



Alcohol, Illegal Drugs, & Controlled Substances
Administrative Policy #2
(Revised August 2021)
(Previous Version July 2017)

I. POLICY

The city maintains a drug and alcohol free workplace and is committed to protecting the safety, health and well-being of all employees and individuals in the workplace. The city recognizes that alcohol abuse and drug use pose a significant threat to these goals and for this reason has established a drug-free workplace to maintain an alcohol and drug-free environment. Any employee who is found to be under the influence of a controlled substance on the job or who refuses to test for controlled substances or alcohol under the circumstances stated in this policy will be terminated. Any employee found to be under the influence of alcohol or controlled substances while on the job will be subject to disciplinary action, including termination.

This policy deals with the use and possession of alcohol, illegal drugs, and controlled substances by the city employee. This policy acknowledges that the state of Virginia has legalized the possession of marijuana effective July 1, 2021 for individuals 21 years of age and older, subject to limitations based on amount and location of use. Employees may not possess marijuana while on duty and on city property, and/or be under the influence of marijuana while working. No department may deviate from this policy unless so authorized in writing by the City Manager.

II. DEFINITIONS

A. Adulteration/Tampering

Adulteration of a sample of urine; substitution of a sample or otherwise tampering with a sample of urine to be tested.

B. Alcohol

The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.

C. Alcohol Use

The consumption of any beverage, mixture, or preparation, including any medication that includes alcohol.

D. Breath Alcohol Technician

A person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.

E. Cannabis Oil

Use of Cannabis Oil for treatment is authorized with written certification for treatment of or to alleviate symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use. Users of Cannabis Oil must be registered with the Board of Medicine.

F. Chain of Custody

The procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed.

G. City Employees

Employees, agents, and volunteers of the city of Portsmouth, under the general direction of the City Manager (collectively referred to herein as "employees").

H. City Motor Vehicle/Equipment

Any licensed/unlicensed motor vehicle or equipment (on road/ off road) owned, leased, maintained, insured by, or loaned to the Portsmouth city government. This includes all motor vehicles, rolling stock, lawn equipment, marine equipment, generators (stationary or portable), and pumps. Use or operation shall be defined as starting the ignition/motor vehicle and/ or moving, towing or driving the city vehicle / equipment. Any reference made in this policy to a city motor vehicle or vehicle shall also mean and include city equipment.

I. City Property

City owned buildings, containers, desks, files, lockers, motorized equipment, motor vehicles, open space or any other piece of equipment or property.

J. Collector

A person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees and who initiates and completes the Custody and Control Form.

K. DHHS Certified Lab

A laboratory certified by the U.S. Department of Health and Human Services to perform controlled substances testing.

L. Employee Assistance Program (EAP)

A program which is staffed with certified and/or licensed health care professionals and specifically designed to identify, counsel, and refer an employee who has a specific problem including but not limited to alcohol and substance abuse.

M. Evidential Breath Testing Device

A device approved for the testing of breath at the 0.02 and 0.04 alcohol concentrations.

N. Illegal Drug and Controlled Substance

Are interchangeable and mean any of the following:

1. Any drug or controlled substance where the possession of which is prohibited by law. These illegal drugs include, but are not limited to, marijuana, cocaine, heroin, opiates, phencyclidine (PCP), amphetamines and imitations thereof. The possession of marijuana has been legalized for Virginia law effective July 1, 2021, for individuals 21 and older with applicable limits on amounts and locations of use.
2. Any drug or controlled substance which is used in a manner different from that authorized by law.
3. Any drug or controlled substance which is legally obtainable but which has not been legally obtained.

O. Medical Review Officer (MRO)

A licensed physician responsible for receiving and reviewing laboratory results generated by an employer's controlled substances testing program and evaluating medical explanations for certain drug test results.

P. Performing a Safety Sensitive Function

With respect to Commercial Driver's License (CDL) holders, means a CDL holder is considered to be performing a safety- sensitive function during any period in which he or she is actually performing, ready to perform or immediately available to perform any safety-sensitive functions.

Q. Refusal to Test

Any of the following:

1. Refusal to sign a consent form.
2. Refusal to submit to a controlled substances or alcohol test.
3. Any conduct or failure to cooperate that obstructs the testing process.
4. Any attempt to substitute, adulterate or contaminate a specimen or to alter a test result.
5. Failure to provide adequate breath for alcohol testing without a valid medical explanation and failure to provide adequate urine for controlled substances testing without a valid medical explanation.
6. Failure to appear or remain readily available for required alcohol and controlled substances testing in accordance with the provisions of this policy.

R. Safety-Sensitive Function

With respect to CDL holders, means all time from the time a driver begins to work or is required to be in readiness to work until the time relieved from work and from all responsibility for performing work. Safety-sensitive functions shall include, but not limited to:

- All time inspecting, servicing or conditioning any commercial motor vehicles at any time.
- All time spent at the driving controls of a commercial motor vehicle in operation.
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

S. Substance Abuse Professional (SAP)

Any licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and experience in the diagnosis and treatment of alcohol diagnosis and treatment of disorders related to alcohol and controlled substances.

T. Under the Influence of Drugs or Controlled Substances

Having any detectable trace of an illegal drug in the blood or urine.

U. Under the Influence of Alcohol

Having an alcohol concentration of 0.04 or more.

III. RESTRICTION ON POSSESSION, USE OF ALCOHOL & CONTROLLED SUBSTANCES

A. Policies Applicable to All Employees

All employees and applicants are hereby informed that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace and that a refusal to abide by this policy, including refusal to cooperate in any manner, will result in termination or in not being hired. Each of the following actions is prohibited by this policy:

1. The possession or use of alcohol or a controlled substance on the job.
2. Reporting to work or being at work under the influence of alcohol or a controlled substance.
3. The operation of city vehicles or equipment while under the influence of alcohol or a controlled substance.
4. The unlawful distribution, manufacturing, dispensing, selling, purchasing, possession or use of a controlled substance or alcohol is prohibited in the workplace by city employees, or when conducting city business, or being on- call, or standby.
5. Refusal to test.
6. Employees may not report to work or remain at work when the employees uses or is under the influence of any alcohol or controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely perform his/her job duties.

B. Additional Policies for Employees in Public Safety & Related Positions

Employees in positions with direct responsibilities for public safety and health are required, as a condition of employment, to refrain from the use of controlled substances both on and off the job and are subject to random testing for controlled substances in addition to other testing as specified by this policy for all employees.

These positions are: sworn police officers, all 911 Dispatcher positions, employees of the police department responsible for collecting and storing controlled substances as evidence, uniformed firefighters including officers of all ranks and positions and sworn Investigative Services Officers, all Emergency Medical Services (EMS) positions, armed animal control employees, employees performing lifeguard duties, armed security employees, water treatment plant operators, technicians servicing and installing public safety communications equipment, employees servicing and repairing public safety equipment and vehicles, and employees servicing and repairing vehicles used to transport fifteen (15) or more people.

The City Manager may designate additional positions if such positions have direct responsibilities for public health and safety. Employees presently in positions subject to this provision shall be specifically notified about the contents of this policy.

Job vacancy announcements for these positions will state that these employees are required to refrain from all use of controlled substances and that such employees are required to submit to controlled substances testing on a random basis.

C. Additional Policies for Employees Required to Possess a CDL

Employees who are required to possess a CDL are subject to both city policies and to applicable DOT regulations regarding alcohol and controlled substances use and testing. In addition to the policies applicable to all employees, CDL holders shall refrain from performing safety-sensitive functions within four (4) hours after using alcohol, and refrain from using alcohol for eight (8) hours following any on the job accident or until tested, whichever occurs first.

