

CITY OF WACO

I. POLICY STATEMENT

- A. Substance abuse has become a world-wide epidemic. Every day we face the disastrous consequences of alcohol and drug-related accidents, violence, crime and suicides. This traumatic epidemic has affected lives in every rural area, town and city of the nation. The realities of substance abuse are evident through media or personal experiences of family, friends, neighbors and co-workers. Everyone, including employers, must become involved to stop the resultant physical and emotional trauma, including loss of life. To that end, the U.S. Department of Transportation (D.O.T.) has taken an important first step in curtailing workplace substance abuse by developing and enforcing regulations which mandate that covered employers design and implement substance abuse testing programs for employees who hold commercial drivers license and operate commercial motor vehicles on public roads and highways. The City of Waco (City) in addition to implementing those regulations through this policy and related procedures, has extended this testing policy and procedures to all other employees in "safety sensitive" positions, using D.O.T. regulations as guidelines for such testing to promote fairness and consistency in the testing of all covered City employees, not just those covered by the above regulations.
- B. The City and its employees recognize the adverse effect substance abuse can have on the work environment. This includes the safety of individuals engaged in substance abuse, their co-workers, and the public we serve. Substance abuse can also result in a decrease in the quality of work performed, a decrease in the productivity of such individuals and their work units, increased absenteeism and tardiness, increased healthcare and workers compensation costs, and increased public liability, all of which adversely affect every employee and the City as a whole.

II. PURPOSE

- A. This policy establishes parameters designed to reduce workplace substance abuse, to encourage employees who engage in substance abuse to VOLUNTARILY seek assistance BEFORE they are required to be tested, to establish procedures for the detection and prevention of substance abuse, to provide for disciplinary action for violations of this policy, and to clearly define the responsibilities under this policy for the following:
- Employees
 - Supervisors
 - Senior Staff Members and Designees
 - Personnel Services
 - Legal Services
 - Safety Officer
 - Employee Health Services

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Medical Review Officer

- B. It is the mutual responsibility of the City and its employees to ensure to the maximum extent possible the public trust and safety of our citizens and fellow employees. It is the obligation of City employees to perform public services efficiently and productively, free from the adverse affects of substance abuse.

III. OBJECTIVE

- A. This policy establishes a procedure for drug and alcohol screening of applicants and employees that complies with the Drug-Free Workplace Act of 1988, and with U.S. Department of Transportation regulations.

IV. SCOPE

- A. This policy/procedure is applicable to all individuals applying for employment with the City and to all City of Waco employees.
- B. City employees are also subject to the provisions of the City of Waco Drug Free Workplace Policy adopted on May 19,1989. Employees may obtain a copy of this policy in the City Secretary's Office or in Personnel Services.
- C. Effective January 1, 1995, City employees required to hold a commercial driver's license (CDL) and who drive commercial motor vehicles as defined by D.D.T. regulations shall be subject to mandatory testing pursuant to these regulations.

This policy complies with and incorporates D.O.T. regulation. Employees may review a copy of these regulations in Personnel Services or obtain them from the U.S. Department of Transportation.

V. NOTICE OF POLICY

- A. All applicants for employment shall be notified they will be subject to the screening test set forth in this policy.
- B. The City of Waco shall make a copy of this policy available to all City employees.
- C. Questions about the policy may be referred to Personnel Services.

