

PAULDING COUNTY CIVIL SERVICE SYSTEM



RULES AND REGULATIONS

DISCLAIMER

This employee handbook represents some of the current personnel policies and procedures of Paulding County and is provided to you solely for your information. These policies and procedures are guidelines only and the County retains the absolute right to modify or revise these policies and procedures when they deem it necessary after complying with all applicable State and Federal laws.

This handbook is not a contract of employment nor should anything contained herein be construed to represent an employment contract or any aspect of an employment contract. No employee of Paulding County has the authority to bind the County to any terms or provisions which are not contained within this handbook or any subsequent amendments nor does any employee have the authority to bind the County to any modification or alteration of any terms and conditions contained in this document.

The information contained herein is current as of the date of publication, March 11, 2008, but specific provisions may be modified or repealed at the discretion of the Board of Commissioners and/or the Civil Service Board or by subsequent local, state, or federal legislation.

RESOLUTION

STATE OF GEORGIA

COUNTY OF PAULDING

WHEREAS, pursuant to the authority granted to the Board of Commissioners of Paulding County by the Paulding County Civil Service System Act, the Board of Commissioners of Paulding County, Georgia, did by resolution adopted July 8, 1980, establish a Civil Service system for the employees of Paulding County, and

WHEREAS, after careful study by the Board of Commissioners of Paulding County, and after careful study and recommendation by the Paulding County Civil Service Board, said Board of Commissioners of Paulding County deems it in the best interest of Paulding County that the following amendments be made a part of the civil Service System of Paulding County, which was adopted July 8, 1980.

NOW THEREFORE BE IT HEREBY RESOLVED that the following regulations be, and hereby are, adopted by said Board of Commissioners.

Adopted this 26th day of May, 1987.

PAULDING COUNTY BOARD OF COMMISSIONERS

Earl Duncan, Chairman
Roy Lee Strickland, Post 1
John A. Walton, Post 2

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DEFINITIONS

APPLICANT – Any person who has filed an application in accordance with the provisions of Chapter IV.

CIVIL SERVICE SYSTEM – Same as the Merit System.

CLASS – A group of positions (or one position) that has similar duties and responsibilities, requires like qualifications and can be equitably compensated by the same range in pay.

COUNTY PERSONNEL CLERK – The person designated by the Board of Commissioners to be the Clerk of the Civil Service System

DEPARTMENT HEAD – The head or other chief executive officers, by whatever name designated, of all departments of Paulding County, whether presently existing or hereafter created.

ELECTED OFFICIALS – The elected officers of Paulding County.

EMPLOYEE – An occupant of a “position.”

FULL-TIME EMPLOYEE – An employee who works a minimum of thirty (30) hours per week (excluding firefighters) or a firefighter who works a minimum of forty (40) hours per week.

PART-TIME EMPLOYEE – An employee who, on a continuing basis, works fewer than thirty (30) hours per week (excluding firefighters) or an employee that is a firefighter working fewer than forty (40) hours per week. A part-time employee shall not be entitled to employee benefits, such as insurance, retirement, vacation, or sick leave, nor shall that person be under these rules and regulations.

FULL-TIME HIRE DATE – The first date for which an employee draws salary, excluding temporary employees, part-time employees, or probationary employees.

POSITION – A group of current duties and responsibilities assigned or delegated by the elected official requiring full-time employment of one person.

SENIORITY – The length of service from each employee’s latest hire date.

SUPERVISOR – The person immediately in charge of any employee or group of employees.

TEMPORARY EMPLOYEE – An employee hired for a specific job that has a termination of six (6) months or less. A temporary employee shall not be entitled to employee benefits, such as insurance, retirement, vacation, or sick leave, nor shall that person be under these rules and regulations.

Chapter I GENERAL PROVISIONS

SECTION 1 – Purpose

It is the purpose of these rules to establish procedures which will serve as a guide to administrative action concerning the various personnel activities and operations. They are intended to indicate the usual and most reasonable methods for carrying out the work of the personnel system.

The system shall be consistent with the following merit principles:

1. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skill.
2. Establishing pay rates so that there is equal pay for equal work.
3. Keeping and retaining employees on the basis of how well they do their work, correcting their work when it is not adequate, and dismissing employees whose inadequate work cannot be corrected.
4. Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, creed, national origin or ancestry, age, sex, or religion.

SECTION 2 – Equal Employment Opportunity

It has long been the policy of the Paulding County Board of Commissioners to provide equal opportunity to all candidates for employment and to all employees. All candidates for employment and all employees shall be free from discrimination in employment because of race, religion, color, sex, age, national origin, or disability.

The policy applies to all terms, conditions and privileges of employment including, but not limited to hiring, probation, training, placement and employee development, promotion, transfer, compensation, benefits, educational assistance, social and recreational programs, employee facilities, termination and retirement.

It is also the policy of The Paulding County Board of Commissioners that it will not tolerate verbal or physical conduct by any employee which harasses, disrupts or interferes with another's work performance or which creates an intimidating, offensive or hostile environment.

While all forms of harassment because of race, religion, color, sex, age, national origin or disability are prohibited, it is the County's policy to emphasize that sexual harassment is specifically prohibited. Each supervisor has a responsibility to maintain the work place free of any form of sexual harassment. Other sexually harassing conduct, whether committed by supervisors or non-supervisory personnel is also prohibited.

If you feel you are being discriminated against or harassed in any way please report this to your Department Head, the Director of Human Resources (770-443-7521), or the Commission Chairman (770-443-7550.)

You will not be penalized in any way for reporting improper conduct.

SECTION 3 – Positions Covered

The rules and regulations shall apply to all full-time positions in the classified service of the County who are under the merit system. The employees who are under the control of any elected official shall not become part of the merit system until an election if held by employees of the department and more than fifty percent (50%) of the employees in that department vote to come under the merit system. The vote shall be certified by the elected official or his/her designate and this certification shall be placed on the minutes of the Civil Service Board. The County Personnel Clerk position shall be under the County Civil Service System upon the certification of any County department.

The following are not in the classified service and shall not be placed under the Civil Service Systems: All elected officials, all appointed members of boards, commissions and authorities, the supervisors or heads or chief executive officers by whatever name designated, of all departments, whether presently existing or hereafter created, the County Attorney, the secretary to the Board of Commissioners, temporary employees, part-time employees and other expressly exempt by law.

SECTION 4 – Administration

A – The Civil Service Board shall have the responsibility and authority for the interpretation, enforcement and administration of these rules and regulations.

B – The Civil Service Board, with the advice and consent of the Board of Commissioners, may grant a variance for just cause and/or compelling reasons. Such variances should benefit the general welfare of the County business or County employees.

SECTION 5 – Personnel Review or Civil Service Board

A – There is hereby created a Civil Service Board. This Board shall be composed of three citizens of Paulding County who are landowners, who are not employees of Paulding County, who have paid their taxes to date or have appealed the same and who have been residents of Paulding County for at least two (2) years immediately prior to their selection.

B – Members of the Civil Service Board shall be selected and appointed for a term of four (4) years each and shall serve until their successors are named and qualified. Said members of the Civil Service Board shall be selected and appointed in the following manner: One member shall be selected by the elected officers of Paulding County, namely: Clerk of Superior Court, Tax Commissioners, Sheriff, Probate Judge, and Board of Commissioners (all shall have only one vote which may be cast by a majority of said Board.) The person so elected by said County officials shall be appointed to the Civil Service Board by the county governing authority. The second member shall be selected by the employees of Paulding County (other than the aforesaid elected officials) who are eligible to come under the provisions of this Act and who are in the employ of Paulding County is ratified by a majority expression to the county governing authority to their selection by appropriate petition/ballot and the person so selected shall be appointed by the county governing authority after being advised of the selection. The third member of the Board shall be selected by the two (2) members selected by the elected officials and the full-time County employees. The person selected shall be appointed to the board by the county governing authority.

No member of the Civil Service Board shall have held political office or have been a salaried employee of Paulding County during the three (3) months preceding his/her appointment. No member of the Civil Service Board may be removed from office prior to the expiration of his/her term except for cause after having been granted a notice and afforded a hearing before the governing authority of said County. Prior to said hearing, said member shall be notified by registered/certified mail addressed to his/her residence, as shown in the files of said governing authority, at least ten (10) days before the date set for said hearing with written specification of the charges against them.

The three (3) members shall designate one of their number as chairman and one as vice-chairman. Vacancies on the Civil Service Board shall be filled in the same manner except the member representing the county employees shall be selected by a majority expression of only the employees electing to be covered and who are covered by the Civil Service System and who are in the full-time employ of Paulding County when if and such vacancies occur.

C – Members of the Civil Service Board shall be paid the sum of twenty-five dollars (\$25.00) per diem, per meeting and/or for time actually devoted to the business of the Board.

D- It shall be the duty, function and responsibility of the Civil Service Board to represent the interest of the public in the improvement of personnel administration and the selection of qualified personnel. All meetings of the Civil service Board shall be held in offices provided by the governing authority of Paulding County or in a courtroom of the Superior Court of Paulding County. The county governing authority will provide necessary clerical assistance to the board. The Civil Service board will hold meetings as necessary. All costs for salaries, expenses and supplies for the establishment and operation of the Civil Service System and Civil Service Board shall be borne by the county and paid out of the county funds as a cost of administration.

E – The duties of the board shall be as follows:

A – To hold public hearings regarding proposed rules and regulations and standards of the Civil Service System and thereafter recommend to the governing authority of Paulding County the adoption of rules and regulations and standards effectuating the Civil service System established under this Act. Such rules and regulations shall include provisions for the establishment and maintenance of job classifications and compensation plans, the conduct of examinations for appointment under the Civil Service System, the certification of eligible persons, appointments, promotions, transfers, demotions, separations, tenure, service ratings, reinstatements, appeals and such additional regulations as may be deemed to be in the interest of impartial selection of efficient personnel and improvement of public administration. Such rules and regulations when proposed by the Civil Service Board as aforesaid and approved and adopted by the governing authority of Paulding county shall have the force of law and be binding upon all department and offices of the county enumerated in the resolution creating the Civil Service Board.

B – To conduct hearings and render decisions on charges preferred against persons employed in the several departments and offices included in said Civil Service System and to hear appeals from any employee who claims to have been improperly dismissed.

C – The Civil Service Board shall keep and maintain an accurate record of minutes and shall be furnished clerical assistance by the governing authority to keep and maintain its minutes and records.

D – The Civil Service Board shall be authorized to make recommendations as to amendments, additions to, and changes in said rules and regulations from time to time and when said amendments, changes or additions are adopted by the governing authority of Paulding County, said amendments shall have the force of law and be binding on all parties affected by said Civil Service System. No changes in this adopted procedure shall be made without the prior approval of the Civil Service Board.

Chapter II CLASSIFICATION PLAN

SECTION 1 – Definition

The classification plan is the systematic grouping of positions into appropriate classes.

A – A position is a group of currently assigned duties and responsibilities requiring the full or part-time employment of one person. A position may be occupied or vacant.

B – A class a group of positions (or one position) that:

A – has similar duties and responsibilities

B – requires like qualifications

C – can be equitably compensated by the range of pay.

C – The class title is the official designation or name of the class, and it shall be used on all personnel records and transactions.

SECTION 2 – Use of Class Specifications

Specifications are to be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as a full definition of a class. Specifications are descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed.

SECTION 3 – Maintenance of the Classification Plan

Periodically, the elected officials shall provide for review of the classification plan so that it will reflect the duties performed by each employee in the classified service.

SECTION 4 – Allocation of Positions

After the establishment of a new position has been approved by the Board of Commissioners, the department head and/or elected officials shall submit a position description covering the duties and responsibilities of each proposed position to the Civil Service Board who shall investigate the situation and allocate the position to one of the classes in the plan. If a suitable class does not exist, they shall adopt a new class to which this position is allocated.

SECTION 5 – Allocation of Temporary Work

Elected officials and/or department heads may require employees to perform duties above or below their current classification assignments due to work loads. Employee vacations, training, etc. Where practical such duties shall be divided equally among affected employees.

SECTION 6 – Classification Plan in Effect

The classification plan, when adopted, shall be considered a part of this section and shall have the same force and effect as these personnel rules and regulations.

Chapter III SALARY PLAN

SECTION 1 – Compensation

This salary plan includes the adopted salary schedule and the schedule of salary ranges consisting of minimum, mid-point, intervening and maximum annual salary ranges for the pay grades in the classification plan.

SECTION 2 – Maintenance of the Salary Plan

This salary plan is intended to provide fair compensation for all jobs show in the classification plan, considering the range of pay for other classes, rates of pay for comparable services in private and public employment in the area, cost of living data, other benefits received by employees, the County's financial condition and policy, and other factors. The Civil Service Board shall periodically make or cause to be made comparative studies of all the factors affecting the level of salary ranges. On the basis of conclusions reached through such studies, they shall make recommendations to the Board of Commissioners for approval of such changes in salary ranges as are appropriate.

SECTION 3 – Entrance Salary

The minimum annual salary range established for the pay grade for the position is the normal hiring rate. Appointments under special conditions and subject to the prior approval of the Civil Service Board, may be made above the minimum rate when such action is determined to be in the best interest of the County. However, no one may be rehired in any department above the minimum rate who has been previously terminated from County employment for disciplinary reasons or who has not complied with the provisions regarding resignation as set forth in Chapter VII, Section 4.

SECTION 4 – Promotion

When an employee is promoted to a new job with a new pay grade, he/she shall have his/her salary raised to at least the minimum annual salary range for the pay grade assigned to the job in which such employee has been promoted. Promotions shall be made as per Chapter V, Section 5.

SECTION 5 – Demotion

When an employee is demoted, he/she shall be paid at a rate which is within the salary range for the pay grade of the position to which he/she is demoted. When an employee is promoted as set forth in section 4 above and then demoted, such employee's salary shall be reduced the same rate at which it increased pursuant to the promotion.

The rate of pay shall be set by the elected official and/or department head with the approval of the Civil Service Board, taking into consideration the circumstances surrounding the reasons for demotion.

SECTION 6 – Salary Reviews

A – Each classified employee of Paulding county shall be given a performance review upon the satisfactory completion of the six (6) months probationary period and at least annually form the

date of his/her probationary period completion or his/her last salary review date. All salary reviews will be given with Employee Performance Appraisals, as outlined in Chapter VI. Merit increases shall be given upon completion of probationary period and annually thereafter unless work performance merits more frequent increases or unless a disciplinary salary freeze action has been taken as provided in Chapter VIII, Section 1, paragraph C, prior to the salary review date.

No employee shall be given a salary increase which will exceed the maximum salary range for the grade assigned to the position.

SECTION 7 – Salary Plan in Force

When adopted, the salary plan shall be considered a part of this section and shall have the same force and affect as these personnel rules and regulations.

Chapter IV RECRUITMENT AND SELECTION

SECTION 1 – Employment Opportunities

The recruitment, selection, appointment, and promotion of employees shall be in such a manner as to promote equal employment for all persons without regard to race, age, color, creed, sex, national origin, political affiliation, disability, or veteran status.

SECTION 2 – Vacant Positions

Elected officials and/or department heads shall be responsible for notifying the County Civil Service Clerk of vacant, or soon to be vacant, positions that have been authorized by the Board of Commissioners. The notification shall include the class title and salary range.

As far as practical, vacancies shall be filled by promotion of employees of the County. All vacancies above entry level of any occupational category shall be announced to County employees. A vacancy notice shall be posted for no less than five (5) work days in a specified location for each department before the selection of an employee. Employees desiring the posted promotion shall notify the Civil Service Clerk and Elected Official and/or Department Head of their intention within the allotted time. Consideration shall be given to the most senior qualified employee.

SECTION 3 – Recruitment for Vacant Positions

All full-time vacancies shall be publicized by the County Civil Service Clerk by posting announcements and by other means as the elected official and/or department head deems necessary. The announcements shall specify the title and salary range of the vacant position, any minimum qualification requirements, manner of making application, the final date on which applications will be received and other pertinent information. Every reasonable effort shall be made to publicize vacancies so that all interested persons are informed and qualified persons are attracted to compete.

SECTION 4 – Application Forms

Applications shall be made on Paulding County application forms, except for positions to be filled in the Sheriff's Department, which will require two application forms to be completed, a regular Paulding County Application, and a Law Enforcement Application. Such forms shall include information covering training, experience and other pertinent factors. All applications shall be signed by the person applying.

SECTION 5 – Procedures

The following procedures shall be used in filling vacant positions:

A – Applications will be received at the County Civil Service Clerk's Office and forwarded to the appropriate person, as outlined below.

B – The elected official and/or department head over each department shall determine the method of examination of applicants for each class title. The test conducted by the elected official and/or department head, as approved by the Civil Service Board, may be written, oral, a demonstration

of skill, an evaluation of experience and education or a combination of these which shall fairly appraise and determine the merit, qualifications, fitness and ability of competitors. Such tests shall be practical in nature and shall relate to the duties and responsibilities of the position for which the applicant is being examined.

C – Each applicant, after selection and prior to employment, shall be required to take a medical examination by a physician selected and paid for by Paulding County.

D – The appropriate elected official and/or department head shall make the selection, and where employment is under the Board of Commissioners, the selection shall be submitted to them for approval.

E – A physiological or psychiatric examination may be required prior to employment or during the probationary period if the elected official and/or department head is of the opinion that it is required. The cost of this examination shall be paid for by the County.

SECTION 6 – Emergency Appointments

When an emergency involving the serious impairment of the public business makes it impossible to fill a position in the County by normal procedure, the department head, subject to approval of the elected official, may appoint any qualified person to such a position in order to prevent stoppage of public business or loss or serious inconvenience to the public. Any such person shall be employed only during such emergency and for a period not to exceed thirty-one (31) days.

SECTION 7 – Employment of Relatives

No relative of any Elected Official or any Civil Service Board Member shall be employed in any position with Paulding County. In addition, relatives of county employees shall not be employed if such employment will result in one relative supervising another relative. Relatives of county employees shall not be permitted to work in the same department. If any relatives work in the same department, at the adoption of this policy, their current situation shall be excluded from this provision of the policy.

