



Administrative Services Committee Commission Chamber- 9/8/2014- 1:05 PM
Meeting

ADMINISTRATIVE SERVICES

1. Motion to approve an Ordinance to Amend the Augusta, GA Code Title One Article Four Section 1-7-51 Relating to the Adoption of Personnel Policies and Procedures of Augusta, Georgia; To approve edits to the FOLLOWING SECTIONS OF Chapter IV of THE Personnel Policies and Procedures Manual: 900.001, 900.006, 900.009, 900.011, 900.012 and 900.202; To Repeal All MANUAL PROVISIONS, Code Sections and Ordinances and Parts of Code Sections and Ordinances in Conflict Herewith; To Provide an Effective Date and For Other Purposes. **(Approved by the Commission August 5, 2014-second reading; referred from August 19 Commission meeting) (Referred from September 2 Commission meeting)** ☐ Attachments
2. Presentation by Mr. Ellis B. Albright regarding minority, disadvantaged, small, women and veteran owned businesses and proposal. ☐ Attachments
3. Motion to approve the minutes of the Administrative Services Committee held on August 11, 2014. ☐ Attachments

www.augustaga.gov



**Administrative Services Committee Meeting
9/8/2014 1:05 PM**

**AN ORDINANCE TO AMEND THE FOLLOWING SECTIONS OF CHAPTER IV OF THE
PERSONNEL POLICIES AND PROCEDURES MANUAL: 900.001, 900.006, 900.009, 900.011, 900.012
AND 900.202 WHICH RELATE TO SUBSTANCE ABUSE**

Department: Human Resources/Risk Management

Caption: Motion to approve an Ordinance to Amend the Augusta, GA Code Title One Article Four Section 1-7-51 Relating to the Adoption of Personnel Policies and Procedures of Augusta, Georgia; To approve edits to the FOLLOWING SECTIONS OF Chapter IV of THE Personnel Policies and Procedures Manual: 900.001, 900.006, 900.009, 900.011, 900.012 and 900.202; To Repeal All MANUAL PROVISIONS, Code Sections and Ordinances and Parts of Code Sections and Ordinances in Conflict Herewith; To Provide an Effective Date and For Other Purposes. **(Approved by the Commission August 5, 2014-second reading; referred from August 19 Commission meeting) (Referred from September 2 Commission meeting)**

Background: See attached.

Analysis: See attached.

Financial Impact: N/A.

Alternatives: Decline to approve at this time.

Recommendation: Approve.

**Funds are Available
in the Following
Accounts:** N/A.

REVIEWED AND APPROVED BY:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE AUGUSTA, GA CODE TITLE ONE ARTICLE FOUR SECTION 1-7-51 RELATING TO THE ADOPTION OF PERSONNEL POLICIES AND PROCEDURES OF AUGUSTA, GEORGIA; TO APPROVE EDITS TO THE FOLLOWING SECTIONS OF CHAPTER IV OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL: 900.001, 900.006, 900.009, 900.011, 900.012 AND 900.202; TO REPEAL ALL MANUAL PROVISIONS, CODE SECTIONS AND ORDINANCES AND PARTS OF CODE SECTIONS AND ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, Augusta, Georgia desires to update and amend the Code as related to Chapter IV of the Personnel Policies and Procedures Manual which contains provisions related to substance abuse;

THE AUGUSTA, GEORGIA COMMISSION, ordains as follows:

SECTION 1. Appendix B to the Augusta, Georgia Code as incorporated in AUGUSTA, GA. CODE Section 1-7-51, also known as the Augusta, Georgia Personnel Policy and Procedures Manual is hereby amended by striking the following sections of the version of the Manual passed on December 6, 2011 (via Ordinance Number 7311): Sections 900.001, 900.006, 900.009, 900.011, 900.012 and 900.202. The sections being stricken are shown on Exhibit A attached hereto. Such sections shall be replaced with identically numbered sections as shown on Exhibit B attached hereto.

SECTION 2. This ordinance shall become effective on the first day of the first month following adoption in accordance with AUGUSTA, GA. CODE Section 1-7-51.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted this ____ day of _____, 2014.

David S. Copenhaver
As its Mayor

Attest:

Lena J. Bonner, Clerk of Commission

Seal:

CERTIFICATION

The undersigned Clerk of Commission, Lena J. Bonner, hereby certifies that the foregoing Ordinance was duly adopted by the Augusta-Richmond County Commission on _____, 2014 and that such Ordinance has not been modified or rescinded as of the date hereof and the undersigned further certifies that attached hereto is a true copy of the Ordinance which was approved and adopted in the foregoing meeting(s).

Lena J. Bonner, Clerk of Commission

Published in the Augusta Chronicle.

Date: _____

First Reading:

Second Reading:

Exhibit A

STRIKE:

Section 900.001 Policy and Purpose

- A. ~~In recognition of the continued and growing problem of substance abuse, it is the policy of the Augusta, Georgia to take all reasonable measures to assure that drug and/or alcohol use by employees does not jeopardize the safety of its operations or otherwise adversely affect Augusta, Georgia employees, the community, or the public's trust in its ability to carry out its responsibilities.~~
- B. ~~Augusta, Georgia cannot and will not tolerate lapses in employee's ability to operate safely and productively. The policy of Augusta, Georgia is that if an employee required under this Policy to be tested for substance abuse either refuses or fails such test, the employee will be subject to disciplinary measures up to and including termination. Augusta, Georgia has a "Zero Tolerance" policy with respect to illegal substances. Employees found to be in violation of the "Zero Tolerance" policy will be terminated immediately.~~
- C. ~~The employees' cooperation with and adherence to the Augusta, Georgia's policies and procedures regarding substance abuse are conditions of their continued employment. If an employee violates or is insubordinate by refusing to cooperate with any of these policies and procedures, the employee is subject to disciplinary measures up to and including termination.~~
- D. ~~This Chapter contains the Augusta, Georgia Substance Abuse Policy. The use of the term "Augusta", in this document, refers to the Augusta, Georgia government. Augusta, Georgia will make a public announcement of this Policy. Employee training will be undertaken to ensure that each individual employee understands the Policy's requirements and his or her obligation to cooperate fully in the testing program.~~
- E. ~~All references within this Policy to regulations, processes and procedures are available to any employee for review in the Risk Management Office located in Room 217, Municipal Building, 530 Greene Street, Augusta, Georgia 30911.~~
- F. ~~Augusta, Georgia reserves the right to amend this Policy at any time, in its sole discretion, with 60 days' written notice to employees before implementation of the amendment(s).~~
- G. ~~PRESCRIPT NOTE: Federal law requires testing of certain employees within transit systems and holders of Commercial Drivers Licenses (49 CFR Parts 40 & 655). The testing requirements and procedures for these employees may be different than for employees tested under authority of Augusta, Georgia. Where a requirement of this Policy differs as to regular and transit or CDL employees, such difference will be noted. From time to time Federal and State will update/revise their respective regulations.~~

When such updates/revisions occur they will automatically become a part of this policy when they become Final Rule.

Section 900.006 Consequences for Violations

A. The following violations will result in an employee being terminated in accordance with Augusta's "Zero Tolerance" policy:

1. Employees who have drug test results confirmed by the Medical Review Officer a positive for a prohibitive substance;
2. Employees who have a confirmed alcohol content of .04 or above, while on duty, confirmed by an evidentiary breath testing device or blood alcohol content;
3. Employees who refuse to test under the provisions of this policy;
4. Employees who adulterate or substitute their specimens and reported by GC/MS and confirmed by the MRO.

B. CONSEQUENCES FOR OTHER VIOLATIONS:

1. Employees whose blood alcohol content is between .02 to .039 will be removed from duty for a minimum of 8 hours and will receive appropriate disciplinary action appropriate to the "Progressive discipline" policy provisions.
 2. Negative Dilute when reported by the MRO will require a second test under direct observation
-

Section 900.009 Actions Required for Positive Tests

A. Laboratory. Once a specimen has been tested as positive on an initial screening, a confirmatory test will be conducted prior to the laboratory's reporting the specimen as a positive result. Such test shall be performed by GCMS method.

1. Regular Employees. Once confirmed, the laboratory will report the results with allied documentation to the MRO, through the DER /Risk Management Office.
2. Transit Employees and CDL Holders: All laboratory reports will be sent from the laboratory testing facility directly to the MRO.

B. Medical Review Officer. The MRO will verify all positive test results by first reviewing laboratory reports, and confirming that a proper chain of custody (procedures to account for the integrity of each specimen by tracking its handling and storage from point of collection to final disposition) was followed.

1. The MRO will then contact the employee to discuss the positive result.
2. If verification of prescription drug use is required in connection with the MRO's investigation of a positive result, the MRO shall meet personally with the employee.
3. Otherwise, the MRO may contact the employee by telephone.

4. ~~If the MRO finds that a valid medical reason explains the positive result, the MRO will report the test results to Risk Management as negative.~~
 5. ~~If the MRO is unable to find a valid medical reason for a positive result, the positive result will be reported to the Designated Employer Representative as positive.~~
 6. ~~As a qualified medical professional, the MRO's medical judgment cannot be overturned by an arbitrator, employer, or anyone else in the testing program (in accordance with Federal Regulations—40.149)~~
- C. ~~Risk Management.~~ For all employees other than Transit Employees and CDL Holders, Risk Management receives positive reports from the laboratory and forwards those reports to the MRO. (Reports for Transit Employees and CDL Holders are forwarded from the laboratory directly to the MRO, as outlined in the Medical Review Officer section above.
1. ~~Risk Management is informed of a confirmed positive test result, by the MRO; the Risk Manager (DER) will immediately contact the department of such results and have the employee immediately removed from duty. In accordance with Augusta's "Zero Tolerance" policy, a confirmed positive test result for an illegal substance results in immediate termination from employment for a violation of this policy.~~
- D. ~~Department Management.~~ Upon notification by Risk Management that an employee has tested positive for an illegal substance, department management will immediately remove the employee from duty.
- E. ~~Human Resources Department.~~ Upon notification by Risk Management that an employee has tested positive for an illegal substance, the Human Resources Director will notify the employee that he/she has been terminated in accordance with Augusta's "Zero Tolerance" policy and will notify the employee of their appeal rights as contained in Section 300.014 and provide employee with a list of substance abuse programs.

