

Substance Abuse (Drug/Alcohol/Steroid)

1.0 POLICY STATEMENT: PURPOSE OF THE DRUG/ALCOHOL/STEROID TESTING PROGRAM

The City of Johnson City recognizes its responsibility to provide safe and efficient operations for our employees, our citizens and the general public. Our commitment to provide safe and efficient operations is shown by the implementation of programs and procedures which ensure compliance with appropriate safety measures, as well as the letter and intent of all applicable laws and regulations. There is sufficient evidence to conclude that the use of illegal drugs/alcohol/steroids, substance dependence and substance abuse seriously impairs an employee's performance and general physical and mental health and poses potential risk to the public. The illegal possession and use of drugs, alcohol, steroids and/or narcotics by employees of the City is a crime in this jurisdiction and is clearly unacceptable. Therefore, the City of Johnson City has adopted this written policy to: 1) ensure an employee's fitness for duty as a condition of employment; 2) to ensure that drug tests, alcohol tests and steroid tests are conducted on safety-sensitive positions in the categories of: pre-employment, random testing, suspicion testing, post-accident testing, and return-to-duty testing. Steroid testing shall only apply to certified police officers and firefighters. This policy will serve to bring the City in compliance with the Department of Transportation Drug and Alcohol Testing Policy and the Tennessee Drug Free Workplace Act.

2.0 PROCEDURES: POLICY OBJECTIVES

- A. To establish and maintain a safe, healthy work environment for all employees.
- B. To ensure the reputation of the City and its employees as good, responsible citizens worthy of the public trust.
- C. To ensure fit and objective safety-sensitive employees to serve and protect the public.
- D. To reduce the incidence of accidental injury to person(s) or property.
- E. To reduce absenteeism, tardiness and indifferent job performance.
- F. To provide guidance toward rehabilitation for any employee who seeks the City's help in overcoming any addiction to, dependence upon, or problem with drugs/alcohol/steroids.
- G. To come into compliance with the Drug Free Workplace Act of 1988 and with Regulation 49 CFR Part 655 and 49 CFR 382, the Omnibus Transportation Employee Testing Act.

2.1 GENERAL RULES

- A. City employees shall not take or be under the influence of any dangerous substances while on duty unless prescribed by the employee's treating licensed physician. Employees who are required to take prescription medicine, to include prescribed steroids, or over-the-counter medication shall notify their immediate supervisor(s) if that medication would have the effect of hindering the employee's performance on the job. The supervisor will monitor the employee's behavior and job performance for safety purposes.
- B. All property belonging to the City is subject to inspection at any time without notice, as there is no expectation of privacy.
 - 1. Property includes, but is not limited to, vehicles, desks, containers, files, and storage lockers.
 - 2. Employees' assigned lockers (that are locked by employees) are also subject to inspection by the employee's supervisor(s) after reasonable advance notice and in the presence of the employee unless waived by the City Manager.
- C. City employees who have reason to believe another employee is illegally using drugs, narcotics or steroids shall report the facts and circumstances immediately to their supervisor or Human Resources.
- D. Failure to comply with the intent or provisions of this general policy may be used as grounds for disciplinary action up to and including discharge.

2.2 DEFINITION OF TERMS

Alcohol or Alcoholic Beverage - Means any beverage that may be legally sold and consumed and that has an alcoholic content in excess of .5% of volume.

BAT - Means Breath Alcohol Technician.

Chain of Custody - Procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to the final disposition of the sample.

Collector – Person performing the urine drug screen collection.

Confirmatory Test - A second analytical procedure to identify the presence of a specific drug or its metabolite. This procedure is independent of the initial test and uses the gas chromatography mass spectrometry for confirmation.

Donor – Employee and/or applicant who is providing a specimen.

Drug - Means any substance (other than alcohol), to include androgenic anabolic steroids, capable of altering mood, perception, pain level, or judgment of the individual consuming such substances.

Immunoassay Screen - An initial chemical reaction testing process to eliminate “negative” urine specimens from further consideration.

Impairment - Being unable to perform duties safely and competently due to the use of alcohol or a controlled substance.

Medical Review Officer - The office of a licensed and certified medical physician that meets the requirements of 49 CFR 40 who receives the results from the laboratory and verifies by interview or physical exam of the donor.

Prescription Drug - Any substance prescribed for the individual by a licensed medical practitioner.

Reasonable Suspicion - Belief based on objective facts sufficient to lead a reasonably prudent person(s) to suspect that an employee is under the influence of drugs or alcohol so that the employee’s ability to perform his or her job safely is reduced.