VI. PROHIBITED CONDUCT

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- A. The City of Waco will not hire applicants who are under the influence of alcohol and/or who use controlled substances, unless prescribed by a physician.
- B. City of Waco employees shall not:
 - 1. report to a work site or work under the influence of alcohol or any controlled substance, subject to the exceptions for prescriptions and over-the-counter drug use as detailed in Section X;
 - 2. work or act in the scope of employment with the City while under the influence of alcohol or with controlled substances present in their systems, on their persons, in City vehicles or on City premises. This policy incorporates any off duty use of controlled substances or misuse of alcohol that results in a positive drug or alcohol screen pursuant to these procedures;
 - 3. possess or have in their control any controlled substance or open container of alcohol intended for consumption while on duty, on City premises, or while acting in the course and scope of their employment. Possession can include location on an employee's person or personal property or vehicle if on City premises, a City motor vehicle or other City property under the employee's control, including but not limited to lockers, desks, files, etc. Possession of alcohol or a controlled substance which is manifested and/or transported as part of the employee's duties is not prohibited;
 - 4. use alcohol within 4 (4) hours prior to performing any safety-sensitive function, or during eight hours following an accident or until undergoing a post-accident test, as outlined in D.O.T. regulations;
 - 5. manufacture, distribute, dispense, possess, use or transfer alcohol, controlled substances or drug paraphernalia on any City of Waco work site; or
 - 6. used, at any time, a controlled substance, especially by those employees whose job duties include the enforcement of drug laws and/or the carrying of firearms.
- C. Any employee who engages in prohibited conduct will be subject to discipline, up to and including discharge or indefinite suspension.

VII. DEFINITIONS

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Accident – Any occurrence resulting in property damage or personal injury during the performance of a safety-sensitive function.

Alcohol or Alcoholic Beverages – Any beverage containing more than one-half of one percent of alcohol by volume either alone or when diluted, including but not limited to beer, wine, ale, liquor, or distilled spirits.

City Premises – All City facilities, their surrounding grounds and parking lots, leased space, and City provided motor driven equipment/vehicles.

Consent – A form of authorization completed by an applicant or an employee consenting to a drug and/or alcohol test and permitting the release of test results to designated City officials.

Controlled Substance or Drug – Any Drug that the manufacture, distribution, dispensing, possession, use, sale, or consumption of which is illegal. This includes a prescribed or over-the-counter drug which is legally obtained but is not being used for its intended purpose, or the use of which causes the employee to be under the influence, or in an impaired condition. A Controlled Substance is also an abusable glue, aerosol paint, or any similar substance or inhalant the use of which causes the employee to be under the influence or in an impaired condition.

Drug Paraphernalia – Any item used for the preparation, administering, transferring, or storing of a controlled substance, or any item designed for such use.

Employee – Any individual engaged in the performance of work for or on the behalf of the City of Waco whether hired, or appointed.

Laboratory – A National Institute for Drug Abuse (NIDA) certified laboratory authorized by the City to perform drug screening/testing.

Medical Review Officer (MRO) – A licensed physician designated by the City who has the appropriate medical training to interpret and evaluate an individual's positive test results together with any other relevant medical history or biomedical information.

Nurse – City of Waco Occupational Health Nurse

On Duty – That time period which constitutes an employee's work day, including that time period when the employee has been recalled to work or overtime duty.

Preventable – Any accident where an employee's actions either contributed to or cannot be discounted as a contributing factor to the accident.

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Reasonable Suspicion – An articulable belief which may be based on specific information, facts, and/or reasonable inferences drawn from those facts that an employee is under the influence of alcohol and/or a controlled substance.

Safety Sensitive Function – Operation of a commercial motor vehicle as defined by D.O.T. regulations or the performance of any job duty which, if performed with inattentiveness, errors in judgment, or diminished coordination, dexterity, or composure, could result in mistakes which could present a real and imminent threat of death or serious injury to the employee and/or co-workers, or to the health and/or safety of the general public.

Safety Sensitive Position- An employment position involving the performance of any essential safety sensitive job functions. Any employee who operates motor driven/heavy equipment or commercial motor vehicle as part of their essential job functions may be in a safety sensitive position. Employees who operate a City-owned or leased vehicle or a personal vehicle on City business are in safety sensitive positions if driving is an essential job function. A safety sensitive position also includes those employment positions whose job duties involve contact with or access to drugs.

Screening/Testing – Laboratory analysis of urine, breath alcohol testing, or other methods to detect alcohol and/or controlled substances.

