

DALTON POLICE DEPARTMENT

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I. Policy

The City of Dalton and the Dalton Police Department maintain a "Zero Tolerance Policy" toward drug or alcohol use or possession of any prohibited substance, as defined in this policy, which could affect its workplace.

II. Definition

A. "CITY and DEPARTMENT"

1. The term "City" as used in this policy shall mean the City of Dalton, Georgia, its departments, bureaus, authorities, or other management subdivisions, its directors, managers, supervisors, elected and appointed officials, and agents acting in its behalf.
2. The term "Department" means the City of Dalton Police Department, its Chief, superior Officers, Managers, Supervisors and employees, including both sworn Officers and non-sworn ~~officers and~~ civilian employees.

B. "CITY PREMISES"

The term "City premises" as used in this policy includes: all property, facilities, land, platforms, buildings, surfaces, fixtures, installations, parking lots, automobiles, and any other vehicle, whether owned, leased, or used by the City, or its departments, divisions, directors, officers, managers, supervisors, employees, or other agents. This definition also includes locations other than the City's administration buildings or departmental headquarters, police stations, or departmental offices or premises, including all locations where City employees are performing their public job functions, all locations of City-sponsored recreational, social, or educational events, and any place where such a City employee is located while traveling to or from such locations in the course and scope of his / her duties on behalf of the City. This shall include times ~~including~~ when the employee is in the employee's own vehicle if the employee is then using ~~while~~ the vehicle ~~is being used~~ on City business, or whenever the vehicle is parked on City property.

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This definition shall not be interpreted to imply that either the City or ~~its Police~~ the Department assumes or accepts responsibility for any wrongful, tortious, negligent, or criminal acts of any person whom it employs when such persons are not acting pursuant to Department or City instructions in furtherance of the City's business ends on official Department business, nor shall it be interpreted as a waiver of any immunity which the City might have under federal, state, or local laws or ordinances.

C. **"ILICIT CHEMICAL SUBSTANCE"**

The term "illicit chemical substance" shall mean any measurable amount of: any drugs, controlled substances such as amphetamines, ~~methamphetamine~~, ~~fentanyl~~, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualene, opiates, barbiturates, benzodiazepines, propoxyphene, or other drugs, ~~possession of which is~~ made unlawful under federal or state laws, including, ~~but not limited to~~, O.C.G.A. §§16-13-25, 16-13-26, 16-13-27, 16-13-28, 16-13-29 (but the term "illicit chemical substances" shall not include those substances included in O.C.G.A. §§16-13-27.1 or 16-13-29.1), or any metabolite of any such substances, "look-alikes", "designer drugs" having the same or similar psychotropic effects ~~of such drugs~~, unauthorized alcoholic beverages, marijuana, hallucinogens (whether derived from natural or synthetic manufactured sources), unauthorized prescription drugs, or authorized drugs which are not prescribed for a verifiable medical condition and / or used in strict accordance with this policy and with the prescribing physician's instructions, or any other substance that is mood-altering, mind or consciousness affecting, or which is likely to have any affect upon a person's perceptions, sensations, thought processes, self-awareness, emotions, ~~physical coordination~~, or other mental or physiological or psychological reactions or behavior. It also includes urinalysis or ~~all any~~ other substances of a similar nature or purpose designed or used to alter a urine specimen or to conceal such illicit chemical substances or their metabolites in an initial screening test.

The term "illicit chemical substance" includes products where the ingestion or use thereof produces evidence of metabolites of delta-9 tetrahydrocannabinol (THC) at levels reportable as "positive" in an initial screening test; but it shall not include where an employee has been prescribed Epidiolex for treatment of epilepsy in accord with current FDA regulations.

This policy shall not include prescription medicines ~~when~~ authorized by a licensed physician for a verifiable medical condition, ~~when such medicines are utilized provided the employee uses such medicines~~ in strict ~~accord~~ compliance with the prescribing physician's instructions and City and Department policies.

Notwithstanding any contrary provision contained in this Policy, this policy shall not prohibit or otherwise apply to those substances which would otherwise be included within the definition of "illicit chemical substance" where an employee lawfully possesses such substances in the line of duty for the sole purposes of law enforcement and administration of justice.

D. **"UNAUTHORIZED ITEMS"**

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As used in this policy, the term "unauthorized item" shall refer to: ~~unauthorized firearms, weapons, explosives, ammunition~~, any stolen property, and any drug paraphernalia such as syringes (other than those needed for a ~~diabetic condition~~ ~~the employee's own medical condition such as diabetes~~) or such other items as included in O.C.G.A. §16-13-1, including but not limited to bongs, cocaine pipes, roach clips, or other items commonly associated with unauthorized drug use, where there are signs that such paraphernalia has been used for drug ingestion in violation of this policy.

Notwithstanding any contrary provision contained in this Policy, this policy shall not prohibit or otherwise apply to those items which would otherwise be included within the definition of "unauthorized items" where an employee lawfully possesses them in the line of duty solely for the purpose of law enforcement and administration of justice.

E. "PERSON"

As used in this policy, the term "person" shall refer to: all employees, job candidates, agents, and contractors of the City of Dalton ~~Police Department~~, or ~~any of its departments or subdivisions~~, including sworn and non-sworn employees and officers, managers, and supervisors, ~~and civilian employees~~.

This policy shall be applied to all such persons except where otherwise officially authorized by law ~~or another City or~~ Department policy.

F. "ALCOHOL"

"Alcohol" means ethyl alcohol, hydrated oxide of ethyl or spirits of wine, from whatever source or by whatever process produced.

G. "CERTIFIED LABORATORY"

As used in this policy, the term "certified laboratory" shall mean one which is certified either by the National Institute on Drug Abuse ("NIDA"), the United States Department of Health and Human Services ("HHS"), or any other state or federal agency charged with responsibility for regulating or certifying drug testing laboratories. The terms "NIDA" and "HHS" shall be considered interchangeable and synonymous.

