

## DRUG AND ALCOHOL TESTING POLICY

(replacing Drug and Alcohol Testing Policy dated July 9, 2002)

### 1. Purpose

The Meridian Airport Authority has a compelling proprietary interest in establishing reasonable conditions of employment. Prohibiting employee drug and alcohol use is one such condition. The Authority is concerned with the safety and welfare of its employees and the general public, the successful accomplishment of Authority missions, and the need to maintain employee productivity. The intent of this policy is to establish a drug and alcohol testing program for the Authority work force and to offer a helping hand to those employees who need it, while sending a clear message that any illegal drug and/or alcohol use is incompatible with Authority service.

References to the male gender in this policy is strictly for the purpose of clarity and ease of reading and are not intended to give preference to either sex.

### 2. A. Applicability

All employees of the Meridian Airport Authority and all applicants for employment, who are offered employment with the Meridian Airport Authority, shall be subject to drug and alcohol testing to the extent and in the manner provided for in this policy.

### B. Implementation

To be effective upon approval of the Meridian Airport Authority.

### C. Governing Law

The Meridian Airport Authority's drug and alcohol testing policy is governed and limited by Miss. Code Ann. § 71 -7-1, et seq. (as amended). This statement advises employees of the existence of this chapter.

### 3. Definitions

A "Alcohol" means ethyl alcohol.

B. "Employees" means all individuals working for the Authority either on a full time, part time or contract basis.

C. "Illegal drug" means any substance, other than alcohol, having

psychological and/or physiological effects on a human being and that is not a prescription or nonprescription medication, including controlled dangerous substances and controlled substances and controlled substance analogs or volatile substances that produce the psychological and/or physiological effects of a controlled dangerous substance through deliberate introduction into the body.

- D. Confirmation test" means a drug or alcohol test on a specimen to substantiate the results of a prior drug or alcohol test on the specimen. The confirmation test must use an alternate method of equal or greater sensitivity than that used in the previous drug or alcohol test. Alcohol testing by intoxilizer shall be confirmed by a second intoxilizer test performed within twenty minutes of the first.
- E. "Job Applicant" means any individual who has been offered employment with the Authority but has not yet commenced work.
- F. "Medical Review Officer" means a licensed physician, either a doctor of medicine or doctor of osteopathy, knowledgeable in drug abuse disorders and employed to help the Authority interpret, evaluate and monitor its drug testing program.
- G. "Negative Test" means a drug and/or alcohol test that does not show evidence of a prohibited drug and/or alcohol in an employee's or job applicant's system.
- H. "Nonprescription Drugs" means any and all drugs other than prohibited drugs and prescription drugs taken as a generally recognized treatment of a physical ailment.
- I. "Positive Test" means a test result that shows positive evidence of a prohibited drug and/or alcohol in an employee's or job applicant's system.
- J. "Prescription Drugs" means any drugs, including certain prohibited drugs prescribed by a licensed physician for medical reasons.
- K. "Prohibited Drug" means any drugs which are considered a part of the group of drugs, including alcohol, listed in Section 4 of this Drug and Alcohol Testing Policy.
- L. "Enforcing Officer" shall be an individual or individuals overseeing and implementing the Drug and Alcohol Testing Policy.
- M. "Drug and alcohol test" means a chemical test administered for the purpose of determining the presence or absence of a drug or alcohol or their metabolites in a person's specimen as defined in O below.

- N. "Employee Assistance Program" means a program provided by the Meridian Airport Authority offering assessment, short-term counseling and referral services to employees, including drug, alcohol and mental health programs.
- O. "Specimen" means a tissue or product of the human body chemically capable of revealing the presence of drugs and/or alcohol in the human body.

4. **Substances to be Tested for**

MAA will test for the use of drugs, including alcohol, in the following groups:

- a. 6-Acetylmorphine
- b. Amphetamines
- c. Barbiturates
- d. Benzodiazepines
- e. Benzoyllecgonine-Cocaine Metabolite
- f. Marijuana Metabolite
- g. MDMA-Methylenedioxymethamphetamine
- h. Methadone
- i. Methaqualone
- j. Opiates
- k. Phencyclidine
- l. Propoxyphene
- m. Alcohol

The above list may be amended from time to time to include testing for other drugs pursuant to prior approval by MAA and if the United States Department of Health and Human Services has established an approved testing protocol and a positive threshold for each such test. The MAA may test for all, or select some, of the substances listed above, at the discretion of the CEO or its designee.

5. **Notice of Testing Policy**

Written notice of the Authority's drug and alcohol testing policy shall be given to all Authority employees and all successful Authority job applicants. The notice shall contain the following information:

- A. A statement as to the Authority's policy concerning drug and alcohol testing.
- B. The procedure for confirming initial positive test results.
- C. The consequences of positive test results.
- D. The consequences of refusal to undergo a drug and/or alcohol test.
- E. The right to explain positive test results in appeal of procedures available.
- F. The availability of drug and alcohol abuse counseling and referral services.

6. **Reserved.**

7. **Random Testing**

All employees, to promote the health and safety of the employee and the public

at large (including other Authority employees) from the dangers posed by the use of illegal or prohibited drugs, will be randomly tested for use of prohibited drugs.

8. Reserved

9. Process for Random Testing of Employees for Prohibited Drug Use

- A. Random drug testing will be reasonably spaced throughout the calendar year and shall be scheduled at least once a month.
- B. The Authority will, during the course of a calendar year, randomly test a number of employees equal to at least 50% of all employees subject to random testing. The number of employees constituting 50% of Authority employees required to be tested will be calculated based on the number of -employees employed by the Authority.
- C. The random selection procedure will use a computer-based number generator that is matched to the employee's Social Security Number.
- D. In order to keep the selection process random, the employee's Social Security Number will be placed back in the computer after that employee is tested. Therefore, it is possible that a given employee may be randomly tested for prohibited drugs more than one time in a given year and some employees may not be tested at all during a given year.

10. Consent

All employees and successful job applicants will be required to sign a consent form authorizing the test for prohibited drugs and alcohol and consenting to the release of the test results to the enforcing officer for the Authority, medical review officer and the testing laboratory.

11. Refusal to Consent

- A. Job Applicants: A job applicant who refuses to consent to a drug and/or alcohol test will not be considered for employment with the Authority.
- B. Employees: Any employee who refuses to consent to a drug and/or alcohol test will be deemed to have failed and be subject to paragraph 14 hereof.

Such employee shall also be subject to disciplinary action pursuant to the Authority Personnel Policy.

12. Confidentiality

- A. The results of the individual drug and/or alcohol test shall not be released to anyone other than the testing laboratory, the medical review officer and enforcing officer of the Authority without the express written authorization and consent of the individual. Also, without the employee's express written consent, the Authority shall not release employee records relating to drug and/or alcohol testing and drug and/or alcohol rehabilitation to any subsequent employer.
- B. In order to maintain confidentiality, written records of drug and alcohol testing will be stored in a secured location where they are not readily accessible.
- C. All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by the employer through its Drug and Alcohol Testing Program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with § 71-7-1 et seq.

13. Pre-employment Testing

As a prerequisite for employment with the Meridian Airport Authority, all job applicants offered employment with the Authority must submit to a drug and/or alcohol test prior to commencing employment. Part-time or temporary employees shall be drug and alcohol tested by the Authority.

14. Results of Positive or Dilute Test

- A. Employees. Any employee who does not regularly drive on the airfield or operate a fuel truck shall be referred to the Employee Assistance Program upon a first positive test. Any employee who refuses referral and/or does not successfully complete the EAP shall be deemed insubordinate and terminated. Any employee who regularly drives on the airfield or operates a fuel truck may be subject to transfer and mandatory referral to the EAP and/or immediate disciplinary action up to and including termination upon a first positive test. A second violation within 12 months of the first violation for any employee will result in immediate termination. The second violation occurring over 12 months from the first violation will result in the employee being subjected to appropriate disciplinary action up to and including termination.
- B. Any employee who previously has tested positive for prohibited drugs and/or alcohol may be given frequent unannounced drug and alcohol tests in addition to random testing. The period of such unannounced testing

may not exceed sixty (60) months after the initial confirmation test. In the event this employee tests positive again, the employee may be terminated.

- C. Job Applicant. Any job applicant who tests positive for prohibited drugs will not be considered for employment with the Authority.
- D. Any employee who attempts to adulterate, tamper with, substitute, misidentify or otherwise deceive the Authority shall be deemed to have had a positive test and may face disciplinary action, up to and including termination. If the urine specimen is determined to be negative and diluted (urine specimen with a creatinine level of less than 20 g/dl and a specific gravity of 1.003 or less) the donor will be required at the employer's request to refrain from drinking excessive amounts of fluids and provide with minimum possible advance notice specimen to be tested. The second test shall become the test of record.
- E. Right to Explain Positive Confirmed Test. Within five (5) working days after receipt of a positive confirmed test result report from the testing laboratory, the Authority shall inform the employee in writing of such positive test and inform the employee in writing of the consequences of such a report and the options available to him. The employee may request a copy of the test result report from the employer.

Within ten (10) working days after receiving notice of a positive confirmed test result, the employee may submit information in writing to the Authority explaining the test results, and why the results do not constitute a violation of the Authority's Drug and Alcohol Testing Policy. If the employee's explanation of the positive result is not satisfactory to the Authority, then a written explanation submitted by the Authority as to why the employee's explanation is unsatisfactory, along with the report of positive results, shall be made a part of the employee's confidential medical and personnel records.

15. Drug and Alcohol Testing Based on Reasonable Suspicion

In addition to random drug testing, the Authority may require any employee to submit to a drug and alcohol test if there is a reasonable suspicion that the employee is using prohibited drugs or alcohol. Reasonable suspicion must be based on specific physical, behavioral or performance indicators of probable drug and/or alcohol use. This is not limited to the employees that fall within the terms of paragraph 7, but is intended to include all Authority employees.

The following circumstances shall constitute grounds for reasonable suspicion. The circumstances in no means are intended to be all inclusive:

- A. Direct observation of drug and/or alcohol use by the employee.
- B. Abnormal behavior.
- C. Physical symptoms including, but not limited to, glassy or bloodshot eyes, slurred speech, poor coordination or reflexes.
- D. Information provided by reliable and credible sources.
- E. Excessive tardiness.
- F. Excessive absenteeism.
- G. Decrease in job performance.
- H. Repeated on-the-job mistakes.
- I. Frequent violation of on-the-job rules and regulations.
- J. Evidence that an employee has tampered with a drug and alcohol test during his employment with the Authority.
- K. Evidence that an employee is involved in the use, possession, sale, solicitation or transfer of prohibited drugs while working or while operating the Authority's vehicle(s), machinery or equipment.

Supervisors for the employees are required to detail in writing the facts, symptoms or observations which form the basis for their reasonable suspicion. Two (2) supervisors must agree that the circumstances constitute reasonable suspicion of drug and/or alcohol use before an employee can be required to take a drug and/or alcohol test under this provision.

16. Post Accident Testing

All employees of the Meridian Airport Authority involved in work-related accidents, regardless of whether or not the accident involves personal injury or damage to property, may be required immediately to submit to a drug and/or alcohol test. A drug and/or alcohol test may be conducted if the employee involved in the accident is not clearly without fault or if his performance contributed or may have contributed to the accident in the judgment of the employee's supervisor (which shall constitute reasonable suspicion of prohibited drug or alcohol use as set forth in Section 15). The drug test will be given as soon as possible after the accident, but not later than 32 hours after the accident. The alcohol test will be given as soon as possible after the accident, but not later than eight (8) hours after the accident. The employee's supervisor should take reasonable steps to obtain a urine and/or breath sample, at the collection site (Rush Foundation Hospital, Meridian, MS) as soon as feasible after the accident. In the event of injury requiring emergency treatment or hospitalization, the hospital in question may be requested to obtain a urine and/or breath sample. If the employee is rendered unconscious by the accident or otherwise unable to consent to the drug test, the Authority may request the treating facility to take a urine sample. Each employee shall provide the Authority with written permission by execution of an Acknowledgment and Consent Form authorizing the Authority to order a drug and/or alcohol test on the employee when the employee is unconscious or otherwise unable to do so after an accident. This permission may be furnished by the Authority to the treating facility if required.

17. Cost of Drug Testing

The Authority will bear the cost of all required drug and alcohol tests for job applicants and employees. The employee or job applicant shall pay the costs of any additional drug tests requested by the employee or job applicant.

18. Testing Procedures

The drug and alcohol testing will be performed by a laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Mississippi State Board of Health, or which demonstrates satisfactory performance in the proficiency testing program of the National Institute on Drug Abuse, the College of American Pathology, the National Association for Clinical Chemistry, or an equivalent testing program.

19. Storage of Urine Specimens and Re-Testing

- A. All urine specimens that test positive for prohibited drugs must be retained by the drug testing laboratory in frozen storage for at least 365 days. The storage facility must be properly secured.
- B. Within this 365-day period, the employee's representatives or the employee may request that the laboratory retain specimen for an additional period of time. However, if within the initial 365-day period the laboratory has not received written notification to retain the specimen for an additional specified reasonable period of time, the specimen may be discarded following the end of the 365-day period.
- C. If the medical review officer determines that there is no explanation for the positive test result other than the unauthorized use of a prohibited drug, the original specimen must be retested if the employee makes a written request for retesting within ninety (90) days of the receipt of the final test result.
- D. The employee may request retesting by the same laboratory or a second laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMHSA), the Mississippi State Board of Health, or which demonstrates satisfactory performance in the proficiency testing program of the National Institute on Drug Abuse, the College of American Pathology, the National Association for Clinical Chemistry, or an equivalent testing program.
- E. The employee shall be required to pay in advance the cost of shipment and reanalyzing of the specimen. The employee shall be reimbursed for such expense by the Authority if the retest is negative.

- F. If the employee specified retesting by a second laboratory, the original laboratory must then follow approved chain of custody procedures in transferring a portion of the urine specimen.
- G. Termination pursuant to the policy is final and is not affected by a request to retest, made after the effective date of termination.

20. Right to Apply for Re-employment

- A. Any employee who has tests positive for use of prohibited drugs and/or alcohol and then leaves the employment of the Authority, can undergo rehabilitation at the employee's cost and expense. In the event the rehabilitation of the employee is completed within six (6) months and provided the employee gets a certification that he is clear from the use of prohibited drugs and/or alcohol, the employee will be eligible for reemployment with the Authority. This does not guarantee re-employment. If re-employed, this does not guarantee that the employee will have the same position or same salary that he had at the time of his termination.
- B. In addition to random testing, the employee who voluntarily undergoes rehabilitation will be subject to frequent unannounced testing for a period of sixty (60) months after the employee is re-employed by the Authority. An employee will be permanently terminated upon a positive test result.

21. Employee Assistance Program

The Authority shall maintain an Employee Assistance Program for its employees. The purpose of the Employee Assistance Program in relation to any drug and alcohol testing will be as follows:

- A. To inform employees of the Authority's policy prohibiting drug and alcohol abuse.
- B. To inform and educate employees of the assistance and treatment available to drug and alcohol abusers.
- C. To inform and educate employees of the hazards and effects of drug and alcohol abuse.
- D. To train supervisors and management to enable them to be able to identify the signs and symptoms related to employee drug and alcohol abuse.
- E. To display and distribute educational informational material and community service hotline numbers for employee assistance.

A community service hotline telephone number for employee drug or alcohol assistance is 601-483-4821 (Weems Community Mental Health Center). Employees may avail themselves of this program which, in some cases, may require treatment covered under the terms provided in the Authority's health insurance.

22. Medical Review Officer

The Authority, as a part of its drug and alcohol testing program, must employ or designate a Medical Review Officer (MRO) to interpret, evaluate and monitor its drug and alcohol testing program.

- A. The Authority shall contract for medical review officer services as part of its drug and alcohol testing program.
- B. The medical review officer must be a licensed physician, either a doctor of medicine or a doctor of osteopathy, knowledgeable in drug and alcohol abuse disorders, including but not limited to the medical effects of prescription drugs and the pharmacology and toxicology of illicit drugs.
- C. It is the responsibility of the medical review officer to review and interpret positive drug and alcohol tests pertaining to the drug and alcohol testing program. It shall be the duty of the medical review officer to review positive test results and determine whether any alternative medical explanation could account for the positive test results.

23. Record Keeping

- A. Records that demonstrate that the collection process conforms with the Authority's drug and alcohol testing policy must be kept for a period of three (3) years.
- B. Records of the employees' drug and alcohol test results that show an employee failed a drug and/or alcohol test and the reason for the test and records demonstrating rehabilitation, if any, must be kept for five (5) years.
- C. Records of employees' drug and alcohol test results that show an employee passed the drug and/or alcohol test must be kept for at least one (1) year.
- D. A record of the number of employees tested and the reason for such test must be kept for at least five (5) years.

24. Use of Prescription Drugs or Legal Nonprescription Drugs

The Authority recognizes that from time to time its employees, for medical

reasons, may be prescribed certain drugs by their physician, including certain prohibited drugs. The Authority also recognizes that employees may, from time to time for various medical reasons, take certain non-prescription drugs. Employees taking such drugs may be requested, or may wish to disclose that information to the collection site personnel prior to taking any drug test required by this policy. Said disclosure shall be confidential.

25. Notice of Conviction

- A. Any employee must notify the Authority, in writing, of any criminal drug statute conviction for a violation occurring in the work place no later than five days after such conviction. Within thirty (30) calendar days of receiving notification from the employee, the Authority will take appropriate action against said employee, up to and including termination; and/or require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement or other agency.
- B. Within ten (10) calendar days after receiving actual notice under subparagraph (A) from an employee engaged in the performance of a federal grant, the employer must notify the federal agency from which it received the grant of the conviction.

**END**

**ACKNOWLEDGMENT AND CONSENT FORM**

This form must be signed by all employees in a position covered by a Meridian Airport Authority Drug and Alcohol Policy and is intended to allow release of urine and/or breath specimen and drug test results necessary for implementation of that policy.

I understand and agree that, as a condition of initial employment and continued employment, I may be subjected to drug and alcohol testing procedures through urine and/or breath specimens as allowed or required by law, and as provided in the Authority's Drug and Alcohol Testing Policy. By my signature below, I agree to submit to these tests and further agree that the testing laboratory is authorized by me to provide the results of the test to the medical review officer. I further authorize and request my physicians and/or hospitals or clinics to collect urine and/or breath specimens according to the guidelines for post-accident testing in the Authority's drug policy, and to furnish the urine and/or breath specimens to testing laboratory or its designated agent.

I acknowledge receiving notice of this employee Drug and Alcohol Testing Program. I understand that I may be randomly selected for screening by urinalysis and/or breath analysis for the presence of prohibited drugs including alcohol. I understand that a confirmed positive result of that testing or refusal to submit to testing will result in consequences set forth in the Authority's written Drug and Alcohol Testing Policy and the Authority's Personnel Policy.

I have read the notice announcing the establishment of this employee Drug and Alcohol Testing Program.

\_\_\_\_\_  
EMPLOYEE NAME (PRINT)

\_\_\_\_\_  
EMPLOYEE SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
WITNESS NAME (PRINT)

\_\_\_\_\_  
WITNESS SIGNATURE

\_\_\_\_\_  
DATE