SECTION IV: ALCOHOL AND DRUG FREE WORKPLACE

1. GENERAL POLICY. The purpose of this policy is to implement the Federal Drug Free Workplace Act of 1988 by providing for a safe and productive work environment that is free from impaired performance caused by employee use or abuse of alcohol, controlled substances, and/or medication.

2. DEFINITIONS. For the purposes of this policy the following terms are defined herein:

   A. "Alcohol" includes Ethyl Alcohol or Ethanol. Alcohol is not limited to popularly recognized alcoholic beverages such as beer, wine, or liquor.

   B. "Illegal Drugs" means a controlled substance as defined by chapter 812 of title 21 of the United States Code, the possession of which is unlawful under chapter 13 of title 21. The term "illegal drugs" does not mean the use of a controlled substance pursuant to valid prescription or other use authorized by law. Spice is also considered an illegal drug per UCA 58-37-8.

   C. "Controlled Substance" means a drug which has been declared by federal or state law to be illegal for sale or use, but may be dispensed under a physician's prescription.

   D. "Prescription Drug" means a drug that can be dispensed to the public only with an order given by a properly authorized person.

   E. "Convicted" means finding guilt by any judicial body charged with the responsibility to determine violations of federal or state alcohol and criminal drug statues.

   F. "Drug Test" means the scientific analysis of urine, blood, hair, saliva and/or breath sample for the presence of "illegal drugs".

   G. "Sample" usually means urine but may include blood, breath, saliva, and/or hair.

   H. "Random Testing" means the unannounced drug testing of an employee or volunteer who was selected for testing by using a method uninfluenced by any personal characteristics other than job category.

   I. "Reasonable Cause / Suspicion" for testing existing employees includes, but is not limited to, any accident involving an employee who was driving a City-provided vehicle or operating City-provided equipment, an appearance and/or behavior which would lead a reasonable person to believe that an employee may be under the influence of drugs or alcohol, or anytime employees are injured or violate a safety rule that could lead to significant injury to themselves or others.

   J. "Initial Screening" means the immunoassay test initially ran on a sample.

K. "Confirmation Test" means the Gas Chromatography/Mass Spectrometry test ran to verify when an amount first screens above the initial screening levels.

L. "Verified Positive Drug Test" means a test result that has been confirmed by a Gas Chromatography/Mass Spectrometry Assay, or other comparably reliable analytical method and reviewed and verified by the Medical Review Officer.

M. "Safety Sensitive Employees" shall include:

(1) Non-DOT:

(a) All Fire Department positions.

(b) Sworn Police Officers (including Reserve Officers).

(c) Animal Services/Code Enforcement Officers.

(d) Bailiffs.

(e) Crossing guards.

(2) DOT:

(a) All Public Works positions holding current CDL's.

N. "Volunteer" means any person who donates services as authorized by the City without pay or other compensation except expenses actually and reasonably incurred.

3. SCREENING THRESHOLDS. The amount in milligrams per deciliter that shall be present in a specific lab specimen for the test to return a positive result.

A. Non-DOT:

	Initial Screening	Confirmation Test
Amphetamines	1000 ng/ml	500 ng/ml
Barbiturates	300 ng/ml	200 ng/ml
Benzodiazepines	300 ng/ml	200 ng/ml
Cocaine Metabolites	300 ng/ml	150 ng/ml
Marijuana Metabolites	50 ng/ml	15 ng/ml
Methadone	300 ng/ml	200 ng/ml
Opiates	300 ng/ml	300 ng/ml
Oxycodones	100 ng/ml	100 ng/ml
Phencyclidine	25 ng/ml	25 ng/ml
Propoxyphene	300 ng/ml	200 ng/ml
Breath Alcohol	0.02%	0.02%

B. DOT:

	Initial Screening	Confirmation Test
Amphetamines	500 ng/ml	250 ng/ml
MDA-Analogues	500 ng/ml	250 ng/ml
Cocaine Metabolites	150 ng/ml	100 ng/ml
Marijuana Metabolites	50 ng/ml	15 ng/ml
Opiates	2000 ng/ml	2000 ng/ml
6-Acetylmorphine	10 ng/ml	10 ng/ml
Phencyclidine	25 ng/ml	25 ng/ml
Breath Alcohol	0.02%	0.02%

4. EMPLOYEES, PROSPECTIVE EMPLOYEES, AND VOLUNTEERS RESPONSIBILITIES.

A. No employee or volunteer shall unlawfully manufacture, dispense, possess, use, or distribute any illegal drugs or alcohol.

B. Possession or storage of alcohol or illegal drugs in City vehicles or on City premises is strictly prohibited. An employee or volunteer shall be considered in possession of alcohol or illegal drugs if said alcohol or illegal drugs is discovered on the employee's or volunteer's person, in the employee's or volunteer's locker, office, tool box, personal work place equipment, lunch box, or City vehicle or equipment which is in their custody.

(1) When there is reasonable cause to believe that an employee or volunteer is in possession of illegal drugs or alcohol (i.e. first hand or eye witness reports of violation) the City reserves the right to request an inspection of any item(s) the employee has brought on City property. The City also reserves the right to search any City owned property at any time.

C. Any employee or volunteer convicted under a federal or state statute regulating controlled substances shall notify their supervisor and the Mayor within five (5) days after the conviction. The employee shall be subject to disciplinary action pursuant to Section VII: Disciplinary Action of this manual.

D. No employee or volunteer shall consume alcoholic beverages immediately before work, during work hours while at work, during breaks, during lunch, or while on-call.

E. No employee or volunteer shall be impaired by alcohol or illegal drugs during work hours.

F. No employee or volunteer using medication that may impair performance shall operate a motor vehicle on behalf of the City. If an employee or volunteer is using prescription or non-prescription medication that may impair performance of

duties, the employee shall report that fact to their supervisor. Supervisors have the responsibility to deny an employee or volunteer access to City-provided vehicles and equipment if the effects of prescription drugs or non-prescription medication will render the employee or volunteer unsafe in the operation of the vehicle or equipment.

G. Department Heads may change an employee or volunteer's assignment while the employee or volunteer is using prescription medication, so long as the employee or volunteer's performance of the new assignment shall not be impaired by the medication or adversely affect the health and safety of other employees or citizens of the City.

H. No employee or volunteer shall represent the City in an official capacity while impaired by alcohol, illegal drugs, or medication.

I. An employee or volunteer who has reason to believe that the performance of another employee or volunteer is impaired by alcohol, illegal drugs, or medication shall notify the impaired employee's supervisor and/or the Mayor or City Manager.

J. Employees or volunteers shall submit a sample for testing or retesting as instructed by their Department Head as soon as possible for the purposes of post-accident and reasonable cause / suspicion testing.

5. STANDARDS & PROCEDURES. In order to ensure compliance with the Federal Drug Free Workplace Act of 1988 by providing for a safe and productive work environment that is free from impaired performance caused by employee use or abuse of alcohol, controlled substances, and/or medication, Tremonton City has established standards and procedures.

A. The City may conduct drug testing under the following circumstances:

(1) Pre-employment hiring of Full Time, Part Time, Temporary/Emergency, and Firefighter/EMT employees or volunteer's who shall be driving City vehicles;

(2) Post accident investigations (see subsection 5.C. below);

(3) Reasonable cause / suspicion situations;

(4) Random testing in safety sensitive positions or to comply with the federal Drug Free Workplace Act of 1988 or other federally required drug policies.

B. Pre-Employment Testing. After a prospective employee has been conditionally offered a job with the City, they shall be tested for drug and/or alcohol usage prior

to beginning employment. The City shall exclude from employment a job applicant or employee who refuses to abide by the terms of this policy. Any prospective employee whose pre-employment drug and/or alcohol test results in a confirmed positive may reapply for employment with the City after one (1) year from the date of such test. If the City hires a prospective employee, they shall have first successfully passed the above-referenced pre-employment drug and alcohol test, and thereafter shall be subject to all the procedures and requirements for drug and/or alcohol testing as set forth in this policy.

C. Post-Accident Testing. As soon as possible (not to exceed eight (8) hours) following an accident resulting in: a fatality; a Major Vehicle Collision as defined in Section XIX: General Safety, Subsection 5. A. (4)); damage to City property estimated to be in excess of $1,500; or an employee seeking immediate medical attention away from the work site.

D. Reasonable Cause / Suspicion Testing. Tremonton City shall require testing of any employee during their employment period when there is reasonable cause or other overt behavior that leads them to believe that the employee is under the influence of drugs or alcohol.

(1) If an employee is sent to be tested for drugs or alcohol for "reasonable cause / suspicion", the employee shall be placed on Administrative Leave with pay (U.C.A. 10-3-1105 (1)) until the City receives the test results. If the results come back negative, the employee shall return to work immediately. If the results come back positive, the employee may be subject to discipline, which may include, but is not limited to, termination. In either case, the employee is not to return to the City until they hear from their Department Head.

E. Random Testing. Random testing shall be conducted on a quarterly basis.

(1) Employees assigned to safety sensitive duties are subject to random drug/alcohol testing and when selected shall be notified on the appointed day and shall be given two (2) hours to report to the collection facility to provide a sample. Providing a diluted or adulterated sample shall result in appropriate employee disciplinary action, up to and including termination.

(2) An employee who is off-duty when asked to report for a random drug test and who's test returns positive for alcohol, shall not be subject to disciplinary action.

F. All volunteers may be subject to the following testing:

(1) Pre-Employment Testing;

(2) Reasonable Cause / Suspicion Testing; and

(3) Post-Accident Testing (see subsection 5.C. above).

G. The City shall ensure that:

(1) All sample collections under this policy are performed by an entity independent of the City;

(2) All testing for drugs under this policy are performed by an independent laboratory certified for employment drug testing by either the Substance Abuse and Mental Health Services Administration or the College of American Pathology;

(3) The instructions, chain of custody forms, and collection kits, including bottles and seals, used for sample collection are prepared by an independent laboratory certified for employment drug testing by either the Substance Abuse and Mental Health Services Administration or the College of American Pathology; and

(4) Sample collections and testing for drugs under this policy is in accordance with Utah law.

(5) All drug test results shall be kept private per the Government Access and Records Management Act (GRAMA)(UCA 63G-2-302).

H. The City requires the following from the independent laboratory:

(1) The collection of samples is performed under reasonable and sanitary conditions;

(2) Samples are collected and tested:

(a) To ensure the privacy of the individual being tested; and

(b) In a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples;

(3) Sample collection is appropriately documented to ensure that:

(a) Samples are labeled and sealed to reasonably preclude the probability of erroneous identification of test results; and

(b) Employees, volunteers, prospective employees, or prospective volunteers have the opportunity to provide notification of any information considered relevant to the test, including identification of currently or recently used prescription or nonprescription drugs or other relevant medical information.

(4) Sample collection, storage, and transportation to the place of testing are performed in a manner that reasonably precludes the probability of sample misidentification, contamination, or adulteration; and

(5) Sample testing conforms to scientifically accepted analytical methods and procedures.

I. Any drug testing by the City shall occur before, during, or immediately after the regular work period of the employee or volunteer and shall be considered as work time for purposes of compensation and benefits.

J. The City shall pay all costs of sample collection and testing for drugs required under this policy, including the costs of transportation if the testing of a current employee or volunteer is conducted at a place other than the workplace.

6. DISCIPLINARY ACTION. Because of the serious nature of the illegal use or abuse of alcohol, controlled substances, and/or medication, appropriate employee disciplinary action shall be taken, up to and including termination.

A. Before the result of any test may be used as a basis for any action by the City, the City shall verify or confirm any positive initial screening test by gas chromatography, gas chromatography-mass spectroscopy, or other comparably reliable analytical methods and shall provide that the employee, prospective employee, volunteer, or prospective volunteer be notified as soon as possible by telephone or in writing at the last-known address or telephone number of the result of the initial test, if it is positive, and be notified of the option to have the 15 ml urine sample tested at the expense of the City.

B. In the event of a verified or confirmed positive drug test result or if an employee, volunteer, prospective employee, or prospective volunteer refuses to provide a sample in accordance with this policy, or tampers with a sample, or otherwise violates this policy, the City may use that test result, refusal, or violation as the basis for imposing any disciplinary and corrective actions authorized by this policy and pursuant to Section VII: Disciplinary Action.

7. LIMITATIONS

A. An employee, volunteer, prospective employee, or prospective volunteer whose drug test results are verified or confirmed as positive shall not, by virtue of those results alone, be defined as disabled for purposes of the Utah Antidiscrimination Act or the Americans with Disabilities Act of 1990.

B. A physician-patient relationship is not created between an employee, volunteer, prospective employee, or prospective volunteer, and the City, solely by the establishment of a drug testing program in the workplace.

Notes: