

## **ORDINANCE NO. 03-03**

AN ORDINANCE AMENDING THE POLICIES AND PROCEDURES ORDINANCE 01-25; RESIDENCY ORDINANCE, 99-09; TARDINESS AND EMPLOYEE TIMECARDS ORDINANCE, 01-01; DRUG AND ALCOHOL ABUSE TESTING ORDINANCE, 98-07; AND TRAVEL AND EXPENSE REIMBURSEMENT ORDINANCE, 98-33, FOR THE CITY OF SOMERSET AND ITS EMPLOYEES.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

### **CITY OF SOMERSET Drug and Alcohol Policy**

#### **POLICY STATEMENT/OVERVIEW**

A. The objective and purpose of the City of Somerset's Drug and Alcohol Policy is to ensure a safe, drug free, and alcohol free working environment for the employees and customers we serve. It is our intention to prohibit any drug use and alcohol use in the workplace.

B. The drug and alcohol policy shall be in accordance with the provisions, requirements and regulations of the Federal Transit Administration (FTA) Drug and Alcohol Rule (49 CFR, Part 653, Prevention of Prohibited Drug Use in Transit Operations, and 49 CFR Part 654, Prevention of Alcohol Misuse in Transit Operations, 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs), and the Federal Highway Administration (FHWA) Controlled Substances and Alcohol Use and Testing (49 CFR, Part 382, 390). 1

C. This policy becomes effective on July 1, 2003, for employees in safety-sensitive positions, and shall apply to all other employees effective July 1, 2003 (see the following section titled Employee Categories for definition of employee and exceptions).

D. A copy of the policy shall be provided to all employees.

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1 When originally adopted effective January 1, 1996, this drug and alcohol testing policy applied only to employees in safety-sensitive positions. Effective July 1, 1999, this policy is expanded to include all employees of the city in a separate pool for testing purposes; however, the provisions of the policy will apply equally to both groups unless indicated otherwise.

## **EMPLOYEE CATEGORIES SUBJECT TO TESTING**

This policy shall apply to two specific categories:

A. All employees who perform safety-sensitive functions must be subject to the testing provisions set forth in the FTA regulations (653.7 and 654.7), and shall be in a stand-alone category for testing purposes. (Attachment I is a list of safety-sensitive job functions and corresponding position titles that identifies which employees are specifically covered.) FTA has determined that safety-sensitive functions are performed by those who operate vehicles that require drivers to hold Commercial Drivers Licenses (CDL's). Also included shall be those persons employed by the City deemed to be performing safety sensitive functions.

Gas Department employees and Utility Billing/Collections employees will be tested quarterly and separately from other groups.

Those employees holding CDL's will be tested separately from other safety sensitive groups.

B. The employees not considered to be in the safety-sensitive positions included in section A, shall be in a separate category for testing purposes. The City of Somerset will test all pre-employment. All job position transfers will be tested.

Employee shall be defined as each, every, any and all full-time and part-time non-elected officers and employees of the City in nonsafety-sensitive and safety-sensitive positions.

Those employees holding a CDL license shall be tested separate from other groups.

Those employees with the Gas and Utility Billing/Collections departments shall be tested separate from other groups.

## **PARTICIPATION AS A CONDITION OF EMPLOYMENT**

Participation in the city's prohibited substance testing is a condition of employment with the city.

## **REQUIRED HOURS OF COMPLIANCE**

A. **Alcohol.** An employee must not consume alcohol while at work, four

hours prior to reporting for work, up to eight hours following an accident, or until the employee undergoes a post-accident test, whichever occurs first.

B. **Drugs.** Use and ingestion of prohibited drugs are prohibited at all times.

C. **Pre employment** testing will be given a 24 hr notice before testing to have test completed.

### **PROHIBITED BEHAVIOR**

A. Employees are prohibited from engaging in unlawful manufacturing, distributing, dispensing, possessing, or using controlled substances in the workplace consistent with the Drug-Free Workplace Act of 1988.

B. Possession of drugs or alcohol on transit vehicles, in any transit facilities, or work premises is prohibited. Unless in the official capacity as a police officer or property officer who may have confiscated illicit drugs and alcohol and are storing said items for evidence in court proceedings. Also, any drugs emergency medical services may have stored or in their possession for dispensing to patients in their official capacity as paramedics.

C. Prohibited employee conduct includes using alcohol while at work, using alcohol within four hours prior to reporting for work, working with an alcohol concentration 0.01 or greater, or using alcohol within eight hours following an accident which requires the employee to take an alcohol test.

### **CIRCUMSTANCES FOR TESTING**

A. **Employees in safety-sensitive positions:**

1. The Federal Transit Administration and the Federal Highway Administration requires that drug and alcohol tests be given to safety-sensitive employees in specific circumstances:

- a. Pre-employment (drugs only);
- b. Reasonable suspicion;
- c. Post-accident;
- d. Random;
- e. Return to duty from extended leave of absence for medical or other requested leave.
- f. Follow-up.

B. The circumstances for testing listed in (A) above shall also apply to all

employees in non safety sensitive positions.

**Pre-employment Testing**

A. All applicants for employment in established positions, both full and part time, must complete a pre-employment drug test.

B. The city shall inform the applicant in writing of the testing requirements (653.27, 654.71).

C. All appointments to established positions within the city shall be contingent upon successfully completing a drug test as a condition of continued employment.

D. FTA and FHWA regulations permit, but do not require, the release of the results to the person being tested. However, prior to making a final decision to verify a positive drug test result, the Medical Review Officer (MRO) must give the applicant an opportunity to discuss the results (40.33).

E. If a pre-employment drug test is canceled by the applicant, said applicant will not be considered for employment with the City of Somerset. If an applicant is tested positive for pre employment they will not be considered for hire. An applicant that is reported to have a diluted specimen by the MRO shall be required to repeat the test within 24 hrs. If the specimen is reported diluted at that time the applicant shall not be considered for hire. The MRO must report a clear negative test result before hiring.

F. Passing a drug test is a condition of employment and shall be stated in newspaper notices and other forms of vacancy announcements. Applicants must sign a form acknowledging that they know they will be tested. (See Attachment II)

**Reasonable Suspicion Testing**

A. Employees must submit to a test when the city has reasonable suspicion that an employee has used a prohibited drug or has used alcohol as defined in FTA or FHWA regulations.