Senior Staff Member – The City Manager, Assistant City Managers, City Attorney, City Secretary, Municipal Judge, Department Directors/Managers and Designees.

Supervisor – Any person with supervisory authority or who has been assigned to a supervisory position.

Unavailability – Any situation where an employee cannot immediately report to Employee Health Services for random testing, because of the performance of duties and responsibilities within the scope of his or her employment which must necessarily be completed or cannot be interrupted.

Under the Influence/Impaired Condition – A situation where an employee's behavior and/or ability to work is affected in any detectable manner by alcohol and/or a controlled substance. An employee who tests positive at or above predetermined levels will be presumed to be under the influence of drugs or alcohol or in an impaired condition. Such predetermined levels are those referenced in D.O.T. regulations located at 49 C.F.R. Part 40.

Work Site – Any place or location where a City employee is working or on duty, including being in a City vehicle at any time or in a privately owned vehicle for the purpose of conducting City business.

VIII. RESPONSABILITIES

- A. Employees are responsible for:
 - 1. reviewing and complying with the Alcohol and Controlled Substance Abuse Policy;
 - 2. reviewing and complying with the City of Waco Drug Free Workplace Policy; and
 - 3. immediately reporting any accident to the employee's Supervisor and Senior Staff Member or designee under this policy.

- B. Supervisors are responsible for:
 - 1. determining an employee's ability to work if taking prescription or over-the-counter medication if the nurse is unavailable;
 - 2. determining if reasonable suspicion exists to warrant drug and alcohol testing and detailing in writing the specific facts, symptoms, or observations which form the basis for reasonable suspicion;
 - 3. informing the Senior Staff Member or designee of all relevant facts and circumstances supporting a decision to test or not to test in a timely manner;
 - 4. ensuring employees complete required alcohol and controlled substance consent forms after regular EHS (Employee Health Services) Clinic hours and ensuring the subsequent testing is done according to proper procedure;
 - 5. Notifying the Risk Manager if any person other than a City of Waco employee is injured and notifying the Safety Officer and Nurse if an employee is injured.
 - 6. submitting the appropriate documentation supporting the reason for testing to the Senior Staff Member or designee and Employee Health Services;
 - 7. monitoring the rehabilitation program for the employee in coordination with Employee Health Services, when appropriate;
 - 8. keeping confidential any information relating to an employee's drug or alcohol screen and results; and
 - 9. enforcing the provisions outlined in this policy.

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- C. Senior Staff Members or designees are responsible for;
1. identifying safety sensitive positions with Personnel Services, Legal Services and the Safety Officer;
 2. notifying employees in their department who are in safety sensitive positions that they are subject to random drug testing;
 3. providing a determination concerning unavailability to undergo random testing procedures;
 4. making informed decisions and authorizing post-accident and reasonable suspicion testing based upon review of all available information;
 5. assuring accurate documentation of all instances of testing and reasons for non-testing;
 6. ensuring the employee is accompanied by a supervisor to the EHS (Employee Health Services) Clinic and testing site in post-accident and reasonable suspicious situations;
 7. implementing disciplinary action against employees who fail to comply with or violate this policy; and
 8. keeping confidential any information relating to an employee's drug or alcohol screen and results.
- D. Personnel Services is responsible for:
1. identifying safety sensitive positions in consultation with Department Directors, Legal Services and the Safety Officer;
 2. noting on job listings which safety sensitive positions are subject to random and reassignment testing;
 3. providing communication and training for the alcohol and controlled substance abuse policy;
 4. notify applicants of job disqualification upon failure of an alcohol/controlled substance screen;
 5. providing a decision for reasonable suspicion testing if the employee's Senior Staff Member or designee is unavailable; and

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6. administering the alcohol and controlled substance abuse policy.
- E. Legal Services is responsible for:
1. identify safety sensitive positions with Senior Staff Members, Personnel Services and the Safety Officer;
 2. assisting Personnel Services in providing alcohol and controlled substance abuse training;
 3. legal interpretation of this policy; and
 4. drafting and negotiating contracts with testing facilities and the Medical Review Officer.
- F. The Safety Officer is responsible for:
1. identifying safety sensitive positions with Senior Staff Members, Personnel Services and Legal Services.
 2. providing a decision for post-accident testing if the employee's Senior Staff Member or designee is unavailable or needs assistance in determining the preventability of an accident.
- G. Employee Health Services is responsible for:
1. assisting Personnel Services in providing alcohol and controlled substance abuse training;
 2. notifying departments when employees are selected for random screens;
 3. administering and coordinating alcohol and controlled substance testing of applicants and employees;
 4. receiving drug screen results from approved testing facilities for non-D.O.T. regulated employees;
 5. initially reviewing and interpreting test results for non-D.O.T. regulated employees;
 6. receiving D.O.T. test results from the Medical Review Officer.

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7. notifying Personnel Services when applicants do not meet standards for employment due to positive drug screens or for failing to comply with testing procedures;
 8. discussing screening results with disqualified applicants and explaining options;
 9. notifying employees of screen results and explaining options;
 10. notifying and consulting with departments regarding results of employee alcohol/controlled substance screening and test results;
 11. processing and maintaining applicant and employee alcohol/controlled substance screening records and files from all sources, ensuring confidentiality to the fullest extent possible;
 12. maintaining statistical data on alcohol and controlled substance abuse testing;
 13. referring non D.O.T. contested test results cases to the Medical Review Officer for decision;
 14. counseling and referral of employees with chemical problems; and
 15. administering and coordinating Employee Assistance Programs (EAPs).
- H. The Medical Review Officer is responsible for:
1. Receiving and verifying test results for D.O.T. regulated employees from approved testing facilities;
 2. reviewing contested test results as requested by Employee Health Services;
 3. examining alternate medical explanations for any positive test result;
 4. determining through interpretation and evaluation, reportable results of drug and alcohol screening together with any other relevant medical history or biomedical information; and
 5. appearing, when necessary, to represent the City in any proceeding involving drug testing or results.

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IX. PRE-PLACEMENT TESTING

- A. All applicants for employment with the City shall be clearly notified they will be required to submit to and pass an alcohol/controlled substance screening as a prerequisite to employment.

- B. After a conditional offer of employment has been made, but prior to undergoing the screening process, all City job applicants will be asked to sign a consent form authorizing the alcohol and controlled substance screen and permitting release of the screen results to appropriate City officials. The consent form shall provide space for applicants to acknowledge they have been notified of the City's alcohol/controlled substance screening policy. The consent form shall also set forth the consequences of a confirmed positive test result and the consequences of refusing to undergo an alcohol and/or controlled substance test. The applicant will also indicate in writing current or recent use of the following:
 - 1. Alcohol
 - 2. Controlled Substances
 - 3. Prescription Medications
 - 4. Over-the-Counter Medications

Applicants who refuse to consent to a drug and/or alcohol screen, who fail to appear at Employee Health Services Clinic or at the designated collection site within an appropriate period of time, or who fail to provide an unaltered, unadulterated specimen shall have their hiring process terminated and their conditional offer of employment shall be withdrawn.

- C. Employment will be denied when screen results are positive. The applicant will be informed the City's employment requirements were not met. If a further explanation is requested, the applicant will be advised the alcohol and/or controlled substance screen tested positive and be given an opportunity to discuss the test result. Applicants may request, at their own expense, an additional drug test conducted on the original specimen. The test will be performed at an approved laboratory, selected by the applicant. The results of the applicant-requested test shall be sent to the medical Review Officer or designee. The Employee Health Services shall coordinate the retesting of an applicant's specimen.

- D. Applicants for employment will not be reconsidered following a failed alcohol and/or controlled substances screen until they can provide documentation of successful completion or satisfactory participation in a supervised drug rehabilitation program. Applicants who fail to follow proper testing procedures will not be reconsidered for a period of at least six (6)

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months. Applicants who refuse to submit to testing shall not be reconsidered for employment.

X. PRESCRIPTION AND OVER-THE-COUNTER DRUG USE

- A. The use of legally obtained prescriptions or over-the-counter drugs is allowed unless such usage may affect the safety of the employee, co-workers, members of the public or City property.
- B. An employee who uses a prescription or over-the-counter medication WHICH COULD AFFECT SAFETY IN THE WORKPLACE, must follow the procedure set out below:
 - 1. The employee shall report the prescription or use of any such drug to the nurse immediately prior to reporting to the assigned work site. However, if a Nurse is not available and it then becomes necessary to use such a medication, the employee should promptly advise the employee's supervisor. The supervisor shall restrict the employee's duties or place the employee on sick leave until the supervisor can determine the employee's ability to work, or until the Nurse can be consulted. The supervisor will then refer the employee to the Nurse as soon as possible. The supervisor shall have the authority to make arrangements for transportation if deemed necessary.
 - 2. The Nurse shall discuss the potential effects of the drug with the employee, and shall restrict job duties, as appropriate.
 - 3. The Nurse, and a physician if necessary, shall determine whether the employee will be:
 - a. allowed to continue with normal work duties;
 - b. given altered or restricted job duties; or
 - c. required to utilize sick or injury leave, if any, until the medication(s) is no longer necessary.
- C. If the Nurse is unable to determine whether the employee could safely perform the assigned duties or if the employee disagrees with the Nurse's decision, then the employee will be required to obtain a written statement from a physician recommending the appropriate alternative.
- D. The Nurse will notify the supervisor of the employee's work/medical disposition in writing.

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- E. Violation of or failure to comply with this provision of the policy or any related procedures may result in disciplinary action, up to and including discharge or indefinite suspension.

XI. EMPLOYEE ASSISTANCE

- A. Any employee who misuses alcohol and/or uses a controlled substance as defined in this policy is encouraged to seek help for this problem immediately, under the self-referral provision of this section.
- B. Confidential assistance and referral for assessment, counseling and rehabilitation is available from the City of Waco Employee Health Services. Financial coverage for treatment may be available through an Employee Assistance Program (EAP) and/or the insurance option selected by the employee.
- C. Self Referral
 - 1. Any employee needing to seek assistance for drug and/or alcohol abuse should immediately contact the Employee Health Services. The employee will sign a self-referral consent form. The employee will be required to participate in an established, approved program for chemical or alcohol dependency rehabilitation. Driving, and other safety sensitive duties will be restricted until the employee is able to provide a negative screen. The employee will be required to show proof of successful completion to Employee Health Services which will be retained as part of the employee's medical record. Attendance at an approved, regularly scheduled follow-up program will be required for twelve (12) months from the date of successful completion of rehabilitation. During the twelve (12) months period, the employee will be subject to mandatory random screening.
 - 2. An employee who seeks assistance on a voluntary, self-referral basis will not be disciplined in any manner, except as a result of a subsequent positive random test. However, the employee must seek assistance PRIOR to being selected for testing for any reason.
 - 3. If the employee fails to obtain treatment or if any subsequent random test is confirmed positive, the employee will be discharged or indefinitely suspended.