H. "POSITIVE TEST RESULTS"

As used in this policy, "positive test results" mean a written report from the ~~NIDA or other HHS~~-certified laboratory of a confirmation test on a particular employee's and / or job candidate's specimen revealing the presence of alcohol, drugs, or other illicit chemical substances or their metabolites within the specimen.

I. "CHAIN OF CUSTODY"

As used in this policy, "chain of custody" means the methodology of tracking specified materials, specimens, or substances for the purpose of maintaining

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control and accountability from initial collection to final disposition for all such materials, specimens, or substances and for providing for accountability at each stage ~~of~~ in handling, testing, and storing materials and reporting test results.

J.L. "CONFIRMATION TEST"

As used in this policy, "confirmation test," "confirmed test," or "confirmed substance abuse test" is a second analytical procedure used after an initial screening test to identify the presence of a threshold detection level of a specific drug or metabolite in a specimen. A confirmation test must be different in scientific principal from that of the initial screening test procedure. This confirmation method must be capable of providing requisite specificity, sensitivity, and quantitative accuracy that is at least as accurate as the gas chromatography / mass spectrometry (GC/MS) method.

K.J. "INITIAL SCREENING TEST"

As used in this policy, an "initial test" or "initial screening test" is a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens. All initial tests shall use an immunoassay procedure or an equivalent procedure or shall use a more accurate scientifically acceptable method approved by ~~the National Institute on Drug Abuse (NIDA) HHS~~, as such more accurate technology becomes available in a cost-effective form.

L.K. "JOB CANDIDATE"

As used in this policy, a "job candidate" means a person who has applied for a position with the ~~Department~~ City and who has been offered employment, conditioned upon successfully passing a substance abuse test, and may include such persons who have begun work pending the results of the substance abuse test.

M.L. "THRESHOLD DETECTION LEVEL"

As used in this policy, the "threshold detection level" means the level at which the presence of alcohol, a drug or other illicit chemical substance, or their metabolites, can be reasonably expected to be detected by an initial screening test and a confirmation test performed by a laboratory meeting the standards specified in this policy and in Article 34 of the Official Code of Georgia Annotated. The threshold detection level indicates the level at which a valid conclusion can be drawn that the alcohol, drug or other illicit chemical substance is present in the individual's person's specimen.

N.M. "EMPLOYEE"

As used in this policy, "employee" means any person who works for salary, wages, or other compensation for the City of Dalton ~~Police Department~~.

O.N. "EMPLOYEE ASSISTANCE PROGRAM"

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As used in this policy, "Employee Assistance Program" or "EAP" means a program designed to assist in the identification and resolution of job performance problems associated with employees impaired by personal concerns. The ~~department's~~ Employee Assistance Plan includes a list maintained by the Human Resources ~~Director~~ Office of ~~for~~ the City ~~of Dalton~~ of professionals and organizations providing counseling, consultation, training, and professional, confidential, appropriate, and timely problem assessment services for persons dealing with problems of and related to addiction to alcohol or illegal substances, which shall include short-term problem resolution, referrals for appropriate diagnosis, treatment, and assistance, follow-up and monitoring, employee education, and quality assurance. ~~Nothing in this Policy shall require the City of Dalton or its Police Department to provide or pay for services other than the providing of information about such resources for assessment and counseling of employees concerning their problems relating to substance abuse or other personal problems which impact their jobs.~~

P.Q. "EMPLOYER"

As used in the policy, "employer" means the City of Dalton, its Police Department, including its Chief of Police, Division Commanders, Captains, Lieutenants, Sergeants (collectively referred to as "Superior Officers"), and its Commissioners, the Public Safety Commission and its members, and Mayor, and other elected and appointed officials of the City of Dalton.

Q.P. "NON-PRESCRIPTION MEDICATION"

As used in the policy, "non-prescription medication" means a drug or medication authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human disease, ailments, or injuries.

R.Q. "REASONABLE SUSPICION TESTING"

"Reasonable suspicion testing" means substance abuse testing based on a belief that an employee is using or has used drugs or alcohol in violation of the 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 but are not limited to, observable phenomena while at work such as those behaviors as described in Section VIII of the Standard Practice Instruction ~~implementing this Policy~~. Reasonable suspicion testing may also include testing after an employee is involved in an accident which causes damage to property or injury when, in the judgment of the employee's superior, the circumstances surrounding the accident or injury suggest that such testing may be appropriate, or pursuant to Departmental Regulations or Orders. ~~Additionally, any admission of drug use by an employee, other than voluntary self-referral to EAP pursuant to Section L, shall constitute valid grounds for testing as well as any admission of drug use as part of a pre-test or post-test interview or a deceptive test result from a City administered polygraph examination shall constitute valid grounds for testing.~~

S.R. "REHABILITATION PROGRAM"

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As used in the policy, "rehabilitation program" means an established program capable of providing expert identification, assessment, and resolution of employee drug or alcohol abuse in a confidential and timely ~~service~~ manner. This service shall in all cases be provided by persons licensed or appropriately certified as health professionals to provide drug or alcohol rehabilitative services.

T.S. "SPECIMEN"

"Specimen" as used in the policy means tissue, blood, breath, urine, **saliva**, or other product of the human body capable of revealing the presence of drugs, **alcohol**, or their metabolites ~~or of alcohol~~.

U.T. "SUBSTANCE"

"Substance" means drugs or alcohol.

V.U. "SUBSTANCE ABUSE TEST" OR "TEST"

As used in the policy, "substance abuse test" or "test" means any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of ~~a drug or its metabolites or of~~ alcohol **or** of an **illicit chemical substance or its metabolites**.

W. "SAFETY-SENSITIVE POSITION"

As used in this policy, the term "safety-sensitive position" shall mean any position with such job responsibilities which are designated as "safety sensitive" by the City Administrator, in conjunction with the City Human Resources Director.

V. "CHIEF"

~~As used in the policy, "Chief" refers to the Chief of Police of the City of Dalton or his / her designee.~~

III. Procedures

- A. Unless otherwise ~~required by~~ warranted under federal **or** and state law, the City of Dalton **Police Department** does not discriminate against persons on the basis of **an individual's** the person's medical history of addiction to either drugs or alcohol, so long as there is no evidence or indication of the **individual's** person's current abuse of such substances, nor of the **individual's** person's violation of this policy, nor any history of criminal activity involving such use. This non-discrimination policy shall not apply to any refusal to hire or other discrimination against any **individual** person who has been convicted of any crime.
- B. Except as otherwise permitted in this Policy, the use, possession, concealment, transportation, promotion, or sale of any drugs, unauthorized alcoholic beverages, or other illicit or chemical substances or of any unauthorized items by any person on City premises is strictly prohibited. Because of the medical difficulty of determining the precise amount of any chemical substance which may cause

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intoxication or impair a person's mental, sensory, or emotional faculties, any use of drugs or illicit chemical substances away from City premises on a person's off duty time shall be treated as a violation of this policy if it leaves any detectable amounts of the substance within the person's bodily fluids when that ~~individual person~~ is on City premises on duty. Persons found with such substances in their bodily fluids shall be considered unfit for duty and shall be removed from City premises. ~~Except as otherwise provided in these policies, such persons are subject to immediate termination and permanent disqualification from City employment (in the case of job candidates, the person is permanently barred from City employment).~~

- C. All managers, supervisors, and employees shall have the duty to take whatever lawful steps are necessary in order to ensure ~~the compliance with this policy by~~ ~~that~~ all persons who are on City premises ~~comply with this policy~~. Any person who knowingly permits another person to violate this policy without informing a superior, officer, ~~director~~, manager, or supervisor, or without taking other action to prevent such a violation, shall be subject to discipline, including termination.
- D. ~~Persons may utilize~~ prescription drugs ~~may be utilized by persons~~ on City premises only under the following conditions:
 - 1. All prescription medicines must be stored in their original pharmacy container. No person may possess a prescription drug that is more than one year old. Employees whose medical conditions require the use of a syringe for the administration of insulin, or other medically-required substances, must comply with the notification provisions set forth in subparagraph C. 2.
 - 2. All persons using prescription drugs which are mood altering, mind or consciousness-affecting, or which are likely to have any affect upon the ~~individual's~~ person's perceptions, sensations, thought processes, self-awareness, emotions, or other mental or physical reactions or behavior while working shall inform their Division Commander, the Chief of Police, or the ~~Department's~~ City's Medical Review Officer of the fact. Upon request, they shall reveal to the Medical Review Officer the name of the drug, the name and phone number of the prescribing physician, the date of the prescription, and the condition for which the medicine was prescribed. ~~and Upon request, they also~~ shall execute, ~~upon request~~, a ~~release~~ form permitting the prescribing physician to release to the ~~Department's~~ City's Medical Review Officer such information as ~~is~~ he / she requires to confirm that the employee is fit for duty and is in compliance with this policy. Such information shall be considered confidential medical information which shall not be revealed to any person except other than those having a legitimate need for such medical information for purposes of maintaining security, safety, or efficiency of operations.
 - 3. The ~~Department~~ City reserves the right at all times to require that all such persons ~~as are covered in subparagraph 2, above~~, submit to an examination by the ~~Department's~~ City's Medical Review Officer (or other licensed physician, chosen by the City, should the Medical Review Officer

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be unavailable). **and** The City reserves the right to rely upon the advice, findings, or conclusions of **the its** Medical Review Officer (or other licensed physician) in determining whether **the individual** such person is fit for duty.

- E. No drug test shall be administered to a **job** candidate until after a job offer has been made to the candidate. No candidate to whom a job offer has been made shall be permitted to begin working until the candidate has taken and has passed a drug and alcohol screening test. All candidates shall be tested through urinalysis, **blood plasma screening, saliva screening**, or other means for **the** presence of alcohol, drugs or other illicit chemical substances in their bodily fluids. Any candidate who refuses to submit to such a test, or whose tests reveal the presence of such chemical substances shall not be considered for employment.
- F. No test of any specimen found to be positive (i.e., indicating the presence of alcohol, drugs, or an illicit chemical substance) or which is suspected of having been adulterated, tampered with in the initial test, shall be considered conclusive unless it is first subjected to a second confirming test or analytic procedure used to identify the alcohol, drug, or specific metabolite, using a different scientific principle from that employed in the initial test procedure. The confirming test shall be performed by an **NIDA or other federal Health and Human Services Department** **HHS**-certified laboratory, and must be made using the gas chromatography / mass spectrometry (GC/MS) method, or an equivalent test method which must provide the requisite specificity, sensitivity, and quantitative accuracy which is at least equal to that of the GC/MS method, and must also be approved by **NIDA or the federal Health and Human Services Department HHS**, as such testing technology becomes available.
- G. Except as otherwise permitted in this policy, any person found to be in possession of drugs, **unauthorized** alcohol, or other illicit chemical substances (**including, but not limited to, the presence of such substances within the other than in the** person's bodily fluids) while on City premises, shall be terminated, if employed by the **Department** City. If the person is a job candidate, the employment offer will be rescinded and the person is permanently prohibited from employment with the City of Dalton.

H. Warrantless Searches and Other Limitations of Privacy Expectations

As a condition of employment and of continued employment by the City, all employees must acknowledge that no employee has a reasonable expectation of privacy when performing their City job duties, when they are present on City premises, or when their property is located on City premises. All employees consent to the following:

1. If either its Human Resources Director, the City Administrator, or the Chief of Police concludes that circumstances justify such action, the City reserves the right, at all times on City premises, and without obtaining a search warrant, to conduct searches and inspections of employees, other persons, and their property located upon City premises, or used in conducting City business, for the purpose of determining whether such

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persons are in possession of, using, transporting, or concealing any of the prohibited substances or items covered by this policy.

2. Areas subject to such warrantless searches and inspections shall include employees' lockers, baggage, desks, work areas, lunch boxes or bags, brief cases, clothing, and vehicles. "Vehicles" shall include those owned or leased by the City. "Vehicles" shall also include those owned by the individual employee at those times when the employee's vehicle is located on City premises, or when employing their vehicles in the performance of official City business.
3. The City may use supervisors, managers, or authorized search and inspection specialists to conduct such searches.
4. Unless the City has first obtained a warrant for such a search, all evidence revealed in such a search will be utilized only for purposes of enforcing this policy, and will not be used by the City in any criminal prosecution of the employee.

~~The Department reserves the right at all times on City premises, where it concludes circumstances which warrant such action, to conduct searches and inspections of employees and other persons for the purpose of determining whether such persons are in possession of, using, transporting, or concealing any of the prohibited substances or items covered by this policy; this shall include employees' lockers, baggage, desks, work areas, lunch boxes, brief cases, clothing, and vehicles (whether owned by the City or by the employee when the vehicle is located on City premises) using supervisors, managers, or authorized search and inspection specialists. Any evidence revealed in such a search will be utilized only for purposes of enforcing this Policy, and will not be used by the Department in any criminal prosecution of the employee.~~

- I. A search and inspection, as defined in this policy, may also include the requirement that employees and others submit to an unannounced urine drug screen test or blood plasma test, and also may include testing the ~~individual's~~ person's urine, breath, or blood for the presence of alcohol. These tests may be utilized in the following circumstances:
 1. In employment medical examination (before a candidate to whom an offer of employment has been extended begins working);
 2. As part of an overall search and inspection of an employee's working area, department, or work location as part of the ~~Department's~~ City's enforcement of this policy, or as part of a random drug testing program as set forth in this policy (for persons in ~~safety~~ sensitive positions whose job duties subject them to this requirement);
 3. When an employee's supervisor has reasonable suspicion or cause to suspect that an employee is using, or has used ~~illicit~~ chemical substances, drugs, alcohol, or other prohibited substances in violation of this policy, or is under the influence of drugs, alcohol, or other ~~illicit~~ chemical substances,

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based on objective and **describable** **articulable** facts which would lead a reasonably prudent supervisor to believe that the employee is under the influence of **drugs, alcohol, or other** ~~an~~ illicit chemical substances, or that the employee has otherwise violated this policy;

4. When a person is found to be in possession of **drugs, alcohol, or suspected other** illicit chemical substances, or when any of these substances or unauthorized items are found in an area which is controlled or used exclusively by the person;
5. Following a serious accident, a serious work quality error apparently due to an employee's inattentiveness or serious judgment or perception error, an incident where safety precautions were violated, or whenever an employee has caused, contributed to the cause, or suffered an injury requiring medical attention or lost working time for any person, or where damage to property has resulted from an employee's job performance.
6. As part of a routinely scheduled employee fitness-for-duty medical examination that is part of the ~~Department's~~ **City's** established policy or which may be scheduled routinely for all members of an employment classification or group, (See paragraphs 3 and 4 of Form 1, entitled: Employee Acknowledgment of Substance Abuse Policy) or as part of a follow-up fitness-for-duty drug screening following reinstatement of an employee to duty following treatment of substance or alcohol abuse;
7. An employee **and / or job candidate** who submits to a drug screening test is entitled, upon request, and at his / her sole expense, to have a portion of the **same urine, blood, saliva, or other bodily fluid** specimen submitted for testing to **a different laboratory (provided it is certified by HHS to perform such tests)** ~~any other NIDA or other federal Health and Human Services Department-certified laboratory~~ which the ~~Department~~ **City** recognizes as having the competence, reliability, and expertise needed to perform an accurate analysis to determine the presence of such illicit chemical substances and to preserve and document the custody of the sample. The employee / **job candidate** must make the request for the independent test not later than five (5) working days after receipt of the written report of the test results, pursuant to subparagraph I.8, below. **This right shall apply only where the employee / job candidate's original specimen is of a sufficient quantity to permit such additional testing.**
8. An employee **and / or job candidate** will be notified in writing within five (5) working days of the ~~Department's~~ **City's** (or its Medical Review Officer's) receipt of a written report revealing a positive test result. The employee / **job candidate** will also be notified of his / her **rights to request**, not later than five (5) working days of his / her receipt of the written positive test result notification, of his / her right to contest or explain the positive **test** results to the ~~Department's~~ **City's** Medical Review Officer ~~(or to the licensed physician selected by the City if the Medical Review Officer is unavailable) or the Medical Review Officer provided to the Department through the Georgia Association of Chiefs of Police~~. If requested by an employee or

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job candidate, the **Department** **City** will provide a copy of the test results **to the Employee**. The employee / job candidate will be reminded that if the sample he / she provided for the testing was sufficient, he / she may, at his / her own expense, request a second confirmation test of a portion of the remaining sample by an **NIDA or other federal Health and Human Services Department** HHS-approved laboratory of their **employee's** choosing (provided the **Department** **City** recognizes the laboratory as equally competent with the laboratories it ordinarily uses for such tests).

9. Both the initial screen test and the first confirmation test will be made at the **Department's** **City's** sole expense.
- J. **While** searches (including urine **or other bodily fluid** drug screening or blood and plasma sampling) and inspections by investigative specialists or Department Supervisors **or Managers** may be conducted from time to time without prior notice to the employee **However**, due consideration will be shown for the privacy interests of **employees and other** persons on City premises, subject to the objectives, and within the parameters of this policy. **Unless a prior search warrant is obtained**, evidence revealed in such searches (including drug screening or blood plasma sampling) will be utilized solely for purposes of enforcing this Drug Free Workplace policy, and will not be used in any criminal proceeding against the employee.
- K. No person's body **or clothing will shall** be searched, nor will any urine, **blood, saliva, or other bodily fluid, or blood** and / or plasma drug screening test be administered to an **employee** without the written consent of the person being searched or tested. Any employee who refuses to provide such consent when requested, **or** to submit to a urine or blood plasma drug screening test, or to a search, or who is found to be in possession of such illicit chemical substances or unauthorized items shall be subject to termination. Any other person who refuses to submit to a search or a urine, **saliva**, or blood and plasma drug screening **test** when requested pursuant to this policy will be **permanently** barred from employment by the **Department** **City**, or from conducting business with the **Department** **City** and, where appropriate, **such person** may be excluded or removed from **Department** **City** premises and will not be permitted to return.

Unless otherwise directed, an employee and / or job candidate who is selected (or in the case of a job candidate, referred for testing) for testing, must report immediately to the testing site. Failure to report to the testing site during the specified timeframe may result in termination or, in the case of job candidates, revocation of a job offer for failure to comply with this policy.

L. Voluntary Self-Referral to EAP

1. The ultimate responsibility for eliminating addiction or chemical dependency **is rests solely that of with the person affected by it having the dependency or addiction**. Nevertheless, the **Department's** **City's** policy shall be to encourage employees with addictive disorders or chemical dependency to **seek obtain** proper medical and / or psychological treatment for the disease. **To the extent feasible within the limits of its functions and**

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resources, the City ~~It~~ shall cooperate with the employee in obtaining such treatment. ~~to the extent possible and within the limits of the City's medical insurance policy, medical leave of absence policy, and other benefit policies, (including any Employee Assistance Program that the Department may maintain).~~ This will be accomplished within the limits of the City's operating needs and its medical insurance policy, medical leave of absence policy, and other benefit policies. The ~~Human Resources Director~~ Chief of Police or EAP Coordinator shall be responsible for informing such an addicted employee of the programs, resources, and benefits which are currently available for treatment for such a condition.

2. No employee shall be terminated or disciplined, nor ~~shall any employee~~ suffer any adverse employment ~~action consequence~~ solely because he / ~~she~~ has sought referral to a ~~Department~~ City-provided benefit program for treatment of alcohol or substance abuse. ~~This protection shall apply to the employee only if: or otherwise for having identified himself or herself as having a chemical addition or dependence, provided that~~
 - a. The employee seeks the assistance in obtaining proper treatment for such addiction or dependency before ~~either~~ testing positive and ~~prior to being notified that they have been selected for drug testing; and, before~~
 - b. The employee ~~seeks the assistance before the employee is involved in an accident incident~~ (e.g. an accident or other behavior suggesting reasonable cause for suspecting the employee is impaired) which ordinarily would result in a search or testing under this policy.
3. No employee who identifies himself / ~~herself as being in~~ needing ~~of~~ such assistance ~~before an incident leading to detection occurs~~ shall suffer any discrimination in any term or condition of employment, including promotion and transfer opportunities solely because of his disclosure of such a condition ~~while seeking such assistance, but only if the following conditions are met: so long as~~
 - a. The employee self-identifies and seeks such treatment or assistance ~~prior to the City's discovery of the employee's breach of this policy (other than through the employee's self-identification); and~~
 - b. ~~The employee~~ adheres to the treatment plan prescribed by his or her physician or other competent medical, psychological, or addiction counselor; and
 - c. ~~The employee~~ remains free of the ~~drugs, alcohol, or other~~ illicit chemical substances ~~during and after treatment~~; and
 - d. ~~The employee so long as the employee is~~ otherwise remains eligible, qualified, and entitled to the position.

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4. No employee who has successfully completed a drug or alcohol addiction treatment program shall be subject to any adverse or discriminatory treatment solely for having participated in such program so long as the ~~individual~~ person remains drug and alcohol-free and otherwise complies with all the terms and conditions of this policy. ~~Where~~ the provisions of this section ~~conflict with the shall not apply to any individual to whom the~~ provisions of Section M, "Mandatory Referral to EAP in Lieu of Termination," (below) the provisions of that section shall supersede this section ~~applies~~.
5. Notwithstanding the foregoing provisions, ~~the requirement it shall not be considered an adverse or discriminatory employment condition to require that~~ an employee who has returned to duty following completion of a drug or alcohol addiction treatment program submit to more frequent unscheduled drug screening tests as a means of ensuring the employee's continued compliance with this program ~~shall not be considered "adverse" or "discriminatory" treatment~~.

M. Mandatory Referral to EAP in Lieu of Termination

The provisions of this Section M shall apply only to persons who are already ~~Department~~ City employees. ~~If~~ This section shall not apply to any candidate ~~failing~~ who has failed the post-employment offer, pre-employment drug screening test, nor to any persons who have resigned or retired from City employment.

1. If any urine, ~~saliva, or other bodily fluid~~, or blood and plasma drug screening test reveals the presence of ~~drugs, alcohol, or other an~~ illicit chemical substances in an employee's bodily fluids, the ~~Human Resources Director, in cooperation with the~~ Chief of Police, shall have the option (but not the obligation) in the first instance of such an occurrence, to refer the employee to the ~~Department's~~ City's Employee Assistance Program for assessment and treatment, if needed.
2. Such EAP referral ~~opportunity~~ shall be available only one time, on a "last chance" basis. Any subsequent incident involving the use or possession of illicit chemical substances or materials under this policy will result in the employee's termination.
3. To be eligible for such mandatory referral, the employee shall be required to execute a consent and release permitting the ~~Human Resources Director, in cooperation with the~~ Chief of Police, ~~or his Designee~~ to monitor the employee's participation and progress in any treatment or therapy program recommended by the EAP counselors.
4. If the employee refuses to enter into such a program, or having once entered, fails to complete the program as directed by the addiction counselor, psychologist, or physician, the employee shall be terminated.

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5. If the employee successfully completes the treatment program and returns to work, he / she shall be subject to such further unannounced drug screening tests not less than annually, as the **Human Resources Director Chief** determines is advisable under all the circumstances for a period of not less than two (2) years.
6. The record of the particular incident which led to the drug screening test shall not be used against the employee in a future decision if the employee successfully completes the treatment prescribed and maintains drug free status thereafter, and does not violate this policy.
7. No person shall receive the benefits of this Section more than one time, nor **shall any person** be excused from discipline or termination under the **Department's City's** behavior and performance standards and policies merely because the employee's behavior or performance problem was caused **(in whole or in part)** by the employee's illicit chemical substance and / or alcohol abuse.

N. Confidentiality of Referral and Treatment Records

All records of drug and alcohol screening test results, all **records of** referrals to or participation in the Employee Assistance Program, and **of any** all records of treatment for addictive disorders or diseases shall be maintained as strictly confidential employee **personnel** medical information which shall **be stored separately from employee personnel files**, with other medical information pertaining to the employee.

1. **Such information shall** not be revealed to any person other than the **Human Resources Director Chief**, and those managers or supervisors having the need to know such information, the **Department's City's** attorneys, and **to** the appropriate EAP counselor.
2. Such information shall not be revealed under any circumstances to any other persons, employers, or prospective employers in **any** employment reference checks, nor to any other agencies, persons, or organizations unless the **Department City** is compelled, by statute, regulation, or court order to reveal such information to such persons or organizations, or to defend itself in an action growing out of its enforcement of this policy.

O. Authorized Use of Alcohol

Although the City of Dalton **Police Department** does not encourage or condone the use of alcohol, moderate use of authorized alcoholic beverages (as defined above) during an **individual's** person's non-working hours, in strict compliance with this policy and with all state and local laws and ordinances, and in a manner which ensures both that the **individual** person will not be impaired when driving a City vehicle, nor when reporting to work, and that the **individual** person is in compliance with prudent safety practices, will not be considered a violation of this policy. **This provision does not make permissible the use of alcohol during an employee's off-**

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duty hours if such use results in an employee reporting to scheduled work with a detectable amount of alcohol in the employee's bodily fluids.

If an employee who is off duty but "on-call" consumes alcohol during his / her "on-call" (i.e., usual off-duty) hours in a manner that is likely to leave detectable amounts of alcohol or its metabolites in the employee's bodily fluids, that employee must notify his / her supervisor of this fact orally before reporting to "on-call" duty so that the supervisor shall be able to make the initial determination, based on questioning of the employee whether or not it is safe to allow the employee to report for work. If the supervisor decides, based on the information received from the employee, that permitting the employee to report for "on-call" duty would be dangerous to the employee or other persons or property, or would hamper the quality or efficient performance of the employee's duties, the supervisor shall not allow the employee to report for work. In the case where a supervisor decides not to allow the employee to report for the "on-call" duty in accordance with the preceding sentence, the employee will be regarded to have been absent from duty when scheduled for "on-call" duty and the event shall be treated as such under the Department's attendance and behavior policies.

P. Education Program

1. Employees: On ~~not less than~~ an annual basis, **every** each employee shall receive at least one hour of training on substance abuse in general, and its effects in the workplace including, but not limited to, the following:
 - a. The explanation of the disease model of addiction for alcohol and drugs;
 - b. The effects and dangers of commonly abused substances in the workplace; and
 - c. The **Department's** **City's** policies and procedures regarding substance abuse affecting the workplace, including how employees can obtain treatment for substance abuse.
2. Supervisors: In addition to the education provided to employees, all supervisors will receive at least one hour of training, which shall include, but shall not be limited to, the following:
 - a. How to recognize signs of employee substance abuse;
 - b. How to document and corroborate signs of employee substance abuse; and
 - c. How to refer substance abusing employees to the proper treatment providers through the **Department's** **City's** Employee Assistance Program.

Q. Severability

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If any of the provisions of the City of Dalton ~~Police Department~~ Policies and Procedures on Substance Abuse, ~~Contraband Articles~~, and Employee Assistance shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

This policy supersedes any policies previously issued.

BY ORDER OF

CHIEF OF POLICE

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EMPLOYEE ACKNOWLEDGEMENT OF SUBSTANCE ABUSE POLICY

1. I acknowledge and certify that I have been provided with a summary of, have read, and fully understand the City of Dalton's ("City") Drug Free Workplace Policy and Procedures for Elimination of Substance Abuse and Employee Assistance. I am presently employed by, or have applied for and have been offered a position with, the Department.