Positive Alcohol Tests

1. ~~An employee with a confirmed blood alcohol level of 0.04 or higher is in violation of this Policy. Actions in Department Manager section above will apply.~~
2. ~~Employees who are found to have an alcohol concentration of 0.02 or greater but less than 0.04 will not be permitted to perform the job duties until: The employee's alcohol concentration measures less than 0.02; or the start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.~~

Section 900.011 Review of Termination

An employee terminated pursuant to this chapter may appeal their termination in accordance with Section 300.014.

Section 900.012 Rehiring Terminated Employees

- A. ~~Non safety sensitive Employees being terminated for violation of this Policy will not be considered for rehire by Augusta, Georgia for a period of three months from the date the individual *successfully completes an approved rehabilitation program* (acceptable proof of completion of an approved rehabilitation program will be required before rehiring will be considered).~~
- B. ~~Non safety sensitive Employees who resign after being notified of a positive test result, by the MRO or through the administrative process, will not be considered for rehire by Augusta, Georgia, for a period of three months from the date the individual successfully completes an approved rehabilitation program. Acceptable proof of completion of an approved rehabilitation program will be required before rehiring will be considered.~~
- C. ~~Except as provided in sub-section E below, safety sensitive Employees being terminated for violation of this Policy will not be considered for rehire by Augusta, Georgia for a period of one year from the date the individual *successfully completes an approved rehabilitation program* (acceptable proof of completion of an approved rehabilitation program will be required before rehiring will be considered).~~
- D. ~~Safety sensitive Employees who resign after being notified of a positive test result, by the MRO or through the administrative process, will not be considered for rehire in a safety-sensitive position for a period of one year from the date the individual *successfully completes an approved rehabilitation program*. Acceptable proof of completion of an approved rehabilitation program will be required before rehiring will be considered.~~
- E. ~~Safety sensitive Employees that are terminated (or resign) for a violation of this policy may be considered for rehire into a **non-safety sensitive position** three months from the date the individual *successfully completes an approved rehabilitation program*. Acceptable proof of completion of an approved rehabilitation program will be required before rehiring will be considered.~~
- F. ~~Any employee re-hired after being terminated (or resigning) for a violation of this policy is subject to additional random and non-random drug testing for a period of one year following their rehire date as provided in Section 900.202(E)(2).~~
- G. ~~Any employee terminated for "test refusal" as defined by Section 900.004(S) shall not be eligible for rehire.~~

Section 900.202 Rehabilitation Policy

- A. ~~Voluntary Participation:~~
 - 1. ~~When a regular employee (not probationary, part time or temporary) comes forward PRIOR to notification of a random or for cause test or PRIOR to an accident and/or injury, seeking help with a substance abuse problem, that employee will be allowed to enter an approved rehabilitation program, as outlined below. The employee is subject to all of the provisions of the rehabilitation policy.~~

- ~~2. If a regular employee DOES NOT come forward as described above, and tests positive on an illegal substance screening, that employee will be immediately terminated from employment.~~
 - ~~3. Any employee who desires to voluntarily participate in rehabilitation will be allowed to enter an approved detoxification and/or rehabilitation program with no Augusta, Georgia participation in cost other than as provided under the employee's group health insurance program.~~
 - ~~4. The employee will be allowed the use of any accrued leave time (sick and/or vacation) during his or her absence from work for this treatment. If there is no leave time available, the employee will be placed on leave without pay.~~
 - ~~5. Prior to returning to work, the employee shall submit to the Risk Management Division, in writing, proof of completion of the program and competence to return to work.~~
 - ~~6. Employees who have completed a detoxification and/or rehabilitation program will not be afforded any further opportunity by Augusta, Georgia or through Augusta, Georgia's resources to re-enter a detoxification and/or rehabilitation program for a second time.~~
- ~~B. Participation in Rehabilitation Directly through EAP.~~
- ~~1. If any employee comes forward voluntarily directly to the Employee Assistance Program (EAP) (without first going through either Human Resources or Risk Management), and the EAP finds that the employee is a risk to the safety of himself/herself and/or others, the EAP will notify Risk Management that the employee is seeking treatment directly through EAP.~~
 - ~~2. The employee will not be terminated from employment unless the employee fails to enter and successfully complete the substance abuse program designed for him/her by the EAP; however, such employee shall be placed on leave until such time as he/she is no longer considered a risk to the safety of himself/herself and/or others.~~
 - ~~3. The EAP will keep Augusta, Georgia informed of the employee's progress through the rehabilitation program.~~
 - ~~4. The employee will be required to sign a statement prior to being admitted to the EAP acknowledging that Augusta, Georgia may be notified of his entry into the program under the above circumstances.~~
- ~~C. Failure to Complete Rehabilitation. Employees who do not successfully complete a rehabilitation program will be terminated and may not be considered for re-hiring except as provided in Section 900.012. Acceptable proof of satisfactory completion of a rehabilitation program will be required before re-hiring will be considered.~~
- ~~D. Disciplinary Action. Referral to the EAP does not deprive Augusta, Georgia of the option of taking disciplinary action against any employee in accordance with this Policy.~~
- ~~E. Post Rehabilitation~~
- ~~1. Any employee who successfully completes a rehabilitation program and returns to work will be considered a probationary employee for the next three year period.~~
 - ~~a. The classification of "probationary" applies to substance abuse testing only, when used in the context of this Policy. The employee shall be responsible for the costs of such tests.~~
 - ~~b. An employee's refusal or failure of any such test will cause the employee to be immediately terminated.~~

2. ~~Prior to returning to work, the employee will be tested for illegal substances and will be tested on an unannounced basis thereafter during the period of probation, said testing not to exceed 12 times each year.~~

Exhibit B

REPLACE WITH:

Section 900.001 Policy and Purpose

- A. In recognition of the continued and growing problem of substance abuse, it is the policy of the Augusta, Georgia to take all reasonable measures to assure that drug and/or alcohol use by employees does not jeopardize the safety of its operations or otherwise adversely affect Augusta, Georgia employees, the community, or the public's trust in its ability to carry out its responsibilities.
- B. Augusta, Georgia cannot and will not tolerate lapses in employee's ability to operate safely and productively. The policy of Augusta, Georgia is that if an employee required under this Policy to be tested for substance abuse either refuses or fails such test, the employee will be subject to disciplinary measures up to and including termination. Augusta, Georgia has a "Zero Tolerance" policy with respect to illegal substances. Employees found to be in violation of the "Zero Tolerance" policy will be terminated immediately.
- C. The employees' cooperation with and adherence to the Augusta, Georgia's policies and procedures regarding substance abuse are conditions of their continued employment. If an employee violates or is insubordinate by refusing to cooperate with any of these policies and procedures, the employee is subject to disciplinary measures up to and including termination.
- D. This Chapter contains the Augusta, Georgia Substance Abuse Policy. The use of the term "Augusta", in this document, refers to the Augusta, Georgia government. Augusta, Georgia will make a public announcement of this Policy. Employee training will be undertaken to ensure that each individual employee understands the Policy's requirements and his or her obligation to cooperate fully in the testing program.
- E. All references within this Policy to regulations, processes and procedures are available to any employee for review in the Risk Management Office located in Room 217, Municipal Building, 530 Greene Street, Augusta, Georgia 30911.
- F. Augusta, Georgia reserves the right to amend this Policy at any time, in its sole discretion, with 60 days' written notice to employees before implementation of the amendment(s).
- G. PRESCRIPT NOTE: Federal law requires testing of certain employees within transit systems and holders of Commercial Drivers Licenses (49 CFR Parts 40 & 655). The testing requirements and procedures for these employees may be different than for employees tested under authority of Augusta, Georgia. Where a requirement of this Policy differs as to regular and transit or CDL employees, such difference will be noted. From time to time Federal and State will update/revise their respective regulations.

When such updates/revisions occur they will *automatically* become a part of this policy when they become Final Rule.

Section 900.006 Consequences for Violations

- A. The following violations will result in an employee being terminated in accordance with Augusta's "Zero Tolerance" policy:
 - 1. Employees who have drug test results confirmed by the Medical Review Officer a positive for a prohibitive substance,
 - 2. Employees who have a confirmed alcohol content of .04 or above, while on duty, confirmed by an evidentiary breath testing device or blood alcohol content,
 - 3. Employees who refuse to test under the provisions of this policy,
 - 4. Employees who adulterate or substitute their specimens and reported by GC/MS and confirmed by the MRO.
 - B. CONSEQUENCES FOR OTHER VIOLATIONS :
 - 1. Employees whose blood alcohol content is between .02 to .039 will be removed from duty for a minimum of 8 hours and will receive appropriate disciplinary action appropriate to the "Progressive discipline" policy provisions.
 - 2. Negative Dilute when reported by the MRO will require a second test under direct observation
-

Section 900.009 Actions Required for Positive Tests

- A. Laboratory. Once a specimen has been tested as positive on an initial screening, a confirmatory test will be conducted prior to the laboratory's reporting the specimen as a positive result. Such test shall be performed by GCMS method.
 - 1. Regular Employees. Once confirmed, the laboratory will report the results with allied documentation to the MRO, through the DER /Risk Management Office.
 - 2. Transit Employees and CDL Holders: All laboratory reports will be sent from the laboratory testing facility directly to the MRO.
- B. Medical Review Officer. The MRO will verify all positive test results by first reviewing laboratory reports, and confirming that a proper chain of custody (procedures to account for the integrity of each specimen by tracking its handling and storage from point of collection to final disposition) was followed.
 - 1. The MRO will then contact the employee to discuss the positive result.
 - 2. If verification of prescription drug use is required in connection with the MRO's investigation of a positive result, the MRO shall meet personally with the employee.
 - 3. Otherwise, the MRO may contact the employee by telephone.

4. If the MRO finds that a valid medical reason explains the positive result, the MRO will report the test results to Risk Management as negative.
5. If the MRO is unable to find a valid medical reason for a positive result, the positive result will be reported to the Designated Employer Representative as positive.
6. As a qualified medical professional, the MRO's medical judgment cannot be overturned by an arbitrator, employer, or anyone else in the testing program (in accordance with Federal Regulations - 40.149)
- C. Risk Management. For all employees other than Transit Employees and CDL Holders, Risk Management receives positive reports from the laboratory and forwards those reports to the MRO. (Reports for Transit Employees and CDL Holders are forwarded from the laboratory directly to the MRO, as outlined in the Medical Review Officer section above.
 1. Risk Management is informed of a confirmed positive test result, by the MRO; the Risk Manager (DER) will immediately contact the department of such results and have the employee immediately removed from duty. In accordance with Augusta's "Zero Tolerance" policy, a confirmed positive test result for an illegal substance results in immediate termination from employment for a violation of this policy.
- D. Department Management. Upon notification by Risk Management that an employee has tested positive for an illegal substance, department management will immediately remove the employee from duty.
- E. Human Resources Department. Upon notification by Risk Management that an employee has tested positive for an illegal substance, the Human Resources Director will notify the employee that he/she has been terminated in accordance with Augusta's "Zero Tolerance" policy and will notify the employee of their appeal rights as contained in Section 300.014 and provide employee with a list of substance abuse programs.