Random Testing - A system of drug testing imposed without individual suspicion that a particular individual is using illegal drugs, and may either be:

1. Uniform - Unannounced testing of designated employees occupying a specified area, element or position;
2. A statistically random sampling of such employee(s) based on a neutral criterion, such as social security numbers or employee ID numbers; or
3. Applies to safety sensitive positions.

Steroids – Androgenic anabolic steroids, generally stated, are chemical substances that are synthetically produced variants of naturally occurring male hormone testosterone.

Supervisor - An employee having the authority to recommend to hire, direct, assign, promote, reward, transfer, layoff, suspend, discipline, or remove other employees, and whose authority is exercised by constant independent judgment.

Verified Positive Results - A test result that was positive on any initial immunoassay test, confirmed by a gas chromatography/mass spectrometry assay, and reviewed and verified by the medical review officer.

2.3 DRUGS TO BE TESTED

When drug/alcohol/steroid screening is required under the provisions of this policy, a urinalysis test will be given to detect the presence of the drug groups listed below. This list is not intended as an exhaustive inventory of every drug/substance for which the employee can be tested. The selection of drugs is based on the minimum requirements of 49 CFR Part 382 and 655 of the Department of Transportation Drug Testing Program. In addition to the DOT panel, the City may also use a nine panel screen or steroid screen for those positions that are safety sensitive but do not come under the DOT drug and alcohol testing regulations.

FIVE PANEL SCREEN

1. Amphetamines/Methamphetamines
2. Cocaine
3. Opiates (e.g. codeine, heroin, morphine, hydromorphone, hydrocodine)
4. Phencyclidine (PCP)
5. THC (marijuana)

Alcohol Screen

NINE PANEL SCREEN

1. Amphetamines/Methamphetamines
2. Barbiturates
3. Benzodiazepines
4. THC (marijuana)
5. Cocaine
6. Methadone
7. Opiates (e.g. codeine, heroin, morphine, hydromorphone, hydrocodine)
8. Phencyclidine (PCP)
9. Propoxyphene

ANDROGENIC ANABOLIC STEROID/STEROID SCREEN

(For Safety-Sensitive Employees Only of the Police and Fire Dept.)

1. Bolasterone
2. Boldenone
3. Danazol
4. Drostanolone
5. Clostebol
6. Fluoxymesterone
7. Mesterolone
8. Methandienone
9. Methandriol
10. Methenolone
11. Methyltestosterone
12. Nandrolone (19- Nortestosterone)
13. Norethandrolone
14. Oxymesterone
15. Oxymetholone
16. Oxandrolone
17. Stanozolol
18. Trenbolone
19. Probenecid
20. Clenbuterol

Alcohol Screen

2.4 PRIOR NOTICE OF TESTING POLICY

The City shall provide written notice of its Drug/Alcohol/Steroid Testing Policy to all employees and job applicants. The notice will contain the following:

- A. The need for drug/alcohol/steroid testing.
- B. The circumstances under which testing may be required.
- C. The procedures for confirming an initial non-negative drug test result.
- D. The consequences of a verified positive test result.
- E. The consequences of refusing to undergo a drug/alcohol/steroid test.
- F. The right to explain a positive test result and the appeal procedures available.
- G. The availability of drug abuse counseling and referral services.

2.5 CONSENT

Before a drug/alcohol/steroid test is administered, affected employee(s) and applicant(s) will be asked to sign a consent form authorizing the test and permitting the release of test results to those City officials with a need to know. The consent form shall provide space for employee(s) and applicant(s) to acknowledge that they have been notified of the City's Drug/Alcohol/Steroid Testing Policy and to indicate current or recent use of prescription or over-the-counter medication.

The consent form shall also set forth the following information:

- A. The procedure for confirming an initial non-negative test result.
- B. The consequences of a verified positive test result.
- C. The right to explain a verified positive test result and the appeals procedures available.
- D. The consequences of refusing to undergo a drug/alcohol/steroid test.
- E. The consequences of a verified substituted or adulterated test verified by the MRO.

2.6 THE TESTING OF DESIGNATED POSITIONS

The following positions and applicants that come under 49 CFR 653 and 49 CFR 382 and positions of a safety sensitive nature are as follows:

- A. Applicants and employees who are required to obtain a commercial driver's license to perform the duties of their job, and
- B. Applicants and employees covered under CFR 49 Part 652, 654 and 382 and employees in safety sensitive positions in the Police Department and Fire Department and other departments as the City may designate. (safety sensitive positions – certified police and fire employees are subject to steroid testing per City policy).

2.7 CITY DEPARTMENTS AFFECTED

- A. Employees of a department which require the employee to obtain a Commercial Driver's License (i.e. Public Works, Water/Sewer, Park and Rec, etc.).
- B. Transit Department - Drivers, supervisors and support personnel.

