

*City of St. Louis Department of Personnel Administrative
Regulation NO. 120B*

DRUG & ALCOHOL TESTING PROGRAM (NON-DOT)

Revised & Reissued: January 31, 2014

I. TABLE OF PROVISIONS

I. Table of Provisions	1
II. Purpose	2
III. Policy	2
IV. Drug-Free Workplace	2
V. Employee Assistance Program	2
VI. Definitions	2
VII. Prohibited Alcohol Use	6
VIII. Prohibited Drug Use	7
IX. Knowledge/Disclosure of Drug and Alcohol Use	7
X. Drug and Alcohol Testing Circumstances	7
A. Pre-Employment/Promotional or Return from Seasonal Leave or Lay Off Testing	7
B. Reasonable Suspicion Testing	8
C. Random Testing	8
D. Return-to-Duty Testing	9
E. Follow-Up Testing	9
XI. Test Referral Procedure	9
XII. Sample Collection and Retesting	10
XIII. Test Results and Consequences	11
XIV. Documentation	13
XV. Unscheduled and Agency-Specific Testing	14
XVI. Prescription Drugs	14
XVII. Requirements for Agencies Receiving Federal Funds	14
XVIII. Confidentiality	15

II. PURPOSE:

The purpose of this regulation is to prevent the illegal and/or inappropriate use of drugs and alcohol within the City's workforce. The

ultimate goal is to prevent or reduce the accidents, injuries, serious health effects and human suffering that often result from drug and/or alcohol abuse or misuse.

III. POLICY:

It is the City's policy not to hire or continue to employ individuals who unlawfully or inappropriately use, manufacture, dispense, sell, possess, or distribute drugs and/or alcohol. Employees who test positive for drugs will be considered guilty of misconduct and must be dismissed. Employees who test positive for alcohol will be considered guilty of misconduct and will either be directed to mandatory treatment and/or disciplined up to and including dismissal.

IV. DRUG-FREE WORKPLACE:

Any City employee who is convicted of a criminal drug offense that takes place while either on or off duty, whether engaged in City business or not, is hereby required to report the conviction to his or her appointing authority within five (5) calendar days of the conviction. Any employee who fails to comply with this requirement or with any other provision of this regulation will be subject to disciplinary action up to and including dismissal

V. EMPLOYEE ASSISTANCE PROGRAM:

City employees who are experiencing problems with drugs and/or alcohol are encouraged to contact the Employee Assistance Program (E.A.P.) for confidential, professional assistance. The E.A.P. can be reached by calling the telephone number provided on the attached "Certification and Declaration" form, or by calling the Employee Relations Section of the Department of Personnel at 622 3563. All calls will be handled in a confidential manner.

VI. DEFINITIONS:

For purposes of this regulation, the following terms and definitions shall apply.

A. "Adulterated Specimen" means a urine specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of

specimen or showing an abnormal concentration of an endogenous substance.

B. "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.

C. "Compliance" means submitting to drug and alcohol testing when required to do so, accepting a mandatory referral to the E.A.P. following a positive alcohol test or voluntary disclosure of a drug and/or alcohol problem, and following all requirements prescribed by the Substance Abuse Professional (SAP) regarding the treatment plan and follow-up testing.

D. "Confirmatory Drug Test" means a second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite.

E. "Controlled Substance" means those substances controlled by federal or state law, for which the unauthorized possession, sale, manufacture, distribution, dispensation or use is illegal. This does not include alcohol.

F. "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.

G. "Criminal Drug Statute" means an act that violates a federal, state, or local criminal statute prohibiting the unauthorized possession, sale, manufacture, dispensation, distribution, or use of a controlled substance.

H. "Designated Employee Representative" DER is also known as the "Drug and Alcohol Program Administrator" (DAPA). This refers to the employee designated by the Director of Personnel to administer the City's drug and alcohol testing program, and to act as liaison between the

medical and/or E.A.P. service providers and the several City operating departments on program-related matters.

I. "Dilute Specimen" means a urine specimen with creatinine concentration and specific gravity values that are lower than expected for human urine.

J. "Directly Observed Drug Screen" means a urine collection requiring the employee (donor) to be directly observed by a collection agency employee of the same sex as the donor.