For the purpose of this policy, the term “relative” shall mean wife, husband, mother, father, brother, sister, son daughter, grandmother, grandfather, grandson, or granddaughter. Also included are the step, half, and in-law relationships as appropriate based on the above listing. Also included are others living within the same household otherwise so closely identified with each other as to suggest a family unit.

In the event of a marriage between two employees of the same department, one employee is required to make arrangements for a transfer or submit his or her resignation within thirty (30) calendar days of such event. If no prior arrangements are made with the personnel department, the employee hired last will forfeit their position. Any employee that is married or engaged to be married to another employee, that works in the same department at the time this policy is adopted, shall be excluded from this provision of the policy. To apply for this exclusion any engaged employee must notify the Personnel Department within fifteen (15) calendar days of the adoption of this policy.

Any county employee who is a relative of any Elected Official or any Civil Service Board Member at the time such official is elected or appointed to office may continue in his/her employment with the County.

SECTION 8 – Employment with the County

No employee shall have more than one (1) position with Paulding County.

Chapter V PROBATION

SECTION 1 – Objective

The probationary period shall be regarded as a part of the selection process and shall be used for closely observing the employee's work, for securing the most effective adjustment of a new employee to his/her position and for rejecting any employee whose performance is not satisfactory. Employees serving their probationary period do not have appeal rights unless there is alleged discrimination because of race, age, color, creed, sex, national origin, disability, or veteran status.

SECTION 2 – Duration

The probationary period shall be for a period of six (6) months; however, if an elected official and/or department head requests an extension in writing of an established probationary period prior to fifteen (15) days before the expiration, the Civil Service Board may extend the probationary period of a particular employee up to three (3) months beyond the end of the established period and so notify the employee in writing.

SECTION 3 – Evaluation of Performance

During the probationary period, the employee's supervisor will tell the employee when he/she is not performing satisfactorily. At least fifteen (15) days prior to the expiration of an employee's probationary period, the elected official and/or department head shall notify the County Civil Clerk in writing whether or not an employee has satisfactorily completed his/her probationary period.

SECTION 4 – Dismissal

During the probationary period, the elected official and/or department head may remove an employee who is unable or unwilling to perform the duties of the position satisfactorily or whose habits and dependability do not merit his/her continuance in the service. The elected official and/or department head shall immediately report such removal to the employee stating his/her reasons in writing with a copy to the Civil Service Board.

Employees serving their probationary period do not have appeal rights unless there is alleged discrimination because of race, age, color, sex, national origin, disability or veterans status.

SECTION 5 – Promotional Appointments

The probationary period shall be used in connection with promotional appointments in the same manner as it is used for entrance appointments. If an employee is removed from his/her position during his/her probationary period following a promotion, he/she shall be entitled to general re-employment rights in his/her former class, if there is a vacancy. Employees serving under this section shall have appeal rights.

Chapter VI
EMPLOYEE PERFORMANCE RATING

SECTION 1 – Objective

The Civil Service Board shall prepare a system for evaluating the work performance of all employees in the classified service. The purpose of the employee performance rating shall be primarily to inform employees of how well they are performing their work and of how they can improve their work performance.

SECTION 2 – Period of Evaluation

All employees shall be evaluated at the completion of the probationary period and at least annually from that date.

SECTION 3 – Performance Rating

Performance ratings shall be prepared on forms to be provided by the Personnel/Civil Service Office by the immediate supervisor of each employee and reviewed by the appropriate elected official and/or department head. An employee in a supervisory position who is leaving the position may be required to submit performance ratings on all the employees under his/her supervision who have not been evaluated within the previous six-month period. The elected official and/or department head shall furnish the employee an official copy of the employee performance rating form.

SECTION 4 – Review with Employee

The evaluator shall discuss each performance rating with the employee being evaluated. If any employee disagrees with any statement contained in his/her performance evaluation, he/she may submit, within ten days following the conference with his/her supervisor, a written statement which shall be attached to the evaluation form and shall become a part of the employee's permanent personnel file.

SECTION 5 – Rating Confidential

Performance ratings shall be confidential and shall be made available only to the employee's supervisor, or elected official and/or department head, the employee evaluated or his representative, the Civil Service Board, Board of Commissioners, county attorney, and court of law pursuant to a subpoena.

Chapter VII SEPARATIONS

SECTION 1 – Types of Separation

Separation of employees from positions in the classified service shall be designated as one of the following and shall be accomplished in the manner indicated: resignation, compulsory resignation, layoff, death, retirement and dismissal.

SECTION 2 – County Equipment

At the time of separation and prior to final payment, all records, assets and other items of County property in the employee's custody shall be transferred to his/her elected officials and/or department head and a statement setting forth that all equipment has been returned shall be signed by the employee. Any amount due because of a shortage of equipment may be withheld from the employee's final check.

SECTION 3 – Rights of Employees

Employees who separate shall receive payment for all earned salary, earned vacation and earned sick leave subject to deductions as outlined in Section 2 of this Chapter.

SECTION 4 – Resignation

To resign in good standing, an employee shall give written notice to his/her elected official and/or department head at least ten (10) working days prior to the effective date of his/her resignation. Failure to comply with this rule shall be entered on the service record of the employee.

SECTION 5 – Compulsory Resignation

An employee who, without valid reason, fails to report to work for three (3) consecutive work days without authorized leave shall be separated from the payroll and reported as a compulsory resignation.

SECTION 6 – Layoff

The elected official and/or department head may lay-off an employee in the classified service when it is deemed necessary because of shortage of funds or work, or the material changes in the duties or organization, or for related reasons which do not reflect discredit upon the service of the employee. Such lay-off will abolish duties or will incorporate duties with another employee. When any positions so vacated are reinstated, the persons removed, if available and able to efficiently perform the duties of such position, shall be first entitled to be restored to such position, provided the employee has completed the prescribed probationary period. Job performance and seniority will be the factors in determining which employees will be laid-off.

SECTION 7- Death

When a full-time employee dies while in the service of Paulding County, all compensation due in accordance with Section 3 of this chapter shall be paid to the estate of the employee. The estate of the employee shall be paid the salary for the balance of the month in which the employee dies or a minimum of two (2) weeks salary.

SECTION 8 – Dismissal

An elected official and/or department head may dismiss an employee for cause as outlined in Chapter VIII, Section 2. The employee shall be furnished written notice of dismissal, stating the reasons and the employee's right to answer the charge.

If an employee wishes to appeal the decision of the elected official and/or department head, he/she may do so by following the procedures outlined in Chapter IX, Section 3.

SECTION 9 – Pregnancy

Pregnancy shall not be a cause for dismissal; however, when in the opinion of the elected official and/or department head, the employee is not able to perform her duties at an acceptable level of performance, then the elected official and/or department head may reclassify the employee to a class requiring a similar salary if such vacancy exists. If the elected official and/or department head is unable to reclassify as set forth above, then the provision of Chapter X, Section 12 shall apply.

**Chapter VIII
DISCIPLINARY ACTION**

SECTION 1 – Types of Disciplinary Action

The following provisions shall govern disciplinary actions affecting employees in the classified service. An elected official and/or department head shall have the following alternatives for disciplinary action; however, an employee may file an appeal only in the event of suspension without pay or dismissal from employment.

A – **Reprimand:** An elected official and/or department head may submit a written reprimand to an employee, when an oral warning has not resulted in the expected improvement or when a more severe initial action is warranted. A copy of such reprimand shall be placed in the employee's personnel records.

B – **Suspension:** An elected official and/or department head may for cause suspend without pay, an employee in his/her department for up to ten (10) days. A written statement specifically setting forth reasons for suspension shall be furnished to the employee and the Civil Service Clerk.

C – **Demotion, Freeze or Reduction in Salary:** An elected official and/or department head may freeze the salary of an employee or reduce the salary of an employee within the range provided in the pay plan, or demote the employee for cause to a lower class. A written statement of the reasons for such action shall be furnished to the employee and the Civil Service Board.

D – **Dismissal:** See Chapter VII, Section 8.

SECTION 2 – Reasons for Disciplinary Action

Listed below are some reasons which might be cause for disciplinary action referred to in Section 1 of this Chapter, but disciplinary action is not limited to the offenses listed:

A – Being convicted of a felony or of a misdemeanor involving moral turpitude.

B – Excessive time not working when on the job.

C – Being absent without leave.

D – Excessive absences.

E – Abuse of sick leave.

F – Inefficiency, negligence or incompetence in the performance of duties.

G – Careless, negligent or improper use of County property and/or equipment.

H – Willfully giving false statements to supervisors, officials or the public.

I- Violations of written County ordinances, administrative regulations or department rules.

J – Being under-the-influence of alcohol or illegal drugs when reporting to work or drinking of alcoholic beverages or use of illegal drugs during working hours.

L – Instigation of, participation in or leadership of a strike, work stoppage, slowdown or artificial restriction of productive work.

M – Lack of personal hygiene or personal cleanliness.

N – Theft of County or employee property.

O – Failure to satisfactorily complete mandate training in time allotted for position held.

SECTION 3 – Emergency Relieve from Duty

If it is determined to be in the best interest of the County, a non-department head supervisor who supervises an employee may relieve that employee from duty for disciplinary purposes. Relief from duty shall be only from the time action is initiated by the supervisor until the beginning of the employee's next scheduled work period. The supervisor shall report the action and circumstances to the elected official and/or department head who shall review the action and initiate any further disciplinary action which may be warranted.

Chapter IX
GRIEVANCES AND APPEALS

SECTION 1 – Policy

The most effective accomplishment of the work of the County requires prompt consideration and equitable adjustment of employee grievances. It is the desire of the County to adjust grievances informally and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there may be grievances which will be resolved only after a formal appeal and review. No employee shall be disciplined or discriminated against in any way because of use of the grievance procedure.

SECTION 2 – Definition

A grievance is a complaint made by an employee concerning his/her suspension from employment without pay or his/her termination from employment.

SECTION 3 – Appeals

Any full-time employee who is suspended without pay from employment or terminated from employment shall have the right to appeal this action to the Civil Service Board.

SECTION 4 – Procedures

Any full-time, classified employee shall have the right to appeal to the Civil Service Board, providing the following provisions are fulfilled:

A – An employee shall first present his/her written grievance to his/her immediate supervisor who shall make careful inquiry into the facts and circumstances of the complaint. The supervisor, department head or elected official shall attempt to resolve the problem promptly and fairly and give the employee a written answer to said grievance.

B – An employee who is dissatisfied with the decision of his/her supervisor may submit his/her written grievance within ten (10) working days following the receipt of his/her supervisor's decision to the elected official or department head. The elected official and/or department head shall make a separate investigation and inform the employee in writing of his/her decision and the reasons for it within ten (10) working days after receipt of the employee's grievance.

C – If the employee is dissatisfied with the elected official's and/or department head's decision, or he/she has been dismissed and has elected to appeal directly to the Civil Service board:

1. He/She may obtain a review by the Board by submitting a written request within ten (10) working days following the receipt of the elected official's and/or department head's decision or within ten (10) days of dismissal if he/she has been dismissed and has appealed directly to the Board.
2. The Civil Service Board shall make such investigation and conduct such hearings as deemed necessary and shall, within ten (10) working days after the receipt of the employee's request for review, inform the employee in writing of its findings and decision. If the employee has directly appealed his/her dismissal to the Board, then

the Board shall have a hearing and make a determination within forty-five (45) days of the date the appeal was filed.

3. If the Civil Service Board finds that the action complained of was taken for any religious, racial, national origin, sex, age or nonmerit reason, the employee shall be reinstated to his/her position without loss of pay and/or in the case of reprimands, direct the removal from employee's personnel records.

D – The employee shall have the right to a fair and impartial hearing and may be represented by counsel of his/her own choosing at his/her own expense, at such hearing. The Civil Service Board may direct elected officials, department heads, employees and /or former employees to attend such appeal hearings, or give depositions, in order to render fair and equitable decisions, provided such hearings are held at times that will not create undue hardships upon the normal operation of County business.

E – These provisions do not apply to persons dismissed from any department due to curtailment in funds, reduction in staff or abolition of the job held by the employee.

F – The Civil Service Board may review and cite any action taken contrary to the rules set forth in this procedure.

G – The decision of the Civil Service Board shall be binding upon the elected official or governing authority on the disposition of all grievances.

Chapter X
ATTENDANCE AND LEAVE

SECTION 1 – Hours of Work

The work schedule for each department shall be established by the elected official and/or department head.

SECTION 2 – Overtime

A – Any overtime worked must have the prior approval of the elected official and/or department head. Overtime on an extended basis must also have the approval of the Board of Commissioners. Employees shall receive compensation for overtime in the form of overtime pay or compensatory time off.

B – All overtime worked or compensatory time earned will be paid and/or accumulated as per the Federal Fair Labor Standards Act.

C – Overtime shall be divided equally among affected employees. Draft overtime may be required from the least senior affected employee. Employee refusal of draft overtime may be disciplined per Chapter VIII.

SECTION 3 – Holidays

A – The following holidays have been designated as paid holidays for Paulding County employees. The holidays are subject to change, addition, and/or deletion by the Board of Commissioners.

1. New Year's Day
2. Martin Luther King's Birthday
3. Good Friday
4. Memorial Day
5. Independence Day
6. Labor Day
7. Thanksgiving Day
8. Day after Thanksgiving
9. Christmas Eve
10. Christmas Day

B – To receive holiday pay, an otherwise eligible employee must be at work, or on an authorized absence, on the employee's work days immediately preceding and immediately following the day on which the holiday is observed by the County. If an employee is scheduled to work on the day on which the holiday is observed they must be at work that day or be on an authorized absence. If an employee is absent on any of these days because of illness or injury, the County reserves the right to request a doctor's certificate or other documentation of the illness or injury and to dock the employee for the missed work time if proper documentation is not provided.

C – Part-time and temporary employees shall not be paid for observed holidays not worked.

D – Employees on leaves of absence are not eligible to receive holiday pay.

E – A holiday that occurs on a Saturday will be observed the proceeding Friday. A holiday that occurs on a Sunday will be observed the following Monday unless otherwise designated by the Board of Commissioners. Only the actual day of the holiday will be recognized as the holiday for emergency services shift personnel.

F – Full-time personnel required to work on the actual day of the holiday shall be compensated for the hours worked on the holiday and shall receive the approved holiday pay.

G – Any employee whose regular day off coincides with a holiday shall be paid straight time for the holiday.

H – Full-time employees shall be paid eight hours for holidays.

SECTION 4 – Vacation Provisions

A – Regular full-time employees are eligible to earn and use vacation time as described in this policy. Vacation time off with pay is intended to provide opportunities for rest, relaxation, and personal pursuits, and employees are urged to avail themselves of vacation periods.

B – Eligible employees will receive vacation benefits as follows. Upon successful completion of the initial probationary period, an employee will be credited with forty (40) hours of vacation leave; thereafter, vacation will be credited on an employee’s anniversary date as follows:

<u>Anniversary Date</u>	<u>Vacation Credited</u>
1	40 hours
2, 3, and 4	80 hours
5, 6, 7, 8, and 9	96 hours
10 and Beyond	120 hours

C – To establish an equitable vacation accrual rate for 24 hour shift work (i.e., firefighters), employees scheduled to work 106 hours per pay period will receive vacation benefits as follows. Upon successful completion of the initial probationary period, an employee will be credited with fifty-three (53) hours of vacation leave; thereafter, vacation will be credited on an employee’s anniversary date as follows:

<u>Anniversary Date</u>	<u>Vacation Credited</u>
1	53 hours
2, 3, and 4	106 hours
5, 6, 7, 8, and 9	128 hours
10 and Beyond	160 hours

D – For purposes of vacation accruals, the anniversary date is based on the employee’s most recent hire date. Employees who are rehired after a break in service must start over with their vacation accrual process. An employee’s anniversary date may be extended for any significant leave of absence other than military leave of absence or Family Medical Leave. (See individual leave of absence policies for more information.)

E – Request for leave. Leave must be accrued prior to use. A request for vacation leave must be submitted in writing in advance to the employee’s immediate supervisor. Leave may be taken only after approval of the employee’s elected official and/or department head. Requests are subject to approval or disapproval by the immediate supervisor, elected official and/or department

head and will be reviewed based on a number of factors, including business needs and staffing requirements.

F – Paid vacation time can be used in minimum increments of one hour. Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives or shift differentials.

G – An employee absent without approval for the use of accrued vacation leave will be designated as being on unauthorized leave without pay even though the employee may have sufficient accrued leave to cover the absence. Absences of this type may be grounds for disciplinary action up to and including dismissal.

H – Reimbursement in lieu of vacation leave. Twice per calendar year, an employee who has completed his/her initial probationary period may request pay in lieu of sick and/or vacation leave. Such requests must be made in writing and submitted to Finance. Requests will be fulfilled in conjunction with processing biweekly payroll. Requests received in the Finance Department by the close of business on the Friday prior to a payday will be fulfilled with the following week's payroll.

I – Maximum accumulation. Accrued but unused vacation balances, not to exceed twenty (20) days/160 hours, may be carried forward from one anniversary year to another. Employees scheduled for 24 hour shift work/ 106 hours per pay period (i.e., firefighters) may carry forward 213 hours from one anniversary year to another. When the employee uses paid vacation time and brings the balance below the maximum, vacation accrual will begin again.

J – Payment for unused leave. Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work.

SECTION 5 – Sick Leave Provisions

A – Regular full-time employees are eligible for paid sick leave benefits as described in this policy. Sick leave benefits are intended solely to provide income protection in such cases and may not be used for any other absence.

B – Eligible employees may request use of paid sick leave after completion of the initial probationary period and can use sick leave benefits for an absence due to their own illnesses, injury, or medical examinations/treatments or those of a family member (spouse, parents or step-parents, brother or half-brother, sister or half-sister, son or daughter including step-children, father-in-law, mother-in-law, grandparents, or grandchildren.) Paid sick leave must be accrued prior to use.

C – Eligible employees begin to accrue sick leave immediately upon employment at the rate of 96 hours per year (8 hours following every full month of service.)

D – To establish an equitable sick leave benefit for 24 hour shift work (i.e., firefighters), employees scheduled to work 106 hours per pay period begin to accrue sick leave immediately upon employment at the rate of 128 hours per year (10.66 hours following every full month of service.)

E – Reporting sick leave. When possible, a request for sick leave should be submitted in writing in advance to the employee's immediate supervisor. Employees who are unable to report to work

due to illness or injury should notify their direct supervisor of the reason for such use of sick leave prior to the scheduled start of the workday if possible. If this is not possible, the employee shall see that the absence is reported within thirty (30) minutes after the scheduled time to report for work. An employee must adhere to the same procedure for each additional day of absence. Failure to properly notify your supervisor may be cause for denial of sick leave with pay.

F – Paid sick leave can be used in minimum increments of one hour. Sick leave is paid at the employee's base pay rate at the time of use. It does not include overtime or any special forms of compensation such as incentives or shift differentials.

G – Doctor's certificate. A doctor's statement verifying the medical necessity for absence, including its beginning and expected ending dates may be required by the elected official and/or department head to substantiate leave requests for the following reasons:

- 1) If an employee is absent for three or more consecutive days due to illnesses, injury, or medical examinations/treatments;
- 2) A request for sick leave while on holiday or vacation leave;
- 3) Sick leave of any duration if absence from duty recurs frequently or habitually provided that an employee has been notified that a certificate will be required.

H – Before returning to work from a sick leave absence of five (5) calendar days or more, an employee must provide a physician's verification that he or she may safely return to work.

I – An employee absent without approval for the use of accrued sick leave will be designated as being on unauthorized leave without pay even though the employee may have sufficient accrued leave to cover the absence. Absences of this type may be grounds for disciplinary action up to and including dismissal.

J – Reimbursement in lieu of sick leave. Twice per calendar year, an employee who has completed his/her initial probationary period may request pay in lieu of sick and/or vacation leave. Such requests must be made in writing, submitted to the Finance Department through the employee's direct supervisor, and elected official and/or department head. Requests will be fulfilled in conjunction with processing biweekly payroll. Requests received in the Finance Department by the close of business on the Friday prior to payday will be fulfilled with the following week's payroll.

K – Maximum accumulation. Accrued but unused sick leave balances, not to exceed sixty (60) days/480 hours, may be carried forward from one calendar year to another. Employees scheduled for 24 hour shift work/ 106 per pay period (i.e., firefighters) may carry forward 638 hours from one calendar year to another. When the employee uses paid sick time and brings the balance below the maximum, sick leave accrual will begin again.

L – Payment for unused sick leave. Upon termination of employment, an employee who has successfully completed his/her initial probationary period will be paid for unused sick time that has been accrued through the last day of work.

SECTION 6 – Worker’s Compensation

Employees are covered under the provisions of the Worker’s Compensation Act. If an employee is injured while on the job, such an injury must be reported to the elected officials and/or department head immediately with such information as follows: the date and time of injury, details of accident or injury, name and address of attending physician and name of hospital in the event of hospitalization.

SECTION 7 – Temporary Disabilities not Covered by Worker’s Compensation

An employee who becomes temporarily disabled and the disability is not covered by Worker’s Compensation may be allowed to exhaust sick leave and vacation leave which has accumulated to the date of disability.

SECTION 8 – Funeral Leave

Funeral leave with pay of up to three (3) working days per year shall be granted for absence from duty of employees in the event of death in the immediate family. Immediate family means the following: husband, wife, parents or step-parents, brother or half-brother, sister or half-sister, son or daughter including step-children, father-in-law, mother-in-law, grandparents or grandchildren.

SECTION 9 – Military Leave

A – Any full-time employee who is inducted or enlists in the military forces of the United States shall be placed on military leave without pay; such leave to extend through a date sixty (60) days after he/she is relieved from service. If within such period he/she applies for reinstatement and reports for duty accordingly, he/she shall be reinstated with like seniority, status and pay to his/her former position or to a comparable position of which he/she is qualified, unless the employer’s circumstances have so changed as to make it impossible or unreasonable to do so.

B – Every full-time employee shall be paid his/her salary or their compensation as such employee for any and all periods of absence while engaged in the performance of ordered military duty, and while going to and returning from such duty, not exceeding a total of thirty (30) days in any calendar year and not exceeding thirty (30) days in any one continuous period of such absence.

SECTION 10 – Civil Leave

An employee shall be given time off with pay, for such time as is actually required by the Court, when performing jury duty or subpoenaed to appear before any public body or commission. If such employee received payment for services, he/she shall be required to endorse such payment over to the County or to have equivalent deduction made from his/her regular rate of pay. Such leave will not be charged against the employee’s vacation leave.

SECTION 11 – Leave of Absence Without Pay

Leave of absence, without pay, may be granted to an employee upon his/her elected official’s and/or department head’s approval for a period not to exceed six (6) consecutive months. No accrual or privileges or benefits are allowed for an employee who is on leave of absence.

SECTION 12 – Personal Leave

Effective Date: 1/1/2000; Revised 3/11/2008

A – Personal Leave is an all purpose time-off policy for eligible employees to use for vacation, illness or injury, or personal business. Regular full-time employees are eligible to earn and use Personal Leave as described in this policy.

B – Eligible employees will be credited with ~~three (3) days/twenty-four (24) hours~~ **four (4) days/thirty-two (32) hours** of Personal Leave on January 1st of each year. **(REVISED 3/11/2008)**

C – To establish an equitable Personal Leave benefit for 24 hour shift work (i.e., firefighters), employees scheduled to work 106 hours per pay period will be credited with ~~four (4) days/thirty-two (32) hours~~ **five and one-quarter (5.25) days/forty-two (42) hours** of Personal Leave on January 1st of each year. **(REVISED 3/11/2008)**

D – An employee must successfully complete his/her initial probationary period before Personal Leave can be used.

E – Request for leave. Leave must be accrued prior to use. A request for Personal Leave must be submitted in writing in advance to the employee's immediate supervisor. Leave may be taken only after approval by the employee's elected official and/or department head and will be reviewed based on a number of factors, including business needs and staffing requirements.

F – Personal Leave can be used in minimum increments of one hour. Personal Leave is paid at the employee's base pay rate at the time of use. It does not include overtime or any special forms of compensation such as incentives or shift differentials.

G – An employee absent without approval for the use of Personal Leave will be designated as being on unauthorized leave without pay even though the employee may have sufficient accrued leave to cover the absence. Absences of this type may be grounds for disciplinary action up to and including dismissal.

H – Personal Leave must be used in the calendar year credited; unused Personal Leave balances will be forfeited at close of business on December 31st of each year.

I – Employees cannot receive pay in lieu of using Personal Leave.

J – Payment for unused leave. Upon resignation or termination of employment, employees will not be paid for unused Personal Leave.

Chapter XI
ETHICS AND CONDUCT

SECTION 1 – Confidential Information

An employee may not directly or indirectly make use of or permit others to make use of, for the purpose of furthering a private interest, confidential information acquired by virtue of employment with Paulding County.

SECTION 2 – Gifts and Gratuities

An employee shall not accept gifts, gratuities or loans from organizations, business concerns or individuals with whom he/she has official relationships on business of the County government. These limitations are not included to prohibit the acceptance of articles of negligible value which are distributed generally, nor to prohibit employees from accepting social courtesies which promote good public relations, not to prohibit employees from obtaining loans from regular lending institutions. It is particularly important that inspectors, contracting officers and enforcement officers guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage or collusion.

SECTION 3 – Political Activity

Employees of Paulding County are encouraged to exercise their right to vote, but no employee shall make use of County time or equipment to aid a political candidate, party or cause. No employee shall use a County position to influence, coerce or intimidate any person in the interest of a political candidate, party or cause. Employees shall not publicly support, endorse or work for the election of any person running for a Paulding County elected position. An employee violating this section shall be dismissed as set forth in Chapter VII, Section 9.

SECTION 4 – Public Office

A - No employee of Paulding County shall hold public office in, nor membership on, nay political subdivision in Paulding County. Political subdivision shall mean the following: The County; any municipality; the Board of Education; or authority or commission set up under the laws of the State or County.

B – Any employee who qualifies for public office for any municipal, County or Board of Education post shall immediately resign. Failure to resign upon qualification shall result in dismissal.

SECTION 5 – Paulding County Dress Code

A – Appearance is an important part of community relations. It is not only important that employees be courteous and efficient, but that they also contribute favorable to the County's image through proper dress and personal grooming. Employees should appear on the premises appropriately and modestly dressed, neat and clean in person and in clothing that is devoid of unpleasant perfumes and body odors.

B – Elected officials and/or department heads shall establish guidelines for the various departments.

Chapter XII
GROUP INSURANCE

SECTION 1 – Insurance

Each employee covered under this procedure shall have his/her individual group insurance paid for by the County. Any dependent insurance desired by the employee shall be at his/her own expense.

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PERSONNEL POLICIES AND PROCEDURES ADDENDUM

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Sexual Harassment Policy

It is the policy of Paulding County to prohibit sexual harassment of our employees. This prohibition applies to all employees, including elected officials, department heads, and supervisors, and even outsiders and vendors. It is not the purpose of this policy to intrude upon the personal lives of our employees or to interfere with social relationships. Nevertheless, sexual harassment has no place at Paulding County and will not be permitted. Sexual harassment includes not only unwelcome or offensive sexual advances and requests for personal favors, but also other verbal or physical conduct of a sexual nature, such as, uninvited touching or sexually related comments of any kind.

Any employee who believes he or she is being subjected to sexual harassment by anyone connected with his or her work is encouraged to report the matter promptly to the Personnel/Civil Service Office. All matters discussed will be confidential and every attempt will be made to handle this sensitive subject without embarrassment.

Violation of this policy by any Paulding County employee can result in discipline up to and including immediate discharge. We have a pleasant working atmosphere here at Paulding County, and we want to keep it that way by ensuring that all employees are treated with mutual consideration and respect.

Non Harassment Policy

PURPOSE:

To provide a policy that prohibits harassment and procedures to enforce the policy that are consistent with the guidelines established by the Equal Employment Opportunity Commission.

SCOPE:

Board of Commissioners' Employees

POLICY:

The Paulding County Board of Commissioners does not and will not tolerate harassment of our employees. The term "Harassment" includes, but is not limited to, slurs, jokes and other verbal, graphic, and physical conduct relating to an individual's race, color, sex, religion, national origin, citizenship, age, veterans status or disability. "Harassment" also includes unwelcome or offensive touching, and other unwelcome verbal, graphic, or physical conduct of a sexual nature. We will not permit sexual harassment - subjecting employees to unwelcome sexual conduct as a condition of employment.

**VIOLATION OF THIS POLICY WILL SUBJECT AN EMPLOYEE TO
DISCIPLINARY ACTION, UP TO AND INCLUDING IMMEDIATE
DISCHARGE.**

PROCEDURES:

If you feel that you are being harassed in any way by a co-worker or by an employee of a customer or vendor, or member of the general public you should notify your supervisor or department head/manager immediately. The matter will be thoroughly investigated and, where appropriate, disciplinary action will be taken. An employee that feels that his/her complaint concerning a co-worker, a contractor, vendor, or member of the general public has not been handled to his/her satisfaction should contact the Personnel Director immediately. You should also be aware that no supervisor or other member of management is authorized to make any employment decision whatsoever because of an employee's submission to or rejection of sexual conduct or advances. No supervisor or other member of management has the authority to suggest to any employee that the employee's continued employment or future advancement will be affected in any way because the employee enters into or refuses to enter into any form of sexual or other personal relationship with the supervisor or member of management. No supervisor or member of management may coerce an employee into a sexual relationship and then reward the employee. No supervisor or manager may take disciplinary action against an employee or deny a promotion, transfer, award, etc. to an employee because he or she has rejected sexual advances.

If you believe that a supervisor or member of management has acted inconsistently with this policy, if you are not comfortable bringing a complaint regarding harassment to your immediate supervisor or if you believe that your complaint concerning a co-worker or an employee of a customer or vendor has not been handled to your satisfaction, please immediately contact the Director of Human Resources at 770-443-7521 or the Commission Chairman at 770-443-7550.

You will not be penalized in any way for reporting conduct that you feel may be in violation of this policy.

Please do not assume that the County is aware of your problem. It is your responsibility to bring any complaints or concerns to the County's attention so that they may be resolved.

Family and Medical Leave Policy

The Family and Medical Leave act of 1993 and pertinent Department of Labor regulations regulate the provisions of this section as they may be promulgated. The county specifically reserves the right to add to, change or abolish the provisions of this section, in whole or in part, based upon pertinent action by any appropriate legislative, judicial or regulatory authority.

A. **Eligibility and Reasons Granted**

Eligibility

The provisions of this policy apply only to those employees who have been employed for at least twelve months (such twelve months of employment does not have to be consecutive) and who have provided at least one thousand two hundred fifty (1250) hours of service during the twelve (12) months before any leave is requested. In determining the hours worked, paid leave, such as vacation, sick or compensatory leave is not included.

The County will grant up to a total of twelve (12) work weeks of Family and Medical Leave Act (hereinafter FMLA) leave to any eligible employee during any twelve (12) month period for one or more of the reasons listed below. The twelve (12) month period for the purposes of this policy will be calculated on a “**rolling**” year. This means that the twelve (12) month period will be measured from the date an employee first uses any FMLA Leave. If the employee has taken leave during the twelve- (12) months immediately preceding a request, he/she is only entitled to take leave based on any remaining time for that twelve (12) month period. However, employees are required to first use any accrued vacation, sick, or compensatory leave for all or part of this twelve- (12) week period. When paid accrued leave is used by an employee in lieu of unpaid FMLA leave, the County will only provide sufficient unpaid leave to total twelve (12) work weeks in the designated twelve (12) month period of time.

Reasons Granted

- The birth of a newborn child, adoption of a child, or receiving a child for foster care. Leave must be completed within twelve (12) months after the birth, adoption, or placement.
- To care for an immediate family member (spouse, child or parent) with a serious health condition. A qualifying child must be under eighteen (18) years of age, or if older, incapable of self care because of a mental or physical disability. Leave for any other relatives or for any other individuals who may be a part of an employee’s household is not authorized by this section.
- Serious personal medical condition making the employee unable to perform the essential functions of his/her job.

B. **Definitions:**

For purposes of this policy, a **parent** includes only a biological parent or an individual who stands or stood in loco parentis to the employee when the employee was a child. Parents-in-law are not included.

For purposes of this policy, **child** includes biological children, adopted children, foster children, step children, legal wards or a child of an employee standing in loco parentis and the child is under age eighteen (18) or age eighteen (18) or older and incapable of self care because of a mental or physical disability.

For purposes of this policy, **spouse** means a husband or wife as defined or recognized under state law for purposes of marriage in the state where the employee resides, including common law marriage states where it is recognized. Domestic partners are not eligible for the provisions of this section.

For the purposes of the policy a “**serious medical condition,**” means any physical or mental condition that involves:

- Any period of incapacity resulting in inpatient hospital care; or
- Any period of incapacity lasting more than three (3) calendar days that also involves continuing treatment by a health care provider; or
- Continuing treatment by (or under the supervision of) a health care provider for a condition that, if not treated, would likely result in a period of incapacity exceeding three (3) days.

C. Procedures:

Employees must give thirty (30) days notice for all requests for leaves of absence for any planned medical treatment. If the employee fails to give thirty (30) days notice for any planned medical treatment, with no reasonable excuse for the delay, the County may deny the taking of FMLA leave until at least thirty (30) days after the date the employee provides notice to the Human Resources Department or Department Manager of the need for FMLA leave.

All requests for FMLA leave for the serious medical condition of the employee, spouse, parent or child must be substantiated by a health care provider’s certification of the existence of such medical condition.

The employee is required to provide the Human Resources Department on the beginning day of the sixth and twelfth week of FMLA leave, a recertification by the health care provider of the status of the employee’s, spouse’s, parent’s or child’s serious medical condition, and a written statement by the employee as to his intention to return to work. If the employee’s FMLA leave is intermittent or a reduced schedule of work, the employee shall provide required recertification and a written statement of intent at such time as the employee’s accumulated FMLA leave totals six (6) weeks and twelve (12) weeks.

The county reserves the right to temporarily transfer an employee on intermittent leave or a reduced schedule of work to an alternative position, with equivalent pay and benefits, that better accommodates the recurring periods of leave better than the employee’s regular position.

If a husband and wife are employed by the County, each is entitled to twelve (12) workweeks for his/her own illness or the illness of a child. However, the twelve- (12) workweeks must be split between them if the illness is that of a birth of a child or placement of a child with the employee for adoption or foster care.

The employee is required to keep the Human Resources Department advised of his/her current address at all times.

D. Employee Benefits During FMLA:

Health Insurance

The County will provide and pay for the same group health care coverage during the FMLA leave in the same manner as for active employees. As long as the employee is receiving paid leave, deductions for all health and life insurance coverage will continue as usual, with the County paying the employer’s portion of the premiums. If the FMLA leave is not paid leave or if paid leave expires during the period of FMLA leave, the County will continue to pay its

portion of the premiums as long as the employee makes timely monthly payments for his/her share of the premiums during the FMLA leave. If the employee elects not to return to work after the FMLA leave, the County will initiate proceedings to collect the County's portion of the premium paid during the leave. The County will not collect such premiums if the employee fails to return to work after the FMLA leave due to a continuation, recurrence or onset of the medical condition or other circumstances affecting the employee or other family members which are clearly beyond the employee's control.

Supplemental Policies

The employee may elect to continue coverage of the County's supplemental life insurance benefit. The employee is responsible for timely payment of all premiums. The employee is responsible for timely payment of all premiums for any supplemental policies the employee wishes to continue. Failure to pay the monthly premiums within thirty (30) days of the due date will result in termination of the coverage.

Vacation and Sick Leave

No vacation or sick leave will be earned by an employee on FMLA leave without full time pay status.

Pension Plans

No contributions will be made to the employee's supplemental pension fund while on FMLA leave without pay status. However, credit for service time for the employee's regular pension plan will be credited to an employee while on leave without pay status for family and medical leave purposes only.

Performance Evaluation

Any FMLA leave without pay for four or more workweeks will result in a corresponding adjustment of evaluation date and, if eligible, the effective date of award of any eligible performance raise or bonus or longevity bonus.

E. Return to Work:

An employee is expected to return to work no later than the first work day of the week following the expiration of the FMLA leave for the above reasons. Failure to do so for any reason will constitute abandonment of County employment by the employee.

Upon return from FMLA leave, an employee will be restored to his/her original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

If the employee's absence is due to personal illness, the employee may return to work at any time upon providing a fitness for duty certificate by his/her health care provider. Employees who desire to return to work prior to the end of their leave must give the County notice as soon as possible, but no later than two (2) work days prior to their return.

F. Instructions:

Employee's Responsibilities

Any employee who anticipates being absent for more than five (5) days for one of the reasons listed above should notify the Human Resources Department. The employee requesting family medical leave should complete a request form as provided by the Human Resources Department. Such request form should be submitted to the employee's department head and the Human Resources Department. The employee should schedule an appointment with a Human Resources Department staff member to explain the circumstances of the leave

and for the human resources staff member to explain the employee's rights and obligations under this policy. The employee is also responsible for providing all information required on the form, notice of absence when required and for all certifications by any treating health care provider. An employee must work out a treatment schedule, which best suits, the needs of both the County and the employee.

Department Responsibilities

The department head is required to approve leave as outlined in this section for eligible employees. Department heads or supervisors are prohibited from discriminating against employees who take family medical leave in employment decisions such as performance evaluations, promotions, or disciplinary actions. **If an employee verbally notifies a supervisor or department head of the need for leave which may be eligible under this policy; such supervisor should notify the Human Resources Department immediately.**

Human Resources Department

The Human Resources Department will serve as advisor to employees and supervisors on the requirements for eligibility for family medical leave and the provisions of the FMLA. All records pertaining to family and medical leave will be maintained in the employee's confidential medical file. The Human Resources Department will be responsible for notification of any premiums due from the employee and the collection of it.

THE ABOVE STATED REGULATIONS OF THE PAULDING COUNTY BOARD OF COMMISSIONERS FMLA POLICY ARE NOT INTENDED TO BE ALL-INCLUSIVE. SITUATIONS NOT COVERED ABOVE OR WHICH NEED FURTHER CLARIFICATION WILL BE PROCESSED IN ACCORDANCE WITH THE PROVISIONS OF THE FAMILY MEDICAL LEAVE ACT.

Inclement Weather Policy

An announcement of any closings will be made through the office of the Chairman of the Board of Commissioners via local television and radio stations.

Emergency and other essential employees designated by their department heads who are required to work will be compensated for the time worked at their regular rate of pay.

If the facilities are closed because the weather conditions prevent the normal work to commence or to continue, employees will not be paid for that time. However, if an employee has accrued vacation, sick leave or compensatory time, he/she may elect to use such time to cover that time which would otherwise be unpaid.

Even if the weather conditions are not severe enough to warrant closing of the facilities, some employees may still be fearful of reporting to work or of remaining on the job due to highway conditions. In this instance, the Office of the Chairman of the Board of Commissioners may inform employees that their reporting to work, staying on the job or going home is left to the employee's discretion. To receive pay for an absence due to personal judgement of inclement weather, the employee must use accrued leave. If an hourly employee does choose to leave the job, that employee will be paid only for the time actually worked.

Compensatory Time Policy

In accordance with the Fair Labor Standards Act, the Paulding County Board of Commissioners has a policy of granting designated employees compensatory time off in lieu of compensation for hours worked in excess of 40 hours a week.

Employees work a Saturday through Friday workweek, seven consecutive twenty-four hour periods, with two weeks comprising a pay period. Time worked for each workweek is calculated separately. Hourly employees who work over forty hours in a workweek accrue compensatory time at 1.5 hours for each hour worked over 40 hours. For example, an employee who actually works 44 hours in a workweek will receive 6 hours of compensatory time (4 hours of overtime X 1.5 = 6 hours compensatory time).

Per Paulding County's current policy, hourly employees may accrue up to 80 hours of compensatory time. An employee who has accrued compensatory time shall, "upon termination of employment", be paid for any unused compensatory time at a rate not less than the average rate received by such employee over the last three years of employment, or the final regular rate, whichever is greater.

Compensatory time off shall be requested in the same manner as vacation leave is requested. An employee who has requested use of such compensatory time shall be permitted by the employee's supervisor to use such time within a reasonable period, after making request, if the use of the compensatory time does not unduly disrupt the operation of the department.

The accrual and use of compensatory time will still be reported on each employee's timesheet for payroll and attendance purposes. In addition to the timesheets, a REQUEST FOR LEAVE form needs to be turned in for each use of compensatory time. REQUEST FOR LEAVE forms help to provide a better picture of the use of any time, as well as documenting approval from each Department Head/Elected Official.

Standby Time

Standby time refers to specific times or designated shifts when employees are assigned standby where they may be subject to being called in to work as needed by their department. They are not considered to be at work and can continue normal personal activities. Employees will be assigned a pager or asked to leave their supervisor a telephone number where they can be reached. The employee's supervisor will assign all periods of standby status.

Employees will receive \$40.00 for each specified week, which they are assigned standby status. This policy does not apply to emergency personnel or exempt employees.

(This notice must be posted in a conspicuous place readily accessible to the employee at all times.)

OFFICIAL NOTICE

This business operates under the Georgia Workers' Compensation Law.

WORKERS MUST REPORT ALL ACCIDENTS IMMEDIATELY TO THE EMPLOYER BY ADVISING THE EMPLOYER PERSONALLY, AN AGENT, REPRESENTATIVE, BOSS, SUPERVISOR, OR FOREMAN.

If a worker is injured at work, the employer shall pay medical and rehabilitation expenses within the limits of the law. In some cases the employer will also pay a part of the worker's lost wages.

Work injuries and occupational diseases should be reported in writing whenever possible. The worker may lose the right to receive compensation if an accident is not reported within 30 days (see O.C.G.A. § 34-9-80).

The employer will supply free of charge, upon request, a form for reporting accidents and will also furnish, free of charge, information about workers' compensation. The employer will also furnish to the employee, upon request, copies of board forms on file with the employer pertaining to an employee's claim.

A worker injured on the job must select a doctor from the list below. The minimum panel shall consist of at least six physicians, including an orthopedic surgeon with no more than two physicians from industrial clinics (see O.C.G.A. § 34-9-201). Further, this panel shall include one minority physician, whenever feasible (see Rule 201 for definition of minority physician). The Board may grant exceptions to the required size of the panel where it is demonstrated that more than four physicians are not reasonably accessible. One change to another doctor from the list may be made without permission. Further changes require the permission of the employer or the State Board of Workers' Compensation.

State Board of Workers' Compensation

270 Peachtree Street, N.W.
Atlanta, Georgia 30303-1299
404-656-3818
or 1-800-533-0682
<http://www.sbcw.georgia.gov>

Pinnacle Orthopedic
Dr. Charles Pesson
148 Bill Carruth Pkwy., Ste. 120
Hiram, GA 30141
(770) 445-5666

name/address/phone

Concentra
Medical Center
220 N. Cobb Pkwy., Ste. 400
Marietta, GA 30062
(770) 424-7125

name/address/phone

Dr. John Sparti
318 Main Street
Dallas, GA 30132
(770) 445-5555

name/address/phone

Occupational Health
Dr. Mary Gearland
1791 Mulkey Road
Austell, GA 30166
(770) 732-3880

name/address/phone

Dr. Javiad Sayeed
504 West Memorial Drive
Dallas, GA 30132
(770) 445-6000

name/address/phone

Dr. William (Bill) Woods-Eyes
1498 Merchants Drive
Dallas, GA 30132
(770) 445-2715

name/address/phone

(Additional doctors may be added on a separate sheet)
The insurance company providing coverage for this business
under the Workers' Compensation Law is:

ACCG
3169 Holcomb Bridge Road
Suite 400
Norcross, GA 30071

address

ACCG of Georgia

Name

(404) 522-5022

phone

IF YOU HAVE QUESTIONS PLEASE CONTACT THE STATE BOARD OF WORKERS' COMPENSATION AT 404-656-3818 OR 1-800-533-0682 OR VISIT <http://www.sbcw.georgia.gov>

Willfully making a false statement for the purpose of obtaining or denying benefits is a crime subject to penalties of up to \$10,000.00 per violation (O.C.G.A. §34-9-18 and §34-9-19).

WC-P1 (7/2006)

Updated 12/2008

WC-BILL OF RIGHTS

GEORGIA STATE BOARD OF WORKERS' COMPENSATION
BILL OF RIGHTS FOR THE INJURED WORKER

As required by law, O.C.G.A. §34-9-81.1, this is a summary of your rights and responsibilities. The Workers' Compensation Law provides you, as a worker in the State of Georgia, with certain rights and responsibilities should you be injured on the job. The Workers' Compensation Law provides you coverage for a work-related injury even if an injury occurs on the first day on the job. In addition to rights, you also have certain responsibilities. Your rights and responsibilities are described below.

Employee's Rights

1. If you are injured on the job, you may receive medical rehabilitation and income benefits. These benefits are provided to help you return to work. Your dependents may also receive benefits if you die as a result of a job-related injury.
2. Your employer is required to post a list of at least six doctors or the name of the certified WC/MCO that provides medical care, unless the Board has granted an exception. You may choose a doctor from the list and make one change to another doctor on the list without the permission of your employer. However, in an emergency, you may get temporary medical care from any doctor until the emergency is over, then you must get treatment from a doctor on the posted list.
3. Your authorized doctor bills, hospital bills, rehabilitation in some cases, physical therapy, prescriptions, and necessary travel expenses will be paid if injury was caused by an accident on the job.
4. You are entitled to weekly income benefits if you have more than seven days of lost time due to an injury. Your first check should be mailed to you within 21 days after the first day you missed work. If you are out more than 21 consecutive days due to your injury, you will be paid for the first week.
5. Accidents are classified as being either catastrophic or non-catastrophic. Catastrophic injuries are those involving amputations, severe paralysis, severe head injuries, severe burns, blindness, or of a nature and severity that prevents the employee from being able to perform his or her prior work and any work available in substantial numbers within the national economy. In catastrophic cases, you are entitled to receive two-thirds of your average weekly wage but not more than \$500 per week for a job-related injury for as long as you are unable to return to work. You also are entitled to receive medical and vocational rehabilitation benefits to help in recovering from your injury. If you need help in this area call the State Board of Workers' Compensation at (404) 656-3818.
6. In all other cases (non-catastrophic), you are entitled to receive two-thirds of your average weekly wage but not more than \$500 per week for a job related injury. You will receive these weekly benefits as long as you are totally disabled, but no longer than 400 weeks. If you are not working and it is determined that you have been capable of performing work with restrictions for 52 consecutive weeks or 78 aggregate weeks, your weekly income benefits will be reduced to two-thirds of your average weekly wage but no more than \$334 per week, not to exceed 350 weeks.
7. When you are able to return to work, but can only get a lower paying job as a result of your injury, you are entitled to a weekly benefit of not more than \$334 per week for no longer than 350 weeks.
8. Your dependent(s), in the event you die as a result of an on-the-job accident, will receive burial expenses up to \$7,500 and two-thirds of your average weekly wage, but not more than \$500 per week. A widowed spouse with no children will be paid a maximum of \$150,000. Benefits continue until he/she remarries or openly cohabits with a person of the opposite sex.
9. If you do not receive benefits when due, the insurance carrier/employer must pay a penalty, which will be added to your payments.

Employee's Responsibilities

1. You should follow written rules of safety and other reasonable policies and procedures of the employer.
2. You must report any accident immediately, but not later than 30 days after the accident, to your employer, your employer's representative, your foreman or immediate supervisor. Failure to do so may result in the loss of the benefits.
3. An employee has a continuing obligation to cooperate with medical providers in the course of their treatment for work related injuries. You must accept reasonable medical treatment and rehabilitation services when ordered by the State Board of Workers' Compensation or the Board may suspend your benefits.
4. No compensation shall be allowed for an injury or death due to the employee's willful misconduct.
5. You must notify the insurance carrier/employer of your address when you move to a new location. You should notify the insurance carrier/employer when you are able to return to full-time or part-time work and report the amount of your weekly earnings because you may be entitled to some income benefits even though you have returned to work.
6. A dependent spouse of a deceased employee shall notify the insurance carrier/employer upon change of address or remarriage.
7. You must attempt a job approved by the authorized treating physician even if the pay is lower than the job you had when you were injured. If you do not attempt the job, your benefits may be suspended.
8. If you believe you are due benefits and your insurance carrier/employer denies these benefits, you must file a claim within one year after the date of last authorized medical treatment or within two years of your last payment of weekly benefits or you will lose your right to these benefits.
9. If your dependent(s) do not receive allowable benefit payments, the dependent(s) must file a claim with the State Board of Workers' Compensation within one year after your death or lose the right to these benefits.
10. Any request for reimbursement to you for mileage or other expenses related to medical care must be submitted to the insurance carrier/employer within one year of the date the expense was incurred.
11. If an employee unjustifiably refuses to submit to a drug test following an on-the-job injury, there shall be a presumption that the accident and injury were caused by alcohol or drugs. If the presumption is not overcome by other evidence, any claim for workers' compensation benefits would be denied.
12. You shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$10,000.00 or imprisonment, up to 12 months, or both, for making false or misleading statements when claiming benefits. Also, any false statements or false evidence given under oath during the course of any administrative or appellate division hearing is perjury.

The State Board of Workers' Compensation will provide you with information regarding how to file a claim and will answer any other questions regarding your rights under the law. If you are calling in the Atlanta area the telephone number is (404) 656-3818, outside the metro Atlanta area call 1-800-533-0682, or write the State Board of Workers' Compensation at: 270 Peachtree Street, N.W., Atlanta, Georgia 30303-1299 or visit our website: <http://www.sbcw.georgia.gov>. A lawyer is not needed to file a claim with the Board; however, if you think you need a lawyer and do not have your own personal lawyer, you may contact the Lawyer Referral Service at (404) 521-0777 or 1-800-237-2629.

(7/2007)

IF YOU HAVE QUESTIONS PLEASE CONTACT THE STATE BOARD OF WORKERS' COMPENSATION AT 404-656-3818 OR 1-800-533-0682 OR VISIT <http://www.sbcw.georgia.gov>
WILLFULLY MAKING A FALSE STATEMENT FOR THE PURPOSE OF OBTAINING OR DENYING BENEFITS IS A CRIME SUBJECT TO PENALTIES OF UP TO \$10,000.00 PER VIOLATION (O.C.G.A. §34-9-15 AND §34-9-19).

REVISION . 07/2007

WC-BILL OF RIGHTS

Return to Work Program/Policy

Policy:

It is the policy of the Paulding County Board of Commissioners to establish and provide a return to work program for employees with work-related injuries and illnesses who are unable, temporarily or permanently, to return to their permanent job duties.

Because Paulding County recognizes that our employees are a valued and limited resource, this program is designed to:

- Assist the medical recovery process by providing a focus and a goal for return of the injured employee.
- Benefit employees by facilitating their return to productive work and comparable wages and duties as soon as medically feasible.
- Benefit employer by reducing workers' compensation costs.

Process:

Paulding County will seek return to work opportunities through the use of transitional employment for all employees who are temporarily disabled due to an on-the-job injury as quickly as medically possible. Transitional employment opportunities will be considered in all departments, not just the department in which the injured employee was working before the injury or illness occurred.

Transitional employment assignments are intended to assist workers who are transitioning back to work after a temporary disability that resulted from a work-related injury. The objective is to identify and assign transitional employment duties that are productive, rather than arbitrarily assigning duties that appear worthless or demeaning.

Paulding County, in compliance with applicable laws, will make efforts to retain employees who are permanently disabled.

Safety Discount:

In compliance with the **Association County Commissioners of Georgia-Group Self Insured Workers' Compensation Fund (ACCG-GSIWCF) Safety Discount Program**, Paulding County agrees to adopt this Return to Work Policy and to attend at least one training session on implementation of the Return to Work Program in a calendar year.

RETURN TO WORK PHILOSOPHY

Employees are our most important asset!

The Return to Work Program is based on the assumption that there is nothing more important than our employees. When an employee loses time from his or her job, or is unable to return to work, everyone loses.

- The employee loses contact with his/her friends, relationships with co-workers, income, benefits and most importantly, the self-esteem which is often so closely tied to employment.
- Paulding County loses a valuable employee.

Because everyone loses when an employee must be temporarily or permanently off the job, it stands to reason that everyone wins when employees are returned to work and become productive as quickly as medically possible after injury.

Our Program

To meet our goal of enabling employees to return to productive employment as rapidly as possible, Paulding County is committed to the following:

- We try to meet with the treating physician either in person or via phone (if not at the first medical appointment, soon after) to discuss the physical demands of the employee's regular job or the demands of alternative temporary tasks. Every effort is made to enable the employee to return to work either immediately or in the very near future.
- We review the employee's case internally on a regular basis, contacting the employee and physician regularly to see if an enhanced release can be obtained or whether alternative tasks or additional hours of duty can be approved safely.
- We meet with the employee and physician immediately if permanent limitations of any kind are projected to see if these will affect the employee's ability to return to his or her regular job or to determine whether we need to consider permanent modifications or other alternatives.

Expectations of Employees and Physicians

To achieve the goals of the Return to Work Program, we need you as our partner. We will communicate with you regularly. We will provide you with the best possible information about the physical demands of available transitional duties. We will keep the physician apprised of how the employee is doing on the job.

We need timely information and communication from the physician. We need to know as quickly as possible the physical limitations that you establish for a safe return to work. We will utilize those restrictions in our transitional employment plan. We need your comments about the injured employee's physical restrictions. If there are permanent restrictions, we need your help to evaluate the employee's ability to return to his/her regular job or to evaluate modifications or alternate employment. Should you have any questions about the Return to Work Program, please call the Paulding County Board of Commissioners Human Resources Office at 770-443-7521. We look forward to working with you.

Information Technology Policy

Acceptable Use Policy for Paulding County Computer Systems

Purpose

Paulding County owns and operates various computer systems, which are provided for use by employees in support of County business activities. All users are responsible for seeing that these facilities are used in an effective, ethical and lawful manner.

This document establishes rules and prohibitions that define acceptable use of these systems. Unacceptable use is prohibited, and is grounds for loss of computing privileges, as well as discipline or legal sanctions under federal, state or local laws.

Scope

This policy applies to all county employees, appointees, volunteers, officials and contractor users (hereinafter referred to as “users”) whose access to or use of Paulding County Information Technology resources, including the Internet, is funded by the county or is available through equipment owned or maintained by the county.