Positive Alcohol Tests

1. An employee with a confirmed blood-alcohol level of 0.04 or higher is in violation of this Policy. Actions in Department Manager section above will apply.
2. Employees who are found to have an alcohol concentration of 0.02 or greater but less than 0.04 will not be permitted to perform the job duties until: The employee's alcohol concentration measures less than 0.02; or the start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

Section 900.011 Review of Termination

An employee terminated pursuant to this chapter may appeal their termination in accordance with Section 300.014.

Section 900.012 Rehiring Terminated Employees

- A. Non safety-sensitive Employees being terminated for violation of this Policy will not be considered for rehire by Augusta, Georgia for a period of three months from the date the individual successfully completes an approved rehabilitation program (acceptable proof

of completion of an approved rehabilitation program will be required before rehiring will be considered).

- B. Non safety-sensitive Employees who resign after being notified of a positive test result, by the MRO or through the administrative process, will not be considered for rehire by Augusta, Georgia, for a period of three months from the date the individual successfully completes an approved rehabilitation program. Acceptable proof of completion of an approved rehabilitation program will be required before rehiring will be considered.
- C. Except as provided in sub-section E below, safety-sensitive Employees being terminated for violation of this Policy will not be considered for rehire by Augusta, Georgia for a period of one-year from the date the individual *successfully completes an approved rehabilitation program* (acceptable proof of completion of an approved rehabilitation program will be required before rehiring will be considered).
- D. Safety-sensitive Employees who resign after being notified of a positive test result, by the MRO or through the administrative process, will not be considered for rehire in a safety-sensitive position for a period of one year from the date the individual *successfully completes an approved rehabilitation program*. Acceptable proof of completion of an approved rehabilitation program will be required before rehiring will be considered.
- E. Safety-sensitive Employees that are terminated (or resign) for a violation of this policy **may be considered for rehire into a non-safety-sensitive position** three months from the date the individual *successfully completes an approved rehabilitation program*. Acceptable proof of completion of an approved rehabilitation program will be required before rehiring will be considered.
- F. Any employee re-hired after being terminated (or resigning) for a violation of this policy is subject to additional random and non-random drug testing for a period of one year following their rehire date as provided in Section 900.202(E)(2).
- G. Any employee terminated for “test refusal” as defined by Section 900.004(S) shall not be eligible for rehire.

Section 900.202 Rehabilitation Policy

- D. Voluntary Participation.
 - 1. When a regular employee (not probationary, part-time or temporary) comes forward PRIOR to notification of a random or for-cause test or PRIOR to an accident and/or injury, seeking help with a substance abuse problem, that employee will be allowed to enter an approved rehabilitation program, as outlined below. The employee is subject to all of the provisions of the rehabilitation policy.
 - 2. If a regular employee DOES NOT come forward as described above, and tests positive on an illegal substance screening, that employee will be immediately terminated from employment.
 - 3. Any employee who desires to voluntarily participate in rehabilitation will be allowed to enter an approved detoxification and/or rehabilitation program with no Augusta, Georgia participation in cost other than as provided under the employee's group health insurance program.

4. The employee will be allowed the use of any accrued leave time (sick and/or vacation) during his or her absence from work for this treatment. If there is no leave time available, the employee will be placed on leave without pay.
 5. Prior to returning to work, the employee shall submit to the Risk Management Division, in writing, proof of completion of the program and competence to return to work.
 6. Employees who have completed a detoxification and/or rehabilitation program will not be afforded any further opportunity by Augusta, Georgia or through Augusta, Georgia's resources to re-enter a detoxification and/or rehabilitation program for a second time.
- E. Participation in Rehabilitation Directly through EAP.
1. If any employee comes forward voluntarily directly to the Employee Assistance Program (EAP) (without first going through either Human Resources or Risk Management), and the EAP finds that the employee is a risk to the safety of himself/herself and/or others, the EAP will notify Risk Management that the employee is seeking treatment directly through EAP.
 2. The employee will not be terminated from employment unless the employee fails to enter and successfully complete the substance abuse program designed for him/her by the EAP; however, such employee shall be placed on leave until such time as he/she is no longer considered a risk to the safety of himself/herself and/or others.
 3. The EAP will keep Augusta, Georgia informed of the employee's progress through the rehabilitation program.
 4. The employee will be required to sign a statement prior to being admitted to the EAP acknowledging that Augusta, Georgia may be notified of his entry into the program under the above circumstances.
- F. Failure to Complete Rehabilitation. Employees who do not successfully complete a rehabilitation program will be terminated and may not be considered for re-hiring except as provided in Section 900.012. Acceptable proof of satisfactory completion of a rehabilitation program will be required before re-hiring will be considered.
- D. Disciplinary Action. Referral to the EAP does not deprive Augusta, Georgia of the option of taking disciplinary action against any employee in accordance with this Policy.
- E. Post-Rehabilitation
1. Any employee who successfully completes a rehabilitation program and returns to work will be considered a probationary employee for the next three-year period.
 - a. The classification of "probationary" applies to substance abuse testing only, when used in the context of this Policy. The employee shall be responsible for the costs of such tests.
 - b. An employee's refusal or failure of any such test will cause the employee to be immediately terminated.
 2. Prior to returning to work, the employee will be tested for illegal substances and will be tested on an unannounced basis thereafter during the period of probation, said testing not to exceed 12 times each year.