XII. BASIS FOR EMPLOYEE TESTING

- A. Random Testing

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1. All classified civil services personnel and municipal employees in safety sensitive positions shall be subject to random drug testing.
 2. Employees who are not in safety sensitive positions will not be subject to random testing.
 3. The selection of employees for random drug testing shall be made by a random computer selection process. Human intervention in this process shall be limited to the programming of the computer.
 4. Employees selected for a random test shall be notified by the Employee Health Services through their Senior Staff Member or designee. The employee shall immediately report, barring unavailability, to the Employee Health Services Clinic to proceed with the testing procedure. The Senior Staff Member or designee shall determine whether an employee is unavailable. Any employee who is unavailable at the time of notification shall report to the Employee Health Services clinic immediately upon availability, if possible. The Senior Staff Member or designee shall not, under any circumstances, notify employees they have been selected for random testing until they are available to report immediately to Employee Health Services. The City Manager, City Attorney, City Secretary, Municipal Judge, and Assistant City Managers shall each determine their own availability. All reasons for unavailability shall be documented at that time and shall be subject to review by the City Manager's Office annually. A Senior Staff Member's availability shall be determined by the City Manager or an Assistant City Manager. The City Manager shall have final authority in resolving any question over any employee's availability for testing.
 5. If an employee is on vacation or leave of absence and is randomly selected for testing, the employee will not be subject to testing until the next random testing period.
 6. A positive alcohol and/or controlled substance screen shall result in the affected employee's discharge or indefinite suspension.
- B. Reasonable Suspicion
1. An employee shall be tested for alcohol and/or controlled substance use if there is a reasonable suspicion the employee is under the influence of alcohol and/or controlled substances.
 2. "Reasonable suspicion" means an articulable belief which may be based on specific information, facts and/or reasonable inferences

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drawn from those facts that an employee is under the influence of alcohol and/or a controlled substance. The credibility of the sources of information whether by co-worker, tip or informant, the reliability of the information, the degree of corroboration, results of the City's inquiry, and any other factors shall be considered.

3. Approval for reasonable suspicion testing must be obtained from a City of Waco Occupational Health Nurse and at least one other management employee who must be a Senior Staff Member or designee.
4. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to:
 - a. a pattern of abnormal or erratic behavior or rapid mood changes;
 - b. information provided by a reliable and credible source;
 - c. direct observation of drug use, possession of alcohol, controlled substances and/or drug paraphernalia in the workplace;
 - d. presence of the physical symptoms of alcohol and/or controlled substance use;
 - e. self-admission of alcohol/controlled substance use (i.e. admission of any use of a controlled substance and/or on-duty use or consumption of alcohol other than for the purpose of self-referral);
 - f. engaging in unprovoked, unexplained, aggressive, violent or threatening behavior against a fellow employee or a citizen, may result in a request for a drug and/or alcohol test;
 - g. having previously received a suspension action for absenteeism and/or tardiness. A continued poor record (within twelve months) that warrants a second or subsequent suspension action may result in a request for a drug and/or alcohol test if there are also other circumstances which indicate the absenteeism and/or tardiness may be attributable to drug use or alcohol misuse; or
 - h. any documented, unexplained, significant loss of City property, equipment, money or other asset(s), may result in a

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request for drug and/or alcohol testing of the employee accountable for the lost asset(s).

5. The above, by themselves, may not be sufficient to form a basis for a decision to screen an employee. Before a decision to test can be made, the Senior Staff Member or designee must thoroughly investigate such circumstances and be able to corroborate any information received or substantiate that such circumstances indicate a pattern of behavior which would indicate alcohol misuse or controlled substance use may be a factor.
6. A positive alcohol and/or controlled substance screen shall result in the affected employee's discharge or indefinite suspension.

C. Post Accident

1. Any employee in a safety-sensitive position involved in any accident as designated below shall be test for alcohol and controlled substance use. The events set forth below are deemed to create a basis for testing and the prior management approval for testing is not required:
 - a. Occurrence of any Preventable work related accident during the performance of a safety sensitive function which results in the employee receiving treatment from a physician; or
 - b. Occurrence of any preventable moving motor vehicle accident, or accident caused by the operation of motor-driven equipment if deemed to be a safety sensitive function.
 - c. If the actions of one employee result in an injury to another employee, only those employees whose actions contributed to the injury though carelessness or inattention will be screened.
2. Employees will not be tested for the following EXCEPTIONS to the above:
 - a. environmental injuries such as insect stings or bites, heat-related injuries/illnesses, allergic reactions to poisonous plants (poison oak, poison ivy, ect.);
 - b. occurrence of any non-preventable work related accident which results in the employee receiving treatment from a physician;