Written Agreement Required

All users of the county’s computing systems are advised that all network activity is the property of the County, and therefore, they should not consider any activity to be private. All users of Internet services and e-mail are required to acknowledge acceptance of and intention to comply with this “Acceptable Use Policy” by signing a “Use Agreement.” County employees, volunteers, and contractors not signing this agreement will be denied Internet and email access. A “Use Agreement” is provided as attachment “A” to this policy. “Use Agreements” will be maintained in the department of Information Technology.

Rights

These computer systems, facilities and accounts are owned and operated by Paulding County. Paulding County reserves all rights, including termination of service without notice, to the computing resources it owns and operates. This policy shall not be construed as a waiver of any rights of Paulding County, nor shall they conflict with applicable acts of law. Users have rights that may be protected by federal, state and local laws.

Privileges

Access and privileges on Paulding County computing systems are assigned and managed by the Information Technology Department.

The Director of Information Technology or designee must approve all access to Paulding County computer resources, including the issuance of passwords.

Users may not, under any circumstances, transfer or confer these privileges to other individuals. Users shall not use any account assigned to another user without permission from the Information Technology Department. The authorized user is responsible for the proper use of the system, including any password protection. Users may not install any device on a computer without authorization from the Information Technology Department.

This policy is divided into two basic sections: the first addresses policies for software, and the second addresses policies for Internet/Intranet use.

Section One: Software

General Responsibilities

The Policy of Paulding County, Board of Commissioners, is to manage its software assets to derive maximum benefit to Paulding County, Board of Commissioners, and its employees and, especially, to ensure that Paulding County, Board of Commissioners, and its employees:

- Acquire, reproduce, distribute, transmit, and use computer software in compliance with international treaty obligations and United States of America laws, including the Executive Order 13103; and
- Maintain only legal software on Paulding County, Board of Commissioners, computers and computer networks.
- Protect assets by following the backup procedure prescribed for your department by the Information Technology Department.
- Protect assets by providing for offsite system backup storage for certain department as prescribed by the Information Technology Department.

All software is protected under United States of America copyright laws from the time of its creation. Paulding County, Board of Commissioners, has licensed copies of computer software from a variety of publishers to help fulfill its mission. Unless otherwise provided in the software license, duplication of copyrighted software, except for backup and archival purposes, is a violation of the Executive Order 13103 and this Policy. You may not knowingly use software for which Paulding County, Board of Commissioners, lacks the appropriate license. If you become aware of the use or distribution of unauthorized software in this organization, notify your supervisor or the Department of Information Technology. You may not loan or give to anyone any software licensed to this organization. The licenses for some of this organization's software permit employees of the organization to make a copy of the software for home use. The Information Technology Department may approve such use by employees that can demonstrate a need to conduct the organization's business from their homes. Under no circumstances, however, may an employee use the organization's software for purposes other than the business of this organization.

No employee may use or distribute personally owned software on the organization's computers or networks. Such software threatens the integrity and security of the organization's computers and networks. A variety of software is available on the Internet. Some of this software, called "freeware" or "shareware," is available free of charge for limited use and may be downloaded to your computer with the prior written approval of your supervisor. Other software available on the Internet and from other electronic sources, however, requires the user to obtain a license for its use, sometimes for a fee. No employee shall download such software to his or her computer without the prior written approval of the Information Technology Department.

The Software Asset Management Process

Paulding County, Board of Commissioners, is committed to managing its software assets for maximum benefit to the organization and its employees. The process consists of three areas of focus: (1) Creating an environment in which the process will succeed, (2) Reviewing the software assets residing on the organization's computers, and (3) Acting to correct breaches in policy and the law, keep the Policy and its procedures current, and prevent future breaches.

Paulding County, Board of Commissioners, will strive to create an environment for success by communicating this policy; educating employees about their responsibilities; training employees in the software supported by this organization; identifying and modifying as necessary the software employees need to fulfill their job responsibilities; establishing a secure repository for original storage media, software licenses, and software documentation; and requiring that all software be procured through official and clearly defined procedures. As part of this organization's software management process, the Department of Information Technology shall conduct periodic, random reviews of all organization computers and networks to determine the software resident on such systems and whether the organization has the appropriate licenses for all such software. The Department of Information Technology also shall conduct periodic, planned reviews, in which the Director may ask you to complete a Software User Survey. This Survey will be used to determine your existing and future use and need of particular software programs. Your cooperation with all reviews and Software User Surveys is greatly appreciated. The Department of Information Technology will endeavor to conduct its work with the least possible disruption of your workday. You may be held responsible for the existence of any software on your computer for which the organization lacks the appropriate licenses. Consequences for such unauthorized use of software range from a reprimand for minor offenses to termination of employment for repeated, willful offenses.

Software Procurement and Installation Procedures

All requests for software and software upgrades shall be submitted to the Department of Information Technology Director, where possible.

Any software and software upgrades not acquired by the Department of Information Technology shall be documented and identified to the Director of Information Technology, who will verify that the Organization has an appropriate license for the use of such software. All acquisitions of hardware that include bundled software shall be documented and identified to the Director of Information Technology, who will verify that the Agency has an appropriate license for the use of such bundled software. The Director of Information Technology shall store in a secure, central location all original software licenses, disks, CD-Roms, and documentation upon receipt of all new software, including copies of completed registration cards. The Director of Information Technology shall designate those employees authorized to install software on the organization's computers. No employee shall install or distribute software for which this organization lacks the appropriate license. No employee shall install any software upgrade on a computer that does not already have resident on it the original version of the software. The Director of Information Technology or designated employee shall destroy the original version's backup copy of the upgraded software in its place. The Director of Information Technology or designated employees shall destroy all copies of software that is obsolete or for which the organization lacks the appropriate license. Alternatively, the Director of Information Technology may obtain the license(s) necessary to maintain unauthorized software on organization computers. The organization's department with system responsibility must establish and maintain a record keeping system for software licenses, hardware, original CD-ROMs and diskettes, user information, and review information. Maintain this information in a secure, central location. Consider the use of software management computer programs to automate such record keeping.

The Paulding County, Board of Commissioners, is committed to communicating this Policy with its employees. The organization will:

- Distribute include the Policy Statement in the employee handbook, and distribute the updated handbook to all employees.
- Train new employees during their initial orientation on how to comply with the Policy.
- Hold seminars on the Software Policy for existing employees to inform them of the types of software licenses, how to detect and prevent piracy, how to implement the Software Policy, and consequences of violating the Policy and relevant law.
- Require new and existing employees whose responsibilities include the installation, maintenance, or oversight of information technology systems to acknowledge and sign the Software Policy Statement.
- Circulate reminders of the Policy on a regular basis (at least annually) or remind employees of the Policy in other ways (at least annually), for example, through notices in agency newsletters.
- Inform employees where they can get additional information on the Policy and software theft prevention.

If you have any questions concerning this Software Policy or your obligations under it, you may discuss them with either your supervisor or the Department of Information Technology at (770) 443-9873 or e-mail at support@paulding.gov.

Section Two: Internet/Intranet/Email

Responsibilities

Users are responsible for maintaining the following:

An environment in which all Paulding County computing resources are shared equitably among users. The Information Technology Department sets minimum guidelines within which users must conduct their activities. An environment which does not harm the functionality of the equipment.

An environment conducive to business:

Anyone using County resources to harass or make defamatory remarks to others shall bear full responsibility for his or her actions. Users agree that Paulding County's role in managing these systems is only as an information carrier, and that they will never consider transmission through these systems as an endorsement of said transmission by Paulding County. Many of Paulding County's computers provide access to outside networks, both public and private, which furnish electronic mail, information services, bulletin boards, conferences, etc. Users are advised that they may encounter material that may be considered offensive or objectionable in nature or content. Users are further advised that Paulding County does not assume responsibility for the contents of any of these outside networks.

Users agree to comply with the acceptable use guidelines presented in this document and other such laws or regulations as may apply for outside networks or services accessed through Paulding County computer systems.

Users agree never to attempt to transmit, or cause to be transmitted, any message in which the origination is deliberately misleading (except for those outside services which may conceal identities as part of the service). The user agrees that, in the unlikely event that someone does

transmit, or cause to be transmitted, a message, a message that is inconsistent with an environment conducive to business or with a misleading origination, the person who performed the transmission will be solely accountable for the message, not Paulding County, which is acting solely as an information carrier.

An environment free of illegal or malicious acts:

Users agree never to use a system to perform an illegal or malicious act. Any attempt to increase the level of access to which he or she is authorized, or any attempt to deprive other authorized users of resources or access to any Paulding County computer system shall be regarded as malicious, and may be treated as an illegal act.

A secure environment: Proper Internet/Intranet Protocol

Any user who finds a possible or potential security lapse on any system is obligated to report it to the Information Technology Department.

Knowledge of passwords or of loopholes in computer security systems shall not be used to damage computing resources, obtain extra resources, take resources from another user, gain unauthorized access to resources or otherwise make use of computing resources for which proper authorization has not been given.

Proper Internet/Intranet Protocol:

County provided Internet/intranet privileges, like computer systems and networks, are county resources intended for county business purposes. Use of Internet/intranet is subject to monitoring for security and/or network management purposes and employees may further be subject to limitations on their use of such resources.

Acceptable Activities:

Acceptable Internet activities are those that conform to the purpose, goals, and mission of the department and the county and to each user's job duties and responsibilities. The following list, although no all-inclusive, provides some examples of acceptable uses:

- Access to federal, state, or local government Internet pages;
- Communications, including information access and exchange, for professional development or to maintain job knowledge or skills;
- Activities involving research and information gathering; and
- Communications for administrative purposes.

Unacceptable Activities:

Unacceptable use can be defined generally as activities that do not conform to the purpose, goals, and mission of the department, the county, and to each user's job duties and responsibilities. Any Internet usage in which acceptable use is questionable should be avoided. In other words, when in doubt, seek policy clarification prior to pursuing the activity.

The following list, although not all-inclusive, provides some examples of unacceptable uses:

- Private or personal for-profit activities. This includes Internet use for private purposes such as marketing or business transactions, private advertising of products or services, and any activity meant to foster personal gain;
- Unauthorized not-for-profit business activities;

- Use for, or in support of, unlawful/prohibited activities as defined by federal, state, and local laws and policies. Illegal activities relating to Internet and network access include, but are not limited to:
 - Tampering with computer hardware and software;
 - Knowledgeable vandalism or destruction of computer files;
 - Transmission (sending or receiving) of threatening, obscene, or harassing materials;
 - Attempt to penetrate a remote site/computer without proper authorization;
 - Use of the Internet to try to access data that is protected and not intended for public access;
 - Violation of federal and state laws dealing with copyrighted materials or materials protected by a trade secret;
 - Intentionally seeking information about; obtaining copies of; or modifying contents of files, other data, or passwords belonging to other users, unless explicitly authorized to do so by the proper authority;
 - Attempts to subvert network security, to impair functionality of the network, or to bypass restrictions set by the network administrators. Assisting others in violating these rules by sharing information or passwords is also unacceptable behavior;
 - Deliberate interference or disruption of another user's work or the system. The user must avoid any actions that cause interference to the network or cause interference with the work of others on the network. Users are prohibited from performing any activity that will cause the loss or corruption of data, the abnormal use of computing resources (degradation of system/network performance), or the introduction of computer worms or viruses by any means (use of programs with the potential of damaging or destroying programs and data);
 - Seeking/exchanging information, software, etc. which is not related to one's job duties and responsibilities;
 - Use of fee-for-service providers on the Internet unless the necessary approvals and funding have been obtained in advance. Any individual who obligates the county to pay for services without prior approval is personally liable for these costs;
 - Solicitation for religious or political causes;
 - Unauthorized distribution of the county's data and information;
 - Use to gain access to any other Internet service which requires membership if the user does not have a proper membership, rights, and privileges in the other service.

Accounts

Any account assigned to a user shall not be used by others without written permission from the Information Technology Department. The individual is responsible for the proper use of the account, including proper password protection.

Confidentiality

While reasonable attempts have been made to ensure external privacy of your accounts and your electronic mail, there is no guarantee that your accounts or electronic mail is private. It is entirely possible that in the course of normal system administration activities, your e-mail, and any data stored in your account, will become visible to the Information Technology Department. Further, in the case of a request from law enforcement authorities, your e-mail and other data may be made available to the requesting agency.

System performance

No one should deliberately attempt to degrade the performance of a computer system or to deprive authorized personnel of resources or access to any county computer system.

Unauthorized access

Loopholes in the computer system or knowledge of a special password should not be used to damage the computer system, obtain extra resources, take resources from another user, gain access to systems, or use systems for which proper authorization has not been given.

Copyright

Computer software protected by copyright is not to be copied from, into, or by using Paulding County computing facilities, except as permitted by law or by contract with the owner of the copyright. This means that such computer and microcomputer software may only be copied in order to make back-up copies, if permitted by the copyright owner.

The number of copies and distribution of copies may not be done in such a way that the number of simultaneous users in a department exceeds the number of original copies purchased by that department.

Copyright and licensing restrictions

Paulding County abides by all applicable federal and state statutes and regulations pertaining to the use of computer hardware and software including, but not limited to, federal copyright laws. Unauthorized copying, altering, modifying, merging, transferring, de-compiling, or reverse assembly of licensed software is strictly prohibited.

NOTE: Users may download copyrighted material, but its use must be strictly within the agreement as posted by the author or current copyright law. The federal Copyright Act at 17 U.S.C. 101 et. Seq. (1988), protects and prohibits misuse of all original works of authorship in any tangible medium of expression. This includes a prohibition on plagiarism.

Single CPU usage restrictions

Most copyright licenses for software contain single CPU usage restrictions. These restrictions must be honored. In some instances, the software copyright owner may grant a variance from these restrictions to Paulding County. However, without explicit written variance, single usage restrictions in the license apply to all users.

Violations

An individual's computer use privileges may be suspended immediately upon discovery of a possible violation of these policies. Such suspected violations will be confidentially reported to the appropriate supervisors.

Violations of these policies will be dealt with in the same manner as violations to other county policies and may result in disciplinary action which may result in anything from loss of computer use privileges, to termination of county employment, or to legal action. Violations of some of the above policies may constitute a criminal offense.

*** For the purpose of this document, the term “computer system or computer systems” refers to a standalone workstation or any network resource to which said workstation is connected.*

Attachment “A”

Information Technology Resources Use Agreement

Access to information technology resources and services has been granted to me, as a privilege, for performing job duties and responsibilities for Paulding County. I have read and agree to abide by the adopted policies and procedures, state and federal laws, and any additional departmental terms and conditions which govern my use of these services.

I will refrain from monopolizing systems, overloading networks with excess data, or wasting computer time, connect time, disk space, printer paper, or other information technology resources.

I will report to my supervisor, or to the Information Technology Director, any observations of attempted security violations or illegal activities as defined by local, state, or federal laws or regulations.

I will report to my supervisor or the Information Technology Director if I receive or obtain information to which I am not entitled.

By signing this agreement, I certify that I understand and accept responsibility for adhering to the policies, procedures, and additional departmental terms and conditions listed above. I also acknowledge my understanding that any infractions on my part may result in disciplinary actions including, but not limited to, termination of my access privileges.

**PAULDING COUNTY DRUG POLICY
(ADOPTED JANUARY 9, 1996)**

The United States Congress has enacted the Drug Free Workplace Act of 1988. The purpose of this law is to ensure that work done under federal contracts or a federal grant is performed in a drug free work environment.

In addition to prohibiting employees from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs in the workplace, Paulding County prohibits its employees from engaging in such illegal activity at all times and at all places. Such activity, even during non-working hours, clearly affects an employee's ability to perform his public duties. Therefore, this County adopts the following as its drug free policy.

I.

No employee of Paulding County may illegally engage in the manufacture, distribution, dispensation, possession, or use of a controlled substance at any time or place, including while at his workplace. Such unlawful activity will be considered a sufficient ground for a serious adverse personnel action, including dismissal from employment.

II.

If an employee is arrested for or convicted (including a plea of nolo contendere) of violating any criminal drug statute of any jurisdiction, regardless of whether the alleged violation occurred at the workplace or elsewhere, the employee must notify the Personnel/Civil Service office of Paulding County in writing of each arrest or conviction as soon as possible but in no event more than five (5) calendar days after the arrest or conviction.

III.

Failure to comply with any part of this policy will result in serious adverse personnel action, including possible dismissal from employment.

Any questions concerning this policy should be directed to the Personnel/Civil Service office.

EXECUTIVE SUMMARY
PAULDING COUNTY DRUG AND ALCOHOL POLICY AND TESTING PROGRAM

JANUARY 9, 1996

The Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) has published two regulations prohibiting drug use and alcohol misuse by safety-sensitive employees and requiring Paulding County to test for prohibited drug use and alcohol misuse. These regulations are 49 CFR Part 653, 49 CFR Part 654, 49 CFR Part 382, and 49 CFR Part 40.

Summary of Policy Main points

1. The FTA has determined that “safety-sensitive” functions are performed by those who:
 - Operate revenue service vehicles including when not in revenue service.
 - Operate non-revenue service vehicles that require drivers to hold CDLs.
 - Dispatch or control revenue service vehicles.
 - Maintain revenue service vehicles or equipment used in revenue service except for contractors to Section 18 transit agencies.
 - Provide security and carry a firearm.

These categories include supervisors who perform these functions and contractors who are “standing in the shoes” of County employees.

2. The FTA and FHWA mandates require breath testing for alcohol. The County has chosen, however, to offer blood tests as an additional employee “option” in circumstances referred to in this policy.

The County, under its own authority, has determined that an alcohol reading of 0.02 is positive and unquestionably denotes the presence of an unacceptable level of alcohol in the system.

The five (5) types of testing which are required are:

- Pre-Employment
- Post Accident/Incident
- Return to Duty
- Reasonable Suspicion
- Random

This policy includes, in Attachment A, an outline of the effects of alcohol misuse on an individual’s health, work, and personal life; as well as signs and symptoms associated with alcohol misuse.

3. The policy clearly identifies the time periods during which all employees must be in compliance with the consumption portion of the alcohol rule. Under its own authority, the County has declared that an employee must not consume alcohol eight (8) hours prior to performing his/her job, anytime he/she is on call, and up to eight (8) hours following an accident or until the employee undergoes a post accident test, whichever occurs first. Use and ingestion of illicit drugs are prohibited at all times.

