

SPECIAL MEETING/WORKSHOP OF CITY COUNCIL
JANUARY 28, 2021 – 4:00 PM
LIVESTREAM:
<https://www.facebook.com/cityofgtown/>



Notice of this meeting has been made in accordance with the
South Carolina Code of Laws as amended.

1. **CALL TO ORDER**
2. **ANNOUNCEMENT CONCERNING ELECTRONIC DEVICES**
3. **ROLL CALL**
4. **PLANNING AND COMMUNITY DEVELOPMENT**
 - A. **Review of Development Fees.**

Attachments:

 - 1 Briefing Document Review of Building Fees 2021 FINAL (PDF)
5. **ADMINISTRATION**
 - A. **Employee Random Drug Testing Update.**

Attachments:

 - 1 Briefing Document Re Employee Random Drug Testing (PDF)
 - 2 Employee Handbook Policy No.14-Employee Drug Use and Drug Testing (PDF)
 - 3 Employee Handbook Policy No.16-Employee Alcohol Use and Drug Testing (PDF)
 - 4 Employee Handbook Appendix A - Positions Required Random Drug Testing (PDF)
6. **ADJOURNMENT**
 - A. **Motion to adjourn the Special Meeting of City Council.**



120 North Fraser Street • Georgetown, SC 29440 • (843) 545-4000

INFORMATION ITEM

DOC ID: 3221 A

Council Meeting Date: 28 January 2021
Department: Housing and Community Development
Issue Under Consideration: Review of Development Fees.

See attached Briefing Document.

MAYOR
BRENDON M. BARBER, SR.

CTIY ADMINISTRATOR
SANDRA E. YUDICE, Ph.D.

CITY CLERK
STEPHANIE BUCCIONE



COUNCIL MEMBERS
HOBSON H. MILTON
TUPELO HUMES
AL JOSEPH
CAROL JAYROE
CLARENCE C. SMALLS
VACANT

Planning & Community Development
(843) 545-4010

To: Mayor and City Council
Prepared by: Angela Rambeau, Director, Planning and Community Development
Matthew Millwood, Planner, Planning and Community Development
Department: Planning and Community Development
Date Prepared: January 20, 2021
Subject: Building & Planning and Zoning Fees Review

Issue Background

The last time the Building and Planning and Zoning fees were increased in the City of Georgetown was 2006, as shown in the January 2007 edition of the City Clerk's Records (Attachment 1). Almost 15 years later, staff is of the opinion that, with a very strong housing and development market, it would be practical to review these Building & Planning fees to bring them in line with the cost of providing such services.

Discussion

Fee adjustments are not designed to negatively affect residents, but rather to allow contractors and developers to pay their fair share amount to (a) offset the City's costs of staff time, planning, plan review, inspections, etc. and (b) not put an undue burden on General Fund revenues from other sources. When the cost of providing these services is greater than the revenue generated by the Building and Planning and Zoning fees, it means that the cost is being subsidized by General Fund revenues from property taxes, business license fees, and other miscellaneous fees. For example, in FY 2020, the Building and Planning and Zoning fees generated approximately \$190,000 while the cost to operate the department was about \$620,000. This indicates that other revenues in the General Fund subsidized the negative difference of (\$430,000) between the revenues and expenses.

Further, a comparison of the current fees to other jurisdictions in the state, both local and of similar size to Georgetown, revealed that certain fees, such as the Residential Building fees, are about 33% lower than other jurisdictions. Below are two examples comparing the City's fees to Georgetown County. Attachment 2 includes a comparison of the current fees with two other jurisdictions.

Example 1: new single-family, residential construction, estimated at \$200,000 in the City vs County

- Current City Building & Planning Fees: **\$1,525.00**
- Georgetown County Building & Planning Fees: **\$2,454.25**

Example 2: new commercial/retail/restaurant use – 2,500 sq. ft. estimated at \$350,000 in the City vs County

- Current City Building & Planning Fees: **\$2,950.00**
- Georgetown County Building & Planning Fees: **\$6,049.75**

Alternatives

1. Adjust the fees.
2. Do not adjust fees.

Recommended Course of Action

After researching rates and fees from other municipalities across the state, it is recommended that moving forward with a fee adjustment is the best course of action in order for the City to recover its costs and minimize the impact on other sources of revenue in the General Fund. If there is consensus within City Council, we would like to engage the building community to assist with developing a fee structure that is reasonable for City Council's consideration through the FY 2022 budget process.

Timeline for Recommendation

As soon as practical, we will conduct virtual meetings with the building community in February to include any fees adjustments during the FY 2022 budget process.

Fiscal Impact

Depending on the proposed adjusted fees, the additional revenue raised would compensate for any subsidies currently funded through other sources of revenue in the General Fund.

Social Impact

It is expected that a proposed fee adjustment would have minimal impact on homeowners and small contractors. The higher percentage fee adjustment would reflect staff time and expertise that goes into providing complex services and should be absorbed by the development professionals.

