

CITY OF RACINE DRUG AND ALCOHOL POLICY

| | | |
|---|---|--------------------------|
| Issue Date: Adopted January 1, 2015 | Revision Update(s): March 5, 2018 (format only) | Total Pages: 6 |
| Policy Source: City of Racine, Human Resources Department | | |
| Special Instructions: N/A | | |

The City recognizes that the use and/or abuse of illegal drugs and/or alcohol, as well as the abuse of prescribed medications, can have a significant impact on the workplace in terms of safety, worker's compensation claims, sick pay benefits, absenteeism and productivity. The City also recognizes the legal duty to provide a safe workplace. Moreover, the City is concerned about the health and well-being of those employees who use and/or abuse drugs and/or alcohol. In all cases where on-duty impairment an employee by alcohol or drugs is suspected, it shall be there responsibility of the employee's supervisor to assure that the employee safely returns home after any actions under this section are taken.

A. Policy Statement:

It is the City's policy that employee use, manufacture, distribution, possession or sale of illegal drugs at any time, and on the job use of or impairment by drugs and/or alcohol is prohibited. The City will subject its employees to drug and/or alcohol testing as set forth in this policy.

This policy supplements the City's D.O.T. (Department of Transportation) drug and alcohol testing policy covering employees who have a CDL (Commercial Driver's License) and are regularly or occasionally operating a commercial motor vehicle as defined by D.O.T. regulations and will apply to situations not covered under that policy. For employees covered under the D.O.T. drug and alcohol testing policy, in the event a more restrictive provision applies under the already existing policies, the more restrictive provision will apply.

B. Types of Testing:

1. Pre-Employment Testing – Every applicant for full-time or seasonal employment will be required to undergo and pass a drug test before he/she may commence employment at the City. Each job applicant will be advised that a drug test will be required as a part of a pre-placement examination and that any job offer is contingent upon successful passage of that test.
2. Reasonable Suspicion Testing – If at any time the City determines there is reasonable suspicion that an employee is under the influence of drugs and/or alcohol, the employee will be required to submit to a drug and/or alcohol test. Reasonable suspicion will be determined by two supervisors, if available. However, one supervisor may determine whether there is reasonable suspicion if

no other supervisor is immediately available or the supervisor determines circumstances dictate the determination by one supervisor. Reasonable suspicion will be based upon observable actions, alone or in conjunction with other factors including, but not limited to:

- a. Dangerous or accident-prone conduct;
 - b. Decreased job performance which is unexplained;
 - c. Unexplained increased absenteeism;
 - d. Complaints from coworkers and other problems with interpersonal relations;
 - e. Drug-related signs such as paraphernalia;
 - f. Reduced short-term memory; and,
 - g. Physical symptoms such as bloodshot eyes, dilated pupils, stuffy or runny nose, anxiety, breath and body odor from alcohol, and/or inability to concentrate.
3. Post-Accident Testing – If an employee is involved in an accident while on duty, the City may require post-accident testing. The City will require testing if any of the following have occurred:
- a. The employee was performing a safety- sensitive function as defined under the City’s D.O.T Drug and Alcohol Policy;
 - b. An accident involving bodily injury or fatality;
 - c. An accident involving significant property damage; and,
 - d. A citation is issued to the employee under State or Local law for a moving traffic violation arising from the accident.
4. Random Testing – Pursuant to the Omnibus Transportation Employee Testing Act of 1991, all employees required to hold commercial driver’s licenses shall be required to participate in random drug and alcohol testing. Testing shall be conducted in accordance with City policy.
5. Return-To-Duty Testing – Any employee found to have violated this policy will be required to test prior to returning to duty, and then randomly thereafter, for a one year period.

C. Disciplinary Procedures:

Any employee who tests positive for any illegal drugs or controlled substances, except medication taken as prescribed, will be subject to discipline up to and including discharge. No employee who tests positive for any illegal drugs or controlled substances, except medication taken as prescribed, will be allowed to work until that individual has successfully completed assessment and/or treatment as described below and has been certified by a qualified physician as free from the use of drugs, or in the case of a positive suspicion test for prescribed drugs, that there is no impairment. In the event of a reasonable suspicion test for alcohol, an employee will be subject to discipline up to and including discharge as the result of a positive test for alcohol which reveals a blood alcohol content of .04 or greater. Where more restrictive standards are already established under the City's D.O.T Drug and Alcohol Testing Policy, these standards will apply for purposes of discipline.

D. Employee Consent to Testing:

Each employee or applicant directed for testing will be required to submit to testing. If the employee or applicant refuses to complete and sign the chain of custody form at the collection site or if the employee/applicant refuses to provide the specimen for testing, such refusal will constitute grounds for termination. Providing an adulterated sample will result in immediate termination.

E. Supervisor's Role/Responsibilities:

1. The supervisor or supervisor representative is to transport the employee to the collection site for drug and/or alcohol testing immediately, but no later than eight (8) hours after having determined that there is reasonable suspicion to believe that the employee is using or is under the influence of alcohol or drugs. If the alcohol test is conducted more than two (2) hours, but less than eight (8) hours after the supervisor makes such reasonable suspicion determination, the supervisor will complete a report explaining the reason for the delay in conducting the drug or alcohol test. The supervisor or his/her representative is to wait at the clinic with the employee until the breath test has been completed or the urine sample has been taken, and then return the employee back to the employment site.
2. Once the alcohol testing has been completed and a positive confirmatory test result has been received, the employee will not be permitted to drive his/her own vehicle home at that time. The employee must make alternative transportation arrangements in order to leave the employment site.
3. The employee is to be advised not to report for work as he/she will be placed on administrative leave without pay. If the urine test has been administered, the City will contact the employee once the test results are known and a decision has been made as to the employee's status.
4. The results of the drug or alcohol testing will be sent directly to the Human Resources Department. When the results are obtained, the employee's supervisor

and department head will meet with the Human Resources Manager to determine the appropriate course of action to be taken. This is a confidential process. Test results will be held strictly confidential and are not to be discussed or shared with anyone who does not need to know. Likewise, a supervisor must not discuss the suspected reason for a referral or discipline action with anyone who does not need to know.