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- c. non-preventable moving motor vehicle accidents or accidents caused by the operation of motor driven equipment; or
 - d. occurrence of any accident not involving the performance of a safety sensitive function or which does not result in the employee receiving treatment from a physician.
 - 3. In the event of any accident, the employee(s) involved shall immediately notify their supervisor and/or Senior Staff Member or designee, as well as the Risk Manager or Safety Officer, if necessary, for the purpose of determining the necessity for alcohol and controlled substance screening. A Department Director/Manager, the City Manager, City Attorney, City Secretary or Municipal Judge shall notify an Assistant City Manager and the Risk Manager or Safety Officer. An Assistant City Manager shall notify the City Manager and the Risk Manager or Safety Officer. An Assistant City Manager shall notify the City Manager and the Risk Manager or Safety Officer. The appropriate person notified above shall then insure the person involved is accompanied to the testing site(s) in accordance with this policy.
 - 4. If an exception to testing may be applicable, the decision whether or not to test shall be made by a Senior Staff Member or designee. The decision to test or not test must be recorded in accordance with subsection XIII(A)(3).
 - 5. In the event of an accident, if the Senior Staff Member or designee cannot reasonably determine whether the accident involves a safety sensitive function or was preventable, the the Risk Manager or Safety Officer should be consulted.
 - 6. A positive alcohol and/or controlled substance screen shall result in the affected employee's discharge or indefinite suspension.
- D. Reassignment
- 1. All employees shall be subject to alcohol and/or controlled substance screening as a condition of transfer or promotion to a position that has been identified as a safety sensitive position. Employees transferring or promoting into such positions shall be tested only if they are qualified and selected for the position and consent to the test. Employees are not required to consent to the test, but transfer or promotion to a safety sensitive position is contingent on a negative alcohol/controlled substance screen. Employees demoted or involuntarily transferred into a safety sensitive position shall be

required to consent to testing as a condition of continued employment.

2. A positive alcohol and/or controlled substance screen shall result in immediate termination of employment.

XIII. ALCOHOL AND/OR CONTROLLED SUBSTANCE SCREENING TESTING

A. Procedure

1. Under the Reasonable Suspicion or Post-Accident Testing provisions, employees shall be tested within four (4) hours of the event, accident, or circumstances for which testing is required. The Senior Staff Member or designee shall ensure the employee is accompanied by a supervisor to the Employee Health Clinic and testing laboratory. If an accident necessitates emergency treatment, the employee's alcohol/drug screen may be performed in the hospital emergency room. If testing is necessary after regular Employee Health Clinic hours, the supervisor will take the employee to a designated testing facility. Work duties will be restricted until the test results are received from the laboratory. If the employee is sent home, the supervisor will make arrangements for safe transportation.
2. Employees who refuse to consent to a drug and/or alcohol screen, who fail to appear at Employee Health Services Clinic or at the designated collection site with an appropriate period of time, or who fail to provide an unaltered, unadulterated specimen shall be discharged or indefinitely suspended.
3. Each Senior Staff Member shall maintain a log documentation the exceptions and reasons for testing or not testing under the reasonable suspicion, and post-accident provisions. Only the reasons for not testing under the random testing provision shall be documented. This log shall be subject to review by the City Manager's Office annually.
4. Any employee who is discharged for testing positive on an alcohol breath test shall be entitled to have the circumstances surrounding the positive test and discharge reviewed by the City Manager. Upon such review, only the City Manager shall have the authority to overrule the employee's discharge and order reinstatement upon sufficient cause and documentation of the reasons therefore. Any employee who is reinstated under this provision shall be required to undergo a rehabilitation program and submit to follow-up random

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testing as detailed in Section XI.C.1. The employee may also be subject to discipline for violation of this policy. This provision shall not apply to discharge due to testing positive for use of a controlled substance.

