



Drug-Free Workplace Policy

- 1.0 AUTHORITY:** Drug-Free Workplace Act of 1988, Department of Transportation (DOT) 49 CFR Part 382, 653, 654, 655, and TCA 50-9-101-114; TNCTAS-1076
- 2.0 PURPOSE:** The purpose of this policy is:
- A. To provide a drug-free, healthful, safe, and secure work environment;
 - B. To meet the requirements of applicable laws and regulations to ensure that the workplace is free of illegal drugs;
 - C. To establish restrictions on the workplace-related use of legal substances, such as alcohol, and prescription drugs;
 - D. To address pre-employment, random, post-accident testing, return-to-duty, fitness-for-duty or reasonable suspicion behaviors;
 - E. Identify which positions in the City are considered as Safety-Sensitive
 - F. To explain the steps that will be taken to protect employees, identify problems, and provide assistance;
 - G. Communicate that the manufacturing, trafficking or selling, possessing and use of illegal drugs, alcohol, and/or narcotics and related paraphernalia, and any other drugs or substances that will, in any way, affect safety, work ability, alertness, coordination, judgment, response, or the safety of employees or others during working hours or in the workplace by employees of the City of Johnson City is strictly prohibited and may be prosecuted as allowed by law;
 - H. Establish the City of Johnson City (COJC) will maintain a zero-tolerance standard for the illegal use of impairing substances on or off the job and the use of alcohol on the job.

Additionally, sections “A – H” above applies to employees occupying certified (sworn) positions with the Johnson City Police and Fire Departments, who will also be subject to testing for androgenic-anabolic steroids in the same manner and under the same circumstances as other illegal substances.

3.0 DEFINITIONS:

Adulterated Sample: Any sample that appears to have evidence of dilution, contamination, or tampering, before, during, or after the test collection with laboratory confirmation of the specific adulterant.

Alcohol or Alcoholic Beverage: Has the same meaning as in the federal regulations describing procedures for the testing of alcohol by programs operating pursuant to the authority of the DOT, as currently compiled at 49 Code of Federal Regulations (CFR) Part 40, as the same may be revised from time to time. Other recognized authority's regulations may apply. Currently means any beverage that may be legally sold and consumed and that has an alcoholic content in excess of .5% of volume.

Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

Alcohol Testing: The analysis of breath, blood, or any other analysis which determines the presence and level or absence of alcohol as authorized by the DOT or such other recognized authority concerning alcohol testing and drug testing.

Applicant: A person who has applied for a safety-sensitive position within the COJC, and has been offered employment conditioned upon successfully passing a drug test, and may have begun work pending the results of the drug test.

BAT: Breath Alcohol Technician.

Chain of Custody: The methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for specified materials or substances, and providing for accountability at each stage in handling, testing, and storing specimens and reporting test results.

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 in a single provided specimen. This procedure is independent of the initial test of the same specimen and uses the gas chromatography mass spectrometry for confirmation.

Conviction: A finding of guilt, including a plea of nolo contendere and/or imposition of sentence, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

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

Drug - Means any chemical or substance (other than alcohol), that also

includes androgenic anabolic steroids, capable of altering mood, perception, pain level, or judgment of the individual consuming such substances.

Drug-free Workplace: A site or sites for the performance of work done in connection with an employee's job, whereby employees are prohibited from engaging in unlawful manufacture, distribution, dispensing, possession, trafficking, or use of alcohol or drugs.

Drug Test or Drug Testing: A chemical, biological or physical instrumental analysis administered by a laboratory authorized to do so pursuant to TCA 50-9-101 et seq., for the purpose of determining the presence or absence of a drug or its metabolites pursuant to regulations governing drug testing adopted by the DOT, or such other recognized authority.

Employee Assistance Program(EAP): An established program capable of providing expert assessment of employee personal concerns; confidential and timely identification services regarding employee drug or alcohol abuse/use; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow-up services for employees who participate in the program and require monitoring after returning to work.

Fitness-for-Duty: For purposes of this policy, Fitness-for-Duty refers to a test performed by a licensed professional medical provider skilled and qualified to do fitness evaluations for physical and/or psychological impairments, to ensure that individuals are able to perform the essential duties required in their job.

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.

Invalid Sample: Any sample that appears to have evidence of dilution, contamination, or tampering, before, during, or after the test collection, if the laboratory cannot confirm the specific adulterant.

