

MERIDIAN AIRPORT AUTHORITY
DRUG AND ALCOHOL POLICY

As Revised and Adopted: October 13, 2020

1. Purpose

The Meridian Airport Authority (“MAA”) has a compelling interest in establishing reasonable conditions of employment. Prohibiting employee drug and alcohol use is one such condition. MAA is concerned with the safety and welfare of its employees and the general public, the successful accomplishment of MAA missions, and the need to maintain employee productivity. The intent of this Policy is to establish a drug and alcohol testing program for the MAA 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 MAA service. MAA conducts a testing program pursuant to Mississippi House Bill No. 84 of 1994 (Sections 71-7-1 through 71-7-33 of the Mississippi Code). All communications received by MAA through its drug and alcohol testing program are confidential, except under certain circumstances as allowed by the Act.

2. Applicability

All employees of MAA, including its subsidiaries, and all applicants for employment shall be subject to drug and alcohol testing to the extent and in the manner provided for in this policy. By receipt of this document, you are informed that MAA complies with all federal and state laws which require it to provide its employees with a drug-free workplace. The unlawful manufacture, sale, distribution, dispensation, possession, or use of a substance listed below in Section 5 is prohibited in any MAA workplace or worksite.

In accordance with the Drug Free Workplace Act, an employee who is convicted under a criminal drug statute for a violation occurring in the workplace must notify MAA within five (5) days of conviction. Thereafter, MAA will notify the principal representative of any applicable federal grant program within ten (10) days after receiving notice of such conviction.

3. Implementation

To be effective upon approval of MAA Board of Commissioners.

4. Definitions

- a. “Alcohol” means ethyl alcohol.
- b. “MAA Property” means all offices, facilities, land, buildings, structures, fixtures, installations, vehicles and equipment, whether owned, leased or used by the MAA.
- c. “Cold Sample” means any substance submitted measuring a temperature below 90 degrees, having intent to deceive the testing facility as being an original sample.

- 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. Cutoff levels are subject to change as advances in technology or other considerations allow identification of drugs or alcohol or their metabolites at other levels.
- e. “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.
- f. “Employee Assistance Program” means a program provided by MAA offering assessment, short-term counseling and referral services to employees, including drug, alcohol and mental health programs.
- g. “Employees” means all officers of MAA and all individuals working for MAA either on a full time, part time or contract basis.
- h. “Enforcing Officer” shall be an individual or individuals appointed by the MAA Chief Executive Officer for the purpose of overseeing and implementing the Drug and Alcohol Policy.
- i. “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.
- j. “Job Applicant” means any individual applying for employment with MAA but has not yet been offered work.
- k. “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 MAA interpret, evaluate and monitor its drug testing program.
- l. “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.
- m. “Nonprescription Drugs” means any and all drugs other than prohibited drugs and prescription drugs taken as a generally recognized treatment of a physical ailment.
- n. “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.

- o. "Prescription Drugs" means any drugs, including certain prohibited drugs prescribed by a licensed physician for medical reasons.
- p. "Prohibited Drug" means any drugs which are considered a part of the group of drugs, including alcohol, listed in Section 5 of this Policy.
- q. "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.

5. 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-Methylenedioxyamphetamine
- 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.

6. Notice of Testing Policy

Written notice of this Policy shall be given to all MAA employees and all MAA job applicants. The notice shall contain the following information:

- a. A statement as to MAA'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.

7. Random Testing

All employees, to promote the health and safety of the employee and the public at large (including other MAA employees) from the dangers posed by the use of illegal or prohibited drugs, will be randomly tested for use of prohibited drugs. This includes employees who have previously been required to submit or will be requested to submit to drug tests under other provisions of this Policy.

8. 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 random selection procedure will use a computer-based number generator employed by the testing center that is matched to the employee's name.
- c. 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.
- d. An employee selected for a random drug screen shall have four (4) hours to report for testing at the testing center after being informed that they have been selected for random testing.

9. Consent

All employees and 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 MAA, Medical Review Officer and the testing laboratory.

10. 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 MAA.
- b. Employees: Any employee who refuses to consent to a drug and/or alcohol test will be deemed to have failed the test.

11. 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 the Enforcing Officer(s) of MAA without the express written authorization and consent of the individual. Also, without the employee's express written consent, MAA 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 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 *Miss. Code Ann. § 71-7-1 et seq.*

12. Pre-employment Testing

As a prerequisite for employment with MAA, all job applicants must submit to a drug and/or alcohol test prior to being offered work.

13. Results of Positive Test

- a. Employees. Any employees that test positive for drugs and/or alcohol will be subject to discipline 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 for such unannounced testing shall begin with the date of the initial confirmation test and may not exceed sixty (60) months. In the event this employee tests positive again, the employee will be terminated.
- c. Job Applicant. Any job applicant who tests positive for prohibited drugs will not be considered for employment with MAA.
- d. Job Applicants who produce a cold sample for any test request are considered to have produced a positive test result and will not be considered for employment with MAA.
- e. Employees who produce a cold sample for any test request are considered to have produced a positive test result and may face disciplinary action up to and including termination.
- f. Any employee who attempts to adulterate, tamper with, substitute, misidentify or otherwise deceive MAA shall be deemed to have had a positive test and will face disciplinary action, up to and including termination.
- g. Right to Explain Positive Confirmed Test. Within five (5) working days after receipt of a positive confirmed test result report from the testing laboratory, MAA 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 MAA explaining the test results, and why the

results do not constitute a violation of the Policy. If the employee's explanation of the positive result is not satisfactory to MAA, then a written explanation submitted by MAA 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.

14. Drug and Alcohol Testing Based on Reasonable Suspicion

In addition to random drug testing, MAA 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.

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 MAA.
- k. Evidence that an employee is involved in the use, possession, sale, solicitation or transfer of prohibited drugs while working or while operating MAA'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.

Prior authorization for drug and/or alcohol testing based on reasonable suspicion must be given by one of the following:

MAA Commissioner
Chief Executive Officer or its designees
Enforcing Officer(s)

15. Post Accident Testing

All employees of the MAA 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/her 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 14). The drug test will be given as soon as possible after the accident, but not later than thirty-two (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 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, MAA may request the treating facility to take a urine sample.

Each employee shall provide MAA with written permission by execution of an Acknowledgment and Consent Form authorizing MAA 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 MAA to the treating facility if required.

16. Cost of Drug Testing

MAA 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.

17. 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.

- 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 MAA 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.

18. 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 MAA, 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 MAA. 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 MAA. An employee will be permanently terminated upon a positive test result.

19. Employee Assistance Program

MAA 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 MAA'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.

Employees may avail themselves of this program which, in some cases, may require treatment covered under the terms provided in MAA's health insurance. Employees who voluntarily avail themselves of the EAP before a positive drug test may not be disciplined but are subject to increased random tests for up to sixty (60) months. Any employee who voluntarily avails themselves of the EAP, but does not successfully complete the EAP shall be deemed insubordinate and terminated.

20. Medical Review Officer

MAA, 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. MAA 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.

21. Record Keeping

- a. Records that demonstrate that the collection process conforms with the Policy must be kept for a period of at least 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 at least 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.

22. Use of Prescription Drugs or Legal Nonprescription Drugs

MAA recognizes that from time to time its employees, for medical reasons, may be prescribed certain drugs by their physician, including certain prohibited drugs. MAA 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.

23. Searches, Tests and Inspections

MAA reserves the right to conduct searches and inspections of employees' person, lockers, baggage, desks, tool boxes, clothing, vehicles, or any other personal property brought onto MAA property or placed in any area adjacent to MAA property. Employees are subject to search while in the course and scope of any job duties, while on MAA property, while on a MAA jobsite, or while in an area adjacent to any MAA property or jobsite. Employees do not have a legitimate expectation of privacy in any of the above-described areas. These inspections and searches may be conducted to carry out this and other policies of MAA.

The decision to conduct an investigation or search and the manner in which it is carried out will be determined at the sole discretion of MAA. Employees are required to cooperate fully in these investigations and/or searches and are required to submit to questioning or searches of MAA or its agent. Employees are required to submit to tests and provide urine, blood, breath, saliva or other specimens upon request. Any refusal by an employee to answer questions, submit to testing, render a requested specimen or otherwise cooperate in a search, test, or investigation, will be considered an act of insubordination which may result in discipline up to and including termination.

24. Drug Free Workplace - Notice of Conviction

- a. MAA intends to comply with all federal and state laws which require it to provide its employees with a drug free workplace. By publishing this Policy, MAA hereby notifies its employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited on any MAA property, or in any MAA workplace or worksite.
- b. Any employee must notify MAA, in writing, of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Within thirty (30) calendar days of receiving notification from the employee, MAA 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.

- c. Within ten (10) calendar days after receiving actual notice 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.

ACKNOWLEDGMENT AND CONSENT FORM

This form must be signed by all employees in a position covered by MAA 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 MAA’s Drug and Alcohol 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 Policy, and to furnish the urine and/or breath specimens to testing laboratory or its designated agent.

I acknowledge receiving notice of the establishment of this employee Drug and Alcohol Policy. I understand that I may be randomly selected for screening by urinalysis 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 MAA’s Drug and Alcohol Policy and MAA’s Personnel Policy

I have read the notice announcing the establishment of this employee Drug and Alcohol Policy (Revised and Adopted: October 13, 2020).

EMPLOYEE NAME (PRINT)

EMPLOYEE SIGNATURE

DATE

WITNESS NAME (PRINT)

WITNESS SIGNATURE

DATE