- C. Fleet Management Department - Mechanics, supervisors and support personnel who are required to have a CDL, and are conducting maintenance functions on transit equipment.
- D. The Police Department - Those personnel performing safety functions in the Police Department (sworn officers and correctional officers) (safety sensitive positions – certified police and fire employees—are subject to steroid testing per City policy).
- E. The Fire Department - Those personnel that are performing safety sensitive functions in the Fire Department (safety sensitive positions – certified police and fire employees—are subject to steroid testing per City policy).
- F. All applicants for regular full-time and regular part-time positions with the City and current employees that drive City vehicles.

2.8 REQUIRED CATEGORIES OF TESTING

- A. Pre-employment Testing - To comply with 49 CFR 653, 654 and 382, all applicants for positions of a safety sensitive nature and all applicants who are required to obtain a CDL to perform their job functions and all other regular full-time and regular part-time applicants will be required to submit to a urine test for the purpose of detecting substance use. Applicants will be notified of this requirement prior to being offered employment with the City. A verified positive, substituted or adulterated test will preclude employment of the applicant.
- B. Reasonable Suspicion Testing - This test is requested when a trained supervisor or City official observes behavior or appearance of an employee that is characteristic of drug/alcohol/steroid use in the workplace. Circumstances which constitute a basis for determining “Reasonable Suspicion” may include but are not limited to:
 - 1. A pattern of erratic, aggressive or abnormal behavior.
 - 2. Information provided by a reliable, credible source.
 - 3. A work-related accident either no-fault or at-fault to the employee.
 - 4. Direct observation of drug or alcohol use.
 - 5. Presence of physical symptoms of drug or alcohol use (glassy or bloodshot eyes, alcohol or odor on breath, slurred speech, poor coordination and/or reflexes).
 - 6. Steroid signs and symptoms
 - Increased body mass in short period of time (months),
 - Fluid retention,
 - Acne and/or oily skin,
 - Aggressive mood swings,

Aggressive emotional responses,
Deepening voice,
Increased facial hair growth (primarily in women)
Abnormal pattern of “use of force” incidents or complaints of improper outbursts and attitude.

- C. Supervisors are required to detail, in writing, the specific facts or observations which formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the Director of Human Resources for appropriate action.
- D. Post-Accident Testing - Post-accident testing is required by 49 CFR 653 when an employee performing in a safety sensitive function or any employee operating a City vehicle either contributed to an accident, or cannot be completely discounted as a contributing factor to an accident, (as determined by a citation for a moving traffic violation) and for all injuries and all fatal accidents even if the driver is not cited for a moving traffic violation.
- E. Random Testing - 49 CFR requires that random testing be conducted on a random unannounced basis just before, during, or just after performance of safety sensitive functions. The number of random tests will meet the minimum requirements of 49 CFR Part 40. All employees in safety sensitive positions are subject to a random testing.
- F. Return-to-Duty and Follow-Up Testing – Return-to-duty testing is required when an employee refuses to take or does not pass a drug/alcohol/ steroid test prior to that person’s return to a safety-sensitive position. Such an individual must pass a return-to-duty drug/alcohol/steroid test and a physician must determine that the employee may return-to-duty. An employee who is subject to follow-up testing may be administered an unannounced drug/alcohol/steroid test for up to 60 months after the employee returns to their position.

2.9 REFUSAL TO CONSENT – APPLICANT

A job applicant who refuses to consent to a drug/alcohol/steroid test for a position with the City will be denied employment with the City.

2.10 REFUSAL TO CONSENT – CURRENT EMPLOYEES

An employee who refuses to consent to a drug/alcohol/steroid test when reasonable suspicion, random test, post-accident, return-to-duty or other test mandated by this policy will be removed from his/her position and is subject to

disciplinary action up to and including discharge. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action.

2.11 CONFIRMATION OF TEST RESULTS

An employee or job applicant whose drug/alcohol/steroid test yields a non-negative screening result shall be given a confirmative test using a gas chromatography mass spectrometry test. (Note that steroid testing and retesting might be different.) The confirmation test shall use a portion of the same sample withdrawn from the employee or applicant for use in the screening test. If the second test confirms the non-negative test result, the employee/applicant shall be notified of the results in writing by the Medical Review Officer. The employer representative will receive written notification identifying the particular substance found. An employee or applicant whose second test confirms the original non-negative test results may have a split sample test conducted on the same specimen at an approved laboratory chosen by the employee or applicant. Confirmation or split tests shall be at the expense of the applicant or employee. A verified substituted or adulterated test verified by the MRO is considered refusal to test.

2.12 CONSEQUENCES OF A VERIFIED POSITIVE TEST RESULT – APPLICANT

Job applicants will be denied employment with the City if their initial positive test results have been verified. Applicants shall be informed in writing if they are rejected on the basis of a verified positive test result. A substituted or adulterated test verified by the MRO is considered refusal to test.

2.13 CONSEQUENCES OF A VERIFIED POSITIVE TEST RESULT – CURRENT EMPLOYEE

If a current employee has a positive test result verified, the employee must be removed from his/her position and a recommendation to discharge the employee for violation of the City's substance abuse policy shall be made to the City Manager. The City's no-tolerance policy is effective July 1, 2005. A substituted or adulterated test verified by the MRO is considered refusal to test.

No disciplinary action should be taken against employees who voluntarily disclose themselves as substance abusers to their immediate supervisor, Department Director or Human Resources *prior to being identified to take a test*; provided however, that the employee successfully completes counseling and rehabilitation, and thereafter refrain from violating the City's policy on drug/alcohol/steroid use. If not, a recommendation to discharge the employee shall be made to the City Manager.

2.14 APPEAL THROUGH THE CITY'S GRIEVANCE POLICY

If an employee's positive test results have been verified, the employee must be removed from their position and a recommendation to discharge the employee for violation of the City's substance abuse policy will be made to the City Manager. The employee is entitled to make use of the City's Grievance Policy (HR-121) to present evidence and witnesses on his or her behalf and to confront the evidence and witnesses used against him or her.

2.15 CONFIDENTIALITY OF TEST RESULTS

All information from an employee's or applicant's drug/alcohol/steroid test is confidential and only those individuals with a need to know are to be informed of the test results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant. A positive test result shall not be released until the results are confirmed. Record keeping is in compliance with HHS guidelines.

2.16 LABORATORY TESTING REQUIREMENTS

All drug/alcohol/steroid testing of employees and applicants shall be conducted at collection sites. To be considered as a collection site, the facility must meet requirements of 49 CFR Part 40.

2.17 NEGATIVE DILUTE SPECIMEN PROCEDURES

1. For DOT Testing Programs – For the purpose of meeting the DOT guidelines, any urine specimen with a creatinine concentration in the 2-5 mg/dl range and a specific gravity of 1.003, will be reported as a negative dilute and the MRO will request an immediate and direct observed specimen. A second test will be required. For the purpose of the testing process, the second test will become the test of record and will be the final test. If the employee has been directed to take the second test and the employee declines, the employee has refused the test according to DOT testing guidelines.
2. For Non-DOT Testing Programs – If the urine specimen is determined to be negative and diluted, (urine specimen with a creatinine level of less than 20 mg/dl and a specific gravity of 1.03 or less), it will be reported as a negative dilute and the MRO will request an immediate and direct observed specimen. The second test is required. The second test will become the test of record and will be the final test. If the employee is required to take the second test and the employee declines, the employee

will have refused the test under the City's Drug/Alcohol/Steroid Testing Policy.

2.18 SIGNED ACKNOWLEDGEMENT

Each employee and applicant shall be presented with and acknowledge by signature that they have received a copy of the Drug/Alcohol/Steroid Policy of the City, and that they understand the contents of the policy.

3.0 RESPONSIBILITY: The Human Resources Director is responsible for overall policy communication and compliance. Department Directors with employees covered by testing provisions are responsible for complying with the policy.

APPROVED:

M. Denis Peterson
City Manager

Original: 03/28/1988
Revisions: 03/17/1993, 07/01/2012, 07/01/2014

SIGNED ACKNOWLEDGMENT

By my signature below, I hereby acknowledge that I have received a copy of the Drug/Alcohol/Steroid Policy of the City of Johnson City and I understand that I am responsible for reading and complying with this policy.

SIGNATURE OF EMPLOYEE

DATE

WITNESS

**GUIDELINES FOR
SUPERVISORS IN DEALING WITH
DRUG/ALCOHOL/STEROID IMPAIRED EMPLOYEES**

I. SUPERVISOR'S ROLE

Employees who are under the influence of drugs/alcohol/steroids while at work are often less productive at their jobs and may be hazardous to other employees. Drug/alcohol/steroid abuse can result in absenteeism, tardiness, carelessness, insubordination, conflict, aggression, risk to public, or other poor work behavior. As a supervisor, your concern is good job performance and providing a safe work environment. Dealing with drug/alcohol/steroid abuse is another way of improving an employee's ability to do good work safely and/or to serve and protect the public.

These guidelines are designed to help supervisors deal with employees who are under the influence of drugs/alcohol/steroids while at work. They are intended to be used primarily in the administration of the City's drug/alcohol/steroid abuse program.

II. BEHAVIOR AND JOB PERFORMANCE "WARNING SIGNS"

Job behavior and work performance should be the concern of the supervisor. Expert knowledge about abuse of drugs/alcohol/steroids is not necessary, but the supervisor should remain alert to changes from the normal work pattern, behavior of the employee and/or drastic physical changes to the employee's physical body.

It is the responsibility of the supervisor to act in accordance with City guidelines for administering the policy on drug/alcohol/steroid abuse. It is important to take immediate steps, since delayed action can threaten the safety of others and result in the total deterioration of the abuser.

Listed below are various "warning signs" that usually appear on the job, indicating some consequences of substance abuse. It is impossible to identify all behavioral and work pattern problems that occur in this process of deterioration. They can appear singularly or in combination. They may signify problems other than substance abuse. For example, alcoholism, diabetes, high blood pressure, thyroid disease, psychiatric disorders, emotional problems and certain heart conditions all share some of the same signs. Therefore it is important to remember that unusual or odd behavior may not be connected in any way with drug/alcohol/steroid abuse. The role of the supervisor is to recognize and document changes without making any moral judgment or taking the position of counselor or diagnostician.

SIGNS OF *SUBSTANCE ABUSE AND DETERIORATING JOB PERFORMANCE*

Physical Signs or Conditions

Weariness, exhaustion	Sleepiness (nodding)
Untidiness	Unsteady walk
Yawning excessively	Sunglasses worn at inappropriate time
Blank stare	Noticeable increase in body mass over a short period of time (months)
Changes in appearance after lunch or break	Fluid retention
Increased facial hair growth (primarily in women)	Deepening voice
Unusual acne and/or oily skin	

Moods

Appears to be depressed all the time or extremely anxious all the time	Complains about others Emotional unsteadiness (e.g. outbursts of crying)
Irritable	Mood changes after lunch or break
Suspicious	
Aggressive mood swings	

Actions

Withdrawn or improperly talkative	Has exaggerated sense of self importance
Spends excessive amount of time on the telephone	Displays violent behavior
Argumentative/Aggressive	Avoids talking with supervisor regarding work issues
Extreme emotion responses	

Absenteeism

Acceleration of absenteeism and tardiness, especially Mondays, Fridays, before and after holidays	Frequent use of unscheduled vacation time
Frequent unreported absences, later explained as “emergencies”	Leaving work area more than necessary (e.g., frequent trips to water fountain and bathroom)
Unusually high incidence of colds, flu, upset stomach, headaches	Unexplained disappearance from the job with difficulty in locating employee
	Requesting to leave work early for various reasons

Accidents

Taking of needless risks	Higher than average accident rate on and off the job
Disregard for safety of others	

Work Patterns

Inconsistency in quality of work	Difficulty in recalling instructions
High and low periods of productivity	Difficulty in remembering own mistakes
Poor judgment/more mistakes than usual and general carelessness	Using more time to complete work/missing deadlines
Lapses in concentration	Increased difficulty in handling complex situations

Relationship to Others on the Job

Overreaction to real or imagined criticism	Complaints of problems at home, such as separation, divorce, and child discipline problems
Avoiding and withdrawing from peers	Persistent job transfer requests
Complaints from co-workers	
Borrowing money from fellow employees	

III. DOCUMENTATION

Documenting incidents involving possible drug/alcohol/steroid abuse is an important part of identifying and combating the problem. Proper documentation is essential in providing assistance to an employee or, if necessary, in supporting disciplinary action or discharge. Remember, charging an employee with the use of alcohol or illegal drugs or steroids is a serious matter and must be supported by evidence which eliminates any doubt about the truth of the charge. The following guidelines should be followed to assure that proper documentation is made.

1. Document all signs of unusual behavior and deteriorating job performance of every employee on the job or on City property. Each sign should be documented as a basis for an eventual judgment. Substance abuse becomes important to you as a supervisor when it affects the employee's job performance. It is important that documentation be as specific as possible and be focused on job performance or any unusual behavior. The City can only take proper action when the employee's conduct affects the City's business, the employee's job performance, the well-being of other employees and/or the public.
2. Be specific in recording when and where you observe signs of unusual behavior and deteriorating job performance. The date, time, and place of any incident is necessary for proper documentation. Note exactly what you observe, including the employee's conduct or other activity which the guidelines suggest.
3. If possible, include any corroborating evidence to substantiate drug/alcohol/steroid use. If there are other witnesses, it is important to know who they are and record their comments. If the employee admits to drug/alcohol/steroid use, record his/her exact response.
4. Preserve all confiscated material until it can be transferred to the proper authority. If you see an employee set down or throw out a bottle or can, retrieve it so the exact nature of the substance it contains can be identified. Follow the same procedure with anything that looks like an illegal drug or drug paraphernalia. Note the time and place when this was done and to whom you surrendered the confiscated material. These are all important steps in determining whether the employee was actually using drugs/alcohol/steroids.

5. Document the date and time that any signs of unusual behavior and deteriorating job performance are discussed with an employee and make a record of the discussion.

IV. CONFRONTING AN IMPAIRED EMPLOYEE

Sometimes it will be necessary to confront directly an impaired employee. Such a delicate situation obviously requires good judgment. The following are guidelines which can help.

1. Conduct any discussion in a constructive manner. You are trying to improve job performance, not judge the employee's values or private life. This means you should not argue, accuse, or moralize.
2. When there is corroborating evidence to establish drug/alcohol/steroid abuse, let the employee know that the City prohibits substance use that affects job performance. Emphasize that it is the quality of work that concerns the City and that substance use which adversely affects performance is grounds for discipline or discharge.
3. Be sure that your own knowledge of City policy on drug/alcohol/steroid use is such that you can accurately and specifically remind the employee of that policy when there is corroborating evidence to establish drug/alcohol/steroid abuse. If an employee knows precisely what the rules are, he or she will be less likely to try to challenge or bend them.
4. While you should be sympathetic to an employee's suspected substance abuse problems, you should not ignore them or hope that the problems will end on their own. Don't accept excuses for poor work performance due to drug/alcohol/steroid use.
5. Be consistent in enforcing the City policy regarding drug/alcohol/steroid use. If you are not, the employee can accuse you of favoritism or acting arbitrarily. Remember, there is a better chance of receiving cooperation and quality work if the employee knows that you are genuinely concerned about his or her job performance and do not allow personal considerations to intervene.
6. If an employee is in an impaired condition, suggest that the employee submit to a medical examination to determine the cause of the impairment. Inform the employee that refusal to submit to an examination is an act of insubordination and/or admission of guilt and may be grounds for discipline or discharge. Be sure to record any failure or refusal to submit to the requested examination.
7. In some cases, when you have strong suspicion, it may be necessary to inspect an employee's locker, desk, or other City property to determine if he/she is actually in possession of contraband substances. This should be done carefully. If reasonable, the department head should be contacted prior to the inspection. At a minimum, another management representative and the employee should be present during the inspection to assure that the employee cannot claim the inspection was unfair. While making these contacts, and while awaiting the arrival of management, the suspected employee should be isolated away from the locker, desk, etc., to be inspected. If the employee refuses, remind the employee that the City has the right to open and inspect the contents of its own property. If the employee still refuses, you may open the locker, desk, etc., to inspect.
8. Inspection and questioning of employees should be conducted in a private area, or the area cleared of other employees. All contraband substances confiscated should be marked with

date, time, place and names, and placed in a locked, controlled area until they can be transferred to the proper authority.

9. Do not act alone if the situation becomes hostile. Seek assistance from other supervisors, or local law enforcement personnel. It is a serious matter when police are called and care should be taken to ensure that this occurs only when absolutely necessary.
10. If an employee must be sent home for medical treatment because of his or her impaired condition, make sure he or she does not drive himself or herself. Supervision should be present and in control of the situation until the employee is completely on his or her own time.

By following these guidelines, you will help assure that the City has a successful program for handling the problem of substance abuse on the job or affecting job performance. To re-emphasize the most important points:

1. Document all instances of unusual behavior and deteriorating job performance.
2. Know the City policy on drug/alcohol/steroid abuse so that you can explain it to employees. Do not lecture or moralize.
3. Do not ignore a possible drug/alcohol/steroid problem. This is unfair and dangerous to the impaired employee, as well as detrimental to quality work performance and potentially to public safety.
4. Try to get the employee to submit to a medical examination when appropriate.
5. Do not inspect an employee or his/her belongings against his/her wish, but inform the employee that refusal to submit to an inspection could be grounds for discipline or discharge.
6. Always try to confront the employee in a private area.
7. Do not act alone if you suspect trouble.
8. Do not let an impaired employee drive him or herself anywhere.



CONSENT AND AUTHORIZATION FORM – DRUG/ALCOHOL/STEROID TESTING

NAME: _____ DATE: _____

LOCATION: _____ TIME: _____

POSITION: _____

CONFIRMATION OF TEST RESULTS

An employee or job applicant whose drug, alcohol or steroid (if applicable) test yields a non-negative screening result shall be given a second test using a gas chromatography mass spectrometry test. (Note that steroid testing and retesting might be different.) The confirmation test shall use a portion of the same sample obtained from the employee or applicant for use in the screening. If the second test confirms the non-negative test result, the employee/applicant shall be notified of the results by the Medical Review Officer of the particular substance found and its concentration. An employee or applicant whose second test confirms the original non-negative test results may have a split sample test conducted on the same sample at a laboratory by the employee or job applicant.

CONSEQUENCES OF A CONFIRMING POSITIVE TEST RESULT

APPLICANT - Job applicants will be denied employment with the City if their initial positive test results have been confirmed. Applicants shall be informed in writing if they are rejected on the basis of confirmed positive drug and alcohol test results.

CURRENT EMPLOYEE – If a current employee has a positive test result confirmed, the employee must be removed from their position and a recommendation to discharge the employee for violation of the City’s substance abuse policy will be made to the City Manager for approval.

No disciplinary action should be taken against employees who voluntarily identify themselves as substance users, obtain counseling and rehabilitation, and thereafter refrain from violating the City’s policy on drug and alcohol use.

APPEAL THROUGH THE CITY’S GRIEVANCE POLICY

If an employee’s positive test results have been confirmed, the employee is entitled to make use of the City’s Grievance Policy (HR-121) to present evidence and witnesses on his or her behalf to confront the evidences and witnesses used against him or her.

REFUSAL TO CONSENT

APPLICANT – A job applicant who refuses to consent to a drug/alcohol/steroid test for a safety sensitive position will be denied employment with the City.

CURRENT EMPLOYEES – An employee who refuses to consent to a drug/alcohol/steroid (if applicable) test when reasonable suspicion, random test, post-accident, return-to-duty or other test mandated by this policy will be removed from the safety sensitive position and is subject to disciplinary action up to and including discharge. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action.

CURRENT OR RECENT USE OF PRESCRIPTION OR OVER-THE-COUNTER MEDICATION

Employees and/or job applicants on a voluntary basis can report the use of prescription or nonprescription medication which may affect drug tests by completing a consent form at the time of collection with collection site provider.

REASON FOR TEST:

- | | | |
|---|---|----------------------------------|
| <input type="checkbox"/> Pre-Employment | <input type="checkbox"/> Random | <input type="checkbox"/> DOT |
| <input type="checkbox"/> Post-Accident | <input type="checkbox"/> Return-to-Duty | <input type="checkbox"/> Non-DOT |
| <input type="checkbox"/> Reasonable Suspicion | | |

I understand that I am being required by the City of Johnson City to submit to a drug and/or alcohol and/or steroid test for the reason stated above. I hereby consent to provide a urine specimen and submit to a breathalyzer test at the designated collection site for this purpose. The specimens for the Five Panel Screen will be analyzed for the presence of the following drugs: marijuana, cocaine, opiates, amphetamines and phencyclidine. The specimens for the Nine Panel Screen will be analyzed for the presence of the following drugs: marijuana, cocaine, opiates, amphetamines, phencyclidine, barbiturates, benzodiazepines, methadone and propoxyphene. The specimen for the steroid screen will be analyzed for the presence of some, if not all, of the following steroids: Bolasterone, Boldenone, Danazol, Drostanolone, Clostebol, Fluoxymesterone, Mesterolone, Methandienone, Methandriol, Methenolone, Methyltestosterone, Nandrolone (19-Nortestosterone), Norethandrolone, Oxymesterone, Oxymetholone, Oxandrolone, Stanozolol, Trenbolone, Probenecid, and Clenbuterol. I understand that the drug and/or alcohol and/or steroid test results will be made available to City management on a need to know basis. I agree to hold the City of Johnson City harmless from any liability associated therewith.

Signature of Employee/Applicant

Signature of Witness

SPECIAL NOTICE TO APPLICANTS

Your employment with the City of Johnson City is conditioned upon your passing the City's post offer medical examination and drug test. **DO NOT GIVE NOTICE TO YOUR PRESENT EMPLOYER UNTIL WE CONTACT YOU WITH THE RESULTS OF YOUR MEDICAL EXAMINATION AND DRUG TEST.** In the event of a confirmed positive drug test result, or if the medical examination discloses any reason you cannot perform the essential functions of the position which you have been offered and there is no reasonable accommodation that would enable you to perform the essential functions, this offer of employment may be retracted.

As a condition of continued employment, I agree to submit to future drug and/or alcohol and/or steroid testing as requested and to release the City from any liability associated therewith.

I also acknowledge that I have received a copy of the Drug/Alcohol/Steroid Policy of the City of Johnson City.

Signature of Applicant

**CITY OF JOHNSON CITY
APPLICANT/EMPLOYEE CHECKLIST
DRUG/ALCOHOL/STEROID TESTING**

You have been designated through a process of random selection for drug testing by urinalysis. Please be assured that your selection in no way indicates that the City of Johnson City has any specific reason to suspect you of using illegal drugs or steroids.

The collection of your urine specimen will be conducted under the procedures required by the Mandatory Guidelines for Federal Workplace Drug Testing Programs. These procedures allow for individual privacy unless there is reason to believe that a particular individual may alter or substitute the specimen to be provided. The collection site persons will take precautions to ensure that your specimen is not adulterated or diluted during the collection procedure. Your specimen collection must also follow strict chain of custody and security procedures. In addition:

- Photo identification (e.g., driver's license) must be presented at the collection site.
- You will be asked to remove any unnecessary outer garments such as coat or jacket. All personal belongings like purse or briefcases will remain with the outer garments. You may retain your wallet.
- You will be instructed to wash and dry your hands prior to providing a specimen.
- Your specimen will be provided in the privacy of a stall or otherwise partitioned area that allows for individual privacy unless there is reason to believe that you may alter or substitute the specimen to be provided.
- After handing the specimen bottle to the collector, you should keep the specimen in full view at all times until it is sealed and labeled.
- If the collection site person has reason to believe that you may have altered or substituted the specimen, they will notify a higher level supervisor. Should you tamper, adulterate, or in any other way attempt to dilute your specimen, the collection site person will request authorization to collect a second specimen under direct observation by a same gender collection site person.
- You will be asked to initial the identification label on the specimen bottle for the purpose of certifying that it came from you.
- If, after laboratory analysis, the specimen is found to contain drugs of abuse, the results will be disclosed only to the Medical Review Officer (MRO). Prior to making a final decision to verify a positive test result, the MRO shall give you an opportunity to discuss the test results and submit medical documentation of legally prescribed medications.
- Employee records shall be maintained and used with the highest regard for your privacy.
- If you have any concerns or questions about the collection process, you should immediately bring them to the attention of your supervisor, division or department head or Human Resources Director.

OBSERVED BEHAVIOR FORM

This form is to be used to document the reasons that an employee be asked to submit for an alcohol and/or drug and/or steroid test.

EMPLOYEE'S NAME: _____

DATE OF OBSERVATION: _____

TIME OF OBSERVATION: FROM _____ TO _____

DESCRIPTION OF EVENT: _____

REASONABLE SUSPICION TEST FOR SUSPECTED DRUG USE:

REASONABLE SUSPICION TEST FOR ALCOHOL USE:

REASONABLE SUSPICION TEST FOR STEROID USE:

CHECK ALL APPROPRIATE ITEMS

- | | | | |
|-------------------------------|--|---|--|
| 1. ODOR OF ALCOHOL ON BREATH? | <input type="checkbox"/> YES | <input type="checkbox"/> NO | |
| 2. SPEECH: | <input type="checkbox"/> NORMAL | <input type="checkbox"/> INCOHERENT | <input type="checkbox"/> CONFUSED |
| | <input type="checkbox"/> SLURRED | <input type="checkbox"/> WHISPERING | <input type="checkbox"/> SILENT |
| 3. BALANCE | <input type="checkbox"/> NORMAL | <input type="checkbox"/> SWAYING | <input type="checkbox"/> STAGGERING |
| 4. WALKING: | <input type="checkbox"/> NORMAL | <input type="checkbox"/> STUMBLING | <input type="checkbox"/> SWAYING |
| | <input type="checkbox"/> ARMS RAISED | <input type="checkbox"/> REACHING FOR SUPPORT | |
| 5. STANDING: | <input type="checkbox"/> FEET WIDE APART | <input type="checkbox"/> RIGID | <input type="checkbox"/> SAGGING KNEES |
| 6. EYES: | <input type="checkbox"/> BLOOD SHOT | <input type="checkbox"/> CLOSED | <input type="checkbox"/> DILATED |
| | <input type="checkbox"/> DROOPY | <input type="checkbox"/> GLASSY | <input type="checkbox"/> WATERY |
| 7. FACE: | <input type="checkbox"/> FLUSHED | <input type="checkbox"/> PALE | <input type="checkbox"/> SWEATY |
| 8. DEMEANOR: | <input type="checkbox"/> CALM | <input type="checkbox"/> CRYING | <input type="checkbox"/> ANGRY |
| | <input type="checkbox"/> EXCITED | <input type="checkbox"/> SARCASTIC | |
| 9. AWARENESS: | <input type="checkbox"/> NORMAL | <input type="checkbox"/> CONFUSED | <input type="checkbox"/> PARANOID |
| | <input type="checkbox"/> SLEEPY | <input type="checkbox"/> LACK OF COORDINATION | |

10. OTHER OBSERVATIONS AND FACTORS: _____

ABOVE BEHAVIOR WITNESSED BY:

SIGNED _____

SIGNED _____

THIS FORM MUST BE PREPARED EVERY TIME AN EMPLOYEE IS SUSPECTED OF ALCOHOL AND/OR DRUG AND/OR STEROID USE.