I am aware that the **Department's City's** Drug-Free Workplace Policy is a "zero tolerance" policy which forbids any person from entering or remaining on City property, or working anywhere in behalf of the City while possessing or under the influence of any measurable amount (including any trace amount irrespective of the quantity) of any illegal drugs, such as:

- A. *Amphetamines, cannabinoids or marijuana, cocaine, phencyclidine (PCP) methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or a metabolite of any such substance; or*
- B. *Any other unlawful or controlled substances as referred to in O.C.G.A. § 16-13-26, 16-13-27, 16-13-28, or 16-13-29, unauthorized prescription drugs, or authorized prescription or non-prescription drugs which are used in a manner other than in strict accordance with the Department's policy and with the prescribing physician's instructions for a verifiable medical condition, or any other substance that is mood altering, mind or consciousness affecting, or which is likely to have any affect upon a person's perceptions, sensations, thought processes, self-awareness, emotions or other mental, physiological or psychological reactions or behavior;*
- C. *Any "look-alike drugs", or "designer drugs" with psychotropic effect similar to those produced by illegal drugs, hallucinogens (whether derived from natural or synthetic manufactured sources); and,*
- D. *Any over-the-counter medicines which may affect my consciousness, mood, or mental state, and any prescription drugs which are not used in strict accord with the prescribing physician's instructions and this policy*

2. I am aware that as a condition of becoming or remaining employed by the City of Dalton Police Department, I may be required to submit to a drug screening test at any time, and to consent to a search of my work area, personal property, clothing, and vehicle when parked on City premises. I am aware that the drug screening test will include an Enzyme Immunoassay (EMIT) test of a specimen that I will provide, and if such test is positive (revealing the presence of a prohibited substance or metabolite), a confirmation test of my specimen will be made using the gas chromatography/mass spectrometry (GC/MS) method, or its equivalent by a laboratory certified to perform such tests by the National Institute of Drug Abuse (NIDA) or other agency specified by the U.S. Department of Health and Human Services.

3. I am aware that such tests will be conducted after I am hired wherever the Department has a reasonable suspicion that I have violated its substance abuse policy, if I have caused or contributed to an on-the-job injury resulting in the loss of work time, as a follow- up test if I enter an Employee Assistance Program or rehabilitation program as a result of a positive drug test, as part of any routinely scheduled fitness for duty medical examination, and unannounced "random" testing of employees.

4. I am aware that the information revealed in any test results, or in any search of my work area, personal effects, or person, will be used only for purposes of making employment decisions about me and will not be used against me in any criminal proceeding.

5. I am aware that if my test results are "positive," indicating I have violated the Substance Abuse Policy, or, if I refuse or fail to consent to such testing or search, or, if I interfere with or tamper with such test or specimen, I may be terminated. I understand that I am not to consider any request that I submit to said testing to be an implication or accusation that I have violated this policy in any manner.

6. I am aware that all information revealed by any such tests will be revealed to me and to the **City's** Medical Review Officer **of the Georgia Association of Chiefs of Police**, **The City of Dalton Human Resources Director**, the Chief of Police, and any superior officer or other **department** Manager or Supervisor who has a legitimate need for such information. However, I understand that such information will remain confidential and will not be revealed to any other person unless

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I have voluntarily consented to such disclosure in writing, or unless such release is compelled by a state agency or a court order. I understand that such information will not be used or released in any criminal proceeding against me, but that they may be used in disciplinary proceedings against me, including proceedings as may lead to my termination.

I understand that if my test is confirmed as positive, I may contest or explain the result to the Chief of Police and Medical Review Officer within five working days after I receive written notification of the positive test result.

7. I understand that the Substance Abuse Policy is subject to the provisions in the Act No. 558, Amending the Official Code of Georgia Annotated, Title 33, Chapter 9, Section 40.2 and that the Department's request is in strict compliance with the Drug-free Workplace Act and the Georgia Workers Compensation Statutes.
8. I have been informed that the **Department** **City** maintains an Employee Assistance Plan, and of the policies and procedures for utilizing the resources of the plan.

Employee/Candidate's Signature

Date

ADM EAS 970146

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CONSENT FOR DRUG AND ALCOHOL SCREENING TEST AND REPORT

I hereby consent to the testing of my blood, urine, or other bodily fluids for the presence of illicit chemical substances as defined in the City of Dalton's ("City") Drug Free Workplace Policy and Procedures for Elimination of Substance Abuse and Employee Assistance, and to the reporting of the results of said tests to [The City of Dalton Human Resources Director](#) and the [Chief of Police](#) or his designee, and to such other persons who are authorized under said Policy to receive such information.

I acknowledge that I have been assured that any information revealed in such a search or screening test will be used only for purposes of the Department's making decisions about my employment, termination, or employment-related discipline, to determine whether I am in compliance with the [Department's City's](#) Drug Free Workplace Policy and that it will not be utilized against me in any criminal proceeding.

I hereby release and agree to hold harmless the City of Dalton, its elected and appointed officials, the Dalton Police Department, its Chief, and its Superior Officers, managers, supervisors, and agents from any and all liability arising out of the obtaining of the specimen of any fluids, the administration of the tests to the specimens, and the reporting of the results of the tests in accord with the Department's Policy and procedures.

Employee/Job Candidate's Signature

Date

Witness

Date

ADM CDA 970147

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**CONSENT FOR SEARCH OF CLOTHING, PERSONAL PROPERTY,
LOCKER, VEHICLE AND WORK AREA**

I hereby give my consent to the search of my clothing, personal property, locker, vehicle parked on the City's premises, and work area for the presence of illicit chemical substances or contraband articles as defined in the City of Dalton Police Department's ("Department") Drug-Free Workplace Policy on Substance Abuse, Contraband Articles, and Employee Assistance.

I understand that any information or evidence revealed in such a search is being collected only in connection with the Department's enforcement of its Drug-Free Workplace Policy, to make decisions affecting my employment, or the terms thereof, with the Department, and that it will not be used in any criminal proceeding against me.

I hereby release the City, its elected and appointed officials, the Police Chief, my Superior Officers or supervisors and/or their agents from any and all liability growing out of their search of my clothing, personal property, vehicle or personal articles, and any report of the results thereof so long as the search is conducted in accord with the Department's applicable policies and procedures.