B. The city's request to undergo a reasonable suspicion test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odor of the employee.

C. Employees may be at work in a condition that raises concern regarding their safety or productivity. A supervisor 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 use, this is sufficient justification for testing.

### **Post-Accident Testing**

A. Testing for prohibited drugs and alcohol is required in the case of vehicular accidents.

B. Post-accident testing is mandatory for accidents where there is loss of life and for other nonfatal accidents including property damage and incidents.

C. An accident (653.7, 654.7, and 390.5) is defined as an occurrence associated with the operation of a vehicle in which:

1. An individual dies.
2. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of an accident.
3. A city owned vehicle is involved.
4. The city-owned vehicle involved is driven by an employee in which one or more vehicles incur disabling damage as a result of the occurrence and is transported away from the scene by a tow truck or other vehicle.

D. Disabling damage means 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.

### **Fatal Accident**

Whenever there is a loss of human life, each surviving employee involved in the accident must be tested. Employees 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 be tested.

## **Non-Fatal Accident**

A. Following nonfatal accidents involving a bus, electric bus, trolley bus, van, or automobile, the city shall test each employee involved in the accident at the time of the accident. For nonfatal accidents involving city vehicles, the driver shall be tested.

B. For nonfatal accidents, the city shall test any other 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. Post accident drug and alcohol tests must be performed as soon as possible. Drug tests must be performed within 32 hours following the accident. Alcohol tests must be performed within 8 hours.

D. If an alcohol test is not administered within two 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 hours following the accident, the city shall cease attempts to administer an alcohol test and shall maintain the same record.

E. The requirement to test for drugs and alcohol following an accident should in no way delay necessary medical attention for injured people or prohibit an employee from leaving the scene of the accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care. However, the employee must remain readily available, which means the city knows the location of the employee.

F. 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 the test promptly;
5. Collect the accident documentation promptly.

## **Random Testing**

A. Random testing of drugs and alcohol shall be required for all employees.

B. The city will have access to a scientifically valid random number

selection method to select employees for testing. Valid methods include the use of a random-number table or a computer-based random-number generator that is matched with employee identification numbers.

1. 50 percent of the total number of safety-sensitive employees subject to drug testing and 10 percent subject to alcohol testing must be tested each year. A slightly higher percentage will be tested to provide for canceled tests.

2. 10 percent of all eligible employees in nonsafety sensitive positions shall be tested annually for drugs and at least 10 percent of all eligible employees in nonsafety-sensitive positions shall be tested annually for alcohol

3. 50 percent of the total number of Gas department employees and Utility Billing department employees will be tested annually for drugs and at least 10 percent shall be tested annually for alcohol.

C. Test dates will be spread reasonably throughout the year so that a predictable pattern is not established. Testing will be performed on different days of the week and at different times throughout the annual cycle.

D. The process must be unannounced as well as random. Once the city notifies the employee that they have been selected for testing, the employee must report immediately to the collection site.

E. All employees in the respective random pools will have an equal chance of being selected for testing and shall remain in the respective pool, even after being tested. It is possible for some employees to be tested several times a year.

F. Employee Notification of Random Testing Procedure:

1. Supervisor shall receive notification from the Human Resource Office identifying the employee for testing.

2. Supervisor notifies the employee and requests the employee to report immediately to collection site. The city shall provide transportation to collection site.

3. Employee shall be afforded the maximum privacy possible and discreetly notified to report to the collection site.

4. Employee shall be afforded transportation from the testing site.

G. Nonsafety-sensitive employee standard notification procedures are the same as for FTA safety sensitive employees as described above.

### **Return to Work Testing**

A. The city's policy is termination for verified positive drug or alcohol tests for all employees including FTA/FHWA safety-sensitive employees.

B. An employee will be tested upon returning to duty after extended leave of absence for medical or other requested leave.

### **Behavior That Constitutes a Refusal to Submit To a Test**

Kinds of behavior that constitute a refusal:

- A. The specimen was adulterated or substituted;
- B. Refuses to be tested under any provision of this drug/alcohol program;
- C. Refuses to consent to the test notification;
- D. Fails to provide adequate breath for testing without a valid medical explanation after he/she has received notice of the requirement;
- E. Fails to provide adequate urine for controlled substance testing without a valid medical explanation after he/she has received notice of the requirement;
- F. Engages in conduct that clearly obstructs the collection process, including inappropriate/indecent behavior, failure to complete and sign required documents;
- G. Unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen presented, etc.);
- H. A urine specimen that falls outside the normal temperature range (90-100 F);
- I. Failure to show up for any test when requested to do so by the employer, does not arrive at the designated collection site within a two hour



period, this time is derived from the time he/she has received notice of the requirement, and is presented with written consent and the documented time at the collection site;

J. Fails to cooperate (e.g., leave the test site before the collection process is completed, refuse to empty pockets) with any part of the testing process;

K. Refuses to drink fluids needed to produce sufficient specimen; Declines to report for a medical evaluation when directed to do so or does not comply with physicians' directions during the examination.

L. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provisions of a specimen.

M. Leaving the scene of an accident without a valid reason before tests have been conducted.

If reported by the Medical Review Officer a "DILUTED SPECIMEN" which was determined by the laboratory to have a low specific gravity level and a low creatinine concentration after a urine specimen collection, the designated employer representative will be required to direct the employee to take another test immediately. Such recollection must not be collected under direct observation.

**Adulterated specimen:** A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that is not consistent with human urine.

**Diluted specimen:** A specimen with creatinine and specific gravity values that are lower than expected for human urine.

**Substituted specimen:** A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

## **TESTING PROCEDURES**

A. Drug Testing:

1. Under the FTA and FHWA drug testing regulations for safety-sensitive employees, the city is required to conduct laboratory testing of urine specimens for the following drugs or their metabolites (653.31):

- a. Marijuana;
- b. Cocaine;
- c. Opiates (e.g. heroin, morphine, codeine);
- d. Phencyclidine (PCP);
- e. Amphetamines (e.g., racemic amphetamine, dextroamphetamine, and methamphetamine).