5. Once the test has been completed and the employee has been sent or taken home, the supervisor must submit a written report to the Human Resources Manager outlining, in detail, the event and the behavior observed that led the supervisor to believe the employee was under the influence of alcohol and/or drugs. This report must be done within 24 hours of the testing. This information will assist the Human Resources Department in assessing the appropriate discipline to be considered.

F. Collection of Specimens:

Specimens to be tested will be urine in the case of a drug test and breath in the case of a test for alcohol where there is reasonable suspicion of alcohol use or impairment on the job. The City respects its applicants and employees and therefore subscribes to the collection protocol set forth by the Department of Health and Human Services (DHHS) which protects the privacy and confidentiality of the donor. This protocol allows for the submission of the specimen under closely structured conditions but behind either a closed door or privacy partition.

G. Custody and Control Form:

All specimens will be processed and monitored by way of an approved Custody and Control form which is used to track the specimen from point of submission to point of destruction. Employees will be required to sign the chain of custody form. Failure to do so will result in discipline up to and including discharge.

H. Laboratory Aspects of Drug Testing:

In order to assure our applicants and employees the greatest accuracy and confidentiality, all drug testing is to be conducted by a laboratory certified by DHHS and will be conducted in two parts: a) screening for five classes of drugs by EMIT testing procedures (amphetamines, benzoylecognine – cocaine, opiates, PCP, THC-marijuana, and (2) confirmation by GC/MS. However, the City reserves the right to perform tests for other illegal substances as well. No specimen will be considered “positive” until it has been confirmed at the cut-off levels established by DHHS. In the event that no such levels have been established for that drug, the City will rely on the laboratory and its consultants to establish a forensically accepted level.

I. Reporting Results:

All positive drug test results will be first reported to the Medical Review Officer (MRO). If the specimen is positive, the MRO will attempt to contact the employee at the daytime number provided at the time of the urine submission for the purpose of discussing the test results. Should the MRO fail to make contact on that attempt, he/she may contact the City to ask for assistance in reaching the employee. If the MRO does not make contact within an additional maximum of five days or if the result appears to create immediate safety concerns, the MRO may disclose the results to the City prior to speaking with the employee. The City reserves the right to immediately remove that employee from active duty until such time as the MRO is able to make contact and provide a final result. If the employee is able to provide substantiation of legitimate use when reached by the MRO, the positive result will be reported the City as negative. If no legitimate reason for the positive result is found, that positive result will be provided to the City.

J. Prescription Medications:

Nothing in this policy prohibits the appropriate use of prescription medication legally prescribed by a licensed physician. However, it is the employee's duty to discuss any effects which that medication may have on one's ability to safely perform his/her job and to inform the City of any adverse effects. Failure to do so may result in discipline up to and including discharge.

K. Employee Assistance:

1. In the Event of a Positive Test -

The City has a primary interest in the safety, health, and well being of its employees as well as the public and support those who make a commitment to resolving their substance abuse problems. In the event of a positive test, the City may offer the employee an opportunity to enter a treatment program in lieu of termination. If the City determines that a treatment option will be offered, the City will provide a list of Substance Abuse Professionals (SAP) available to the employee for assessment and/or treatment. Although such assessment and/or treatment is conducted at the sole expense of the employee or his/her insurance carrier, the City requires that certified SAPS actively involved in the substance abuse field be utilized.

An employee who is allowed and selects treatment will comply with all requirements of that program to completion before he/she will be allowed to return to work. Failure to do so or failure to make every effort at rehabilitation will constitute grounds for termination. The City will request updates from the treating professional to assure the ongoing compliance with the recommended treatment. Further, as a condition of return, the employee will be required to submit , on demand, a urine sample for analysis for a period of up to sixty (60) months. The number and frequency of such specimens is determined by the City at its sole discretion. A positive test during or following the monitoring period will result in immediate termination without further consideration of future

employment. The City may, at its sole discretion, elect to offer special consideration to any individual who comes forth voluntarily as opposed to those who are detected through the regular testing process. Reinstatement after a positive test, if permitted at all, will be permitted only one time. Reinstatement, if permitted will be conditioned upon the individual signing an agreement acknowledging that he/she will be terminated upon a subsequent violation of this policy.

2. Voluntary Treatment – Employee Assistance Program –

Consistent with the City's philosophy that its employees are its most valuable resource, the City is willing to recognize and provide assistance to those employees whose use of alcohol or controlled substances may be the result of a problem such as alcohol or chemical dependency. Accordingly, the City encourages all employees who may have a problem with alcohol or substance abuse to voluntarily come forward and work with the City in resolving the problem. To accomplish this goal, the City offers an Employee Assistance Program (EAP) which employees may use for referral, counseling, and consultation. Employees who voluntarily come forward and admit to a substance abuse problem will be referred to the EAP for the purpose of undergoing an assessment and the development of an appropriate treatment and rehabilitation program. However, participation in the City's EAP does not protect the employee from discipline for violations of this policy, including the right to determine the appropriate level of discipline to impose.

3. Confidentiality –

Results of all drug/alcohol tests will be kept separate from personnel files and treated as confidential information and access to such results shall be limited. Results will not be communicated to others outside of the employee's direct supervisory chain except where necessary in connection with any rehabilitation or use of the EAP in relation to the drug/alcohol test.