B. Employee Notification of Results

1. Non-D.O.T. regulated City employees whose screen results are confirmed positive will be informed in person of the positive screen results by the Nurse, and shall be given an opportunity to discuss the test results and reasons for the positive results. The employee will be given the opportunity to discuss the test results with the Medical Review Officer, if requested. D.O.T. regulated employees shall be notified of positive screen results directly by the Medical Review Officer in accordance with D.O.T. regulations.
2. If the Medical Review Officer determines there is a legitimate medical reason for a positive test result, the result shall be reported as negative.
3. Employees may request, at their own expense, an additional drug test conducted on the original specimen. The test must be requested through the Medical Review Officer within seventy-two (72) hours and will be performed at an approved laboratory, which may be selected by the employee. The results of the employee-requested test shall be sent to the Medical Review Officer or designee. Employee Health Services shall coordinate the retesting of any employee's specimen.
4. The employee's Senior Staff Member or designee will be informed of confirmed positive results and shall initiate discharge procedures in accordance with City of Waco Policy DTG-2.
5. City employees whose screen results are confirmed negative will be informed in person of the negative screen results by the Nurse. The employee's Senior Staff Member or designee will be informed of the results by the Nurse, following the employee's notification.

C. Confidentiality

1. The City of Waco and its employees shall keep all information obtained in conjunction with the screening tests confidential to the maximum extent possible. Unless prohibited by law, this does not preclude sharing of screen results with the employee's supervisor,

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Senior Staff Member, or other management officials of the City on a need-to-know basis.

2. Screening test results will not become a part of the employee or applicant's personnel file. All test results will be restricted to the Employee Health Services and will be secured in a locked file.
3. In the event a third party requests reference information regarding a City of Waco applicant, current or former employee, the alcohol and/or controlled substance screen results shall NOT be communicated in response to such inquiries without written authorization from the applicant or employee, unless otherwise allowed by law.
4. Any employee who violates this confidentiality requirement will be subject to discipline up to and including discharge or indefinite suspension.

XIV. SEARCHES

- A. The City reserves the right to conduct unannounced searches of City owned property for non-investigatory, work related purposes or to investigate work related misconduct, including the unauthorized possession of alcohol and drugs or drug paraphernalia.
- B. All searches involving City owned property must be authorized and conducted under the direction of the City Manager or designee who is not lower than Department Director level. The person conducting the search shall document all circumstances which form the basis of the reasonable suspicion which justifies the need for a search.
- C. A search does not imply an accusation of any wrongdoing.
- D. An employee who refuses to cooperate during such unannounced searches will be subject to disciplinary action up to and including discharge or indefinite suspension.
- E. Pat downs, frisks, and other types of body searches of employees shall not be conducted by City personnel while investigating policy violations. Personal vehicles, purses, briefcases and other privately owned containers shall not be opened by City employees other than police officers under probable cause or warrant.
- F. If a supervisor has reasonable suspicion to believe an employee has possession of drugs or drug paraphernalia on the employee's person, in

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personal property, or in a personal vehicle, the supervisor shall not conduct a search but should immediately notify the Department Director and/or Legal Services so they may take appropriate measures, including police involvement if deemed necessary.

Approved: JNH:



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**XV. ALCOHOL AND CONTRILLED SUBSTANCE ABUSE POLICY
NOTICE AND ACKNOWLEDGMENT**

- A. Each employee acknowledges by signature below the employee has read and understands this policy and no employee has an expectation of privacy in any City owned property, including but not limited to City offices, desks, lockers, file cabinets, and City vehicles. No employee is allowed to use a private lock to secure City property unless a supervisor has access to open such a lock.

- B. Refusal to sign this Notice and Acknowledgement shall not constitute a waiver of such notice, nor shall it release an employee from his or he rights or obligations under this policy. However, such refusal and the reason(s) therefore shall be witnessed and noted below.

- C. This Notice and Acknowledgment shall be kept in the employee's permanent personnel file.

EMPLOYEE'S SIGNATURE

DATE

WITNESS (If refusal to sign.)

REASON(S) FOR REFUSAL:

