



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Agenda Item

**File ID:** FileID

**Walk-On Item**

**11/9/2021**

**Public Hearing:** YES  NO

**Department:** Board of Commissioner - District 6

**SUBJECT:**

**Commission District(s):** District 6

A Resolution to request that the CEO amend the administrative regulations of the County, to the extent permitted by law, to exclude marijuana testing from pre-employment substance detection testing for positions that are not safety-sensitive.

**Information Contact:** Commissioner Ted Terry

**Phone Number:** (404) 371-4909

**PURPOSE:**

The Board of Commissioners believes that it is in the best interests of the citizens and employees of DeKalb County that the Chief Executive Officer amend the administrative regulations of the County, to the extent permitted by law, to exclude marijuana testing from pre-employment substance detection testing for County positions that are not safety-sensitive.

**NEED/IMPACT:**

This item approval will impact the competitiveness for DeKalb County Government departments to attract and retain top tier talent by removing antiquated barriers that impede the timeliness of the hiring process and increase third party vendor costs.

**FISCAL IMPACT:**

Not known at this time.

**RECOMMENDATION:**

Adopt the attached Resolution to request that the Chief Executive Officer amend the administrative regulations of the County, to the extent permitted by law, to exclude marijuana testing from pre-employment substance detection testing for positions that are not safety-sensitive.

## RESOLUTION

### **A RESOLUTION TO REQUEST THAT THE CEO AMEND ADMINISTRATIVE REGULATIONS OF THE COUNTY, TO THE EXTENT PERMITTED BY LAW, TO EXCLUDE MARIJUANA TESTING FROM PRE-EMPLOYMENT TESTING FOR NON-SAFETY SENSITIVE POSITIONS**

**WHEREAS**, DeKalb County’s legislative agenda includes an initiative to decriminalize simple marijuana possession and provide for a civil penalty/fine similar to those for traffic violations; and

**WHEREAS**, Chapter 20, Section 20-23 of DeKalb County Code requires a “physical examination” before entering employment with the County; and

**WHEREAS**, Chapter 20, Section 20-7 of the DeKalb County Code provides that the Chief Executive Officer shall adopt uniform rules and regulations pertaining to county recruitment activities, applications for examinations, etc.; and

**WHEREAS**, the Chief Executive Officer appears to have a drug and alcohol testing policy in place for County employees and pre-employment testing; and

**WHEREAS**, the Board of Commissioners believes that it is in the best interests of the citizens and employees of DeKalb County that the Chief Executive Officer amend the administrative regulations of the County, to the extent permitted by law, to exclude marijuana testing from pre-employment substance detection testing, except for safety-sensitive positions; and

**WHEREAS**, DeKalb County Government Departments are interested in attracting top tier talent, and removing antiquated barriers that impede the timeliness of the hiring process, increase third party vendor costs, and negatively affect the overall candidate experience; and

**WHEREAS**, there is a need to take immediate action to request that the Chief Executive Officer eliminate the requirement that prospective employees who have been offered employment in non-safety-sensitive positions undergo a pre-employment test for marijuana; and

**WHEREAS**, the Board of Commissioners desires to ensure equity is a core principle of our Governing Authority, and are interested in policy changes that address systemic discrimination against communities of color which are disproportionately affected by certain health conditions, and

**WHEREAS**, cities such as Washington, DC, Atlanta, GA, New York City, City of Rochester, Richmond, VA, and state legislators in Maine and Nevada have enacted legislation or regulatory rule changes to bar pre-employment drug screening for cannabis; and

**WHEREAS**, recent studies show no evidence that cannabis users experienced higher rates of work-related injuries<sup>1</sup>; and that legalizing medical marijuana was associated with a 19.5% reduction in the expected number of workplace fatalities among workers 25-44<sup>2</sup>; and because THC's primary metabolite, carboxy-THC, is lipid soluble, residual levels of the compound may persist in urine for weeks<sup>3</sup> or even months post-abstinence; and according to the US Department of Justice<sup>4</sup>, a positive urine test screen for drug metabolites "does not indicate abuse or addiction, recency, frequency, or amount of use; or impairment"; and

**WHEREAS**, Liberalized marijuana laws are associated with greater labor participation, lower rates of absenteeism, declines in workers' compensation filings, and higher wages<sup>5</sup>;

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<sup>1</sup> [Cannabis use and work-related injuries: A cross-sectional analysis, Occupational Medicine, 2020](#)

<sup>2</sup> [Medical marijuana and workplace fatalities in the United States, International Journal of Drug Policy, 2018](#)

<sup>3</sup> [Review of Biologic Matrices \(Urine, Blood, Hair\) as Indicators of Recent or Ongoing Cannabis Use](#)

<sup>4</sup> [Bureau of Justice Statistics. A National Report, Drugs, Crime and the Justice System, 1992](#)

<sup>5</sup> [Does marijuana legalization affect workplace capacity? Evidence from workers' compensation benefits, National Bureau of Economic Research, 2021](#)

**NOW, THEREFORE, BE IT RESOLVED:**

That the Board of Commissioners hereby requests that the Chief Executive Officer amend the administrative regulations of the County, to the extent permitted by law, to exclude marijuana testing from pre-employment substance detection testing, except for safety-sensitive positions.

**BE IT FURTHER RESOLVED:**

That if the Chief Executive Officer does not make such changes to the administrative regulations **by March 2022**, the County Attorney is directed to draft legislative ordinance revisions to Chapter 20, Section 20-23, to be considered by the Board of Commissioners, to achieve the goals and directives of this resolution.

**ADOPTED** by the DeKalb County Board of Commissioners, this \_\_\_ day of \_\_\_\_\_, 2021.

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**STEPHEN R. BRADSHAW**  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

**APPROVED** by the Chief Executive Officer of DeKalb County, this \_\_\_ day of \_\_\_\_\_, 2021.

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**MICHAEL L. THURMOND**  
Chief Executive Officer  
DeKalb County, Georgia

**ATTEST:**

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**BARBARA H. SANDERS-NORWOOD, CCC**  
Clerk to the Board of Commissioners and  
Chief Executive Officer  
DeKalb County, Georgia

**APPROVED AS TO FORM:**

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**VIVIANE H. ERNSTES**  
County Attorney  
DeKalb County, Georgia