

County Officials E-News

Promoting better county government through direct assistance to county officials and their associations.

New Attorney General Opinion Issued: Constitutionality of Random Drug Testing of County Employees and Elected Officials



A blanket drug testing policy for all county employees and elected officials would violate the Fourth Amendment of the United States Constitution, as well as section 7, article I of the Tennessee Constitution, the state Attorney General opined in an opinion issued March 31, 2017. While this is not news, it is the first time in several years that the Attorney General has addressed this issue. Drug testing by a government employer is very different from drug testing by private employers. This opinion gives a thorough analysis of the law on drug testing by government employers.

The opinion notes that the Fourth Amendment of the United States Constitution prohibits unreasonable searches and seizures by government officials. While this protection typically applies in a criminal context, it also applies when the government is acting as an employer. The courts on numerous occasions have found that government-compelled drug and alcohol testing is a “search” under the Fourth Amendment. Whether a particular search is reasonable must be determined by balancing the nature of the intrusion on the individual’s privacy against the promotion of legitimate government interests. It is a context-specific inquiry. The court must examine the facts and balance the competing interests.

The U. S. Supreme Court has decided five government drug testing cases in recent years. Two of these cases involved public school students, whose privacy interest is more limited. Of the remaining three cases, two involved government employees and one involved candidates for public office. The Supreme Court found testing without a warrant permissible in three instances: (1) customs officers involved in front-line drug interdiction; (2) customs officers who carry firearms; and (3) train operators where a documented problem with drug/alcohol related accidents existed in the industry. The Court found that employees in these positions performed duties “fraught with such risks of injury to others that even a momentary lapse of attention can have disastrous consequences.” On the other hand, the Court found that suspicionless testing of candidates for public office did not meet the Fourth Amendment’s “special needs” exception to overcome the need for individualized suspicion of wrongdoing. In that case, the Court found the need to be symbolic, not special.

Whether a drug-testing policy is constitutional is a fact-based determination. It is necessary to consider the position held by the employee or official and balance the government’s interest in testing against the individual’s privacy interests. A blanket random drug testing policy for all county employees and elected officials would not be constitutional.

[Op. Tenn. Att’y Gen. 17-23 \(3/31/17\).](#)

IN THIS ISSUE:

Training Opportunities.....	page 2
TN Comptroller Releases New School Data Map.....	page 2
It’s Budget Time! Are you ready?.....	page 3
County Spotlight: Henderson County.....	page 3
Event Recap: Negotiation Skills.....	page 4



May 23-25

Gatlinburg, Park Vista
[Register Now!](#)

Training Opportunities

Capital Budget Workshop

Class is scheduled 8:30am - 12:30pm

May 5 - Cookeville

E-911 Building | 700 County Services Drive

Bankruptcy Issues for Local Government

All classes 8:30am - 12:30pm

May 2 - Johnson City

Carnegie Hotel | 1216 W. State of Franklin

May 3 - Knoxville

UT Conference Center | 600 Henley St., 4th Floor

June 6 - Jackson

Jackson Energy Authority | 320 Highway 45 Bypass

June 7 - Murfreesboro

Embassy Suites | 1200 Conference Center Blvd.



Register Today!

Online:

<http://www.ctas.tennessee.edu>

By Email:

ctas.training@tennessee.edu

By Phone:

615-532-3555

(Ask for Training)

Participant Cancellation Policy

Please cancel 3 days prior to a class if you cannot attend. Expenses are incurred for our classes based on the number of registrations that we have in each class.

Class Cancellation Policy

Each class requires a minimum of 15 participants for the class to be held. Classes with less than 15 participants enrolled will be cancelled.

[Training](#) | [Calendar](#)

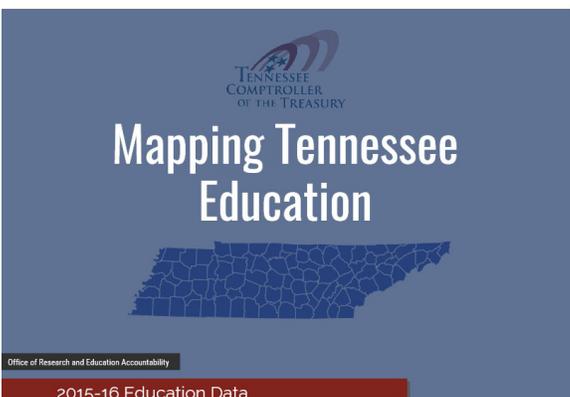


TN Comptroller Releases New School Data Map

The Tennessee Comptroller's Office has recently released an updated set of interactive maps that depict various school and school district data. These data present the Tennessee House of Representatives and Senate legislative districts with school and school district information.

Data are searchable by legislator, school district, and school name. Demographic, accountability, performance, and financial data are included in these maps.

The maps can be found on the Comptroller's website at <http://www.comptroller.tn.gov/OREA/MappingTN>.



Updated Online Course!

Family and Medical Leave Act (FMLA)

Access this updated COCTP course through the [Solution Point Training Center](#) on our website

Need help? Call us!
(615) 532-3555
Ask for Training



It's Budget Time! Are you ready?

Check out these resources to help you prepare your budget:

e-Li Resources

- [Operating Budgets](#)
- [Capital Budgets](#)
- [Debt Management](#)



COUNTY SPOTLIGHT

Henderson County

County Seat: Lexington

2010 Population: 27,769

County Government Consultant:

Bobby Phillips

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A battle once took place right where Interstate 40 goes through the community of Parker's Crossroads. It was a short cavalry and artillery battle between Union troops under Colonel Cyrus Dunham and Confederate troops under Nathan Bedford Forrest. Although the engagement didn't last long, there were an estimated 700 casualties.

Thanks to community activists, large parts of the battlefield have been preserved in recent years, and there is a visitors' center as well.

Henderson County also used to be the home of William L. Barry. Mr. Barry served in the Tennessee House of Representatives from 1955 through 1967, and as the House Speaker during his last four years there. Mr. Barry knew quite a bit about Henderson County history, and told us about Miles Darden, who lived here for most of his life and died in 1857. Miles was world famous, not for something he did but for what he was. He was a giant - at least seven feet six inches tall and, at the time of his death, weighed more than a thousand pounds (according to the cotton scales on which he was weighed).



Event Recap: **In Case You Missed it**

Each month, we will offer a review of events that county officials may not have been able to attend. When possible, we will also note if any event may be offered in the future.



Capital Budget Workshop

- *Taught by CTAS County Government Consultants Ben Rodgers, Wesley Robertson, Rick Hall, Doug Bodary, Mike Galey, and Bobby Phillips; and Manager of Field Services, Gary Hayes.*

Capital budgeting is a component of the County Officials Certificate Training Program. This class introduced the terminology associated with the capital budgeting process, explained how a capital improvement plan is developed and implemented, described the accounting and budgeting process, and demonstrated how to manage a capital project.



[See more photos on Facebook!](#) 

Missed These Classes?

To sign up for CTAS County Officials Certificate Training Program (COCTP) training classes, please visit our Training webpage at <http://ctas.tennessee.edu/content/training>. We offer classes on a variety of topics including budgeting, personnel, office management, and general county government operations.



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