

Madison County Tax Assessor Employee Handbook

In accordance with Miss. Code 19-2-9, the Tax Assessor adopts the general policy covered by the Madison County Employee Handbook, with effective date August 1, 2022 and any future versions, with the following changes.

1. The items referenced in this document apply to employees/deputies of the Madison County Tax Assessor.
2. Travel – Deputies who are assigned a fleet vehicle must use their assigned vehicle for travel for county business. Requests for exception shall be made to the Tax Assessor prior to travel. (6.6 Operation of Vehicles and Heavy Equipment)
3. Remove all wording related to “possession of weapons in the workplace” and add “Law Enforcement Officers and Licensed Concealed Carry holders are authorized to possess a firearm.” (6.4 Weapons)
4. Any searches on, in or of county property, including all information systems, used by or in the Tax Assessor’s office must be authorized and conducted by the Tax Assessor or his authorized deputies, or law enforcement officers and otherwise pursuant to applicable Mississippi/federal law or legal process. (2.3 Property - Right to Search)
5. **Drug & Alcohol Testing** – The Tax Assessor’s office will adopt the policy as described in the “Drug and Alcohol-free Workplace Policy of the Madison County Tax Assessor” Section. (6.9 Drug and Alcohol-Free Workplace for Non-DOT Regulated Employees)
6. **Requests pursuant to the Mississippi Public Records Act:**
Requests for information pursuant to the Mississippi Public Records Act for information maintained by the Office of Tax Assessor shall be submitted to the Tax Assessor for response. Only the Tax Assessor or his authorized deputies may respond to public record requests for information related to this office. All public record requests will be processed in compliance with applicable Mississippi law.
7. Additional policies specific to the Tax Assessor’s office may be implemented as needed and shall be considered official policy.

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MADISON COUNTY

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Drug and Alcohol-Free Workplace Policy of the Madison County Tax Assessor

The Madison County Tax Assessor has implemented a drug and alcohol policy (“policy”) in order to provide a drug and alcohol-free work environment for employees of the Madison County Tax Assessor. This policy, including requirements for testing, has been implemented pursuant to state law (Miss. Code Ann. §§71-7-1, *et seq.*)(“the Act”) and publication of this policy shall serve as notice of the existence of the Act.

Scope of Policy

This policy applies to all employees of the Madison County Tax Assessor and to all applicants for employment with the Madison County Tax Assessor.

Testing

Testing will occur under this policy 1) upon application for employment with the Madison County Tax Assessor and 2) when the Tax Assessor has reasonable suspicion to test an employee for drugs or alcohol.

1. **Applicant Testing**

All applicants will be notified in writing by the Office of the Madison County Tax Assessor upon application that, if the applicant is given favorable consideration of employment, he or she will be required to submit to pre-employment drug and alcohol testing to determine the presence of alcohol, drugs, or their metabolites. Applicants who refuse to test or whose testing results indicate the presence of alcohol or drugs may not be hired, or if employment has already begun, may be discharged.

2. **Reasonable Suspicion Testing**

The Madison County Tax Assessor may require an employee to supply a specimen sample for testing if there is a reasonable suspicion that an employee is using or has used alcohol or a drug in violation of this policy based upon, among other circumstances:

- a. observable phenomena, such as the direct observation of drug use and/or the physical symptoms or manifestations of being under the influence of a drug;
- b. abnormal conduct or erratic behavior while at work, absenteeism, tardiness or deterioration in work performance;
- c. a report of drug use provided by reliable and credible sources and which has been independently corroborated;
- d. evidence that an individual has tampered with a drug/alcohol test while employed with the Madison County Tax Assessor;
- e. information that an employee has caused or contributed to an accident while at work;
- f. evidence that an employee is involved in the use, possession, sale, solicitation or

transfer of drugs or alcohol while working or while on the premises of, or operating a vehicle, machinery or equipment of the Madison County Tax Assessor.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management must transport the employee or arrange for a hired driver and arrange for the employee to be transported home.

Time of Testing

Any drug and alcohol testing conducted pursuant to this policy shall occur as quickly as possible. Regardless of the timing of the testing, time spent traveling to and from tests and waiting for and undergoing tests shall be deemed to be performed during work time for purposes of determining compensation and benefits to employees. No compensation will be provided for applicants for employment.

Confidentiality

All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by the Office of the Madison County Tax Assessor pursuant to the administration of this policy 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 the Act and applicable regulations. Any information so obtained pursuant to the Act and applicable regulations and this policy shall be property of the Madison County Tax Assessor. The Madison County Tax Assessor shall not release to any person other than the employee or job applicant, or medical, Tax Assessor/County supervisory or human resources personnel, on a need-to-know basis, unless:

- the employee or job applicant has expressly, in writing, granted permission for the Madison County Tax Assessor to release such information;
- it is necessary to introduce a positive confirmed test result into an administrative hearing under applicable state or local law, or a judicial proceeding, provided that the information is relevant to the hearing or proceeding;
- required by federal or state law, regulation or order, or in accordance with compliance requirements under a state or federal government contract;
- disclosure required to a drug or alcohol dependency rehabilitation program for the purpose of evaluation or treatment of the employee; or
- there exists a risk to public health or safety that can be minimized or prevented by the release of such information; provided, however, that unless such risk is immediate, a court order permitting the release shall be obtained prior to the release of the information.

The confidentiality provisions of this policy as provided for pursuant to the Act shall not apply to other parts of an employee's or applicant's personnel or medical files. If an employee refuses to sign a written consent form for release of information to persons as permitted and provided for in the Act, the Madison County Tax Assessor shall not be barred from discharging or disciplining the employee.

An employee or applicant to be tested shall be provided 1) a medication disclosure form to permit the employee or applicant to disclose any non-prescription or prescription medications that have been taken within forty-five (45) days prior to testing, and 2) a statement that the form shall be submitted directly to the Medical Review Officer designated by Madison County, Mississippi for that purpose, ensuring that no person or entity has access to the information disclosed on the form other than the Medical Review Officer.

Substances for Which Employees/Applicants are Tested

Employees or applicants who are tested pursuant to this policy will be tested for the following substances:

- Amphetamines
 - Methamphetamine
 - MDMA (Ecstasy)
- Cocaine
- Marijuana
- Opiates
 - Codeine
 - Morphine
 - Heroin (6-AM)
- Alcohol

The Madison County Tax Assessor is aware that certain substances listed may be prescribed by a medical care provider. Employees with prescriptions for any of the substances listed should disclose they are taking said substances in the disclosure form they will receive prior to testing.

Violations

1. Refusal to Provide Specimen for Testing

Refusal to provide a specimen for laboratory testing when required under this policy and failure to appear at the designated place and time for specimen collection as directed are violations of this policy. For said violations, employees may be discharged, and applicants may not be hired.

2. Interference with Testing

Evidence of inappropriate interference in the testing process, including but not limited to tampering with any specimen collected for testing, is a violation of this policy and will be treated in the same manner as a refusal to provide a specimen for testing.

3. Positive Test Results

Whenever a positive drug or alcohol test result has been confirmed under the terms of this policy and as provided in the Act, the employee will be presumed to be in violation of this policy and will be subject to corrective action (including discharge) or, if an applicant for employment, will not be hired.

The laboratory conducting the testing must disclose the results to the Madison County Tax Assessor or his authorized designee within five working days following the test. Within one working day following receipt of notice of a positive confirmed test result report from the laboratory, the Tax Assessor will inform the employee in writing of a positive test result, the consequences of such a report, and the options, if any, that may be available.

An employee who receives a positive, confirmed, drug and/or alcohol test result will be allowed an opportunity to contest the accuracy of the result or explain it. The employee, within five working days after receiving notice of a positive confirmed test result, may have a portion of the specimen retested, at the employee's expense, at a laboratory chosen by the employee that otherwise meets state law standards for employee drug and alcohol testing, and/or submit confidential information to the Tax Assessor explaining the test results and why said results do not constitute a violation of this policy. If an employee's explanation of the positive test result is not satisfactory, a written explanation as to why the employee's explanation is unsatisfactory, along with the report of positive confirmed test results, shall be made a part of the employee's medical and personnel records.

Rehabilitation

1. Voluntary Rehabilitation

Any employee who feels that he or she has developed an addiction, dependence or other problem with alcohol or drugs, whether legal or illegal, is encouraged to seek assistance. Assistance may be sought in writing to or upon a personal appointment with the Madison County Tax Assessor or his designee. All such requests for assistance are subject to the confidentiality provisions of this policy. Employees who are reasonably suspected of being in violation of this Drug and Alcohol-Free Workplace Policy may be asked if they have a dependency problem. Employees who acknowledge that they do have such a problem may be given an opportunity to enter a Rehabilitation Program, provided they are not a prior participant and have not otherwise violated any of the terms of this policy. Participation in a Rehabilitation Program itself is the responsibility of the employee including all associated costs. If an employee is participating in a Rehabilitation

Program, drug and alcohol testing may be conducted by the rehabilitation provider as deemed appropriate by the provider.

A request for assistance will not prevent or stop a pending disciplinary action. The Madison County Tax Assessor is under no obligation to retain any employee regardless of successful completion of a rehabilitation program. The Madison County Tax Assessor reserves the right to terminate any employee at will.

2. Benefits and Leave

Any employee seeking medical treatment for alcoholism or drug dependency/addiction may be entitled to benefits under Madison County's group medical insurance plan, subject to the terms, restrictions and limits set forth therein. Eligibility for leave will be determined consistent with other leave policies.

3. Return to Duty

To be considered for return to duty after completing leave for treatment, the employee must maintain contact with the Madison County Tax Assessor or his designee on a periodic basis as determined by the Madison County Tax Assessor and must provide certification that he or she is continuously enrolled in a treatment program and actively participating in and remaining in compliance with that program. Following completion of the treatment program, the employee must provide the Madison County Tax Assessor or his designee certification of the employee's successful completion of the program and certification the employee is capable of returning to gainful employment without jeopardizing the safety and/or health of the employee, other employees, or other persons with whom they may be in contact while working for the Madison County Tax Assessor.

For any employee who is allowed to return to work following substance abuse treatment, return to duty testing may be required. Follow up testing may be required.

4. Rejection of Treatment/Failure of Rehabilitation

Any employee suffering from alcohol or drug dependency problem who rejects treatment or who leaves a treatment program prior to completion or discharge from the program may be immediately terminated from employment. Recurrence of an alcohol or drug dependency problem following completion of a rehabilitation program is cause for termination from employment.