2. Identification of either a drug or its metabolite in the urine indicates use of the drug in the recent past.

3. Specimen Collection:

a. All urine specimens must be collected at an appropriate collection site. A collection site is defined (40.3) as a place designated by the city and the Statewide Drug and Alcohol Committee as a place where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs. Regardless of the collection site location, it will meet the Department of Transportation guidelines established in "Procedures for Transportation Workplace Drug and Alcohol Testing Program" (49 CFR part 40).

b. The site will have a privacy enclosure for urination, a toilet, a suitable clean writing surface, and a water source for hand washing, which if practicable, will be outside the privacy enclosure.

4. Collection Site Personnel:

a. 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.

b. Regardless of the background and training of collection site staff, the city shall provide them with clear and unambiguous written instructions on collecting specimens.

5. Collection Process:

a. For specific requirements, refer to 49 CFR part 40.25.

1. Inspect the collection room before and after each specimen collection. Remove any unauthorized persons and materials that could adulterate the specimen.

2. Verify identity of employee with photo I.D.
3. Request that the employee check belongings and remove any unnecessary outer garments.
4. Have employee wash and rinse hands with water and dry them.
5. Unwrap collection cup in front of employee.
6. If employee is unable to provide at least 45 ml. the collection site technician shall instruct the employee to drink not more than, 40 ounces of fluids during a period of up to three hours.
7. Within 4 minutes of receiving the specimen, the temperature must be recorded, and must be between 90 and 100 F.
8. The city is to be notified should employee refuse to cooperate with the collection process.
9. The collection site person will pour 15 ml of urine into a second bottle, to be used as the split sample, with the 30 ml remaining in the collection container, to be used as the primary specimen.
10. Both bottles must be sealed and labeled in presence of the donor.
11. Custody and control form must be completed.
12. Both primary specimen and the split specimen shall be sealed in a single shipping container.
13. Specimen should be placed in secure storage until dispatched to the lab.
  - b. The urine specimen must be split and poured into two specimen bottles. Employees have the option of having an analysis of the split sample performed at a separate DHHS laboratory should the primary specimen test result be verified positive. The employee has 72 hours after being informed by the MRO of a verified positive test to request a test of the split sample. The payment of the split sample testing shall be the responsibility of the employee.
  - c. All drug testing including the FTA and FHWA regulations must

be completed in a laboratory certified by the Department of Health and Human Services (DHHS).

d. In the following circumstances, collection personnel must observe the second collection immediately after the first collection:

1. Employee presented a urine sample that falls outside the normal temperature range;

2. Oral body temperature varies by more than 1 C/1.8 F from the temperature of the specimen;

3. Site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample.

e. The city may authorize an observed collection when the most recent urine specimen provided by the employee was determined by the lab to have a specific gravity of less than 1.003 and a creatinine concentration below 0.2G/L, or the employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted under the FTA or FHWA regulation as a return to work or follow-up test. The supervisor of the collection site person shall review and concur in advance with any decision by a collection site person to obtain a specimen under direct observation. The direct observation must be by a collection site person of the same gender as the individual being tested.

f. The DOT regulation requires an immunoassay test as the initial test. If any prohibited drug registers above the cutoff level on the immunoassay screen, an aliquot of the same urine specimen must be confirmed by using a technique called gas chromatography/mass spectrometry (GC/MS).

g. The FTA and FHWA 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 regulation 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.

h. The city shall strictly adhere to all standards of confidentiality and assure all employees that testing records and results will be released only to

those authorized by the FTA or FHWA rules to receive information.

6. Specimen Rejections or Cancellations:

a. The DOT has issued the following guidance identifying certain errors and omissions as "fatal flaws" that should result in a specimen being rejected by the laboratory:

1. Specimen identification number on specimen bottle does not match the number on the custody and control form;

2. Specimen identification number is omitted;

3. Collector's signature is omitted from certification statement;

4. Chain of custody block is incomplete (minimum of two signatures, shipping entry, date);

5. Employee identification number is omitted on custody and control form unless "refusal of donor to provide" is stated in remarks section;

6. Primary specimen volume is less than 30 ml; if upon arrival at the laboratory, specimen volume is slightly below the 30 ml minimum (within 10%), the specimen may be accepted if the laboratory can ensure that sufficient volume will be available for storage and any necessary reanalyzes for quality control or reconfirmation of results. (Note: This provision does not change the DOT requirement for the donor to provide 45 ml of urine at the collection site for a split specimen collection);

7. Specimen bottle seal is broken or shows evidence of tampering;

8. Specimen shows obvious adulteration (e.g., color, foreign objects, and unusual odor)

a. In addition, the MRO should cancel the test results then the following procedural errors have occurred but were not noted by the laboratory:

1. Donor's signature is omitted from the certification statement unless "donor refused to sign" is stated in the remarks

section;

2. Certifying scientist's signature is omitted on positive results from the laboratory.

B. Alcohol Testing:

1. FTA regulation (49 CFR, Part 654) and FHWA regulation (49 CFR, Part 382) requires the city to conduct breath alcohol testing on safety-sensitive employees. 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).

2. Reference is made to Evidential Breath Testing Device (EBT) (40.53).

3. Reference is made to Breath Alcohol Technician (40.51). The city shall identify the individual(s) that will serve as agency BATS. The supervisor of an employee to be tested for alcohol misuse must not serve as the BAT for that employee.

4. Alcohol Testing Site (reference 40.57):

a. Alcohol tests should be conducted at a site that provides privacy to the individual being tested. The testing site must be secured with no unauthorized access at any time the EBT is unsecured or when testing is occurring. The BAT must conduct only one test at a time and must not leave the testing site while the preparations for testing or the test itself are in progress.

b. In unusual circumstances (e.g. accident) an alcohol test can be conducted at a place other than an alcohol testing site. The BAT shall conduct the test in a manner that provides the employee with privacy to the greatest extent practicable.

5. Screening Alcohol Test:

a. BAT will instruct the employee to blow forcefully into the mouthpiece for at least six seconds or until an adequate amount of breath has been obtained. Following the screening test, BAT must show the individual the result displayed on the EBT or the printed result. If the result of the test is less than 0.01, no further testing is required and the test will be reported to the

employer as a negative test. The employee may return to his safety-sensitive position.

b. If the result of the screening test is an alcohol concentration of 0.01 or greater, a confirmation test must be performed at least 15 minutes, but not more than 20 minutes, after completion of the initial test.

