

806 DRUG FREE WORKPLACE POLICY AND DRUG/ALCOHOL TESTING POLICY FOR ALL CITY EMPLOYEES

806.1 General Statement

1. The City of Owensboro recognizes that there are serious adverse effects caused by the abuse and misuse of drugs and alcohol in the workplace, while on duty, and while operating a City vehicle or equipment. As an employer, the City of Owensboro is committed to providing its employees with a drug and alcohol-free workplace environment which promotes health and safety. And furthermore, as a provider of services to the public, the City of Owensboro is also committed to providing safe, efficient, and professional delivery of services to the community.
2. Likewise, the City of Owensboro is committed to its employees' rights. Therefore, this policy establishes uniform standards for pre-employment and employment drug and alcohol testing to ensure confidentiality, reliability, and fairness in drug and alcohol testing.
3. This policy covers all employees of the City of Owensboro, including DOT-covered employees, direct or by contract, in addition to persons who have been offered employment, direct or by contract. Therefore, all employees shall comply with this policy as a condition of employment. (Refer to 806.5 and Attachment A for federal requirements for DOT-covered employees.)
4. The Personnel Department, under the direction of the City Manager, has the responsibility to establish procedures and rules to effectively implement and enforce this policy. Furthermore, for the purpose of implementing this policy, the City shall follow the drug and alcohol testing procedures as accepted by the Department of Transportation under 49 CFR (Part 40) (e.g., breath analysis, collection of urine specimen, direct observation, transfer of specimen, chain of custody, laboratory testing, split specimen testing, Medical Review Officer procedures), as amended from time to time.
5. All notices and policies in effect prior to the adoption of this policy are hereby rescinded.
6. The City reserves the right to modify or amend this policy as necessary. Employees shall be notified of any such revisions. The City reserves the right to interpret, change, rescind, or depart from the City's position on this document in whole or in part without prior notice.
7. Information concerning the effects of drugs and alcohol can be found in Section XXIII of Attachment A.
8. Prospective employees shall be provided with a copy of this policy. This policy shall be made available to employees via computer and/or hardcopy form. Employees shall sign an acknowledgement form, indicating receipt of this policy and acknowledgement of personal responsibility to read and comply with this policy. All prospective employees shall sign an acknowledgement form to the effect that:
 - they acknowledge receipt and personal responsibility to read and comply with the policy;
 - they agree to submit to a pre-employment, post-offer drug test and understand that offer of employment is contingent upon satisfactory completion of such test;
 - they understand and support the City's Drug Free Workplace policy;
 - they agree to refrain from violating this policy while in the employment of the City;
 - they understand that the penalty for breach of this policy may result in dismissal from employment and agree that it is appropriate when supported by the evidence; and
 - they have been warned that drug/alcohol testing of employees will be conducted as follows: individualized reasonable suspicion of drug/alcohol use or drug/alcohol impairment, certain post-accident situations, at random (for qualifying positions), periodically (for qualifying positions), return-to-duty, and follow-up requirements.

9. Drug testing will screen for all illegal controlled substances, including controlled substances listed on Schedules I through V of Section 202 of the Controlled Substance Act (21 USC 812), Title 21 CFR, or as defined in Kentucky statutes, and any unauthorized prescription medications. Testing will screen for the following substances and their metabolites: Amphetamine, Methamphetamine, Barbiturates, Benzodiazepines (e.g., Valium), Marijuana, Cocaine, Methadone, Codeine, Morphine, Phencyclidine ("Angel dust"), Propoxyphene ("Darvocet"), and Opiates.
10. The City adopts the provisions of Attachment A, XVI (C,D) for all employees. Public safety employees (police, fire, dispatch) are required to refrain from drinking alcoholic beverages within 8 hours of reporting to duty. An alcohol concentration of 0.04 BAT is considered a positive test result for all employees, and an alcohol concentration of 0.02 BAT will result in the employee being removed from all safety sensitive duties.
11. An employee may volunteer to undergo a drug and/or alcohol test, with the consent of the department head or designee and Personnel Department. Written consent must be provided by the employee, and if the employee is a minor, such consent must also be agreed upon by the employee's parent. The City, at its discretion, may agree to pay for such test.
12. Prior to being notified for a drug and/or alcohol screen, employees subject to random testing are responsible for providing their supervisor with advance, verifiable notice of scheduled medical, childcare, eldercare, or other serious commitments, if such may affect their ability to remain at the collection site for up to three hours.

806.2 POSSESSION/USAGE/ETC.

1. Usage, abuse, possession, manufacture, distribution, dispensation, transfer, purchase, sale of, or inappropriate or illegal activity involving drugs or alcohol at a work site, while on duty, or while operating a City vehicle or equipment (owned or leased by the City), is strictly prohibited and shall be basis for taking disciplinary action, up to and including termination from employment, in accordance with applicable law.
2. Usage, abuse, possession, manufacture, distribution, dispensation, transfer, purchase, sale of, or inappropriate or illegal activity involving illegal drugs, off duty, may be basis for taking disciplinary action, up to and including termination of employment, as allowed by applicable policy and law.
3. Illegal activity involving alcohol or prescription or over-the-counter drugs, off duty, shall be basis for taking disciplinary action, up to and including termination of employment, as allowed by applicable policy and law, when necessary due to the nature of the individual's job.
4. Any employee convicted of any federal or state criminal drug offense shall notify his or her supervisor of that fact within five (5) calendar days of the conviction. If necessary due to the nature of the job, the City shall report drug and alcohol related convictions of any of its employees within ten (10) days of the conviction to appropriate government agencies. Any employee convicted of a drug offense, who fails to report the conviction as required by the above, shall be subject to disciplinary action, forever barred from future employment with the City of Owensboro, and held civilly liable for any loss of federal funds resulting from the conviction.
5. Conduct of the employee where it is reasonable to conclude that the employee is under the influence of intoxicants, drugs, or narcotics while on the job, in a City vehicle (owned or leased by the City), or at a work site, shall be basis for taking disciplinary action, up to and including termination from employment, in accordance with applicable law. Testing is not required in such cases. [Note: If it is not reasonable to "conclude" that an employee is under the influence, then refer to the section of this policy on Reasonable Suspicion testing. Under Reasonable Suspicion testing, certain criteria must be met in order to conduct drug/alcohol

- testing. One example of when it might be reasonable to “conclude” that an employee is under the influence is if he or she is witnessed drinking alcohol or smoking marijuana while on the job.]
6. Conduct of the employee where it is reasonable to conclude that the employee is or has been involved in *any* inappropriate or illegal activity involving drugs or alcohol may be basis for taking disciplinary action, up to and including termination from employment, in accordance with applicable law. Testing is not required in such cases.
 7. An employee shall notify his or her supervisor when a physician-prescribed or non-prescription medication is being used that may adversely affect his or her ability to perform job duties and responsibilities safely. Unless otherwise allowed by applicable law, the employee is not required to inform the City of the name of the medication. The City reserves the right to require the employee to provide a Medical Certification form, Job Task Health Assessment form, and/or Fitness for Duty form in such case in accordance with the Fitness for Duty policy. Temporary Light Duty, Medical Leave, or Reasonable Accommodations may be considered by the City in accordance with the Fitness for Duty policy and/or other applicable policy/law.
 8. A positive test result, or its equivalent, may be deemed as possession or use of such substance. A positive test result signifies that the individual contains a prohibited amount of a substance.
 9. For the purposes of this policy, *safety sensitive* is defined as any potentially dangerous function, such as but not limited to: the discharge of duties fraught with risks of injury to others under such circumstances that even a momentary lapse of attention can have disastrous consequences, working with equipment that could cause significant injury to oneself or others, driving a non-CDL or CDL vehicle, any public safety position, any position which requires working with children. It is important to note that in addition to this definition, that there may be additional functions that fall under ‘safety sensitive’ pursuant to the DOT definition. Refer to Attachment A.

806.3 POSITIVE TEST RESULT OR ITS EQUIVALENT; DUI; INAPPROPRIATE OR ILLEGAL ACTIVITY INVOLVING DRUG OR ALCOHOL

1. DRUG (ON THE JOB, IN A CITY VEHICLE, OR AT A WORK SITE)

Upon receiving a positive drug test result, or its equivalent, or a conviction, acknowledgment of guilt, or probable cause of driving under the influence of a drug or other inappropriate or illegal activity involving a drug, or any circumstance where it is reasonable to conclude that the employee was or is under the influence of, or has committed inappropriate activity involving, a drug, and such positive drug test and/or incident occurred while on the job, in a City vehicle (owned or leased by the City), or at a work site, the following options are available:

OPTION 1. The City, in its discretion, may consider granting an unpaid suspension to the employee who is found to be in violation of this policy, until it is determined the employee is fit for duty and the employee has successfully completed any professionally approved drug rehabilitation program recommended by the Substance Abuse Professional subject to the approval of the City’s Medical Officer, and/or has been released by the Substance Abuse Professional as being able to return to work, in accordance with applicable law, at the employee’s expense, and without the use of any benefit days (i.e., sick, vacation, comp time shall *not* be used). Such employee shall also be required to undergo Return to Duty and Follow-Up testing as defined in this policy. If the result of any such testing is positive, or if the employee fails to successfully complete rehabilitation, the City shall seek disciplinary action, up to and including termination from employment, in accordance with applicable law. *If the employee’s refusal to cooperate or failure to admit the condition for which treatment is recommended precludes the qualification or acceptance of the employee for treatment, the employee will be deemed not to have successfully completed rehabilitation. This option may be approved a maximum of ONE time to an employee, throughout the duration of his or her*

employment, whether or not his or her employment is continuous. A probationary, temporary, or At-Will employee is not eligible for Option 1.

OPTION 2. The City shall seek disciplinary action, up to and including termination of employment, in accordance with applicable law. In the event an employee who has violated this Policy is not terminated from employment, the City may determine if the employee is fit for duty, and require the employee to undergo a professionally approved rehabilitation program, at his or her expense, subject to the approval of the City's Medical Officer, and without the use of benefit days (i.e., sick, vacation, comp time) as allowed by applicable law. Also, such employee shall be required to undergo Return to Duty and Follow-Up testing as defined in this policy, and if the result of any such testing is positive, or if the employee fails to successfully complete rehabilitation, the City shall further seek disciplinary action, up to and including termination from employment, in accordance with applicable law. *If the employee's refusal to cooperate or failure to admit the condition for which treatment is recommended precludes the qualification or acceptance of the employee for treatment, the employee will be deemed not to have successfully completed rehabilitation.*

NOTE: *Under no circumstances shall an employee reasonably suspected or determined to be in violation of this or other applicable policy be allowed to drive while on the job or in a City-owned or leased vehicle/equipment, or perform any other safety sensitive functions (e.g., work with children, public safety, any Transit positions, etc.), until he or she has successfully completed rehabilitation and/or has been released by the Substance Abuse Professional as being able to return to work, and has successfully completed return-to-duty testing. Follow-up testing is required after returning to work. An employee who fails to attend any required appointments/sessions as part of the rehabilitation process will again be subject to disciplinary action, up to and including termination from employment.*

2. ALCOHOL (ON THE JOB, IN A CITY VEHICLE, OR AT A WORK SITE)

The following options are available upon the occurrence of a positive alcohol test result, or its equivalent, or a conviction, acknowledgment of guilt, or probable cause of driving under the influence of alcohol or other inappropriate or illegal activity involving alcohol, or any circumstance where it is reasonable to conclude that the employee was or is under the influence of, or has committed inappropriate activity involving, alcohol, and such positive alcohol test and/or incident occurred while on the job, in a City vehicle (City-owned or leased), or at a work site:

OPTION 1. The City, in its discretion, may consider granting an unpaid suspension to the employee who is found to be in violation of this policy, until it is determined the employee is fit for duty and the employee has successfully completed any professionally approved alcohol rehabilitation program recommended by the Substance Abuse Professional subject to the approval of the City's Medical Officer, and/or has been released by the Substance Abuse Professional as being able to return to work, in accordance with applicable law, at the employee's expense, and without the use of any benefit days (i.e., sick, vacation, comp time shall **not** be used). Such employee shall also be required to undergo Return to Duty and Follow-Up testing as defined in this policy. If the result of any such testing is positive, or if the employee fails to successfully complete rehabilitation, the City shall seek disciplinary action, up to and including termination from employment, in accordance with applicable law. *If the employee's refusal to cooperate or failure to admit the condition for which treatment is recommended precludes the qualification or acceptance of the employee for treatment, the employee will be deemed not to have successfully completed rehabilitation. This option may be approved a maximum of ONE time to an employee, throughout the duration of his or her employment, whether or not his or her employment is continuous. A probationary, temporary, or At-Will employee is not eligible for Option 1.*

OPTION 2. Disciplinary action shall be sought, up to and including termination of employment, in

accordance with applicable law. In the event an employee who has violated this policy is not terminated from employment, the City may determine if the employee is fit for duty, and require the employee to undergo a professionally approved rehabilitation program, at his or her expense, subject to the approval of the City's Medical Officer, and without the use of benefit days (i.e., sick, vacation, comp time) as allowed by applicable law. Also, such employee shall be required to undergo Return to Duty and Follow-Up testing as defined in this policy, and if the result of any such testing is positive, or if the employee fails to successfully complete rehabilitation, the City shall further seek disciplinary action, up to and including termination from employment, in accordance with applicable law. *If the employee's refusal to cooperate or failure to admit the condition for which treatment is recommended precludes the qualification or acceptance of the employee for treatment, the employee will be deemed not to have successfully completed rehabilitation.*

NOTE: Under no circumstances shall an employee reasonably suspected or determined to be in violation of this or other applicable policy be allowed to drive while on the job or in a City-owned or leased vehicle/equipment, or perform any other safety sensitive functions (e.g., work with children, public safety, any Transit positions, etc.), until he or she has successfully completed rehabilitation and/or has been released by the Substance Abuse Professional as being able to return to work, and has successfully completed return-to-duty testing. Follow-up testing is required after returning to work. An employee who fails to attend any required appointments/sessions as part of the rehabilitation process will again be subject to disciplinary action, up to and including termination from employment.

3. DUI (ALCOHOL OR DRUG), OR OTHER INCIDENT INVOLVING ALCOHOL OR DRUG, OFF THE JOB

With regard to all public safety positions (police, fire, public safety communications), CDL drivers, all Transit employees, all recreation positions which require working with children or overseeing employees who work with children, and all other safety sensitive positions that are mandated to participate in the random drug and alcohol testing program, the following options are available upon the occurrence of a conviction, acknowledgment of guilt, or probable cause of driving under the influence or other inappropriate or illegal activity involving a drug or alcohol, or any circumstance where it is reasonable to conclude that the employee has committed inappropriate activity involving a drug or alcohol, and such incident occurred while off the job, not in a City-owned or leased vehicle, and not at a work site:

OPTION 1. The City, in its discretion, and upon the written request of the employee, may consider allowing the employee to take a Medical Leave to attend any professionally approved alcohol and/or drug rehabilitation program recommended by the Substance Abuse Professional subject to the approval of the City's Medical Officer, at the employee's expense, until the employee has been released by the Substance Abuse Professional as being able to return to work, in accordance with applicable law. The employee must be eligible for Medical Leave in accordance with the City's Medical Leave policy, and the leave must not exceed the amount allowable by policy. The employee shall be allowed to use any available benefit days (i.e., sick, vacation, compensatory time). Also, to determine if the employee is fit for duty, such employee shall be required to undergo Return to Duty and Follow-Up testing as defined in this policy, and if the result of any such testing is positive, or if the employee fails to successfully complete rehabilitation, the City shall seek disciplinary action, up to and including termination from employment, as allowed by applicable law. *If the employee's refusal to cooperate or failure to admit the condition for which treatment is recommended precludes the qualification or acceptance of the employee for treatment, the employee will be deemed not to have successfully completed rehabilitation. Medical Leave may be offered a maximum of ONE time to an employee for reasons related to drugs or alcohol, throughout the duration of his or her employment, whether or not his or her employment is continuous, unless otherwise required by the Americans with Disabilities Act, the Family and Medical Leave Act, or other applicable law. If circumstances warrant, the City shall utilize Option 2.*

OPTION 2. Disciplinary action may be sought, up to and including termination of employment, as allowed by applicable policy and law. In the event an employee who has violated this Policy is not terminated from employment, the City may determine if the employee is fit for duty, and require the employee to undergo a professionally approved rehabilitation program, at his or her expense, subject to the approval of the City's Medical Officer, and without the use of benefit days (i.e., sick, vacation, comp time) as allowed by applicable law. Also, such employee shall be required to undergo Return to Duty and Follow-Up testing as defined in this policy, and if the result of any such testing is positive, or if the employee fails to successfully complete rehabilitation, the City shall further seek disciplinary action, up to and including termination from employment, in accordance with applicable law. *If the employee's refusal to cooperate or failure to admit the condition for which treatment is recommended precludes the qualification or acceptance of the employee for treatment, the employee will be deemed not to have successfully completed rehabilitation.*

Under no circumstances shall an employee reasonably suspected or determined to be in violation of this policy be allowed to drive a CDL vehicle, perform ANY Transit Department operations, work with or oversee those who work with children, perform public safety functions, or perform any other safety sensitive functions, until he or she has successfully completed rehabilitation and/or has been released by the Substance Abuse Professional as being able to return to work, and has successfully completed return-to-duty testing. Follow-up testing is required after returning to work. An employee who fails to attend any required appointments/sessions as part of the rehabilitation process will again be subject to disciplinary action, up to and including termination from employment.

Note: It is important to note that ALL employees are subject to the policy on Driving Privileges, Employee Conduct and Work Rules, and all other applicable policies. In other words, disciplinary action may be sought against ANY employee who has violated any personnel policy, up to and including termination from employment.

4. VOLUNTARY ACKNOWLEDGMENT OF SUBSTANCE MISUSE/ABUSE PROBLEM

If no violations of this or other applicable policy have occurred, employees who voluntarily acknowledge a substance misuse or abuse problem, and request, in writing, a Medical Leave, shall be approved Medical Leave (as long as the employee is eligible for such leave, and such leave does not exceed the total amount allowable, in accordance with the Benefit Manual), with the use of benefit days (i.e., vacation, sick, compensatory) to attend any professionally approved drug and/or alcohol rehabilitation program recommended by the Substance Abuse Professional subject to the approval of the City's Medical Officer, and at the employee's own expense, until the employee has been released by the Substance Abuse Professional as being able to return to work, in accordance with applicable law. The employee shall be required to undergo Return to Duty and Follow-Up testing as defined in this policy. If the result of any such testing is positive, or if the employee fails to successfully complete rehabilitation, the City shall seek disciplinary action, up to and including termination from employment, as allowed by applicable policy and law. *If the employee's refusal to cooperate or failure to admit the condition for which treatment is recommended precludes the qualification or acceptance of the employee for treatment, the employee will be deemed not to have successfully completed rehabilitation. Medical Leave may be offered a maximum of ONE time to an employee for reasons related to drugs or alcohol, throughout the duration of his or her employment, whether or not his or her employment is continuous, unless otherwise required by the Americans with Disabilities Act, the Family and Medical Leave Act, or other applicable law.*

Under no circumstances shall an employee reasonably suspected or determined to be in violation with this or other applicable policy be allowed to drive while on the job or

in a City-owned or leased vehicle/equipment, or perform any other safety sensitive functions (e.g., work with children, public safety, any Transit position, etc.), until he or she has successfully completed rehabilitation and/or has been released by the Substance Abuse Professional as being able to return to work, and has successfully completed return-to-duty testing. Follow-up testing is required after returning to work. An employee who fails to attend any required appointments/sessions as part of the rehabilitation process will again be subject to disciplinary action, up to and including termination from employment.