4. Education and training must be provided to all identified safety-sensitive employees.

Sixty (60) minutes on the effects and consequences of substance abuse on personal, health, safety and the work site, as well as, indicators of substance abuse, must be provided.

Supervisors must receive an additional 120 minutes of training on the physical, behavioral and performance indicators of substance abuse that are associated with initiating a reasonable suspicion drug/alcohol screening.

5. The policy describes the kinds of behavior that constitute a refusal, which include: refusal to take the test, inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation, tampering with or attempting to adulterate the specimen or collection procedure, not reporting to the collection site within the allotted time frame, or leaving the scene of an accident until checking with the supervisor regarding when and where to report for an alcohol and drug screen.

6. Pre-employment testing is mandatory to all candidates for employment with the county, post-offer and prior to beginning work. All candidates for promotion at the County will also be required to submit to a drug/alcohol screen if the promotion would be into a safety-sensitive position.

7. The County will utilize a “Reasonable Suspicion” standard for drug/alcohol screens. Examples of “Reasonable Suspicion” include, but are not limited to, the following:

- Physical signs and symptoms consistent with prohibited substance use, or misuse of alcohol, e.g., odor of alcohol, slurred speech, or lack of coordination.
- Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substances.
- Occurrence of an accident which may have been caused by the employee’s use of alcohol or drugs.
- Fights (defined as physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures.

8. Post Accident/Incident

The FTA and FHWA require that a post-accident test be conducted in the following circumstances involving safety-sensitive employees. The County, by

its own authority, chooses to extend the post-accident drug/alcohol screen to all employees:

- In any instance where there is the loss of human life.
 - Anytime an employee(s) must be transported to a medical treatment facility.
 - The vehicle incurs disabling damage that requires towing from the scene.
 - Any county-related personal injury to an employee or member of the public, which requires, or should reasonably require medical attention.
 - Any County-related event causing significant or unusual property damage, as determined by County officials.
 - Any event which appears to involve violation of County rules which poses a safety threat to employees or members of the public.
 - After a physical altercation between two or more employees, in which case, all employees involved shall be tested. Employees who are only attempting to restrain those individuals in the altercation (e.g., Law enforcement personnel or supervisory staff who are performing their official duties) shall not be tested.
9. In accordance with FTA regulations, all safety sensitive employees who test positive for drugs or for alcohol at 0.02 shall be subject to the disciplinary measures outlined in this policy.
10. Where County Policy exceeds the Federal FTA and FHWA regulations, these provisions are identified.

I. PURPOSE

The Paulding County Government provides services which are vital for the public. To ensure that these services are delivered safely, efficiently and effectively, each County employee has the responsibility to perform his/her duties in a safe, conscientious, and courteous manner. This policy has been established to comply with the Federal Transit Administration's (FTA) testing regulations (49 CFR Parts 653, 654, 40), the Federal Highway Administration's (FHWA) testing procedures (49 CFR Part 382), and the Drug Free Workplace Act of 1988. It further establishes guidelines to maintain a drug and alcohol-free workplace and to reduce the probability of accidents or incidents related to the use and /or abuse of alcohol and other drugs by employees, and to establish guidelines designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

This policy outlines three principles as a means to achieve the County's goal of providing a workplace free from the effects of drug and alcohol use and/or abuse for its employees. The first principle emphasizes deterrence from the use of drugs and alcohol in or affecting the workplace. The county will make education and training available for all employees regarding the effects of substance abuse on individuals and on the workplace. Supervisors and managers will receive specialized training in detection, early intervention and enforcement. As required by FTA and FHWA, employees who test positive for any reason will receive a referral to a Substance Abuse Professional (SAP).

The second principle is detection. Toward this end, the County employs a minimum of five (5) drug and /or alcohol tests in the following circumstances; pre-employment, reasonable suspicion, post accident/incident, return to work, and random. The above drug and/or alcohol tests will apply to all employees of the County with the exception of the random test which will apply to all designated safety-sensitive position classifications and to all holders of Commercial Driver's Licenses (CDL), if such licenses are required by the FHWA or the State of Georgia.

The third principle is enforcement, which is essential if deterrence and detection are to be successful. All employees must be "fit for duty" as defined within this policy. Accordingly, the failure to properly report the use of medically authorized drugs, the use, sale or possession of illegal drugs, any use of intoxicants resulting in unfitness for duty, as well as the use or possession of intoxicants on County property, while using County equipment, or while on County business, is prohibited and will result in disciplinary action up to and including discharge. To assure that safety is maximized, any employee who tests positive for drugs and /or alcohol will be discharged from the County.

II. INTRODUCTION

The goal of the County, its management, and its employees is to establish a drug and alcohol-free work environment and to remain free from the effects of drugs and alcohol in order to guarantee the health and safety of employees and the public. As required by FTA regulations and FHWA regulations, attachment "A" provides information about effects of alcohol misuse and the signs and symptoms of alcohol problems and attachment "B" lists the job classifications which are considered to be safety-sensitive. This policy incorporates the FTA and FHWA drug/alcohol testing requirements for safety sensitive employees and CDL holders, as well as, additional County testing initiatives that are required of and applied to all employees of the County.

This policy supersedes all other County Drug and Alcohol Policies.

A. Applicability

This policy applies to all safety-sensitive and non-safety sensitive County employees, full-time and/or part time, contract employees, and contractors when they are on County property or when performing any County business. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Visitors, vendors, and contractor employees are governed by this policy while on County premises and will not be permitted to conduct County business if found to be in violation of this policy.

A safety-sensitive function is any duty related to the safe operation of the County transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), dispatch, maintenance or a revenue service vehicle or equipment used in revenue service, security personnel, who carry firearms, and any other employee who holds or who is required to hold a CDL by the FHWA or the State of Georgia.

B. Employee and Management Responsibilities

All employees are required to refrain from using drugs and alcohol as described in the fitness for duty section of this policy (III.A.1.).

County employees who manage private contracts for work conducted on County property or who manage contractors who are representing the County, are responsible for ensuring contractor compliance with this policy. Independent contractors will be issued a copy of this policy and advised that they are expected to comply accordingly.

Employees at all levels of the organization are responsible for ensuring adherence to this policy. Managers and supervisors will be held strictly accountable for both the application of the policy and the consistency of its enforcement. The Human Resources Administrator (or designee) will monitor departmental practices to ensure compliance. The Human Resources Administrator is the individual acting as implementation coordinator and is able to answer questions relevant to the policy and associated procedures (770-443-7521). The County prohibits discrimination on the basis of race, color, sex, age, religion, national origin and ancestry, sexual orientation, veteran status or disability.

C. Confidentiality

Confidentiality is maintained throughout the drug/alcohol screening process and all test results will be forwarded to the Medical Review Officer for review.

Individual test results may not be released to any other party, or parties, absent a specific written authorization by the tested person to release the results to others, except as follows:

- The employee authorizes the transmittal of the information.
- The employee has been sent for testing under any of the circumstances discussed in Section IV, and the Medical Review Officer (MRO) (or designee) must inform the appropriate supervisory officials of a positive test result.
- The employee makes a claim against the County which involves the drug and alcohol screen and/or its result.

The County Management will make every effort to carry out all actions relative to this policy in a manner which respects the dignity and confidentiality of those involved. Drug and/or alcohol screens and any related records are regarded as confidential medical records and are not available to other staff or the public without a signed release of information or a court subpoena.

Only those County personnel who must be involved in a case will be given information regarding an employee's positive test results. Every attempt will be made to advise the employee in advance if such information must be disseminated.

III. IMPLEMENTATION GUIDELINES FOR PROMOTING A DRUG AND ALCOHOL FREE WORKPLACE

A. Deterrence

1. **Fitness for Duty**

The County has determined that an employee is fit for duty when he/she is unequivocally able to perform his/her job duties, including when he/she is ready for work or working without the presence of any alcohol or the presence of any specified drugs or their metabolites as prescribed by this Drug and Alcohol Policy. As required by FTA regulations and FHWA regulations, safety-sensitive employees and CDL license holders are prohibited from consuming alcohol four (4) hours prior to performing a safety-sensitive function or operating a vehicle. Under its own authority, the County prohibits all employees from consuming alcohol eight (8) hours prior to coming to work and during the entire work day.

Employees and applicants will be given a drug and/or alcohol screen under the auspices of the Medical Operation Section and are subject to the requirements and conditions within this policy.

Following the report of the screen results, the County's Medical Review Officer and designated Substance Abuse Professional (SAP) will make their determinations as to whether the employee or applicant is qualified for or fit for duty.

An employee in "on duty" or "subject to duty" within the meaning of this provision:

- On his/her regularly scheduled days
- From the time he/she arrives on the property until the time he/she completes his/her work assignments and leaves the property.
- When reporting to the County-designated Clinic for medical evaluation.
- When the employee has volunteered or has been assigned extra work on his/her day off, vacation, etc.
- While on an "on-call" status or prior to the start of duty, when told in advance that he or she is expected to be on duty at some point in the future.
- When involved with County business while not on County property.
- Alcohol consumption is prohibited eight (8) hours prior to reporting for work.

Reporting the use of Prescription or "Over the Counter" Medication

Paulding County, under its own authority, requires that safety-sensitive employees and holders of CDL licenses report their use of prescription or "over-the-counter" medications which contain alcohol or other substances that may impact their ability to perform safety-sensitive work to their

supervisor. The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills or judgment may be adversely affected must be reported to the supervisor. In addition, the employee must obtain a written release from the attending physician releasing the person to perform his/her job duties any time he/she obtains a performance-altering prescription.

A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. The prescription must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing County business is prohibited. In certain circumstances, the failure to report will result in disciplinary action. Therefore, employees are required to inform their physicians and/or pharmacists of their employment requirements regarding fitness for duty prior to obtaining medication.

2. Education and Training

All safety-sensitive employees and drivers will receive a minimum of sixty (60) minutes of training on the effects and consequences of drug use on personal health, safety, and the work environment.

Supervisors and managers will receive an additional 120 minutes of training on the physical, behavioral and performance indicators associated with making a reasonable suspicion determination, as well as, the signs and symptoms of alcohol use. All trained supervisors will be held responsible for making the appropriate dispositions related to situations that may warrant a drug/alcohol screen.

B. Substance Abuse Professional (SAP)

Any employee who has a confirmed positive drug or alcohol test or who refuses to take a drug/alcohol test must be removed from duty immediately and will be discharged. Such employees will be referred to a Substance Abuse Professional for counseling. The County will bear the cost of the initial counseling session only. Any additional costs which the employee may incur for counseling or treatment relative to such drug/alcohol treatment shall be the employee's responsibility.

IV. GENERAL POLICY PROVISIONS FOR ALCOHOL AND DRUG TESTING

A. Detection

1. Drug and Alcohol Screening

The County, in order to promote and maintain a drug and alcohol free environment, will utilize a program of drug and/or alcohol screening which will be mandatory under the following conditions:

a.) Pre-Employment

The FTA and the FHWA regulations require that candidates for covered positions as well as any employee who is transferring into a covered position receive a drug and alcohol screen before assignment.

The County, under its own authority, will require that all candidates for employment submit to a drug and/or alcohol test as a condition of employment. Prior to the test, the applicant must sign a release authorizing this procedure. Candidates for employment will be notified of this requirement during the pre-employment process, and the test will be given as part of the pre-employment physical. Testing will be accomplished after an offer of employment has been extended, but before employment officially begins.

County employees who are transferring into a safety-sensitive position or CDL-required position will be given a drug and /or alcohol test as a pre-requisite to that transfer if such transfer is expected to be on a full-time basis. Additionally, all employees selected for promotion into covered positions will be subject to this provision. A urine test will screen for the presence of marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines. In instances where there is a reason to believe an employee is abusing a substance other than the five drugs listed above, the County reserves the right to test for additional drugs under its own authority using standard laboratory testing protocols. For those urine specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed.

b.) Random

Only those employees who perform or whose job includes the performance of safety-sensitive functions as defines by the FTA and those covered by the FHWA regulations will be subject to drug screening on an unannounced and random basis. Each employee in the random pool has an equal chance of being selected and testing and shall remain in the pool even after being tested. Random testing will be administered at random times during the week, day, month, or shift to avoid predictability. A urine test will be used to screen for the presence of marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines and 50% of those employees in the designated pool will be tested annually. An Evidential Breath Testing Device (EBT) will be used to screen for the presence of alcohol and 25% of the designated pool will be tested for alcohol.

c.) Reasonable Suspicion

An employee who reports to work or to the designated collection site in an unfit condition or who is found to be unfit while on duty and /or who exhibits behavior which provides one (1) supervisor, or medical examiner with reasonable suspicion that the employee is unfit for duty will be required to submit to a drug and alcohol screen. The employee will be given a urine test for marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines. An Evidential Breath Testing Device (EBT) will be used to screen for the presence of alcohol.

In instances where there is a reason to believe an employee is abusing a substance other than the five drugs listed above, the County reserves the right to test for additional drugs under the County's own authority using standard laboratory testing protocols.

- Physical signs and symptoms consistent with prohibited substance use, or misuse of alcohol, e.g., odor of alcohol, slurred speech, or lack of coordination.
- Any event which appears to involve violation of County rules which poses a safety threat to employees or members of the public
- After a physical altercation between two or more employees. In such cases, all employees involved shall be tested. When one or more employees is only attempting to restrain those individuals involved in the altercation, e.g. Police or supervisory staff who are performing their official duties, they shall not be tested.

The employee(s) in these situations **MUST** be tested unless at the time of the accident/incident the employee's performance can be completely discounted as a contributing factor to the accident/incident.

Following an accident, the employee(s) shall be tested as soon as possible, but not to exceed eight (8) hours for alcohol testing and thirty-two (32) hours for drug testing. Any employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test. Any employee who leaves the scene of an accident without appropriate authorization prior to submission to drug and alcohol testing or who fails to refrain from the use of alcohol or drugs prior to testing, will be considered to have refused the test and will be subject to discharge.

This drug and alcohol screen will be identical to that utilized in IV. A.c. Reasonable Suspicion.

B. Confirmation of a Positive Screen

The County Medical Review Officer (MRO) will review the results of drug and /or alcohol test from the laboratory, verify the laboratory report and determine if the applicant/employee received a positive or negative result from the drug test.

If the applicant/employee receives a positive test result, that individual will receive a call from the Medical Review Officer (a personal interview may be arranged) who will review the individual's medical history, including any medical records and biomedical information provided. During the interview, the individual will be afforded the opportunity to discuss the test results and to offer any additional or clarifying information which may explain the positive result.

If there is some new information which may affect the finding, the Medical Review Officer may request the laboratory to perform additional testing on the original specimen in order to further clarify the results. Following these steps, a final determination will be made that the test is either positive or negative and the employee will be so advised.

The MRO will not convey test results to the County's designated representative or to any County official until the MRO has made a final decision that the test was positive or negative. If the employee unacceptably fails to keep his/her appointment with the MRO and does not contact the MRO within five (5) working days, the test will be considered positive and appropriate action will be taken.

1. Request for Retest

If an employee has taken a urine test for drugs and the results are positive, the employee may request a **RETEST OF THE ORIGINAL SPLIT SAMPLE**. As outlined by FTA and FHWA, the retest will be conducted at the Gas Chromatography/Mass Spectrometry level only.

To initiate a retest, the employee must first schedule an appointment to meet with the MRO or his/her designee within three (3) working days of the date upon which the employee was notified that the initial test was positive. If, after the meeting, the employee wishes to proceed with the retest procedures the employee must send a written request, a certified check or money order for the cost of the retest, along with a completed form detailing the name and address of the DHHS certified lab the employee wishes the specimen to be retested to the MRO. The written request,

certified check or money order, and the form must be postmarked within three (3) calendar days from the date the employee met with the MRO.

Upon receipt of the results from a Department of Health and Human Services (DHHS) certified laboratory, the employee will be contacted to return to the MRO to receive a copy of the results.

During the time required for the retest, the employee will continue in the same status he/she had prior to the retest. In the event that the second test returns a negative result, the employee will be compensated for any time or benefits lost and the cost of the retest.

2. Sample Deterioration

As some samples may deteriorate during storage, detected levels of the drug in the retest may record below the detention limits of the first test.

As long as the results of the second test are equal to or greater than the established sensitivity of the confirmatory test, the second test shall be considered and reported as corroborative of the original positive results.

3. Observed Drug Tests

There are certain situations in which an employee or applicant will be required to submit to an observed urine screen.

- When an employee or applicant submits a urine specimen which is determined by the collector to be outside the normal range by virtue of color, clarity, odor or temperature (90 to 100F), the employee or applicant will be advised to undergo an observed urine screen at that time and the collector will document his/her determination and the reasons therefore.
- When the sample collector witnesses, during a drug screen, conduct which clearly indicates an attempt to substitute or adulterate the sample, such notation will be recorded and the employee/applicant will be instructed to undergo an observed screen at that time.
- When a drug screen test result is inconclusive because of the presence of an interfering substance, or the levels of specific gravity and creatinine in the urine are low or for any other reason, an observed screening will be required, unless a contrary decision is issued by the MRO.

V. ENFORCEMENT OF POLICY THROUGH DISCIPLINE

A. Pre-Employment

Under its own authority, Paulding County will test applicants immediately following the offer of employment or transfer into a safety-sensitive position. Receipt by the County of a negative drug test result is required prior to employment. Failure of a pre-employment drug test will disqualify an applicant for a period of twenty-four (24) months. If, after a 24 month period, the individual wishes to re-apply to the County, he or she may do so only if he/she can provide proof that he/she has received an evaluation by a SAP and received appropriate treatment.

B. Random Testing

Any employee who tests positive for drug and/or alcohol pursuant to a random screen will be discharged immediately.

Employees who test positive will be referred to a SAP, and the County will pay for the initial consultation only. Subsequent treatment costs will be born by the employee.

C. Reasonable Suspicion

Any employee who tests positive for drugs and/or alcohol pursuant to a reasonable suspicion screen will be discharged. As required by FTA and FHWA, the reasonable suspicion determination will be made by one (1) appropriately trained County supervisor.