6. Incomplete Tests:

a. If a screening or confirmatory test cannot be completed, the BAT must, if practicable, begin a new test using a new alcohol testing form with a new sequential test number.

b. Refusal by an employee to complete and sign the alcohol testing form, to provide breathe, to provide an adequate amount of breath, or otherwise to cooperate with the collection process must be noted on the form and the test will be terminated.

c. If an employee attempts and fails to provide an adequate amount of breath, the BAT must note this on the form and immediately inform the employer. The employer shall direct the employee to obtain, from a licensed physician who is acceptable to the employer, an evaluation concerning the employee's medical ability to provide an adequate amount of breath. The evaluation should be made as soon as practical after the attempted breath test. If the physician indicates that there was a valid medical reason for the inadequate amount of breath, the employee's failure to provide amount of breath will not be considered a refusal. If no valid medical reason is determined, the inadequate amount of breath must be considered a refusal to take the test.

7. Test Accuracy. To protect the integrity of the test and to ensure accurate results, the procedures for conducting an alcohol breath test are rigorous. Alcohol tests are considered invalid when the following occurs:

a. The external calibration check of the EBT produces a result outside the allowed tolerance levels.

b. A device other than an NHTSA-approved EBT is used.

c. The BAT does not wait 15 minutes between the screenings and confirmatory tests.

d. A valid air blank test that registers 0.00 is not performed

before each confirmation test.

e. The alcohol test form with the attached EBT printout is not completed correctly. Employee and BAT signatures, or relevant BAT remarks, should be included.

f. The EBT fails to print the confirmation results, the sequential test number on the EBT is not the same as the number on the printout, or the alcohol concentration displayed on the EBT is different from what is printed out.

C. The testing procedures for drug and alcohol required by the FTA and FHWA for safety-sensitive employees and set forth in Sections (A) and (B) shall also apply to all nonsafety-sensitive employees.

### **CONSEQUENCES OF THE USE OF DRUGS AND THE MISUSE OF ALCOHOL**

A. Refusal to take a test:

1. Any applicant who refuses to submit to a drug test during the employment process shall be removed from the employment process.

2. Any employee who refuses to submit to a drug and/or alcohol test shall be considered to have received an automatic positive test and shall immediately be removed from the workplace; the city's disciplinary policy shall be dismissal.

B. Verified positive drug test result:

1. Any applicant who receives a verified positive drug test result shall immediately be removed from the employment process.

2. Any employee who receives a verified positive drug and/or alcohol test result shall immediately be removed from the workplace; the city's disciplinary action policy shall be dismissal.

C. In the event a test result shows an alcohol concentration of 0.01 or greater, any employee shall immediately be removed from the workplace; the city's disciplinary action policy shall be dismissal.

### **CONTACT PERSON(S)**



A. The Gas Department Manager and the Human Resource Personnel shall be the persons that represent the city as a contact for Drug and Alcohol Program employee inquiries.

B. Questions about the drug and alcohol program may be addressed to the above individual(s) at the official business address and telephone number of the city.

C. The name, office location and telephone number for each contact person shall be posted on each bulletin board.

D. Posting will also reflect any new contact persons for the city's Drug and Alcohol Program.

### **EFFECTS OF ALCOHOL**

A. Physically, alcohol enters the bloodstream almost immediately, circulates to the brain and all the organs, and depresses the central nervous system, slowing thought processes, reflexes, and other physical skills.

B. Mentally, its effects vary. In small doses, the user may feel relaxed, talkative, happy, excited. In larger doses, the person often feels confused, moody, angry, and unhappy. Even larger doses result in unconsciousness, coma, even death.

C. Dangers include physical harm such as addiction, damage to the brain, liver and other organs, harm to babies whose mother's abuse alcohol during pregnancy, overdose and death. Drinking and driving is the greatest cause of fatal crashes. Alcohol is a major factor in many divorces and in family, school and job problems. Alcohol abuse is often a factor in crimes and violence.

### **POLICY COMMUNICATION**

A. Employees shall be made aware of the city's Drug and Alcohol Policy and the effect it will have on them. A notification letter (See Attachment III) and a copy of the policy shall be given to each employee. Each employee shall sign and date a confirmation of receipt. (See Attachment IV.) Additionally, the policy shall be communicated by the following:

1. Orientation sessions;

- a. With the acceptance by council of this policy, each department head shall meet with his employees for the purpose to discuss and

outline the drug and alcohol policy. Each employee shall sign a letter of acknowledgment in the presence of the department head after said meeting. This letter shall be kept on file in the Human Resource Office.

2. Personnel Policy and Procedures book;
3. Informational material displays posted in each worksite;
4. Ongoing dialogue.

B. Ongoing awareness program:

1. Ongoing awareness shall be reinforced during training, periodic safety meetings and continuing dialogue between management and employees as well as through displays, bulletin board announcements, and informational pamphlets to serve as reminders and reinforce the key points of the entire policy.

2. Implementation of the FTA mandated drug and alcohol program is not subject to bargaining, unless the city chooses not to accept FTA funding. The policy stated herein is subject to technical revisions and/or modification by the Federal government and or changes/revisions by the agency.

## **ATTACHMENT I**

### **DRUG AND ALCOHOL POLICY LISTING FOR SAFETY-SENSITIVE JOB FUNCTIONS/TITLES FOR EMPLOYEES AND VOLUNTEERS**

1. All employees who are required to possess a commercial driver's license to perform the essential functions of the job are considered to be in safety-sensitive positions and are required to participate in the drug and alcohol testing program.

2. All employees in emergency response departments are considered to be in safety-sensitive positions and are required to participate in the drug and alcohol testing program. These departments include but are not limited to Ambulance, Fire, and Police.

3. All employees in the Gas and Utility Billing/Collections departments are considered to be in safety-sensitive positions and are required to participate in the drug and alcohol testing program.

4. All employees who drive city vehicles and are considered in safety-sensitive positions and are required to participate in the drug and alcohol testing program.

5. Any employee the City of Somerset deems to be performing safety-sensitive functions shall be considered to be in a safety sensitive position and is required to participate in the drug and alcohol testing program.

6. The employees are subject to change at any time by the Department Commissioner and Department Director.

**ATTACHMENT II**

**PRE-EMPLOYMENT TESTING NOTICE TO APPLICANTS  
FOR NON-SAFETY AND SAFETY SENSITIVE POSITIONS**

**YOUR APPLICATION WILL BE CONSIDERED INCOMPLETE IF THIS NOTICE IS  
NOT SIGNED AND DATED!**

I am hereby acknowledging that I will be given pre-employment drug tests. I am aware that employees will not be hired without a clear negative test from the MRO.

Signed: \_\_\_\_\_  
Name Date

FIRST READING: March 24, 2003

SECOND READING: April 14, 2003

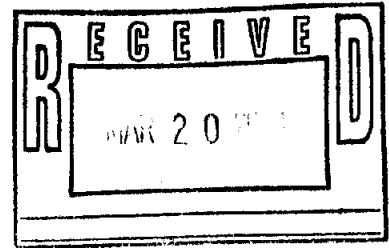
APPROVED:

J. P. Wilson  
MAYOR

ATTEST:

Audrey Godsey  
CITY CLERK

## **CITY OF SOMERSET Drug and Alcohol Policy**



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C. This policy becomes effective on \_\_\_\_\_ for employees in safety-sensitive positions, and shall apply to all other employees effective \_\_\_\_\_ (see the following section titled Employee Categories for definition of employee and exceptions).

D. A copy of the policy shall be provided to all employees.

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Those employees holding CDL's will be tested separately from other safety sensitive groups.

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<sup>1</sup> When originally adopted effective January 1, 1996, this drug and alcohol testing policy applied only to employees in safety-sensitive positions. Effective July 1, 1999, this policy is expanded to include all employees of the city in a separate pool for testing purposes; however, the provisions of the policy will apply equally to both groups unless indicated otherwise.

B. The employees not considered to be in the safety-sensitive positions included in section A, shall be in a separate category for testing purposes. The City of Somerset will test all pre-employment. All job position transfers will be tested.

Employee shall be defined as each, every, any and all full-time and part-time non-elected officers and employees of the City in nonsafety-sensitive and safety-sensitive positions.

Those employees holding a CDL license shall be tested separate from other groups.

Those employees with the Gas and Utility Billing/Collections departments shall be tested separate from other groups.

## **PARTICIPATION AS A CONDITION OF EMPLOYMENT**

Participation in the city's prohibited substance testing is a condition of employment with the city.

## **REQUIRED HOURS OF COMPLIANCE**

A. **Alcohol.** An employee must not consume alcohol while at work, four hours prior to reporting for work, up to eight hours following an accident, or until the employee undergoes a post-accident test, whichever occurs first.

B. **Drugs.** Use and ingestion of prohibited drugs are prohibited at all times.

C. **Pre employment** testing will be given a 24 hr notice before testing to have test completed.

## **PROHIBITED BEHAVIOR**

A. Employees are prohibited from engaging in unlawful manufacturing, distributing, dispensing, possessing, or using controlled substances in the workplace consistent with the Drug-Free Workplace Act of 1988.

B. Possession of drugs or alcohol on transit vehicles, in any transit facilities, or work premises is prohibited. Unless in the official capacity as a police officer or property officer who may have confiscated illicit drugs and alcohol and are storing said items for evidence in court proceedings. Also, any drugs emergency medical services may have stored or in their possession for dispensing to patients in their official capacity as paramedics.

C. Prohibited employee conduct includes using alcohol while at work, using alcohol within four hours prior to reporting for work, working with an alcohol concentration 0.01 or greater, or using alcohol within eight hours following an accident which requires the employee to take an alcohol test.

## **CIRCUMSTANCES FOR TESTING**

### **A. Employees in safety-sensitive positions:**

1. The Federal Transit Administration and the Federal Highway Administration requires that drug and alcohol tests be given to safety-sensitive employees in specific circumstances:

- a. Pre-employment (drugs only);
- b. Reasonable suspicion;
- c. Post-accident;
- d. Random;
- e. Return to duty from extended leave of absence for medical or other requested leave.
- f. Follow-up.

B. The circumstances for testing listed in (A) above shall also apply to all employees in non safety sensitive positions.

## **Pre-employment Testing**

A. All applicants for employment in established positions, both full and part time, must complete a pre-employment drug test.

B. The city shall inform the applicant in writing of the testing requirements (653.27, 654.71).

C. All appointments to established positions within the city shall be contingent upon successfully completing a drug test as a condition of continued employment.

D. FTA and FHWA regulations permit, but do not require, the release of the results to the person being tested. However, prior to making a final decision to verify a positive drug test result, the Medical Review Officer (MRO) must give the applicant an opportunity to discuss the results (40.33).

E. If a pre-employment drug test is canceled by the applicant, said applicant will not be considered for employment with the City of Somerset. If an applicant is tested positive for pre employment they will not be considered for hire. An applicant that is reported to have a diluted specimen by the MRO shall be required to repeat the test within 24 hrs. If the specimen is reported diluted at that time the applicant shall not be considered for hire. The MRO must report a clear negative test result before hiring.

F. Passing a drug test is a condition of employment and shall be stated in newspaper notices and other forms of vacancy announcements. Applicants must sign a form acknowledging that they know they will be tested. (See Attachment II)



## **Reasonable Suspicion Testing**

A. Employees must submit to a test when the city has reasonable suspicion that an employee has used a prohibited drug or has used alcohol as defined in FTA or FHWA regulations.

B. The city's request to undergo a reasonable suspicion test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odor of the employee.

C. Employees may be at work in a condition that raises concern regarding their safety or productivity. A supervisor 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 use, this is sufficient justification for testing.

## **Post-Accident Testing**

A. Testing for prohibited drugs and alcohol is required in the case of vehicular accidents.

B. Post-accident testing is mandatory for accidents where there is loss of life and for other nonfatal accidents including property damage and incidents.

C. An accident (653.7, 654.7, and 390.5) is defined as an occurrence associated with the operation of a vehicle in which:

1. An individual dies.

2. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of an accident.

3. A city owned vehicle is involved.

4. The city-owned vehicle involved is driven by an employee in which one or more vehicles incur disabling damage as a result of the occurrence and is transported away from the scene by a tow truck or other vehicle.

D. Disabling damage means 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.

## **Fatal Accident**

Whenever there is a loss of human life, each surviving employee involved in the accident must be tested. Employees 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 be tested.

## **Non-Fatal Accident**

A. Following nonfatal accidents involving a bus, electric bus, trolley bus, van, or automobile, the city shall test each employee involved in the accident at the time of the accident. For nonfatal accidents involving city vehicles, the driver shall be tested.

B. For nonfatal accidents, the city shall test any other 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. Post accident drug and alcohol tests must be performed as soon as possible. Drug tests must be performed within 32 hours following the accident. Alcohol tests must be performed within 8 hours.

D. If an alcohol test is not administered within two 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 hours following the accident, the city shall cease attempts to administer an alcohol test and shall maintain the same record.

E. The requirement to test for drugs and alcohol following an accident should in no way delay necessary medical attention for injured people or prohibit an employee from leaving the scene of the accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care. However, the employee must remain readily available, which means the city knows the location of the employee.

- F. 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 the test promptly;
  5. Collect the accident documentation promptly.

## **Random Testing**

A. Random testing of drugs and alcohol shall be required for all employees.

B. The city will have access to a scientifically valid random number selection method to select employees for testing. Valid methods include the use of a random-number table or a computer-based random-number generator that is matched with employee identification numbers.

1. 50 percent of the total number of safety-sensitive employees subject to drug testing and 10 percent subject to alcohol testing must be tested each year. A slightly higher percentage will be tested to provide for canceled tests.

2. 10 percent of all eligible employees in nonsafety sensitive positions shall be tested annually for drugs and at least 10 percent of all eligible employees in nonsafety-sensitive positions shall be tested annually for alcohol.

3. 50 percent of the total number of Gas department employees and Utility Billing department employees will be tested annually for drugs and at least 10 percent shall be tested annually for alcohol.

C. Test dates will be spread reasonably throughout the year so that a predictable pattern is not established. Testing will be performed on different days of the week and at different times throughout the annual cycle.

D. The process must be unannounced as well as random. Once the city notifies the employee that they have been selected for testing, the employee must report immediately to the collection site.

E. All employees in the respective random pools will have an equal chance of being selected for testing and shall remain in the respective pool, even after being tested. It is possible for some employees to be tested several times a year.

F. Employee Notification of Random Testing Procedure:

1. Supervisor shall receive notification from the Human Resource Office identifying the employee for testing.

2. Supervisor notifies the employee and requests the employee to report immediately to collection site. The city shall provide transportation to collection site.

3. Employee shall be afforded the maximum privacy possible and discreetly notified to report to the collection site.

4. Employee shall be afforded transportation from the testing site.

G. Nonsafety-sensitive employee standard notification procedures are the same as for FTA safety sensitive employees as described above.

### **Return to Work Testing**

A. The city's policy is termination for verified positive drug or alcohol tests for all employees including FTA/FHWA safety-sensitive employees.

B. An employee will be tested upon returning to duty after extended leave of absence for medical or other requested leave.

### **Behavior That Constitutes a Refusal to Submit To a Test**

Kinds of behavior that constitute a refusal:

A. The specimen was adulterated or substituted;

B. Refuses to be tested under any provision of this drug/alcohol program;

C. Refuses to consent to the test notification;

D. Fails to provide adequate breath for testing without a valid medical explanation after he/she has received notice of the requirement;

E. Fails to provide adequate urine for controlled substance testing without a valid medical explanation after he/she has received notice of the requirement;

F. Engages in conduct that clearly obstructs the collection process, including inappropriate/indecent behavior, failure to complete and sign required documents;

G. Unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen presented, etc.);

H. A urine specimen that falls outside the normal temperature range (90-100 F);

I. Failure to show up for any test when requested to do so by the employer, does not arrive at the designated collection site within a two hour period, this time is derived from the time he/she has received notice of the requirement, and is presented with written consent and the documented time at the collection site;

J. Fails to cooperate (e.g., leave the test site before the collection process is

completed, refuse to empty pockets) with any part of the testing process;

K. Refuses to drink fluids needed to produce sufficient specimen;

L. Declines to report for a medical evaluation when directed to do so or does not comply with physicians directions during the examination.

M. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provisions of a specimen.

N. Leaving the scene of an accident without a valid reason before tests have been conducted.

If reported by the Medical Review Officer a "DILUTED SPECIMEN" which was determined by the laboratory to have a low specific gravity level and a low creatinine concentration after a urine specimen collection, the designated employer representative will be required to direct the employee to take another test immediately. Such recollection must not be collected under direct observation.

**Adulterated specimen:** A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that is not consistent with human urine.

**Diluted specimen:** A specimen with creatinine and specific gravity values that are lower than expected for human urine.

**Substituted specimen:** A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

## **TESTING PROCEDURES**

### A. Drug Testing:

1. Under the FTA and FHWA drug testing regulations for safety-sensitive employees, the city is required to conduct laboratory testing of urine specimens for the following drugs or their metabolites (653.31):

- a. Marijuana;
- b. Cocaine;
- c. Opiates (e.g. heroin, morphine, codeine);
- d. Phencyclidine (PCP);
- e. Amphetamines (e.g., racemic amphetamine, dextroamphetamine, and methamphetamine).

2. Identification of either a drug or its metabolite in the urine indicates use of the drug in the recent past.

### 3. Specimen Collection:

a. All urine specimens must be collected at an appropriate collection site. A collection site is defined (40.3) as a place designated by the city and the Statewide Drug and Alcohol Committee as a place where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs. Regardless of the collection site location, it will meet the Department of Transportation guidelines established in "Procedures for Transportation Workplace Drug and Alcohol Testing Program" (49 CFR part 40).

b. The site will have a privacy enclosure for urination, a toilet, a suitable clean writing surface, and a water source for hand washing, which if practicable, will be outside the privacy enclosure.

### 4. Collection Site Personnel:

a. 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.

b. Regardless of the background and training of collection site staff, the city shall provide them with clear and unambiguous written instructions on collecting specimens.

### 5. Collection Process:

- a. For specific requirements, refer to 49 CFR part 40.25.

1. Inspect the collection room before and after each specimen collection. Remove any unauthorized persons and materials that could adulterate the specimen.

2. Verify identity of employee with photo I.D.

3. Request that the employee check belongings and remove any unnecessary outer garments.

4. Have employee wash and rinse hands with water and dry them.

5. Unwrap collection cup in front of employee.

6. If employee is unable to provide at least 45 ml. the collection site technician shall instruct the employee to drink not more than, 40 ounces of fluids during a period of up to three hours.

7. Within 4 minutes of receiving the specimen, the temperature must be recorded, and must be between 90 and 100 F.

8. The city is to be notified should employee refuse to cooperate with the collection process.

9. The collection site person will pour 15 ml of urine into a second bottle, to be used as the split sample, with the 30 ml remaining in the collection container, to be used as the primary specimen.

10. Both bottles must be sealed and labeled in presence of the donor.

11. Custody and control form must be completed.

12. Both primary specimen and the split specimen shall be sealed in a single shipping container.

13. Specimen should be placed in secure storage until dispatched to the lab.

b. The urine specimen must be split and poured into two specimen bottles. Employees have the option of having an analysis of the split sample performed at a separate DHHS laboratory should the primary specimen test result be verified positive. The employee has 72 hours after being informed by the MRO of a verified positive test to request a test of the split sample. The payment of the split sample testing shall be the responsibility of the employee.

c. All drug testing including the FTA and FHWA regulations

must be completed in a laboratory certified by the Department of Health and Human Services (DHHS).

d. In the following circumstances, collection personnel must observe the second collection immediately after the first collection:

1. Employee presented a urine sample that falls outside the normal temperature range;

2. Oral body temperature varies by more than 1 C/1.8 F from the temperature of the specimen;

3. Site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample.

e. The city may authorize an observed collection when the most recent urine specimen provided by the employee was determined by the lab to have a specific gravity of less than 1.003 and a creatinine concentration below 0.2G/L, or the employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted under the FTA or FHWA regulation as a return to work or follow-up test. The supervisor of the collection site person shall review and concur in advance with any decision by a collection site person to obtain a specimen under direct observation. The direct observation must be by a collection site person of the same gender as the individual being tested.

f. The DOT regulation requires an immunoassay test as the initial test. If any prohibited drug registers above the cutoff level on the immunoassay screen, an aliquot of the same urine specimen must be confirmed by using a technique called gas chromatography/mass spectrometry (GC/MS).

g. The FTA and FHWA 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 regulation 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.

h. The city shall strictly adhere to all standards of confidentiality and assure all employees that testing records and results will be released only to those authorized by the FTA or FHWA rules to receive information.

#### 6. Specimen Rejections or Cancellations:



a. The DOT has issued the following guidance identifying certain errors and omissions as "fatal flaws" that should result in a specimen being rejected by the laboratory:

1. Specimen identification number on specimen bottle does not match the number on the custody and control form;
2. Specimen identification number is omitted;
3. Collector's signature is omitted from certification statement;
4. Chain of custody block is incomplete (minimum of two signatures, shipping entry, date);
5. Employee identification number is omitted on custody and control form unless "refusal of donor to provide" is stated in remarks section;
6. Primary specimen volume is less than 30 ml; if upon arrival at the laboratory, specimen volume is slightly below the 30 ml minimum (within 10%), the specimen may be accepted if the laboratory can ensure that sufficient volume will be available for storage and any necessary reanalyzes for quality control or reconfirmation of results. (Note: This provision does not change the DOT requirement for the donor to provide 45 ml of urine at the collection site for a split specimen collection);
7. Specimen bottle seal is broken or shows evidence of tampering;
8. Specimen shows obvious adulteration (e.g., color, foreign objects, unusual odor)

b. In addition, the MRO should cancel the test results when the following procedural errors have occurred but were not noted by the laboratory:

1. Donor's signature is omitted from the certification statement unless "donor refused to sign" is stated in the remarks section;
2. Certifying scientist's signature is omitted on positive results from the laboratory.

**B. Alcohol Testing:**

1. FTA regulation (49 CFR, Part 654) and FHWA regulation (49 CFR, Part 382) requires the city to conduct breath alcohol testing on safety-sensitive employees. 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).

2. Reference is made to Evidential Breath Testing Device (EBT) (40.53).

3. Reference is made to Breath Alcohol Technician (40.51). The city shall identify the individual(s) that will serve as agency BATS. The supervisor of an employee to be tested for alcohol misuse must not serve as the BAT for that employee.

4. Alcohol Testing Site (reference 40.57):

a. Alcohol tests should be conducted at a site that provides privacy to the individual being tested. The testing site must be secured with no unauthorized access at any time the EBT is unsecured or when testing is occurring. The BAT must conduct only one test at a time and must not leave the testing site while the preparations for testing or the test itself are in progress.

b. In unusual circumstances (e.g. accident) an alcohol test can be conducted at a place other than an alcohol testing site. The BAT shall conduct the test in a manner that provides the employee with privacy to the greatest extent practicable.

5. Screening Alcohol Test:

a. BAT will instruct the employee to blow forcefully into the mouthpiece for at least six seconds or until an adequate amount of breath has been obtained. Following the screening test, BAT must show the individual the result displayed on the EBT or the printed result. If the result of the test is less than 0.01, no further testing is required and the test will be reported to the employer as a negative test. The employee may return to his safety-sensitive position.

b. If the result of the screening test is an alcohol concentration of 0.01 or greater, a confirmation test must be performed at least 15 minutes, but not more than 20 minutes, after completion of the initial test.

6. Incomplete Tests:

a. If a screening or confirmatory test cannot be completed, the BAT must, if practicable, begin a new test using a new alcohol testing form with a new sequential test number.

b. Refusal by an employee to complete and sign the alcohol

testing form, to provide breathe, to provide an adequate amount of breath, or otherwise to cooperate with the collection process must be noted on the form and the test will be terminated.

c. If an employee attempts and fails to provide an adequate amount of breath, the BAT must note this on the form and immediately inform the employer. The employer shall direct the employee to obtain, from a licensed physician who is acceptable to the employer, an evaluation concerning the employee's medical ability to provide an adequate amount of breath. The evaluation should be made as soon as practical after the attempted breath test. If the physician indicates that there was a valid medical reason for the inadequate amount of breath, the employee's failure to provide amount of breath will not be considered a refusal. If no valid medical reason is determined, the inadequate amount of breath must be considered a refusal to take the test.