Attachments

Attachment 1: City Clerk's Record

Attachment 2: Comparisons of Development Fees

Building Fees

(A) Building Code Fees for Residential Construction/Renovations

Up to 1, 000	for a valuation up to and including \$1,000.00 the fee shall be \$30.00
\$1,000 to \$50,000	\$30.00 for the first \$1000.00 plus \$6.00 for each additional thousand or fraction thereof to and including \$50,000.00
\$50,000 - \$100,000	\$315.00 for the first \$50,000 plus \$5.00 for each additional thousand or fraction thereof to and including \$100,000.00
\$100,000 – 500,000	\$550.00 for the first \$100,000 plus \$4.00 for each additional thousand or fraction thereof to and including \$500,000.00
\$500,000 and up	1950.00 for the first \$500,000 plus \$3.00 for each additional thousand or fraction thereof.
Plan Checking Fee:	When the proposed construction requires a plan to be submitted by the applicable building codes, a plans checking fee shall be paid to the Building Official at the time of the issuance of the building permit. Said plan checking fee shall be equal to one-half of the building permit fee.

(B) Building Code Fees for Commercial/Industrial Construction/Renovations

Up to 1, 000	for a valuation up to and including \$1,000.00 the fee shall be \$45.00
\$1,000 to \$50,000	\$45.00 for the first \$1000.00 plus \$7.00 for each additional thousand or fraction thereof to and including \$50,000.00
\$50,000 - \$100,000	\$375.00 for the first \$50,000 plus \$6.00 for each additional thousand or fraction thereof to and including \$100,000.00
\$100,000 – 500,000	\$650.00 for the first \$100,000 plus \$5.00 for each additional thousand or fraction thereof to and including \$500,000.00
\$500,000 and up	2250.00 for the first \$500,000 plus \$4.00 for each additional thousand or fraction thereof.
Plan Checking Fee:	When the proposed construction requires a plan to be submitted by the applicable building codes, a plans checking fee shall be paid to the Building Official at the time of the issuance of the building permit. Said plan checking fee shall be equal to one-half of the building permit fee.

If in the opinion of the Building Official the valuation of building or alteration of a structure (Commercial, Residential, or Industrial) appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimated cost to meet the approval of the Building Official. Permit valuations shall include total cost of construction, and must be determined by total square footage.

Building Fees

(C) Electrical, Mechanical, Plumbing and HVAC

All electrical, mechanical, plumbing and HVAC fees are based on the value per job as described in above values.

(D) Penalties – Stop work orders

Where work for which a permit is required is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment for such double fee shall not relieve any persons from fully complying with the requirements of the International Building Code in the execution of the work nor from any other penalties approved by the City code of ordinance.

(E) Mobile Home fees

For every mobile home requiring an inspection, the fee shall be \$75.00.

(F) Demolition Fee

For the demolition of any building or structure, the fee shall be \$150.00

(G) Moving Permit

For the moving of any building or structure the fee shall be \$100.00

(H) Permits not posted on-site

When work is permitted on site, any event in which the permit is not posted in a visible location, the fee shall be \$75.00.

(I) Re-inspections

When the permittee fails to have the facility open for inspection, or does not have construction at the proper stage for the inspection requested; the fee shall be \$75.00 for each such re-inspection, to be paid before the re-inspection is made.

(J) Business License/Change of Tenant Inspections

For the inspection of new businesses related to business license inspections and or change of tenant inspections the fee shall be \$25.00

(K) Construction Board of Appeals Board

Appeals from the Building Official or Fire Marshall's Decisions to the Construction Board of Appeals shall be charged \$300.00

Variance Request shall be charged \$150.00

All other Appeals made to the Construction Board of Appeals shall be charged \$150.00

Planning and Zoning Fees

Planning Fees:

(A) Fees for plan review. The following plan reviews will be charged their respective fees:

(1) Fees for Residential plans review:

- Subdivisions of ten (10) or less lots shall be charged \$20.00 for the first lot and \$5.00 for all additional lots.
- Subdivisions with more than ten (10) lots shall be charged a base fee of \$150.00 and \$5 per lot surcharge.
- Review of any required revisions on all subdivision reviews shall be charged a base fee of \$50.00

(2) Fees for Commercial and industrial plan review:

- Preliminary review of all commercial and/or industrial projects shall be charged a base fee of \$150.00 with a surcharge of \$5.00 per acre.
- Final review of commercial and/or industrial projects shall be charged a base rate of \$100.00, with a surcharge of \$5.00 per acre.
- Review of any required revisions shall be charged a flat rate fee of \$50.00

(3) As-builts shall be charged \$20.00 for review.

(4) All other platting actions shall be charged \$20.00 for review.

(B) Rezoning Request shall be charged as followings:

- Rezoning request to any district except Planned Development Districts shall be charged \$150.00
- Rezoning request to Planned Development Districts shall be charged according to the following scale:

Minor Subdivisions (1-3 Acres):

- Residential/Commercial/ Industrial Planned Developments shall be charged a base fee of \$ 500.00, plus \$10.00 per acre for every acre over the required minimum of one (1) acre.
- Mixed Use Planned Developments shall be charged a base fee of \$500.00, plus \$15.00 per acre for every acre over the required minimum if one (1) acre.