CHAPTER IV.

SUBSTANCE ABUSE

A. GENERAL

Section 900.001 Policy and Purpose

- A. In recognition of the continued and growing problem of substance abuse, it is the policy of the Augusta, Georgia to take all reasonable measures to assure that drug and/or alcohol use by employees does not jeopardize the safety of its operations or otherwise adversely affect Augusta, Georgia employees, the community, or the public's trust in its ability to carry out its responsibilities.
- B. Augusta, Georgia cannot and will not tolerate lapses in employee's ability to operate safely and productively. The policy of Augusta, Georgia is that if an employee required under this Policy to be tested for substance abuse either refuses or fails such test, the employee will be subject to disciplinary measures up to and including termination. Augusta, Georgia has a "Zero Tolerance" policy with respect to illegal substances. Employees found to be in violation of the "Zero Tolerance" policy will be terminated immediately.
- C. The employees' cooperation with and adherence to the Augusta, Georgia's policies and procedures regarding substance abuse are conditions of their continued employment. If an employee violates or is insubordinate by refusing to cooperate with any of these policies and procedures, the employee is subject to disciplinary measures up to and including termination.
- D. This Chapter contains the Augusta, Georgia Substance Abuse Policy. The use of the term "Augusta", in this document, refers to the Augusta, Georgia government. Augusta, Georgia will make a public announcement of this Policy. Employee training will be undertaken to ensure that each individual employee understands the Policy's requirements and his or her obligation to cooperate fully in the testing program.
- E. All references within this Policy to regulations, processes and procedures are available to any employee for review in the Risk Management Office located in Room 217, Municipal Building, 530 Greene Street, Augusta, Georgia 30911.
- F. Augusta, Georgia reserves the right to amend this Policy at any time, in its sole discretion, with 60 days' written notice to employees before implementation of the amendment(s).
- G. PRESCRIPT NOTE: Federal law requires testing of certain employees within transit systems and holders of Commercial Drivers Licenses (49 CFR Parts 40 & 655). The testing requirements and procedures for these employees may be different than for employees tested under authority of Augusta, Georgia. Where a requirement of this Policy differs as to regular and transit or CDL employees, such difference will be noted.

From time to time Federal and State will update/revise their respective regulations. When such updates/revisions occur they will automatically become a part of this policy when they become Final Rule.

Section 900.006 Consequences for Violations

- A. The following violations will result in an employee being ~~placed on three days administrative leave with pay with a recommendation of~~ terminated in accordance with Augusta's "Zero Tolerance" policy:~~ion. At such time the recommendation of termination will be forwarded to the Human Resources Director for review. The Human Resources Director will schedule a conference with the Administrator or his or her designee to review the recommended termination.~~
1. Employees who have drug test results confirmed by the Medical Review Officer a positive for a prohibitive substance,
 2. Employees who have a confirmed alcohol content of .04 or above, while on duty, confirmed by an evidentiary breath testing devise or blood alcohol content,
 3. Employees who refuse to test under the provisions of this policy,
 4. Employees who adulterate or substitute their specimens and reported by GC/MS and confirmed by the MRO.
- B. CONSEQUENCES FOR OTHER VIOLATIONS :
1. Employees whose blood alcohol content is between .02 to .039 will be removed from duty for a minimum of 8 hours and will receive appropriate disciplinary action appropriate to the "Progressive discipline" policy *provisions*.
 2. Negative Dilute when reported by the MRO will require a second test under direct observation

Section 900.009 Actions Required for Positive Tests

- A. Laboratory. Once a specimen has been tested as positive on an initial screening, a confirmatory test will be conducted prior to the laboratory's reporting the specimen as a positive result. Such test shall be performed by GCMS method.
1. Regular Employees. Once confirmed, the laboratory will report the results with allied documentation to the MRO, through the DER /Risk Management Office.
 2. Transit Employees and CDL Holders: All laboratory reports will be sent from the laboratory testing facility directly to the MRO.
- B. Medical Review Officer. The MRO will verify all positive test results by first reviewing laboratory reports, and confirming that a proper chain of custody (procedures to account for

the integrity of each specimen by tracking its handling and storage from point of collection to final disposition) was followed.