Employees who are required to possess a CDL are required to submit to testing for controlled substances and alcohol in the following circumstances: reasonable suspicion, random, post-accident, return to duty and follow up as described below. In addition, persons offered employment in a position requiring a CDL shall be subject to a pre-employment alcohol and controlled substances test.

For implementation of this policy, employees whose positions require CDL licenses will be specifically notified by their department of the requirement to possess a CDL. The city's posted positions will indicate if a CDL is required on each position requisition. If a CDL is required, this will be so stated on the vacancy announcement for the position along with the requirements that the employee shall be subject to alcohol and controlled substances testing. If there are any changes in job requirements which require that a current employee obtain a CDL, the employee will be informed by the department of the policies applicable to CDL holders.

IV. ALCOHOL AND CONTROLLED SUBSTANCES TESTING

The city may perform alcohol and controlled substances testing in the following situations:

A. Pre-Employment Testing

1. All persons offered employment with the city in a position covered by Paragraph III.B. or Paragraph III.C. above shall be required to submit to a controlled substances test as a condition of the offer of employment. Those who test positive or refuse to test for controlled substances shall be denied employment.
2. Any employee who is in a position not subject to random testing for controlled substances and (a) who is offered a transfer, promotion or demotion to a position described by Paragraph III.B. or Paragraph III.C. hereof, or (b) whose position responsibilities change so as to require a CDL, shall be required to submit to a test for controlled substances as a condition of the offer. If the employee tests positive, or refuses to test for controlled substances, the employee shall be dismissed from employment with the city.
3. Testing arrangements will be made by Human Resource Management and coordinated with the employee's department when necessary.

B. Post-Accident Testing

1. When an employee holding a CDL is involved in an accident on a public or private road or on other property while operating a vehicle requiring a CDL, and the accident results in loss of human life or the employee receives a citation for a moving traffic violation arising from the accident, the employee shall be tested for alcohol and controlled substances as soon as practicable, if the employee is medically able to be tested.

For purposes of testing required by this paragraph, "accident" is defined as a motor vehicle accident which results in a fatality, or one or more vehicles incurring damage being transported away from the scene by a tow truck or other motor vehicle, or the need for immediate medical treatment away from the scene for anyone involved in the accident. No driver involved in an accident shall use alcohol for eight (8) hours following the accident or until a post-accident test is administered, whichever comes first.

Once the employee has been tested, the employee shall be relieved of duty until a determination of appropriate action is made by the department head following consultation with Human Resource Management. The supervisor shall ensure that appropriate arrangements are made to have the employee transported to a medical facility or to the employee's home. Under no circumstances will the employee be allowed to operate city equipment.

In the event conditions change, such as a fatality or citation which would require testing, a driver not immediately tested shall be subject to being returned to duty for testing, until the time limits in Section VUI expire.

2. In addition to the testing requirement for CDL holders by the preceding paragraph, any employee operating a city motor vehicle which is involved in any accident shall immediately submit to testing for alcohol and controlled substances when there is reasonable suspicion that the employee is under the influence of alcohol or a controlled substance.
3. An employee shall submit to testing for alcohol and controlled substances immediately following any non-vehicular on-the-job accident when there is reasonable suspicion that the employee is under the influence of alcohol or a controlled substance.

C. Random Testing for Safety Sensitive & CDL Positions

1. Employees designated by Paragraphs III.B. and 111.C. hereof are subject to random controlled substances testing. CDL holders are also subject to random alcohol testing in accordance with applicable DOT regulations.
2. Names of employees to be tested on a random basis will be generated by a computer program administered by Human Resource Management by which each employee has an equal chance of being tested each time selections are made. Two separate random name generation programs are administered. One program covers employees in positions stated in Paragraph III.B above. A separate program covers employees in positions stated in Paragraph 111.C above.
3. Employees will be notified of their selection by a representative of their department and will be given instructions on reporting for testing. Employees shall be escorted to the test site by a supervisor for testing immediately upon notification.