D. Post Accident/Incident

Any employee who is involved in an accident/incident who tests positive for drugs and/or alcohol will be discharged, regardless of the ultimate preventability determination or the extent of any damage or personal injury. See Section IV.A.1.c. for accidents/incidents which require drug and alcohol testing.

E. Return to Duty

Any employee who is covered by this provision and who tests positive for drugs and/or alcohol pursuant to a return to duty screen will be discharged.

Employees who test positive in the following circumstances will be subject to termination.

- 1) Absence from duty for more than thirty (30) calendar days, even if the absences are not consecutive; or
- 2) Workers' Compensation injury and/or absence; or
- 3) Medical disqualification for matters other than drug/alcohol related treatment and/or use.

F. Probationary Employees

Any probationary employee who tests positive for drugs and/or alcohol during his/her probationary period will be discharged. This includes temporary employees who are recommended for full-time status.

G. Refusal to Take Test

Any employee who refuses to submit to any drug and/or alcohol test, either by word or action, will be discharged. As required by FTA and FHWA, this will be reported as a positive screen. This will include any employee who fails to provide a urine sample or an adequate amount of breath for an alcohol test within a reasonable time period.

However employees who have difficulty providing a sample will be given liquids and an ample opportunity to produce a sample. This time period shall not exceed two (2) hours from the time in which the employee arrived at the collection site unless there are extenuating medical circumstances. Employees who notify their supervisor that they are ill when they are informed that they are required to take a drug and/or alcohol test will be given prompt medical attention, which must also include a drug and/or alcohol test.

Once an employee is notified that a drug/alcohol screen is required, that employee must report to the Collection Site within one hour. Failure to appear in the allotted time will be treated as a positive screening and will result in termination unless extenuating circumstances which can be

verified exist. In the event that a drug/alcohol screen is required following an accident/incident, or under the reasonable suspicion testing procedures, the employee will be transported to the Collection Site by a County representative.

H. Test Tampering and/or Non-Compliance with Testing Procedures

In situations where it has been determined that an employee has tampered with his/her urine sample or an employee refuses or fails, after reasonable opportunity, to complete any step in the drug testing process, he/she will be discharged.

Every effort will be made to receive the results of drug screening as promptly as possible. The usual time frame for the County to receive the results will be 48-72 hours after the specimen is collected. If the testing was performed post-accident/incident or under reasonable suspicion, the employee will be placed on paid administrative leave until the test results are received.

VI. METHODOLOGY

The County Human Resources Department will have the responsibility to coordinate all testing efforts including contracts with any off-site collection facility and will ensure that all testing is performed in accordance with Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) rules on drug and alcohol testing, as well as requirements by the Department of Health and Human Services (DHHS) regarding collections, chain of custody, and laboratory procedures which have been adopted by the County as well as any additional testing rules and procedures that are specified within this policy.

A. Drug Testing Procedures

The County will contract for laboratory services with a laboratory certified by the DHHS. These laboratories have been rigorously inspected and tested and meet the highest standards for analytical competence. The laboratory will utilize a two-tier testing methodology. If a specimen is positive on the initial immunoassay test, a confirmatory test will be conducted. The only confirmatory test permitted is the GC/MS-Gas Chromatography/Mass Spectrometry. As required by FTA and FHWA the urine specimen must be split and poured into two specimen bottles. This provides the employee with the option of having an analysis of the split sample performed at a separate DHHS laboratory should the primary specimen test results be verified positive. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended.

1. Role of Substance Abuse Professional

The FTA and FHWA regulations provide that any individual who has verified positive drug test must be removed immediately from his or her position. In addition, he or she must be advised of the resources available to evaluate and resolve problems associated with drug abuse, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs. The employee must also be evaluated by a Substance Abuse Professional (SAP) who shall determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use.

If an employee's screening findings results in termination of employment, he/she will be afforded the opportunity to be evaluated by an SAP with the County bearing the cost of the initial

assessment only. Additional treatment will be at the employee's expense, if such treatment is desired.

An SAP can be (1) a licensed physical (M.D. or D.O.) or a licensed or certified psychologist, social worker, or employee assistance professional, with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders; or (2) an addictions counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission.

The role of the Substance Abuse Professional (SAP) is to:

- Evaluate whether an employee who has refused to submit to a drug test or who has a verified positive drug test is in need of assistance in resolving problems associated with prohibited drug use.

B. Alcohol Testing Procedures

The FTA and FHWA regulations require breath testing be collected through the use of an Evidential Breath Testing Device (EBT) that is approved by the National Highway Traffic Safety Administration (NHTSA). The test must be performed by a trained breath alcohol technician (BAT).

The FTA regulations prohibit any employee with an alcohol concentration of 0.04 or greater from performing his/her duties until he/she has been evaluated by a SAP. Further, FTA requires that an employee with an alcohol concentration of 0.02 to 0.039 must be removed from duty for at least eight hours. However the FHWA requires that an employee showing an alcohol concentration between 0.02 and 0.039 must be removed from duty for twenty-four (24) hours.

Therefore, Paulding County, under its own authority will remove any employee from duty with an alcohol concentration between 0.02 and 0.039 for a minimum of twenty-four hours pending disciplinary action. In addition, employees who test between 0.02 and 0.039 may be suspended for three (3) working days under the County's own authority. Employees with an alcohol concentration of 0.04 or greater will be discharged immediately. At this time the employee will be referred to the Substance Abuse Professional for evaluation.

1. Evidential Breath Testing Device (EBT)

An EBT is a breath testing device that is capable to measuring an employee's alcohol concentration. It must be able to distinguish alcohol from acetone at the 0.02 alcohol concentration level. An EBT must be capable of conducting an air blank and performing an external calibration check. For confirmation tests, the FTA and FHWA require the use of EBTs that can:

- Produce a printed result in triplicate or three consecutive identical copies of each breath test.
- Print a unique and sequential number of each completed test, with the BAT and the employee being able to read the number before each test, and print the number on each copy of the result.
- Print on each copy of the result, the manufacturer's name for the device, the device's serial number, and the time of the test.

2. Breath Alcohol Technician (BAT)

The alcohol tests must be performed by a breath alcohol technician who is “trained to proficiency” in the operation of the EBT he/she is using and in the alcohol testing procedures specified in the regulations. The BAT must complete successfully a NHTSA approved course of instruction that provides training in the principles of EBT methodology, operation and calibration checks. In addition, the BAT must complete training on the fundamentals of breath analysis for alcohol content, the procedures required for obtaining a breath specimen, and interpreting and recording EBT results.

3. Alcohol Breath Testing Process:

The following procedures will be used to conduct the test:

Screening Test – The BAT will inform the employee of the need to conduct a screening test. The BAT must open an individually sealed, disposal mouthpiece in the view of the employee and attach it to the EBT.

If the result of the screening test is an alcohol concentration of less than 0.02, no further testing is required, and the employee may return to his/her job duties.

Confirmation Test – If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test must be performed.

The confirmation test must be conducted at least 15 minutes, but not more than 20 minutes, after the completion of the initial test. This delay prevents any accumulation of alcohol in the mouth from leading to an artificially high reading. The BAT will inform the employee of the need to conduct a confirmation test. The employee will be instructed not to eat, drink, or put any object or substance in his/her mouth. The BAT will also instruct the employee not to belch to the extent possible while awaiting the confirmation test. The BAT must inform the employee that the test will be conducted at the end of the waiting period even if the employee has disregarded the instructions.

The confirmation test is conducted using the same procedures as the screening test. If the initial and confirmatory test results are not identical, the confirmation test result is deemed to be the final result.

Under its own authority, Paulding County has determined that, if on the confirmation test, the employee test 0.02 or higher, he/she will be subject to disciplinary action as outlined to Section V of this policy.

Refusal by an employee to complete and sign the alcohol testing form, to provide an adequate amount of breath (except as noted below), or otherwise to cooperate with the collection process must be noted on the form and the test will be terminated. The employee’s actions will be regarded as a refusal. The test will be reported as a positive. The employee will be referred immediately to his/her supervisor for disciplinary action which will result in a recommendation for discharge.

If an employee attempts and fails to provide an adequate amount of breath, the BAT must note this on the form and immediately inform his/her supervisor.

The BAT shall direct the employee to the MRO for an evaluation concerning the employee's medical ability to provide an adequate amount of breath. The evaluation should be made as soon as practical after the attempted breath test.

If the MRO determines that there was a valid medical reason for the inadequate amount of breath, the employee's failure to provide an adequate amount of breath is not considered a refusal. If no valid medical reason is determined by the MRO, the inadequate amount of breath must be considered a refusal to take the test and the test will be reported as a positive.

4. Use of Blood Alcohol Tests

The County, under its own authority, will make blood alcohol tests available to employees, when so requested, immediately following a confirmed positive result from a breath alcohol test. Blood alcohol tests are optional and will be conducted only after the required initial and confirmatory breath testing process has been completed and produces a positive result. Optional blood alcohol testing will not be allowed in lieu of required breath testing nor will the optional blood testing, if negative, necessarily return the employee to service. Employees will be required to meet the County's breath testing standard (<0.02) in order to continue in service.

5. Role of the Substance Abuse Professional

The County, under its own authority, will require that any individual who has a breath alcohol concentration of 0.02 or greater be immediately removed from his/her position. The employee must be assessed by a Substance Abuse Professional (SAP) who must determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse. In addition, he/she must be advised of the resources available to evaluate and resolve problems associated with alcohol misuse, including name, addresses, and telephone numbers of appropriate counseling and treatment programs.

A Substance Abuse Professional referral is required whether or not termination is a consequence of a confirmed positive test.

VII. DEFINITION OF TERMS

Alcohol

A liquid depressant which slows down physical responses and progressively impairs mental functioning. Usually leaves a distinctive odor on the user's breath.

Alcohol Misuse

Occurs when an employee arrives at the work site with alcohol in his/her system or the odor of alcohol on his/her breath; consumes a beverage containing alcohol while on duty, subject to duty, within eight hours of reporting for duty, or during coffee and/or lunch breaks; or is late to work or absent from work due to the consumption of alcohol.

Amphetamines

Central nervous stimulants that speed up the mind and body and most often appear in capsule form. Also called "speed" or "crystal". May be taken orally, injected or inhaled through the nose.

Assay

Initial test required by the regulations to be run on the urine specimen. This test is based on the ability of antibodies to recognize drugs in biological fluids. If any prohibited drug registers positive on this first test the confirmatory test is then run.

Barbiturates

A central nervous system depressant that slows down the heartbeat, breathing and brain activity. Also called “Barbs”, “Downers” or “Bennies”. They are usually taken in a tablet or capsule form of different colors; however, they are sometimes found in a liquid or injectable form.

Benzodiazepines

Central nervous system depressants used for the treatment of anxiety, panic attacks, phobias, and alcohol withdrawal. Includes Valium, Librium, Ativan, Xanax, and Serax. They are taken in a capsule, tablet or liquid form.

Cannabinoids (Marijuana)

A hallucinogen made from a plant substance called Cannabis Sativa. It contains an active ingredient, the chemical Tetrahydrocannabinol (THC), ingested in various ways, primarily through smoking the leaf. It acts almost exclusively on the brain, altering the proper interpretation of incoming messages, perceptions and senses.

Cocaine

A drug derived from the coca bush which is usually converted to a powder for use, often by inhaling through the nose or injecting in the veins. It is a powerful physical and mental stimulant. “Rock” or “Crack” is a variant.

Controlled Substances

Any drugs that are classified by the Drug Enforcement Administration (DEA) into the five schedules or classes on the basis of their potential for abuse, accepted medical use, and accepted safety for use under medical supervision. A drug in any of these schedules identifies that is controlled and determined the nature of supervisory control that must be exercised. Medications containing any controlled substance must be prescribed by a physician who has a valid DEA license number.

DHHS

Department of Health and Human Services

Disabling Damage

Damage that precludes departure of the vehicle from the scene of the accident in its usual manner in daylight after simple repairs. It includes damage to vehicles that could have been operated but would have been further damaged if so operated.

DOT

Department of Transportation

Drug

Any substance which affects an employee’s ability to perform his/her job or poses a threat to the safety of others. This definition includes “over-the-counter” drugs and/or drugs which require a prescription or other written approval from a licensed practitioner/physician or dentist for their use.

Drug Abuse

Use of any illegal drug or controlled substance without a valid prescription, misuse of legally prescribed drugs, or use of illegally obtained prescription drugs. This includes use of prescription drugs legally prescribed to another individual other than one's self.

Evidential Breath Testing (EBT) Device

A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on the NHTSAs "Conforming Products List for Evidential Breath Measurement Devices" (CPL).

Extended Medical Family Leave

An absence from work of thirty calendar days or more by an employee because of medical, psychological or physical disability on the part of the employee/family member.

FHWA

Federal Highway Administration

Fit for Duty

An employee is fit for duty when he/she is unequivocally able to perform his/her job duties, including when he/she is ready to work or working without the presence of any alcohol or the presence of any specified drugs or their metabolites as prescribed by this Drug and Alcohol Policy.

FTA

Federal Transit Administration

GC/MS

Gas Chromatography/mass spectrometry, which is the second or confirmatory test for the positive assay test. This is considered the most accurate and reliable test technique available.

Illegal Use

Use of any illegal drug, misuse of legally prescribed drugs, and user of illegally obtained prescription drugs.

Incident

A single event or occurrence which triggers drug and alcohol test, as defined in this policy.

Marijuana

(See Cannabinoids)

Medically Authorized

A prescription or other writing from a licensed physician or dentist for the use of a drug in the course of medical treatment, including the use of methadone in a certified drug program.

Medical Review Officer (MRO)

A County authorized licensed physician, medical doctor or doctor of osteopathy responsible for receiving laboratory drug test results, who has knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information.

Metabolite

A modified form of a drug that has been chemically altered by the body's metabolic system.

On Duty

An employee is "on duty" or "subject to duty" within the meaning of this provision:

- On his/her regularly scheduled work days
- From the time he/she arrives on the property until the time he/she completes his or her work assignments and leaves the property
- When reporting to the collection site for alcohol or drug screening
- When the employee has volunteered to or has been assigned extra work on his/her day off, vacation, etc.
- While on an "on-call" status or prior to the start of duty, when told in advance that he or she is expected to be on duty at some point in the future
- When involved with County business while not on County property
- Alcohol consumption prohibited eight (8) hours prior to duty

Opiates

Narcotic drugs which depress body functions and reactions and in large doses may cause euphoria. Includes Opium, Morphine, Codeine, Heroin, Demerol, and Percodan to name a few.

Over-the-Counter

Includes medications that can be purchased without a prescription but which contain alcohol derivatives or other drugs which may affect an individual physiologically (cold medicines, back pain relievers, allergy tablets, etc)

Phencyclidine

A drug which acts simultaneously as both a depressant and hallucinogen and often produces extreme mood shifts. Often called PCP, it is usually sold as a powder and mixed with marijuana.

Positive Alcohol Test

The presence of alcohol in the body at a concentration of 0.02 or greater as measured by an Evidential Breath Testing (EBT) device. Refusal to take a breath test without a valid medical explanation also constitutes a positive alcohol test.

Reasonable Suspicion

When specific contemporaneous, articulate observations concerning the appearance, behavior, speech, or body odor of the safety-sensitive employee as presented to the trained supervisor establishes "reasonable suspicion" to conclude that substance use may be causing the behavior.

Safety-Sensitive Employee

An employee whose job functions are, or whose job includes the performance of functions related to mass transportation services and as defined by the FTA and FHWA. The following are the categories of safety-sensitive functions:

- Operating a revenue service vehicle, including when not in revenue service
- Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License (CDL).

- Controlling dispatch or movement of a revenue service vehicle or equipment used in revenue service.
- Maintaining revenue service vehicles or equipment used in revenue service.
- Carrying a firearm for security purposes
- Any supervisor who performs or whose description includes the performance of any function listed above is also considered a safety-sensitive employee
- Contractors who “stand in the shoes” of County safety-sensitive employees

Substance Abuse Professional (SAP)

A County authorized licensed or certified psychologist, social worker, employee assistance professional, or a certified psychologist, social worker, employee assistance professional, or a certified addiction counselor, with knowledge or and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Unfit for Duty

An employee is unfit for duty when he/she is not unequivocally able to perform his/her job duties, including when he/she is not ready to work or working without the presence of any alcohol or the presence of any specified drugs or their metabolites as prescribed by this Drug and Alcohol Policy.

Use

The presence of any controlled substance in the body, or the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Attachment A

ALCOHOL FACT SHEET

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

- Signs and Symptoms of Use
 - Dulled mental processes
 - Lack of coordination
 - Odor of alcohol on breath
 - Possible constricted pupils
 - Sleepy or stuporous condition
 - Slowed reaction rate
 - Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

- Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:

- Decreased sexual functioning
 - Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed “alcoholic”)
 - Fatal liver diseases
 - Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
 - Kidney disease
 - Pancreatitis
 - Spontaneous abortion and neonatal mortality
 - Ulcers
 - Birth defects (up to 54 percent of all birth defects are alcohol related).
- Social Issues
 - Two-thirds of all homicides are committed by people who drink prior to the crime.
 - Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
 - Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
 - The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
 - Forty percent of family court cases are alcohol problem related.

- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

- The Annual Toll
 - 24,000 people will die on the highway due to the legally impaired driver.
 - 12,000 more will die on the highway due to the alcohol-affected driver.
 - 15,800 will die in non-highway accidents.
 - 30,000 will die due to alcohol-caused liver disease.
 - 10,000 will die due to alcohol-induced brain disease or suicide.
 - Up to another 125,000 will die due to alcohol-related conditions or accidents.

- Workplace Issues
 - It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
 - Impairment in coordination and judgement can be objectively measured with as little as two drinks in the body.
 - A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

Attachment B

LISTING OF SAFETY-SENSITIVE CLASSIFICATIONS

SENIOR SERVICES DEPARTMENT

Van Driver
Program Coordinator
Senior Services Director

ROAD DEPARTMENT

Director
Crew Supervisor
Equipment Operator III
Equipment Operator II
Administrative Secretary
Clerk – Typist

MAINTENANCE SHOP

Director
Lead Shop Mechanic
Field Maintenance Mechanic
Mechanic
Services Technician
Administrative Secretary

WATER DEPARTMENT

Director
Assistant Director
Services Manager
Equipment Operator III
Equipment Operator II

IMPORTANT NOTE: This listing may be revised periodically. If a “safety-sensitive” job classification, as defined in this policy, is inadvertently omitted from this listing, that job classification is, nevertheless considered to be safety-sensitive and is subject to the random testing procedures.