Request for changes to existing Minor Planned Developments shall be charged a base fee of \$100.00 plus \$3.00 per acre of affected area Residential and \$5.00 per acre of affected commercial/industrial/mixed use area of development.

Planning and Zoning Fees

Major Subdivisions (Over 3 acres):

- Residential/Commercial/Industrial Planned Developments shall be charged a base fee of \$ 500.00, plus \$3.00 per acre for every acre over the required minimum of (3) acres.
- Mixed Use Planned Developments shall be charged a base fee of \$ 500.00, plus \$5.00 per acre for every acre over the required minimum of three (3) acres.
- Request for Major changes to existing Major Planned Developments shall be charged a base fee of \$200.00 plus \$5.00 per acre of affected area Residential and/or \$10.00 per acre of affected commercial/industrial/mixed use area of development.

Zoning Fees

(A) **Commercial Plan Review** shall be charged \$100.00

(B) **Zoning Board of Appeals**

Appeals from the Zoning Administrators Decisions/interpretations to the Zoning Board of Appeals shall be charged \$300.00

Variance Request shall be charged \$150.00

All other Appeals made to the Zoning Board of Appeals shall be charged \$150.00

(C) **Architectural Review Board**

Applications made to the Architectural Review Board shall be \$30.00

Review of revisions shall be charged \$15.00

(D) **Sign Permit Fees**

- For all signs 10 square feet or less, a \$25.00 fee shall be required.
- For all signs exceeding 10 square feet, there shall be a fee based on the value of the sign as set forth in the Building code fee schedule with a \$45.00 minimum.
- For all construction signs, a sign permit fee of \$20.00 shall be required.
- For all temporary signs, a \$25.00 sign permit fee shall be required. (except those signs exempt from permitting as described in the Zoning Ordinance)
- Political signs shall post a \$250.00 deposit with the City in order to obtain a permit to erect campaign signs. Candidates will be refunded this deposit if all signs are removed by the seventh day following an election. If all signs are not removed within the required timeline, the deposit will be forfeited to the city to cover the cost of removal.

Planning and Zoning Fees

- All publicly owned, eleemosynary, religious, or philanthropic signs are exempt from any fee set forth herein.

Penalty

Double permit fees shall be required of any person(s) or firm who actually begins any work for which a permit is required by the Zoning Ordinance before obtaining such permit. Such person(s) or firm shall, in addition, be subject to all the penalty provisions of the Zoning Ordinance.

GIS Mapping Fees

Size	Zoning/Streets/City Limits/Misc.	Aerials
8 ½" x 11"	\$5.00	\$10.00
11" x 17"	\$12.50	\$15.00
C Size	\$15.50	\$30.00
D Size	\$22.50	\$35.00
E Size	\$42.00	\$50.00

Map requests requiring significant amounts of department resources or time are subject to an additional hourly rate of \$30.00 per hour.

Attachment 2

City Clerks Official Records - Development Fees				Georgetown County	City of Myrtle Beach	Conway
Building Fees:		Current Fees				
Residential	Up to 1,000	\$30		\$30	No Permit Required	\$30
	1,000 to 50,000	\$30 + \$6		\$30 + \$6.50	\$50 + \$5	\$30 + \$6
	50,000 to 100,000	\$315 + \$5		\$349 + \$5.50	\$175 + \$4.75	\$324 + \$5
	100,000 to 500,000	\$550 + \$4		\$624 + \$4.50	\$769 + \$4.50	\$574 + \$4
	500,000 and up	\$1950 + \$3		\$2,424 + \$3.50	\$1,244 + \$4.25	\$2,174 + \$3
	Plan Checking Fee	50% of building fee		50% of building fee	60% of building fee	50% of building fee
Commercial	Up to 1,000	\$45		\$50	\$.30 per sq. ft.	\$.30 per sq. ft.
	1,000 to 50,000	\$45 + \$7		\$50 + \$8.50	-	-
	50,000 to 100,000	\$375 + \$6		\$467 + \$6.50	-	-
	100,000 to 500,000	\$650 + \$5		\$792 + \$5.50	-	-
	500,000 and up	\$2250 + \$4		\$2992 + \$4.50	-	-
	Plan Checking Fee	50% of building fee		50% of building fee	60% of building fee	50% of building fee
Mobile Home Fees		\$75		\$100	\$35	\$150
Demolition Fee		\$150		\$50	\$150	\$150
Moving Permit		\$100		\$100	\$150	\$150
Re-inspection		\$75		\$100	\$100	\$35
Planning and Zoning Fees:						
Residential Plan Review	10 lots or less	\$20 + \$5		\$40 + \$10	-	\$100
	more than 10 lots	\$150 + \$5		\$400 + \$10	-	\$100

City Clerks Official Records - Development Fees			Georgetown County	City of Myrtle Beach	Conway
Commercial Plan Review	Preliminary review	\$150 + \$5	\$400 + \$10	-	-
	Final review	\$100 + \$5	\$200 + \$10	-	-
Rezoning Requests			\$250	\$500	\$250
Planned Development:					
<u>Minor Subdivision:</u>					
Res/Comm/Ind PD		\$500 + \$10	\$250 + \$10	\$1,250	\$2,500
Mixed Use PD		\$500 + \$15	\$250 + \$10	\$1,250	\$2,500
Changes to PD		\$100 + \$3/\$5	-	-	\$500
<u>Major Subdivisions:</u>					
Res/Comm/Ind PD		\$500 + \$3	\$250 + \$25	\$1,250	\$2,500
Mixed Use PD		\$500 + \$5	\$250 + \$25	\$1,250	\$2,500
Changes to PD		\$200 + \$5/\$10	-	-	\$500
Text Amendments			\$250	\$200	-
Commercial Review (Zoning)			-	\$200	-
Board of Zoning Appeals (BZA):	Appeal the Administrator	\$300	\$500	-	-
Board of Zoning Appeals (BZA):	Variance	\$150	\$250	\$100	\$100
All other Appeals			\$250	-	-
Architectural Review Board (ARB):					
New Business		\$30	\$250	-	-
Old Business		\$15	\$20	-	-



120 North Fraser Street • Georgetown, SC 29440 • (843) 545-4000

INFORMATION ITEM

DOC ID: 3222

Council Meeting Date: 28 January 2021
Department: Administration
Issue Under Consideration: Employee Random Drug Testing Update.

To provide Council members with an update on the City's employee random drug testing.

MAYOR
BRENDON M. BARBER, SR.

CITY ADMINISTRATOR
SANDRA E. YUDICE, Ph.D.

CITY CLERK
STEPHANIE BUCCIONE



COUNCIL MEMBERS
HOBSON H. MILTON
TUPELO HUMES
AL JOSEPH
CAROL JAYROE
CLARENCE C. SMALLS
VACANT

Executive Offices
(843) 545-4001

To: Mayor Brendon Barber, Sr. and Members of City Council
Prepared by: Gladys Rutledge-Livingston
Department: Administration
Date Prepared: 1/22/2021
Subject: Employee Random Drug Testing

Issue Background

- At the request of Councilmember Humes, Administration and Human Resources has been asked to review the City practices and procedures regarding random drug screening.
- At the request of Councilmember Humes, Administration and Human Resources has been asked to include Councilmembers to be a part of the random drug screening process.
- At the request of Councilmember Humes, Administration and Human Resources has been asked to look into another service provider to administer the City's random drug testing services.

Discussion

Human Resources has consulted with the Municipal Association of South Carolina Labor Attorney – Kevin Sturm of Sturm & Cont, P.A. regarding the City's current Drug & Alcohol policies for review to ensure that the policies are in compliance with local and federal state laws.

It has been determined that the City's Handbook Policies No: 14 - Employee Drug Use and Drug Testing, No: 16 - Employee Alcohol Use and Drug Testing, and City Handbook Appendix A – Positions Required for Random Drug Testing are in compliance and up to date in accordance with local and federal state laws.

In addition, Human Resources has consulted with Attorney Sturm regarding the request of updating the current aforementioned handbook policies to reflect all Councilmembers and all City employees to be included in the random drug screening process. Currently the policy reflects the City's Safety Sensitive positions, and positions requiring Commercial Driver's License (CDL), that are subject to random drug testing as being enrolled. The City currently utilizes Doctor's Care as the primary Medical Provider for testing's and treatments in collaboration with City's Worker's Compensation administrator – South Carolina Municipal Insurance Trust (SCMIT).

It has been determined that the inclusion of both Councilmembers and all City employees would be considered unlawful. The City is a public employer and the Constitution applies to the workplace. All employees are covered by the 4th Amendment – prohibition against unreasonable searches and seizures. A drug test is classified as a search and the City is only allowed to do a search of a public employee under

Drawer 939
Georgetown, SC 29442

certain limited circumstances. In regards to random drug testing, It is constitutionally permissible if it serves special governmental needs. The circumstances in which special government needs exist includes:

- Pre-employment
- Reasonable suspicion
- Incidents and/or Accidents related to Workers Compensation
- Post – Accident
- Safety sensitive and CDL positions (refer to City Handbook Appendix A)

Furthermore, Human Resources researched other drug testing sites to consider as the primary provider for the City's drug tests. Currently, Doctors Care is the City's primary Medical Provider for drug tests and treatments. They are open 7 days a week and able to accommodate our employees for immediate needs and after work hour's needs. In addition, they are the City's first point of contact for all Worker's Compensation claims and referrals. In close proximity to the City, there is a drug testing site called Carolina Testing, however they are only open Monday – Friday, 9:00 a.m. – 5:00 p.m. and they only provide drug/alcohol testing, physical assessments and health assessments. They would not be able to accommodate the City's Worker's Compensation needs and after hour incidents.

It has been determined that the current City's primary medical provider (i.e., Doctors Care) is best suited to accommodate the City's various needs.

Alternatives: N/A

Recommended Course of Action

Continue to have the City's handbook policies reviewed by Labor Attorney to ensure they are in compliance with State and Federal laws.

Continue with Doctors Care as the City's primary Medical Provider for tests and treatments in collaboration with the City's Worker's Compensation administrator – South Carolina Municipal Insurance Trust (SCMIT)

Timeline for Recommendation

Immediately continue with current policy without interruption.

Fiscal Impact: N/A

Social Impact: N/A

Environmental Impact: N/A

Attachments:

City Handbook Policy No: 14 – Employee Drug Use and Drug Testing

City Handbook Policy No: 16 - Employee Alcohol Use and Drug Testing

City Handbook Appendix A – Positions Required for Random Drug Testing

EMPLOYEE DRUG USE AND DRUG TESTING

It is well-recognized that drug abuse has a harmful effect on public health and safety, on the welfare of employees, on morale and on productivity. Furthermore, it is the policy of the City of Georgetown to comply with the Drug Free Workplace Act, to comply with applicable government regulations, to establish and maintain drug free workplaces and to prohibit the unauthorized or unlawful manufacture, distribution dispensation, possession and use of controlled substances on or off the job.

For these reasons, the City of Georgetown adopts the following policy:

I. GENERAL RULE

All employees of the City of Georgetown are prohibited from swallowing, inhaling, injecting, dealing in, or otherwise using illegal drugs and substances (such as marijuana, cocaine, LSD, heroin, etc.) and prescription drugs which are not prescribed for the employee's use. This prohibition applies to use at any time, both on-the-job and off-the-job. City of Georgetown employees are, of course, permitted to possess any substance when required by their jobs or for the purpose of lawful delivery to another person.

II. APPLICANTS FOR EMPLOYMENT

The City of Georgetown will conduct pre-employment drug tests for all applicants tentatively selected for employment. The City shall not hire any applicant tentatively selected for employment who refuses to submit to a drug test or who tests positive for use of non-prescribed controlled or unlawful drugs or substances. Any applicant who is rejected under this policy may be considered for future vacancies if he or she can demonstrate they are no longer a user of any unlawful substances. (This may include participation in and successful completion of a rehabilitation program as well as a negative drug test result.)

III. CURRENT EMPLOYEES

- A. All City employees will be subject to drug testing by urinalysis (or any other methodology deemed appropriate by the City) where "particularized suspicion" of drug use in violation of this policy exists or under other lawful conditions.
 - 1. Particularized suspicion can result from various types of employee behavior. The following is a list of some examples of when particularized suspicion is deemed to exist :
 - a. information that an employee has used illegal drugs or substances is provided by a reliable informant;
 - b. a serious accident occurs due to fault of the employee;
 - (1) "Serious accident" is defined as:
 - (a) an accident involving a fatality;
 - (b) an accident causing bodily injury which requires medical treatment away from the scene of the accident;
 - (c) an accident causing total aggregate property damage of at least \$2000 based on reliable estimates;

- c. an employee exhibits any of the following:
 - (1) extreme mood swings;
 - (2) slurred speech;
 - (3) unusual clumsiness;
 - (4) staggering;
 - (5) dilation of pupils;
 - (6) sleeping on the job or lethargy;
 - (7) excessive unexplained sweating; or
 - (8) other aberrational behavior.
 - d. an employee has been arrested for violation of drug laws;
 - e. an employee has admitted violating the Department's drug policy;
 - f. an employee has tested positive previously for illegal drugs within the past 2 years.
 - 2. Employees required by their jobs to possess a Commercial Driver's License must provide a specimen for testing within 32 hours following a serious accident for which they arguably are at fault. (Such employees who are injured and cannot provide a specimen at the time of the accident will provide necessary authorization for obtaining hospital reports or other documents which would indicate the presence of controlled substances in the employee's systems.)
 - 3. Employees required by their jobs to possess a Commercial Driver's License must submit to a drug test whenever they are issued a citation for a moving violation in connection with an accident.
 - 4. Particularized suspicion testing shall not be conducted without the approval of the City Administrator or his/her designee(s).
- B. Random testing for illegal or unauthorized drug use shall be conducted for all employees in safety sensitive positions, all fire personnel and all sworn police officers.
 - C. Random testing for illegal or unauthorized drug use shall be conducted for all employees who are required by their jobs to possess a Commercial Driver's License. (A list of positions subject to random testing is attached as Appendix A.)
 - D. If an employee refuses to submit to a drug test when ordered to do so, the City shall terminate the employee.

IV. **TESTING PROCEDURE**

- A. Drug testing will be by urinalysis or any other methodology deemed appropriate by the City.
- B. The collection of samples will be performed under reasonable and sanitary conditions.
- C. Urine normally will be collected under conditions of semi-privacy -- that is, a person of the same gender will be in a position to observe obvious attempts to substitute or adulterate a urine sample. Collection of the urine sample may be directly observed by a person of the same gender, however, when the person supervising the collection believes an employee

has tampered with an earlier urine sample or the employee has previously admitted or been proved to have used drugs in violation of this rule.

- D. Urine samples will be sealed, labeled, and documented in accordance with the procedure of the drug testing company. Labeling, storage, and transportation of samples shall be performed so as reasonably to preclude the probability of erroneous identification, sample contamination, or sample adulteration.
- E. Specimens will be checked for at least the following six substances:
 - 1. marijuana and related substances
 - 2. cocaine
 - 3. opiates
 - 4. amphetamines
 - 5. phencyclidine
 - 6. barbiturates
- F. Applicants and employees will have an opportunity to provide any information which they consider relevant to the test, including identification of currently used prescription or nonprescription drugs, or other relevant information.
- G. Samples which initially result in a positive finding for drug use will be re-tested by the gas chromatography/mass spectrometry (GCMS) method. If the GCMS test results in a positive finding of drug use, and is verified by the Medical Review Officer, the written report of the Medical Review Officer shall be conclusive for all employment-related purposes.
- H. The City's Medical Review Officer normally will allow an employee whose drug test results have been confirmed as positive the opportunity to justify the result before the Medical Review Officer notifies the City of the test results.

V. **NOTICE TO EMPLOYEES**

The City shall attempt to distribute to all employees a copy of this policy. Additional copies of this policy are available upon request. By continuing to work, the employee agrees that he will abide by the policy as a condition of employment.

VI. **NOTICE TO EMPLOYER, STATE AND FEDERAL GRANTOR/CONTRACTING AGENCIES, AND LAW ENFORCEMENT AUTHORITIES**

- A. As a condition of employment, employees agree to notify the City within five calendar days after any criminal conviction for workplace manufacturing, distribution, dispensation, possession, or use of illegal drugs and prescription drugs not prescribed for the individual employee's use. The City shall notify all state and federal grantors/contracting agencies of such employee convictions as required by the state and federal Drug Free Workplace Acts. "Conviction" means a finding of guilt, imposition of a sentence, a plea of no contest, or a plea of guilty.
- B. The City shall notify law enforcement authorities whenever illegal drugs are found in the workplace.

VII. CONSEQUENCES OF VIOLATING THIS POLICY

Violations of this policy will result in discipline up to and including discharge.

- A. For sworn police officers, the City shall terminate the employee if he or she is found to be in violation of this policy.
- B. For probationary employees, the City shall terminate the employee if he or she is found to be in violation of the policy.
- C. For all other employees, the City shall impose discipline up to and including termination for an employee who is found to be in violation of this policy.
 - 1. The City, in lieu of termination, may condition the continued or future employment of an employee who tests positive for or admits to the use of illegal drugs, upon the successful completion of a drug counseling/rehabilitation program.
 - 2. If the City, after considering all of the relevant circumstance, agrees to allow an employee who is found to be in violation of this policy to continue as City employee, the City will do following:
 - (a). Refer the employee for drug abuse counseling.
 - (b). Require the employee to authorize the Employee Assistance Program or other facility to report periodically to the City during the course of the treatment-counseling.
 - ©. Retest the employee for controlled substances before allowing the employee to return to duty.
 - (d). Place the employee on probation for at least six months following the employee's return.
 - ©. Require the employee to submit to unannounced follow-up drug testing for a period not to exceed two years.
- D. Should an employee, whose continued or future employment is conditioned upon the successful completion of a counseling or rehabilitation program, refuse or fail to participate in a single counseling or treatment session, the employee will terminated.
- E. An employee whose return to duty test sample does not indicate that the employee has discontinued use of illegal drugs, will be terminated.

VIII. COMING FORWARD WITH SUBSTANCE ABUSE PROBLEMS

- A. All employees (other than sworn police officers) who have substance abuse problems and report them to the City before being selected for testing, and before the occurrence of an event which normally would result in testing, normally will not be disciplined upon the first violation but will be subject to Part VII © (2) of this policy.
- B. If an employee admits to a violation of this policy or test positive for drugs in violation of this policy, but seeks counseling and remains an employee of the City, the employee will be discharged if he again either admits to a violation of this policy or test positive drugs in violation of this policy.

IX. CONFIDENTIALITY

Any drug test results or information supplied by employees and applicants as a part of the City's drug testing program will be kept as confidential as possible, consistent with the purposes of this policy.

X. TESTING COSTS

The City will pay the costs of all drug tests to which the City requires an employee to submit. However, an employee subject to unannounced follow-up testing pursuant to Part VII (C)(2)(e) of this policy will be solely responsible for the cost of all follow-up tests.

XI. NOTIFICATION OF TEST RESULTS

- A. Applicants will be notified of the results of a pre-employment drug test, provided the applicant requests the results within 60 days of being notified of the disposition of the employment application.
- B. Employees will be notified of the results [including the drug(s) discovered] of all drug tests, provided the results are positive.

XII. EMPLOYEE ASSISTANCE PROGRAM

The use of illegal drugs and similar substances is a serious threat to our nation's collective health, safety and welfare. Drug abuse in the workplace is dangerous because it leads to physical impairment, loss of judgment, safety violations and the risk of injury and death. In order to prevent these consequences of drug abuse, the City has implemented the above policy and made available to its employees an Employee Assistance Program. The program provides employees with professional help for problems such as alcohol and drug abuse, emotional stress, money management difficulties and volatile family situations.

- A. The City's Employee Assistance Program is coordinated through the Human Resources Department. Most services provided through the program are at no cost to the employee.
- B. Periodically, the City will make available to employees programs and information regarding substance abuse. All employees are encouraged to attend such programs and to review any material supplied. Some employees may be required to attend such programs or to review such material.
- C. Information about the Employee Assistance Program is available through the Human Resources Department.

EMPLOYEE ALCOHOL USE AND ALCOHOL TESTING

The abuse and misuse of alcohol is a very serious problem which threatens our nation's collective health, safety, and welfare. The City of Georgetown is committed to maintaining a safe and productive work environment. Alcohol in the workplace is dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and death. Furthermore, it is the policy of the City of Georgetown to establish and maintain alcohol free workplaces, to comply with applicable government regulations, and to prohibit the unauthorized, improper, or unlawful use of alcohol on City premises or time.

For these reasons, the City of Georgetown has implemented the following Alcohol Use and Alcohol Testing Policy.

I. GENERAL RULE

All employees of the City are prohibited from using or possessing alcoholic beverages on City premises or time. (The term "City premises or time" includes: City vehicles and private vehicles on City premises; parking lots and recreation areas; and any circumstances in which an employee is representing the City, such as attending off-premises business meetings or conferences. Employees are not prohibited, however, from having unopened containers of alcoholic beverages in their personal vehicles.) City Council or the City Administrator may approve moderate alcohol use at designated social or business functions.

Furthermore, all employees of the City are prohibited from reporting to or being at work while under the influence of alcohol. (An employee shall be considered to be "under the influence of alcohol" if he has any detectable amount of alcohol in his system.)

Finally, employees who are required by their jobs to possess a commercial driver's license are subject to the Federal Department of Transportation Motor Carrier Safety Regulations and, more specifically, to 49 CFR Part 382 which addresses the misuse of alcohol among DOT regulated employees. These regulations prohibit the following:

- using alcohol within four hours of reporting for duty;
- reporting for work with an alcohol concentration of .02 or greater;
- using alcohol while on duty;
- using alcohol within eight (8) hours following an accident which requires an alcohol
- test or until a post-accident test is conducted, whichever occurs first;
- possessing alcohol while on duty;
- transporting alcohol in any DOT regulated vehicle (except when alcohol is manifested cargo).

II. CURRENT EMPLOYEES

- A. All City employees are subject to alcohol testing where "particularized suspicion" of alcohol use in violation of this policy exists.
1. Particularized suspicion can result from various types of employee behavior. The following is a list of some examples of when particularized suspicion is deemed to exist:
 - a. information that an employee has used or possessed alcohol in violation of this policy is provided by a reliable informant;
 - b. a serious accident occurs due to fault of the employee;
 - (1) "serious accident is defined as:
 - (a) an accident involving a fatality;
 - (b) an accident causing bodily injury which requires medical care away from the scene of the accident;
 - (c) an accident causing total aggregate property damage of \$2000 based on reliable estimates;
 - (d) an accident in which one or more motor vehicles incurs disabling damages as a result of the accident, requiring the towing of one or more of the vehicles from the scene by a tow truck or other vehicle.
 - c. an employee exhibits behavior consistent with alcohol use such as but not limited to:
 - (1) erratic behavior (mood swings, slurred speech, staggering, bloodshot eyes, sleeping on the job or lethargy, excessive unexplained sweating, etc.);
 - (2) the apparent odor of an alcoholic beverage on an employee's breath;
 - (3) other aberrational behavior such as but not limited to excessive absenteeism or tardiness, significant deterioration in job performance, repeated errors or rules violations, etc.
 - d. an employee has admitted violating the City's alcohol policy;
 - e. an employee is arrested for or convicted of an alcohol related offense; and
 - f. an employee has tested positive for alcohol in violation of this policy within the past two years.
 2. Particularized suspicion testing shall not be conducted without the approval of the City Administrator or his designee;
- B. All employees occupying positions designated by the City as "safety sensitive" are subject to random selection alcohol testing to determine compliance with this policy. A list of safety sensitive positions is attached as Appendix A. All DOT regulated employees are subject to random selection testing pursuant to 49 CFR Part 382. (DOT regulated employees will be randomly tested at an annualized rate of at least 25% in accordance with 49 CFR Part 382). Random selection testing is unannounced.
- C. If an employee refuses to submit to an alcohol test when directed to do so, the employee shall be terminated.

III. TESTING PROCEDURE

- A. Employees will have an opportunity to provide any information which they consider to be relevant to the test.
- B. Alcohol tests will be conducted to determine if an employee has violated this policy.
- C. The City shall use only DOT approved non-evidential screening devices and DOT approved evidential breath testing (EBT) devices for alcohol testing pursuant to this policy.
- D. A non-evidential screening device will normally be utilized to initially determine compliance with this policy. If the screening device indicates the presence of alcohol, or if the results of the screening device are deemed questionable by the City, then a confirmatory test will be conducted utilizing an EBT device.
- E. The EBT confirmatory test will be conducted by an individual properly certified to use the equipment. (In situations involving DOT regulated employees, the EBT operator will be properly certified in accordance with applicable DOT regulations.)
- F. A confirmatory test result generated through the use of an EBT which indicates a presence of alcohol in violation of this policy will be conclusive for purposes of this policy.

IV. NOTICE TO EMPLOYEES

The City shall attempt to distribute to all present employees a copy of this policy. Additional copies of this policy are available upon request. By continuing to work, the employee agrees that he will abide by the policy as a condition of employment.

V. CONSEQUENCES OF VIOLATING THIS POLICY

Violations of this policy will result in discipline up to and including discharge.

- A. The City shall terminate a probationary employee and any employee in a safety sensitive position to include all sworn police officers and firefighter/EMTs who violates this policy.
- B. The City shall impose discipline up to and including termination for a non-probationary employee who violates this policy.

1. The City, in lieu of terminating an employee who has violated this policy, may suspend the employee and condition his continued or future employment upon the successful completion of an alcohol counseling/rehabilitation program.
2. If the City, after considering all of the relevant circumstances, allows an employee who has violated this policy to continue as a City employee, the City will do the following:
 - a. Refer the employee to a Substance Abuse Professional for assessment and require the employee to follow the SAP's prescribed program of counseling/treatment;
 - b. Require the employee to authorize the Employee Assistance Program or other facility to report periodically to the City during the course of counseling/treatment;
 - c. Retest the employee for alcohol use in violation of this policy before allowing the employee to return to duty;
 - d. Place the employee on probation for at least six months following the employee's return to duty; and
 - e. Require the employee to submit to unannounced follow-up alcohol testing for a period not to exceed two years. (The employee will be solely responsible for the total cost of all follow-up alcohol tests conducted pursuant to this policy.)
- C. Should an employee whose continued or future employment is conditioned upon the successful completion of a counseling or rehabilitation program refuse or fail to participate in a single counseling or treatment session, the employee will be terminated.
- D. An employee whose return-to-duty alcohol test indicates that the employee is in violation of this policy will be terminated.

VI. COMING FORWARD WITH ALCOHOL ABUSE PROBLEMS

- A. Employees who have alcohol abuse problems and report them to the City before being selected for testing, and before the occurrence of an event which normally would result in testing, normally will not be disciplined but will be subject to Section V (B) (2) of this policy.
- B. If an employee admits to a violation of this policy or tests positive for use of alcohol in violation of this policy, but seeks counseling and remains an employee of the City, the employee will be discharged if he again either admits to a violation of this policy or tests positive for alcohol in violation of this policy.

VII. CONFIDENTIALITY

Any alcohol test results or information supplied by employees as part of the City's alcohol testing program will be kept as confidential as possible, consistent with the purposes of this policy.

VIII. TESTING COSTS

The City will pay the costs of all alcohol tests to which the City requires an employee to submit. However, the employee will be solely responsible for the total cost of all follow-up alcohol tests conducted pursuant to Section V (B) (2) of this policy.

IX. EMPLOYEE ASSISTANCE PROGRAM

In order to prevent the negative effects of alcohol abuse, the City has implemented the above policy and made available to its employees an Employee Assistance Program. The program provides employees with professional help for problems such as alcohol and drug abuse, emotional stress, money management difficulties and unpleasant family situations.

- A. The City's Employee Assistance Program is coordinated through the Human Resources Department. Most services provided through the program are at no cost to the employee.
- B. Periodically, the City will make available to employees information regarding alcohol abuse. All employees are encouraged to attend such programs and to review any material supplied. Some employees may be required to attend such programs or to review such material.
- C. More Information regarding the Employee Assistant Program is available from the Human Resources Department.

APPENDIX A

SAFETY SENSITIVE POSITIONS SUBJECT TO
RANDOM DRUG TESTING

POSITIONS REQUIRING CDL LICENSES – (DOT)

HEAVY EQUIPMENT OPERATOR
SENIOR MAINTENANCE SPECIALIST
VEHICLE MECHANIC
STREET CREW LEADER
FLEET SUPERINTENDENT
WATER DISTRIBUTION MECHANIC
WATER DISTRIBUTION SUPERVISOR
WASTEWATER TREATMENT OPERATORS
WASTEWATER TREATMENT SUPERVISOR
WASTEWATER/STORM WATER MECHANIC
WASTEWATER SUPERVISOR
STORMWATER SUPERVISOR
FACILITIES MAINTENANCE TECHNICIAN
FACILITIES MAINTENANCE SUPERVISOR
TREE TRIMMER
UTILITY LINE TECHNICIAN
UTILITY LINE CREW LEADER

SAFETY SENSITIVE POSITIONS (Non DOT)

ALL SWORN POLICE OFFICERS
ALL CERTIFIED FULL-TIME FIRE FIGHTERS/EMTS
WATER TREATMENT PLANT OPERATORS & SUPERVISOR
WW/WATER TREATMENT PLANT MANAGER