K. "Drug" means any controlled substance, including but not limited to substances controlled by federal or state law, for which the unauthorized possession, sale, manufacture, distribution, dispensation or use is illegal.

L. "Follow-Up Test" means a drug and/or alcohol test authorized on an unscheduled basis by the DAPA consistent with the written instructions of the Substance Abuse Professional (SAP) for an employee who was given a Mandatory Referral to the EAP because of a self-disclosure of a substance abuse problem or following a first positive alcohol test. Drug testing under these circumstances may be performed under direct observation by an employee of the collection agency of the same gender as the employee.

M. "Initial Drug Test" also known as a "Screening Drug Test" is the first test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

N. "Initial Specimen Validity Test" means the first test used to determine if a urine specimen is adulterated, diluted, substituted or invalid.

O. "Invalid Drug Test" means the result reported by a United States Department of Health and Human Services HHS-certified laboratory in accordance with the criteria established by HHS Mandatory Guidelines when a positive,

negative adulterated or substituted result cannot be established for a specific drug or specimen validity test.

P. "Medical Review Officer" (MRO) means a person who is a licensed physician who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

Q. "Negative Result" means the result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.

R. "Non-negative Specimen" means a urine specimen that is reported as adulterated, substituted, [positive for drug(s), or drug metabolite(s)] and/or invalid.

S. "Positive Alcohol Test" means a confirmation test with a result of 0.04 or greater. A positive alcohol test is considered misconduct at work and subjects the employee to mandatory treatment and/or disciplinary action up to dismissal from employment.

T. "Positive Drug Result" means the result reported by the HHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations. Testing positive for a drug or drug metabolite is considered misconduct at work and cause for dismissal.

U. "Pre-Employment/Promotional or Return from Seasonal Leave or Lay Off Test" means a drug test required for classes designated for testing before an eligible candidate assumes employment as a new hire for City service or before a current City employee assumes a promotional position, or before a Career Seasonal or Limited Term employee or an employee laid off from a permanent position can return to duty following a seasonal leave or lay off of a minimum of thirty (30) days. This requirement also covers time spent on leave under a Mandatory Referral for

substance abuse treatment and leaves of absence without pay or benefits. This requirement does not include absences due to the use of Family and Medical Leave (FMLA), vacation or compensatory time.

V. "Public Safety Position" means any position in the public safety classes listed below, or as may be amended by the Director of Personnel: Airport Police Chief, Airport Police Officer; Airport Police Sergeant; Airport Police Lieutenant; Airport Police Captain; Deputy Airport Police Chief; Battalion Fire Chief; Chief Deputy Marshal; City Marshal; Commissioner of Corrections; Correctional Chief of Security; Correctional Classification Assistant; Correctional Case Worker; Correctional Case Worker Assistant; Correctional Investigator; Investigation Supervisor I; Investigation Supervisor II; Correctional Officer I; Correctional Officer II; Correctional Program Manager; Correctional Shift Supervisor; Correctional Center Superintendent; Correctional Training Coordinator; Correctional Program Supervisor; Correctional Unit Manager; Deputy Fire Chief; Deputy Marshal; Detention Center Superintendent; Chief Paramedic; EMS Communications Supervisor; EMS Inventory Supervisor; EMS Chief; EMS Deputy Chief, EMS Dispatcher, EMS Lead Dispatcher; EMT (Emergency Medical Technician); EMS Training Specialist; Fire Alarm Manager; Fire Captain; Fire Chief; Fire Equipment Dispatcher; Fire Private; Lifeguard; Lifeguard Supervisor; Operations Assistant-Security; Paramedic; Paramedic Crew Chief; Paramedic Supervisor; Park Ranger; Park Ranger Supervisor I; Park Ranger Supervisor II; Park Ranger Manager; Public Safety Specialist; Probationary Fire Equipment Dispatcher; Probationary Fire Private; Security Officer; Senior Fire Equipment Dispatcher; Supervising Deputy Marshal; Criminalist I and II; Criminalist Supervisor; Laboratory Manager; DNA Technical Leader; CODIS Administrator; Prisoner Processing Clerk; Prisoner Processing Supervisor; Communications Service Center Specialist I, II, and III; Communications Service Center Supervisor; Communications Service Center Manager; Police Dispatcher I and II; Police Dispatch Supervisor and

Police Dispatch Manager; Security Officer; Fleet Maintenance Technician I, II, and III (non-CDL); Fleet Maintenance Foreman I and II (non-CDL); Fleet Maintenance Manager (non-CDL).

W. "Reconfirmed" means the result reported for a split specimen when the second HHS-certified laboratory is able to corroborate the original result reported for the primary specimen.

X. "Refusal to Test" means failure to appear for any test after a reasonable period of time as determined by the Department of Personnel, appointing authority or his or her representative after being directed to do so; failure to remain at the testing site until the testing process is complete; failure to provide an adequate sample of breath for an alcohol test or urine for a drug screen when directed without a valid medical explanation; failure to comply with a directly observed collection when required, and failure to cooperate with any part of the testing process and/or providing an adulterated or substituted specimen. Refusal to test is considered misconduct at work and cause for dismissal.

Y. "Rejected for Testing" means the result reported by an HHS-certified laboratory when no tests are performed for a specimen because of a fatal flaw or a correctable flaw that is not corrected.

Z. "Return-to-Duty Test" means drug and/or alcohol test(s) performed on an employee who is enrolled in the City's mandatory treatment program because of self-disclosure of a substance problem or following a first positive alcohol test. The Substance Abuse professional assigned to the employee will communicate in writing to the City's Drug and Alcohol Program Administrator (DAPA) when an employee is ready to be tested, prior to returning to the workplace. The DAPA will authorize such testing and report the results to the appointing authority prior to the employee's return to work. This test may be performed under direct observation.

AA. "Substance Abuse Professional" means a state-licensed mental health professional (social worker, physician, psychologist, Employee Assistance Professional, addiction counselor) certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission with clinical experience in the diagnosis and treatment of alcohol and drug related disorders.

BB. "Spilt Specimen Collection" means a collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

CC. "Substituted Specimen" means urine specimen with creatinine and specific gravity values that are so diminished or so divergent that it is not consistent with normal human urine.

DD. "Testing Facility" means an outpatient medical facility, hospital emergency room or any City work site, which can be accessed by an on-site collection service.

VII. PROHIBITED ALCOHOL USE:

A. No employee shall report for duty or remain on duty with an alcohol concentration of 0.04 or greater. Moreover, no employee shall consume alcohol while on duty and/or engaged in City business.

B. In addition, employees who occupy public safety positions and those who operate motor vehicles or heavy machinery are prohibited from:

1. Reporting to work with an alcohol concentration of 0.02 or greater;

2. Consuming alcohol within four (4) hours of (a) reporting to work, or (b) while performing the duties of a public safety position. This includes a prohibition on alcohol consumption during the entire work period, including, but not limited to lunch breaks;

3. Consuming alcohol within the eight (8) hour period immediately following a vehicular accident that requires

Reasonable Suspicion drug and alcohol tests, or until undergoing such tests, whichever occurs first;

4. Consuming alcohol while operating a motor vehicle or heavy machinery.

C. Possession of alcoholic beverages in the workplace is prohibited, and will result in disciplinary action up to and including dismissal.

VIII. PROHIBITED DRUG USE:

Employees are prohibited from using drugs during on-duty periods except when used pursuant to the instructions of a licensed medical practitioner who has advised the employee that the drug (s) will not adversely affect the employee's ability to safely perform the duties of his or her position. The unlawful possession, use, distribution, dispensation, manufacture or sale of controlled substances is prohibited, whether at the workplace or elsewhere.

IX. KNOWLEDGE/DISCLOSURE OF DRUG AND ALCOHOL USE:

A. Supervisors and managers who have knowledge that an employee has used drugs or alcohol in a manner prohibited under Sections VII and VIII of this regulation, or is under the influence of drugs or alcohol must refer the employee for drug and/or alcohol tests. Failure to make the referral is a violation of the City's policy on drugs and alcohol, and cause for disciplinary action.

B. Employees who voluntarily disclose a problem with drugs or alcohol to a supervisor or manager or who submit a Family and Medical Leave request for substance abuse treatment must be placed on leave and given a mandatory referral to the E.A.P. for assessment, treatment and/or referral. It will not be considered voluntary disclosure if said disclosure occurs on the date an employee is notified that he/she will be required to submit to an alcohol and/or drug test or following the administration of said test(s). Employees must return to duty within twelve (12) weeks (XIII. E.) may return to work only after they are declared ready to do so by the E.A.P. and test negative on "Return to Duty" drug and/or alcohol tests. After an employee has returned to duty, he/she will be subject to follow-up testing, and monitored for compliance with the prescribed treatment plan by the Substance Abuse Professional for at least one (1) year (or longer if so determined by the SAP).

X. DRUG AND ALCOHOL TESTING CIRCUMSTANCES:

Employees and applicants for employment with the City of St. Louis may be tested for drugs and/or alcohol in accordance with the provisions of this regulation. Listed below are the conditions and/or circumstances under which non-DOT tests will be required.

A. Pre-Employment/Promotional or Return from Seasonal Leave Testing

Candidates for positions that have been designated for testing by the Director of Personnel must be issued a Drug Evaluation Notice and referred for a pre-employment or promotional drug test. Testing of all candidates must be authorized by the Drug and Alcohol Program Administrator or his/her designee. Only candidates who test negative for drugs are eligible for appointment to a City position. Promotional candidates who test positive for drugs will also be dismissed from their current positions.

Employees occupying some Career Seasonal or Limited-Term positions that involve seasonal leave, or employees who are being re-employed after being laid off from positions that require drug screens will be subject to drug testing before returning to duty if the lapse in employment has exceeded (30) days. Such tests will be authorized in the manner described above for pre-employment candidates.

Questions about pre-employment/promotional, return from seasonal leave being re-employment after lay off drug testing, as well as pre-employment physical examinations are to be directed to the Drug and Alcohol Program Administrator in the Employee Relations Section of the Department of Personnel at 622-3563.

B. Reasonable Suspicion Testing

Employees who are believed to be under the influence of drugs and/or alcohol must be issued a Drug/Alcohol Evaluation Notice and referred for Reasonable Suspicion drug and/or alcohol tests. Referrals for reasonable suspicion drug and/or alcohol tests must be based on specific contemporaneous, describable observations related to the appearance, behavior, speech or body odor of the employee. Indicators of drug and/or alcohol use may include, but are not limited to, indications of the chronic or withdrawal effects of drug use, the smell of alcohol, an unsteady gait, swaying, staggering, slurred or rambling speech, drowsiness, unusual irascibility, belligerence, uncharacteristic negligence, etc. These indicators may be combined with profuse perspiring, unusually red eyes, inability to answer simple questions, etc.

Only supervisors and managers who are trained to identify and/or detect the signs, symptoms and effects of drug and alcohol use may refer an employee for Reasonable Suspicion drug and/or alcohol testing. Supervisors who do not have the requisite training, and who suspect that an employee is under the influence of drugs and/or alcohol, should report his or her observations to a supervisor who has the required training. If the reviewing supervisor confirms the reported observations, he/she should recommend referral of the employee for testing. Employees who are referred for reasonable suspicion drug and/or alcohol testing must be transported to and from the testing facility, unless the testing is conducted at the work site.

C. Random Testing

Employees who occupy public safety positions comprise the Non-DOT Random Testing Pools, (as identified in paragraph VI. V. of this regulation). These testing pools are separate and distinct from the DOT Random Testing Pool [Adm. Reg. 120 (A)], for the purposes of random selection, testing and reporting. The Drug and Alcohol Program Administrator will notify the operating departments when random drug and/or alcohol tests are required, and provide the necessary signed Drug/Alcohol Evaluation Notice forms.

D. Return-to-Duty Testing

Employees who are given a mandatory referral to the E.A.P. following a positive alcohol test, or who voluntarily disclose a drug and/or alcohol problem must test negative for drugs and/or below 0.02 for alcohol before returning to work. Specifically, when an employee is released to return to work by the E.A.P's Substance Abuse Professional, the Drug and Alcohol Program Administrator will notify the operating department, and provide a Drug/Alcohol Evaluation Notice. The operating department must contact the employee and issue the Drug/Alcohol Evaluation Notice for Return to Duty drug and/or alcohol tests. Only after the DAPA receives and reports negative results to the appointing authority can the employee return to his or her position.

E. Follow-Up Testing

Employees who return to work following release from the E.A.P. must submit to a minimum of six (6) unannounced follow-up

drug and/or alcohol tests (or more if prescribed by the S.A.P.) during the first twelve (12) month-period immediately following the return to work, or as prescribed by the Substance Abuse Professional (SAP). The exact number and types of tests are prescribed by the Substance Abuse Professional and are authorized on an unscheduled basis by the Drug and Alcohol Program Administrator, who will issue a signed Drug/Alcohol Evaluation Notice to the operating department. The operating department will ensure that the employee complies with the required testing

XI. TEST REFERRAL PROCEDURE:

The procedure below is to be followed when referring employees for drug and/or alcohol tests required under Section X. (B) of this regulation. All other testing circumstances are authorized only by the DAPA or designee.

A. Fill in employee's name, social security number, and department in the space provided on the Drug/Alcohol Evaluation Notice form.

B. Check the boxes on the Drug/Alcohol Evaluation Notice form to indicate:

1. That the employee is being referred for NON-DOT tests;

2. Check that the employee is being referred for "Reasonable Suspicion" testing;

3. Fill out the information on the reverse side of the form documenting what behaviors and other factors have been observed to constitute reasonable suspicion that the employee may be under the influence;

4. Whether the employee will be tested for drugs, alcohol or both.

C. Fill in the date that the Drug/Alcohol Evaluation Notice form is issued to the employee in the space provided.

D. Have the employee who is being referred for testing sign the Drug/Alcohol Evaluation Notice form in the space provided.

E. Make a copy of the completed Drug/Alcohol Evaluation Notice form, attach any required documentation (e.g., reason for test delay) to the form, and forward it to the Drug and Alcohol Program Administrator.

F. Issue the Drug/Alcohol Evaluation Notice to the employee and transport the employee to the testing facility. (If the employee is being referred for reasonable suspicion testing, he/she must be transported to the testing facility by a supervisor who must remain at the facility during the testing process.) Testing can also be conducted by dispatching the onsite collector to any City work site or hospital emergency room.

XII. SAMPLE COLLECTION AND RETESTING:

Employees will not be directly observed when providing a urine sample, except under the following circumstances:

A. A specimen has been declared invalid and there is no adequate medical explanation as determined by the Medical Review Officer (MRO).

B. The testing is being performed under Return-to-Duty or Follow-Up circumstances.

C. The collector observes materials brought to the collection site or the employee's conduct at the collection site that indicate an attempt to tamper with the specimen.

D. The specimen temperature is outside the acceptable range, or it is apparent that tampering with the specimen has occurred.

E. The MRO reports a negative-dilute result with a creatinine concentration greater than or equal to 2mg/dL but less than or equal to 5MG/dL and states that a second collection must take place under direct observation.

F. The test is a Return-to-Duty or Follow-Up test after a positive or refusal.

When a directly observed collection is required in the situations listed above, the observer must be an employee of the collection service of the same gender as donor. An employee who declines to allow a directly observed collection as required or permitted under the above circumstances will be declared to have committed a refusal to test.

Samples collected under the City's drug and alcohol testing program will be tested only to determine the validity of the specimen and the presence of drugs or drug metabolites (marijuana, cocaine, opiates, phencyclidine, amphetamine/methamphetamine and MDMA) and alcohol in an employee's system.

XIII. TEST RESULTS AND CONSEQUENCES:

A. Employees who test positive for drugs or refuse to test for drugs and/or alcohol will be considered guilty of misconduct and must be dismissed. As soon as the results are reported to the appointing authority, the employee must be relieved of duty, placed on forced leave as provided in Administrative Regulation No. 117 Discipline Policy and scheduled for a pre-termination review. A request form for the "forced leave" will be provided to the appointing authority and must be signed and returned to the Director of Personnel within seventy-two (72) hours of receipt of placing an employee on forced leave.

B. Employees may be dismissed on the occasion of a first positive alcohol test (See A above). However, employees who are not dismissed after a first positive alcohol test must be placed on "forced leave" as provided by Administrative Regulation No. 117 Discipline Policy and referred to the Employee Assistance Program for assessment, treatment, and/or referral. They must be placed on conditional Family and Medical

Leave at the time they are given a Mandatory Referral to the Employee Assistance Program. A request form for "forced leave" will be provided to the appointing authority and must be signed and returned to the Director of Personnel for approval within (72) hours of placing an employee on forced leave.

C. Employees who test positive for alcohol, and who have previously tested positive for drugs and/or alcohol under this or any prior regulation prohibiting the illegal and/or inappropriate use of drugs and alcohol must be placed on forced leave: and scheduled for a pre-termination hearing (See A. above). The time interval between the two positive tests will not be not be considered a mitigating factor. A request form for the "forced leave" will be provided to the appointing authority and must be signed and returned to the Director of Personnel for approval within seventy-two (72) hours of placing an employee on forced leave.

D. Any employee who voluntarily discloses a substance abuse problem must be placed on "forced leave: as provided by Administrative Regulation No. 117, pending a Mandatory Referral to the E.A.P. and conditional placement on Family and Medical Leave. A request form for the "forced leave" will be provided to the appointing authority and must be signed and returned to the Director of Personnel for approval within seventy-two (72) hours of placing an employee on forced leave.

E. Employees who are referred to the E.A.P. following a positive alcohol test, or the voluntary disclosure of a drug or alcohol problem must return to work within twelve (12) weeks of the referral. Employees who test positive on Return to Duty drug and/or alcohol tests, or who are unable or unwilling to return to work within the twelve (12) week period must be dismissed. Additionally, after returning to duty he or she will be subject to a minimum of six (6) unannounced follow-up drug and/or alcohol tests during the twelve (12) month period or as prescribed by the Substance Abuse Professional (S.A.P.) and authorized by the DER (DAPA).

F. Employees who drive any vehicle or operate heavy equipment while on duty or who occupy public safety positions as designated in VI. (S) of this regulation, and who test from 0.02 to .039 for alcohol are prohibited from working for a period of twenty-four (24) hours following the test result, or until the next scheduled on-duty period, whichever is later. A request form for "forced leave" will be provided to the appointing authority and must be signed and returned to the Director of Personnel

for approval within seventy-two (72) hours of placing an employee on forced leave. Employees who are unable to perform the duties of their positions because of a first alcohol test ranging from 0.02 to .039 will be subject to discipline short of dismissal. Repetition of an alcohol test ranging from 0.02 to .039 will subject the employee to more severe discipline up to and including dismissal.

G. Employees who test negative for alcohol should be returned to work provided a drug screen result is not pending; and, there are no observable indicators that the employee is under the influence of drugs or alcohol. If such indicators are observed, the reviewing supervisor or manager should discuss them with the medical personnel at the testing facility.

H. Any employee who is notified by the DER (DAPA) or designee to contact the MRO must do so within twenty-four (24) hours of notification. Failure to contact the MRO within the required period will subject the employee to disciplinary action up to and including dismissal.

I. Candidates who test positive for drugs or refuse to test will be removed from any eligible list(s) to which they are posted and will not be considered for employment until they provide documentation to the Director of Personnel of successful completion of a substance abuse treatment program.

J. Current employees who test positive for drugs or alcohol or refuse to test will be dismissed and removed from any eligible list(s) and will not be considered for re-hire until they provide documentation to the Director of Personnel of the successful completion of a substance abuse treatment program.

K. An Employee who is given Mandatory Referrals to the E.A.P. (in lieu of dismissal) because of a positive alcohol test or following the voluntary disclosure of a drug or alcohol problem, must continue to comply with the prescribed treatment plan developed by the S.A.P. for the length of time determined by the S.A.P. If at any time during the prescribed treatment period an employee is reported by the S.A.P. to be out of compliance with the treatment plan, the employee must be scheduled for a pre-termination hearing and dismissed.

L. Any employee or candidate for employment whose drug screen results are reported as negative dilute will be required to take an immediate, unannounced retest under direct observation.

M. Any employee who tests positive on "Return to Duty" or "Follow-up" drug and/or alcohol tests or who refuses to test will be dismissed.

N. Dismissal under the provisions of this regulation must be preceded by a pre-termination review. The review should be held in accordance with the provisions of Administrative Regulation No. 117.

XIV. DOCUMENTATION:

Failure to comply with this section of the regulation may result in reporting delays or delay in returning employees to work following return-to-duty drug and/or alcohol tests. Appointing authorities are therefore encouraged to take steps to ensure that the reporting requirements below are met in a timely manner.

A. Appointing authorities are required to issue a copy of this regulation to all employees under their authority. Issuance of the regulation must be documented by having the employee and issuing supervisor sign the attached Certification and Declaration form. The original copy of the form must be filed with Personnel Staffing Services of the Department of Personnel within fifteen (15) working days of issuance. When issued to a new employee, attach the original copy to the New Employee Information Form. One of the two remaining copies should be retained by the operating department or agency, and the other given to the employee.

B. A completed copy of the Drug/Alcohol Evaluation Notice must be filed with the Personnel Services Section of the Department of Personnel within five (5) working days of issuance.

C. A completed copy of the Mandatory E.A.P. Referral Notice must be filed with the Drug and Alcohol Program Administrator within five (5) working days of issuance.

D. The Drug and Alcohol Program Administrator must be notified in writing of any employee who is dismissed for a positive drug and/or alcohol test, or a refusal to submit to testing. The notice must be filed within fifteen (15) working days of the dismissal, and should include the employee's name, department, class title, date and reason for dismissal.

XV. UNSCHEDULED AND AGENCY-SPECIFIC TESTING:

A. The Director of Personnel may orally approve requests from appointing authorities and agency heads to conduct unannounced drug and alcohol tests for certain occupational groups, classes or groups of employees. All unscheduled tests under this provision must be justified by the requesting official and have the prior approval of the Director of Personnel.

B. The Director of Personnel may authorize agency-specific random drug and alcohol testing programs that use professionally developed random selection procedures. Requests for the approval for such programs must be made in writing to the Director of Personnel, and include a statement of need (which must be compelling) and the occupational classes targeted for testing.

XVI. PRESCRIPTION DRUGS:

Any employee who takes prescription drugs (medication) should use them only in the manner prescribed. In addition, he or she should inquire about the drug's likely side effects (e.g., nausea, drowsiness, reduced reaction time, etc.). The information should be available from the prescribing physician or pharmacist who filled the prescription.

An employee who takes a prescription or non-prescription drug (medication) that could affect his or her ability to safely perform the duties of his or her position must report its use to the immediate supervisor before the start of work. This precaution is necessary to avoid unnecessary risk to the employee and/or others. The failure of an employee to report the use of such drugs to the immediate supervisor is a violation of the City's policy on drugs and alcohol, and could result in disciplinary action up to and including dismissal.

XVII. REQUIREMENTS FOR AGENCIES RECEIVING FEDERAL FUNDS:

Under the Drug-Free Workplace Act of 1988, as amended, any City agency with a Federal contract of \$25,000 or more, or that receives funds through Federal grants must report to the granting Federal agency the name of any employee who is convicted of a criminal drug offense that takes place in the workplace. The report must be made to the Federal agency issuing the contract or grant within ten (10) calendar days after receiving notice of the conviction. Contractors and grantees who fail to report a conviction may be subject to one or more of the following sanctions:

- A. Suspension of payments under the grant;
- B. Suspension or termination of the grant; and
- C. Suspension or debarment of the grantee from grants for a maximum period of five (5) years.

City agencies that have Federal contracts or grants are encouraged to contact the issuing Federal agency about reporting requirements under the Drug-Free Workplace Act.

XVIII. CONFIDENTIALITY:

The results from all physical examinations and laboratory tests will be kept confidential, but may be used to process necessary personnel actions, including disciplinary actions, Civil Service appeals, or other litigation.

Questions regarding this regulation should be referred to the Employee Relations Section of the Department of Personnel at 622-3563. For information about related training, contact the Training and Organizational Development Division at 622-5763.

DEPARTMENT OF PERSONNEL

Richard R. Frank
Director of Personnel

Revised and re-issued: January 31, 2014
Attachment

CERTIFICATION AND DECLARATION