D. Reasonable Suspicion Testing

1. All employees are subject to controlled substances and alcohol testing when reasonable suspicion exists that the employee is under the influence of a controlled substance or alcohol. Reasonable suspicion exists when it is based on specific, articulable facts, and reasonable inferences drawn from those facts. Circumstances which may constitute a basis for concluding that reasonable suspicion exists include, but are not limited to:
 - a pattern of abnormal or erratic behavior
 - information provided by a reliable and credible source
 - statement(s) made by the employee
 - attendance problems
 - job performance problems
 - conviction of possession of controlled substances on or off the job
 - conviction of being under the influence of alcohol or controlled substances on or off the job
 - positive alcohol or controlled substances test results on or off the job
 - observation of drug or alcohol use
 - the presence of physical symptoms of drug or alcohol use, such as glassy or blood shot eyes
 - odor of alcohol on the breath
 - slurred speech
 - poor coordination or reflexes
 - body odors
 - alcohol or illegal drugs in the employee's possession or in or about the employee's work area, locker or desk

2. Each department and division shall designate one or more specific employees to handle cases arising under this section of this policy. These employees are hereinafter referred to as "designated manager" regardless of position held.
3. Managers and supervisors at every level are responsible for monitoring their employees' behavior. If a manager or supervisor suspects that an employee may have violated this policy, the manager or supervisor shall investigate the situation, including an interview of the employee if practical. The supervisor should have a second witness, preferably another manager or supervisor, observe the employee and be present at the interview, if possible. The required observations for testing CDL holders shall be made by a supervisor or manager who has been trained in accordance with applicable DOT regulations.
4. Even if the employee does not admit to a violation of this policy, the designated manager may require immediate testing if there is reasonable suspicion the employee is under the influence of alcohol or a controlled substance. Testing must be authorized by and coordinated with the Director of Human Resource Management, or designee.
5. Some medical conditions may produce symptoms similar to those of drug or alcohol use. Therefore, in appropriate cases, the supervisor shall require medical evaluation in addition to referral for alcohol and controlled substances testing.
6. In any case in which testing has been authorized on the basis of reasonable suspicion, the employee shall be immediately relieved of duty until a determination of appropriate action is made by the department head after consultation with Director of Human Resource Management. Reference Sections V and VI. The designated manager shall ensure that appropriate arrangements are made to have the employee transported to a medical facility or to the employee's home. Under no circumstances will the employee be allowed to operate city equipment.
7. Employees are not allowed to transport themselves for reasonable suspicion testing.
8. Supervisors are not allowed to accept medical information about an employee, including doctor's notes. Such information must be provided directly to the MRO. It shall be the responsibility of the employee, who is taking medication, whether prescription or non-prescription, to inform the supervisor of any potential side effects which could impair the employee's ability to perform the essential functions of their job.

E. Direct Observation Testing

In accordance with CFR 49 Part 40.67(b), CDL holders who are subject to Return to Duty or Follow-up Testing are required to be subject to direct observation of their urine sample. Employees will be observed by a collector or observer of the same gender as the employee. The collector or observer will request that employees raise their shirt, blouse, or dress, above the waist and lower their clothing and underpants to show the collector or observer by turning around that they do not have a prosthetic device. The collector or observer must watch the employee urinate into the collection container.

F. Return to Duty Testing

Return to duty testing is required under circumstances stated in Section VI.

G. Follow-up Testing

Periodic, unannounced follow-up testing is required under circumstances stated in Section V and VI.

H. Testing of Rehired Employees

In addition to other testing provided for by this policy, former employees of the city or any Constitutional Officer rehired within 3 years after the termination of their previous employment will be subject to periodic unannounced testing for controlled substances and alcohol for up to 60 months when:

1. The employee was terminated for a violation of policies regarding alcohol or controlled substance;
2. The employee resigned while under investigation or while charges were pending for a violation of policies regarding alcohol or controlled substances;
3. The employee terminated for any reason within 24 months after a violation of policies regarding alcohol or controlled substances;
4. The employee has had a positive controlled substance or alcohol test within the past 3 years.

I. Testing for Certain Newly Hired Employees

Any person who is offered employment by the city and who has had a positive test for a controlled substance or alcohol or refused to test as defined in this policy for any employer, whether hired or not, within the past five (5) years shall be required to submit to periodic, unannounced controlled substances and alcohol testing for a period of up to 60 months, in addition to other testing provided for by this policy, as a condition of the offer of employment when:

1. The employee was terminated for violation of policies regarding alcohol or controlled substances, or,
2. The employee resigned while under investigation or while charges were pending for a violation of policies regarding alcohol or controlled substances, or,
3. The employee terminated for any reason with 24 months after a violation of policies regarding alcohol or controlled substances, or,
4. The employee has had a positive controlled substance or alcohol test within the past five (5) years.

V. COLLECTION & TESTING POLICIES AND PROCEDURES

A. General

1. Arrangements for testing shall be conducted under the supervision of Human Resource Management.
2. All testing shall be done in a manner respectful to the employee.
3. An employee required to be tested shall be positively identified by the collector and sign a consent form for each test. If the employee refuses to sign a consent form, the employee shall be terminated.
4. An employee who requests emergency medical treatment following notice of required alcohol or controlled substances testing shall be transported to the nearest medical facility. Should employee be transported prior to submitting to the required testing, the employee shall be required to release any alcohol and controlled substances test results to the city whether related or unrelated to the medical treatment received, even if the employee is subsequently tested in accordance with this policy. Failure to release all alcohol and controlled substances test results shall result in employee's termination.

B. Controlled Substances Testing

The following special provisions apply to testing for controlled substances:

1. All collecting and testing shall be done by a collector who has received qualification training and is knowledgeable of current DOT urine specimen collection procedures, guidelines and DOT agency regulations. Testing and analysis shall be performed by a laboratory certified by the U.S. Department of Health and Human Services (DHHS).
2. Controlled substances testing utilizes a split sample urine specimen. Urine samples shall be provided in private restrooms or enclosures and shall not be observed unless the collector observes behavior which indicates an attempt to tamper with a specimen or when DHHS or DOT regulations require observation.

If the employee is unable to provide a sufficient specimen within the time specified in DOT regulations, the test will be stopped. The Director of Human Resource Management or designee will, after consulting with the MRO, direct the employee to obtain, within five (5) working days, an evaluation from a licensed physician as to whether the employee's inability to provide a specimen was genuine or constituted a refusal to test.

The licensed physician must be acceptable to the MRO and have expertise in the medical issues raised by the employee's failure to provide a sufficient specimen. The MRO may perform this evaluation if the MRO has appropriate expertise. If the MRO does not perform the evaluation, the MRO is responsible for providing the referral licensed physician information and instructions as specified in applicable DOT regulations. The Director of Human Resource Management or designee will notify the department following receipt of the medical determination.

3. Both urine specimens will be forwarded to a DHHS certified laboratory by the collector. The urine specimens shall be handled so as to preserve and protect the test sample and shall be processed on a custody and control form so as to account for its transfer from one individual custodian to another. The results of each test shall be forwarded to the MRO by the laboratory performing the test.
4. In the event the MRO reports a negative dilute test result, another test will be required. The MRO may require the retest to be immediate and to be under direct observation. Additional retesting of a negative dilute test result is not permitted unless the MRO directs an immediate retest under direct observation.
5. In the event of a positive reading, the MRO shall interview the employee to discuss the results and to determine if there is any medical explanation for a positive reading, other than the use of controlled substances, before the MRO reports the results to the Director of Human Resource Management or designee.