7. Test Accuracy. To protect the integrity of the test and to ensure accurate results, the procedures for conducting an alcohol breath test are rigorous. Alcohol tests are considered invalid when the following occurs:

a. The external calibration check of the EBT produces a result outside the allowed tolerance levels.

b. A device other than an NHTSA-approved EBT is used.

c. The BAT does not wait 15 minutes between the screenings and confirmatory tests.

d. A valid air blank test that registers 0.00 is not performed before each confirmation test.

e. The alcohol test form with the attached EBT printout is not completed correctly. Employee and BAT signatures, or relevant BAT remarks, should be included.

f. The EBT fails to print the confirmation results, the sequential test number on the EBT is not the same as the number on the printout, or the alcohol concentration displayed on the EBT is different from what is printed out.

C. The testing procedures for drug and alcohol required by the FTA and FHWA for safety-sensitive employees and set forth in Sections (A) and (B) shall also apply to all nonsafety-sensitive employees.

## **CONSEQUENCES OF THE USE OF DRUGS AND THE MISUSE OF ALCOHOL**

A. Refusal to take a test:

1. Any applicant who refuses to submit to a drug test during the employment process shall be removed from the employment process.

2. Any employee who refuses to submit to a drug and/or alcohol test shall be considered to have received an automatic positive test and shall immediately be removed from the workplace; the city's disciplinary policy shall be dismissal.

B. Verified positive drug test result:

1. Any applicant who receives a verified positive drug test result shall immediately be removed from the employment process.

2. Any employee who receives a verified positive drug and/or alcohol test result shall immediately be removed from the workplace; the city's disciplinary action policy shall be dismissal.

C. In the event a test result shows an alcohol concentration of 0.01 or greater, any employee shall immediately be removed from the workplace; the city's disciplinary action policy shall be dismissal.

~~D.~~ In the event a test result shows an alcohol concentration of 0.01 or greater but less than 0.04, any employee shall immediately be removed from the workplace for eight (8) hours or until a retest shows an alcohol concentration of less than 0.01, the city's disciplinary action policy shall be dismissal.

### **CONTACT PERSON(S)**

A. The Gas Department Manager and the Human Resource Personnel shall be the persons that represent the city as a contact for Drug and Alcohol Program employee inquiries.

B. Questions about the drug and alcohol program may be addressed to the above individual(s) at the official business address and telephone number of the city.

C. The name, office location and telephone number for each contact person shall be posted on each bulletin board.

D. Posting will also reflect any new contact persons for the city's Drug and Alcohol Program.

### **EFFECTS OF ALCOHOL**

A. Physically, alcohol enters the bloodstream almost immediately,

circulates to the brain and all the organs, depresses the central nervous system, slowing thought processes, reflexes, and other physical skills.

B. Mentally, its effects vary. In small doses, the user may feel relaxed, talkative, happy, excited. In larger doses, the person often feels confused, moody, angry, and unhappy. Even larger doses result in unconsciousness, coma, even death.

C. Dangers include physical harm such as addiction, damage to the brain, liver and other organs, harm to babies whose mother's abuse alcohol during pregnancy, overdose and death. Drinking and driving is the greatest cause of fatal crashes. Alcohol is a major factor in many divorces and in family, school and job problems. Alcohol abuse is often a factor in crimes and violence.

## **POLITY COMMUNICATION**

A. Employees shall be made aware of the city's Drug and Alcohol Policy and the effect it will have on them. A notification letter (See Attachment III) and a copy of the policy shall be given to each employee. Each employee shall sign and date a confirmation of receipt. (See Attachment IV.) Additionally, the policy shall be communicated by the following:

1. Orientation sessions;

a. With the acceptance by council of this policy, each department head shall meet with his employees for the purpose to discuss and outline the drug and alcohol policy. Each employee shall sign a letter of acknowledgment in the presence of the department head after said meeting. This letter shall be kept on file in the Human Resource Office.

2. Personnel Policy and Procedures book;

3. Informational material displays posted in each worksite;

4. Ongoing dialogue.

B. Ongoing awareness program:

1. Ongoing awareness shall be reinforced during training, periodic safety meetings and continuing dialogue between management and employees as well as through displays, bulletin board announcements, and informational pamphlets to serve as reminders and reinforce the key points of the entire policy.

2. Implementation of the FTA mandated drug and alcohol program is not subject to bargaining, unless the city chooses not to accept FTA funding. The policy stated herein is subject to technical revisions and/or modification by the Federal government and or changes/revisions by the agency.

## **ATTACHMENT I**

### **DRUG AND ALCOHOL POLICY LISTING FOR SAFETY-SENSITIVE JOB FUNCTIONS/TITLES FOR EMPLOYEES AND VOLUNTEERS**

1. All employees who are required to possess a commercial driver's license to perform the essential functions of the job are considered to be in safety-sensitive positions and are required to participate in the drug and alcohol testing program.
2. All employees in emergency response departments are considered to be in safety-sensitive positions and are required to participate in the drug and alcohol testing program. These departments include but are not limited to Ambulance, Fire, and Police.
3. All employees in the Gas and Utility Billing/Collections departments are considered to be in safety-sensitive positions and are required to participate in the drug and alcohol testing program.
4. All employees who drive city vehicles and are considered in safety-sensitive positions and are required to participate in the drug and alcohol testing program.
5. Any employee the City of Somerset deems to be performing safety-sensitive functions shall be considered to be in a safety sensitive position and is required to participate in the drug and alcohol testing program.
6. The employees are subject to change at any time by the Department Commissioner and Department Director.

**ATTACHMENT II**

**PRE-EMPLOYMENT TESTING NOTICE TO APPLICANTS  
FOR NON-SAFETY AND SAFETY SENSITIVE POSITIONS**

**YOUR APPLICATION WILL BE CONSIDERED INCOMPLETE IF THIS NOTICE  
IS NOT SIGNED AND DATED!**

I am hereby acknowledging that I will be given pre-employment drug tests. I am aware that employees will not be hired without a clear negative test from the MRO.

Signed: \_\_\_\_\_  
Name Date