

# Drug and Alcohol Policies and Procedures Manual



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## TABLE OF CONTENTS

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### Table of Contents

TABLE OF CONTENTS .....	2
SECTION I .....	3
DISCLAIMER .....	3
STATEMENT OF PURPOSE.....	3
SCOPE .....	3
RESPONSIBILITIES .....	4
SECTION II .....	5
DRUG/ALCOHOL FITNESS FOR DUTY .....	6
SECTION III .....	10
TESTING APPLICABLE TO ALL EMPLOYEES.....	10
SECTION IV .....	13
TESTING APPLICABLE TO CDL-COVERED EMPLOYEES.....	13
SECTION V .....	17
FAILED DRUG OR ALCOHOL TEST.....	17
SECTION VI .....	19
INTERVENTION FOR DRUG AND ALCOHOL ABUSE.....	19

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## SECTION I

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### DISCLAIMER

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### STATEMENT OF PURPOSE

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Because the most important asset of the City of Colorado Springs is its employees, the City and its employees shall be committed to the effort of providing a safe and drug and alcohol-free working environment. The purpose of the Drug and Alcohol Policies and Procedures Manual and other drug and alcohol related City policies and procedures is to enhance the safety, health, and well-being of the City's employees and the people they serve.

The City is further committed to protecting each employee's right of privacy. It is the goal of the City of Colorado Springs that employees will take responsibility for their own behavior and voluntarily seek help through the City's Employee Assistance Program (EAP) or other professional programs to resolve drug and alcohol problems. However, there may be times when management recommends the EAP, or requires EAP educational programming as part of a performance improvement plan, disciplinary action, or other recommended action to meet operational needs. Employees are encouraged to reach out to the City's Human Resource benefits team to discuss insurance coverage and available resources for drug and alcohol counseling and treatment should such resources be needed.

### SCOPE

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This Manual provides procedures for the City of Colorado Springs related to drugs and alcohol for all employees and also drug and alcohol fitness for duty and Department of Transportation (DOT) drug and alcohol testing.

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The provisions of this Manual are intended to supplement the City of Colorado Springs Civilian and Sworn Policies and Procedures Manuals. The DOT related procedures included in this Manual meet DOT 49 CFR Part 40, as amended, titled “Procedures for Transportation Workplace Drug and Alcohol Testing Program” and Federal Motor Carrier Safety Administration (FMCSA) regulations in 49 CFR Part 382, as amended, titled “Controlled Substance and Alcohol Use and Testing”, which are collectively referred to herein as “DOT Regulations”. Employees performing DOT safety-sensitive functions and subject to DOT Regulations will be referred to herein as “DOT Regulated Employees”.

In case of any conflict between the City's Drug and Alcohol Policies and Procedures Manual and current law or DOT regulations, the applicable law and DOT regulations will prevail.

Written Department Head approval is required for an employee to maintain a CDL when not required by his/her job and costs are to be incurred by the City for CDL physicals, training, random drug testing or administrative tracking. Fire Department apparatus driver positions are exempt from the CDL requirements of this policy by 49 CFR, Part 383.3(d)(2).

When staff are provided to the City under contract, the contractor is responsible for providing workers who are free of drugs and alcohol. All contracts including those with temporary employment agencies will include provisions to help ensure a drug-free workforce. Contractors providing DOT Regulated Employees will be required to test in accordance with all applicable DOT regulations.

Any proposed changes to this Manual’s provisions shall be accomplished in the same manner as changes to the Civilian Policies and Procedures Manual.

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## RESPONSIBILITIES

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### HUMAN RESOURCES MANAGER OR DESIGNEE

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The Human Resources Manager or designee shall:

- Function as the Drug and Alcohol Policies and Procedures Manual administrator and provide oversight, administration and interpretation of policy.
- Counsel on and review actions applied under this policy.
- Function as the Designated Employer Representative (DER) to receive

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communications and test results from service agents and to make required decisions in the testing and evaluation process.