The MRO shall make the final determination whether to report a positive or a negative reading to Human Resource Management. If there is no medical explanation for the positive reading, the MRO will inform the employee that the test has been confirmed positive and that the employee has the right to have the split specimen tested by a different DHHS certified lab, and explain the procedures involved.

6. If the MRO is unsuccessful in interviewing the employee, the MRO shall report the results to the Director of Human Resource Management in accordance with applicable DOT regulations. Human Resource Management shall report the results to the employee's department. Split sample testing will not be conducted unless requested by the employee within 72 hours of notification by the MRO.

C. Alcohol Testing

1. Alcohol testing shall be performed by a breath alcohol technician trained to proficiency in the operation of an evidential breath testing device which complies with U.S. Department of Transportation regulations.
2. If the test is positive for alcohol, a confirmation test shall be conducted.
3. If the employee does not provide an adequate amount of breath, or alleges that he/ she is unable to provide a sufficient amount of breath because of a medical condition, the Director of Human Resource Management or designee will direct the employee to obtain, within five (5) days, an evaluation from a licensed physician approved by the City who has expertise in the medical issues raised by the employee's failure to provide a sufficient amount of breath.

Human Resource Management will provide the physician with the information and instruction required under DOT regulations for the physician to determine whether the employee's inability to provide sufficient breath is genuine or constitutes a refusal to test.

VI. EMPLOYEE COMPENSATION & LEAVE

1. All time spent by an employee while undergoing testing pursuant to this policy, including travel time to and from the collection site, is considered on-duty time and shall be compensated as such. Time spent in testing by applicants is not compensable.
2. When an employee is tested for alcohol, the result is known immediately. If the result is negative, the employee shall be immediately returned to work. If the result is positive, policies as stated in Section VI shall apply.
3. Employees are generally returned to work following controlled substances testing. However, when an employee is tested for controlled substances on a post-accident or a reasonable suspicion basis or had to be observed during the collection process, the employee is placed on administrative leave until test results are received and appropriate action determined. If the results are negative, the employee shall be recalled to work as soon as practicable. If the results are positive, the employee shall be dismissed. Reference Section VIII below.
4. When the employee is required to obtain a medical evaluation to determine whether the employee's inability to provide sufficient breath or urine is genuine or constitutes a refusal to test, the employee may use annual leave until Human Resource Management has received the results of the medical evaluation and the department has taken any required disciplinary action.
5. When this policy provides for administrative leave, such leave is paid. Should an employee require any leave beyond the stated duration of administrative leave, the employee may request annual or sick leave or other paid or non-paid leave as appropriate. Such leave is subject to the city's regular policies governing leave and compensation while on leave.

VII. EMPLOYEE ASSISTANCE PROGRAM

The city's Employee Assistance Program (EAP) is available to assist those employees who voluntarily seek help for substance abuse problems. Employees who are aware of chemical dependency are encouraged to utilize treatment services such as EAP prior to being drug or alcohol tested. The city is required to provide any CDL employee tested for alcohol whose results are between 0.02 and less than 0.04 under this policy with a formal referral to EAP. Employees who are terminated as a result of a positive alcohol or controlled substance test will receive a listing of Substance Abuse Providers (SAP) to seek treatment at their own expense.

VIII. DISCIPLINARY ACTION FOR POLICY VIOLATIONS

All disciplinary actions shall be discussed with the Director of Human Resource Management or designee prior to final determination. Except as provided below, all disciplinary actions shall be taken in accordance with the administrative procedures set forth in the city's Standards of Conduct policy. However, this policy supersedes the Standards of Conduct in the event of any conflict with respect to the prescribed degree of disciplinary action to be taken.

A. Alcohol Violations

1. All Employees

- a. Employees who report for duty or who are at work while having an alcohol concentration of 0.04 or greater shall be terminated. Employees whose tests indicate an alcohol concentration of at least 0.02 or 0.03 shall not be allowed to remain at work and will not be paid for the remainder of their shift. The employee's supervisor will require a negative alcohol test before allowing the employee to return to duty. The supervisor shall closely observe the employee upon return to duty to determine if there is reasonable suspicion of a violation of this policy.
- b. Possession of unopened alcoholic beverages in personal vehicles during the employee's work day shall not constitute a violation of law or this policy. No alcoholic beverages - unopened or opened- are allowed in city vehicles.