1. The MRO will then contact the employee to discuss the positive result.
2. If verification of prescription drug use is required in connection with the MRO's investigation of a positive result, the MRO shall meet personally with the employee.
3. Otherwise, the MRO may contact the employee by telephone.
4. If the MRO finds that a valid medical reason explains the positive result, the MRO will report the test results to Risk Management as negative.
5. If the MRO is unable to find a valid medical reason for a positive result, the positive result will be reported to the Designated Employer Representative as positive.
6. As a qualified medical professional, the MRO's medical judgment cannot be overturned by an arbitrator, employer, or anyone else in the testing program (in accordance with Federal Regulations - 40.149)

C. Risk Management. For all employees other than Transit Employees and CDL Holders, Risk Management receives positive reports from the laboratory and forwards those reports to the MRO. (Reports for Transit Employees and CDL Holders are forwarded from the laboratory directly to the MRO, as outlined in the Medical Review Officer section above.

—Risk Management is informed of a confirmed positive test result, by the MRO; the Risk Manager (DER) will immediately contact the department of such results and have the employee immediately removed from duty. These test results will then be forwarded such results recommend to the Director of Human Resources, with a copy to be sent to the appropriate department director.

1. ~~that In accordance with Augusta's "Zero Tolerance" policy, a confirmed positive test result for an illegal substance results in immediate termination the employee should be placed on three days administrative leave with pay with a recommendation of termination~~ from employment for a violation of this policy.

D. Department Management. Upon notification by Risk Management that an employee has tested positive for an illegal substance ~~or be under the influence of alcohol~~, department management will immediately remove the employee from duty. refer the ~~and initiate a letter of termination to the employee to Human Resources for a decision regarding their termination, refer the employee to a Substance Abuse Professional and inform the employee of their right to appeal the decision.~~

D.E. Human Resources Department. Upon notification by Risk Management that an employee has tested positive for an illegal substance, the Human Resources Director will notify the employee that he/she has been terminated the employee in accordance with Augusta's "Zero Tolerance" policy and will notify the employee of their appeal rights as contained in Section 300.014 and provide employee with a list of substance abuse programs.

Positive Alcohol Tests

1. An employee with a confirmed blood-alcohol level of 0.04 or higher is in violation of this Policy. Actions in Department Manager section above will apply.
2. Employees who are found to have an alcohol concentration of 0.02 or greater but less than 0.04 will not be permitted to perform the job duties until: The employee's alcohol concentration measures less than 0.02; or the start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

Section 900.011 Review of Termination-Recommendation

~~The Human Resources Director or designee will schedule a grievance with the Administrator or designee to review the departmental recommendation of termination. The Administrator or designee will either uphold the recommendation for termination or reject the recommendation. An employee terminated pursuant to this chapter may appeal their termination in accordance with Section 300.014.~~

Section 900.012 Rehiring Terminated Employees

- A. Non safety-sensitive Employees being terminated for violation of this Policy will not be considered for rehire by ~~Augusta, Georgia~~ for a period of ~~one~~three year~~months~~ from the date the individual *successfully completes an approved rehabilitation program* (acceptable proof of completion of an approved rehabilitation program will be required before rehiring will be considered).
- B. Non safety-sensitive Employees who resign after being notified of a positive test result, by the MRO or ~~through the administrative process~~, will not be considered for rehire by Augusta, Georgia, for a period of ~~three months~~one year from the date the individual successfully completes an approved rehabilitation program. Acceptable proof of completion of an approved rehabilitation program will be required before rehiring will be considered.
- C. Except as provided in sub-section E below, safety-sensitive Employees being terminated for violation of this Policy will not be considered for rehire by Augusta, Georgia for a period of one-year from the date the individual successfully completes an approved rehabilitation program (acceptable proof of completion of an approved rehabilitation program will be required before rehiring will be considered).
- D. Safety-sensitive Employees who resign after being notified of a positive test result, by the MRO or through the administrative process, will not be considered for rehire in a safety-sensitive position for a period of one year from the date the individual successfully completes an approved rehabilitation program. Acceptable proof of completion of an approved rehabilitation program will be required before rehiring will be considered.
- E. Safety-sensitive Employees that are terminated (or resign) for a violation of this policy may be considered for rehire into a **non-safety-sensitive position** three months from the date the individual successfully completes an approved rehabilitation program. Acceptable proof of completion of an approved rehabilitation program will be required before rehiring will be considered.

F. Any employee re-hired after being terminated (or resigning) for a violation of this policy is subject to additional random and non-random drug testing for a period of one year following their rehire date as provided in Section 900.202(E)(2).

B-G. Any employee terminated for "test refusal" as defined by Section 900.004(S) shall not be eligible for rehire.

Section 900.202 Rehabilitation Policy

A. Voluntary Participation.

1. When a regular employee (not probationary, part-time or temporary) comes forward PRIOR to notification of a random or for-cause test or PRIOR to an accident and/or injury, seeking help with a substance abuse problem, that employee will be allowed to enter an approved rehabilitation program, as outlined below. The employee is subject to all of the provisions of the rehabilitation policy.
2. If a regular employee DOES NOT come forward as described above, and tests positive on an illegal substance screening, that employee will be immediately ~~recommended for termination~~ from employment.
3. Any employee who desires to voluntarily participate in rehabilitation will be allowed to enter an approved detoxification and/or rehabilitation program with no Augusta, Georgia participation in cost other than as provided under the employee's group health insurance program.
4. The employee will be allowed the use of any accrued leave time (sick and/or vacation) during his or her absence from work for this treatment. If there is no leave time available, the employee will be placed on leave without pay.
5. Prior to returning to work, the employee shall submit to the Risk Management Division, in writing, proof of completion of the program and competence to return to work.
6. Employees who have completed a detoxification and/or rehabilitation program will not be afforded any further opportunity by Augusta, Georgia or through Augusta, Georgia's resources to re-enter a detoxification and/or rehabilitation program for a second time.

B. Participation in Rehabilitation Directly through EAP.

1. If any employee comes forward voluntarily directly to the Employee Assistance Program (EAP) (without first going through either Human Resources or Risk Management), and the EAP finds that the employee is a risk to the safety of himself/herself and/or others, the EAP will notify Risk Management that the employee is seeking treatment directly through EAP.
2. The employee will not be terminated from employment unless the employee fails to enter and successfully complete the substance abuse program designed for him/her by the EAP; however, such employee shall be placed on leave until such time as he/she is no longer considered a risk to the safety of himself/herself and/or others.
3. The EAP will keep Augusta, Georgia informed of the employee's progress through the rehabilitation program.

4. The employee will be required to sign a statement prior to being admitted to the EAP acknowledging that Augusta, Georgia may be notified of his entry into the program under the above circumstances.
- C. Failure to Complete Rehabilitation. Employees who do not successfully complete a rehabilitation program will be terminated and may not be considered for re-hiring ~~for a period of one year from the date an approved rehabilitation program was successfully completed except as provided in Section 900.012.~~ Acceptable proof of satisfactory completion of a rehabilitation program will be required before re-hiring will be considered.
- D. Disciplinary Action. Referral to the EAP does not deprive Augusta, Georgia of the option of taking disciplinary action against any employee in accordance with this Policy.
- E. Post-Rehabilitation
 1. Any employee who successfully completes a rehabilitation program and returns to work will be considered a probationary employee for the next three-year period.
 - a. The classification of "probationary" applies to substance abuse testing only, when used in the context of this Policy. The employee shall be responsible for the costs of such tests.
 - b. An employee's refusal or failure of any such test will cause the employee to be immediately terminated.
 2. Prior to returning to work, the employee will be tested for illegal substances and will be tested on an unannounced basis thereafter during the period of probation, said testing not to exceed 12 times each year.



**Administrative Services Committee Meeting
9/8/2014 1:05 PM
Ellis Albright**

Department: Clerk of Commission

Caption: Presentation by Mr. Ellis B. Albright regarding minority, disadvantaged, small, women and veteran owned businesses and proposal.

Background:

Analysis:

Financial Impact:

Alternatives:

Recommendation:

**Funds are Available
in the Following
Accounts:**

REVIEWED AND APPROVED BY:

AGENDA ITEM REQUEST FORM

Commission meetings: First and third Tuesdays of each month - 5:00 p.m.
Committee meetings: Second and last Mondays of each month - 12:45 to 2:15 p.m.

Commission/Committee: (Please check one and insert meeting date)

☐ Commission	Date of Meeting	_____
☐ Public Safety Committee	Date of Meeting	_____
☐ Public Services Committee	Date of Meeting	_____
☒ Administrative Services Committee	Date of Meeting	11 AUGUST 14
☐ Engineering Services Committee	Date of Meeting	_____
☐ Finance Committee	Date of Meeting	_____

Contact Information for Individual/Presenter Making the Request:

Name: ELLIS B. Albright
 Address: 821 12TH ST
 Telephone Number: 706 722 0994
 Fax Number: 706 722 3115
 E-Mail Address: ellisalbright@business-league.org

Caption/Topic of Discussion to be placed on the Agenda:

MINORITY, Disadvantaged, SMALL, WOMEN
and Veteran Owned Businesses AND Propaganda

Please send this request form to the following address:

Ms. Lena J. Bonner
 Clerk of Commission
 Room 806 Municipal Building
 530 Greene Street
 Augusta, GA 30911

Telephone Number: 706-821-1820
 Fax Number: 706-821-1838
 E-Mail Address: lbonner@augustaga.gov

Requests may be faxed, e-mailed or delivered in person and must be received in the Clerk's Office no later than 5:00 p.m. on the Wednesday preceding the Commission or Committee meeting of the following week. A five-minute time limit will be allowed for presentations.



**Administrative Services Committee Meeting
9/8/2014 1:05 PM
Minutes**

Department: Clerk of Commission

Caption: Motion to approve the minutes of the Administrative Services Committee held on August 11, 2014.

Background:

Analysis:

Financial Impact:

Alternatives:

Recommendation:

**Funds are Available
in the Following
Accounts:**

REVIEWED AND APPROVED BY:



Administrative Services Committee Meeting Commission Chamber - 8/11/2014

ATTENDANCE:

Present: Hons. Lockett, Chairman; Davis, Vice Chairman; Fennoy, member.

Absent: Hons. Deke Copenhaver, Mayor; Jackson, member.

ADMINISTRATIVE SERVICES

1. Motion to approve the minutes of the Administrative Services Committee held on July 28, 2014. **Item Action:**
Approved

Motions

Motion Type	Motion Text	Made By	Seconded By	Motion Result
Approve	Motion to approve. Motion Passes 3-0.	Commissioner Mary Davis	Commissioner William Fennoy	Passes

www.augustaga.gov