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Dear COO Gordon:

The Compliance Division of the City of Atlanta Office of the Inspector General (OIG) recently concluded an investigation substantiating an allegation that a City of Atlanta (COA) employee (Employee) involved in a motor vehicle collision while operating a COA vehicle was administered a post-accident drug and alcohol test that was noncompliant with COA drug and alcohol testing protocols. In the course of its investigation, OIG identified inconsistencies and conflicts among COA's vehicle use policy, drug and alcohol testing policy, and the City of Atlanta Code of Ordinances (Atlanta Code). OIG recommends COA take steps to update its policies to conform with Atlanta Code, enforce reimbursement and reporting provisions, and comply with federal testing regulations.

Background

In October 2021, OIG received an allegation that a City of Atlanta Department of Public Works (DPW) employee was involved in an automobile accident and was issued a delayed drug/alcohol screening as part of a "cover-up" orchestrated by DPW management. OIG initiated an investigation and took a number of investigative actions, including, but not limited to, reviewing COA policies, laws, and records, and conducting interviews.

COA Law and Policies

I. *COA Accident Procedures*

OIG reviewed Safety's Standard Operating Procedure (SOP)[1] for accidents. SOP Rules 4.1 through 4.3 require City employees involved in a motor vehicle accident to contact their immediate supervisor and emergency personnel immediately after the accident. SOP Rule 5.1.1 requires the employee's supervisor to notify Safety of the accident. SOP Rule 5.1.2 instructs Safety officers to complete a Safety Investigation Preliminary Report (preliminary report) to provide details of the

[1] OIG notes that the SOP received from DPW is identified as a "draft." However, Safety informed OIG the draft version received is the operating document for DPW and Safety.

occurrence. According to the SOP, the preliminary report must be completed by a Safety officer within 24 hours of the incident.

SOP Rule 5.2.6 requires Safety officers to determine if an accident is "preventable or non-preventable." A preventable accident is defined "as an accident that may have been prevented if due care and attention were exercised." A non-preventable accident is defined as "an accident where it was determined that the employee had exercised all due care and attention and could not have been prevented." Although not indicated in the SOP, Safety staff informed OIG that Safety Officers are required to make and include this preventability determination when completing the preliminary report. The SOP does not provide guidance on what evidentiary standard must be satisfied for a finding that an accident was preventable or nonpreventable (e.g., the preponderance of the evidence, clear and convincing evidence).[2] Rule 5.2.6. also states that the preventable/non-preventable status is "subject to change after review."

Accidents are also governed by the COA Vehicle Use Policy (VUP). The VUP establishes a different standard for preventability than the standard articulated in the SOP. Where Safety's SOP describes a preventable accident as an accident that "may have been prevented" with due care and attention, Section 29 (b) of the VUP describes a preventable accident as an accident that "*would not have occurred* if the employee had exercised due care and attention, regardless of whether a citation was issued by the police" (emphasis added). Like the SOP, the VUP does not provide an evidentiary threshold to evaluate whether an accident is preventable.

After submitting its preliminary report, SOP Rule 5.1.2 requires that Safety conduct a full investigation of the accident. SOP Rule 5.2.10 indicates that it is Safety's responsibility to determine the root cause of any accident to determine if any violation of the VUP occurred. Upon the conclusion of the investigation, Safety provides a final report that should include "a police report, pictures, witness statement(s), etc." The final report is then submitted to the Department of Human Resources (DHR) and the City's Claims Division upon request. SOP Rule 5.1.3 states that, "upon receipt of the final report, the Safety Director shall make a recommendation to [DHR] regarding disciplinary action in accordance with" the VUP, and that DHR "will relay the recommendation to the Commissioner/Deputy Commissioner." SOP Rule 5.1.4 also states that "the immediate Supervisor shall notify the appropriate division head of the occurrence."

Similarly, Section 24 of the VUP states that, when an employee is involved in a motor vehicle accident or collision, supervisors shall:

- *Report the motor vehicle accident in the Risk Management Information System as soon as possible, and in no case later than forty-eight (48) hours of the occurrence of the accident*. (emphasis in original)
- Supervisors or safety officers shall also be responsible for overseeing the alcohol/controlled substance testing procedures for the involved vehicle operator and for contacting the Office of Fleet Services to obtain a vehicle repair estimate.

[2] OIG inquired with Safety if there were any supplemental guides detailing the evaluation process for the preventability/non-preventability determination. OIG was informed that the SOP serves that function.

- Ensure that all required information is entered into the Risk Management Information System and that police accident reports, together with all other relevant documentation including photographs of all property damage, including infrastructure such as hydrants, light poles, traffic control devices, etc., are uploaded in the Risk Management Information System for automatic routing to the Office of Fleet Services, Office of Risk Management, and Department of Law's Claims Unit.
- Supervisors or safety officers must notify Risk Management to preserve the DRMS video.

OIG contacted Risk Management and was informed that the Risk Management Information System identified above is an online database called Origami. As will be discussed in a later section, supervisors inconsistently enter accident data into Origami.

II. *COA Drug and Alcohol Testing Policies*

The Atlanta Code states that "[w]hen a supervisor has reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol, the supervisor must immediately notify the appointing authority or designee."[3] That appointing authority or designee "may require the employee to submit to a drug and/or alcohol analysis."[4] But to form a factual basis to establish reasonable suspicion, certain observations about an individual must lead the reasonable person to suspect drugs or alcohol are involved.[5] These observable circumstances and behaviors include actual possession of drugs or alcohol, slurred speech, alcohol on breath, inability to walk in a straight line, and behavior "so unusual and inappropriate in its nature as to create an unsafe work environment or disrupt the normal working condition."[6] The Atlanta Code also permits a finding of reasonable suspicion for (1) accidents in which City employees are cited for traffic violations; or (2) any other accident involving City property in conjunction with the observable circumstances and behaviors outlined above.

The VUP states that when a City "vehicle operator is involved in a motor vehicle accident or collision, all supervisors or safety officers notified … shall ensure that an alcohol/drug analysis is conducted if (1) the accident was classified as preventable; or (2) reasonable suspicion exists." The VUP has a drug and alcohol policy as well. Under the VUP, reasonable suspicion is established using the same criteria established in the Atlanta Code.[7] The VUP requires that "all supervisors or safety officers . . . ensure that an alcohol/drug analysis examination is performed as soon as possible following the actual occurrence of an accident or collision." Finally, SOP Rule 5.2.7 states that "if it is determined by the Safety Representative that the accident was preventable," the supervisor and/or designee will immediately escort the employee to a medical facility to take a drug/alcohol analysis.

[3] Sec. 114-571 and 114-572 of the Atlanta Code.
[4] *Id.*
[5] *Id.*
[6] *Id.*
[7] Section 25 of the Vehicle Use Policy.

DHR implemented a citywide "Workplace Alcohol/Drug Abuse Policy" in HR Form 7.25. (While the provisions of HR 7.25 do not appear to have been in effect in October 2021, OIG references this policy for a more comprehensive review of current COA drug and alcohol policies.) HR 7.25 divides employee drug and alcohol testing into two types: "routine" and "reasonable suspicion." Routine employee drug tests are detailed in Subsections 7.0 through 7.6. Subsections 7.0 – 7.6 establishes provisions for random drug and alcohol testing, and testing for employees in certain safety and security-sensitive positions. However, Section 7.3 states:

> The City will require all employees (including those not in safety/security sensitive positions) to submit to reasonable suspicion and/or post-collision or incident drug testing.

In addition, Section 7.6 states:

> In the event that an employee is involved in a collision or incident while driving a City owned/leased vehicle (including any machinery), the City will require the employee to submit to a drug and alcohol test.

Reasonable suspicion is described in HR 7.25 Subsection 3.6 as "a belief based on observation, specific, articulable, objective facts where the rational inference to be drawn under the circumstances is that the person is under the influence of drugs or alcohol." This description of reasonable suspicion differs from the standard described by Atlanta Code and the VUP in that it additionally requires that the suspicion be articulable, and the fact finder must also draw a "rational inference" (as opposed to actions which may cause "a reasonable person to suspect") that the employee is under the influence of drugs, alcohol and/or controlled substances. HR 7.25 Subsection 8.1 states that "if the evidence indicates that there is a reasonable suspicion that the employee is under the influence of alcohol, drugs or a Controlled Substance, they may be requested to undergo an immediate medical evaluation."

III. *Employee Discipline under the VUP*

The VUP outlines two disciplinary guidelines for employees involved in misconduct while operating a City vehicle. The first guideline is a "point system" framework in which City employees accrue points for vehicle infractions. Point values are determined by a scoring system contained in the VUP with more serious infractions accruing more points.[8] For example, running a red light is worth five points, speeding is worth five points, a rolling stop is worth three points, and not using a mirror is worth three points.[9]

As an employee accrues points, s/he is subject to increasingly severe discipline. If the employee accrues points at or exceeding, predetermined standards within a given time frame,

[8] See Section 14 and Appendix C of the Vehicle Use Policy.

[9] *Id.* Note: the chart itself has inconsistencies and ambiguities worth noting, as well as other point assignments of concern. For example, a "driver unbelted" is worth either five (5) points or one (1) point. A possible collision is worth zero (0) points, a near collision is worth five (5) points, and an actual collision is worth zero (points). Ambiguities include identifying blank stares (4 points), level 1 and level 2 aggressiveness (5 and 10 points, respectively), positive recognition of a potential collision (0 points), too fast for conditions (5 points), etc.

certain disciplinary measures are triggered.[10] Although the policy also allows for "other concerns" and "other violations," the list of infractions and point assignments is exhaustive. After determining what infractions were violated and tallying the corresponding points, a second chart is used to determine the appropriate corrective action:

Points Assessed	Corrective Action(s)
Driver assessed 10 more points in 1 month	**Additional coaching + Oral Admonishment + DDC training req.**
Driver assessed 20 or more points in a 3-month period.	**Written Reprimand**
Driver assessed 30 or more points in a 6- month period.	**5-days suspension without pay + Driving privileges suspended until Defensive Driving course completed *impacts performance evaluation rating**
Driver assessed 40 or more points in a 9- month period.	**10-days suspension without pay + Driving privileges suspended until Defensive Driving course completed**
Driver assessed 50 or more points in a 12-month	**Separation**

In addition to the point system framework, Section 28 of the VUP establishes an additional disciplinary guideline. This guideline delineates two criteria for imposing discipline on City employees involved in collisions, based on: (1) whether the employee operated a City vehicle carelessly or negligently or (2) whether the employee was involved in a preventable accident.[11] If the employee is found to have operated a City vehicle carelessly or negligently, the employee will be subject to the progressive discipline scheme per Atlanta Code.[12] However, if an employee is involved in a preventable accident, the VUP states that the involved employee(s) shall be disciplined under a set of guidelines detailed in the VUP, with consideration given to the progressive discipline imposed by the Atlanta Code.

The VUP identifies five types of preventable accidents: No Damage, Minor, Moderate, Major, and Severe.[13] The categorization is determined based on property damage and the existence and severity of bodily harm to those involved in the accident. Then, depending on the frequency of the accident(s), the VUP outlines the corresponding disciplinary action to be imposed.[14] The penalties increase in severity and range from oral admonishment for a first-time "No Damage" accident to dismissal or suspension without pay up to thirty days for the first "Severe" accident.

[10] See Section 14 of the Vehicle Use Policy.
[11] See Section 29 (A) and (B) of the Vehicle Use Policy.
[12] See Section 29 (A) of the Vehicle Use Policy.
[13] The VUP classifies the type of accidents as follows:

- Minor Accident: Total damage cost for City vehicles, equipment and property is less than $2,500 with NO injuries to involved parties.
- Moderate Accident: Total damage cost for City vehicles, equipment and property is greater than $2,500 and less than $8,000, and/or there is any injury requiring outpatient only medical treatment.
- Major Accident: Total damage cost for City vehicles, equipment and property is greater than $8,000 and less than $18,000, and/or there is any injury requiring inpatient medical treatment.
- Severe Accident: Total damage cost for City vehicles, equipment and property is greater than $18,000, and/or any accident.

[14] See VUP Section 29 (B) ("Discipline for Preventable Accidents").

The VUP also imposes additional consequences on employees who are involved in preventable accidents, such as placement of the employee on twelve-month "probationary periods" and a requirement that the employee completes a defensive driving course.[15] The VUP states that any exceptions to its disciplinary guidelines must be approved in writing by the City Chief Operating Officer (COO).

Finally, Section 27 of the VUP states "that an employee involved in a motor vehicle accident or collision, resulting in damage to City property" who "operated the vehicle in a negligent or reckless manner…shall be required to reimburse the City for the damages to the City's property, pursuant to 2-1718 (g) of the City of Atlanta Code of Ordinances."

IV. *Employee Discipline under Atlanta Code*

Sections 114-526 through 114-555 of the Atlanta Code regulate employee discipline. The Atlanta Code requires the City to "impose, where reasonable, progressive discipline according to procedures that are fair, prompt and appropriate to the situation."[16] When a City employee violates a rule or standard, the employee's manager or supervisor has the responsibility to promptly investigate the facts and circumstances of the incident."[17] After investigating the matter, the Atlanta Code requires that the employee's manager or supervisor determine "reasonable" disciplinary action.[18] Reasonableness is determined by considering several factors including but not limited to "the seriousness of the offense, whether the offense was willful and deliberate, unintentional or the result of gross negligence and the employee's record of performance and conduct." [19]

The five stages of the progressive discipline procedural framework, and the corresponding disciplinary action that can be taken at each stage, in order of severity, are as follows:

A. Oral Admonishment
B. Reprimand
C. Adverse Action - Suspension without pay
D. Adverse Action - Demotion
E. Adverse Action - Dismissal[20]

The preferred process is that disciplinary action is applied in stages of increasing severity, with each stage permitting more severe disciplinary action than its preceding stage.[21] The purpose of the implementation of progressive discipline is to allow an offending employee the opportunity to correct his/her behavior before more severe disciplinary action is taken.[22]

[15] The VUP does not define what is meant by 'probationary period' nor what is required for satisfactory completion of this period.
[16] Sec. 114-526 (a) of the Atlanta Code.
[17] Sec. 114-527 (2) (a) of the Atlanta Code.
[18] Sec. 114-527 (2) (b) of the Atlanta Code.
[19] *Id.*
[20] Sec. 114-529 of the Atlanta Code.
[21] Sec. 114-526 (a) of the Atlanta Code.
[22] *Id.*

The three latter stages–suspension without pay, demotion, and dismissal–are all disciplinary actions classified as "adverse" actions.[23] "Cause" is a prerequisite for the imposition of adverse employment actions.[24] The Atlanta Code provides a non-exhaustive list of acts that constitute cause including, but not limited to, negligence, incompetence, failure to perform assigned duties, consumption of alcohol and controlled substances while on duty, and failing a drug or alcohol test.[25]

If the employee's manager or supervisor "determines that the infraction is such as to impair or destroy the future effective performance of the employee or...[if] the employee's presence impairs the effectiveness of others or presents a danger to the employee, others, or city property," immediate removal of that employee is required.[26] Atlanta Code Section 2-1719 (c) also states that any employee "found to be responsible for causing a vehicular accident while using a cell phone or texting in violation of this section, shall be subject to dismissal."

Regarding vehicular accidents, in addition to the provisions described in Sections 114-526 through 114-555, Section 2-1718 (g) of the Atlanta Code states: "If any employee is found by the chief operating officer or designee through administrative hearing to have been responsible, through negligence or abuse, for any accident or damage, such employee shall be required to reimburse the city for the damages to the city property." The employee has the right to appeal the reimbursement requirement.

Findings

The October 7, 2021 Collision

On October 7, 2021, Employee, while driving a City vehicle, collided with a vehicle at McDonald Boulevard, SE, Atlanta, Georgia. Employee did not take a drug test until October 12, 2021. The Safety officer who investigated Employee's collision informed OIG that the five-day gap in Employee's testing was due, in part, to Employee's lack of honesty regarding his/her role in causing the collision. According to the Safety officer, an Atlanta Police Department (APD) officer was the first to respond to Employee's accident and left the incident before Safety's arrival without issuing a citation. With no other evidence available, the Safety officer relied on Employee's account of the accident to make a preventability determination. According to the Safety officer, Employee's account indicated that the other driver was responsible for the collision.

Safety's original preliminary report indicated that Employee's collision was categorized as not preventable. Dashcam footage showed that the immediate cause of the accident was Employee driving the vehicle through a red light. The footage indicates that Employee did not notice the light change because he was distracted looking at a cellular phone while operating the vehicle. In Employee's description of events to Safety, Employee omitted his cellphone use and that he had passed through a red light.

[23] Sec. 114-530 of the Atlanta Code.
[24] Sec. 114-528 (a) of the Atlanta Code.
[25] Sec. 114-528 (b) of the Atlanta Code.
[26] Sec. 114-526 (a) of the Atlanta Code.

In APD's official report completed on October 10, 2021, three days after the accident, the responding officer indicated that, although no party was cited, Employee was found at fault for the collision. The preliminary vehicle damage estimate listed damage to the vehicle's front bumper, grille, front lamp, hood, and fender. The estimated cost for the vehicle repair was $2,937.85.

On October 11, 2021, Safety notified DPW that Employee was responsible for the collision. Employee was scheduled for a drug/alcohol test on the next day he reported to work, October 12, 2021. On October 12, 2021, Employee was given a blood alcohol test, urinalysis, and breathalyzer test. Employee was issued two forms to process his/her drugs and alcohol tests, an "Official Notice for Drug and/or Alcohol Analysis"(ONDAA) form; and a United States Department of Transportation (US DOT) Alcohol Testing Form (ATF).

The ONDAA form stated that Employee had been directed, under Atlanta Code Sec. 114-571, to submit to a drug/alcohol test on October 12, 2021, to "rebut the reasonable suspicion of the use of substances." The factual basis that formed the reasonable suspicion is checked off as "Involvement in an accident involving City property in conjunction with additional behavior as outlined in Atlanta Code Sec. 114-571." The ATF form included a "reason for test" section. In that section, it was marked that the reason for the test was "post-accident." Employee tested negative for drugs and alcohol and was cleared to work on October 14, 2021.

On October 11, 2021, Safety notified DPW that Employee was responsible for the collision. Employee was scheduled for a drug/alcohol test on the next day he reported to work, October 12, 2021. On October 12, 2021, Employee was given a blood alcohol test, urinalysis, and breathalyzer test. Employee was issued separate forms to process his drug and alcohol tests.

On October 15, 2021, Safety released its final report regarding the accident, stating that the Employee "was looking at [his] phone and ran the red light." The final report summary states that the accident was preventable and that Employee was "in violation of the City of Atlanta vehicle use policy." The final report package included a revised copy of the preliminary report that indicated that Employee was issued a drug/alcohol examination. The accident was also changed from not preventable to preventable in the revised preliminary report.

After receiving the dashcam footage, a DPW deputy commissioner emailed Employee's manager an instruction to decide on Employee's discipline. On October 18, 2021, Employee's manager forwarded a draft version Notice of Proposed Adverse Action (NPAA) to DHR. In the NPAA, it was proposed that Employee be dismissed from City employment. Although Employee's NPAA was submitted for review several times between October 2021 and December 2021, it appears no further action was taken by DPW or DHR regarding Employee.

In February 2022, OIG interviewed Employee and Employee's manager about the accident. Employee informed OIG that he was not suspended for the incident. Employee also told OIG that he was not required to reimburse the city for any damages caused by the incident. Employee's manager stated that DHR still possessed the NPAA and, to her knowledge, the determination on the NPAA was still pending. OIG obtained Employee's personnel file in July 2022 and reviewed Employee's employment history in Oracle. As of the date of this report, OIG

discovered no records of any termination, verbal warning, or any other adverse action, pending or otherwise, for any incident(s) found in Employee's personnel file.

Accident Data

As Employee's incident raised concerns regarding how post-accident drug tests are administered, OIG reviewed a larger sample of accident reports to see if the delayed testing was part of a larger pattern or an isolated incident. OIG collected from Caduceus Medical, the laboratory that conducts COA post-accident drug tests, the recorded date of all post-accident drug tests conducted from June 29, 2020, through January 2021.[27] OIG then compared the results to a sample of preliminary investigation reports obtained from DPW Safety over the same period.

In total, OIG reviewed 65 DPW preliminary reports, including Employee's incident. Of the 65 preliminary reports, 48 were classified as accidents. Of the 48 preliminary reports that were classified as accidents, eleven were listed as not preventable, and no drug test was administered. There were an additional three accidents that were marked preventable; however, the drug test did not take place until one to three days later. Finally, there were three cases (including Employee's) in which the accident was listed as not preventable, and the preliminary report indicates no drug test was administered, however, Caduceus shows that the employee in that matter appeared for a drug test on a later date.

ACCIDENT TYPE	QUANTITY
Preventable" Drug Test Issued Same Day As Accident.	31
Not Preventable Accidents- No Drug Test Given.	11
Preventable Accidents- Drug Test Not Issued The Day Of Accident.	3
Accidents Marked "Not Preventable/No Drug Test Administered" but a Drug Test Issued 1 To 5 Days After Incident.	3
Total Accidents	48

The data indicates that out of the 37 instances in which an employee was sent for a drug test, 31 times, or approximately 84% of post-accident drug tests were issued the same day as the collision. OIG discovered six instances, including Employee's, in which the post-accident alcohol/drug test was not administered on the same day as the collision. The review confirmed that Employee's five-day drug testing delay represents an outlier. Excluding the incident with Employee, OIG discovered only one other instance in which an employee was instructed to take a drug test multiple days after an accident. In that instance, the employee was drug tested two days after the accident.

As noted, Employee informed OIG that he was not required to reimburse the City for the damage caused by his accident. On July 15, 2022, OIG contacted Safety to determine which unit of DPW has responsibility for ensuring that employees reimburse the City for damages. The Safety and Training Supervisor informed OIG that, to her knowledge, DPW does not seek reimbursement from employees, even in situations where the employee has been found responsible for the

[27] OIG requested all records from January 2020-January 2022 but was informed by Caduceus that there are no records in its system prior to June 29, 2020.

damage. The Safety and Training Supervisor informed OIG that she is aware that the VUP contains a provision requiring the employee to pay the City a "deductible," but to her knowledge, it was not enforced.

Based on these statements, OIG expanded its inquiry to determine whether DPW sought reimbursement from Employees for damage to city property pursuant to Section 27 of the VUP and/or Section 2-1718 (g) of the Atlanta Code. After unsuccessful attempts to verify this information through Risk Management and DPW Fleet, on October 19, 2022, OIG requested that DPW produce the following documents:

A. A list of each preventable accident (as that term is defined by the City of Atlanta Vehicle Use Policy) involving a DPW employee from July 1, 2021, through June 30, 2022.
B. The preliminary damage estimate for each preventable accident involving a DPW employee from July 1, 2021, through June 30, 2022.
C. The final damage invoice for each preventable accident involving a DPW employee from July 1, 2021, through June 30, 2022.
D. Any documents (receipt, invoice, expense report, insurance claim form, etc.) that detail how each damage invoice was paid.
E. Please provide a list of all preventable accidents (as defined by the City of Atlanta Vehicle Use Policy) occurring between July 1, 2021 – June 30, 2022, for which DPW sought or received reimbursement for damages to City property.
F. Please provide proof of reimbursement (payment ledger information, promissory agreements, invoices, etc.) or the status for all responsive entries to the above request.[28]

In addition, to gather information about department reimbursement process(es) in general, OIG forwarded this inquiry to three other City departments: APD, the Department of Watershed Management (DWM), and the Department of Aviation (DOA). OIG selected departments based on the anticipated volume of city vehicle usage.

On December 7, 2022, DOA responded that it believed that the reimbursement OIG referenced referred to an "old policy which held the employee responsible for some financial compensation following a preventable vehicle accident." DOA informed OIG that "the new VUP does not indicate amounts employees are responsible for." OIG contacted DOA and discovered that the "old policy" DOA referenced was from a prior iteration of the VUP that imposed monetary fines on vehicle accidents.[29] OIG identified VUP Section 27 to DOA, and DOA informed OIG

[28] Inquiries E and F were added as follow-up requests on December 7, 2022, after OIG received no documents from the departments that involved employee reimbursement.

[29] The prior VUP DOA referred to was VUP 08-CWP-DPW-01. Revision 7.0 (effective Date was August 1, 2015). Section 27 of that VUP was titled "Employee Fines" and provided fines with set dollar amounts for vehicle accidents caused by "employee negligence or abuse" (recklessness is not included). The fines were as follows:

Minor Accident - $75 per occurrence;
Moderate Accident - $125 per occurrence;
Major Accident - $250 per occurrence;
Severe Accident - $500 per occurrence;

that it had not implemented that policy. On December 14, 2022, DWM informed OIG that "while disciplinary action may be taken against an employee there is no precedence of any DWM employee being required to reimburse the City for damages because of negligence or abuse." On January 5, 2023, APD emailed OIG that "after consultation with Command Staff and to the best of [APD's] available knowledge, [APD] has not had a situation where an employee has been required to reimburse the city for damages to the City's property (i.e., vehicle)." Finally, on January 9, 2023, DPW informed OIG that "DPW has not received any reimbursements for damages for City property for preventable accidents between July 1, 2021 – June 30, 2022."

Documents obtained by the departments indicated that vehicle damage invoices were entered into two separate centralized online databases: Origami and Assetworks Fleet Management (Assetworks). Origami is a database for vehicle accidents city-wide, whereas Assetworks is a database to track vehicle service and repair. VUP Section 24 requires that supervisors enter vehicle accidents into Origami. Separate from the review of employee reimbursements, OIG tracked department compliance with VUP Section 24's requirement that vehicle accidents are entered into Origami and assessed whether vehicle damage was consistently entered into Assetworks.

Between the four departments, from July 1, 2021, through June 30, 2022 (FY 22) there were a reported combined 181 preventable accidents: DPW, 82; APD, 79;[30] DOA, 11; and DWM, 9. From documents submitted to OIG as well as independent Assetworks queries, OIG calculated $322,667.19 in vehicle damage attributed to preventable accidents for FY 22:

Department	Total
APD	$ 84,884.20
DPW	$ 149,926.72
DOA	$ 24,717.84
DWM	$ 63,138.43
Total Across All Departments	$ 322,667.19

Cross-referencing the list of preventable accidents (including the Assetworks invoices submitted) by each department in Assetworks, OIG found 52 of the 181 (29%) preventable accidents submitted to OIG in Assetworks:

Department	% of Accidents Reported in AssetWorks
APD	8%
DPW	43%
DOA	55%
DWM	56%
Total % Accidents Reported Across All Departments	29%

[30] From the data submitted by APD, APD uses different nomenclature for preventable accidents referring to preventable accidents as "at fault" accidents.

OIG also searched recorded accidents by vehicle number in Origami to determine the percentage of preventable accidents entered in Origami. From the sample submitted, 10% of all preventable accidents were entered in Origami:[31]

Department	% of Accidents Reported in Origami
APD	0%
DPW	12%
DOA	36%
DWM	44%
Total % Accidents Reported Across All Departments	**10%**

Analysis

Concerns arising from the October 7, 2021 Accident

I. *The October 12, 2021 Drug Test*

As noted above, although Employee's collision took place on October 7, 2021, Employee was not drug tested until October 12, 2021. The five-day delay poses several problems. As a threshold matter, it is unclear what purpose was served by administering a drug/alcohol test to Employee five days after the collision. If Employee had failed the drug/alcohol test, it is unlikely that the City would have been able to link the results of the drug/alcohol test to the October 7, 2021, collision.

While the VUP does not specify an exact timeframe that an Employee must have a drug/alcohol test after a motor vehicle accident, it states that "all supervisors or Safety officers shall ensure that an alcohol/drug analysis examination is performed as soon as possible following the actual occurrence of an accident or collision." Although no further guidance is included in the VUP, a drug test issued five days after a collision is unlikely to be considered "as soon as possible." The VUP is silent on how long after a collision a preventability determination must be made; however, as the preventability determination is a criterion used to decide whether to issue a drug/alcohol test, it follows that the "preventability" determination must also occur as soon as possible after the collision. Also, as the SOP requires that the Safety officer complete the preliminary report within 24 hours after a collision and the preventability determination is part of the preliminary report, it is likely expected that (subject to change) the preventability determination is made within 24 hours.

Although the SOP provides that Safety may reverse the initial preventability determination, this provision seems intended to allow the fact finder, after a more thorough review of facts and evidence, to correct the record and to determine the need for, or degree of, appropriate employee discipline. It is unlikely that revising a preventability determination, by itself, was meant to serve as justification for performing an employee drug/alcohol screening. If revising the preventability

[31] APD informed OIG that accident data is recorded internally via Office of Professional Standards reports as opposed to Origami. APD informed OIG that APD moved away from Origami in 2016. According to APD, Origami was previously used by APD to process Worker's Compensation and worker comp claims.

determination is sufficient grounds to warrant a post-accident drug/alcohol test, then, as observed in this instance, employees may be issued drug tests days, or possibly, weeks after a collision, long after any reviewing party could recover evidence that the use of drugs or alcohol contributed to the accident. Such a result appears at odds with the 'as soon as possible' guidance described in the VUP.

In addition, a delayed post-accident drug/alcohol test may violate Atlanta Code. Under Atlanta Code 114-571, an employee can only be issued post-accident drug/alcohol tests upon a finding of reasonable suspicion or the issuance of a citation for traffic code violations. Since a finding of reasonable suspicion is dependent on the presence of factors that suggest alcohol/drug use (e.g., slurred speech, inability to walk a straight line), the longer that an employee waits to take a drug/alcohol test, the more likely the presence of factors suggesting drug/alcohol use diminish. If an employee is required to take a post-accident drug test, absent exhibiting any factors suggesting drug and alcohol use, such a requirement may conflict with Atlanta Code 114-571.

For example, in the present instance, Employee was not issued a citation, and it is unlikely that on the date of Employee's exam, there were any factors present that could form the basis for reasonable suspicion. Nevertheless, Employee's ONDAA form stated that the drug test was issued to "rebut the reasonable suspicion of the use of substances" and that the circumstances that formed that reasonable suspicion were Employee's "involvement in an accident involving City property in conjunction with additional behavior as outlined in Atlanta code Sec. 114-571." Neither the responding Safety officer nor Employee's supervisor noted at the time of the accident that Employee's speech was slurred, or that he was unable walk a straight line, or any of the other observations described in Sec. 114-571.[32] It was Safety's subsequent preventability determination that formed the basis for Employee's drug test, not reasonable suspicion. As there were no factors that could form the basis for reasonable suspicion five days after the accident, the delayed drug test appears to have violated Atlanta Code Sec. 114-571.

OIG also notes that Employee was also issued an alcohol test pursuant to a US DOT ATF. On the ATF, "post-accident" is checked off as the reason the test was performed. OIG reviewed the US DOT Regulations for Workplace Drug and Alcohol Testing Program, which instructs employers to "cease attempts to administer an alcohol test" if the test is not administered within eight hours, and to cease attempts to administer a controlled substances test if not administered within 32 hours, following an accident."[33] If a drug or alcohol test is not performed within the timeframes listed, rather than perform the test at a later time, US DOT instructs employers to document why the drug test was not performed within a timeframe mandated by US DOT. Employee's alcohol screening took place more than 100 hours after the accident, well beyond the timeframe for administering a drug/alcohol screening outlined by US DOT. As such, Employee's alcohol test, as performed under the ATF, appears to have violated US DOT regulations.

[32] Moreover, while the footage established that the accident was caused by Employee's actions, nothing in the footage suggested drugs or alcohol played a role in the accident. Rather, the footage indicated that Employee used a cell phone while operating a vehicle and that the accident was caused by Employee's driving through a red light.
[33] Title 49 Subtitle B Chapter III Subchapter B Part 382 Subpart C § 382.303 (d) (1)-(2)

To avoid situations in which employee drug tests are delayed or employees are subjected to drug tests that do not comport with Atlanta Code or US DOT requirements, the City might establish a fixed window of time post-accident that an employee must be given a drug/alcohol test.

II. *Inconsistent Compliance with Post-accident Procedures*

As the evidence established that Employee's collision was caused by his failure to stop at a red light and that such failure was likely the result of Employee's cellphone use while operating a City vehicle, Employee's transfer among worksites and suspension of driving privileges does not comport with the requirements outlined in the VUP or Atlanta Code. Atlanta Code Sec. 2-1719 (c) states that any employee "found to be responsible for causing a vehicular accident while using a cell phone or texting in violation of this section, shall be subject to dismissal." As the dashcam footage indicates that Employee's use of a cell phone was the precipitating factor in him running through a red light and colliding with a vehicle, the Atlanta Code required Employee to be dismissed.

Also, the dashcam footage indicated that Employee was negligent in his operation of a City vehicle. Both Atlanta Code Section 2-1718 (g) and VUP Section 27 require that City employees reimburse the City for accidents and damages caused by negligence and/or abuse or recklessness.[34] The preliminary damage estimate from Employee's accident assessed that there was approximately $2,900 in damage, damage for which the City could have sought reimbursement from Employee. However, Employee was not required to reimburse the City for the damage caused by his accident, as DPW informed OIG that it does not seek reimbursement from employees.

The failure to seek reimbursement from Employee was not an isolated oversight by one department. In FY 22, APD, DPW, DOA, and DWM employees accumulated at least a combined $322,667.19 in damages to City property attributable to preventable accidents. OIG could not determine the percentage of preventable accidents that were attributable to employee negligence, abuse, or recklessness; however, since a preventable accident determination requires a finding that the employee-driver failed to exercise due care, a significant portion (if not all) of preventable accident damage was likely reimbursable under Atlanta Code 2-1718(g) and VUP Section 27.

However, all four departments informed OIG that they do not require that their employees reimburse the City for property damage; accordingly, none of these damages were reimbursed to the City. The City failed to mitigate its losses by shifting the costs for vehicle repair to the parties responsible for the vehicle's damage.

Reimbursement is part of a broader issue of inconsistent post-accident processing. As noted above, of the 181 preventable accidents submitted to OIG, 29% were discovered in Assetworks and 10% were discovered in Origami. Due to the inconsistency in recording vehicle damage data,[35]

[34] As addressed in a later section, although both Atlanta Code Section 2-1718(g) and VUP Section 27 have similar reimbursement provisions, there are differences between the two rules regarding which factors trigger the automatic reimbursement provisions, as well as the procedures required before an employee must reimburse the City.

[35] DWM attributed missing Assetworks entries to "(1) the repairs were done under the wrong repair code, (2) the damage was not great enough to forward for a repair, or (3) the vehicle has not been taken to a repair facility for an

the actual vehicle damage costs are unknown. Based on the discrepancy between the total number of preventable accidents and the percent of accidents recorded in Assetworks and/or Origami, the combined $322,667.19 identified could be significantly less than the actual total for vehicle damage for the four City departments.

In sum, Atlanta Code required that Employee be dismissed. A review of Employee's personnel records revealed no discipline. Also, Employee was not required to reimburse COA for damage, nor was Employee suspended, or placed on probation. Employees are not being made to reimburse the City for damage as required by the VUP and Atlanta Code, and departments are not ensuring that vehicle accidents are properly recorded in City databases. Taken together, the City does not ensure that employees who negligently operate vehicles and/or cause accidents are properly disciplined, that costs are mitigated, and that accidents are recorded appropriately. Failure to follow established post-accident procedures communicates to staff that the City will not enforce its accident policies, which in turn, could have a deleterious effect on employees' adherence to vehicle safety regulations.

III. *Vulnerabilities in the VUP*

Employee's incident also exposed problems posed by using "preventability" as a standard for issuing drug/alcohol tests. The VUP does not detail the process for determining the preventability of an accident/collision. OIG requested documents from Safety that would detail the criteria for Safety officers to evaluate preventability but was informed that the SOP is the guiding document for Safety officers. The SOP is silent regarding the level of evidence required, how issues of credibility and reliability are resolved, and how evidence is tested.

OIG notes that the preventability test described in the VUP, and Safety's SOP, is not found in the Atlanta Code. As detailed in the previous section, Atlanta Code Section 114-571 requires that employee post-accident drug/alcohol tests are performed upon a finding of reasonable suspicion or the issuance of a citation for traffic code violations. Preventability is not mentioned in Atlanta Code. The VUP did not always use preventability as a basis for post-accident employee drug/alcohol testing: in 2008, the VUP criteria for issuing a post-accident drug/alcohol test mirrored the standard described in Atlanta Code 114-571. It is unclear when the VUP was changed to use preventability as a basis for issuing a drug/alcohol test, however, the change was included in the VUP by 2015.

Safety's SOP provides a different definition of preventability than the VUP. Safety's SOP requires Safety officers to evaluate whether the accident "may have been prevented" with due care. The VUP requires a determination that the accident "would not have happened" if the driver exercised due care. Preventability under the VUP is a limited inquiry, requiring driver negligence to be a 'but for' cause of the accident or collision. In contrast, the SOP inquiry is broad, requiring Safety officers to consider accidents that could have happened even if the driver exercised due care (or accidents in which the driver's negligence was not a contributing factor) so long as there is a possibility that the accident *may* have been prevented with due care. Using the standard

estimate." In addition, APD informed OIG that it did not have the invoice information for the accidents and that OIG would need to contact DPW to obtain the invoices.

articulated in the SOP may require that a Safety officer evaluate all evidence including, but not limited to, statements from all involved parties, witness accounts, law enforcement statements, best practices, road conditions, visibility, vehicle function, and more. Such a complex evaluation cannot be reliably executed at the scene of the accident or collision.

While preventability may be useful to determine employee liability and whether employee discipline is required, the broad evidentiary demands of a preventability determination are incongruent with the need to conduct a drug/alcohol test as soon as possible. After an accident or collision, some evidence required to make a preventability determination (e.g., dash cam footage) can be secured and analyzed later. Drugs and alcohol, however, stay within the human body for a limited number of hours, and once too much time has passed, it is impossible to prove with any certainty whether an employee consumed drugs and/or alcohol before the collision. Also, requiring a preventability determination *before* reviewing all evidence increases the likelihood that the Safety officer may, in error, determine a preventable accident as nonpreventable, and thus allow culpable parties to evade drug and alcohol detection.

Finally, to the extent the use of a preventability determination as a criterion for issuing a drug/alcohol test diverges from the instructions provided in Atlanta Code, this policy should be removed from the VUP or amended to be made compliant with Atlanta Code.

Conflicts between Atlanta Code and COA Policies

During its initial investigation, OIG discovered that several provisions contained in the VUP, and the Drug/Alcohol Policy are inconsistent and/or in conflict with the Atlanta Code. OIG found that these conflicts impact not only drug and alcohol testing procedures but also procedures for imposing employee discipline.

I. *The COA Drug/Alcohol Policy Conflicts with the Drug and Alcohol Testing Procedural Requirements of the Atlanta Code*

Atlanta Code states that "when a supervisor has reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol, the supervisor must immediately notify the appointing authority or designee." That appointing authority or designee "may require the employee to submit to a drug and/or alcohol analysis." But to form a factual basis to establish reasonable suspicion, certain observations about an individual must lead the reasonable person to suspect drugs or alcohol are involved. These observable circumstances and behaviors include actual possession of drugs or alcohol, slurred speech, alcohol on breath, inability to walk in a straight line, and behavior "so unusual and inappropriate in its nature as to create an unsafe work environment or disrupt the normal working condition." The Atlanta Code also permits a finding of reasonable suspicion regarding (1) accidents in which city employees are cited for traffic violations; or (2) any other accident involving city property in conjunction with the observable circumstances and behavior outlined above.

By contrast, Section 7.6 of the COA Drug/Alcohol Policy states that when "the employee is involved in a collision or incident while driving a City owned/leased vehicle (including any machinery), the City will require the employee to submit to a drug and alcohol test." No reasonable

suspicion or any additional factors or observations are required. This provision establishes a mandatory drug and alcohol test that contradicts the discretionary drug and alcohol test, as well as the reasonable suspicion requirement, of the Atlanta Code.

II. *The VUP Conflicts with the Drug and Alcohol Testing Procedural Requirements of the Atlanta Code*

As discussed, Atlanta Code limits post-accident drug/alcohol tests to situations in which the employee-driver exhibits behaviors that could form the basis for reasonable suspicion of drug/alcohol misuse, or the employee was cited for traffic code violations. However, the VUP states that when a City "vehicle operator is involved in a motor vehicle accident or collision, all supervisors or safety officers notified…shall ensure that an alcohol/drug analysis is conducted if (1) the accident was classified as preventable; or (2) reasonable suspicion exists." Here, although the second prong is consistent with the Atlanta Code, it is unclear how the first prong, the preventability of an accident, fits with the requirements established by the Atlanta Code. The VUP describes a preventable accident as an "accident that would not have occurred if the employee had exercised due care and attention, regardless of whether a citation was issued by the police." The VUP in this regard is inconsistent with the Atlanta Code because the policy indicates that a preventable accident alone is sufficient to require a drug test. Moreover, the definition of a preventable accident is inconsistent with the requirements of the Atlanta Code.

III. *The VUP Conflicts with the Atlanta Code on Employee Discipline*

The VUP points system and preventable accident procedures conflict with the reasonable disciplinary action and progressive discipline procedural guidelines articulated in the Atlanta Code. The Atlanta Code requires that employees be disciplined reasonably and that the employee's supervisor or manager (reviewer) determine a reasonable punishment. To determine reasonableness, the reviewer must conduct an analysis that considers matters such as the seriousness of the offense, intent, gross negligence, and the employee's record of performance and conduct. The VUP supplants this evaluation process, replacing it with an escalating series of mandatory penalty provisions that trigger based on the existence of predetermined factors.

For example, the points system charts a categorical evaluation for discipline, with certain disciplinary measures based upon an employee's accumulation of an established point value. Under the points system framework, the reviewer does not have the option of considering factors beyond the list of factors outlined. By using the points system, the reviewer is denied discretion to determine the relative weight of any individual act. All actions that may be considered misconduct are codified and assigned a numeric point value. Likewise, the point system does not permit a reviewer to consider mitigating factors, as the point system does not include "negative" points that would reduce the total points accrued. Although the point system allows for "other concerns or "other violations," the value for those considerations is pre-established (with three points for "other concerns" and five points for "other violations") regardless of what those other concerns or violations may be. Thus, the multi-factored evaluation process detailed in the Atlanta Code is replaced by a formula, with accrued points serving as the standard for determining the appropriate punishment.

Similar concerns exist with the VUP preventable accident disciplinary analysis. The preventable accident disciplinary analysis limits the factors to be considered to vehicle damage, bodily injury, and the frequency of accidents. While vehicle damage, bodily injury, and frequency of infractions would certainly qualify as factors to be considered under Atlanta Code, they are not the only factors to be considered. For example, Atlanta Code specifically includes employee past performance and employee intent as factors to be considered when imposing discipline. OIG found no authority in the Atlanta Code that allows City departments to restrict the universe of factors a reviewer may consider in imposing discipline. Moreover, even if a decision-maker, of his/her own volition, limited the factors considered to just frequency of accidents, bodily damage, and/or property damage, Atlanta Code still requires that the decisionmaker evaluate these factors to determine a reasonable punishment.

In contrast, the VUP preventable accident disciplinary framework establishes mandatory disciplinary measures under its own formula. Thus, concerns like those highlighted in the points system framework arise. Under the preventable accident disciplinary framework, it is not the reviewer who assesses and evaluates the relative values of such factors as vehicle damage, bodily injury, and frequency of infractions; rather a pre-established evaluation for discipline supplants the reviewer. The reviewer cannot exercise his/her option to deem certain acts as non-factors, nor determine the weight of any act in determining reasonableness. The VUP prevents the appointing agency, or the employee's supervisors or managers, to exercise discretion by requiring that any exception to the discipline guidelines contained in the VUP be approved by the COO.

OIG also notes that the VUP permits employees to be disciplined under the progressive discipline scheme of the Atlanta Code *and* the VUP preventable accident disciplinary framework. OIG found no law permitting the establishment and adoption of any disciplinary policy other than the progressive discipline articulated in the Atlanta Code. Additionally, although the VUP states that the preventable accident disciplinary guidelines are to be implemented in "consideration" of the Atlanta Code, the VUP does not provide instruction or guidance on how these two schemes interact. It is unclear if the preventable accident disciplinary measures in the VUP operate as ancillary punishment to, or as a substitute for, progressive discipline.

Adding to the potential confusion, the VUP introduces disciplinary measures unconsidered in Atlanta Code. As detailed above, the only disciplinary measures identified under the Atlanta Code progressive discipline scheme are (in order): oral admonishment, reprimand, suspension without pay, demotion, and dismissal. The VUP imposes additional disciplinary measures such as mandated defensive driving courses and probationary periods. The result is that, for similar accidents, an employee might receive punishments ranging from oral admonishments to dismissal as described in Atlanta Code, or probation and defensive driving courses as indicated under the VUP, or some combination thereof. Without clear guidance, employees may be disciplined based upon a combination of factors from both the Atlanta Code and the VUP but inconsistent with the requirements of either, and the employee may be subject to discipline the Atlanta Code does not anticipate or allow.

IV. *The VUP is Inconsistent with the Atlanta Code for Purposes of Reimbursement Procedures*

Under Section 27 of the VUP, when "an employee involved in a motor vehicle accident or collision, resulting in damage to City property, operated the vehicle in a negligent or reckless manner, the employee shall be required to reimburse the City for the damages to the City's property." Although the VUP states that provision is in accordance with Atlanta Code Section 2-1718 (g), Section 2-1718 (g) first requires that the COO (or designee) determine liability for reimbursement "through [an] administrative hearing" based on findings of "negligence or abuse." The VUP omits one required finding (abuse) under the Atlanta Code, as well as adds a required finding (reckless manner) not listed in the Atlanta Code. The VUP also omits the COO's role in the reimbursement liability process, as well as the administrative hearing requirements. OIG observed that Section 27 is placed in the preventable accident framework of the VUP, as discussed above. Thus, the placement of Section 27 combined with the omission described above implies that reimbursement determinations are part of the preventable accident procedure rather than the COO determination, administrative hearing, and appeals rights framework established by the Atlanta Code.

Conclusion and Recommendations

OIG received an allegation that a DPW employee was involved in an accident and issued a delayed drug test as part of a "cover-up" orchestrated by management. Evidence collected indicates that the delay was primarily the result of incomplete information being provided to the responding Safety Officer. While no evidence was found to substantiate the claim that the delay was the result of a "cover-up" or any other intentional misconduct, OIG found that Employee was not issued a drug test in a reasonable timeframe after the collision. OIG identified several vulnerabilities in the drug and alcohol testing procedures of the VUP.

OIG further found that City departments, generally, do not comply with established post-accident procedures required by the VUP and Atlanta Code and do not record accidents in Risk Management's information system, Origami, as required by the VUP. Vehicle damage and costs are not consistently recorded in Assetworks, DPW Fleet's vehicle service database. Also, City departments have failed to take actions to mitigate the City's vehicle repair costs, by neglecting to seek reimbursement from employees for accidents caused by negligence and recklessness as required by the VUP and Atlanta Code.

In FY 2022, four City departments accumulated at least $322,667.19 in City vehicle damage attributable to preventable accidents. The City could have offset these repair costs by requiring the responsible parties to reimburse the City. Transferring damage costs to City employees, however unpalatable, is a requirement appearing in both the Atlanta Code and the VUP; these provisions suggest an intention to limit the public's liability for negligently or recklessly caused property damage.

OIG also discovered several provisions of the VUP and Drug/Alcohol policy that do not conform with the Atlanta Code. Upon review, these provisions reflect a standardization of difficult managerial decisions. OIG recognizes the benefits of creating uniform and predictable disciplinary

guidelines that any reasonable decision-maker can execute, especially in charged situations involving employee misconduct or potential drug and alcohol misuse. However, preferred policies cannot supersede Atlanta Code.

Between the Atlanta Code, the VUP, and the Drug/Alcohol policy, COA has developed varying rules and procedures to address similar subject matter. The existence of multiple authorities imposing different procedures for similar circumstances may create confusion for City employees and policy administrators which may lead to unfair and inconsistent enforcement of law and policy.

For these reasons, OIG recommends that:

1. DPW remove or revise the use of preventability as a criterion for issuing Drug and Alcohol tests, as per Section 25 of the Vehicle Use Policy so that it complies with Atlanta Code.

2. DPW remove or revise the preventability framework from Section 29 of the Vehicle Use Policy so that it complies with the progressive discipline requirements of Atlanta Code.

3. DPW remove or revise the point system framework described in Section 14 and Appendix C of the Vehicle Use Policy so that it complies with Atlanta Code.

4. DPW revise the reimbursement language from Section 27 of the Vehicle Use Policy to comply with Atlanta Code.

5. DPW revise its Safety SOP so that it complies with the VUP and Atlanta Code.

6. DPW include in the VUP a set timeframe that a drug or alcohol test must be performed after an accident.

7. DPW follow United States DOT regulations regarding the administration of drug and alcohol tests.

8. DHR take measures to ensure that City departments comply with the discipline policies established by Atlanta Code.

9. DHR remove or revise Section 7.6 of the City of Atlanta Drug and Alcohol Policy so that it complies with Atlanta Code.

10. Risk communicate with all City departments the VUP guidelines regarding entering accident information into Origami.

11. The COO direct City departments to comply with the property damage reimbursement requirements set forth in Atlanta Code.

12. DPW, DHR and Risk, in conjunction with the City of Atlanta Department of Law, ensure all additional sections of the Vehicle Use Policy, Drug and Alcohol Policy, and any other relevant policies currently implemented pertaining to post-accident discipline and procedures comply with Atlanta Code.

Please let me know if you have any questions concerning the investigation or if you wish to discuss this further. Please notify OIG of COA's response to each of the above recommendations within 30 days. If COA does not accept a recommendation, please provide a written explanation.

Sincerely,

Shannon K. Manigault
Inspector General

cc: Al Wiggins Jr, Commissioner, City of Atlanta Department of Public Works
Tarlesha Williams Smith, Esq., Commissioner, City of Atlanta Department of Human Resources
Jerry DeLoach, Chief Risk Officer, City of Atlanta Office of Enterprise Risk Management
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