DRUG AND ALCOHOL TESTING POLICY PAULDING COUNTY TRANSIT

A. PURPOSE

The Paulding County Transit System of the Paulding County Board of Commissioners (hereafter referred to as Paulding Transit) provides public transit and paratransit services for county residents. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, Paulding Transit declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.

Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandate urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibit performance of safety-sensitive functions when there is a positive test result. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.

Any provisions set forth in this policy that are included under the sole authority of the Paulding County Board of Commissioners and are not provided under the authority of the above named Federal regulations are underlined.

B. APPLICABILITY

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing any transit-related business. A safety-sensitive function is any duty related to the safe operation of mass transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or person controlling the movement of revenue service vehicles and any other transit employee who is required to hold a Commercial Drivers License. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment. A list of safety-sensitive positions who perform one or more of the above mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions.

C. DEFINITIONS

Accident means an occurrence associated with the operation of a revenue service vehicle even when not in revenue service in revenue service or which requires a Commercial Drivers License to operate, if as a result—

- (1) An individual dies;
- (2) An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- (3) One or more vehicles incurs disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

Adulterated specimen. A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

Alcohol Concentration is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing device.

Canceled Test is a drug test that has been declared invalid by a Medical Review Officer. A canceled test is neither positive nor negative.

Covered Employee means an employee who performs a safety-sensitive function including an applicant or transferee who is being considered for employment to perform a safety-sensitive function (See Attachment A for a list of covered employees).

Dilute specimen. A specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling damage means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

Medical Review Officer (MRO) means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

Negative test result for a drug test means a verified presence of the identified drug or its metabolite below the minimum levels specified in 49 CFR Part 40, as amended. An alcohol concentration of less than 0.02 BAC is a negative test result.

Non-negative test result is a test result found to be adulterated, substitute, invalid, or positive for drug/drug metabolites. Non-negative results are considered a positive test or refusal to test if MRO cannot determine legitimate medical explanation

Positive test result for a drug test means a verified presence of the identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, as amended. A positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC or greater.

Prohibited drug means marijuana, cocaine, opiates, amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

Revenue Service Vehicles include all transit vehicles that are used for passenger transportation service or that require a CDL to operate.

Safety-sensitive functions include (a) the operation of a transit revenue service vehicle even when the vehicle is not in revenue service; (b) the operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL); (c) maintaining a revenue service vehicle or equipment used in revenue service; (d) dispatchers and (e) carrying a firearm for security purposes.

Substance Abuse Professional (SAP) means a licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted specimen. A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

Test Refusal The following are considered a refusal to test if the employee:

- Fails to appear for any test within a reasonable time, as determined by the employer, after being directed to do so by the employer
- Fails to remain at the testing site until the testing process is complete;
- Fails to provide a urine specimen for any drug test required by Part 40 or DOT agency regulations;
- In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen
- Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- Fails or declines to take a second test the employer or collector has directed you to take;
- Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" procedures
- Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when

so directed by the collector, behave in a confrontational way that disrupts the collection process).

- if the MRO reports that there is verified adulterated or substituted test result,

Verified negative test means a drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (DHHS).

Verified positive test means a drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

Validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

D. EDUCATION AND TRAINING

Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655, and 40. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.

All supervisory personnel who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

Information on the signs, symptoms, health effects, and consequences of alcohol misuse is presented in Attachment B of this policy.

E. PROHIBITED SUBSTANCES

Prohibited substances addressed by this policy include the following.

- (1) Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, as which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all covered employees be tested for marijuana, cocaine, amphetamines, opiates, and phencyclidine as described in Section H of this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

- (2) Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a Paulding Transit supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.
- (3) Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. An alcohol test can be performed on a covered employee under 49 CFR Part 655 just before, during, or just after the performance of safety-sensitive job functions. Under Paulding Transit's authority, an alcohol test can be performed any time a covered employee is on duty.

PROHIBITED CONDUCT

- (1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR PART 40, as amended.
- (2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities.
- (3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.
- (4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.
- (5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- (6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- (7) The Paulding County Board of Commissioners under its own authority also prohibits the consumption of alcohol during lunch periods, rest breaks, split shift breaks, or anytime the employee is in uniform.
- (8) Consistent with the Drug-free Workplace Act of 1988, all Paulding County employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work

place including Transit Department premises, transit vehicles, while in uniform or while on Paulding County business.

F. DRUG STATUTE CONVICTION

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify Paulding Transit management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section Q.10 of this policy.

G. TESTING REQUIREMENTS

Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49CFR part 40. All covered employees shall be subject to testing prior to employment, for reasonable suspicion, following an accident, and random as defined in Section K, L, M, and N of this policy. Under Paulding Transit's authority, all covered employees who have tested positive for drugs or alcohol on a random, reasonable suspicion, or post-accident will be terminated.

A drug test can be performed any time a covered employee is on duty. An alcohol test can be performed just before, during, or after the performance of a safety-sensitive job function. Under Paulding Transit's authority, an alcohol test can be performed any time a covered employee is on duty.

All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with Paulding Transit. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section O of this policy. Any covered employee who is suspected of providing false information in connection with a drug test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection. Verification of the above listed actions will be considered a test refusal and will result in the employees removal from duty and disciplined as defined in Section O of this policy. Refusal can also include an inability to provide a sufficient urine specimen or breath sample without a valid medical explanation, as well as a verbal or written declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test within the specified time frame.

H. DRUG TESTING PROCEDURES

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (DHHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.

The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Chain of Custody and Control

Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a DHHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.

The test results from the DHHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to the Paulding Transit Drug and Alcohol Program Manager (DAPM). If a legitimate explanation is found, the MRO will report the test result as negative to the DAPM and no further action will be taken. If the test is invalid without a medical explanation, a retest will be conducted under direct observation.

Any covered employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second DHHS-certified laboratory with no affiliation with the laboratory that analyzed the primary specimen. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. Paulding Transit will ensure that the cost for the split specimen are covered in order for a timely analysis of the sample; however, Paulding Transit (under its own authority) will seek reimbursement for the split sample test from the employee.

If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled and will direct Paulding Transit to retest the employee under direct observation.

The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary is positive, the split will be retained for testing if so requested by the employee through the Medical Review Officer. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year.

Observed collections

Consistent with 49 CFR part 40 collection under direct observation (by a person of the same gender) with no advance notice will occur if:

- (1) The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to Paulding Transit that there was not an adequate medical explanation for the result; or
- (2) The MRO reports to Paulding Transit the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed.
- (3) The collector, must immediately conduct a collection under direct observation if:
 - a) They are directed by the MRO or Paulding Transit's DAPM to do so; or
 - b) The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen; or
 - c) The temperature on the original specimen was out of range; or
 - d) The original specimen appeared to have been tampered with.

I. ALCOHOL TESTING PROCEDURES

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device which is also approved by NHSTA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted at least fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

An employee who has a confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section O of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in Section O of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.

The Transit Department affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.

J. PRE-EMPLOYMENT TESTING

All applicants for covered transit positions shall undergo urine drug testing prior to hire or transfer into a covered position that requires the performance of a safety-sensitive function.

- (1) All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant shall not be hired into a covered position unless the applicant takes a drug test with verified negative results.
- (2) A non-covered employee shall not be placed, transferred or promoted into a covered position until the employee takes a drug test with verified negative results.
- (3) If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least two years. Evidence of the absence of drug dependency from a Substance Abuse Professional that meets with 49 CFR part 40 as amended and a negative pre-employment drug test will be required prior to further consideration for employment. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
- (4) When an employee being placed, transferred, or promoted from a non-covered position to a covered position submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with Section Q.4-5 and 9 herein.
- (5) If a pre-employment/pre-transfer test is canceled, Paulding Transit will require the applicant to take and pass another pre-employment drug test.
- (6) In instances where a covered employee is on extended leave for a period of 45 days or more, the employee will be required to take a drug test under Paulding Transit's authority and have negative test results prior to the conduct of safety-sensitive job functions.
- (7) In instances where a covered employee has been laid-off, but remains an employee of Paulding Transit, the employee will be required to take a drug and alcohol test prior to resuming active safety-sensitive status under Paulding Transit's authority if the employee has not been subject to testing or has been out of the random testing pool for more than 45 days.
- (8) An applicant with a dilute negative test result will be required to retest.

K. REASONABLE SUSPICION TESTING

All Paulding Transit covered employees will be subject to a reasonable suspicion drug and/or alcohol test when there are reasons to believe that drug or alcohol use is impacting job performance and safety. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one supervisor who is trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under Paulding Transit's authority, a reasonable suspicion alcohol test may be performed any time the covered

employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.

The DAPM or a Paulding Transit supervisor shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Section O of this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section O of this policy.

A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation prior to the release of the test results. This written record shall be submitted to the Paulding Transit management and DAPM and shall be attached to the forms reporting the test results.

When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred to the SAP for an assessment. Paulding Transit shall place the employee on administrative leave in accordance with the provisions set forth under Section O of this policy. Testing in this circumstance would be performed under the direct authority of the Paulding County Board of Commissioners. Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority. However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Section O.

L. POST-ACCIDENT TESTING

All covered employees will be required to undergo urine and breath testing if they are involved in an accident with a transit revenue service vehicle regardless of whether or not the vehicle is in revenue service that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance cannot be completely discounted as a contributing factor to the accident.

In addition, a post-accident test will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility; or one or more vehicles incurs disabling damage, unless the operators performance cannot be completely discounted as a contributing factor to the accident.

- (1) As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.
- (2) The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and within 32 hours for drugs. If an

alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

- (3) Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test.
- (4) An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
- (5) Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
- (6) In the rare event that Paulding Transit is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), Paulding Transit may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

M. RANDOM TESTING

All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees.

- (1) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year.
- (2) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates established by Federal regulations for those safety-sensitive employees subject to random testing by Federal regulations. The current random testing rate for drugs established by FTA equals fifty percent of the number of covered employees in the pool and the random testing rate for alcohol established by FTA equals ten percent of the number of covered employees in the pool.
- (3) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection and notification of the individuals who are to be tested.
- (4) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool .
- (5) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can be performed just before, during, or just after the performance of a safety sensitive duty. However, under the Paulding Transit's authority, a random alcohol test may be performed any time the

- covered employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.
- (6) Employees are required to proceed immediately to the collection site upon notification of their random selection.

N. RESULT OF DRUG/ALCOHOL TEST

A positive drug and/or alcohol test will result in action as specified herein.

- (1) Disciplinary action for a verified positive test from a sample submitted as the result of a random, post accident, or reasonable suspicion drug/alcohol test (\geq 0.04 BAC) is termination from employment. The employee will be informed of educational and rehabilitation programs available and shall be referred to a Substance Abuse Professional.
- (2) Refusal to submit to a drug/alcohol test shall be considered a positive test result and a direct act of insubordination and shall result in termination. A test refusal includes the following circumstances.
- (a) A covered employee who consumes alcohol within eight (8) hours following involvement in an accident without first having submitted to post-accident drug/alcohol tests.
 - (b) A covered employee who leaves the scene of an accident without a legitimate explanation prior to submission to drug/alcohol tests.
 - (c) A covered employee who is suspected of providing false information in connection with a drug test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution of a urine specimen.
 - (d) A covered employee who provides an insufficient volume of urine specimen or breath sample without a valid medical explanation.
 - (e) A verbal or written declaration, obstructive behavior, refusal to sign the required DOT drug and/or alcohol testing forms, or physical absence resulting in the inability to conduct the test within the specified time frame.
 - (f) A covered employee whose urine sample has been verified by the MRO as substitute or adulterated.
 - (g) A covered employee fails to appear for any test within a reasonable time, as determined by the employer, after being directed to do so by the employer
 - (h) A covered employee fails to remain at the testing site until the testing process is complete;
 - (i) A covered employee fails to provide a urine specimen for any drug test required by Part 40 or DOT agency regulations;
 - (j) A covered employee fails to permit the observation or monitoring of a specimen collection
 - (k) A covered employee fails or declines to take a second test the employer or collector has directed you to take;
 - (l) A covered employee fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" procedures
 - (m) A covered employee fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).

- (3) An alcohol test result of ≥ 0.02 to ≤ 0.039 BAC shall result in the removal of the employee from duty for eight hours or the remainder or the work day whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to an alcohol test with a result of less than 0.02 BAC. If the employee has an alcohol test result of ≥ 0.02 to ≤ 0.039 two or more times within a six month period, the employee will be terminated.
- (4) Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

O. GRIEVANCE AND APPEAL

The consequences specified by 49 CFR Parts 655 for a positive test or test refusal are not subject to arbitration.

P. PROPER APPLICATION OF THE POLICY

Paulding Transit is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

Q. INFORMATION DISCLOSURE

To be considered for employment, all applicants will be asked to give consent to Paulding Transit for a background check of the applicant's previous DOT covered employers over the preceding two years. The background information requested will include:

- (1) Alcohol test results of 0.04 or higher alcohol concentration.
- (2) Verified positive drug tests.
- (3) Refusals to be tested (including verified adulterated or substituted drug test results).
- (4) Other violations of DOT agency drug and alcohol testing regulations.
- (5) An applicant who has violated any of the preceding DOT drug and alcohol regulations within the preceding two years will not be considered for employment; in the event that such violation is determined after employment commences, the employee will be terminated.

All drug and alcohol testing records will be maintained by the Paulding Transit Drug and Alcohol Program Manager in a secure manner, so that disclosure of information to unauthorized persons does not occur. Except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.

- (1) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications.

- (2) Records of a verified positive drug/alcohol test result shall be released to the Paulding Transit Drug and Alcohol Program Manager and Department Supervisor on a need to know basis.
- (3) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- (4) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test.
- (5) Records will be released to the National Transportation Safety Board during an accident investigation.
- (6) Records will be released to the DOT or any DOT agency with regulatory authority over Paulding Transit or the employee.
- (7) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over Paulding Transit or the employee.
- (8) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 necessary legal steps to contest the issuance of the order will be taken

R. SYSTEM CONTACTS

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

Paulding County Transit Drug and Alcohol Program Manager:

Paulding County Board of Commissioner's Human Resources Director
 240 Constitution Blvd
 Dallas GA 30132
 770/443-7521

Medical Review Officers:

Phillip Greene, MD
 c/o National Diagnostics, Incorporated
 6407 Idlewild Road, Suite 211
 Charlotte, NC 2821
 Phone: 704/364-7550

Natalie P. Hartenbaum, MD
 c/o First Lab
 1364 Welsh Road Suite C2
 North Wales PA 19454
 Phone: 800/732-3784

Substance Abuse Professional

SAP Services provided through our EAP:
 EAP Consultants, Inc.
 1765 The Exchange, Suite 275
 Atlanta GA 30339
 770/951-8021

W. Myles Hassler, LPC, CEAP, SAP
 1900 Century Place NE, Suite 200
 Atlanta, GA 30345-4302
 770/242-4437

Moshe Gittelsohn, LCSW, SAP
 250 Arrowhead Blvd.
 Jonesboro, GA 30236
 404/617-2469

DHHS Certified Laboratory:

*Preemployment, Postaccident,
& Reasonable Suspicion:*
Advanced Toxicology Network
3560 Air Center Cove Suite 101
Memphis TN 38118
901/794-5770

Randoms:
Laboratory Corporation of America
1904 Alexander Drive
Research Triangle Park NC 27700
800/343-8974

This Policy was adopted January 8, 2002 by the Paulding County Board of Commissioners.

Attachment A

Paulding County Transit— FTA Covered Job Classifications

<u>Title</u>	<u>Testing Authority</u>
Senior Center Manager	Paulding Transit/FTA
Senior Center Assistant	Paulding Transit/FTA
Transit Supervisor	Paulding Transit/FTA
Van Driver	Paulding Transit/FTA
Fleet Maintenance Manager	Paulding Transit/FTA
Shop Supervisor	Paulding Transit/FTA
Mechanic	Paulding Transit/FTA
Equipment Service Worker	Paulding Transit/FTA
Welder	Paulding Transit/FTA

Attachment B

Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

- Signs and Symptoms of Use
 - Dulled mental processes
 - Lack of coordination
 - Odor of alcohol on breath
 - Possible constricted pupils
 - Sleepy or stuporous condition
 - Slowed reaction rate
 - Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

- Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:

- Decreased sexual functioning
 - Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed “alcoholic”)
 - Fatal liver diseases
 - Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
 - Kidney disease
 - Pancreatitis
 - Spontaneous abortion and neonatal mortality
 - Ulcers
 - Birth defects (up to 54 percent of all birth defects are alcohol related).
- Social Issues
 - Two-thirds of all homicides are committed by people who drink prior to the crime.
 - Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
 - Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
 - The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.

- Forty percent of family court cases are alcohol problem related.
 - Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
 - More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.
- The Annual Toll
 - 24,000 people will die on the highway due to the legally impaired driver.
 - 12,000 more will die on the highway due to the alcohol-affected driver.
 - 15,800 will die in non-highway accidents.
 - 30,000 will die due to alcohol-caused liver disease.
 - 10,000 will die due to alcohol-induced brain disease or suicide.
 - Up to another 125,000 will die due to alcohol-related conditions or accidents.
- Workplace Issues
 - It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
 - Impairment in coordination and judgement can be objectively measured with as little as two drinks in the body.
 - A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

Attachment C

Minimum Thresholds

	INITIAL TEST CUTOFF LEVELS (ng/ml)
Marijuana metabolites	50
Cocaine metabolites	300
Opiate metabolites	2,000
Phencyclidine	25
Amphetamines	1,000

	CONFIRMATORY TEST CUT/OFF LEVELS (ng/ml)
Marijuana metabolites	15
Cocaine metabolites	150
Opiates:	
Morphine	2,000
Codeine	2,000
Phencyclidine	25
Amphetamines:	
Amphetamines	500
Methamphetamine	500

Delta-9-tetrahydrocannabinol-9-carboxylic acid.

Benzoylcegonine

Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml.