




# Clayton County Police Department PROCEDURES

Subject <b>Drug &amp; Alcohol Policy</b>		Procedure # <b>C7</b>	
Authorizing Signature 	Effective <b>09-13-2023</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds	Total Pages <b>11</b>

## I. PURPOSE

To establish guidelines for drug and alcohol testing for employees of the Clayton County Police Department (CCPD) and to establish procedures for the proper handling of a positive test result, failure to report for testing, refusal to submit to testing, tampering or adulterating a test sample, and subsequent disciplinary action.

## II. POLICY

The Clayton County Police Department (CCPD) is firmly committed to high standards of employee health and fitness and a safe work place free of illegal drugs and abuse of legal drugs or alcohol. Consistent with that commitment, the CCPD has established this policy regarding drug and alcohol testing.

As a department of County government, the CCPD has compelling interests justifying the implementation of employee drug and alcohol testing. Citizens have a right to expect that those who have the responsibility of providing public safety services are at all times both physically and mentally prepared and capable of performing their assigned duties. Furthermore, every employee has the right to expect that their fellow employee is not impaired by drugs or under the influence of alcohol. There is sufficient evidence to conclude that the use of the alcohol and certain substances may impair an employee's ability to perform their job properly and safely.

When employees engage in alcohol or drug abuse, it can affect their productivity, decision-making, and overall job performance. It may also lead to accidents, injuries, and absenteeism. In addition, the safety, and even the lives, of citizens and fellow Clayton County employees could be jeopardized. To that end, it is the policy of the CCPD to conduct random drug testing of employees holding safety-related and drug-sensitive positions. Any employee who is found to violate this policy will be subject to disciplinary action, up to and including termination.

### III. DEFINITIONS

Alcohol: Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced. For the purpose of this policy, the term "Alcohol" will include distilled spirits, beer, malt beverage, or fortified wine.

Chain of Custody: Procedures to account for the integrity of each specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. An approved agency chain of custody form will, at a minimum, include an entry documenting date and purpose each time a specimen is handled or transferred and identifying every individual in the chain of custody.

Collection Site: The medical facility designated by the CCPD or by Clayton County (or any alternate collection site location authorized by these guidelines) where individuals present themselves for the purpose of providing a specimen of their blood, hair, saliva, perspiration, or urine to be analyzed for the presence of alcohol or drugs.

Collection Site Person: Any person authorized by the facility responsible for collecting the specimens to instruct or assist individuals at a collection site, or to receive and make an initial examination of the specimen provided by those individuals. A collection site person will have successfully completed training to carry out this function.

Confirmatory Test: A second test, using a scientifically accepted analytical method, to verify whether a specific substance or metabolite identified in an initial test is present in the specimen. The confirmatory test should use a different technique and chemical principle from that of the initial test, should be conducted by a different testing facility than the one that performed the initial test, or should include other steps that ensure the reliability and accuracy of the verification process.

Controlled Substance: Those Drugs or other substances, or immediate precursors, as listed or defined in Article 2 of Chapter 13 of the Official Code of Georgia Annotated (OCGA) relating to controlled substance or in any of the schedules of the federal Controlled Substances Act, 21 U.S.C. § 812. For the purpose of this policy, the term "controlled substance" will include marijuana as defined by paragraph (16) of the Official Code of Georgia Annotated (OCGA), § 16-13-21.

Drug: Any legal or illegal substance, including any controlled substance, that can be used in whole or in part to assist in the prevention, diagnosis, alleviation, or treatment of an illness or a symptom of an illness, or to modify or alter a physical attribute or a chemical process, mood, or function of the body of a human or other animal.

Drug-Sensitive Positions: All assignments to any international, federal, state, county, or other drug task force; all assignments to any international, federal, state, county, or other vice task force; and all assignments involving regular exposure or access to illegal drugs or to legal drugs suspected of being manufactured, produced, used, sold, distributed, or possessed unlawfully or for unlawful purposes.

Employee: Any individual employed by Clayton County in a position within the CCPD.

Illegal Drug: Any controlled substance other than those being used pursuant to a valid medical prescription.

Initial Test: (Also known as a "screening test") means an immunoassay screen to eliminate "negative" specimens from further consideration.

Manufacture: The creation, preparation, propagation, compounding, or processing of a substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis.

Medical Review Officer: A medically-trained individual who reviews positive test results and other information in order to assess whether the employee may have been taking valid prescription medication that would explain the positive test results.

MRO Assessment: The Medical Review Officer's assessment of the possible existence of a prescription medication explanation for a positive test result, which is to include the information specified in Section IX.C. of this policy.

Off-Duty: Anytime an employee is not on-duty.

On-Duty: Anytime and anywhere an employee is performing work, conducting business, or representing any interests for the CCPD includes but is not limited to working a law enforcement related job for an employer other than Clayton County.

Permanent Record Book: A permanently bound book in which identifying data on each specimen collected at a collection site is permanently recorded in the sequence of collection.

Production: The planting, cultivation, growing, or harvesting of a substance of natural origin.

Reasonable Suspicion: That quantity or proof of evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, objective facts and may rationally derived inferences from those facts about the conduct of an individual that would lead a reasonable person to suspect that the individual is or has been using illegal drugs while on-duty or off-duty, is under the influence of, or otherwise impaired by, alcohol or drugs while on-duty, or is abusing alcohol or drugs while on-duty or off-duty.

Safety-Related Positions: All certified peace officers, animal control officers, E911 dispatchers and supervisors, and personnel assigned to any drug or terrorism task force.

Specimen: The sample of blood, hair, saliva, perspiration, urine, or other fluid or part of the employee's body that is provided for the purpose of testing for drugs or alcohol pursuant to this policy.

Testing Facility: The laboratory or other facility responsible for performing an analysis of a specimen to detect the levels of alcohol or drugs present in the specimen.

Testing Facility Report: The report completed by the testing facility, identifying the person tested, the tests performed, the substances tested for, whether the results were negative or positive, the quantitative results for substances that tested positive, the specimen number assigned by the collection site person, and the testing facility specimen identification number.

#### **IV. GEORGIA POST STATEMENT ON CBD USE BY PEACE OFFICERS**

- A. State and federal law prohibit the unauthorized possession or use of Marijuana and some Marijuana derivatives such as THC. Peace Officers in Georgia are not exempt from these restrictions and the Georgia Peace Officer and Standards and Training Council (POST) has historically not tolerated the use of illegal drugs by peace officers.
- B. In 2018, the Farm Bill made hemp legal in the United States. Hemp and hemp products, with the exception of hemp-infused food and drinks, became legal in Georgia in May 2019. Hemp is defined by the U.S. government as containing "extremely low (not more than .3% on a dry weight basis) concentrations of THC." Among the most available and popular derivatives of hemp is CBD (cannabidiol.) There is an increasing market of legal products containing CBD and other products for various uses including relieving muscle soreness, anxiety, and insomnia.
- C. The effectiveness of CBD use for various maladies is disputed. Additionally, the production of products containing CBD is not well regulated, and quality control can vary from manufacturer to

manufacturer, even among products that are labeled “THC Free.” **Any use of CBD by a peace officer could trigger a positive result for THC on a drug screen.**

- D. **The Georgia POST Council will treat any positive test for THC as a failure of a drug test and may take action on the officer’s certification, regardless of the claim that the user may have been using a legal CBD product. While each case will be considered on its own merits, this serves as a notice to all peace officers that a peace officer using CBD is not necessarily a valid defense against laboratory results that show the presence of THC in the officer’s body, and that these results may have a negative effect on the officer’s certification.**
- E. **All peace officers should be wary of using products that might contain illegal substances, and should carefully evaluate use of these supplements.**

## **V. PROHIBITED ACTIVITIES**

All employees are prohibited from engaging in the following activities, unless authorized by law, by the employee’s official duties as a member of the CCPD, or in writing by the Chief of Police, the Assistant Chief of Field Operations, or the Deputy Chief of Support Operations:

- A. The manufacture, production, use, sale, distribution, or possession of any illegal drug, whether on-duty or off-duty;
- B. The unlawful manufacture, production, use, distribution, or possession of any drugs or alcohol while on-duty or off-duty;
- C. The use or possession of alcohol while on-duty;
- D. The sale, distribution, or provision of alcohol while on-duty or to others on-duty;
- E. Reporting to work, or being on-duty, while under the influence of, or otherwise impaired by, alcohol or any illegal drug;
- F. The off-duty abuse of alcohol or drugs that tends to undermine the reputation, authority, or operation of the CCPD or Clayton County; and
- G. Reporting to work, or on-duty, while under the influence of, or otherwise impaired by, any prescription medication that could affect the employee’s safe performance of their job duties.

## **VI. PRESCRIPTION MEDICATION**

An employee on-duty while taking any prescription medication is required to strictly follow the healthcare provider’s directions for use of such medication. It is the employee’s responsibility to notify the prescribing healthcare provider of the duties required by the employee’s position and to ensure that the healthcare provider has approved the use of the prescription medication while performing those duties. The employee is also responsible for notifying their superiors, in writing, through the chain-of-command of any medication or medication-imposed restriction that could affect the safe performance of their duties. Notification shall be in compliance of Clayton County Ordinance 70-137(d).

## **VII. TYPES OF TESTING**

- A. Pre-Employment Testing

Pre-employment drug testing of applicants for positions within the CCPD is governed by the Clayton County, Code of Ordinances, § 70-136 through § 70-139. At a minimum, all offers of

employment for safety-related positions and drug-sensitive positions within the CCPD are contingent on passing a pre-employment drug test.

B. Work-Related Accident Testing

Alcohol and drug testing are required whenever an employee is involved in a work-related accident involving Clayton County or CCPD property, or resulting in an injury to an employee that is likely to cause the injured employee to miss work.

The CCPD supervisor reporting the incident will contact the concerned Unit/Shift Commander immediately to notify them of the incident. The Unit/Shift Commander will immediately contact the County-contracted alcohol and drug testing facility to arrange for an immediate alcohol and drug test of the involved employee(s). Alcohol and drug testing for work-related accidents will be conducted on involved employees prior to the employees ending their tour of duty.

C. Deadly Force Used Testing

Post incident testing shall be required of employees that have been involved in incidents in which a firearm or means of deadly force were used, and the force used was expected to cause death or serious bodily injury when utilized as described in CCPD SOP A5: *Use of Force*.

D. Probationary Testing

1. Employees on probation for violating any of the provisions of Section V. A. through F. above, will be subject to testing without prior notice at irregular intervals throughout the term of the probation.
2. Probationary testing will be directed by the Chief of Police, or authorized designee, who will determine the dates of the probationary tests and will inform the employee when to report for testing. This testing will in no event be more frequent than twice in any given month.

E. Random Drug Testing

The CCPD will periodically conduct random drug testing, without prior notice, of employees holding safety-related or drug-sensitive positions. Random testing will be scheduled and administered by a third party administrator in concert with Division Commanders. Selections will be made by employee number that will be randomly chosen by computer.

F. Reasonable Suspicion Testing

1. Alcohol or drug testing may be required of any employee for whom reasonable suspicion exists to believe that such employee is or has been using illegal drugs while on-duty or off-duty, is under the influence of, or otherwise impaired by, alcohol or drugs while on-duty, or is abusing alcohol or drugs while on-duty or off-duty.
2. Any employee tested under reasonable suspicion may be placed on unpaid administrative leave while test results are pending.
3. The initial determination of whether or not reasonable suspicion exists will be made by the highest ranking supervisor on duty at the time, after consulting with the Division Commander.
4. Following the determination that reasonable suspicion exists that an alcohol or drug test should be administered, the employee will be immediately transported to a collection site by a supervisor, or authorized designee.

#### G. Initial and Periodic Testing for Drug-Sensitive Positions

1. Employees selected for assignment to drug-sensitive positions will be tested before the assignment begins.
2. In addition to random drug testing or any other drug testing permitted by this policy or by any ordinance, rule, regulation or policy adopted by Clayton County, Employees in drug-sensitive positions will be tested semi-annually, without prior notice. The scheduling of such semi-annual drug testing is left to the discretion of the Chief of Police or authorized designee.

#### H. Rehabilitation Testing

An employee returning from treatment for drug or alcohol dependency will be tested prior to returning to work and then will be subject to unannounced tests for a period not to exceed one (1) year, at the discretion of the Chief of Police.

