drugs:

Alcohol (employees only)

Any “alcoholic beverage”, all liquid medications containing ethyl alcohol (ethanol) or other low molecular weight alcohol including but not limited to methyl and isopropyl alcohol. Please read label for content. For example: Vicks Nyquil is 25% ethyl alcohol, Comtrex is 20%, Contac Severe Cold Formula Night Strength is 25%, and Listerine is 26.9%.

Amphetamines: “speed”, “uppers”, etc.

Barbiturates: secobarbital, amobarbital, butabarbital, butalbital

Benzodiazepines: clorazepate, chlordiazepoxide, temazepam, oxazepam, diazepam, alprazolam, clonazepam, prazepam, flunitrazepam, triazolam

Cannabinoids: THC, marijuana, hashish, “pot”, “grass”, “hash”, etc.

Cocaine: “coke”, “crack”, etc.

Phencyclidine: PCP, “angel dust”

Opiates: Narcotics, Heroin, Codeine, Morphine, “smack, dope, etc...”

WILSON COUNTY GOVERNMENT

I do hereby certify that I have received and read the Wilson County Government substance abuse and testing policy and have had the drug-free workplace program explained to me. I understand that if my performance indicates it is necessary or that if I am selected at random, I will submit to a drug and/or alcohol test. I also understand that failure to comply with a drug and/or alcohol testing request or a positive result for the illegal use of drugs and/or alcohol abuse as defined in the policy may lead to discipline up to and including termination and/or loss of worker's compensation benefits pursuant to T.C.A. Section 50-9-100 et. Seq.

Name of Employee (Please Print)

Employee's Signature

Date