2. CDL Holders

In accordance with DOT regulations, the following additional policies apply to CDL holders who are found in violation of alcohol policies:

- a. No action will be taken for a breath alcohol reading below 0.02.
- b. When an employee has an alcohol reading of 0.02 or greater but less than 0.04, the employee shall be immediately relieved from duty and required to use paid or unpaid leave in accordance with city policy for the 24 hour period following the positive test. The employee cannot be returned to work until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following the positive test.

B. Controlled Substances Violations

1. Any employee found under the influence of a controlled substance or who refuses to test for controlled substances shall be terminated in accordance with the city's Standards of Conduct.
2. Any employee in a public safety or related position who is found to have used controlled substances within the preceding two (2) years is subject to disciplinary action in accordance with the city's Standards of Conduct policy.
3. An employee in a public safety or related position and CDL holders are subject to disciplinary action, separate from any disciplinary action that may have been taken under the Standards of Conduct policy, if there is reason to believe the employee has violated this policy during the past two years, regardless if the employee was tested or not. Examples of the disciplinary action that could be taken include but are not limited to temporary removal from the job, formal referral to EAP, and close monitoring for CDL and non-CDL holders.
4. Employees who violate provisions of this policy shall be advised of the resources available in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of substance abuse providers, counselors, and treatment programs.

IX. RECORDKEEPING & CONFIDENTIALITY

A. Recordkeeping

All records regarding an employee's or an applicant's controlled substances or alcohol test(s) shall be maintained confidentially by Human Resource Management or by the testing facility. Only those individuals with a legitimate need to know shall have access to such records.

B. Department Responsibilities for Documentation

Supervisors and designated managers shall submit the following to Human Resource Management in a confidential manner within 48 hours:

1. A written report of controlled substances and alcohol testing based on reasonable suspicion or an accident shall be made within 24 hours of the observed behavior or accident or before the results of the alcohol or controlled substances tests are released, whichever is earlier. The report will recite the facts supporting testing.
2. If alcohol testing is not performed within two (2) hours following required CDL post-accident testing or the determination of reasonable suspicion, a written record shall be made as to the efforts made to obtain the test and as to why the test was not promptly administered.
3. If alcohol testing is not administered within eight (8) hours, the city shall cease attempts to have the employee tested but a written record shall be made as to the efforts made to obtain the test and as to why the test was not administered.
4. Controlled substances testing shall be done within 32 hours of an accident requiring CDL holders. If the test is not administered within 32 hours, the city will cease attempts to test and written record shall be made of the efforts made to obtain the test and why the testing was not performed. For employees other than CDL holders and for CDL holders operating a vehicle that does not require a CDL, circumstances may support testing more than 32 hours after an accident if the test cannot be accomplished earlier. A written record shall be maintained of circumstances surrounding the incident and the testing.

C. Refusal to Test

A written report of the facts surrounding any refusal to comply with controlled substances or alcohol testing and any facts that support an allegation that the employee has attempted to tamper with, contaminate or obstruct the testing process must be provided to Human Resource Management.

Approved as to Form and Content:

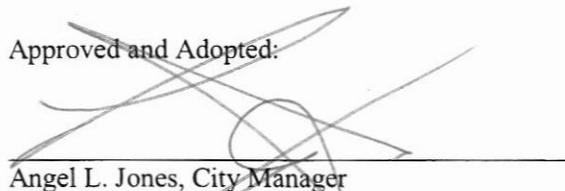


Derek Challenger, Assistant City Attorney II

7/13/2021

Date

Approved and Adopted:



Angel L. Jones, City Manager

7/26/21

Date