### VIII. TESTING PARAMETERS

#### A. Specimen Collection Process

1. Employees may be transported or required to appear at a collection site in order to provide one (1) or more requested specimens. An employee's place of work may also serve as an alternate collection site location. Specimens will be collected only by the collection site person.
2. All employees subject to an alcohol or drug test will be asked, prior to the collection of any specimen(s), to complete a CCPD consent form like the one appearing in *Appendix A* to this policy. Employees subject to an alcohol or drug test may also be asked to complete one (1) or more authorization or consent forms presented by collection site person and/or testing facility personnel.
3. At no time will any employee, other than the employee being tested, handle specimens or in any way or manner become involved in the chain of custody process.
4. The collection site will have all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of specimens to a certified substance testing facility.
5. Security procedures will provide for the designated collection site to be secure. If a collection site is dedicated solely to specimen collection, it will be secure at all times. If a collection site or alternate collection site location cannot be dedicated solely to specimen collection, the portion of the collection site or alternate collection site location used for such collection will be secured during specimen collection.
6. Chain of custody standardized forms shall be properly executed by authorized collection site personnel upon receipt of specimens. Handling and transportation of specimens from one authorized individual or place to another shall be accomplished through chain of custody procedures. Every effort shall be made to minimize the number of persons handling specimens.
7. Employees will not be observed while providing a urine specimen, unless there is suspicion that an employee has tampered with a urine specimen. In such cases, any subsequent urine specimen production may be observed.

8. The collection of other types of specimens for testing, such as hair, blood, saliva, and perspiration, shall be done in conformity with recognized standards for collection such specimens and shall not be performed in a way that unnecessarily intrudes on the privacy of the person from whom the specimen is being taken.
9. Collection site personnel will take precautions to ensure that a specimen is not adulterated or diluted during the collection process and that information on the specimen storage container and in the record book can identify the individual from whom the specimen was collected.
10. The determination that a specimen is believed to have been adulterated, diluted, or otherwise tampered with is strictly based upon the judgment of the personnel of the collection site facility or the testing facility.
11. After a specimen is collected, it will be properly sealed and labeled. An approved chain of custody form will be used for maintaining control and accountability of each specimen from the point of collection to final disposition of the specimen. The date and purpose will be documented on an approved chain of custody form each time a specimen is handled or transferred and every individual in the chain will be identified.
12. If the collection site is not also the testing facility, collection site personnel will arrange to transport or ship the collected specimens to the substance testing facility. The specimens will be placed in containers designed to minimize the possibility of damage during transportation or shipment, and those containers will be securely sealed to eliminate the possibility of undetected tampering. On the tape sealing the containers, the collection site supervisor will sign and enter the date specimens were sealed in the containers for shipment. Collection site personnel will ensure that the chain of custody documentation is attached to each container sealed for transportation or shipment to the substance testing facility.
13. Only laboratory certified by the National Institute for Drug Abuse (NIDA) to perform body fluid tests for substance abuse detection will be used.
14. Adulterating, diluting, or otherwise tampering with a specimen is considered to be a violation of this policy.
15. Failure to provide an unaltered or undiluted specimen is deemed to be a violation of this policy.
16. Failure to appear at the designated collection site when directed or other failure or refusal to provide a specimen or any accompanying consent or authorization form for the collection or testing of such specimen is deemed to be a violation of this policy.

**B. Testing of Specimens/Positive Concentration Levels**

1. Every drug test specimen will, at a minimum, be tested for marijuana and cocaine.
2. Specimens may also be tested for alcohol or any other controlled substance.
3. The CCPD will not be limited to testing for only the substances described in this policy. Tests for other substances and by other scientifically accepted analytical testing methods may be made in particular cases.
4. Only laboratories accredited by the College of American Pathologists or certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) to perform body fluid tests or hair tests for substance abuse detection, as is appropriate based on the specimen(s) collected, will be used as a testing facility.

5. All testing of specimens shall be done in a manner that conforms to scientifically accepted analytical methods and procedures.
6. For testing of urine specimens, the following concentration levels for the listed substances will be used to determine whether an employee has tested positive.

Test	Substance Immunoassay Screen	Gas Chromatography/Mass Spectrometry Confirmation
Amphetamines	500 ng/mL	250 ng/mL
Cocaine	150 ng/mL	100 ng/mL
Ecstasy (MDMA, MDA, MDEA)	500 ng/mL	250 ng/mL
6-Acetylmorphine	10 ng/mL	10 ng/mL
Opiates Metabolites (Morphine/Codeine)	2000 ng/mL	2000 ng/mL
Marijuana metabolites	50 ng/mL	15 ng/mL
Phencyclidine (PCP)	25 ng/mL	25 ng/mL
Hydrocodone (HYC)/Hydromorphone (HYM)	300 ng/mL	100 ng/mL
Oxycodone	100 ng/mL	100 ng/mL

7. For purposes of testing for alcohol, and alcohol concentration level above 0.02 mg/dl will be considered to be a positive test.
8. For all substances not specifically listed in Section VIII. B. 6. or Section VIII. B.7. above, a positive test shall be based on the concentration levels that are generally accepted in the scientific or medical community as confirming the presence of the particular substance in the specimen tested.
9. All specimens identified as positive on the initial test will be followed by a confirmatory test, using gas chromatography/mass spectrometry (GC/MS) techniques or other scientifically accepted analytical method(s) for detecting the presence of the substance(s) that tested positive on the initial test.
10. **For purposes of this policy, a failed test for a substance means that the employee is under the influence of that substance.** What constitutes a failed test is described in Section IX. C., below.
11. Because some specimens deteriorate or are lost during freezing or storage, the amount of specimen necessary for any retesting is not subject to a specific requirement but must be sufficient to confirm the presence of the substance(s) that tested positive.
12. The testing facility will have a quality assurance program which encompasses all aspects of the testing process including, but not limited to, specimen acquisition, chain of custody, security and reporting of result, initial and confirmatory testing, and validation of analytical procedures.



13. The testing facility will have qualified personnel available to testify in a legal, administrative, or disciplinary proceeding involving an employee when that proceeding is based on test results reported by the testing facility.

## **IX. REPORTING AND REVIEWING TEST RESULTS; FAILED TESTS**

### **A. Reporting Test Results in General**

1. Before any test results are reported, the test and the results will be reviewed and certified as being accurate by the individual(s) responsible for conducting the test the testing facility.
2. The *Testing Facility Report* of the test results will identify the person tested, the tests performed, the substances tested for, whether the results were negative or positive, the quantitative results for substances that tested positive, the specimen number assigned by the collection site person, and the testing facility specimen identification number.

### **B. Reporting Negative Test Results**

1. The test facility will report as negative all specimens which do not have concentration levels showing positive test results on both the initial test and the confirmatory test.
2. All negative test results will be reported immediately to the Chief of Police or authorized designee.

### **C. Reporting Positive Test Results; Failed Tests**

1. If a specimen tests positive on both the initial test and the confirmatory test, the testing facility will send the *Testing Facility Report* to a Medical Review Officer designated by the CCPD or by Clayton County. The Medical Review Officer will evaluate the test results and attempt to contact the employee in order to assess whether there is a valid prescription medication explanation for the positive test results.
2. The Medical Review Officer may ask the employee to send documentation confirming a valid prescription that could explain the positive test results. The Medical Review Officer could also ask the employee for permission to contact the employee's healthcare provider to verify any prescriptions the employee claims could account for the positive test results. The employee is not required to give the Medical Review Officer such documentation or permission, but the failure to do so is considered a violation of this policy.
3. The Medical Review Officer will make an *MRO Assessment* of whether the positive test results can be attributed to prescription medication being taken by the employee. The *MRO Assessment* will include whether the Medical Review Officer discussed the positive test results with the employee, whether the employee offered a possible prescription medication explanation for the positive test results, the medication and dosage prescribed, whether the employee gave the Medical Review Officer documentation of the prescription(s) or permission to contact the healthcare provider who prescribed the medication, whether the Medical Review Officer was able to verify the validity of the prescriptions, and the Medical Review Officer's opinion as to whether a prescription medication explanation for the positive test results exists (including documentation of the prescription(s) or whether a prescribed dosage is consistent with the test results).
4. The Medical Review Officer will send the *MRO Assessment* and the *Testing Facility Report* to the Chief of Police or authorized designee.

5. **When test results are positive and the Medical Review Officer concludes there is no valid prescription medication explanation, the employee will be considered to have failed the drug or alcohol test.**
6. When test results are positive but the Medical Review Officer indicates that there may be a valid prescription medication explanation for the positive results, the Chief of Police or authorized designee will review the *MRO Assessment* and *Testing Facility Report* and determine if a further assessment is necessary, taking into consideration various factors, including but not limited to whether the employee holds a drug-sensitive position or safety-related position, the reason for the test, the type and concentration levels of the substances for which the employee tested positive, and the *MRO Assessment* and the *Testing Facility Report*.
7. The further assessment by the Chief of Police, or authorized designee, is for the determination of whether a prescription medication explanation is valid and whether the prescription medication being taken by the employee could impair the employee's ability to perform their job safely. The Chief of Police, or authorized designee, may consult with a physician, who is not treating the employee, to assist with the further assessment, which may include disclosure to the assisting physician of the attest results, *Testing Facility Report*, *MRO Assessment*, and other information relating to the test.
8. **If a further assessment by the Chief of Police or authorized designee results in a determination that prescription medication could not reasonably explain the positive test results, the employee will be considered to have failed the drug or alcohol test.**
9. If a further assessment by the Chief of Police, or authorized designee, results in a determination that there is a valid prescription medication explanation for the positive test results, the employee will not be considered to have failed the drug or alcohol test but may be removed from the employee's position if it is determined that the prescription medication could impair the employee's ability to perform the job safely.

D. Disclosure of Test Results

1. The testing facility may transmit the *Testing Facility Report* and, when requested, the quantitative test results or certified copy of the chain of custody documentation to the Chief of Police or authorized designee by electronic means (e.g., facsimile or computer), or by U.S. Mail or commercial delivery service in a package marked "Confidential." Results may not be provided verbally. However, the Chief of Police, or authorized designee, may discuss the *Testing Facility Report* or the quantitative test results with any testing facility personnel familiar with said report, the information contained in the report, or the testing of the employee. The testing facility must take steps to ensure confidentiality and security of the data transmission and limit access to any transmission, storage, and retrieval system.
2. The Medical Review Officer may transmit, the *MRO Assessment* to the Chief of Police or authorized designee by electronic means (e.g., facsimile or computer), or by U.S. Mail or commercial delivery service in a package marked "Confidential." The *MRO Assessment* may not be conveyed verbally. However, the Chief of Police or authorized designee may discuss the *MRO Assessment*, the *Testing Facility Report*, or the quantitative test results with the Medical Review Officer. The Medical Review Officer must take steps to ensure confidentiality and security of the data transmission and limit access to any data transmission, storage, and retrieval system.

3. The testing facility and Medical Review Officer will maintain employee records with the highest regard for employee privacy.
4. Except as required by law, the results of a positive drug or alcohol test will not be disclosed to anyone other than the Chief of Police, the Assistant Chief or the Deputy Chief, the Clayton County Personnel Director, their designees, and employees, agents, or representatives of Clayton County with a business need to know. However, an employee waives any confidentiality of a positive drug or alcohol test when bringing any grievance or legal action related to challenging the test, the testing procedures, or any disciplinary action arising from a positive test or any actual or alleged violation of this policy or related ordinance, rule, regulation or policy adopted by Clayton County. An employee also waives any confidentiality of a positive drug or alcohol test when seeking to collect unemployment benefits, workers' compensation benefits, or other benefits that may not be available because of a positive drug or alcohol test. This, test-related results or information may be disclosed to Clayton County's insurers, third party administrators for benefits or insurance, Georgia's State Board of Workers' Compensation, Georgia's Department of Labor, or other governmental agencies, administrative law judges, hearing officers, examiners, adjudicators, or parties when relevant to a legal dispute or claim for benefits.
5. Any employee who is the subject of a drug or alcohol test under this policy may make a written request for access to records relating to the test.

#### **X. DISCIPLINARY ACTION**

- A. Employees who violate any provision or requirement of this policy are subject to disciplinary action up to and including termination.
- B. Employees who have violated any of the provisions of Section V. A. through F. above, but are not terminated, may be placed on probation for one (1) year following the date of the violation and will be subject to probationary testing.
- C. Employees who fail a drug or alcohol test, but are not terminated, will be required to sign a contract agreeing to comply fully with a recovery program prescribed through the Clayton County Employee Assistance Program (EAP). For further information on the Employee Assistance Program (EAP) refer to Clayton County Code of Ordinances Section 70.171 et.al.  

Failure to comply with aftercare requirements will subject the employee to further disciplinary action up to and including termination. Employees who return to work during or after treatment for drug or alcohol dependency are subject to rehabilitation testing.
- D. Before any disciplinary action is taken pursuant to this policy, the employee will have the opportunity to provide a medical or other explanation for failing a drug or alcohol test or for otherwise violating this policy.
- E. The Chief of Police, or authorized designee, will make the final determination as to any disciplinary action taken pursuant to this policy, subject to any applicable review procedures available under the policies, procedures, rules or regulations of the CCPD or pursuant to Clayton County Ordinance 70-139.

#### **XI. CANCELLATION**

This procedure amends and supersedes the following standard operating procedure: *C7: Drug & Alcohol Policy*, dated November 23, 2020.