Medical Review Officer (MRO): A licensed physician employed by the COJC, contracted Third Party Administrator (TPA), who has knowledge of substance use disorders, laboratory testing procedures, and chain of custody collection procedures who verifies positive and confirmed test results. This individual possesses medical training to interpret and evaluate positive test results in relation to the employee's/applicants medical history or other relevant biomedical information.

Metabolite: A substance that takes part in the process of metabolism. Metabolites are produced during metabolism or are constituents of food or substances taken into the body. When screening for drugs, laboratory

personnel look for what is left in the urine after the body has broken down a complex drug into smaller pieces, i.e., they will find metabolites of the drug, not the original drug.

Prescription or Non-Prescription Medication: A drug prescribed for use by a duly licensed physician, dentist, or other medical practitioner who is licensed to issue prescriptions or a drug that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, and/or injuries.

Reconfirmation Test: A third analytical procedure, paid for by the employee, to identify the presence of alcohol or a specific drug or its metabolites in a specimen.

Return to Duty Testing: For purposes of this policy only, the re-testing of an employee, prior to his/her returning to the workplace, after previously testing positive for the presence of drugs or alcohol.

Random Testing: A system of mandatory, random drug and alcohol testing of employees in safety sensitive positions.

Reasonable Suspicion: A belief based on specific, objective, articulable facts and the reasonable inferences that may be drawn from those facts, or knowledge sufficient under the circumstances, to cause an ordinary prudent and cautious person to believe that an employee used or is using illegal drugs, is misusing prescription drugs or is under the influence of alcohol.

Safety-Sensitive Position: A position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations or work with controlled substances, or a position in which momentary lapse in attention could result in injury or death to themselves or another person. This includes all positions involving the operation of heavy construction equipment, water/wastewater plant operators, and other positions having responsibility for the safety and care of children.

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

Supervisor/Employer: For the purposes of this policy, 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.

Substance Abuse and Mental Health Services Administration (SAMHSA): A Federal agency within the U.S. Department of Health and Human Services created to focus attention, programs, and funding on

improving the lives of people with or who are at risk for mental and substance use disorders.

Third Party Administrator for Drug and Alcohol Testing (TPA): The company contracted by the COJC to handle drug and alcohol testing, collection of specimens, chain-of-custody, laboratory processes, and MRO follow-up for COJC employees and applicants.

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 MRO.

Zero Tolerance: Appropriate employee disciplinary or corrective action, up to or including termination, upon the confirmation of the illegal use of impairing substance(s), or the use of alcohol while in the workplace, by the employee.

4.0 GENERAL RULES

As a condition of employment or continued employment an employee shall not:

- 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, or over-the-counter medication shall notify their immediate supervisor(s) prior to starting work 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.
- Use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job.
- Work or report to work impaired or while possessing in his or her body, blood, or urine, illegal drugs in any detectable amount.
- Report to work under the influence of or impaired by alcohol.
- Use prescription drugs illegally, including using prescription drugs that have not been legally obtained or using prescription drugs in a manner or for a purpose other than as prescribed.
- Tamper with a drug test being administered pursuant to this policy.
- As a condition of continued employment, an employee who is arrested for or charged with any criminal drug offense shall notify his or her supervisor or the Human Resources Director, no later than one working day after such arrest or charge. If notification is made to the supervisor, the supervisor shall notify the Director of Human Resources as soon as possible.

- If an employee is convicted of violating any criminal drug statute or offense that involves the use of or possession of drugs or alcohol, he/she shall be subject to termination of employment.
- Employees who are confirmed to have a positive drug screen result, who refuse a required drug screen, or who are found to have an adulterated sample shall be subject to termination of employment. Human Resources shall be notified of these confirmed results and disciplinary action should occur in a timely manner, preferably within one week, provided there are no extenuating circumstances. The employee shall not be allowed to return to duty until having a negative result on a return to duty test as described in Section 5.2, 6 (6) and Section 6 of this policy.
- 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.
- 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.

5.0 PROHIBITIONS

Alcohol concentration - No driver or other employee in a safety-sensitive position shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No employer having knowledge that an employee has an alcohol concentration of 0.04 or greater shall permit the driver to perform or continue to perform safety-sensitive functions.

On-duty use - No driver or other employee in a safety-sensitive position shall use alcohol while on the job. No employer having actual knowledge that a driver or other employee performing safety-sensitive functions is using alcohol while performing safety-sensitive functions shall permit the driver or employee to perform or continue to perform safety-sensitive functions.

Pre-duty use - No driver or other employee in a safety-sensitive position shall perform safety-sensitive functions within four hours after using alcohol. No employer having actual knowledge that a driver has used alcohol within four (4) hours of beginning work shall permit a driver to perform or continue to perform safety-sensitive functions.

Use following an accident - No driver or other employee in a safety-sensitive position required to take a post-accident alcohol test under 382.303 shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

6.0 PROCEDURES

- A. Each employee shall be required to certify his/her acknowledgment of this policy and the action to be taken if a violation occurs by using the Acknowledgement of Receipt of the City of Johnson City's Drug-Free Workplace Policy form. The

signed acknowledgement shall be maintained in the employee's human resources file.

- B. Employees shall be made aware of the Employee Assistance Program (EAP) and encouraged to seek assistance with any drug or alcohol related problems. The EAP provides confidential assessment, referral and short-term counseling for employees and their dependents who need or request it. Confidentiality is assured. No information regarding the nature of the personal problem will be made available to supervisors, nor will it be included in your permanent personnel file.

An employee, who believes he or she has a substance use issue, may contact his or her supervisor and/or the Human Resources department for a referral to the EAP and begin a treatment process without penalty. Human Resources will review the EAP documentation and suggest accommodations as necessary.

1. The Americans with Disabilities Act (ADA) prohibits the discrimination of employees with disabilities and requires employers to reasonably accommodate an individual with a disability in the workplace.
 - a. Under the ADA, alcohol use disorder may be a covered disability; however, an employee with alcohol use disorder may be held to the same standards as other employees, even if unsatisfactory performance is caused by the addiction to alcohol.
 - b. The ADA does not cover individuals who are currently using illegal drugs.
2. Once the employee enters the EAP he or she must sign a release of information with the EAP to provide to the COJC information concerning the employee's assessment, any recommended job restrictions, and progress made with the substance use issue in order to participate in the process without penalty. All employees who enter the EAP shall submit to follow-up testing as indicated in this policy.
3. Absences due to substance use treatment may be covered under the Family and Medical Leave Act (FMLA) if the substance use constitutes a serious health condition that includes either of the following:
 - a. Any period of incapacity or treatment connected to inpatient care such as substance use treatment or hospitalization.
 - b. Continuing treatment by a health care provider, which includes any period of incapacity (i.e., inability to work) due to a health condition lasting more than three consecutive days (including treatment for or recovery from the health condition) and any subsequent treatment or period of incapacity relating to the same condition.
4. Employees may be granted leave with a conditional return to work, contingent upon successful completion of the agreed-upon treatment regimen, which may include follow-up testing. If an EAP referral to a

treatment provider outside the EAP is necessary, costs may be covered by your medical insurance; but the costs of such outside services are your responsibility.

5. Once an employee has entered a drug/alcohol treatment program if he or she is found to be non-compliant with the program requirements, follow-up testing may be conducted and appropriate disciplinary action may be taken, up to and including dismissal.
6. Once an employee is informed of any form of impending drug test, he/she does not have the option of going to supervisors and/or Human Resources at that time seeking help through EAP to avoid discipline before the pending drug test is completed. EAP services are available to the employee for all other issues except to avoid drug testing after the employee has been notified of an impending drug test.

6.1 Prior Notice

The City shall provide written notice of the Drug-Free Workplace Policy to all employees and job applicants who are in, or who are applying for a safety-sensitive position. 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.

Additionally, employees in a safety-sensitive position will sign an Acknowledgment of Designation of Position as Safety Sensitive form.

6.2 Types of Testing

1. Pre-employment Testing - To comply with 49 CFR 382, 653, and 654, all applicants for positions of a safety sensitive nature and all applicants who are required to obtain a CDL to perform their job functions will be required to submit to a test, after a conditional offer of employment, for the purpose of detecting substance use. A confirmed positive result or a refusal to test shall be grounds for non-selection or termination. Unacceptable test results shall be valid for one year. Candidates shall not be eligible for reconsideration until the one-year period has elapsed.
2. Reasonable Suspicion Drug and Alcohol Testing - Employees shall be required to submit to drug and/or alcohol testing as a condition of continued employment in any case in which an individualized “reasonable

suspicion” exists that the employee uses illegal drugs and/or is misusing prescription drugs or is using alcohol on the job. A supervisor may recommend a reasonable suspicion drug or alcohol test be conducted. Circumstances which constitute a basis for determining “Reasonable Suspicion” may include but are not limited to:

- a. Observable phenomena, such as direct observation of drug or alcohol use or possession or the physical symptoms of being impaired by a drug or alcohol;
- b. A pattern of abnormal conduct or erratic behavior;
- c. The identification of an employee as a suspect in a criminal investigation involving drug possession, use, distribution, or trafficking;
- d. Information provided by reliable and credible sources, as determined by the supervisor/designee, or independently corroborated by methods to include but not limited to audio or video recorded evidence;
- e. Newly discovered information indicating that the employee may have tampered with a previous drug or alcohol test.
- f. 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).
- g. Steroid signs and symptoms may include but are not limited to:
 - Increased body mass in short period of time (months),
 - Fluid retention,
 - Acne and/or oily skin,
 - Aggressive moodswings,
 - 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.

3. Additional Procedures:

Supervisors are required to detail, in writing, on the Observed Behavior Form, 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.

The Supervisor or designee shall escort the employee to the testing location.

If the employee fails to provide a specimen immediately, the procedures outlined in section 7.0 (6 a., b., c.) below shall be followed. If the employee cannot provide a specimen during the three-hour timeframe, the escorting employee shall ensure that contact is made with the Director of Human Resources for further instruction.

COJC reserves the right to request observed collection of samples at their discretion. All follow up tests due to an initial positive result will be an observed collection. Observed collections will be based on US DOT's 49 CFR Part 40 guidelines.

4. Post-Accident/Critical Incident Testing:
 - a. An employee shall be subject to drug and/or alcohol testing if he or she appears to have caused or contributed to a work-site accident resulting in:
 - 1) Death,
 - 2) Personal injury requiring immediate medical treatment away from the scene of the accident, or tow-away is required,
 - 3) Any type of car accident in which the employee is operating a city vehicle and any form of damage is inflicted on the city and/or another vehicle or other property. If the accident involved the operation of a qualifying commercial motor vehicle, then post-accident testing may also be required under the authority of the Department of Transportation, Federal Highway Administration (DOT/FHWA).
 - b. Employees issued citations who are in an accident producing bodily injury or requires a tow-away accident shall be tested accordingly:
 - 1) If a driver is issued a citation within 8 hours of the occurrence, an alcohol test is required.
 - 2) If a driver is issued a citation within 32 hours of the occurrence, a drug test is required.
 - 3) Always test for both alcohol and drugs any time a fatality is involved as soon as possible.
 - c. An employee who is authorized to carry a firearm shall be required to submit to drug testing after any discharge of the firearm other than at the gun range.
 - d. In the event of a serious or life-threatening injury requiring immediate medical attention the employee shall be taken to the most convenient medical facility/emergency room for treatment of the injury. No specimens shall be taken prior to the administration of emergency medical care. Once this condition has been satisfied, an injured

employee must submit to testing.

- e. An employee who has a confirmed presence of drugs or alcohol or refuses to submit to a test for drugs or alcohol, following an accident or critical incident, may forfeit eligibility for workers' compensation medical and indemnity benefits and may be subject to disciplinary action including termination.
5. Random Testing - Employees in safety-sensitive positions shall be subject to mandatory, random drug and alcohol testing.
- a. Human Resources shall maintain a current list of employees who are subject to random testing as the result of being assigned to a safety-sensitive position. All positions shall be reviewed annually to determine whether a change in job functions necessitates a change in a position's designation or non-designation as safety sensitive.
 - b. Each employee in a position designated as safety-sensitive shall be notified of such designation and shall be required to certify his/her acknowledgment of the safety-sensitive designation by signing the Designation of Position as Safety-Sensitive form.
 - c. On a schedule established by the City and using the list of COJC employees in safety-sensitive positions, Human Resources will notify the appropriate supervisor that an employee has been randomly selected for drug testing. The supervisor shall notify the employee that he/she has been randomly selected for a drug test and direct the employee to immediately report to the designated test site to provide a specimen. Notification to the employee shall occur during the employee's current shift or, if the employee is not on duty at the time, during the next shift the employee works. Testing shall occur during the period the employee is scheduled to work, and within two hours after the employee is notified of his/her selection.
 - d. The test shall be at the City's expense.
 - e. The number of random tests will meet the minimum requirements of 49 CFR Part 40.
6. Fitness-for-Duty Testing- Employees in safety-sensitive positions may be required to submit to fitness-for-duty testing as described below.
- a. If the drug testing result indicates that an employee's ability to perform his or her duties and responsibilities may be impaired due to the presence of legally prescribed medication a recommendation for a fitness-for-duty examination may be received from the MRO.
 - b. A fitness-for duty examination may also be ordered if recommended by the MRO. This may be due to a drug testing result that indicates an employee's ability to perform his or her duties and responsibilities

may be impaired due to the presence of legally prescribed medications. In this case, Human Resources will make appropriate arrangements for a fitness-for-duty examination.

- c. The fitness-for-duty test will be conducted by a licensed professional medical provider skilled and qualified to do fitness evaluations for physical and/or psychological impairments, to ensure that the employee is able to perform his/her duties in a safety sensitive position.
7. 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.

6.0 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. Those employees assigned to a position requiring him/her to maintain a specialized/commercial driver’s license in order to complete his/her assigned duties shall be tested in compliance with USDOT 49 CFR Part 40 and Federal Motor Carrier Safety Administration (FMCSA) 49 CFR Part 382. 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, hydrocodone)
4. Phencyclidine (PCP)
5. THC (marijuana)

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, hydrocodone)
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

1. Specimens will also be examined for adulteration. The following are the standard, though not the only, indicators of adulteration that will be checked for:
 - a. Temperature
 - b. Color/Appearance
 - c. Nitrates
 - d. Oxidants
 - e. Specific Gravity
 - f. PH Level
 - g. Creatinine
2. Contract laboratory staff trained to collect urinalysis specimens shall conduct urine specimen collection. Employees to be tested shall be required to provide positive photograph identification before entering the testing area. Collection procedures shall be in conformance with the procedures compiled at and required by USDOT 49 CFR, Part 40, and must be collected in accordance with those procedures using the split sample method. An approved chain of custody form shall be utilized.
3. Security of the collection site, chain of custody procedures, privacy of the individual, collection control, integrity, identity, and retention of the specimen, and transportation of the specimen to the laboratory shall be in accordance with the SAMHSA guidelines and United

States Department of Transportation regulations (49 CFR, Part 40).

4. The lab must comply with the procedures established by the federal DOT. Labs that perform confirmation test must also be certified by either the SAMHSA or other appropriate accrediting agency. If a positive result is found, the laboratory shall immediately perform a confirmation test using gas chromatography/mass spectrometry (GC/MS).
5. Positive, adulterated, or invalid results attained on both testing methods shall be reported to the MRO who shall proceed as set forth in Section 6.0 (2)

7.0 REPORTING AND REVIEW OF RESULTS BY MRO

1. The contract laboratory shall report any specimens with evidence of dilution, contamination, tampering or any question normally requiring an MRO opinion to the MRO for disposition. The MRO may determine the need to re-test, re-collect, or otherwise modify the collection procedure to ensure adequate and appropriate testing.
 - a. Samples which are confirmed as “Adulterated Samples” will be considered positive and will follow the procedures outlined in 2-7 below.
2. The contract laboratory shall report confirmed positive tests to the MRO. After the laboratory has returned a confirmed positive test result to the MRO, he/she shall attempt to contact the employee/applicant within 24 hours to privately discuss any issues that might have affected the urine sample.
 - a. An employee/applicant who receives a positive confirmed test result from the MRO may contest or explain the result to the MRO within five (5) working days after receiving such notification. The MRO may require the employee/applicant to submit additional evidence to justify a positive drug test result, including, but not limited to, a valid prescription or a letter from the individual’s physician verifying a valid prescription. The prescription must have been issued within six months prior to the positive confirmed drug result for purposes of determining a valid prescription and immunity from actions authorized by this policy following a positive confirmed drug result.
 - b. The MRO shall review all medical records made available by the employee/applicant, if any, and determine whether a confirmed positive test could have resulted from legally prescribed medication. If an employee’s or applicant’s

explanation or challenge is unsatisfactory to the MRO, or if the employee/applicant does not challenge the test result, the tests shall be considered verified. The MRO shall promptly report the verified test result to Human Resources.

- c. Employees who test positive for legally prescribed drugs or who have produced two (2) invalid tests may be asked to submit to a fitness-for-duty test, as recommended by the MRO, to determine their ability to function in a safety sensitive position. A fitness-for-duty examination does not include an additional drug screen.
 - d. Individuals who pass the Fitness-for-Duty test shall be allowed to return to work as scheduled.
 - e. Individuals who fail the Fitness-for-Duty test shall have their results and all information leading up to the failure forwarded to the Director of Human Resources. The Director and City Manager/designee shall review and decide upon the outcome on a case-by-case basis.
3. If the MRO is unable to make contact with the employee/applicant within 24 hours after a minimum of three (3) reasonably spaced attempts over the 24-hour period, he/she shall request Human Resources contact the employee/applicant and inform the employee/applicant to contact the MRO. The MRO shall not inform the Human Resources representative that the employee/applicant has a confirmed positive, adulterated, substituted or invalid test result.
- a. Human Resources shall immediately attempt to contact the employee/applicant, by telephone and/or written notification instructing him/her to call the MRO. The employee must contact the MRO within five (5) working days from the date of notification by Human Resources
 - b. Human Resources shall notify the MRO when five (5) working days after the attempts to notify the employee has expired. At this time the MRO may verify the test result as positive or refusal to test, as applicable.
4. Upon notification by the MRO, the employee/applicant may request a reconfirmation test using the same specimen sample previously taken.
- a. The reconfirmation test shall be performed by an independent

SAMHSA-certified laboratory designated by the TPA.

- b. The reconfirmation test shall be at the employee's/applicant's expense.
5. An employee that requests a reconfirmation test will be required to use paid leave while waiting for the results of the test. An employee with no paid leave available will be considered on leave without pay. The employee will remain responsible for any employee-portion premiums owed on benefit plans in which they are enrolled.
 - a. Results from this analysis on the split specimen sample shall be evaluated by the MRO and be the final step for determining positive or negative findings.
 - b. Upon being notified by the MRO of an employee's verified test result, the Director of Human Resources shall notify the employee/applicant of his/her positive drug test.
 - c. If there is a positive result the applicant will not be eligible to proceed with the hiring process, and an employee shall not be permitted to return to work. The employee shall be subject to disciplinary action up to and including termination.
 - d. If an employee is terminated for a positive drug screen the unacceptable test results shall be valid for one year. Employees shall not be eligible for reconsideration for hire until the one year period has elapsed.
6. Failure to Provide an Immediate Sample:
 - a. If the employee/applicant fails to provide a specimen immediately, he/she shall remain in the collection area with an escort and may be furnished up to a total of 40 ounces of fluids over a three-hour period.
 - b. If the employee/applicant has not provided a sufficient specimen within three hours of the first unsuccessful attempt, the collection site person shall discontinue the collection and notify the Human Resources.
 - c. Any employee/applicant who fails to provide a sufficient urine specimen may have a licensed physician (who has performed an evaluation of the employee) submit to the MRO a brief written statement indicating the physician's conclusion as to the employee's/applicant's ability to provide an adequate amount of urine and the basis for the conclusion. The MRO shall consider the statement in determining whether the employee has willfully refused to provide the required specimen. After reviewing the physician's

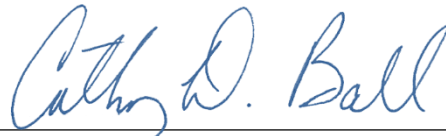
statement, the MRO shall report his/her determination to the Director of Human Resources in writing. For purposes of this paragraph, a medical condition includes an ascertainable physiological condition (e.g., a system dysfunction) or a documented pre-existing psychological disorder, but does not include unsupported assertions of “situational anxiety” or dehydration.

7. Confidentiality: Subject to federal and state law, employee drug and alcohol testing results and records shall be maintained under strict confidentiality. The TPA, the MRO, and employees involved in the administration of this policy shall observe strict confidentiality of an employee’s test results and treatment. Any employee violating this requirement of confidentiality will be subject to disciplinary action, up to and including termination.

a. Any employee who compromises the integrity of the alcohol and drug testing program or who fails to enforce it shall also be subject to disciplinary action, up to and including termination.

8.0 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:



Cathy D. Ball
City Manager

Original: 03/28/1988

Revisions: 03/17/1993, 07/01/2012, 07/01/2014, 01/03/2024



**SIGNED ACKNOWLEDGMENT
RECEIPT OF DRUG-FREE WORKPLACE
POLICY**

By signing this Acknowledgment form, I affirm that I have received a copy of Policy HR168, Drug-Free Workplace. I understand that it is my obligation to read, understand and comply with the procedures and provisions contained within this policy. I also understand that failure to comply with a drug and/or alcohol testing request or a positive confirmed test for the illegal use of drugs and/or alcohol may lead to disciplinary action up to and including termination of employment and/or loss of workers' compensation benefits.

Signature of Employee

Date

Printed Name of Employee

Department

Witness

Safety Sensitive Positions	Department
Code Enforcement Officer	Development Services
Code Enforcement Supervisor	Development Services
Facilities Maintenance Technician I & II	Facilities Management and Public Works
Assistant Fire Chief	Fire
Deputy Fire Chief	Fire
District Fire Chief	Fire
Fire Chief	Fire
Fire Driver Engineer	Fire
Fire Equipment Technician	Fire
Fire Lieutenant	Fire
Fire Marshal	Fire
Fire Prevention Officer	Fire
Firefighter	Fire
Firefighter Trainee	Fire
Fleet Maintenance Supervisor	Fleet
Fleet Management Maintenance Technician	Fleet
Fleet Management Superintendent	Fleet
Master Service Technician	Fleet
Service Technician	Fleet and Public Works
Senior Service Technician	Fleet and Water/Sewer
Youth Services Officer	Juvenile Court
Administrative Specialist I, II & III	Parks & Rec
Assistant Golf Manager	Parks & Rec
Assistant Director of Parks and Recreation	Parks & Rec
Athletics Manager	Parks & Rec
Aquatics Center Supervisor	Parks & Rec
Center Supervisor	Parks & Rec
Custodian	Parks & Rec
Director of Parks and Recreation	Parks & Rec
Golf Course Superintendent	Parks & Rec
Golf Maintenance Manager	Parks & Rec
Golf Maintenance Technician	Parks & Rec
Golf Manager	Parks & Rec
Golf Shop Attendant	Parks & Rec
Head Lifeguard	Parks & Rec
In-Home Service Coordinator	Parks & Rec
Lead Custodian	Parks & Rec
Lifeguards	Parks & Rec
Park Maintenance Supervisor	Parks & Rec
Park Naturalist	Parks & Rec
Park Services Manager	Parks & Rec
Park Services Technician	Parks & Rec
Parks & Recreation Community Engagement Manager	Parks & Rec
Parks & Recreation Fitness Coordinator	Parks & Rec
Parks & Recreation Safety Coordinator	Parks & Rec
Planner II (Parks & Recreation)	Parks & Rec

Program Coordinator I, II and III	Parks & Rec
Public Service Worker	Parks & Rec
Receptionist - Parks and Rec	Parks & Rec
Recreation Generalist	Parks & Rec
Recreation Services Manager	Parks & Rec
Senior Services Manager	Parks & Rec
Senior's Transportation Aide	Parks & Rec
Deputy Police Chief	Police
Family Justice Center Manager	Police
Homeless Outreach Coordinator	Police
Police Captain	Police
Police Chief	Police
Police Lieutenant	Police
Police Major	Police
Police Officer	Police
Police Officer Trainee	Police
Police Sergeant	Police
Victim Services Coordinator	Police
City Forester	Public Works
Concrete Maintenance Worker	Public Works
Landscape Technician I & II	Public Works
Traffic Signal Technician I & II	Public Works
Traffic Signs and Marking Specialist	Public Works
Traffic Signs and Marking Technician I & II	Public Works
Tree Trimmer I & II	Public Works
Sanitation Equipment Operator I, II & III	Public Works
Crew Supervisor	Public Works and Water/Sewer
MEO I, II & III	Public Works and Water/Sewer
General Supervisor	Public Works, Water/Sewer, Parks and Rec
School Transportation Supervisor	Transit
Special Ed Transportation Supervisor	Transit
Transit Operator I, II & III	Transit
Blaster Equipment Operator	Water/Sewer
Crane Truck Operator	Water/Sewer
Meter Reader and Senior Meter Reader	Water/Sewer
Sewer Rehabilitation Coordinator	Water/Sewer
Wastewater Plant Operator I, II & III	Water/Sewer
Water Plant Operator I, II & III	Water/Sewer
Water/Wastewater Maintenance Mechanic I & II	Water/Sewer
Water/Wastewater Maintenance Superintendent	Water/Sewer
Water/Wastewater Maintenance Supervisor	Water/Sewer
Water/Wastewater Service Worker	Water/Sewer
Water/Wastewater Superintendent	Water/Sewer



**SIGNED ACKNOWLEDGMENT OF NOTICE OF
DESIGNATION OF POSITION AS SAFETY SENSITIVE**

By signing this Acknowledgment form, I affirm that I have been notified in writing that my position has been designated as safety sensitive and that I will be subject to random drug/alcohol testing in accordance with Policy HR-168, Drug-Free Workplace.

Signature of Employee

Date

Printed Name of Employee

Department

Job Title

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 DRUG USE IN THE WORKPLACE INCLUDE:

- Excessive tardiness or absenteeism — You may see a pattern like an employee calling off on Mondays, after holidays or payday
- Change in appearance such as wearing dirty or wrinkled clothes, looking disheveled or neglecting personal hygiene
- Physical symptoms, including
 - Tremors or shaking
 - Staggering
 - Bloodshot eyes or dilated pupils
 - Alcohol on breath (or constant use of breath mints and gum)
 - Runny nose (or always rubbing their nose)
 - Sweating
 - Clammy hands
 - An expression of being spaced out
- Mood changes like withdrawing from co-workers, acting paranoid, being irrational or irritable, or being argumentative and short-tempered
- Acting inappropriately or erratically in the workspace
- Avoiding people or meetings after lunch
- Multiple daily trips to the bathroom or parking lot
- Running non-work-related errands during work time
- Sleeping at work

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 &
Limited Queries of the FMCSA Drug & Alcohol Clearinghouse**

Name _____ Test Date and Time _____
(if applicable)

Department _____ Position _____

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 | | |

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.

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.

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 Employee/Applicant _____ **Date** _____

Signature of Witness _____ **Date** _____

FOR CDL HOLDERS ONLY:

GENERAL CONSENT FOR LIMITED QUERIES OF THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA) DRUG & ALCOHOL CLEARINGHOUSE

I hereby provide consent to the City of Johnson City to conduct a limited query of the FMCSA Commercial Driver’s License Drug and Alcohol Clearinghouse (Clearinghouse) to determine whether drug or alcohol violation information about me exists in the Clearinghouse.

I understand that if the limited query conducted by the City of Johnson City indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to the City of Johnson City without first obtaining additional specific consent from me.

I further understand that if I refuse to provide consent for the City of Johnson City to conduct a limited query of the Clearinghouse, the City of Johnson City must prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA’s drug and alcohol program regulations.

Signature of Employee/Applicant _____ **Date** _____



**CITY OF JOHNSON CITY
SAFETY-SENSITIVE EMPLOYEE CHECKLIST
DRUG/ALCOHOL/ANABOLIC 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 observed behaviors that require an employee to submit for an alcohol and/or drug and/or steroid test under the reasonable suspicion clause. All parts must be completed by a trained supervisor and signed by both the supervisor and witness and provided to Human Resources **prior** to directing an employee to undergo reasonable suspicion drug testing.

An employee is subject to reasonable suspicion testing when, after review of the specific facts and circumstances in a particular employee’s case, a trained supervisor concludes that there exists a reasonable suspicion that an employee has engaged or is engaging in conduct prohibited under this policy. A trained supervisor must document the specific facts and circumstances that led to reasonable suspicion.

Employee Name **Date & Time of Observation**

Department **Job Title**

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: YES or NO
2. Speech: Normal Incoherent Confused Slurred Whispering Silent
3. Balance: Normal Swaying Staggering
4. Walking: Normal Stumbling Swaying Arms Raised Reaching for Support
5. Standing: Feet Wide Apart Rigid Sagging Knees
6. Eyes: Blood Shot Closed Dilated Droopy Glassy Watery
7. Face: Flushed Pale Sweaty
8. Demeanor: Calm Crying Angry Excited Sarcastic
9. Awareness: Normal Confused Paranoid Sleepy Lack of Coordination
10. Other observations and factors: _____

Above behavior witnessed by:

Supervisor **Date** **Witness** **Date**