- May serve as the second supervisor that can substantiate and concur for reasonable suspicion drug and alcohol testing.
- Schedule all drug and alcohol tests.
- Oversee the drug free workplace activities of the Third-Party Administrator (TPA).
- Serve as Chairperson of the Return-to-Duty Committee.
- Oversee employee rehabilitation efforts and compliance with any Return-to-Duty Agreement.

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## SUPERVISORS

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The Supervisor shall:

- Comply with this Manual.
- Complete all mandatory training.
- Observe the performance and behavior of their employees, document any observations of concern and take action that may be required by DOT Regulations, this Manual or other City policies and procedures.
- Determine necessity of post-accident testing.
- Review the Drug and Alcohol Policies and Procedures Manual with all new employees including new hire CDL drivers and with existing employees taking on DOT safety sensitive functions.

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## EMPLOYEES

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Employees shall:

- Comply with this Manual.
- Complete all mandatory training.
- Respond in a timely manner to contacts by the Medical Review Officer (MRO) or DER to discuss drug and alcohol test results.
- Sign an authorization form if referred to a Substance Abuse Professional (SAP) for drug and alcohol assessment to authorize release of information such that the SAP may report the assessment results to the City. Employees are subject to termination should they refuse to sign such an authorization.

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## SECTION II

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## DRUG/ALCOHOL FITNESS FOR DUTY

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### DRUG/ALCOHOL AWARENESS

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In accordance with applicable regulations, the City provides drug and alcohol awareness training programs to inform employees and supervisors as to:

- The effects of drug and/or alcohol abuse or misuse upon the individual, the family, and City operations;
- Warning signs of drug use in the workplace;
- The City's Drug and Alcohol Policies and Procedures; and
- Available methods for intervening when an alcohol or a Controlled Substance problem is suspected, including confrontation and referral to management or resources for drug and alcohol counseling and rehabilitation.

All DOT Regulated Employees and their supervisors shall be required to complete drug and alcohol training in accordance with DOT Regulations.

Additionally, the City, through the EAP, provides a confidential means for employees and their dependents to obtain information and assistance with drug and alcohol related problems.

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### DRUGS OR ALCOHOL IN THE WORKPLACE

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Subject to policies set forth herein specifically applicable to DOT Regulated Employees, which may be more stringent, the following policies are applicable to all employees:

- All employees are prohibited from the unlawful manufacture, distribution, dispensing, possession or use of a Controlled Substance in the workplace or on City property.
- All employees are prohibited from possessing or consuming alcohol while on duty except during special occasions where alcohol is served and with the express permission of management. On any such occasion, employee performance must not be impaired or result in conduct that reflects negatively upon the City.
- Any employee who reports to work under the influence of or whose performance is Impaired through the use of alcohol or a controlled substance is subject to corrective action in accordance with City policies and procedures, up to and including

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termination.

- With the exception of DOT Regulated Employees, to whom more stringent rules may apply, employees are permitted to use or possess Over-The-Counter drugs or Medically Prescribed Drugs in the workplace (except for marijuana). Should an employee have reason to believe, or have been informed by their physician or pharmacist, that the use of such drugs may affect their ability to perform job duties, the employee shall notify their supervisor. The employee shall not be required to reveal to the supervisor any medical information relating to the use of such drugs. The supervisor shall assure that the confidentiality of any information and privacy of the employee as well as the safety of the employee and others are maintained. In consultation with Human Resources, the supervisor may require the employee to provide additional information from the healthcare provider indicating any limitations or restrictions while using the over-the-counter drug or medically prescribed drug. The intentional use of drugs for other than prescribed medicinal purposes that impairs an employee's ability to perform their duties will be considered a violation of this policy and is subject to corrective action in accordance with City policies and procedures, up to and including termination of employment.
- Use of medical or recreational marijuana by any employee is not allowed under this policy. Marijuana is a prohibited drug in Schedule I of the Controlled Substances Act and it remains a violation of City policy for any employee to use marijuana including any medically prescribed marijuana.
- Use of medical or recreational marijuana DOT Regulated Employees is not allowed under DOT regulations as a valid medical explanation for an employee's positive drug test result.

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## ALCOHOL IMPAIRMENT

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An employee shall not be allowed to drive a City vehicle or a personal vehicle for City business following a positive alcohol test at any level until the next regularly scheduled duty period or 24 hours after the test, whichever is greater.

The City shall not permit any employee to work who is found to have an alcohol concentration of greater than 0.02 but less than 0.04 until the next regularly scheduled duty period or 24 hours after the test, whichever is greater. With the exception of removal from safety-sensitive functions, a test result that is greater than 0.02 but less than 0.04 shall not be treated as a failed alcohol test under DOT Regulations. However, the City may take action that is consistent with existing law, City policies and procedures, and/or a Return to Duty Agreement, including corrective action up to and including

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termination of employment, any time an employee is found to have an alcohol concentration of greater than 0.02 while on duty.

DOT Regulated Employees found to have an alcohol concentration of .04 or greater shall be treated as having failed an alcohol test under DOT Regulations.

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#### PRE-DUTY USE OF ALCOHOL

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- Employees who are assigned to standby duty, as defined in City policies and procedures, shall not use alcohol while on standby duty and shall remain immediately available to respond for duty.
- Employees who are called out without prior notice (emergency callout) are required to inform their supervisor whenever they have consumed alcohol during the 4 hours preceding duty or if the employee has reason to believe they are impaired. The supervisor shall not use such employee for duty and shall instead call an alternate employee.
- DOT Regulated Employees are prohibited from using alcohol within 4 hours prior to performing Covered Functions, to include normal work schedule, scheduled overtime, call out from standby or call for emergency services. The City will not use any CDL employee who has used alcohol within 4 hours prior to performing safety-sensitive functions.

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#### DRIVING UNDER THE INFLUENCE/DRIVING WHILE ALCOHOL IMPAIRED (DUI/DWAI) AND LOSS OF DRIVER'S LICENSE

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- Employees must notify their supervisor of any criminal drug or alcohol charge for a violation occurring in or outside the workplace no later than 5 working days after such a charge.
- The employee is responsible for notifying the supervisor of the outcome of any charges no later than 5 working days after the case resolution or a plea of guilty or no contest, whichever occurs first.
- Employees who operate a City vehicle or their personal vehicle as a part of their job duties are required to notify their supervisor on their next working day if they receive a DUI or DWAI charge.
- An employee whose driver's license is suspended or revoked, and who operates a City

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vehicle or their personal vehicle as part of their job duties, is required to immediately notify their supervisor and shall not operate a City vehicle or drive their personal vehicle for work purposes.

- Should an employee's driver's license be suspended or revoked as the result of an alcohol or Controlled Substance offense, the City may elect to refer the employee for a substance abuse assessment and require compliance with a drug and alcohol abuse prevention program as a condition of continued employment. Following the assessment, an appropriate course of action will be determined. The City is in no way obligated to retain the employee if they cannot perform their normal job duties.
- Taking into consideration the essential functions of an employee's position, the City may take the following actions with respect to any employee who pleads guilty, pleads no contest, is convicted of a drug or alcohol related offense, or is otherwise in violation of the law with regard to drugs and/or alcohol, regardless of case resolution:
  - Take corrective action up to and including termination of employment;
  - Require such employee to complete an evaluation and successfully complete a drug and/or alcohol professional rehabilitation program; and/or
  - Require the employee to sign a Return-to-Duty Agreement as a condition of continued employment, if continued employment is determined to be appropriate under the particular circumstances.
- Unless otherwise required by law, the City is in no way obligated to accommodate any restrictions that may be placed on an employee's driving privileges by the state (e.g., ignition interlock device, probationary or "red" license).

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### SELF REPORT OF DRUG AND ALCOHOL ABUSE

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The City's goal is that employees will take responsibility for their own behavior and voluntarily seek help through the EAP or other professional programs to resolve drug or alcohol related problems.

A DOT Regulated Employee who self-admits to drug and/or alcohol abuse will be referred for assessment and rehabilitation counseling provided:

- The employee does not self-identify in order to avoid drug and alcohol testing.
- The employee makes the admission of drug and/or alcohol abuse prior to performing safety-sensitive duties.

If the medical examiner determines that the employee has a current diagnosis of alcoholism or substance abuse, they will be removed from DOT safety-sensitive duties. In order for the employee to be considered for re-certification for DOT safety-sensitive duties, they will be

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required to successfully complete an employee assistance program and demonstrate that they do not have a current diagnosis of alcoholism or substance abuse. This determination will be made by a qualified medical examiner.

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## SECTION III

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### TESTING APPLICABLE TO ALL EMPLOYEES

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#### PRE-EMPLOYMENT DRUG TESTING

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As permitted by law, employees in positions classified as safety-sensitive, may be required to successfully complete a pre-employment (post offer) drug test. The successful completion of an initial DOT drug test is required for employees engaging in DOT Regulated safety-sensitive functions.

#### NOTIFICATION AND SCHEDULING OF DRUG TEST

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When applicable the Offer Letter shall contain a statement that an offer of employment will be contingent upon the successful completion of drug testing. The Human Resources Department shall provide the applicant with the Pre-Employment Drug Test Authorization Form as soon as possible following acceptance of the offer. The applicant must provide the drug test specimen within 48 hours of the notification time stated in the authorization form.

#### RELEASE OF RESULTS

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When applicable, negative test results shall be confidentially communicated to the Human Resources Department or the selecting authority or designee. Positive test results will only be communicated to the Human Resources Department. Human Resources shall not release the results of the pre-employment drug test to anyone other than the applicant and the selecting authority.

Because the job offer is contingent upon the successful completion of the pre-employment drug test, an applicant who fails testing shall be excluded from employment. The City does not allow an applicant to have a positive drug screen retested, unless it is a DOT test. For a DOT split-sample test, the second sample can be tested at the applicant's expense. An applicant may receive a copy of a positive pre-employment drug test result by written request or in-person visit of the collection site.

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Unless otherwise prohibited by law, an applicant who is excluded from employment as a result of a failed drug test shall be informed that unless they successfully complete a professional Rehabilitation program, they are not eligible to reapply with the City of Colorado Springs for a period of 12 months.

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## REASONABLE SUSPICION TESTING

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All employees are subject to reasonable suspicion drug or alcohol testing. Reasonable suspicion testing is designed to provide management with a tool to identify drug or alcohol-affected employees who may pose a danger to themselves and others in the performance of their duties. The supervisor should enlist the help of a second supervisor or the DER in the substantiation and concurrence of the basis for reasonable suspicion testing.

The standard for reasonable suspicion testing does not require an overwhelming burden of proof. The conclusion of reasonable suspicion may be reached through personal observation and/or information based on a report from another employee, supervisor or other reliable source. The supervisor must document their observations and/or information provided by other sources, e.g., what happened and under what circumstances reasonable suspicion was determined. Hunches and “gut feelings” are not valid in making a reasonable suspicion determination.

In the end, the decision should pass the “reasonable prudent person” test. That test simply requires that a similarly trained and experienced supervisor, being reasonable and prudent, having observed and noted the same facts, signs, and circumstances would come to the same conclusion. A final practical check is whether the supervisor would have been less responsible in not taking action than in requiring the employee to submit to testing.

The totality of the circumstances will be evaluated in making a determination of reasonable suspicion. Factors that may be considered include, but are not limited to, the following:

- Pattern of unsatisfactory job performance or work habits, for which no apparent non Impairment-related reason exists, or a change in an employee’s prior patterns of work performance, especially where there is evidence of drug/alcohol-related behavior on or off the work site. The presence of drugs and/or alcohol above established cutoff levels shall constitute impairment and being under the influence.
- Physical signs and symptoms consistent with substance abuse.

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- Evidence of illegal substance use, possession, sale, or delivery while on duty, and/or possession of drug paraphernalia.
- Occurrence of a serious or potentially serious accident that may have been caused by human error, or flagrant violations of established safety, security, or other operating procedures.
- Fighting (to mean physical contact) and assaults, or erratic, aggressive, or violent behavior.
- Past or current statements or admissions made by the employee.
- Possessing, selling, distributing, unlawfully manufacturing, or using alcoholic beverages or Controlled Substances, or in possession of drug paraphernalia while on duty or on City property.
- Slurred speech, altered motor skills, smells of alcohol, or similar signs/symptoms of drug or alcohol use.
- Documented job performance deterioration through declining productivity, excessive absenteeism/tardiness, unaccounted for or suspicious time lapse(s) of availability, arguments with customers/citizens and supervisors, aberrant behavior, sleeping on the job.
- Subject to criminal charges/convictions or findings resulting from an investigation of a tip/police report, etc.
- Other physical, circumstantial, or contemporaneous indications of Impairment.

## PROCEDURE

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During regular working hours, the decision to perform reasonable suspicion testing and notification of the testing laboratory should be coordinated with the Department Director/Division Manager and DER. Outside of regular working hours, the highest level of supervisor/manager available up to the Assistant/Deputy Director or Department Head shall approve the decision for reasonable suspicion testing with the DER receiving timely notification of the testing as soon as practical.

The employee shall be informed by their supervisor that there is reasonable suspicion for drug and alcohol testing. The supervisor shall escort the employee to the appropriate collection site for testing. An employee who has been selected for a reasonable suspicion drug and alcohol test shall be placed on administrative leave with pay until an assessment of the results has been completed.

- Refusal by an employee to submit to an approved drug and alcohol test based on reasonable suspicion shall be grounds for discharge.

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- If drug paraphernalia or other drug related items are found on City property or in the possession of a City employee, the Colorado Springs Police Department should be notified immediately. If an employee is found to be consuming alcohol while operating a vehicle, the Colorado Springs Police Department shall be notified immediately.

For more detailed information on the City's Reasonable Suspicion Testing Process, please contact the Human Resources Department.

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## SECTION IV

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### TESTING APPLICABLE TO CDL-COVERED EMPLOYEES

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#### RANDOM DRUG/ALCOHOL TESTING

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DOT Regulated Employees are subject to random drug and alcohol testing. Except where required by federal or state law or under the terms of a Return to Duty Agreement, employees that are not DOT Regulated will not be subject to drug and alcohol testing on a random basis.

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#### RANDOM POOLS

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DOT Regulated Employees remain in the random selection pools at all times, regardless of whether or not they have been previously selected for testing.

Once the list of unique selection numbers has been developed, it will be used for random selection without any correlation to actual employee names to avoid any suspicion of subjectivity.

Specimen collection will be conducted on different days of the week/month throughout the annual cycle to prevent employees from matching their drug use patterns to the schedule of the collection. The collection of specimens for testing will generally be performed monthly. The service agent shall select the covered employees to be tested. These tests will be unannounced and will be spread reasonably throughout the calendar year.

For all pools, whether drug or alcohol, the City will conduct the number of random tests necessary to meet the current DOT required percentage of all DOT Regulated Employees per calendar year.

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## PROCEDURE

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- The process will be unannounced as well as random. Employees will be notified that they have been selected for testing only after they have reported for work on the day of collection.
- On any workday of each month, the service agent will use a computer software program for random number generation. Human Resources will then contact each department to notify the department's Drug Testing Coordinators which employees need to be tested.
- The appropriate supervisor or their designee will immediately transport the employee to the collection site. The employee will remain under observation by the supervisor until testing begins.
- Testing must be completed within the specified DOT testing period.

For alcohol, a DOT Regulated Employee shall only be tested while they are performing safety-sensitive functions, just before they are to perform safety-sensitive functions, or just after they have ceased performing such functions.

An employee with an alcohol concentration of .04 or greater shall be deemed to have failed the alcohol test. If an employee has an alcohol concentration greater than 0.02 but less than 0.04, the employee will not be allowed to perform safety-sensitive duties until the next regularly scheduled duty period or 24 hours after the test, whichever is greater. An employee shall not be allowed to drive a City vehicle or a personal vehicle for City business following a positive alcohol test at any level until the next regularly scheduled duty period or 24 hours after the test, whichever is greater.

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## RETURN TO DUTY TESTING

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Return-to-duty testing for DOT Regulated Employees will be at the direction of the Substance Abuse Professional (SAP) and must be completed prior to returning to duty requiring the performance of safety-sensitive functions.

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## FOLLOW UP TESTING

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After a DOT Regulated Employee has successfully completed education or treatment as directed by the SAP and passed a return-to-duty test, the SAP shall direct the employee to a reasonable number and frequency of unannounced drug and/or alcohol tests for a period not to exceed 60 months. Times and dates of follow-up tests will be determined by the DER in coordination with the employee's supervisor and will adhere to the SAP recommendations.

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### TESTING FOLLOWING ABSENCE

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DOT Regulated Employees who have been absent, for any reason, from their regular safety-sensitive duties for more than 30 consecutive calendar days, must have a negative pre-employment test prior to returning to their safety-sensitive duties.

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### POST ACCIDENT DRUG AND ALCOHOL TESTING

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DOT Regulated Employees are subject to post-accident drug/alcohol testing in accordance with 49 CFR Part 382.

DOT Regulated Employees who contributed to an accident or who cannot be completely discounted as a contributing factor to an accident, must be administered a post-accident drug and alcohol test according to the conditions in the table below. The driver who is subjected to post-accident testing shall remain available for such testing for a period of 32 hours after the accident for drug testing and 8 hours after the accident for alcohol testing or they may be deemed to have refused to submit to testing.

Exceptions to post-accident testing are:

- Incidents involving only boarding or alighting from a stationary motor vehicle.
- Incidents involving only the loading or unloading of cargo.
- In the course of the operation of a passenger car or multipurpose passenger vehicle unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded.

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### POST ACCIDENT TESTING REQUIREMENTS

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Type of Accident Involved	Citation Issued to the Commercial Motor Vehicle Driver	Test Must be Performed
Human Fatality	Yes No	Yes Yes
Bodily injury with immediate medical treatment away from the scene	Yes No	Yes No
Disabling damage to any motor vehicle requiring tow away	Yes No	Yes No

\*In accidents involving a human fatality, the DER must be contacted immediately.

### PROCEDURE

- The requirement to test for drugs and alcohol following an accident should in no way delay necessary medical attention for injured people or prohibit a driver from leaving the scene of an accident to obtain assistance in responding to an accident or to obtain necessary emergency medical care. Drug/alcohol testing of employees who are undergoing medical procedures, hospitalized or deceased will be in accordance with 49 CFR Part 40.
- An employee subject to post-accident drug and alcohol testing may continue to perform safety-sensitive functions pending receipt of test results so long as no other restrictions apply (e.g., reasonable suspicion or law enforcement actions).
- The results of a drug and alcohol test conducted by federal, state or local officials having independent authority for the test shall be considered to meet the requirements for post-accident testing provided that the results are released to the City.
- An employee who refuses to participate in post-accident drug and alcohol testing must be removed from safety sensitive functions, and may be subject to discipline up to and including termination of employment.

### POST ACCIDENT DRUG TESTING TIMELINE

The supervisor, with approval of the Department Director/Division Manager and, where appropriate, in consultation with the DER, shall determine the need for a drug test as soon as possible after an accident, but no later than 32 hours after an accident. If an

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employee is to be tested, the DER shall be notified in a timely manner.

The City must take all reasonable steps to administer the test within 32 hours following the accident. If the test is not administered within the 32 hours, the supervisor shall cease attempts to administer the test and prepare and forward to Human Resources a record stating the reasons the test was not promptly administered.

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#### POST ACCIDENT ALCOHOL TESTING TIMELINE

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The supervisor, with the approval of the Department Director/Division Manager and, where appropriate, in consultation with the DER, shall determine the need for an alcohol test as soon as possible after an accident, but no later than 8 hours after an accident. If an employee is to be tested, the DER shall be notified in a timely manner.

The City must take all reasonable steps to administer the test within 2 hours following the accident. If the test is not administered within the 2 hours, the supervisor shall prepare and forward to Human Resources a record stating the reasons the test was not promptly administered. If a test is required and is not administered within 8 hours following the accident, the supervisor shall cease attempts to administer an alcohol test and shall prepare and forward the record to Human Resources.

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### SECTION V

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#### FAILED DRUG OR ALCOHOL TEST

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Any of the following shall constitute a failed drug or alcohol test:

- A refusal to test, which may include
  - Failure to appear for any test (except a pre-employment test) within a reasonable time, as determined by the City.
  - Failure to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
  - Failure to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.

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- In the case of a directly observed or monitored urine or drug test collection, failure to permit monitoring or observation of your provision of a specimen.
- Failure to provide sufficient quantity of urine or breath without a valid medical explanation.
- Failure or declining to take a second test as directed by the collector or the City.
- Failure to undergo a medical evaluation as required by the MRO or the City's DER.
- Failure to cooperate with any part of the testing process.
- Failure to follow an observer's instructions to raise and lower clothing and turn around during a directly observed test.
- Possessing or wearing a prosthetic or other device used to tamper with the collection process.
- Admitting to the adulteration or substitution of a specimen to the collector or MRO.
- Refusing to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- Failure to remain readily available following an accident.
- Failure to report for a pre-employment drug test within 48 hours or written notification without approval of the Human Resources Department.
- Alcohol concentration of greater than or equal to 0.04 grams of alcohol per 210 liters of breath shall constitute a failed test.
- The confirmed presence of a defined prohibited drug under 49 CFR Part 40 as follows shall constitute a failed test:

<b>PROHIBITED DRUGS</b> <b>All cutoff concentrations are expressed in nanograms per milliliter (ng/mL)</b>			
<b>Initial Test Analyte</b>	<b>Initial Test Cutoff</b>	<b>Confirmatory Test Analyte</b>	<b>Confirmatory Test Cutoff Concentration</b>
<b>Marijuana metabolites (THCA)</b>	<b>50 ng/mL</b>	<b>THCA</b>	<b>15 ng/mL</b>

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Cocaine metabolite (Benzoylecgonine)	150 ng/mL	Benzoylecgonine	100 ng/mL
Codeine/Morphine	2000ng/mL	Codeine Morphine	2000ng/mL 2000 ng/mL
Hydrocodone/Hydromorphone	300 ng/mL	Hydrocodone Hydromorphone	100 ng/mL 100 ng/mL
Oxycodone/Oxymorphone	100 ng/mL	Oxycodone Oxymorphone	100 ng/mL 100 ng/mL
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamine/Methamphetamine	500 ng/mL	Amphetamine Methamphetamine	250 ng/mL 250 ng/mL
MDMA (Methylenedioxymethamphetamine)/MDA (Methylenedioxyamphetamine)	500 ng/mL	MDMA MDA	250 ng/mL 250 ng/mL

## SECTION VI

### INTERVENTION FOR DRUG AND ALCOHOL ABUSE

The City shall not allow an employee to work who fails a drug or alcohol test or voluntarily admits to being under the influence of a Prohibited Drug or alcohol (see chart above). The employee shall be placed on administrative leave with or without pay until a decision has been made regarding employment

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status/discipline.

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#### ACTION TAKEN

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When any provision of the Drug and Alcohol Policies and Procedures Manual has been violated, the City, in its sole judgment, shall determine whether the employee is to be discharged, disciplined and/or that an attempt shall be made to rehabilitate the employee.

- If the employee is to be disciplined or discharged, the Department Director or Division Manager will proceed as set forth in City policies and procedures.
- If the decision is to allow rehabilitation and continued employment, the City may take the following action:
  - Require the employee to seek evaluation, education or treatment to establish control over the employee's drug or alcohol problem;
  - Permit the employee to return to safety sensitive duties only upon successful completion of a treatment program, as determined by a SAP;
  - Ensure prior to the employee's return to work, that the employee undergoes a return-to-work prohibited drug test with a verified negative test result for prohibited drug use;
  - Require a Return-to-Duty agreement outlining employee expectations, timeframes, and consequences associated with the self-admission and the education and treatment recommended for the employee by the SAP; and
  - Incorporate employee monitoring in any such Return-to-Work Agreement, including non-DOT follow-up testing.
  - Employees participating in a SAP program, rehabilitation counseling, or follow-up testing are responsible for any associated costs.

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#### RETURN TO DUTY AGREEMENT

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If Rehabilitation is appropriate, a Return-to-Duty Agreement shall be authorized on a case-by-case basis. Each agreement will include, but is not limited to, the following:

- Background consisting of the reason for the agreement.
- Treatment plan consisting of ongoing steps that the employee is required to take in an effort to remain drug and/or alcohol free.
- Conditions required by the City in order for the employee to maintain

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continued employment under the agreement. These will be at the sole discretion of the City and may include, but are not limited to:

- Satisfactory job performance and behavior,
- Satisfactory work attendance,
- Remain drug and alcohol free,
- Comply with all court orders, and
- Comply with all policies and procedures of the City and the department/division.
- Duration of the agreement, generally for a period of time not to exceed 2 years for employees who are not DOT Regulated and 5 years for DOT Regulated Employees.
- Conditions with which the employee must comply.
- Statement that failure to comply with the terms of the agreement will result in discharge without any right of appeal otherwise available under City policies and procedures.
- Statement of agreement to be signed by the employee, with the opportunity to have the agreement reviewed by a personal attorney if desired.
- Signed by the Department Director or designee.

The Return-to-Duty Committee shall meet with the employee to discuss the terms and conditions for rehabilitation and continued employment. Employees that decline to accept the Return-to-Duty Agreement will be discharged in accordance with City policies and procedures. The Return-to-Duty Committee consists of the following individuals:

- Human Resources Manager (Chairperson)
- Designated Employer Representative (DER)
- CDL Coordinator (for DOT Regulated Employees)
- Department Director or designee of subject employee
- Supervisor/Manager of subject employee

Upon execution of the Return-to-Duty Agreement, release by the SAP and a negative drug and alcohol return-to-duty test, the employee may return to work.

If an employee fails to satisfy the provisions of the Return-to-Duty Agreement, then the employee shall be discharged.

## INPATIENT/OUTPATIENT TREATMENT AND REHABILITATION

If it is determined by the SAP that the employee is not fit to return to duty until successful completion of inpatient/outpatient Rehabilitation, the employee may:

- Take accrued sick leave.
- Take accrued vacation leave or other accrued paid-time off.
- Take sick leave without pay if accrued sick and vacation leave have been exhausted, and/or
- Request other leave that they are otherwise entitled to by law.

Leaves of absence for treatment and rehabilitation shall follow provisions of the Family and Medical Leave Act (FMLA) and, if required by law, the Americans with Disabilities Act (ADA).

Employee participation in treatment and Rehabilitation activities during working hours shall follow the City's sick leave policy. Time off from work, which qualifies, shall also be charged to Family and Medical Leave.

## RECORD KEEPING

All drug testing results and documentation will be securely locked and kept separate from the employee's personnel file. To the extent possible under law, the City shall maintain the confidentiality of all records associated with any drug and alcohol testing, including the documentation supporting a reasonable suspicion test, test results, and any subsequent Return-to-Duty Agreement.