

CITY OF _____
ALCOHOL AND DRUG TESTING POLICY
FOR
EMPLOYEES PERFORMING JOBS THAT REQUIRE
A COMMERCIAL DRIVERS LICENSE

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PURPOSE

The purpose of this policy is to provide for implementation of the CITY OF _____ Alcohol and Drug Testing Policy for Employees Performing Jobs that Require a Commercial Drivers License. This policy is based on the Cities commitment to maintain a safe, healthful and productive work environment for all employees and to ensure the safe and efficient delivery of services to citizens of CITY OF _____.

POLICY

All CITY OF _____ employees who are required to have a commercial driver's license (CDL) are subject to the controlled substance and alcohol testing rules. (Attachment A). A CDL is required for drivers operating a vehicle that meets the requirements of the Texas Department of Public Safety, i.e., commercial motor vehicles, vehicles designated to carry 16 or more passengers including the driver, or of any size, which are used in the transportation of hazardous material

PROHIBITED ALCOHOL AND CONTROLLED SUBSTANCES-RELATED CONDUCT

The following activities are prohibited:

1. Being on duty and/or operating a commercial motor vehicle (CMV) while possessing alcohol.
2. When required to take a post-accident alcohol test, using alcohol within eight (8) hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
3. Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements.
4. Reporting for duty or remaining on duty, if the driver tests positive for controlled substances.
5. Being on duty performing a job that requires a commercial driver license (CDL) when the employee's general appearance or conduct or some other substantiating evidence indicated he/she has used alcohol within the preceding four (4) hours.

CONSEQUENCES TO EMPLOYEE

An employee, who is known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to the following consequences:

1. Employees shall not be permitted to operate a vehicle that meets the requirements of the Texas Department of Public Safety, i.e., commercial motor vehicles. Vehicles designated to carry 16 or more passengers, including the driver, or of any size, which are used in the transportation of hazardous materials, under the following conditions:
 - a) When an employee is tested for the first time and his breath alcohol level ranges from 0.02 to 0.039, he shall be relieved from duty for three days without pay.
 - b) An employee with a previous test showing alcohol use who is tested a second time and found to have a breath alcohol level of 0.02 or greater will be subject to termination.
 - c) Employees who refuse a test shall be considered to have received a positive test result and are subject to termination.
 - d) Employees who test 0.04 or greater on the first test shall be referred to a Substance Abuse Professional (SAP) for evaluation, will be considered as needing assistance in resolving problems associated with alcohol, and will be subject to at least 6 follow-up tests in the following 12 months, or as directed by the SAP. The employee, at their own expense, shall be evaluated by the SAP who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use. An employee's refusal to visit a SAP or follow his treatment plan shall result in termination.
 - e) Employees tested after referral to a SAP, who shows a breath alcohol level of 0.02 or greater, shall be subject to termination
 - f) Employees who test positive for a controlled substance shall be subject to termination.
2. CITY OF _____ employees shall be advised of the resources available to them in evaluating and resolving problems associated with the misuse of alcohol or the use of controlled substances.

TYPES OF TESTING

In order to enhance highway safety, CITY OF _____ will follow the Omnibus Transportation Employee Testing Act of 1991 requiring employees holding a CDL to be tested for use of controlled substances and misuse of alcohol. The following types of tests are required to be administered:

- 1) Random Testing for alcohol shall be administered at an annual rate of ____ percent of the average number of CDL employees. CITY OF _____ shall ensure that random alcohol testing will be unannounced and spread reasonably throughout the calendar year. Employees shall be tested for alcohol while they are performing safety-sensitive functions, immediately prior to performing or immediately after performing safety sensitive functions.

In the event an employee who is selected for a random alcohol test is on vacation or an extended medical absence, CITY OF _____ can either select another employee for testing or keep the original selection confidential until the employee returns.

Random testing for controlled substances shall be administered to ____ percent of the average number of CDL employees. The testing shall be unannounced and spread reasonably throughout the calendar year. Each employee selected for random controlled substances testing shall proceed immediately to the testing site upon notification of being selected.

In the event the employee selected for a random controlled substance test is on vacation or an extended medical absence, CITY OF _____ can either select another employee for testing or keep the original selection confidential until the employee returns.

- 2) Reasonable Suspicion Testing shall be administered to an employee when CITY OF _____ has reason to believe the employee has violated the alcohol or controlled substance prohibitions. "Reasonable Suspicion" shall be defined as the belief that the driver has violated the alcohol or controlled substances prohibition, use of possession based on specific, contemporaneous, particularly observations concerning the appearance, behavior, speech or body odors of the employee.

- 3) Post-Accident Testing shall be conducted as soon as practicable following an accident. CITY OF _____ shall test for alcohol and controlled substances on each surviving employee when either:

- a) there is an accident
- b) the employee receives a citation under state or local law for a moving traffic violation.

An accident defined as "an incident involving a vehicle in which there is either a fatality, an injury to the employee or to another, or causes significant property damage or involves other unusual circumstances.

The employee subject to post-accident testing must refrain from consuming alcohol for eight (8) hours following the accident or until he/she submits to an alcohol test, whichever comes first. The employee must remain available for testing, and if he/she is not, his lack of availability will be considered as a refusal to take the test.

When an alcohol or controlled substance test has not been administered within a reasonable time frame following the accident, the following actions shall be taken:

- (i) If the employee has not submitted to an alcohol test within two (2) hours, The City shall prepare and maintain on file a record stating the reason a test was not promptly administered.
- (ii) If the employee has not submitted to an alcohol test after eight (8) hours, attempts to administer the alcohol test shall cease, and documentation shall be prepared and maintained as described above.
- (iii) If the employee has not submitted to a controlled substance test within 32 hours, CITY OF _____ shall cease attempts to administer the test and shall prepare and maintain the record as described above.

Note: Nothing should be construed so as to require the delay of necessary medical attention for injured people following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

4. Return-to-Duty Testing and Follow-up Testing shall ensure that before an employee who has engaged in prohibited conduct regarding alcohol misuse returns to duty in a position requiring the performance of a commercial drivers license, the employee shall undergo a return-to-duty alcohol testing indicating a breath alcohol concentration of less than 0.02.

Employees who test positive for controlled substances shall be subject to immediate termination of employment.

Following a determination that an employee is in need of assistance in resolving problems associated with alcohol misuse, CITY OF _____ shall ensure that the employee is subject to unannounced follow-up alcohol testing and/or controlled substances testing (at the employee's expense) as directed by the substance abuse professional. The employee shall be subject to a minimum of six (6) follow-up controlled substance and/or alcohol tests in the following twelve (12) months.

CITY OF _____
POLICY FOR DRUG AND ALCOHOL
DETECTION AND DETERRENCE

141.01 The purpose of this policy is to provide procedures for implementation of the CITY OF _____ Policy for Drug and Alcohol Detection and Deterrence based upon the Cities commitment to maintain a safe, healthful and productive work environment for all employees, and to ensure the safe and efficient delivery of services to citizens of CITY OF _____.

OBJECTIVES

141.02 To establish a procedure to achieve a drug-free work force and to provide a workplace that is free from the any of illegal drugs and substance abuse.

To establish a procedure for drug and alcohol screening of applicants for City employment.

To establish a procedure for drug and alcohol screening of employees where there is reasonable suspicion that an employee has legal of illicit substances in their system while on duty or in the scope of their employment with the city.

To establish a procedure of random alcohol and drug screening for personnel positions that have a significant impact upon the public safety of themselves or others.

To establish a procedure for drug and alcohol screening of personnel employed as certified peace officers assigned to, or who are applicants for, positions as certified officers within the City.

To establish a procedure for drug and alcohol screening of personnel employed as reserve deputies and volunteer arson investigators within the City. Alcohol and drug screening of personnel employed as reserve deputies or as volunteer arson investigators shall be at the expense of the reserve deputy or the volunteer arson investigator.

POLICY APPROVED
AND ADOPTED BY:

CITY OF _____

DATE: _____

CITY OF _____

**POLICY FOR
DRUG AND ALCOHOL DETECTION AND DETERRENCE**

POLICY

- 141.03 It is the policy of CITY OF _____ that the manufacture, distribution, dispensation, possession, sale or use of illegal drugs or alcohol by employees while on duty or in behalf of the City is prohibited. The City's goal is to establish and maintain a work environment that is free from the effects of abuse or misuse of any type of drug or alcohol. Consequently, employees are prohibited from being at work or acting in the scope of their employment with the City while impaired by alcohol or with illegal or illicit substances present in their systems, or their persons, in City vehicles or on City premises. This policy incorporates any off duty use or misuse of illegal or illicit substances that result in a positive drug test pursuant to these procedures.
- 141.04 This policy applies to all employees of the City regardless of rank or position and includes temporary and part-time employees and appointed officials.

SCOPE

- 142.01 This procedure is applicable to individuals applying for employment with the City and all CITY OF _____ employees.

DEFINITIONS

- 143.01 A. **APPLICANT FOR EMPLOYMENT** means a person applying for any position within the City.
- B. **CERTIFIED DEPARTMENTAL SUPERVISOR** means a supervisor who has attended the mandatory two-hour training provided by a Certified Department of Transportation (DOT) trainer.
- C. **CERTIFIED PEACE OFFICER** means; employees authorized under state law as peace officers.
- D. **CITY PREMISES** means all City owned or leased real or personal property and facilities their surrounding grounds and parking lots and, City provided motor driven equipment/vehicles.
- E. **COLLECTION SITES** means a designated National Institute for Drug Abuse (NIDA) certified facility where urine samples collected from an employee or applicant.
- F. **CONFIRMATION OF DRUG TEST RESULTS** means a form issued to an applicant or employee that informs them of a positive result from a confirmatory drug test.
- G. **CONTRACT EMPLOYEE** means a City employee directly engaged in the performance of work pursuant to the provisions of a federal contract valued in excess of \$25,000.

- H. **CONTROLLED SUBSTANCE** means any substance listed in schedule I - V of Section 202 of the Controlled Substance Act (21 U.S.C. S 812) as amended, or in the Texas Health and Safety Code Ann. 481.001, et. seq. (Vernon 1992).
- I. **CONVICTION** means a finding of guilt or imposition of sentence, including deferred adjudication or probation by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.
- J. **CRIMINAL DRUG STATUTE** means a federal or non-federal criminal statute pertaining to the manufacture, distribution, sale, use, or possession of any controlled substance.
- K. **DRUG**, herein after referred to as illegal, means any chemical substance that is defined by criminal statute as a controlled substance or which any produce physical, mental, emotional, or behavioral changes in the user.
- L. **DRUG PARAPHERNALIA** means equipment, a product or material that is used or intended for use in concealing an illegal drug or for use in injecting, ingesting, inhaling, or otherwise introducing into the human body an illegal drug or a controlled substance.
- M. **OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991** means the performance of work at which the City employees are prohibited from engaging in unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance.
- N. **DRUG SCREENING/DRUG TESTING** means a procedure to screen and/or test urine samples for the purpose of detecting the presence of amphetamines, cocaine metabolites, opiate metabolites, phencyclidine, and marijuana metabolites.
- O. **EMPLOYEE** means all individuals engaged in the performance of work for or on behalf of CITY OF _____ whether hired or appointed.
- P. **GRANT** means an award of funds by a foundation or a state or federal agency.
- Q. **GRANT EMPLOYEE** means a City employee directly engaged in performance of work pursuant to the provisions of a federal or state grant including all direct charge employees and indirect charge employees unless their impact or involvement is insignificant to the performance of the grant as determined by the Commissioners Court.

- R. **ILLEGAL DRUG** herein before referred to as drug, means any drug or derivative thereof, the use, possession, sale, transfer, attempted sale, or transfer, manufacture or storage of which is illegal or regulated under any federal, state or local law or regulation of any other drug, including, but not limited to, a prescription drug, over the counter drug or inhalant, used for any reason other than a legitimate medical reason. Marijuana or cannabis in all forms is included.
- S. **INFORMED CONSENT** means a form authorization completed by an applicant or employee consenting to a drug test and permitting their release of test results to the designated City officials.
- T. **LABORATORY** means a National Institute for Drug Abuse (NIDA) certified laboratory authorized by the City to perform drug screening/testing.
- U. **MEDICAL REVIEW OFFICER (MRO)** means a physician authorized by the City to review and interpret positive drug test results.
- V. **ON DUTY** means that time period which constitutes an employee's workday, or that time period when he or she has been recalled to work.
- W. **REASONABLE SUSPICION** means, an articulable belief based on specific facts and reasonable inferences drawn from those facts.
- X. **SAFETY IMPACT POSITION** means an employment position involving job duties which if performed with inattentiveness, errors in judgment, or diminished coordination, dexterity, or composure may result in mistakes that could present a real and/or imminent threat to the personal health and safety of the employee, co-workers, and/or the public. Any employee who operates a City-owned or lease vehicle or motor driven or heavy equipment as part of their primary duties is in a safety impact position. Employees who drive on City business are in safety impact positions if they drive as a regular, primary, or substantial part of their duties on behalf of the City. A Safety Impact Position also includes those employment positions whose job duties involve contact with or access to drugs.
- Y. **NOTICE** means an approved condensed and written notice of the Company Policy on Drug and Alcohol Detection and Deterrence.
- Z. **POSITION ANNOUNCEMENTS** means every vacancy or employment opportunity announcement shall state: "Any applicant tentatively selected for this position will be required to submit to testing to screen for illegal drug use prior to employment." Each applicant will be notified that employment in the position is contingent upon a negative drug test result. Failure of the vacancy announcement to contain this statement notice will not preclude applicant testing if advance written notice is provided to applicants in some manner.

RESPONSIBILITIES

144.01 A. The Human Resources Administrator or a designated representative is responsible for:

- 1) identifying Safety Impact Positions for approval by the Council;
- 2) notifying employees in departmental Safety Impact Positions that they are subject to random alcohol and drug testing;
- 3) scheduling the employees for random alcohol and/or drug tests;
- 4) receiving the results of alcohol and/or drug tests of departmental employees;
- 5) notifying the employees of positive test results and their right to a split sample testing;
- 6) retention of all alcohol and/or drug test related records for employees;
- 7) ensuring policies are prominently displayed at all City facilities housing employees;
- 8) ensuring that the alcohol and/or drug test, notice, forms and results are kept confidential;
- 9) providing initial communication and training for departments;
- 10) coordinating the use of Employee Assistance Program (EAP's) with the Risk Management Department;
- 11) developing a training program to assist supervisors to recognize the conduct and behavior that gives rise to a reasonable suspicion of alcohol and/or drug use by employees;
- 12) collecting and maintaining employee alcohol and/or drug testing records and files from all sources and assuring that they are kept confidential;
- 13) making available to department's alcohol and/or drug testing and notice forms;
- 14) notifying a department of its employees randomly selected for alcohol and/or drug testing;
- 15) issuing a Request for Quotations and administering the contract to provide urine sample collection and alcohol and/or drug screening/testing; and
- 16) overseeing the administration of the CITY OF _____ Drug and Alcohol Detection and Deterrence Policy.

144.02 Certified Departmental Supervisors are responsible for:

- 1) determining if reasonable suspicion exists to warrant alcohol and/or drug testing and detailing in writing the specific facts, symptoms. Or observations which form the basis for the reasonable suspicion;
- 2) submitting the documentation to the Human Resources Administrator or designee;
- 3) reinforcing the appropriate provisions outlined in this procedure.

144.03 Employees are responsible for:

- 1) reviewing and complying the CITY OF _____ Drug and Alcohol Detection and Deterrence Policy;
- 2) signing the acknowledgment form and returning to the Human Resources Department.

Grant or contract employees are additionally responsible for:

- 1) notifying their immediate supervisor of any criminal alcohol and/or drug statue conviction for a violation occurring in the workplace no late that five (5) days after such conviction

BASIC FOR TESTING

145.01 Pre-Employment Testing

- 1) Prior to certification as City employees, applicants for employment shall be required to undergo alcohol and/or drug screening for the presence of drugs referenced in Section 146-06 of these procedures

145.02 Applicants shall be asked to consent to alcohol and/or drug screening and sign an Applicant's Informed Consent. The appropriate City official shall complete the Pre-Employment Drug Test Notification Form. Applicants who refuse to consent to a alcohol and/or drug screen, who fail to appear at the designated collection site, or who fail to provide their breath or urine sample after reasonable opportunity shall have their hiring process terminated and their conditional offer of employment shall be withdrawn.

145.03 At the collection site, applicants referred for alcohol and/or drug screening are required to present their Pre-Employment Drug Testing Notification Form and a photo identification in the form approved by the Human Resources Department.

- 1) All urine samples will be screened in accordance with contractual requirements and all test results will be sent to the Human Resources Administrator or designee for review.
- 2) The collection sites shall confirm to the Human Resource Administrator or designee that the applicant reported for the screening, supplied a urine sample and shall return the completed and executed Pre-Employment Drug Test Notification Form and the Applicant's Informed Consent Form to the Human Resources Administrator or designee.
- 3) An Medical Review Officer (MRO) will review all test results and report to the Human Resources Administrator or designee that the applicant has a positive test result. A written notice confirming positive results and of the procedure for obtaining, at their own expense, an additional urinalysis test conducted on the same urine sample at an NIDA certified laboratory and selected by the applicant, shall be sent to the applicant by the Medical Review Officer. The Medical Review Officer shall coordinate the retesting of applicants.
- 4) An applicant who has a confirmed positive test result shall have his/her hiring process terminated and his/her conditional offer of employment withdrawn.

REASONABLE SUSPICION OF DRUG USE

The City may require an employee to undergo a alcohol and/or drug test if there is reasonable suspicion that the employee is under the influence of drugs and/or alcohol while on City property or while acting in the scope of employment in behalf of the City or has otherwise violated this policy. "Reasonable suspicion" means an articulable belief based on specific facts and reasonable inference drawn from those facts that an employee is under the influence of drugs and/or alcohol. Specific designated acts or conduct can create reasonable suspicion and precipitate a drug and/or alcohol test. Circumstances which can constitute a basis for determining reasonable suspicion may include, but are not limited to:

- 145.04 1) Only certified departmental supervisors shall be responsible to determine if reasonable suspicion exists to warrant alcohol and/or drug testing. They shall be required to document in writing the specific facts, symptoms, or observations which form the basis for such reasonable suspicion. If specific, contemporaneous articulable observations concerning the appearance, behavior, a speech or body odor of the employee exist, the certified departmental supervisor shall contact the Human Resources Administrator or designee for instructions regarding a "reasonable suspicion" interview.
- 2) The Human Resources Administrator or designee shall require an employee to undergo alcohol and/or drug testing if there is reasonable suspicion that the employee is in violation of the City's policy on Drug Detection and Deterrence. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to:
- a) A Pattern of Abnormal or Erratic Behavior - This includes, but is not limited to a single, unexplainable incident or serious abnormal behavior or a pattern of behavior which is radically different from what is normally displayed by the employee or grossly differing from acceptable behavior in the workplace.
 - b) Information Provided by a Reliable and Credible Source - The first line supervisor or another supervisor/manager receives information from a reliable and credible source as determined by the Human Resource Administrator that an employee is violating the City's Policy of Drug Detection and Deterrence.
 - c) Direct Observation of Alcohol and/or Drug Use - The first line of employee using alcohol and/or drugs while the employee is on duty. Under these circumstances, a request for alcohol and/or drug testing is **MANDATORY**.

- d) Presence of Physical Symptoms; of Alcohol and/or Drug Use – The supervisor observes physical symptoms that could include but are not limited to glassy or bloodshot eyes, slurred speech, poor motor coordination. or slow or poor reflex responses different from what is usually displayed by the employee or generally associated with common ailments e.g., colds, sinus, hay fever, diabetes etc.

145.05 The following will be deemed reasonable suspicion and any provide a sufficient basis for requesting alcohol and/or drug test:

- 1) Violent or Threatening Behavior - First Incident: If an employee engages in unprovoked, unexplained, aggressive, violent and/or threatening behavior against a fellow employee or a citizen, the Department may request that the employee submit to alcohol and/or drug testing.
- 2) Violent or Threatening Behavior - Subsequent Incident: Whether or not any employee has previously received formal counseling or disciplinary action for unprovoked, unexplained, aggressive, violent or threatening behavior against a fellow employee or a citizen, upon a second or subsequent episode of similar behavior/conduct (within twelve months), the department shall request that the employee undergo alcohol and/or drug testing.
- 3) Absenteeism and/or Tardiness: If an employee has previously received a suspicion action for absenteeism and/or tardiness, a continued poor record (within twelve months) that warrants a second or subsequent suspicion action may result in a request for an alcohol and/or drug test.
- 4) Loss - First Occurrence: Any documented, unexplained loss of City property, equipment, money or other asset(s) may result in a request for alcohol and drug and/or testing of the employee accountable for the lost asset(s).
- 5) Loss - Subsequent Occurrence: A second or subsequent (within twelve months) documented, unexplained loss of City property, equipment, money or other asset(s) shall result in a request for an alcohol and/or drug test of the employee accountable for the lost asserts).

Certified departmental supervisors of employees are required to detail in writing the specific facts, symptoms or observations which formed the basis for their determination that reasonable suspicion exists to warrant the testing of an employee. This documentation shall be forwarded to the Human Resources Administrator or designee.

145.06 Alcohol and/or drug testing procedures for reasonable suspicion testing will be consistent with Section 146.

POST ACCIDENT

145.07 Any preventable, on-the-job accident that results in any lost time personal injury or property damage shall result in mandatory alcohol and/or drug testing.

145.08 Any non-preventable on-the-job accident that results in any lost time personal injury or property damage any result in a recommendation for alcohol and/or drug testing. Any such recommendation for alcohol and/or drug testing will be based upon a determination by management that due to unusual or extenuating facts and/or circumstances, an alcohol and/or drug test recommendation would be appropriate.

145.09 Alcohol and/or drug testing procedures for post accident testing will be consistent with Section 146.

FOLLOW-UP TESTING

145.10 An employee shall be requested to submit to an alcohol and/or drug test upon returning to work in a Safety Impact Position after an absence of over 30 calendar days for any reason.

145.11 Alcohol and/or drug testing procedures for follow up testing will be consistent with Section 146.

RANDOM DRUG TESTING

145.12 All City employees in certified Safety Impact Positions, as approved by Council Members, shall be subject to random alcohol and/or drug testing.

145.13 Department Heads who believe that a job position has an impact upon the safety of that individual or others or for appropriate reasons should be subject to random testing shall identify each such position and submit it to the Human Resource Administrator. The Human Resources; Administrator, who in consultation with the City Attorney when necessary, shall review the request. Council shall approve all City Safety Impact Positions for the random selection pool. Employees in such positions shall be informed that they are in a certified safety impact position and are subject to random alcohol and/or drug testing.

145.14 AD employees in certified Safety Impact Positions will be subject to random testing.

145.15 The selection of employees for random alcohol and/or drug testing shall be made by a random computer selection process.

145.16 Employees selected for a random test shall be notified by the Department Head or designee to submit to an alcohol and/or drug test. Employees selected for a random test but absent due to vacation, sick leave, other leave or on urgent City Business Approved by the Department Head will not be notified to take the alcohol and/or drug test until the first day they return to work after random selections even if the first day back occurs in a later month.

145.17. Alcohol and drug testing procedures for random testing will be consistent with Section 146.

ASSIGNMENT TESTING

145.18 All employees shall be subject to alcohol and/or drug testing as a condition of transfer or promotion to an assignment that is in a certified Safety Impact Position. Employees seeking a transfer or promotion into such positions shall be tested only if they are qualified and selected for the transfer or promotion and consent to the test. Notification and testing will be conducted consistent with alcohol and/or drug testing procedures in Section 146.

145.19 Successfully passing an alcohol and/or drug test is a condition of transfer or promotion. An employee who refused to consent to alcohol and drug testing or who fails to appear or provide a breath and urine sample shall have the transfer or promotion process terminated and the conditional offer of transfer or promotion will be withdrawn. Section 149 herein shall not be applicable in this limited circumstance only.

145.20 Alcohol and drug testing procedures for assignment testing will be consistent with Section 146.

ALCOHOL AND/OR DRUG SCREENING/TESTING PROCEDURES

146.01 Employees selected for alcohol and/or drug testing for any reason shall be notified by the appropriate Department Head or designee to submit to the alcohol and/or drug test immediately and proceed to the testing site.

146.02 Once an employee has been notified to take an alcohol and/or drug test, unless hospitalized, no sick or other leave may be authorized until the collection process is completed.

146.03 An employee has 2 hours from the time of notification to complete all the requirements of the collection process. A notified employee may consult with anyone regarding the alcohol and/or drug test so long as the informed consent and the collection process are timely completed.

146.04 When drug screening is required or authorized under the provisions of this policy, a urinalysis test will be given to detect the presence of amphetamines, cocaine metabolites, opiate metabolites phencyclidine and, marijuana metabolites.

146.05 The initial drug screening shall be by enzyme immunoassay techniques (EMIT) test, which shall be administered at a City approved laboratory and at City expense. If an initial drug screen yields a positive result, a second confirmatory test, at City expense, using a gas chromatography/mass spectrometry (GUMS) test will be conducted on a portion of the same urine sample provided by the applicant or employee for use in the initial drug screen

Alcohol testing using Department of Transportations certified Evidence Breath Testing (EBT) device shall be completed by a certified Breath Alcohol Technician (BAT). VA= an employee is testing for the first time and his breath alcohol level ranges from 0.02 to 0.039, he shall be relieved from duty for three days without pay. An employee with a previous test showing alcohol use who is tested a second time and found to have a breath alcohol level of 0.02 or greater will be subject to termination.

146.06 The minimum levels of positive test results are the levels authorized by the Department of Transportation.

146.07 A copy of the CITY OF _____ Policy on Drug Detection and Deterrence shall be given to all employees.

146.08 When alcohol and/or drug testing is authorized by Sections 145.04 and herein due to reasonable suspicion or post accident reasons, arrangements for obtaining a breath and/or urine sample from the employee shall be made as soon as possible following the decision to test by the Certified Departmental Supervisor The employee's urine sample shall be tested only at a City approved facility At least one supervisor shall accompany the employee. When only one supervisor accompanies the employee, that supervisor shall be of the same sex as the employee to be tested.

146.09 A supervisor shall not be required, but any accompany an employee for random assignment or follow up alcohol and/or drug testing.

146. 10 The Medical Review Officer shall maintain alcohol and/or drug test-related records on applicants and the Human Resource Administrator shall retain all final drug testing employee records. All final records relating to the taking or ordering of an employee drug test shall be kept in a separate, secure and confidential file in the Human Resources Department.

146.11 Written consent authorizing disclosure from an employee is not required when alcohol and/or drug testing becomes the subject of a complaint or some other judicial or quasi-judicial proceeding.

146.12 Any employee who violates this confidentiality provision shall be subject to disciplinary action up to and including indefinite suspension/termination.

POSSESSION OF DRUGS; CONSEQUENCE OF POSSESSION

147.01 Employees are prohibited from possessing or having in their control any alcohol and/or illegal drugs while on duty on City premises, or while acting in the course and scope of their employment at any geographic location.

147.02 Possession can include an employee's person or personal property if on City premises, a City motor vehicle/equipment under the employee's control or City provided property under an employee's control.

147.03 An employee who is determined to have any alcohol and/or drug in his/her possession shall be indefinitely suspended without pay or terminated.

CONSEQUENCE OF POSITIVE DRUG TEST

148.01 An employee whose alcohol and/or drug test result has been confirmed positive by the MRO shall be indefinitely suspended without pay and subject to termination.

148.02 An appointed employee whose alcohol and/or drug test result has been confirmed positive by the MRO shall be subject to removal from office or employment in accordance with applicable statutory or constitutional provisions.

CONSEQUENCE OF REFUSAL TO CONSENT TO A DRUG TEST

149.01 Any employee who refuses to consent to a alcohol and/or drug test after notification of the consequences of refusal shall be indefinitely suspended without pay or subject to termination.

149.02 Any employee who consents to an alcohol and/or drug test but fails to appear timely at the collection site or who fails to give their breath and/or urine sample after reasonable opportunity to do so, will be treated as a refusal to do so.

149.03 Any appointed official or employee who refuses to consent to an alcohol and/or drug test, & fails to appear timely at the collection site or who fails to provide a breath and/or urine sample after reasonable opportunity to do so, shall be treated as a refusal to consent to an alcohol and/or drug test and subject to removal from office or employment in accordance with applicable statutory or constitutional provisions.

EMPLOYEE ASSISTANCE PROGRAM

- 150.01 AD employee may request a referral to the Employee Assistance Program for assessment counseling and rehabilitation at any time Participation in the Employee Assistance Program is voluntary and encouraged.
- 150.02 Employees shall remain alcohol and/or drug free while seeking and/or undergoing alcohol and/or drug rehabilitation or employee assistance counseling.
- 150.03 Disciplinary action based on a violation of the Cities Drug and Alcohol Detection and Deterrence Policy is not suspended by an employee's participation in the Employee Assistance Program
- 150.04 Employees seeking and/or undergoing alcohol and/or drug rehabilitation remain subject to follow-up testing as set forth in Section 145.10 herein.

OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991

REQUIREMENTS FOR EMPLOYEES OF GRANT FUNDED PROGRAMS

- 151.01 All employees engaged in the performance of a federal state or local grant or federal state or local contract valued at over \$25,000 shall be given a copy of the Cities Policy on Drug and Alcohol Detection and Deterrence, and informed that they must comply with the policy as a condition of employment.
- 151.02 Grant or contract employees shall notify the Elected or Appointed Official or the Department Head of any criminal conviction for a drug statute violation occurring in the workplace no later than five (5) days after the conviction
- 151.03 The Elected of Appointed Official or the Department Head shall provide written notice to the grantor or contractor agency and the Human Resources Administrator of any criminal drug statute conviction occurring in the workplace within ten calendar days after receiving actual notice of the conviction. The information provided by the appropriate official shall include the employee's position, title and the grant identification(s) for each grant on which the convicted employee was working.

RESERVATION OF RIGHTS

- 152.01 The City reserves the right to interpret, change, suspend, cancel or dispute, with or without written notice, all or any part of this Policy, or procedures or benefits discussed herein. Employees will be notified before implementation of any change.

152.02 Although adherence to this Policy is considered a condition of employment nothing in this Policy alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time, for any or no reason, and the City retains the right to terminate any employee at any time, for any or no reason, without notice.

EMPLOYEE ACKNOWLEDGEMENT

153.01 Each and every City employee shall receive and acknowledge, in writing, a copy of this policy.

AMERICANS WITH DISABILITIES ACT COMPLIANCE

154.01 CITY OF _____ is aware that certain applicants and employees may have rights guaranteed by the Americans with Disabilities Act, 42 U.S.C. 12101, et. seq. 990). CITY OF _____ does not discriminate on the basis of disability in admission, or access. or treatment, or employment in its programs or activities.

POLICY APPROVED AND ADOPTED BY:

CITY OF _____ COUNCIL

DATE: _____