Employee Signature

Date

Witness

Date

ADM CSC 970148

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**CONSENT TO THE RELEASE OF MEDICAL AND OTHER
INFORMATION CONCERNING TREATMENT FOR
ADDICTIVE DISORDER**

I hereby request that my Employee Assistance Plan counselors, physicians, psychiatrists, psychologists, addictionologists, drug or alcohol addiction treatment counselors (hereinafter referred to as "EAP providers") provide such information about my diagnosis and treatment as is requested by [The City of Dalton Human Resources Director](#) and my employer, The City of Dalton Police Department, through its Chief or his designee.

I understand that such information may include the nature and severity of the addiction, my prognosis for successful treatment, the requirements for successful treatment, my compliance with all treatment requirements, and my progress in the treatment program.

I understand that the purpose of providing the information is to enable my employer to determine that I am in complete compliance with all requirements of my treatment program as prescribed by my EAP providers.

Employee Signature

Date

Witness

Date

ADM CRM 970149

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**CONSENT TO THE RELEASE OF INFORMATION
RELATING TO DRUG TEST RESULTS**

I hereby consent to the release of information concerning the following information about my drug test results to the following individuals and organizations, and I waive any rights and forever release such individuals:

1. The Information To Be Released: The complete details of each test's results including the particular drugs, alcohol or other illicit or illegal substances which have been found or which have not been found in my specimen, and the amounts of such substances, if any; the results of any follow up or confirming test on my specimen; the identity of the type of confirming test procedure used in confirming the results of the test.
2. The Persons to Whom the Information May Be Released, and Purposes for Which the Information May be Used: The above information may be released as follows:

To _____, the **Department's City's** Medical Review Officer, for purposes of interpreting test results and advising the Department on whether I may be expected to safely perform the duties of my position, and for determining whether I am in compliance with the **Department's City's** Drug Free Workplace Policy and Procedures on Substance Abuse;

To _____, the **Department's City's** EAP provider for the purpose of determining whether I have been in compliance with the **Department's City's** Drug Free Workplace Policy and any conditions placed on my continued employment pursuant to a mandatory or voluntary referral to said EAP program;

To the City's Human Resources Director for the purpose of determining whether I have been in compliance with the City's Drug Free Workplace Policy and any conditions placed on my continued employment pursuant to a mandatory or voluntary referral to said EAP program;

To the Department's attorneys for use in advising the Department on the implementation of its Policy and Procedures on Substance Abuse, or in any administrative or civil judicial proceeding wherein such information is required for the Department's defense;

To the Department's Chief, his designees, and such of its Managers and Supervisors whom the Department determines have a need to know such information.

3. The Duration of This Consent: This consent shall remain in effect for so long as my application for employment is under consideration by the City of Dalton Police Department, or for so long as I am employed by the City of Dalton Police Department, or for so long as any litigation in which such evidence is relevant, is pending final resolution.
4. Reservations: I understand that the information described in paragraph 1 will not be used in any criminal proceeding against me, unless such release of information is required by an agency of the State of Georgia, or by a court of competent jurisdiction. I understand that the Department may use the report of the results of these tests in any administrative or civil action to which such tests may be relevant.

I certify that I am under no duress nor coercion, and that I have given this consent freely, voluntarily, of my own accord.

Employee Signature

Date

Witness

Date

ADM CRI 970151

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**SUPERVISORY OBSERVATIONS
FOR
SUBSTANCE ABUSE POLICY ENFORCEMENT**

Employee's Name: _____

Date of Observation: _____

Time of Observation: From: _____ A.M. _____ P.M.

To: _____ A.M. _____ P.M.

Location: _____

The behaviors listed below are examples of changes you might observe in an individual employee.

Use of Form:

When you believe that an employee's performance is impaired and you want to identify and record the basis for your conclusion.

When you notice a change in an employee and you want to evaluate whether there are other changes as well.

When you wish to discuss an apparent, but not immediate or severe, impairment with an employee, and you want to be specific about the changes you have seen.

Observed Personal Behavior: Check All Appropriate Items

1. Physical Signs or Conditions

- Weariness, exhaustion
- Untidiness
- Yawning excessively
- Blank stare
- Slurred Speech
- Unsteady Walk
- Falling
- Changes in appearance after lunch or break

2. Mood

- Appears to be depressed all the time
- Irritable
- Suspicious
- Complains about others
- Emotional outbursts
- Mood changes after lunch or break

3. Actions

- Withdrawn or uncharacteristically talkative

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- Spends excessive amount of time on telephone or in bathroom
- Argumentative
- Displays violent behavior

4. Absenteeism

- Acceleration of absenteeism and tardiness, especially Mondays or Fridays
- Frequent unreported absences
- Unusually high incidence of colds, flu, upset stomach, headaches
- Frequent use of unscheduled vacation time
- Leaving work area more than necessary (e.g. frequent trips to car, water fountain (or bathroom))

5. Other observed actions or behaviors: _____

Above behavior witnessed by:

Witness _____ Date _____

Witness _____ Date _____

ADM SOS 970150

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LIST OF PRESCRIPTIONS AND NON-PRESCRIPTION MEDICINES CONSUMED IN PREVIOUS FORTY-EIGHT HOUR PERIOD

(Use of this form is at the Employee's sole option. If employee chooses to use it, it is designed to be completed by Employee at time of specimen collection. Employee is free to provide the list with the specimen, or to wait to provide this information to the Department's Medical Review Officer or Medical Advisor when discussing test results.)

I hereby certify that during the forty-eight (48) hour period prior to my signing this certification, I have consumed no prescription or non-prescription* medicine except the following:

I believe the following circumstances are also relevant in interpreting the results of any test of any specimen that I provide as part of this drug testing procedure: _____

I hereby authorize and request my physicians to provide such information to the Department as it requires to confirm that I am using such medicines in compliance with the Department's Drug-Free workplace Policy on Substance Abuse.

Employee Signature

Date

* Any use of prescription and non-prescription drugs must be in accordance with the City's Drug Free Workplace Policy and Procedures.

ADM LPN 970152

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