5. The Family and Medical Leave Act and Americans with Disabilities Act do not require the City to offer any accommodation to an employee as a result of violating policy and/or law. In such cases, therefore, the City is not obligated to approve Medical Leave. In no way is this statement intended to imply that the Americans with Disabilities Act or Family and Medical Leave Act require employees to be provided accommodation in situations that do not involve a violation of policy or law.
6. Refusal to submit to testing, failing to satisfactorily complete the test for any reason, or not remaining available for testing are equivalent to receiving a positive test result. Other instances that are considered equivalent to a positive test result are stated in Attachment A, Section XIII, and shall be recognized for all City employees.
 - a) If a specimen result is verified as “dilute positive,” that specimen is considered a positive result.
 - b) If a specimen result is verified as “negative dilute”, the employee or applicant will be directed to immediately proceed to the collection facility to produce another specimen for testing. These collections may be collected under direct observation, in accordance with 49 CFR Part 40.
 - c) Recollection of “dilute negative” specimens will be done for all categories of drug testing and the employee will be given the minimum possible advance notice that he or she must go to the collection site.
 - d) The result of the second test becomes the test of record and the results of that test are final.
 - e) If the second test is also negative and dilute, a third test will not be done but the results of the second test will be the test of record.
 - f) If the employee is directed to take the second test after a “dilute negative” result and the employee declines to do so, this is considered a refusal.
7. Directly observed collection procedures shall adhere to 49 CFR Part 40 for all city employees. Direct observation is not to be confused with a monitored observation. A directly observed collection procedure is required when:
 - ◆ The laboratory reports an invalid specimen and the MRO reports that there was not an adequate medical explanation for the result; or
 - ◆ Because the split specimen test could not be performed (e.g., split lost; inadequate volume); or
 - ◆ The MRO reports a negative-dilute result with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL; or
 - ◆ The test is a return-to-duty test (DOT regulated employees only); or
 - ◆ The test is a follow-up test (DOT regulated employees only); or
 - ◆ The collector observed materials brought to the collection site or the employee’s conduct clearly indicated an attempt to tamper with a specimen; or

- ◆ The temperature on the original specimen was out of range or the specimen appeared to have been tampered with.

An employee may not volunteer for direct observation.

8. An employee undergoing rehabilitation is required to request approval from the City's Medical Officer before rescheduling any appointment required during the rehabilitation program. Failure to do so *may* result in the City seeking disciplinary action, up to and including termination of employment.
9. Rehabilitation shall be completed within the prescribed period of time approved by the City's Medical Officer. No extensions shall be granted to an employee who is unable to complete the rehabilitation program on time, unless approved by the City's Medical Officer. Failure to complete the rehabilitation program on time shall result in the City immediately seeking disciplinary action, up to and including termination of employment.

806.4 Categories of Testing

1. Post-Offer, Pre-Employment:

An individual who is notified of testing under this category shall report to a designated collection site within twenty-four (24) hours of notification.

The following employees/applicants shall submit to testing under this category:

- a) Any applicant who is offered temporary employment;
- b) Any person who is offered part-time or full-time employment, unless such person is a current employee of the City (except in cases where the employee is temporary, has never undergone pre-employment testing, or where drug-testing is required by this policy regardless of current employment status).
- c) Any current employee who does not currently hold one of the following positions, and who is offered any of the following positions, even if they have previously received a pre-employment test, unless such person already belongs to such category.
 - i) Sworn officers within the Police Department
 - ii) Hazardous duty positions within Fire Department
 - iii) Any position within the Public Safety Communications Department
 - iv) Any position requiring a Commercial Driver's License
 - v) Any position within the Transit Department that involves the operation, dispatching, maintenance, repair, or removal of service vehicles and/or other equipment used in revenue service, or any position which provides security and carries a firearm for the Transit Department.

2. Reasonable Suspicion Testing

- a) Reasonable suspicion means suspicion based on specific personal observations that a trained City Representative can describe concerning the appearance, behavior, speech, or body odor of the employee. . Such observations must lead one to reasonably suspect that the employee's behavior, appearance, etc., is/are the result of drugs and/or alcohol. Evidence of repeated errors on the job, regulatory or City rule violations, or unsatisfactory time and attendance patterns may also lead to reasonable suspicion testing, when combined with one or more

of the above named personable observations and in accordance with applicable law.

- b) Reasonable suspicion must be based on specific, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead a reasonable person to suspect that the individual is or has been using drugs or alcohol on or off duty. All employees are subject to Reasonable Suspicion testing. In accordance with the above statement, testing shall result when any one or more of the following occurs in the workplace, while on duty, or while operating a City vehicle/equipment :
 - i) Physical symptoms or manifestations of being under the influence of a drug/alcohol;
 - ii) Abnormal conduct or erratic behavior while at work;
 - iii) Violation of safety rules, or other conduct that indicates disregard for safety of self or of others, or that contributes to a dangerous or hazardous condition;
 - iv) Abnormal level of absenteeism, tardiness, or deterioration in work performance;
 - v) Probable cause that an employee has driven under the influence of alcohol or drug (e.g., an employee charged but not yet convicted for DUI);
 - vi) An employee's arrest for commission of a criminal drug offense;
- c) In cases of Reasonable Suspicion, the trained supervisor shall require the employee to go *directly and immediately* to a collection site to submit to testing. The employee shall be transported to the collection site by the supervisor or the supervisor's designee.
- d) Any employee reasonably suspected of being under the influence of drug or alcohol shall not perform any safety sensitive functions until it has been confirmed that the test result is negative.

3. Post-Incident Testing

- a) All employees are subject to Post-Incident testing. Incidents, which occur in the workplace, while on duty, or in a City –owned or leased vehicle/equipment, which shall result in testing are:
 - i) Any incident which results in an injury requiring more than on-site first aid for oneself or another individual, where the employee's department head or designee determines the employee may have contributed to the incident in any way*;
 - ii) Any incident which results in a fatality;
 - iii) Any incident which results in any property damage anticipated to be \$1,000.00 or more (Exception: If a non-vehicular incident, this will apply only if the employee may have contributed to the incident in any way);
 - iv) Any vehicle incident resulting in injury or damage to any person, vehicle, or property, where the incident is proximately caused by a violation of any generally accepted safety practices, or law;
 - v) Any vehicle incident, such as a collision, that requires towing any vehicle due to damage.
 - vi) Refer to Attachment A for additional requirements involving DOT-regulated employees (Transit, CDL holders).

*Note: Employees obtaining outside medical treatment for an on duty injury (e.g., Convenient Care, Emergency Room) may automatically be tested unless provided with the "Employee Not Subject to Testing Form," provided in this section. This form may be revised at any time as needed, as deemed necessary by the Personnel Department.

- b) **Nothing in this policy should be construed 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.**
- c) After a qualifying incident, employees shall proceed directly and immediately to a collection site for alcohol and controlled substances testing, or in the case of injury, as soon as practical as determined by the City's Medical Officer or medical professional. The employee shall be transported to the collection site by his or her supervisor, law enforcement, or other City-designated representative.
- d) Unless otherwise approved by the Personnel Department and City Manager due to it being absolutely necessary that this person continue performing his or her work, as a safety precaution employees shall not be allowed to drive a vehicle after any incident that meets the above named criteria until such person has met the requirements of this policy and been cleared through the drug/alcohol testing process.

4. Periodic Testing

- a) All employees with CDL's shall be tested in conjunction with periodic Department of Transportation (DOT) recurrent physical examinations. Generally, periodic testing under this section will take place every two (2) years.
- b) An employee may continue to drive while awaiting the periodic test results, provided that the results are received before his or her medical certification expires.
- c) If medical qualification is delayed for the processing of the test, then the employee will be deemed physically unqualified to drive a commercial motor vehicle. The employee may not return to safety sensitive duties until such time as the employee receives an affirmative qualification by the Medical Review Officer. If such delay is the fault of the employee, disciplinary action may result.

5. Random Testing

- a) Random testing is a method of selecting employees for drug and/or alcohol testing that (1) results in an equal probability that any employee from a particular group of employees subject to the random testing will be selected, and (2) does not give the employer any discretion to waive the random selection of any employee chosen under this process.
- b) All employees, including department managers and supervisors, that work in public safety, certain safety sensitive, or DOT regulated departments are subject to random testing. It is necessary to implement a random testing program for such employees because any one or more of the following criteria apply to the jobs of such personnel:
 - i) The public must maintain trust and confidence in the City's employees whose jobs involve public safety; or
 - ii) The mission of the job is inconsistent with illegal drug use or misuse of drugs/alcohol; or
 - iii) The job involves carrying firearms; or
 - iv) The job involves enforcement of the law on illegal drug possession or use, and/or misuse of drugs/alcohol; or

- v) The job includes firefighting or responding to emergency-related situations; or
 - vi) The job includes public safety communications; or
 - vii) The job includes driving vehicles which require a valid Commercial Driver's License; The job includes any Transit Department position, direct or by contract, which operates, dispatches, maintains/repairs/removes a service vehicle and/or other equipment used in revenue service, or any position which provides security and carries a firearm for the Transit Department;
 - viii) The job includes safety sensitive functions, including duties fraught with risks of injury to others under such circumstances that even a momentary lapse of attention can have disastrous consequences, working with or operating equipment or vehicles that could cause significant injury to oneself or others, and working with children;
 - ix) The job requires management of the drug and alcohol testing program.
- c) Refer to Attachment C for a listing of all job classifications that are subject to random testing. Employees not subject to random testing may also volunteer to participate in equivalent random testing.

To have an effective random testing program, it is important that employees not be able to determine when or how much random testing will take place. For example, if employees know in advance that 4 out of 100 people in their department are to be tested monthly, once 4 people have been tested, the employees are able to determine that no additional testing will take place that same month. Therefore, unless otherwise required by DOT regulations for DOT-regulated positions, it is at the discretion of management as to the percentage of random testing that will occur, as long as the percentage for drug testing does not go below an average of 2% of the test pool population per month (or for the Voluntary pool, 2% per every six months). Alcohol tests may also be conducted.

- d) Upon being notified for random testing, the employee shall *directly and immediately* proceed to the collection site.
- e) Employees not available for random testing when selected (including those on medical leave, vacation, etc.) will have their names held by the City Medical Officer and be tested when the employee returns, if it is within the same test period. Employees not tested because they were unavailable during the entire test period may not be tested during the next testing cycle, unless their names are randomly drawn again during that particular cycle.

6. Return to Duty Testing

Upon being notified for return to duty testing, the employee shall *directly and immediately* proceed to the collection site. Return to duty tests are conducted under direct observation procedures (DOT regulated employees only).

All employees, as required by this policy, are subject to Return to Duty testing, at their own expense, which includes the following:

The employee shall be tested within thirty (30) calendar days (or as required by the City's Medical Officer or applicable law) of the positive test result, or its equivalent, voluntary notification of a substance misuse or abuse problem, or other applicable incident, regardless if disciplinary action is pending, and regardless if such employee is on unpaid suspension or paid Medical Leave. A positive test result will result in disciplinary action being taken, up to and including dismissal from employment. [Note: Although rehabilitation may exceed thirty (30) days, testing shall still be required within thirty (30)

calendar days unless otherwise required by the City's Medical Officer or applicable law.] Testing may be for drug and/or alcohol, as determined by the Substance Abuse Professional, even if the original infraction only involved one (drug or alcohol).

Upon completion of rehabilitation, if applicable, the employee shall not return to work until:

- he or she has successfully completed a drug/alcohol rehabilitation program and/or has been released by the Substance Abuse Professional to return to work,
- the employee submits to *another* test, and such test is negative. [Note: If a positive test result occurs, disciplinary action will result, up to and including termination from employment.]

Note: A Rehabilitation program consists of treatment deemed appropriate by the Substance Abuse Professional and approved by the City Medical Officer. Such program may consist of a single counseling session, out-patient sessions, 30-day in-patient programs, or any other program appropriate for the circumstances. The employee may return to duty once rehabilitation has been successfully completed and/or the Substance Abuse Professional has determined the employee is fit to return to duty, and the employee has successfully completed the return-to-duty testing. An employee who fails to appear for any of his or her appointments/sessions required as part of the rehabilitation shall again be subject to disciplinary action, up to and including termination of employment.

7. Follow-Up Testing

In addition to Return to duty testing, the employee shall submit to follow-up testing, without prior notice, for not more than sixty (60) months after his/her return to duty. Testing may be for drug and/or alcohol, as determined by the Substance Abuse Professional, even if the original infraction only involved one (drug or alcohol). Follow-up testing is done under direct observation procedures (DOT regulated employees only).

All costs associated with testing in this category shall be paid by the employee.

- a) Follow-up testing is unannounced, similar to that of random testing, and may occur as many times and whenever it is deemed appropriate by the Substance Abuse Professional and/or Medical Officer. A minimum of 6 tests will take place in the first year.
- b) Upon being notified for follow-up testing, the employee shall *directly and immediately* proceed to the collection site.

806.5 Employees under Federal Motor Carrier Safety Administration and Federal Transit Authority

1. The City adheres to Federal regulations to create a drug and alcohol free workplace. As such, the City operates within a policy that specifically addresses transit employees and employees who drive as a part of their City job and hold a Commercial Driver's License. This Policy shall be maintained in Attachment A of Policy 806.
2. As a condition of employment, affected employees shall be required to sign a statement acknowledging receipt of and agreement to read and comply with Attachment A.
3. Affected employees who fail to comply with the policy in Attachment A shall be subject to disciplinary action as stated in Policy 806.
4. The following employees are required to comply with Attachment A, in addition to Policy 806:
 - All employees whose positions fall under the Federal Transit Authority, including but not

limited to: Transit Department employees, direct or by contract, who operate, dispatch, maintain, repair, and/or remove revenue vehicles or equipment, as well as any employees, direct or by contract, who serve as security providers who carry firearms for the Transit Department.

- All employees with Commercial Driver's Licenses (CDL's) whose positions fall under the Federal Motor Carrier Safety Administration.

(Form on next page).



CITY OF OWENSBORO
EMPLOYEE NOT SUBJECT TO TESTING FORM

**To: Convenient Care Center
Emergency Room
Off-site Physician**

Date: _____

_____, an employee of the City of Owensboro, is not subject to drug and/or alcohol testing pursuant to City of Owensboro Personnel Policy 806.4(3,a,i). Therefore, you are hereby instructed to not collect a specimen from this employee for the purpose of drug and/or alcohol testing.

I acknowledge and confirm the above statement is true and in accordance with Policy 806.4(3,a,i).

Supervisor Signature

Date

cc: Department Head
Leslie Smeathers, Loss Prevention Manager

Policy 806, Attachment A

**Drug and Alcohol Policy
DOT-regulated employees
Transit Employees (FTA), CDL Employees (FMCSA)**

I. Policy Statement / Overview

- A. The objective and purpose of the City's Drug and Alcohol Policy is to ensure a safe, drug and alcohol-free working environment for the employees and citizens we serve. It is our intention to prohibit drug and alcohol use in the workplace. This policy shall be provided to every DOT-regulated employee. The policy shall be in accordance with the provisions, requirements, and regulations of the Department of Transportation, which includes the following:
- Federal Transit Administration (FTA) Drug and Alcohol Rule 49 CFR (Part 655) Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations; and
 - Federal Motor Carrier Safety Administration (FMCSA) 49 CFR (Part 382) Controlled Substances and Alcohol Use and Testing; and
 - 49 CFR (Part 40) Procedures for Transportation Workplace Drug and Alcohol Testing Programs
- B. In addition, the Drug and Alcohol Policy is also in accordance with the City's provisions, requirements, and regulations as stated in Policy 806, of which this is an attachment thereto.
- C. Drug and Alcohol testing procedures shall be consistent with the procedures in 49CFR Part 40, as amended. Employees will be provided with a copy of these regulations upon request. Also, links to the regulations may be found via the City Employee Intranet.

II. Policy on Employee Job Categories Subject to Testing

- A. All employees who perform the following safety sensitive transit functions shall be subject to the testing provisions set forth in the FTA regulations. FTA has determined that safety-sensitive functions are performed by those who hold any position within the Transit Department that involves the operation, dispatching, maintenance, repair, or removal of service vehicles and/or other equipment used in revenue service, or any position which provides security and carries a firearm for the Transit Department. Specifically, this includes those employees who:
- operate revenue service vehicles including operation when not in revenue service;
 - operate non-revenue service vehicles that require drivers to hold Commercial Driver's Licenses (CDLs);
 - dispatch or control revenue service vehicles;
 - maintain revenue service vehicles or equipment used in revenue service except for contractors;
 - provide security and carry a firearm;
 - supervisors who perform any of the above functions or control movement of a revenue service vehicle.
- B. All employees who hold a CDL and operate a commercial motor vehicle and are subject to the Commercial Drivers License requirement shall be subject to the testing provisions set forth in the FMCSA regulations. FMCSA has determined that a commercial motor vehicle includes any motor vehicle used to transport passengers or property if the vehicle has a gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or a gross vehicle weight rating of 26,001 or more pounds; or is designed to transport 16 or more passengers, including the driver; or is of any size and is used to transport materials that are hazardous for the purposes

of the Hazardous Materials Transportation Act and that require the motor vehicle to be placarded under the Hazardous Materials regulations. Any CDL holder who performs any of the following activities associated with a commercial vehicle is considered to perform or to be performing a safety-sensitive function:

- inspects, services, or conditions any commercial vehicle; or
- drives or operates a commercial vehicle; or
- loads, unloads, supervises, or assists in the loading or unloading of a commercial vehicle being loaded or unloaded, or gives or receives receipts for shipments loaded or unloaded; or
- performs the driver requirements relating to an accident of a commercial vehicle; or
- rides or spends time in or on a commercial vehicle; or
- repairs, obtains assistance, or remains in attendance upon a disabled commercial vehicle; or
- performs traffic control functions related to commercial vehicle operations; or
- is available to perform these duties.

- C. Any City employee who is subject to more than one regulation shall be subject to the one in which the employee performs the greatest percentage of the time and reporting shall be to the regulatory authority covering the greatest percentage of the employee's time.

III. Participation as a Requirement of Employment

Participation in this prohibited substance testing program is a requirement of each DOT regulated employee as defined in Section II, and therefore, is a condition of employment prescribed by the Federal Transit Administration or the Federal Motor Carrier Safety Administration. In addition, participation in the City's prohibited substance testing program as stated in Policy 806 is a requirement of all City employees, including DOT-regulated employees, and therefore, a condition of employment.

IV. Required Hours of Compliance

- A. Alcohol: An employee must not consume alcohol:

- while performing a safety-sensitive job;
- four hours prior to performing a safety-sensitive job; and
- up to eight hours following an accident or until the employee undergoes a post-accident test, whichever occurs first.

NOTE: An employee called to report to work (e.g., callback) who has been consuming alcohol as stated in the bulleted items above is required to inform the supervisor of the alcohol consumption prior to reporting to work, and shall not drive for the City. Supervisors will not require an employee to report to work on call back that has informed them of recent alcohol use. If the employee does not inform the supervisor at the time they are notified to report to work, and comes in with alcohol on their breath or other signs of alcohol use, the employee is subject to reasonable suspicion testing and possible disciplinary action.

- B. No employee shall consume alcohol while on the job or within four hours prior to reporting to work.
- C. Drugs: Use and ingestion of illegal drugs or non-prescribed prescription drugs are prohibited at all times.

V. Prohibited Behavior

- A. Employees are prohibited from engaging in unlawfully manufacturing, distributing, dispensing, possessing, or using controlled substances in the workplace consistent with the Drugfree Workplace Act of 1988 and the City of Owensboro Policy 806.
- B. Possession of drugs or alcohol during work time, in any City-owned or leased vehicles, in any City facilities, on City property, or at any work site is prohibited.
- C. Prohibited employee conduct includes: using alcohol while performing safety-sensitive jobs or operating a commercial vehicle; using alcohol within four hours prior to performing safety-sensitive jobs or driving a commercial vehicle; performing safety-sensitive jobs or operating a commercial vehicle with an alcohol concentration of 0.02 or greater; using alcohol up to eight hours following an accident which requires an employee to take an alcohol test; or using illegal drugs at any time.

VI. Circumstances for Testing

- A. The FTA requires that drug and alcohol tests be given to safety-sensitive employees in specific circumstances:
 - 1. pre-employment (drug test only), which also includes the testing of current employees who are away from work more than 90 consecutive days, if such employee is returning to a safety sensitive function, unless the employee remains in the random pool during the time away (49 CFR 655.41);
 - 2. reasonable suspicion;
 - 3. post-accident;
 - 4. random;
 - 5. return to duty;
 - 6. follow-up;
 - 7. In addition to the above six types of testing, transit systems are also required to perform blind sample testing as a quality assurance measure for the testing laboratory.
- B. The FMCSA requires that drug and alcohol tests be given to individuals subject to CDL requirements in specific circumstances:
 - 1. pre-employment (drug test only);
 - 2. reasonable suspicion;
 - 3. post-accident;
 - 4. random;
 - 5. return to duty;
 - 6. follow-up.

VII. Pre-Employment Testing

- A. Regulations require that all applicants for employment in safety-sensitive positions, commercial vehicle driving positions, or individuals being transferred into safety-sensitive positions or commercial vehicle driving positions, shall be given pre-employment drug tests.
- B. Employees may not be hired or assigned to the safety-sensitive function or commercial vehicle driving positions unless they are deemed medically qualified by the test (i.e., negative result from the drug test).
- C. Prospective employees shall be provided with a copy of this policy. All

prospective employees shall sign an acknowledgement form to the effect that:

- they acknowledge receipt and personal responsibility to read and comply with the policy;
- they agree to submit to a pre-employment, post-offer drug test and understand that offer of employment is contingent upon satisfactory completion of such test;
- they understand and support the City's Drug Free Workplace policy;
- they agree to refrain from violating this policy while in the employment of the City;
- they understand that the penalty for breach of this policy may result in dismissal from employment and agree that it is appropriate when supported by the evidence; and
- they have been warned that drug/alcohol testing of employees will be conducted where there is: individualized reasonable suspicion of drug/alcohol use or drug/alcohol impairment, certain post-accident situations, at random (for qualifying positions), and periodically (for qualifying positions).

D. Receiving a negative result on a drug test is a condition of employment.

VIII. Reasonable Suspicion Testing

- A. Regulations require safety-sensitive employees and commercial vehicle drivers (CDL holders) to submit to a test when the City has reasonable suspicion that an employee has used a prohibited drug or has misused alcohol as defined in the FTA and FMCSA regulations.
- B. The City's request for an employee to undergo a reasonable suspicion test must be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odor of the safety-sensitive employee or commercial vehicle driver (CDL holder).
- C. Employees may be at work in a condition that raises concern regarding their safety or productivity. A trained supervisor, after consulting with the Personnel Department and/or EAP, must then make a decision as to whether reasonable suspicion exists to conclude that substance abuse may be causing the behavior.
- D. Reasonable suspicion requires some indication of probable linkage between behavior or events and substance abuse.
- E. If a supervisor, trained to identify the signs and symptoms of drug and alcohol use, reasonably concludes that objective facts may indicate drug use or alcohol misuse, this is sufficient justification for testing.

IX. Post-Accident Testing

- A. Regulations require testing for prohibited drugs and alcohol in the case of safety-sensitive or commercial vehicle accidents. Post-accident testing is mandatory for accidents where there is loss of life and for other nonfatal accidents unless employee performance can be discounted completely as a causative or contributing factor. Once an employee receives a **verified** positive test result, he or she shall not be allowed to perform safety sensitive duties until the requirements of this policy and applicable law are met.
- B. Definitions:
 - 1. FTA regulations definitions:
 - a. an accident: an occurrence associated with the operation of a revenue service vehicle (whether or not the vehicle is in revenue service) in which:
 - i. an individual dies;

- ii. an individual suffers a bodily injury and immediately receives medical treatment away from the scene of an accident;
 - iii. the mass transit vehicle involved is a bus, electric bus, van, or automobile in which one or more vehicles incurs disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle;
 - iv. the mass transit vehicle involved is a railcar, trolley bus, or vessel and is removed from revenue service.
 - b. disabling damage: damage that precludes departure of any vehicle from the scene of occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated.
 - c. fatal accident: whenever there is loss of human life, any surviving safety-sensitive employee operating a mass transit vehicle at the time of the accident must be tested. If more than one covered employee was involved in the operation of the vehicle at the time of the accident, all operators will be tested. Safety-sensitive employees not on the vehicle whose performance could have contributed to the accident (as determined by the City using the best information available at the time of the accident) must also be tested.
 - d. The City of Owensboro may test drivers of FTA regulated vehicles that do not meet the criteria listed in (IX) (B) (1) (a)-(c) above if the driver receives a citation under State or local law for a moving traffic violation arising from the accident. This test will be administered according to DOT guidelines but will be done utilizing a non-DOT chain of custody form.
- 2. FMCSA regulations require that a commercial vehicle driver (CDL holder) must be tested for alcohol misuse and use of controlled substances if the employee is involved in an accident on the job which resulted in:
 - a. a fatality;
 - b. nonfatal accidents: The City shall test any safety-sensitive employee whose performance could have contributed to the accident as determined by the City using the best information available at the time of the accident;
 - c. a vehicle requiring towing, if the driver was cited for a moving traffic violation (49 CFR 382.303); or
 - d. someone requiring medical treatment away from the scene of the accident, and, in the case of a fatality, the CDL holder was performing safety-sensitive functions or if the CDL holder was cited for a moving violation as a result of the accident. It is the responsibility of the employee to report any citation received as the result of the accident.
- C. Post-accident drug and alcohol tests must be performed as soon as possible. Drug tests must be performed within at least thirty-two (32) hours following the accident. Alcohol tests must be performed within two (2) hours, but not more than eight (8) hours.
 - 1. If an alcohol test is not administered within two (2) hours following the accident, the City must still attempt to administer the test, and also prepare and maintain on file a record stating the reason(s) the test was not promptly

administered. If an alcohol test is still not administered within eight (8) hours following the accident, the City shall cease attempts to administer an alcohol test and shall maintain the same record.

2. 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 safety-sensitive employee from leaving the scene of accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care. However, the safety-sensitive employee or commercial vehicle driver (CDL holder) must remain readily available, which means the City knows the location of the safety-sensitive employee or commercial vehicle driver (CDL holder).
3. Safety-sensitive employees and commercial vehicle drivers (CDL holders) may not consume alcohol for 8 hours after an accident requiring post-accident testing or until such time as a test for alcohol has been administered, whichever occurs first.

D. Steps to follow in a post-accident situation are summarized as follows:

1. treat any injury first;
2. cooperate with law enforcement officers;
3. explain the need for testing;
4. conduct test(s) promptly;
5. collect accident documentation promptly.

X. Random Testing

- A. Regulations require random testing for drugs for all safety-sensitive employees and commercial vehicle drivers (CDL holders) and random testing for alcohol misuse for all transit safety-sensitive employees and all commercial driver employees (CDL holders).
- B. The City will use a scientifically valid random number selection method to select employees to be tested. Valid methods include the use of a random-number table or a computer-based random number generator that is matched with safety-sensitive or commercial vehicle driver (CDL holder) employee identification or social security numbers. FTA and FMCSA employees shall be maintained in the same pool. At least twenty-five (25%) (or as otherwise required by federal law -- e.g., fifty percent if applicable), of the total number of safety-sensitive employees or commercial vehicle drivers (CDL holders) subject to drug testing and ten percent (10%) (or other percentage as required by federal law) subject to alcohol testing must be tested each year. A slightly higher percentage may be tested to provide for canceled tests.
- C. Test dates will be spread reasonably throughout the year and not establish a predictable pattern. Testing will be performed on different days of the week and at different times throughout the annual cycle. The process must be unannounced as well as random. Once the City notifies employees that they have been selected for testing, the employees shall report immediately to the collection site.
- D. All safety-sensitive employees and commercial vehicle drivers (CDL holders) in the random pool will have an equal chance of being selected for testing and shall remain in the pool, even after being tested. It is possible for some employees to be tested several times a year.
- E. Employee Notification of Random Testing Procedure:
 1. Supervisor receives notification from the Medical Officer or Personnel Department designee of employee for testing.
 2. Supervisor / Department Head notifies the employee and instructs the employee to report **immediately** to collection site. The City shall provide transportation to the collection site. Also refer to 49 CFR 382.305;655.45.
 3. Employee shall be afforded the maximum privacy possible and discretely notified to report to the collection site.
 4. Employee shall be afforded transportation from the testing site.

XI. Return to Duty Testing

- A. If and/or before any employee is allowed to return to duty to perform a safety-sensitive function or to perform commercial vehicle driving following a verified positive test result, or its equivalent, or any other activity that violates the regulations, that employee must first be evaluated by a Substance Abuse Professional (SAP) and be deemed medically qualified on a return to duty test.
- B. The City shall also administer a return to duty drug test even though the original infraction was due to alcohol, or shall administer a return to duty alcohol test even though the original infraction was drug-related.
- C. Before a return to duty test is performed, the employee must be evaluated by a Substance Abuse Professional (SAP) to determine whether the employee has followed the recommendations for action by the SAP.

XII. Follow-up Testing

- A. Once allowed to return to duty, an employee shall be subject to unannounced follow-up testing for at least twelve (12) but not more than sixty (60) months. Frequency and duration shall be recommended by the Substance Abuse Professional as long as a minimum of six tests are performed during the first twelve (12) months after the employee has returned to duty.
- B. Employees subject to follow-up testing must also remain in the standard random pool and be tested if selected by random number.
- C. If the employee is subject to drug follow-up testing, the City may require the employee to also take an alcohol test. If the employee is subject to an alcohol follow-up test, the City may also require the employee to take a drug test. Also refer to 49 CFR 382.311.

XIII. Behavior that Constitutes a Refusal to Submit to a Test

Kinds of behavior that will constitute a refusal:

- 1. refusal to consent to or take the test;
- 2. inability to provide sufficient quantities of breath or urine to be tested without valid medical explanation (note: the employee has five business days to obtain a medical evaluation, including pre-employment tests (49 CFR 40.265; 40.193));
- 3. tampering with, substituting, or attempting to adulterate the specimen (e.g., specimen falls outside the normal temperature range, etc.);
- 4. for all tests, excluding pre-employment, not reporting to the collection site immediately, or if circumstances do not permit reporting immediately, within a reasonable time as determined by the Personnel Department ;
- 5. for pre-employment tests, not reporting to the collection site within the allotted time;
- 6. leaving the scene of an accident without a valid reason before tests have been conducted;
- 7. not remaining available for testing (e.g., after an accident, during the case of shy bladder, etc.);
- 8. engaging in conduct that clearly obstructs the testing process, including but not limited to, inappropriate/indecent behavior or failure to complete or sign required documents, in accordance with the regulations (49 CFR 40.27);
- 9. failure to cooperate in any manner with the testing process (e.g., leaving the collection site before process is complete, refusal to empty pockets or boots, refusal to drink fluids needed to produce sufficient specimen, failure to attempt to produce a second specimen when required such as with shy bladder, failure to report for a medical evaluation when directed or does not

comply with physician's directions during examination, failure to permit direct observation when required, refusal to wash hands after being directed to do so, behaving in a confrontational way that disrupts the collection process, possessing or wearing a prosthetic or other device that could be used to interfere with the collection process, failing to follow the direct observer's instructions to raise and lower their clothing and turn around to permit the observer to determine if the employee has a prosthetic or other device that could be used to interfere with the collection process, etc.);

10. any other instance where testing is not satisfactorily completed as a result of the employee's failure to participate or cooperate;
11. when a second test is required due to invalid results or a negative dilute result, and employee does not resubmit to the second test (49 CFR 40.191);
12. for pre-employment tests, the person leaves the collection site after testing commences (i.e., the collection kit or cup is provided (49 CFR 40.191; 40.63c)) but before completing the test);

XIV. Testing Procedures: Drugs

- A. Under drug testing regulations for safety-sensitive employees and for commercial vehicle drivers (CDL holders), the City is required to conduct laboratory testing of urine specimens for five types of drugs. Identification of either a drug or its metabolite in the urine indicates use of the drug in the recent past. Regulations require testing for the following drugs or their metabolites:

1. marijuana
2. cocaine
3. opiates (e.g., heroin, morphine, codeine)
4. phencyclidine (PCP)
5. amphetamines (e.g., racemic methamphetamine, dextroamphetamine, and methamphetamine)

- B. Specimen Collection

1. all urine specimens must be collected at an appropriate collection site and testing shall be conducted by a certified laboratory. A collection site is defined as a place designated by the City where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.
2. regardless of the collection site location, it will meet the FTA and FMCSA (49 CFR Part 40).
3. the site will have a privacy enclosure for urination, a toilet, a suitable clean writing surface, and a water source for hand washing.

- C. Collection Site Personnel

1. the collection site personnel are responsible for the integrity of the specimen collection and transfer process, and for ensuring the dignity and privacy of the donor.
2. collection site personnel shall use clear and unambiguous procedures on collecting specimens.

- D. Collection Process

1. collection shall conform to the standards and regulations per 49 CFR Part 40.
2. payment for split sample testing shall be the responsibility of the employee

with a verified positive result.

- E. Regulations require that all drug testing laboratory results must be reviewed by a qualified Medical Review Officer (MRO). The purpose of this review is to verify and validate test results. An MRO is defined in the regulations as a licensed physician responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.
- F. The City shall strictly adhere to all standards of confidentiality.
 - 1. The city shall assure all employees that testing records and results will be released only to those authorized by FTA or FMCSA, rules to receive information, or to the National Transportation Safety Board (NTSB) about any post-accident test performed for an accident under NTSB investigation, or to those with a legitimate need to know:
 - a. in the event of a lawsuit, the preparation of disciplinary action, or Civil Service/Board of Commissioner hearing;
 - b. in the event of a request for problem resolution or other proceeding initiated by or on behalf of the employee arising from the results of an alcohol or controlled substance test;
 - c. in a proceeding relating to a benefit sought by the employee, such as workers' compensation or unemployment insurance;
 - d. in the event of specific written instruction from the employee to release test results to a third party;
 - e. in the event of a written request from the employee to receive a copy of any records relating to his/her test.
 - 2. By copy of this policy, the City shall instruct the MRO, the BAT, the SAP, the collection agency, the testing laboratory, and its EAP provider that each shall be held to strict confidentiality requirements including but not limited to the following:
 - a. the testing laboratory is prohibited from releasing individual test results to anyone except the designated MRO;
 - b. the MRO, BAT, SAP, and EAP are prohibited from releasing individual test results to anyone except the City Medical Officer or Personnel Department, or to the individual who was tested.

XV. Testing Procedures: Alcohol

- A. Regulations require the City to conduct breath alcohol testing on safety-sensitive employees and commercial vehicle drivers (CDL holders). The breath specimen must be collected through the use of an evidential breath testing device (EBT) that is approved by the National Highway Traffic Safety Administration (NHTSA). The test must be performed by a breath alcohol technician (BAT) or by a law enforcement officer who has been certified by state or local governments to conduct breath alcohol testing pursuant to 49 CFR 40.213h2.
- B. Regulations prohibit the City from allowing an employee with an alcohol concentration of 0.04 or greater to perform any safety-sensitive or commercial vehicle driving duties until he or she has been evaluated by an SAP and has been deemed medically qualified by a return to duty test. An employee with an alcohol concentration of 0.02 or greater but less than 0.04 must be removed from safety sensitive duty for twenty-four (24) hours or until a retest shows an alcohol concentration of less than 0.02.

C. Alcohol Testing Site

1. alcohol tests shall be conducted at a site or sites which conform to all FTA and FMCSA regulations;
2. the City shall designate the test site or sites.

XVI. Consequences of the Use of Drugs and the Misuse of Alcohol

A. A refusal to submit to a test shall:

1. mean immediate removal from safety-sensitive or commercial vehicle driving jobs;
2. disqualify an applicant from being hired;
3. be considered as an automatic positive test;
4. may result in disciplinary action, up to and including termination of employment, in accordance with Policy 806.

B. A verified positive drug test shall:

1. mean immediate removal from safety-sensitive or commercial vehicle driving jobs;
2. disqualify an applicant from being hired;
3. may result in disciplinary action, up to and including termination of employment, in accordance with Policy 806.

C. An alcohol concentration of 0.04 or greater shall:

1. mean immediate removal from safety-sensitive or commercial vehicle driving jobs;
2. be considered as an automatic positive test;
3. may result in disciplinary action, up to and including termination of employment, in accordance with Policy 806.

D. An alcohol concentration of 0.02 or greater but less than 0.04 shall:

1. mean the employee shall not perform safety sensitive duties for at least a twenty-four (24) hour period, pending evaluation by a Substance Abuse Professional and being deemed medically qualified by another test, and may result in disciplinary action up to and including termination of employment.

XVII. Identity of Contact Person

- A. The City's Medical Officer represents the City as the contact for Drug and Alcohol Program employee inquiries.
- B. Questions about the Drug and Alcohol Program may be addressed to the City Medical Officer, Leslie Smeathers, by calling (270) 687-8544. The Medical Officer's address is City Hall, 101 E. 4th Street, Owensboro, Ky 42303.

XVIII. Additional Provisions

In addition to this Attachment, all City employees are subject to requirements of the City, independent of the FTA or FMCSA authority, as stated in Policy 806. In the event City policy differs from DOT regulations, the more stringent of the two shall be followed, in accordance with applicable law.

XIX. Policy Communication

- A. Each employee will be provided with this policy, via computer and/or hardcopy, and shall sign and date a confirmation of receipt.
- B. The policy shall also be communicated by:
 - 1. orientation sessions;
 - 2. written materials;
 - 3. informational material displays; and/or
 - 4. ongoing dialogue.
- C. Ongoing Awareness Program
 - 1. awareness shall be reinforced during training, monthly safety meetings, and/or continuing dialogue between management and employees as well as through displays, bulletin board announcements, and/or informational pamphlets to serve as reminders and to reinforce the key points of the entire policy.
 - 2. Information concerning the effects of drugs and alcohol can be found in Section XXIII of this Attachment.
- D. Substance Abuse Professional (SAP) Referral Process

All employees or prospective employees who violate this Drug and Alcohol Policy shall be provided with a listing of SAPs and/or Hotline Numbers readily available to the employee or prospective employee, and acceptable to the employer, as provided in 49 CFR Part 40.287. A list is provided in Attachment D.

XX. Implementation

- A. Implementation of the FTA and FMCSA drug and alcohol program is mandated.
- B. The policy stated herein is subject to technical revisions and/or modification by the Federal government and therefore, changes or revisions by the City, administratively, at any time and without prior notification.

XXI. Records

- A. Alcohol
 - 1. Five Year Retention:
 - a. records of any employee alcohol test results indicating an alcohol concentration of 0.02 or greater;
 - b. documentation of refusals to take required alcohol tests;
 - c. equipment calibration documentation;
 - d. documentation of employee evaluation and referrals.
 - 2. Two Year Retention:
 - a. records related to the collection process and training.
 - 3. One Year Retention:
 - a. records of all test results indicating an alcohol concentration of less than 0.02.
 - 4. Types of Records
 - a. collection process records;
 - b. records of test results;

- c. education and training records;
- d. other records and reports:
 - i. records related to other violations of the alcohol misuse rules;
 - ii. records related to evaluations;
 - iii. records related to a determination by an SAP with respect to a covered employee's need for assistance, including records concerning the employee's compliance with the recommendations of the SAP;
 - iv. copies of the annual Management Information System (MIS) reports submitted to each DOT agency.

B. Drugs

1. Five Year Retention:

- a. records of a covered employee's verified positive controlled substances test results, including the City's copy of the custody and control form and documents presented by a covered employee to dispute the result of a required controlled substances test.
- b. documentation of refusals to take a required controlled substance test.
- c. records related to:
 - i. the referral and evaluation of covered employees;
 - ii. a determination by a substance abuse professional concerning a covered employee's need for referral for assistance in resolving problems associated with the use of controlled substances;
 - iii. a covered employee's entry into and completion of the program of treatment recommended by the Substance Abuse Professional (SAP);
 - iv. any required return-to-duty and follow-up controlled substances testing.
- d. Copies of the annual Management Information System (MIS) reports required to be submitted to any DOT agency.

2. Two Year Retention:

- a. Records related to the collections process.
- b. All records related to supervisor and employee training.

3. One Year Retention:

- a. Records of negative and canceled controlled substances test results.

XXII. Policy Approval

The Board of Commissioners of the City approved and adopted the City of Owensboro Drug and Alcohol Policy for all DOT-regulated employees on the 30th day of November, 2000, and revisions thereto on the 6th day of May, 2003, and 3rd day of August, 2004, and 4th day of October, 2005, and 5th day of February, 2008, and 7th day of October, 2008.

XXIII. DRUG AND ALCOHOL INFORMATION

The information contained in Attachment B of this policy is provided as a part of the City of Owensboro's Drug and Alcohol Awareness Program to aid City employees in understanding the physical and psychological effects of drugs and alcohol in compliance with Federal drug and alcohol regulations.

POLICY 806, ATTACHMENT B

Drug and Alcohol Information

Alcohol Facts

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. When consumed for its physical and mood-altering effects, however, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred Speech

Except for the odor, these are the general signs and symptoms of any depressant substance.

Health Effects

The chronic consumption of alcohol -- an average of three servings per day of beer (12 ounces), whiskey (1 ½ ounces), or wine (5 ounces) -- over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10% of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed alcoholic)
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54% of all birth defects are alcohol related)

Social Issues

- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
- The rate of separation and divorce in families with alcohol dependency problems is seven times the average.
- Forty percent of family court cases are alcohol problem related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60% of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol-related.

The Annual Toll

- 24,000 people will die on the highway due to legally impaired drivers.
- 12,000 more will die on the highway due to alcohol-affected drivers.
- 15,800 will die in non-highway alcohol-related accidents.
- 30,000 will die due to alcohol-caused liver disease.
- 10,000 will die due to alcohol-induced brain disease or suicide.
- Possibly another 125,000 will die to alcohol-related conditions or accidents.

Workplace Issues

- It takes one and a half hours for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is six times more likely to have an accident than a sober person.

Amphetamine Fact

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy at lower doses and the mental exhilaration at higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. Most amphetamines that are abused are illegally manufactured in foreign countries and smuggled into the United States or clandestinely manufactured in crude laboratories.

Description

- Amphetamine is sold in counterfeit capsules or as white, flat, double-scored "mini-bennies." Amphetamines are usually taken orally.
- Methamphetamine is often sold as a creamy white and granular powder or in lumps and is packaged in aluminum foil wraps or sealable plastic bags. Methamphetamine may be taken orally, injected or snorted into the nose.
- Trade or street names include Biphphetamine, Delcobese, Desoxyn, Dexedrine, Chetrol, Speed, Meth, Crank, Crystal, Monster, Black Beauties, and Rits.

Signs and Symptoms of Use

- Hyperexcitability, restlessness
- Dilated pupils
- Increased heart rate and blood pressure
- Heart palpitations and irregular beats
- Profuse sweating
- Rapid respiration
- Confusion
- Panic
- Talkativeness
- Inability to concentrate
- Heightened aggressive behavior

Health Effects

- Regular use produces strong psychological dependence and increasing tolerance to drug
- High doses may cause toxic psychosis resembling schizophrenia
- Intoxication may induce a heart attack or stroke due to spiking of blood pressure
- Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels
- The euphoric stimulation increases impulsive and risk-taking behaviors, including bizarre and violent acts
- Withdrawal from the drug may result in severe physical and mental depression

Workplace Issues

- Since amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness because of unusual overtime demands or failure to get rest. Low-dose amphetamine use will cause a short-term improvement in mental and physical functioning. With greater use or increasing fatigue, the effect reverses and has an impairing effect. Hangover effect is characterized by physical fatigue and depression, which may make operation of equipment or vehicles dangerous.

Cocaine Fact Sheet

Cocaine is used medically as a local anesthetic. It is abused as a powerful physical and mental stimulant. The entire central nervous system is energized. Muscles are more tense, the heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurotransmitters associated with mood elevation.

Description

- The source of cocaine is the coca bush, grown almost exclusively in the mountainous regions of northern South America.
- Cocaine Hydrochloride: *snorting coke* is a white to creamy granular or lumpy powder that is chopped into a fine powder before use. It is snorted into the nose, rubbed on the gums, or injected in veins. The effect is felt within minutes and lasts 40 to 50 minutes per "line" (about 60 to 90 milligrams). Common paraphernalia include a single-edged razor blade and a small mirror or piece of smooth metal, a half straw or metal tube, and a small screw cap vial or folded paper packet containing the cocaine.
- Cocaine Base: a small crystalline rock about the size of a small pebble. It boils at a low temperature, is not soluble in water, and is up to 90 percent pure. It is heated in a glass pipe and the vapor is inhaled. The effect is felt within seven seconds. Common paraphernalia include a *crack pipe* (a small glass smoking device for vaporizing the crack crystal) and a lighter, alcohol lamp, or small butane torch for heating.

Signs and Symptoms of Use

- Financial problems
- Frequent and extended absences from meetings or work assignments
- Increased physical activity and fatigue
- Isolation and withdrawal from friends and normal activities
- Secretive behaviors, frequent non-business visitors, delivered packages, phone calls
- Unusual defensiveness, anxiety, agitation
- Wide mood swings
- Runny or irritated nose
- Difficulty in concentration
- Dilated pupils and visual impairment
- Restlessness
- Formication (sensation of bugs crawling on skin)
- High blood pressure, heart palpitations, and irregular rhythm

- Hallucinations
- Hyperexcitability and overreaction to stimulus
- Insomnia
- Paranoia and hallucinations
- Profuse sweating and dry mouth
- Talkativeness

Health Effects

- Research suggests that regular cocaine use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing irreparable damage to critical nerve cells. The onset of nervous system illnesses such as Parkinson's disease could also occur.
- Cocaine use causes the heart to beat faster and harder and rapidly increases blood pressure. In addition, cocaine causes spasms of blood vessels in the brain and heart. Both effects lead to ruptured vessels causing strokes or heart attacks.
- Strong psychological dependency can occur with one "hit" of crack. Usually, mental dependency occurs within days (crack) or within several months (snorting coke). Cocaine causes the strongest mental dependency of any known drug.
- Treatment success rates are lower than for other chemical dependencies.
- Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid. The fatal effects of an overdose are not usually reversible by medical intervention.

Workplace Issues

- Extreme mood and energy swings create instability. Sudden noises can cause a violent reaction.
- Lapses in attention and ignoring warning signals greatly increase the potential for accidents.
- The high cost of cocaine frequently leads to workplace theft and/or dealing.
- A developing paranoia and withdrawal create unpredictable and sometimes violent behavior.
- Work performance is characterized by forgetfulness, absenteeism, tardiness, and missed assignments.

Cannabinoids (Marijuana) Fact Sheet

Marijuana is one of the most misunderstood and underestimated drugs of abuse. People use marijuana for the mildly tranquilizing and mood and perception altering effects it produces.

Description

- Usually sold in plastic sandwich bags, leaf marijuana will range in color from green to light tan. The leaves are usually dry and broken into small pieces. The seeds are oval with one slightly pointed end. Less prevalent, hashish is a compressed, sometimes tar like substance ranging in color from pale yellow to black. It is usually sold in small chunks wrapped in aluminum foil. It may also be sold in an oily liquid.
- Marijuana has a distinctly pungent aroma resembling a combination of sweet alfalfa and incense.
- Cigarette papers, roach clip holders, and small pipes made of bone, brass, or glass are commonly found. Smoking bongs (large bore pipes for inhaling large volumes of smoke) can easily be made from soft drink cans and toilet paper rolls.
- Trade/street names include: Marinol; THC; Pot; Grass; Joint; Reefer; Acapulco Gold; Sinsemilla; Thai Sticks; Hash; and Hash Oil.

Signs and Symptoms of Use

- Reddened eyes (often masked by eye drops)

- Slowed speech
- Distinctive odor on clothing
- Lackadaisical, *I don't care* attitude
- Chronic fatigue and lack of motivation
- Irritating cough, chronic sore throat

Health Effects

General

- When marijuana is smoked, it is irritating to the lungs. Chronic smoking causes emphysema-like conditions.
- One joint causes the heart to race and be overworked. People with undiagnosed heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus *Aspergillus* which can cause serious respiratory tract and sinus infections.
- Marijuana smoking lowers the body's immune system response, making users more susceptible to infection. The U.S. government is actively researching a possible connection between marijuana smoking and the activation of AIDS in positive human immunodeficiency virus (HIV) carriers.

Pregnancy Problems and Birth Defects

- The active chemical, tetrahydrocannabinol (THC), and 60 other related chemicals in marijuana concentrate in the ovaries and testes.
- Chronic smoking of marijuana in males causes a decrease in sex hormone, testosterone, and an increase in estrogen, the female sex hormone. The result is a decrease in sperm count, which can lead to temporary sterility. Occasionally, the onset of female sex characteristics including breast development occurs in heavy users.
- Chronic smoking of marijuana in females causes a decrease in fertility and an increase in testosterone.
- Pregnant women who are chronic marijuana smokers have a higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life.
- In test animals, THC causes birth defects, including malformations of the brain, spinal cord, forelimbs, and liver and water on the brain and spine.
- Offspring of test animals who were exposed to marijuana have fewer chromosomes than normal, causing gross birth defects or death of the fetus. Pediatricians and surgeons are concluding that the use of marijuana by either or both parents, especially during pregnancy, leads to specific birth defects of the infant's feet and hands.
- One of the most common effects of prenatal cannabinoid exposure is underweight newborn babies.
- Fetal exposure may decrease visual functioning and causes other ophthalmic problems.

Mental Function

Regular use can cause the following effects:

- Delayed decision-making
- Diminished concentration
- Impaired short-term memory, interfering with learning
- Impaired signal detection (ability to detect a brief flash of light), a risk for users who are operating machinery
- Erratic cognitive function
- Distortions in time estimation
- Long-term negative effects on mental function known as *acute brain syndrome* which is characterized by disorders in memory, cognitive function, sleep patterns, and physical

- condition.
- Amotivational Syndrome – No desire to accomplish anything

Acute Effects

- Aggressive urges
- Anxiety
- Confusion
- Fearfulness
- Hallucinations
- Heavy sedation
- Immobility
- Mental dependency
- Panic
- Paranoid reaction
- Unpleasant distortions in body image

Workplace Issues

- The active chemical, THC, stores in body fat and slowly releases over time. Marijuana smoking has a long-term effect on performance.
- A 500 to 800 percent increase in THC concentration in the past several years makes smoking three to five joints a week today equivalent to 15 to 40 joints a week in 1978.
- Combining alcohol or other depressant drugs and marijuana can produce a multiplied effect, increasing the impairing effect of both the depressant and marijuana.

Opiates (Narcotics) Fact Sheet

Opiates (also called narcotics) are drugs that alleviate pain, depress body functions and reactions, and when taken in large doses, cause a strong euphoric feeling.

Description

- Natural and natural derivatives--opium, morphine, codeine, and heroin
- Synthetics--meperidine (Demerol), oxymorphone (Numorphan), and oxycodone (Percodan, Oxycontin)
- May be taken in pill form, smoked, or injected, depending upon the type of narcotic used
- Trade/street names include Smack, Horse, Emma, Big D, Dollies, Juice, Syrup, and China White

Signs and Symptoms of Use

- Mood changes
- Impaired mental functioning and alertness
- Constricted pupils
- Depression and apathy
- Impaired coordination
- Physical fatigue and drowsiness
- Nausea, vomiting, and constipation
- Impaired respiration
- Itching-constant scratching

Health Effects

- IV needle users have a high risk for contracting hepatitis and AIDS due to the sharing of needles.

- Narcotics increase pain tolerance. As a result, people could more severely injure themselves or fail to seek medical attention after an accident due to the lack of pain sensitivity.
- The effect of narcotics is multiplied when used in combination with other depressant drugs and alcohol, causing increased risk for an overdose.

Social Issues

- There are over 500,000 heroin addicts in the U.S., most of whom are IV needle users
- An even greater number of medicinal narcotic-dependent persons obtain their narcotics through prescriptions
- Because of tolerance, there is an ever-increasing need for more narcotic to produce the same effect
- Strong mental and physical dependency occurs
- The combination of tolerance and dependency creates an increasing financial burden for the user. Costs for heroin can reach hundreds of dollars a day

Workplace Issues

- Unwanted side effects such as nausea, vomiting, dizziness, mental clouding, and drowsiness place the legitimate user and abuser at higher risk for an accident
- Narcotics have a legitimate medical use in alleviating pain; workplace use may cause impairment of physical and mental functions

Phencyclidine (PCP) Fact Sheet

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. Phencyclidine acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is abused primarily for its variety of mood-altering effects. Low doses produce sedation and euphoric mood changes. The mood can change rapidly from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare with the eyelids half closed. Sudden noises or physical shocks may cause a "freak out" in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication.

Description

- PCP is sold as a creamy, granular powder and is often packaged in one-inch square aluminum foil or folded paper packets
- It may be mixed with marijuana or tobacco and smoked. It is sometimes combined with procaine, a local anesthetic, and sold as imitation cocaine
- Trade/street names include Angel Dust, Dust, and Hog

Signs and Symptoms of Use

- Impaired coordination
- Severe confusion and agitation
- Extreme mood shifts
- Muscle rigidity
- Nystagmus (jerky eye movements)
- Dilated pupils
- Profuse sweating
- Rapid heartbeat
- Dizziness

Health Effects

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body
- PCP is potentiated by other depressant drugs, including alcohol, increasing the likelihood of an overdose reaction
- Misdiagnosing the hallucinations as LSD induced, and then treating with Thorazine, can cause a fatal reaction
- Use can cause irreversible memory loss, personality changes, and thought disorders
- There are four phases to PCP abuse: The first phase is acute toxicity. It can last up to three days and can include combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distance perception are common. The second phase, which does not always follow the first, is a toxic psychosis. Users may experience visual and auditory delusions, paranoia, and agitation. The third phase is a drug-induced schizophrenia that may last a month or longer. The fourth phase is PCP induced depression. Suicidal tendencies and mental dysfunction can last for months.

Workplace Issues

- PCP abuse is less common today than in recent years. It is also not generally used in a workplace setting because of the severe disorientation that occurs.

Drug Detection Periods

<u>Drug</u>	<u>Category</u>	<u>Detection Period</u>
Amphetamines	Stimulants	
Amphetamine		12-72 hours
Methamphetamine		12-72 hours
Barbiturates	Sedative Hypnotic	
Amobarbital		2-4 days
Butalbital		2-4 days
Pentobarbital		2-4 days
Phenobarbital		Up to 30 days
Secobarbital		2-4 days
Benzodiazepines	Sedative Hypnotic	
Diazepam (Valium)		Up to 30 days
Chlordiazepoxide (Librium)		Up to 30 days
Cannabinoids (Marijuana)	Euphoriant	
Casual Use		1-4 days
Chronic Use		Up to 2 weeks: In rare instances, up to 30 days
Cocaine	Stimulants	
Benzoyllecgonine		12-72 hours
Ethanol	Sedative Hypnotic	Very short: Alcohol is excreted at the rate of approximately one ounce per hour and a half
Methadone	Narcotic Analgesics	1-4 days
Methaqualone	Sedative Hypnotic	
Quaalude		2-4 days
Opiates	Narcotic Analgesics	
Codeine		2-4 days
Hydromorphone (Dilaudid)		2-4 days
Morphine (for Heroin)		2-4 days
Phencyclidine (PCP)	Hallucinogens	
Casual Use		Up to 5 days
Chronic Use		Up to 14 days: In rare instances, up to 30 days

ATTACHMENT C

**LISTING OF JOB CLASSIFICATIONS
MANDATED TO PARTICIPATE IN
RANDOM DRUG AND ALCOHOL TESTING PROCESS:**

NOTE: Any of the below job titles are subject to a title change at any given time, in accordance with applicable policy. As such, this policy still applies to those positions.

RANDOM TESTING POOL #1:
DOT – REGULATED EMPLOYEES (FTA AND FMCSA)

FTA-REGULATED EMPLOYEES (TRANSIT):

MAINTENANCE OR MECHANIC HELPERS
BUS DRIVER (FULL AND PART TIME)
TRANSIT MECHANIC (FULL AND PART TIME)
BUS DRIVER/DISPATCHER
OFFICE MANAGER
TRANSIT MANAGER

FMCSA-REGULATED EMPLOYEES (EMPLOYEES WITH COMMERCIAL DRIVERS LICENSES):

NOTE: INDIVIDUALS IN THE FOLLOWING JOB CLASSIFICATIONS HAVE THE **POTENTIAL** FOR OBTAINING COMMERCIAL DRIVERS LICENSES (“CDL”). **THIS TESTING POOL ONLY APPLIES TO EMPLOYEES WHO ACTUALLY HOLD COMMERCIAL DRIVERS LICENSES (“CDLs”), AND WHO USE THE CDLs FOR CITY PURPOSES.** THUS, EMPLOYEES WHOSE JOB CLASSIFICATIONS APPEAR BELOW, BUT WHO DO NOT HOLD A CDL, WILL NOT FALL UNDER THIS TESTING POOL. IF A CDL IS OBTAINED AFTER EMPLOYMENT, CONSULT WITH THE PERSONNEL DEPARTMENT TO DETERMINE IF FURTHER DOT REQUIREMENTS MUST BE MET (e.g., pre-employment testing as required by DOT, DOT medical exam).

FACILITIES MAINTENANCE DEPARTMENT:

LABORER/MAINTENANCE HELPERS

EQUIPMENT OPERATOR
CREW LEADER
MANAGER
SUPERINTENDENT
MAINTENANCE WORKER

STREET/STORMWATER DEPARTMENT:

LABORER/MAINTENANCE HELPERS
ROADWORKER
MAINTENANCE EQUIPMENT OPERATOR
CREW LEADER
MANAGER
SUPERINTENDENT

GARAGE DEPARTMENT:

MECHANIC
AUTO MAINTENANCE SUPERVISOR
SUPERINTENDENT

AUTO PARTS SUPERVISOR

SANITATION DEPARTMENT:

REFUSE TRUCK DRIVER
REFUSE COLLECTOR
CREW LEADER
MANAGER
SUPERINTENDENT
SANITATION INSPECTOR

ADMINISTRATION:

OPERATIONS MANAGER

RANDOM TESTING POOL #2:
POLICE DEPARTMENT (DEPT 41)

RESERVE POLICE OFFICER
POLICE OFFICER
POLICE SERGEANT
POLICE LIEUTENANT
POLICE CAPTAIN
DEPUTY CHIEF OF POLICE
CHIEF OF POLICE
CALLTAKER
TELECOMMUNICATOR
LEAD TELECOMMUNICATOR
TRAINING/TECHNOLOGY COORDINATOR
SCHOOL CROSSING GUARD
EVIDENCE COLLECTION UNIT SUPERVISOR
EVIDENCE COLLECTION UNIT TECHNICIAN

RANDOM TESTING POOL #3:
FIRE DEPARTMENT (DEPT 42)

FIREFIGHTER
DRIVER/ENGINEER
FIRE LIEUTENANT
FIRE CAPTAIN
FIRE INSPECTOR
FIRE TRAINING INSTRUCTOR
FIRE BATTALION CHIEF
ASSISTANT FIRE CHIEF
FIRE CHIEF

RANDOM TESTING POOL #4:
OTHER SAFETY SENSITIVE

NOTE: IF ANY EMPLOYEES IN THE BELOW JOB CLASSIFICATIONS HOLD A COMMERCIAL DRIVERS LICENSE ("CDL"), REFER TO RANDOM TESTING POOL #1.

FACILITIES MAINTENANCE DEPARTMENT:

PARKKEEPER (FULL TIME)
LABORER/MAINTENANCE HELPERS
MAINTENANCE WORKER
MAINTENANCE SPECIALIST

CREW LEADER
EQUIPMENT OPERATOR
HVAC TECHNICIAN
ELECTRICIAN
HORTICULTURIST
MANAGER
SUPERINTENDENT

STREET/STORMWATER DEPARTMENT:

LABORER/MAINTENANCE HELPERS
ROADWORKER
MAINTENANCE EQUIPMENT OPERATOR
CREW LEADER
MANAGER
SUPERINTENDENT

PERSONNEL DEPARTMENT:

LOSS PREVENTION MANAGER

GARAGE DEPARTMENT:

MECHANIC
AUTO MAINTENANCE SUPERVISOR
SUPERINTENDENT
AUTO PARTS SUPERVISOR

SANITATION DEPARTMENT:

REFUSE TRUCK DRIVER
REFUSE COLLECTOR
CREW LEADER
MANAGER
SUPERINTENDENT
SANITATION INSPECTOR

PARKS DEPARTMENT:

RECREATION ASSISTANT (PART TIME)
RECREATION AIDE (PART TIME)
RECREATION SUPERVISOR
RECREATION SPECIALIST
RECREATION SUPERINTENDENT
RECREATION FACILITY ASSISTANT (PART TIME)
RECREATION LEADER
LABORER/MAINTENANCE HELPERS
PRO SHOP ATTENDANT (PART TIME)
GOLF COURSE MANAGER
GREENS SUPERINTENDENT
AQUATICS/ICE ARENA MANAGER

ADMINISTRATION

OPERATIONS MANAGER

RANDOM TESTING POOL #5:

VOLUNTARY

Consists of any employees who volunteer to be in the random testing pool.

ATTACHMENT D

Contact information on the following can be obtained on the City Employee Intranet or upon request.

- Employee Assistance Program (EAP)
- Substance Abuse Professionals available
- Local Substance Abuse Services
- Substance Abuse Hotlines and Websites
- Regulatory website links related to drug and alcohol testing