

EXHIBIT A

LOUDON COUNTY GENERAL DRUG AND ALCOHOL ABUSE POLICY

DATE OF REVISION

July 2023

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**LOUDON COUNTY
GENERAL DRUG AND ALCOHOL ABUSE POLICY**

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I. SCOPE:

Loudon County (“the County”) is committed to a safe working environment, to making adequate provisions for the safety and health of its employees at their place of employment, and to the safety and health of the citizens we serve as well as the general public. Loudon County is also dedicated to operating in a responsible and efficient manner for the benefit of its citizens.

Loudon County recognizes that drug and alcohol abuse (“substance abuse”) presents a major problem throughout our society and that the County is not immune from this societal problem. The use of illegal drugs and alcohol by County employees not only threatens the health and safety of fellow employees, our residents and the public, but also results in increased costs in the form of lost productivity, high absenteeism, tardiness, excessive time away from work, excessive health care costs, accidents on the job and lower morale of other employees who must do the work of the substance abusers. Loudon County has long been committed to setting the highest standards for emphasizing and enforcing a drug and alcohol free workplace. Our goal is to provide a safe and efficient working environment, to preserve the confidence placed in the County by our employees and the public and to enforce a Drug and Alcohol Free Workplace as authorized by the Drug Free Workplace Act of 1996, Tenn. Code Ann. §50-9-101 *et. seq.*

As part of Loudon County’s effort to achieve the foregoing health, safety and efficiency goals, and as a step in compliance with the law, it has developed the following drug and alcohol abuse policy. This policy represents the County commitment to comply with the Drug Free Workplace Act of 1996, the State of Tennessee’s Drug-Free Workplace Program, and other applicable laws. This revised policy will be communicated to each employee on the effective date hereof or as soon thereafter as reasonably practicable.

Loudon County is also regulated by the DOT and the DOT Federal Motor Carrier Safety Administration Controlled Substances and Alcohol Use and Testing Regulations (“FMCSA” regulations). The County has implemented a separate DOT Drug and Alcohol Abuse Policy (“DOT Policy”) which is intended to comply with the drug and alcohol use and testing requirements of the FMCSA regulations.

II. POLICY:

A. Drug Policy

The illegal use, manufacture, possession, distribution, or sale of prohibited drugs while on Loudon County properties, while on duty for regularly scheduled or emergency work, while operating Loudon County vehicles or equipment, or off the job so as to affect the employee's job performance, judgment, or integrity on the job as a representative of Loudon County is strictly prohibited. An amount of a prohibited drug in an individual's body equal to or higher than the cut-off level as detected by a drug test, for the purpose of this policy, is considered prohibited use of drugs by the individual. Violations of this policy, except in extremely rare circumstances, will constitute grounds for immediate termination.

B. Alcohol Policy

No employee shall report to work under the influence of alcohol, or use or be under the influence of alcohol while on Loudon County properties, while on duty for regularly scheduled or emergency work, or while operating County vehicles or equipment. No employee shall report for duty or remain on duty while having an alcohol concentration of 0.02 or greater. Moreover, safety sensitive employees are prohibited from using alcohol within four (4) hours before reporting to duty.

When a safety sensitive employee is called to duty to respond to an emergency, the employee is prohibited from using alcohol after the employee has been notified to report to duty. An employee being paid to be on call for a period of time is prohibited from consuming alcohol during that time period. Violation of this policy will lead to disciplinary action up to and including termination.

C. Consequences for Violations

Refusal by an employee to be tested for drugs or alcohol in accordance with this policy is insubordination and, except in extremely rare cases, will constitute grounds for immediate termination. Submitting an adulterated specimen, or a substituted specimen, or similar efforts to avoid or otherwise obstruct the testing process are also violations of the policy that, except in extremely rare circumstances, will constitute grounds for immediate termination. Failing either a drug or an alcohol test will also result in a potential forfeiture of workers' compensation benefits as authorized by Tenn. Code Ann. §50-9-105 and §50-6-110. Nothing in this policy shall be deemed to preclude Loudon County from taking steps to terminate any employee found to be in violation of any part of this policy.

III. DEFINITIONS:

For purposes of this policy, the following definitions apply:

1. "Accidents" by this policy include both Class A and Class B accidents, which are defined as follows:

"Class A Accidents" mean accidents involving employees in safety sensitive positions resulting in: (a) death; (b) personal injury necessitating medical treatment which is recorded in the OSHA 300 log; (c) personal injury to anyone resulting in

loss of consciousness, the necessity to carry the person from the scene and/or disability which prevents the discharge of an employee's normal duties beyond the day of the accident; (d) a hazardous situation which presents imminent danger either to the employee, other employee(s), or the public; (e) damage to property in excess of \$1,000.00; or (f) multi-vehicle collisions, regardless of circumstances.

"Class B Accidents" mean accidents involving employees in non-safety sensitive positions resulting in (a) death; (b) personal injury to anyone necessitating hospitalization (inpatient or outpatient); (c) damage to property in excess of \$10,000.00; (d) a multi-vehicle collision, regardless of circumstances.

2. "Adulterated Specimen" means that the urine specimen contains a substance that is not expected to be present in human urine, or contains a substance that is expected to be present but is at a concentration so high that it is not consistent with human urine. Submitting an adulterated specimen is a violation of this policy.
3. "Alcohol" or "Alcoholic beverage" means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.
4. "Alcohol concentration (or content)" means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.
5. "Alcohol use" means the consumption of any beverage, mixture, or preparation, including any medication containing alcohol.
6. "Applicant" means an individual applying for a position who is subject to preemployment testing.
7. "Breath Alcohol Technician (BAT)" means a certified individual who instructs and assists individuals in the alcohol testing process and operates an EBT, as defined below.
8. "Chain of Custody" means procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. These procedures shall require that an appropriate drug testing custody form from a Department of Health & Human Services (DHHS) certified laboratory be used from time of collection to receipt by the laboratory.
9. "Collection site" means a designated clinic/facility where applicants or employees may present themselves for the purpose of providing a specimen of their urine or a breath sample to be analyzed for the presence of drugs or alcohol, respectively.
10. "Collector" means a certified person who instructs and assists applicants and employees through the urine specimen collection process.

11. "Commercial driver's license" or "CDL" means a driver's license required to operate Loudon County commercial motor vehicles.
12. "Commercial motor vehicle" means a motor vehicle or combination of motor vehicle and towed vehicle used in commerce to transport passengers or property when the vehicle has a gross vehicle weight rating or gross combination weight rating of 26,001 or more pounds including a towed unit with a gross vehicle weight rating of more than 10,000 pounds, or has a gross vehicle weight rating of 26,001 or more pounds, or is designed to transport 16 or more passengers.
13. "Confirmation test" as to drugs means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.
14. "Confirmation test" as to alcohol means a second test that is given not less than 15 minutes and not more than 30 minutes after the initial screening test. The confirmation test is the final result upon which any action will be taken under this policy.
15. "Conviction" means a finding of guilt (including a plea of no contest or which results in a pretrial or judicial diversion) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug laws as defined below.
16. "Criminal drug law" means a Federal or State criminal statute, regulation, or other law involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.
17. "Drug" means a controlled substance as defined in Schedules I through V of Section 202 of the Controlled Substance Act. The Procedures contains a list of drugs tested under this policy and the cut-off levels for each drug.
18. "Designated Employer Representative" (DER) means an employee authorized by the employer to receive test results and other communications for the employer, consistent with the requirements of Part 40.
19. "Dilute specimen" means a specimen with specific gravity of less than 1.003 and creatinine of less than 20 mg/dL, which are lower levels than expected for human urine. A positive dilute specimen will be regarded as a positive test. A negative dilute specimen will be regarded as a negative test.
20. "Evidential Breath Testing Device" (EBT) means an alcohol Breath-testing device approved by the National Highway Traffic Safety Administration (NHTSA) for the

evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices."

21. "Employee" means a full-time, part-time, temporary or seasonal employee of Loudon County.
22. "Fail a drug test" or "test positive" means the confirmation test result shows positive evidence of the presence of a prohibited drug above the cutoff limit in the employee's or applicant's system.
23. "Initial test" as to drugs means an immunoassay screen to eliminate negative urine specimens from further consideration.
24. "Initial test" as to alcohol means a breath alcohol test using an Evidential Breath Testing Device given by a qualified Breath Alcohol Technician to determine whether an employee may have a prohibited concentration of alcohol in his or her system.
25. "Pass a drug test" or "test negative" means that initial testing or confirmation testing does not show evidence of the presence of a prohibited drug above the cutoff limit in the employee's system.
26. "Prohibited drug" means the drugs and classes of drugs that are tested for as described under Section VI of this policy.
27. "Refusal to submit" means refusal by an individual who, after receiving notice of the requirement to be tested in accordance with this policy and without valid medical explanation, refuses to provide an adequate urine sample for a drug test or adequate breath for an alcohol test, or otherwise engaging in conduct that clearly obstructs the testing process such as refusal to sign necessary consent forms. A verified adulterated or substituted result constitutes a refusal to submit.
28. "Substance abuse professional" or "SAP" means a licensed physician (i.e., a medical doctor), or a 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), with knowledge of and clinical experience in the diagnosis and treatment of drug or alcohol-related disorders.

IV. PROCEDURES FOR NOTIFYING EMPLOYEES OF COVERAGE:

On or after the effective date of this policy, applicants for positions covered by this policy will be given a copy of the policy before the preemployment testing. Employees and applicants will be advised that the entire policy and the drug and alcohol testing procedures referenced in this policy can be reviewed at their request.

V. RESPONSIBILITIES:

The Loudon County Mayor has overall responsibility for this program. The Mayor is responsible for handling all disciplinary actions that occur as a result of refusal to be tested or as a result of a positive test for employees under her control as chief executive officer for the County. The County Mayor works in cooperation with elected and appointed County officials in connection with disciplinary actions under this policy for County employees under their control. Ultimate disciplinary authority for these employees, however, remains with the respective County officials. County officials, for the purposes of this policy, include the Trustee, Register of Deeds, County Clerk, Clerk and Master, Sheriff, Court Judges, Clerk of Courts, Assessor of Property, and Road Superintendent. Employee Benefits has the functional responsibility for the administration of the program, coordinating with the Medical Review Officer and the laboratory selected, keeping records relative to drug/alcohol testing, and for coordinating and initiating testing of employees under Return to Duty Agreements. Employee Benefits, the supervising County officials, and the County Mayor are authorized to act as the DER.

VI. PROCEDURES FOR TESTING:

Procedures relative to the administration and implementation of this policy are included in a separate document entitled "Loudon County's Drug and Alcohol Testing Procedures" (hereinafter sometimes referred to as the "Procedures") which will provide those supervisors, managers and employees covered by this policy with information that can be used when more detail is needed. **The Procedures are hereby incorporated and made a part of this policy the same as if they had been fully copied herein.** A copy of the Procedures is available upon request from Employee Benefits. The Procedures are also utilized to implement testing under Loudon County's DOT Drug and Alcohol Abuse Policy. The following is a summary of the information which is more fully detailed in the Procedures.

A. Drug Testing Procedures

Drug testing under this policy will involve the screening of urine samples for the prohibited drugs listed in the Procedures. The initial test performed on the urine sample will be an enzyme-multiplied- immunoassay technique ("EMIT screen"), screen which will be used to eliminate negative urine specimens from further consideration. All specimens identified as positive through the EMIT screen will be confirmed by using gas chromatography/mass spectrometry ("GC/MS") techniques at the cutoff levels set forth in the Procedures. A GC/MS confirmation test above the foregoing cut-off limits for GC/MS tests will be considered a positive drug test.

Personnel trained in the process of collecting the urine samples and seeing that correct chain of custody procedures are followed will be available at the collection site. Loudon County, or any subsequent contractor performing Loudon County's urine specimen collection, shall have all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping of urine specimens to a certified drug testing laboratory designated by the County. These personnel shall follow Loudon County's Drug and Alcohol Testing Procedures to ensure that the drug test results of the urine samples are attributable to the correct employee and to preserve the integrity of the testing process and validity of the test results.

It is the responsibility of an applicant or employee who tests positive on a drug test to inform the medical review officer (“MRO”) of any prescription or non-prescription drug use that may have affected the results of the test. The purpose of this disclosure is to assist the MRO in determining whether such prescription or non-prescription drug use is the source of any positive test result.

An applicant or employee who receives a positive confirmed test result may contest or explain the result to the MRO within five (5) working days after receiving written notification of the test result. If the applicant’s or employee’s explanation or challenge is unsatisfactory to the MRO, the MRO shall then report the positive test result to Loudon County. An employee may contest a drug or alcohol test pursuant to the rules implementing the Tennessee Drug Free Workplace Program.

Under this policy, the County tests for the following prohibited drugs at the following cutoff levels, or as otherwise instructed by the Tennessee Drug-Free Workplace or standard laboratory procedures, including reference to 49 C.F.R. Part 40, as amended:

	EMIT	GC/MS
Amphetamines	1,000 ng/ml	500 ng/ml
Barbiturates	300 ng/ml	300 ng/ml
Benzodiazepines	300 ng/ml	300 ng/ml
Marijuana Metabolites	50 ng/ml	15 ng/ml
Cocaine Metabolites	300 ng/ml	150 ng/ml
Methadone	300 ng/ml	300 ng/ml
Methaqualone	300 ng/ml	300 ng/ml
Opiates	2000 ng/ml	2000 ng/ml
Phencyclidine (PCP)	25 ng/ml	25 ng/ml
Propoxyphene	300 ng/ml	300 ng/ml

B. Alcohol Testing Procedures

Alcohol testing will be conducted using evidential breath testing ("EBT") devices by either Loudon County or its authorized agents, who will use an EBT device capable of printing out the results, date and time, sequential test number, and the name and serial number of the EBT to ensure reliability of the results.

An initial or screening test will be performed by a qualified BAT utilizing an EBT. Where the screening test result shows an alcohol concentration less than 0.02, no further testing action will be taken (unless the test is a return to duty or follow-up test). However, if the alcohol concentration in the screening test is 0.02 or greater, a confirmation test will be conducted after a 15-minute waiting period.

The confirmation test may be conducted on the same EBT or different EBT by the BAT, but it must be performed no sooner than 15 minutes and no later than 30 minutes after the screening test. The confirmation test result is deemed to be the final result upon which any action will be taken under this policy.

A confirmation test result with an alcohol concentration of 0.04 is considered a positive test, and the employee will be immediately removed from performing his or her functions, and suspended with pay pending an investigation. Disciplinary action up to and including termination will be imposed pursuant to and in accordance with this policy. Where an employee is found to have an alcohol concentration in the confirmation test of above 0.01 but below 0.04, the employee will be required to pass an alcohol test the next day.

An employee who tests 0.02 or above, but less than 0.04 in the first-day confirmation test will be scheduled for a re-test on the next regularly scheduled shift ("second-day test"). If the employee's initial re-test is less than a 0.02, the employee will be returned to his or her duties. If the employee's initial re-test is a 0.02 or above, he or she will be given a confirmation test under the foregoing confirmation test procedures. If the confirmation test shows an alcohol concentration of 0.04 or above, it is a positive test and disciplinary action will be taken accordingly. If the second-day confirmation test shows an alcohol concentration of 0.02 or above, but below 0.04, the employee will be referred to EAP for evaluation. The employee will be suspended with pay pending release and recommendations from EAP regarding the employee's return to work.

Where employees are tested under a test required by Loudon County's DOT Policy, including preemployment, reasonable suspicion, post accident, random, return to duty and follow-up testing required thereunder, the Loudon County DOT will be used generally to the exclusion of a test under this policy. However, Loudon County reserves the right to conduct a separate test under this policy by requiring the employee to void or breathe separately after the employee has voided or breathed for the DOT-required test. Further, a positive test under the Loudon County DOT Policy is considered a positive test under this policy. Before testing, employees will be informed as to whether they are being tested pursuant to Loudon County's DOT Drug and Alcohol Abuse Policy, this policy, or both.

Loudon County will incur the costs of most testing required under this policy. The cost of any testing related to Return to Work Agreements shall be borne by the employee.

Note: An employee who is subject to a Return to Work Agreement will be expected to comply with the conditions of that agreement and considered in violation of his or her Agreement and the County's General Policy if results of a drug or alcohol test are positive as defined in the employee's Return to Work Agreement. Such employee will be given both an initial and confirmatory test, and the confirmation test results will control for disciplinary purposes.

VII. COUNSELING/REHABILITATION RESOURCES

Loudon County strongly encourages employees with a drug or alcohol dependency to voluntarily refer themselves to a rehabilitation program. A list of resources designed to assist employees with substance abuse is attached to this policy as Appendix A. Costs of rehabilitation may be covered under Loudon County's group health insurance plan subject to the eligibility requirements, limitations and conditions of the plan. Any and all costs of rehabilitation, whether incurred as a result of voluntary or mandatory referral (as defined below), that are not paid for by Loudon County's insurance carrier will be the responsibility of the employee.

VOLUNTARY/SELF REFERRAL: A voluntary/self referral is defined as an employee who seeks an appointment that is not disciplinary in nature. A voluntary referral is not allowed once an employee fails a drug or alcohol test or has otherwise been found in violation of this policy. All information is confidential and names of referrals are not released without written consent of the patient. Employees are not subject to disciplinary action for voluntary/self referral even though the reason may involve drug or alcohol dependency as long as they have not otherwise been found in violation of this policy. Other violations of Loudon County policy or work rules may subject the employee to disciplinary action.

Employees in safety-sensitive positions who voluntarily refer themselves to counseling and who are, in turn, referred for drug or alcohol rehabilitation treatment, and who release or otherwise disclose that information to Loudon County, will be monitored by the Substance Abuse Professional (SAP), in partnership with Employee Benefits or her designee to help ensure they continue to follow the treatment recommendations of the professionals. Where the employee fails to follow treatment recommendations, thereby raising safety concerns, Loudon County reserves the right to mandatorily refer such an employee to counseling.

MANDATORY/SUPERVISORY REFERRAL: A mandatory/supervisory referral is defined as a directive from Loudon County to an employee to seek assistance when work performance or the ability to safely perform job functions has been affected by personal and/or work related problems. Employees who have BAC's between .02 and .04 on second day tests are subject to mandatory referral. In the rare event that an employee who fails a drug or alcohol test is not terminated, he or she will be mandatorily referred to counseling. In the case of a mandatory referral, the counseling is not confidential and the employee will be required by the provider to sign a release authorizing the provider to furnish Loudon County with appropriate information.

If an employee is assessed by the counselor to need rehabilitation, the referral to rehabilitation will not be confidential. The counselor will notify Employee Benefits. The treatment facility will require the employee to execute an information release enabling the counselor, Loudon County, and the treatment center to exchange certain information about the employee's diagnosis, recommended program, cooperation, progress, etc.

Disciplinary action related to the actions necessitating the mandatory referral to EAP may occur prior to, during, or following a counseling referral. Employees returning to work following a mandatory referral and rehabilitation for drug abuse will be subject to a Return to Work Agreement, specifying the circumstances and conditions of his or her return to duty, which will include among other things, follow-up drug or alcohol testing required by this policy and the requirement that the

employee strictly follow any recommended rehabilitation and after-care program. The recommended treatment plan, including, where appropriate, abstention from alcohol, will be incorporated into the Return to Work Agreement. Failure to comply and complete the recommended treatment plan outlined, or violation of the Return to Work Agreement, will lead to disciplinary action up to and including termination.

This section should not be construed to limit Loudon County's right to discipline or terminate any employee who is mandatorily referred to counseling or treatment or who otherwise fails to meet Loudon County job standards.

An employee who is approved to enter a rehabilitation program, whether on a voluntary or a mandatory referral basis, will be allowed to use any sick leave or vacation to that employee's credit at the time of entering the program. If no paid days are available, the employee will be approved for absence without pay as long as the employee is continuing in the rehabilitation program and up to the maximum amount of medical leave provided by the County. The time spent in a rehabilitation program will count toward the employee's entitlement under the Family and Medical Leave Act ("FMLA").

VIII. DRUG AND ALCOHOL AWARENESS PROGRAM:

To assist employees to understand and avoid the perils of drug and alcohol abuse, Loudon County has developed a drug free awareness program. Loudon County will use that program in an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace. The awareness program will inform employees about: (1) the dangers of drug and alcohol abuse in the workplace, (2) the County's drug and alcohol abuse policies, (3) the availability of treatment and counseling for employees who voluntarily seek such assistance, and (4) the sanctions the County will impose for violations of its drug and alcohol abuse policies. This program will be monitored by Employee Benefits or the Mayor's Office on an ongoing basis and revised as new materials and information become available. All employees must complete at least one (1) hour of drug and alcohol education training per year as required by the Tennessee Drug-Free Workplace Program. Attendance records will be kept in Employee Benefits.

Supervisory personnel must, in addition to the one (1) hour of training required for all employees, obtain a minimum of two (2) hours per year of workplace substance abuse recognition training. This training will include educating the supervisory personnel on alcohol and drug awareness, information concerning and identifying specific, contemporaneous, physical, behavioral, and performance indicators ("reasonable suspicion") of probable drug and alcohol use, and proper procedures to be followed with all types of drug and alcohol testing. Supervisory training will be required for certification under the Tennessee Drug Free Workplace Program. Loudon County reserves the right to coordinate these training sessions with any training required by the Loudon County DOT Drug and Alcohol Abuse Policy.

IX. USE OF PRESCRIPTION DRUGS:

Loudon County recognizes that use of prescription drugs under the supervision of appropriate health professionals is protected under the Americans With Disabilities Act (ADA). However, legal use of certain prescription drugs by employees in safety-sensitive positions may cause impairment

and create dangerous situations in the workplace. Employees are required to take prescription drugs which may cause impairment strictly in conformance with the limits prescribed by a licensed medical practitioner familiar with the employee's medical history and assigned duties. Failure to do so, e.g., by taking impairing drugs without a prescription or with a prescription not in the employee's name, or in amounts greater or more frequently than prescribed, or using multiple prescriptions obtained under false pretenses, or performing duties while taking an impairing drug that has not been reported to Loudon County or otherwise in violation to the foregoing requirements, is a violation of this policy.

To balance the interests of Loudon County and the rights of employees as provided in the ADA, a safety sensitive employee who must use prescription drugs under the supervision of an appropriate medical practitioner or physician is required to advise that practitioner of their safety sensitive responsibilities to determine if the medication may affect their ability to perform their assigned duties. If the physician needs to consult with someone from Loudon County about the safety sensitive responsibilities of the employee, he or she may contact Employee Benefits. If the employee's prescribing physician determines that working while taking the medication will create a safety risk, the employee must: (1) advise his or her manager of the safety risk so that accommodations can be made in the assignment or steps can be taken to eliminate the risk; or (2) not report to work while taking the medication which prevents the employee from performing in a safe manner.

It is the employee's responsibility to discuss any medication and all job responsibilities with his or her personal physician to determine if there is a safety risk involved and to take action to eliminate the risk.

X. SAFETY SENSITIVE POSITIONS:

Loudon County has a number of jobs which are considered safety sensitive positions. In general these are positions where a single mistake by a Loudon County employee can create an immediate threat of serious harm to fellow employees or the public. Such positions include, but are not limited to, positions which require the employee to operate Loudon County vehicles carrying passengers, operate personal vehicles for County business, operate heavy equipment or dangerous machinery, work directly with the high-voltage electric power system, work with raw sewage or hazardous or toxic chemicals which could be discharged into the atmosphere or the public water supply, and/or the performance of emergency response functions. Safety sensitive positions also include individuals with CDL's who are required to drive Loudon County's commercial motor vehicles subject to the FMCSA regulations.

Attached as Appendix B is a description of job duties which include safety sensitive positions subject to this policy. The random, pre-employment, and other required testing for the employees covered by Loudon County's DOT Policy will generally be conducted under that policy. Testing positive under Loudon County's DOT Policy, however, will be a violation of this policy. Moreover, Loudon County reserves the right to conduct drug tests under this policy for the employees covered by the DOT Policy; provided, however that if it exercises that option, Loudon County will require two voidings, will handle the samples separately, and will advise the employees that they are being tested under both policies. Safety sensitive employees (See Appendix B) who are not covered by Loudon County's DOT Policy will be tested under this policy and not the DOT-required policy.

Job functions may be added or deleted from Appendix B at the discretion of Loudon County or as mandated by law or regulations without republishing this policy. If new job functions are added to Appendix B, the County will inform incumbents in the affected classification, in writing, that they will be added to the random testing pool, with the notice mailed at least 30 days before their name is added to the pool.

XI. PRE-EMPLOYMENT TESTING:

In the furtherance of achieving Loudon County's goals as enumerated above, all individuals to whom a conditional offer of employment is made for employment in safety sensitive positions (See Appendix B) will be required to submit to a urinalysis test for the detection of illegal use of drugs.

Applicants will be given a copy of this policy in advance of the post-offer pre-employment physical. Applicants will acknowledge having read or had this policy explained to them and should understand that as a condition of employment they are subject to its contents. Applicants will be required to sign the necessary authorization form for Loudon County to perform the testing and for its DER to be advised of the results. An applicant refusing to complete any part of the drug and alcohol testing procedures will not be considered a valid candidate for employment at Loudon County.

Applicants who test positive on the drug or alcohol test or who refuse to take the test will not be hired and will not be eligible to be considered for employment at Loudon County for a period of three months and until the applicant shows proof of successful completion of a drug or alcohol rehabilitation program or proof that the applicant has otherwise rehabilitated successfully and is no longer engaging in illegal drug use or misusing alcohol.

XII. REASONABLE SUSPICION TESTING:

Whenever Loudon County reasonably suspects that an employee's work performance or on-the-job behavior may have been affected in any way by illegal drugs or alcohol, or that an employee has otherwise violated Loudon County's General Policy, the County may require the employee to submit to a reasonable suspicion drug or alcohol test as required under the Tennessee Drug-Free Workplace Program. The test will be conducted in accordance with this policy and Loudon County's Drug and Alcohol Testing Procedures.

Reasonable suspicion sufficient to conduct a drug test will be based on a reasonable belief that the employee is using or has used an illegal drug or alcohol, or is otherwise in violation of Loudon County's General Policy, based on specific, current, or continuing physical, behavioral, or performance indicators of probable drug or alcohol use, or information provided by a reliable and credible source. Where it is feasible, at least two of the employee's supervisors, at least one of whom has been trained in detection of the possible symptoms of drug use, shall verify and agree to the decision to test an employee.

Loudon County's determination that reasonable suspicion exists to require a covered employee to undergo drug or alcohol testing will be based on specific, objective, contemporaneous

and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, reasonable suspicion sufficient to justify drug or alcohol testing may be based on, but not limited to the following: direct observation by a supervisor of symptoms of drug or alcohol use such as impaired motor control, loud or uncontrollable verbiage, or displays of violent/threatening behavior; slurred speech, odor, glassy eyes; information provided by reliable and credible sources; abnormal conduct or erratic behavior while at work or a significant deterioration in work performance; a report of drug or alcohol abuse provided by a reliable and credible source; evidence that an employee has tampered with a drug or alcohol test; information that an employee has caused, contributed to or been involved in an accident at work; or evidence that an employee has used, possessed, sold, solicited or transferred drugs, whether on or off the job, or evidence that an employee has used alcohol in violation of this policy. Reasonable suspicion to justify drug testing can also be based upon an alert by a trained drug detection dog indicating that an employee possesses illegal drugs on Loudon County property, presence of drugs on the County property under the control of the employee, or presence of drugs in an employee's personal effects on the County property, including employee vehicles parked on the County property.

Once it is determined that an employee should be subjected to a reasonable suspicion test, one of the verifying supervisors should contact Employee Benefits to coordinate the testing and obtain any necessary instructions.

An employee who refuses to submit to drug or alcohol testing for reasonable suspicion will be immediately removed from his or her position. Refusal to take the test is insubordination and will constitute grounds for immediate termination.

An employee who agrees to be tested will be transported to and from the collection site. Where a reasonable suspicion drug test is given in addition to the alcohol test, even if the employee passes the alcohol test, the employee will be removed from his or her activities and will be suspended with pay pending receipt of the drug test results. If the employee fails the alcohol test, the employee will be immediately removed from his or her position and will be suspended with pay pending a further investigation. The employee should make arrangements to be transported home. The employee should be instructed not to drive any motor vehicle due to the positive alcohol test and/or due to the reasonable belief that he or she may be under the influence of a drug. If the employee insists on driving, the proper local law enforcement authority will be notified that an employee Loudon County believed to be under the influence of a drug or alcohol is leaving Loudon County premises driving a motor vehicle.

If an alcohol test based on reasonable suspicion is not administered within two (2) hours following the determination of reasonable suspicion, Loudon County shall prepare and maintain on file a record stating the reasons the test was not properly administered. If the test is not administered within eight (8) hours following the reasonable suspicion determination, Loudon County will cease attempts to administer the alcohol test and will record, in writing, the reasons for not administering the test.

As required by the Tennessee Drug Free Workplace Act, Loudon County shall, within seven (7) days after testing based on reasonable suspicion, detail in writing the circumstances which form the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this

documentation shall be given to the employee upon request and the original documentation shall be kept confidential.

An employee who tests positive on a reasonable suspicion drug or alcohol test (either administered under this policy or Loudon County's DOT Policy) will be in violation of this policy. Failing a drug or alcohol test, except in extremely rare circumstances, will constitute grounds for immediate termination. Failing an alcohol test will result in disciplinary action up to and including termination. If the employee is not terminated, Loudon County will refer the employee to counseling under the mandatory referral provisions of the Counseling/Rehabilitation Resources in Section VII of this policy.

Loudon County reserves the right, in its discretion, to conduct reasonable suspicion tests under this policy for employees being tested under the DOT Policy, but in such cases, independent samples will be taken under each policy.

XIII. POST ACCIDENT TESTING:

Employees involved in accidents within the definition of "accidents" in Definitions, Section III above, will be subject to post-accident testing under the following circumstances:

1. Where a Loudon County employee apparently caused, may have contributed to, or cannot be completely discounted as a contributing factor to the accident, OR
2. Where an employee indicates by actions or otherwise at the scene of an accident that he/she has used some substance in violation of Loudon County's General Policy.

Note: An employee subject to post-accident testing need not have personally sustained an injury as long as the definition of accident is satisfied and the employee apparently caused, contributed to, or cannot be completely discounted as a contributing factor to the accident. An employee who is not issued a citation is not necessarily completely cleared of fault.

Employees who are covered by Loudon County's DOT Policy and who are involved in "accidents" meeting the definition of this policy but not meeting the definition of the DOT policy will be subject to post-accident testing under this policy. Employees covered under Loudon County's DOT Policy will be told whether they are being tested under the General Policy or the DOT policy.

Testing will be done as soon as possible following the accident in accordance with Loudon County's Drug and Alcohol Testing Procedures. If an employee refuses to submit to post accident testing, the employee will be removed from his or her position. Refusal to take the test is insubordination and will constitute grounds for immediate termination. Refusal to submit to the post-accident test will subject the employee to potential loss of workers compensation benefits as authorized by Tenn. Code Ann. §50-9-102 and §50-6-110(c).

If the alcohol test is not administered within two (2) hours following the accident, Loudon County will prepare a written record stating the reasons why the test was not promptly administered.

If the alcohol test is not administered within eight (8) hours following the accident Loudon County will cease attempts to administer the alcohol test and will also prepare a written record of the reasons for not administering the test.

There is no time limit for administering drug testing under this policy.

An employee who is subject to post-accident testing, but who fails to remain readily available for testing, may be deemed by Loudon County to have refused to submit to the test. The employee may not consume any alcohol for eight hours following the accident or until the alcohol test has been conducted. Nothing herein is intended to require the delay of necessary medical attention for injured people or prohibit a covered employee from leaving the scene of the accident for the period necessary to obtain assistance or necessary emergency medical care.

An employee who agrees to be tested will be transported to and from the collection test site. Because a post-accident drug test will be administered in addition to an alcohol test, even if the employee passes the alcohol test, the employee will not be allowed to perform safety sensitive functions and may be suspended with pay pending the results of the drug test in accordance with this policy.

Upon completion of drug and alcohol testing, an employee who fails the alcohol test will be immediately removed from his or her position and will be suspended with pay pending a further investigation. The employee should make arrangements to be transported home. The employee should be instructed not to drive any motor vehicle due to the positive alcohol test and/or the belief that he or she may be under the influence of a drug. If the employee insists on driving, the proper local law enforcement authority will be notified that an employee Loudon County believes to be under the influence of a drug or alcohol is leaving Loudon County premises driving a motor vehicle.

An employee who fails a post-accident test (administered under this policy or Loudon County's DOT Policy) will be in violation of this policy. Failing a drug test, except in extremely rare circumstances, will constitute grounds for immediate termination. Failing an alcohol test will result in disciplinary action up to and including termination. If the employee is not terminated, the County will refer the employee to counseling under the mandatory referral provisions of the Counseling/Rehabilitation Resources section, Section VII, of this policy. Further, positive test results on a drug or alcohol test pursuant to this policy, including post-accident tests, will also subject the employee to potential loss of workers' compensation benefits as authorized by Tenn. Code Ann. § 50-9-102 and § 50-6-110(c).

Loudon County reserves the right, in its discretion, to conduct post-accident tests under this policy for employees tested under the DOT Policy, but in such cases, independent samples will be taken under each policy.

XIV. PROMOTION AND TRANSFER TESTING:

When an employee in a non-safety sensitive position applies for a position for a job that has been identified by Loudon County as a safety sensitive position, the employee is subject to drug testing in accordance with Loudon County's Drug and Alcohol Testing Procedures before the employee will be considered a valid candidate for that job opening. An employee who tests positive on a promotion/transfer test, will no longer be considered an applicant for that position. Such employee will also be in violation of this policy, which constitutes grounds for immediate termination. If the employee is not terminated, the employee is subject to the mandatory referral provisions of Section VII , Counseling/Rehabilitation Resources; the provisions of Section XVI, Return to Duty and Follow-Up Testing; and Section XVII, Referral, Evaluation and Treatment, of this policy.

An employee may withdraw the application for the position at any time up until the employee is scheduled for promotion/transfer testing. Once an employee is scheduled for promotion/transfer testing, if that employee refuses to submit to the testing, he/she will be disqualified for consideration for the position and will be considered as being insubordinate and subject to Loudon County's disciplinary procedure. Under no circumstances will this employee be considered as a viable candidate for any future openings in this classification until the employee has signed a release for drug testing at the time of submitting the application for the position in connection with a job posting.

XV. RANDOM TESTING:

All employees in safety-sensitive positions (Appendix B) are subject to random drug testing at a rate equal to 10% of the covered employees on an annual basis. The testing rates are subject to change at the beginning of each calendar year, and Loudon County will advise covered employees of any change in the random rate before such change is implemented. All testing will be in compliance with Loudon County's Drug and Alcohol Testing Procedures which are incorporated herein by reference.

Temporary and seasonal employees who are performing work in a safety-sensitive position are also covered and will be subject to random testing on the same basis as regular employees.

The process will be unannounced as well as random. The frequency of testing dates will vary and testing will be reasonably spread throughout the year. Due to the large numbers of employees who will ultimately be covered by random testing, testing may be conducted at different locations, on different days in the same month, or even in the same week, as long as testing is reasonably spread throughout the applicable calendar year. Employees will be notified that they have been selected for random testing **after** they have reported for duty on the day of collection.

The selection for testing will be done using a random number table or a computer-based random number generator that is matched with an employee's social security number, payroll identification number, or other appropriate identification number. Loudon County reserves the right to create multiple pools of safety-sensitive employees provided that all covered employees are subject to the random drug testing rate of 10%.

Any employee who refuses to submit to a random drug test will be immediately removed from safety-sensitive functions, charged with insubordination and will be subject to immediate termination.

Any employee who fails a random drug test will be immediately removed from the safety-sensitive functions and will be in violation of this policy. Failing a drug test, except in extremely rare circumstances, will constitute grounds for immediate termination. If the employee is not terminated, Loudon County will mandatorily refer the employee to counseling under the mandatory referral provisions of Section VII, Counseling/Rehabilitation Resources; the provisions of Section XVI, Return to Duty and Follow-Up Testing, and Section XVII, Referral, Evaluation and Treatment, of this policy.

DOT COVERED EMPLOYEES: Where an employee in a safety-sensitive position covered by this policy is also covered by the random testing requirements of Loudon County's DOT Policy, the random testing will be done pursuant to that policy and not this policy. However, testing positive on a DOT-required test is a violation of this policy and subjects the employee to the discipline specified herein. All other safety-sensitive positions will be tested under this policy.

XVI. RETURN TO DUTY AND FOLLOW-UP TESTING:

An employee who has been given the opportunity to undergo rehabilitation for drugs or alcohol must pass a return to duty drug test administered under this policy before the employee will be allowed to return to duty and will, as a condition of return to duty, be required to agree to reasonable follow-up testing established by Loudon County. The extent and duration of the follow-up testing will depend upon the safety or security nature of the employee's position, and the nature and extent of the employee's substance abuse problem, but will not exceed 60 months after the employee's return to duty. Loudon County will consult with the SAP, in determining an appropriate follow-up testing program. All follow-up drug and alcohol testing will be conducted in accordance with the Procedures.

If the SAP determines some form of evaluation and/or treatment is required, the employee must strictly comply with the recommendations. If the SAP recommends that the employee remain drug and/or alcohol free, the employee must strictly comply with those recommendations, which shall be incorporated into the Return to Work Agreement.

Any employee who is subject to return to duty or follow-up testing who has a confirmed positive drug or alcohol test or who refuses to be tested will be in violation of this policy and will be subject to immediate termination.

Return to duty and follow-up testing is not an option if Loudon County terminates an employee who has tested positive, refused to test, or who has otherwise violated this Policy or the DOT Policy.

XVII. REFERRAL, EVALUATION AND TREATMENT:

A covered employee who has engaged in conduct prohibited by this policy will be advised of the resources available to him or her for evaluating and resolving problems associated with the misuse of drugs or alcohol including the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs approved by Loudon County.

Where the employee is not terminated, the County will mandatorily refer the employee for evaluation by a SAP who will determine what assistance, if any, the employee needs in resolving problems associated with drug or alcohol misuse. Before an employee will be returned to a covered position, the SAP must certify that the employee has properly followed any rehabilitation program prescribed by the professional.

Employees mandatorily referred to counseling who are diagnosed as needing assistance in resolving drug or alcohol misuse problems will be required to sign a Return to Work Agreement which will specify the circumstances and conditions on their return to duty which will include, among other things, the follow-up alcohol and drug testing required by this policy and the requirement that the employee follow any recommended rehabilitation and after-care program.

Nothing contained herein should be construed as restricting Loudon County's right to terminate a covered employee for violating this policy. Employees who are terminated are not entitled to Loudon County sponsored rehabilitation other than through their election to continue their health insurance coverage under COBRA (provided the employee's termination is not for gross misconduct, in which case COBRA benefits may be denied).

XVIII. COLLECTION:

The main office of Loudon County's MRO is designated as the primary drug or alcohol testing facility; however, testing may be performed at another site at the County Mayor or his designee's discretion. Drug and alcohol testing will be done at designated collection sites around Loudon County. Personnel trained in the process of collecting the specimen and seeing that correct chain of custody procedures are followed will be available at collection sites. All collections will be done in accordance with the Drug and Alcohol Testing Procedures.

Loudon County or any subsequent contractor performing the County's specimen collection, shall have all necessary personnel, materials, equipment, facilities and supervision to provide for the collection, security, temporary storage, and shipping of urine specimens to a certified drug testing laboratory designated by the County.

A designated collection site will be any suitable location where a specimen can be collected under conditions set forth in the Procedures, including a properly-equipped mobile facility.

Should an occasion arise that requires testing at a time when Loudon County collection sites are not available, employees will be tested at Fort Loudon Medical Center. This facility is aware of the appropriate testing requirements and the chain of custody procedures that must be followed, along with the requirement of transfer of the specimen to the County's selected DHHS certified

laboratory. A qualified investigator or supervisor should inform the collection personnel or BAT whether the test is by this policy or by the DOT regulations (i.e., a 5-drug DOT panel) so that the appropriate procedures may be followed.

XIX. LABORATORY:

A DHHS certified laboratory has been selected to perform the testing on urine specimens submitted. The laboratory shall provide services in accordance with the Procedures and DOT regulations, 49 CFR Part 40, even on Loudon County's non-DOT drug tests. Current laboratory information is found at Appendix A to this document.

In the event that a need arises for a confirmation of a positive result by another laboratory, another DHHS-certified laboratory will be selected from the published list of DHHS-approved laboratories in the Federal Register or latest DOT publication.

Loudon County personnel may periodically perform unannounced inspections, including examination of records.

XX. MEDICAL REVIEW OFFICER (MRO):

The MRO will be responsible for reviewing the results of drug tests before they are reported to Loudon County; reviewing and interpreting each confirmed positive, adulterated, substituted and invalid test to determine if there is an alternative medical explanation for the positive; conducting an interview with the individual testing positive; reviewing the individual's medical history and all medical records made available by the individual to determine if the positive resulted from legally prescribed medication; requiring a retest of the original specimen if the MRO deems it necessary; and verifying that the laboratory report and assessment are correct. The MRO also ensures that an employee has passed an appropriate drug test conducted in accordance with this policy and the Procedures before returning to work. The MRO is expected to follow the Medical Review Officer Manual published by the U.S. Department of Health and Human Services. Current MRO information is found at Appendix A to this document.

It is the employee's responsibility to inform the MRO of any prescription drug use that may have affected the test result. If the MRO determines that there is a legitimate medical explanation for the positive test other than the use of a prohibited drug, the MRO will report the test result to Loudon County as negative. If the MRO concludes, based on available data, that a particular drug test is scientifically insufficient, the MRO will report the test as negative for that individual. If the MRO determines that there is no legitimate explanation for the positive test other than the use of a prohibited drug, the MRO will communicate the results of verified positive test to the employee orally and in writing and will inform the DER of a potential positive.

The MRO will notify the employee with a confirmed positive test of the results and that he/she has 72 hours in which to request a re-analysis of the original specimen. If the employee timely requests re-analysis, it will be directed by the MRO. Such re-analysis will be conducted in conformance with Loudon County's Drug and Alcohol Testing Procedures. If the re-analysis fails to confirm the presence of the drug, the MRO will cancel the test and inform the County's DER and the

employee of the reasons for the cancellation. The cost of the re-test must be paid by the employee; however, if the re-test is negative, Loudon County will reimburse the employee for the cost of the re-test.

An employee or job applicant who receives a positive confirmed test result, upon notification by the MRO, may contest or explain the result to the MRO within five (5) working days after receiving written notification of the test result. If an employee's or job applicant's explanation or challenge is unsatisfactory to the MRO, the MRO shall report a positive test result back to Loudon County's DER.

The results of confirmed positive tests will be communicated by the MRO to the DER, who in turn will advise the County Mayor. The MRO or his representative will communicate the results of negative tests to the DER, who will then notify the employee through interdepartmental confidential mail or e-mail.

XXI. RECORD RETENTION - CONFIDENTIALITY:

Records of drug test results are recognized to be private and sensitive records, will be maintained separate and apart from personnel records, and will be maintained in a secure fashion to ensure confidentiality. These records will be handled on a strict "need to know" basis. Records of disciplinary actions taken relative to this policy will be maintained in the employee's personnel file.

Loudon County will maintain records of drug and alcohol tests administered under this policy as follows. Records demonstrating that an employee passed a drug and alcohol test hereunder will be kept for at least one year. Records which show that an employee failed a drug or alcohol test, the type of test failed (e.g., post-accident), the prohibited substance(s) that were used by the employee, the disposition of each employee (e.g., termination) and records of rehabilitation, if any, will be kept for at least five years. A record of the number of employees tested each year by type of test will also be kept for five years. Any records listed above may be maintained for an indefinable period beyond the specified minimums at Loudon County's discretion.

Information regarding an individual's drug or alcohol testing results or rehabilitation under this policy is confidential and Loudon County, as set forth herein, will release it only upon the individual's written consent. Information regarding an individual's drug or alcohol use or testing results or rehabilitation under this policy may be disclosed, regardless of consent, to the decisionmaker of a judicial or administrative tribunal in the event of a lawsuit, grievance, civil service appeal, unemployment compensation, worker's compensation or other proceeding brought by or on behalf of the individual arising in whole or in part from the results of a drug or alcohol test or violation of this policy.

XXII. INSPECTION:

Loudon County retains the right, based upon reasonable suspicion of a violation of this policy, to search an employee's office, desk, locker and other County property under the control of the employee, as well as the employee's personal effects in or on Loudon County property, such as parcels, packages, purses, lunch boxes, briefcases, and the employee's vehicles parked on Loudon County property.

Reasonable suspicion sufficient to justify a search may be based upon a clear and reasonable belief, through observation or information provided by a reliable and credible source, that illegal drugs are being possessed, distributed, sold or used while on duty, while operating Loudon County vehicles or equipment, or while on County property.

Except in the case of an immediate need to search, a decision to search shall be made by the County Mayor or the appropriate County official in consultation with the employee's Department Head and Employee Benefits. The search shall be conducted by security personnel with at least one supervisory/management personnel in attendance. Assistance from local law enforcement will be requested as deemed appropriate. Generally, an immediate search is necessary where it is likely that the object of the search may be removed, altered, or destroyed before a more thorough evaluation or review of the situation can be made.

If an immediate search is conducted, the purpose of the search should be explained to the affected employee if the employee is present at the time of the search. Any illegal drugs, alcohol, or related paraphernalia should be identified and turned over to the County Mayor or his designee at the earliest possible moment.

An employee who refuses to allow a search of his personal property such as parcels, packages, purses, lunch boxes, briefcases, and personal vehicles parked on Loudon County property, will be charged with insubordination and subject to immediate termination.

Searches of Loudon County property under the control of an employee (offices, desks, filing cabinets, lockers, etc.) are subject to being conducted without notice to the employee, once the reasonable suspicion standard has been satisfied.

Possession of illegal drugs or alcohol on County property, or while on duty on or off County property, will constitute grounds for immediate termination. Possession of open containers, i.e., containers with broken seals, open containers of beer, etc., of alcoholic beverages while on County property or while on duty on or off County property is a violation of this policy.

In addition to the foregoing, Loudon County reserves the right, with or without any individualized suspicion, to use trained dogs and law enforcement personnel to detect prohibited drugs on County property, on/in County property under the control of employees, as well as employees' personal effects on/in County property, including employee vehicles parked on County property. Identification of the presence of illegal drugs by trained dogs shall constitute individualized reasonable suspicion to allow County to search any such property in accordance with

and pursuant to the foregoing policy. Identification of the presence of illegal drugs shall also constitute reasonable suspicion to request the employee to submit to a reasonable suspicion drug test.

Notices to this effect will be prominently posted at the entrance to or near each entrance to County property and/or at the employee bulletin board(s).

XXIII. CRIMINAL CHARGES:

Any employee who is criminally charged with a drug related offense, even while off duty and off Loudon County property **must** report the charge to the employee's supervisor no later than five days after such charge. Failure to report the charge within the time prescribed will lead to disciplinary action up to and including discharge.

Any employee who is charged with violating any criminal law related to operating vehicles under the influence of drugs or alcohol must report the charge to the employee's supervisor no later than 5 days after such charge. Failure to report the charge within the time prescribed will lead to disciplinary action up to and including discharge.

The employee who has been criminally charged with such a drug or alcohol-related offense may be relieved of duty with pay until an investigation is made. Once the facts are known and the investigation complete, the employee may be allowed to return to duty provided the employee agrees to certain conditions which may include random drug or alcohol testing as appropriate to the charges, or may be suspended without pay, or the employee may be terminated.

In determining whether the employee will be returned to duty (with or without testing), suspended or terminated, the following will be considered:

1. The degree to which the nature of the criminal charge and the facts underlying the charge reduces Loudon County's ability to maintain a safe and efficient working environment or are incompatible with the employee's responsibilities as a County employee.
2. The degree to which the nature of the charges and underlying facts unreasonably endangers the safety of other County employees, citizens and/or the public.
3. The degree to which the charges and underlying facts unreasonably undermines the public confidence of the County's operations.
4. The nature of criminal charges.
5. The nature of the employee's job at Loudon County.
6. The existence of any explanatory or mitigating facts or circumstances.
7. Whether the employee promptly reports the charge.

8. Any other facts relevant to the employee including but not limited to years of service and record of performance with Loudon County.

XXIV. CRIMINAL CONVICTIONS:

Any employee who has been convicted, as defined above in Section III, of violating any criminal drug or alcohol law must report the conviction to the employee's supervisor no later than 5 days after such conviction. Failure to report the conviction within the time prescribed will lead to disciplinary action up to and including discharge.

If an employee who drives a Loudon County vehicle has his or her license suspended, revoked, or canceled because of drug or alcohol-related offense, or if the employee is otherwise disqualified from driving due to such an offense, the employee must notify his or her supervisor before the end of the business day following the day the notice was received. Failure to do so will result in disciplinary action up to and including discharge.

Convictions for drug or alcohol-related offenses can result in disciplinary action up to and including discharge. In determining whether and to what extent an employee will be disciplined or discharged following the conviction of a drug or alcohol-related offense, the County will consider the following primary factors: the degree to which the nature of the offense reduces the County's ability to maintain a safe and efficient working environment or is incompatible with the employee's responsibilities as a County employee; the degree to which the nature of the criminal offense unreasonably endangers the safety of other Loudon County employees and/or the public; the degree to which the nature of the conviction undermines the public confidence of County operations; the nature of the criminal offense; and the nature of the employee's job, and any mitigating factors.

Any off-duty drug or alcohol related activity that is inconsistent, incompatible, or in legal or technical conflict with an employee's duties, functions, and responsibilities as a County employee will result in discipline up to and including termination.

XXV. ADMINISTRATIVE AND CIVIL ACTIONS:

It is the responsibility of the applicant or employee to notify their department manager of any administrative or civil action brought pursuant to the Tennessee Drug Free Workplace Act.

XXVI. PROCEDURES FOR NOTIFYING EMPLOYEES OF COVERAGE:

Upon the implementation of this policy, Loudon County will notify all employees as defined herein that they are covered by this policy and provide them with the policy. Applicants for positions covered by this policy will be given a copy of the policy prior to pre-employment testing. Employees and applicants may obtain a copy of the procedures referenced in this policy by making a request to Employee Benefits.

NOTE: All referenced documents in this policy are available for inspection in Employee Benefits.

APPENDIX A

ADDITIONAL RESOURCES

The Center for Substance Abuse Prevention's Drug Information, Treatment and Referral Hotline
1-800-662-HELP

National Council on Alcoholism
1-800 -NCA-CALL

www.drug-rehabs.org
www.drug-abuse-treatment.org/tennessee.htm
www.findtreatment.samhsa.gov

Cocaine Helpline
1-800-COCAINE

Center for Substance Abuse Workplace Helpline
1-800-WORKPLACE

National Clearinghouse for Alcohol and Drug Information
1-800-729-6686

Tennessee Department of Health Alcohol and Drug Abuse Service
1-615-741-1921

Tennessee Alcohol and Drug Association Clearinghouse
1-800-889-9789

Tennessee Drug-Free Workplace Program
1-800-332-2667

Local Resources include

Alcoholics Anonymous
Call 974-9888 for information on local meetings at four immediate area churches, or the 24-hour hotline at 522-9667

Greater Smoky Mountain Area Narcotics Anonymous
Call 1 (866) 617-1710 or visit www.natennessee.org for area meeting times and places

MEDICAL REVIEW OFFICER

Dr. John D. Sanabria
Lakeway Urgent Care
460 Medical Park Drive, Suite 103
Lenoir City, TN 37772
Phone: (865) 271-0038
Fax: (865) 271-0040

COLLECTION SITES

Primary: The offices of John D. Sanabria, M.D. (see above address)

First Alternate: Fort Loudon Medical Center
550 Fort Loudon Medical Center Drive
Lenoir City, TN 37772

For Breath Alcohol Screens: Dr. John D. Sanabria
Lakeway Urgent Care
460 Medical Park Drive, Suite 103
Lenoir City, TN 37772

LABORATORY

Quest Diagnostics Incorporated- Norristown
400 Egypt Road
Norristown, PA 19403
(800) 877-7484

APPENDIX B

SAFETY SENSITIVE POSITIONS

Employees who perform any of the below job functions and hold the positions listed below are subject to random drug testing under Loudon County's General Drug and Alcohol Policy

- Any safety-sensitive function pursuant to regulations governing drug testing adopted by the U.S. Department of Transportation.
- Most functions with respect to the operation of Loudon County's Sheriff's Department.
- Driving a County-owned vehicle in connection with regular and customary job functions.
- Driving a personal vehicle in connection with regular and customary job functions.
- Any road maintenance duties.
- Operating machinery or engaging in the maintenance of County equipment or vehicles on a regular and customary basis.
- Entering residences or property of Loudon County residents in connection with regular job duties.

SAFETY SENSITIVE POSITIONS

MAYOR'S OFFICE

Mayor (Elected Official)	Secretary/Administrative Assistant to Mayor (driving)
Employee Benefits (driving)	

SHERIFF'S OFFICE

Sheriff (Elected Official)	
Chief Deputy	Resource Officer
Assistant Chief Deputy	Investigator
Captain	Secretary (driving)
Patrol Officers	Deputy
Corporal	Sergeant
Lieutenant	

JAIL

Corporal	Corrections Guard/Corrections Officer
Dietitian/Cook	Lieutenant

HIGHWAY DEPARTMENT

Superintendent (Elected Official)	Equipment Operator
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Laborer
Mechanic
Truck Driver

Foreman
Mower

ACCOUNTS & FINANCE

Director (driving) AP Technician (driving)
Clerks (driving) AP/AR Technician (driving)
Senior Payroll Administrator (driving)

ANIMAL CONTROL/ANIMAL SHELTER

Manager Euthanasia Technician
Animal Control Officer Laborer

PLANNING

Director/Planner

CODES DEPARTMENT

Director of Codes Enforcement
Inspector

CLERKS OF COURT (CIRCUIT/GENERAL SESSIONS)

Clerk (Elected Official) (driving) Deputy Clerk (driving)
Chief Deputy Clerk (driving) Bookkeeper (driving)
Clerk (driving) Office Manager (driving)

COUNTY CLERK

Clerk (Elected Official) (driving)
Clerk – satellite offices (driving)

CLERK & MASTER

Clerk & Master/Director (Elected Official) (driving)

COUNTY JUDGES

Judicial Commissioner

CONVENIENCE CENTER

Director Assistant
Assistant Director Laborer
Foreman Attendant
Recycling Attendant

ELECTION OFFICE

Director/ Administrator

EMERGENCY MANAGEMENT (EMA)

Director Secretary

JUVENILE CENTER

Director
Intake Officer

Social Worker
Attendant

MAINTENANCE

Foreman/Supervisor
Laborer
Administrative Assistant/Inspector

Custodian
Maintenance Director

PROPERTY ASSESSOR

Property Assessor (Elected Official)
Chief Deputy

Inspector

PURCHASING

Director
Fixed Assets Coordinator

SENIOR CITIZENS CENTER

Clerical (driving)
Supervisor/Director

Clerk (driving)
Activities Coordinator

TRUSTEE'S OFFICE

Trustee (Elected Official) (driving)
Clerical (driving)

DATA PROCESSING

Computer Technician/Programmer (Director)
Computer Programmer/Data Processing

HEALTH DEPARTMENT

Dental Assistant
Nursing Assistant