

DRUG FREE WORKPLACE AND DRUG AND ALCOHOL TESTING

The City of Valparaiso is committed to maintaining a work environment free from the effects of substance abuse.

Compliance with the City's drug and alcohol policies is a condition of employment.

NOTE: Department Heads are responsible for ensuring compliance with the ADA when inquiring about substances other than alcohol and illegal drugs (e.g. prescription drugs) to assure that inquiries do not elicit information about covered disabilities or otherwise violate the ADA.

The City recognizes that alcohol may be consumed legally and does not prohibit the legal use of alcohol when an employee is not at work or conducting City business or driving a City-owned or operated vehicle. The City expects the use of alcohol by employees in such instances to be responsible.

NOTE: A complete and current list of employees who are subject to drug and alcohol testing described in Sections 28.16, 28.17, 28.18, and 28.19 can be obtained from Human Resources. An employee may also ask his or her Department Head which of those sections applies to his or her position.

28.01 *DEFINITIONS ASSOCIATED WITH DRUG AND ALCOHOL TESTING*

Drugs

Drugs include illegal drugs, illegal use of controlled substances, and misuse of prescription drugs.

NOTE: The legitimate use of controlled substances which are prescribed by a licensed physician is not prohibited, but employees are directed to inquire of their physician about any adverse affects a prescribed controlled substance might have on job performance. Employees must notify their supervisor of such adverse affects.

Alcohol

Alcohol is a colorless flammable liquid that is the intoxicating agent in fermented and distilled liquor. All beverages containing alcohol or any of the various carbon compounds similar to alcohol are covered by this policy.

Substance Abuse

Substance abuse is defined as the use of illegal drugs, the illegal use of controlled substances, the misuse or abuse of prescription drugs, or the misuse or abuse of alcohol.

Workplace

Workplace is defined as including on-premises or off-premises during working hours or during break periods or meal periods (paid or unpaid) when an employee is on-duty or scheduled to return to duty, on-premises or off-premises when an on-call employee is responding to an after work hours call, at any time and place that an employee is conducting City business, and at any time while operating a City vehicle.

Medical Review Officer (MRO)

A Medical Review Officer is a licensed physician responsible for receiving laboratory results generated by an employee's drug or alcohol test who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test together with his or her medical history and any other relevant biomedical information.

Substance Abuse Professional (SAP)

A Substance Abuse Professional is a licensed physician, licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission, with knowledge of and clinical experience in the diagnosis and treatment of substance abuse related disorders.

Breath Alcohol Technician (BAT)

A Breath Alcohol Technician is an individual who is trained to proficiency in the operation of an evidentiary breath testing (EBT) device, and who has successfully completed a National Highway Traffic Safety Administration (NHTSA)-approved course of instruction.

Accident

An accident is an occurrence associated with the operation of any City-owned, leased, or operated vehicle, whether or not such vehicle is in service, if:

1. An individual dies; or
2. Any individual involved in the occurrence suffers a bodily injury and immediately receives medical treatment away from the scene of the occurrence; or
3. The occurrence results in disabling damage to any vehicle involved in the occurrence and the vehicle is transported away from the scene by a tow truck or other vehicle; or
4. The occurrence results in property damage (does not include vehicular damage) that is estimated to be \$5,000 or more.

NOTE: DOT defines accident as including numbers one through three above. The City also includes number four in its definition of accident.

28.02 *SUBSTANCE ABUSE EDUCATION AND TRAINING*

During a new employee's orientation, the employee receives educational materials on the indicators, impact, and consequences of substance abuse on personal health, safety, and work.

Educational materials comply with the Department of Transportation (DOT) requirements.

Supervisors are trained and certified on the physical, behavioral, and performance indicators of drug use and abuse and on the physical, behavioral, and performance indicators of alcohol use and abuse.

Supervisor training complies with DOT requirements.

28.03 *MANDATORY REPORTING OF CONVICTION FOR A DRUG STATUTE VIOLATION*

Any employee convicted of a drug statute violation arising out of conduct occurring in the workplace must notify his or her Department Head of such conviction within five calendar days of the conviction.

28.04 *PROHIBITED ACTIVITIES RELATED TO DRUGS AND ALCOHOL*

The following are activities prohibited by DOT for employees in safety-sensitive positions. They are also prohibited by the City for all employees, and will result in an employee being discharged on a first offense:

1. The manufacture, distribution, dispensation, possession, consumption, or use of drugs, drug paraphernalia, and alcohol in the workplace.
2. The unlawful manufacture, dispensation, possession, consumption, or use of drugs outside the workplace.
3. The use of alcohol within four hours prior to performing scheduled safety-sensitive functions.
4. Performing any job function with an alcohol concentration of 0.04 or greater, as determined by an evidentiary breath test..

NOTE: On-call employees are subject to reasonable suspicion drug and/or alcohol testing if, when responding to a call, a trained supervisor reasonably concludes that objective facts may indicate prohibited drug and/or alcohol use.

5. The use of alcohol within eight hours following an accident which requires an employee to be tested for alcohol, unless the employee has already taken a post-accident evidentiary breath test.
6. Refusing or failing to submit to an alcohol and/or a drug test.
7. Refusing or failing to cooperate with the collection process during drug and/or alcohol testing.
8. Providing false information during drug and/or alcohol testing and/or attempting to contaminate a drug test.

28.05 *METHODS USED TO TEST FOR ALCOHOL AND DRUGS*

Alcohol testing is accomplished by means of an evidentiary breath test device administered by a BAT in compliance with DOT regulations.

There is one exception to the use of an EBT device to test for alcohol, and that is if an employee is so severely injured in an accident (as defined in Section 28.01) that an EBT device cannot be used. In such a case, with an employee's written consent (obtained at the time of hire), a test for alcohol will be performed using other means.

Drug testing is accomplished by means of a split specimen urine test that is administered in compliance with DOT regulations.

NOTE: The City requires re-testing for drugs when a urine specimen is diluted.

There is one exception to the use of a urine drug test, and that is if an employee is so severely injured in an accident (as defined in Section 28.01) that a urine drug test cannot be conducted. In such a case, with an employee's written consent (obtained at the time of hire), a test for drugs will be performed using other means.

28.06 *TYPES OF DRUGS AND METABOLITES FOR WHICH EMPLOYEES ARE TESTED*

- Marijuana
- Cocaine
- Opiates
- Phencyclidine (PCP)
- Amphetamines
- Barbiturates
- Benzodiazepines
- Methadone
- Propoxyphene

NOTE: DOT requires that employees in safety sensitive positions be tested for the first five drugs listed above. Also, the City may, in its sole discretion, test any employee for any of the nine (9) drugs listed above.

28.07 *DRUG AND ALCOHOL TESTING PROCEDURES*

The privacy and dignity of each employee being tested for drugs and/or alcohol are of utmost concern in the collection process.

Depending upon the circumstances leading to drug and/or alcohol testing, an employee may be escorted to the collection site by his or her immediate supervisor or Department Head.

To ensure the integrity of the collection process, at the testing site all employees must:

1. Present photo identification.
2. Remove coat and/or bulky outer clothing and hat. Briefcases and purses may be taken into the testing site, but must be left outside the actual collection area.
3. Empty their pockets to ensure that no items are present which could be used to adulterate the specimen.

NOTE: At the testing site, an employee may be asked if he or she is required to be tested by DOT. Employees in safety-sensitive positions should indicate that they **ARE** required to be tested by DOT. All other employees should indicate that they are **NOT** required to be tested by DOT.

The results of alcohol testing are determined immediately at the testing site.

The results of drug testing are reported to Human Resources following processing of the urine specimen. Only employees with a positive drug test are notified of the test results.

28.08 *CONSEQUENCES OF EXCESSIVE ALCOHOL CONCENTRATIONS*

An employee with an alcohol concentration of at least 0.02, but less than 0.04 is removed from duty for eight hours or until the employee's next scheduled work shift, whichever is later.

An employee with an alcohol concentration of 0.04 or greater may not work until the employee is evaluated by a SAP and, if not discharged, passes a return-to-duty alcohol test.

The Human Resources (HR) Director meets with an employee whose alcohol concentration is 0.04 or greater.

The HR Director schedules an evaluation or assists an employee to schedule an evaluation with a SAP, if such an evaluation is required.

If the employee chooses to be evaluated by a SAP with whom the City has a special arrangement, the City will pay for the evaluation. If the employee chooses to be evaluated by a SAP with whom the City does not have a special arrangement, the employee must pay for the evaluation.

An employee with an excessive alcohol concentration may not work until the employee is evaluated by a SAP and, if not discharged, passes a return-to-duty alcohol test.

Depending upon the circumstances, the SAP may recommend that an employee enroll in an approved alcohol treatment or educational program.

NOTE: A last chance agreement, including treatment or educational programming for substance abuse will be considered at the City's sole discretion.

Any and all costs and expenses associated with an employee's education or treatment are the sole and exclusive responsibility of the employee, except if the employee has benefits available through his or her insurance plan or if the employee decides to receive treatment or education from providers with which the City has a special arrangement.

Depending upon the recommendation of the SAP, an employee may be able to work while completing his or her treatment or educational program, when and if the employee passes a return-to-duty alcohol test, paid for by the employee.

All reports, including but not limited to the return-to-duty alcohol test, evaluation and recommendation of the SAP, verification of completion of treatment or education, and the results of follow-up testing are submitted directly and solely to Human Resources.

An eligible employee who has accrued PTO available, may use PTO in order to be paid for work time missed resulting from and directly connected to a positive alcohol test. If

an eligible employee does not have any accrued PTO available or if an employee is not eligible to accrue PTO, time missed is unpaid.

An eligible employee may also use SPTO for an extended absence resulting from and directly connected to a positive alcohol test, if the employee has been evaluated by a SAP and the absence is for evaluation and/or treatment of substance abuse.

All work time missed, whether paid or unpaid, resulting from and directly connected to a positive alcohol test is excused.

28.09 *PROCESSING DRUG TESTS*

Drug testing is processed by a DOT-approved laboratory with proven accuracy and reliability.

28.10 *EVALUATION OF DRUG TEST RESULTS*

The MRO receives all drug test results from the DOT-approved laboratory and does the following:

- Conducts an administrative review of the control and chain of custody to ensure its accuracy;
- Reviews and interprets positive test results;
- Notifies and discusses positive test results with employees;
- Explains to employees with verified positive test results that they may request a test of the split specimen;
- Provides to employees with verified positive test results the names of other certified laboratories where the split specimen may be sent; and,
- Reports each verified positive test result to Human Resources.

28.11 *CONFIRMATION DRUG TESTING*

An employee with a verified positive drug test may request a further confirmation test from a second separate certified laboratory.

The MRO supplies the employee with names of other certified laboratories where the split specimen may be sent.

The cost of this test is solely the responsibility of the employee.

An employee who is waiting for the results of a confirmation drug test may not work.

An eligible employee who is waiting for the results of a confirmation drug test may use available accrued PTO to be paid for work time missed, but that employee may not use SPTO. SPTO may only be used by an employee with a verified positive drug test who has been evaluated by a SAP and misses work time for evaluation and/or treatment of substance abuse.

If an employee does not have any accrued PTO available or is not eligible to accrue PTO, time missed while waiting for the result of a confirmation drug test is unpaid.

If the confirmation test is negative, the City will reimburse the employee for the cost of the test.

Additionally, if the confirmation test is negative, any PTO used by an employee in order to be paid for work time missed while waiting for the result of a confirmation test, will be restored to the employee's PTO bank.

Furthermore, if the confirmation test is negative, an employee will be reimbursed for any unpaid work time missed while waiting for the result of a confirmation test.

28.12 *ACTIONS THE CITY TAKES WHILE WAITING FOR THE RESULTS OF REASONABLE SUSPICION OR POST-ACCIDENT DRUG TESTING*

The City does not allow an employee to work in any capacity while waiting for the results of a reasonable suspicion or post-accident drug test.

In such an event, an employee who has accrued PTO available, may use PTO in order to be paid for work time missed, but that employee may not use SPTO. SPTO may only be used by an employee with a verified positive drug test who has been evaluated by a SAP and misses work time for evaluation and/or treatment of substance abuse.

If an employee does not have any accrued PTO available or is not eligible to accrue PTO, time missed is unpaid.

If a reasonable suspicion or post-accident drug test is negative, any PTO used by an employee in order to be paid for work time missed while waiting for the results of the drug test, will be restored to the employee's PTO bank.

Furthermore, if a reasonable suspicion or post-accident drug test is negative, an employee will be reimbursed for any unpaid work time missed while waiting for the results of the drug test.

28.13 *CONSEQUENCES OF A VERIFIED POSITIVE DRUG TEST*

The Human Resources (HR) Director meets with an employee for whom the MRO reports a verified positive drug test.

The HR Director schedules or assists an employee in scheduling an evaluation by a SAP.

If the employee chooses to be evaluated by a SAP with whom the City has a special arrangement, the City will pay for the evaluation. If the employee chooses to be evaluated by a SAP with whom the City does not have a special arrangement, the employee must pay for the evaluation.

An employee with a verified positive drug test may not work until the employee is evaluated by a SAP and, if not discharged, passes a return-to-duty drug test.

NOTE: An employee who chooses to have a further confirmation test from a second separate certified laboratory, may choose to wait to be evaluated by a SAP until the results of the confirmation test are known.

Depending upon the circumstances, the SAP may recommend that an employee enroll in an approved drug treatment or educational program.

NOTE: A last chance agreement, including treatment or educational programming for substance abuse will be considered at the City's sole discretion.

Any and all costs and expenses associated with an employee's education or treatment are the sole and exclusive responsibility of the employee, except if the employee has benefits available through his or her insurance plan or if the employee decides to receive treatment or education from providers with which the City has a special arrangement.

Depending upon the recommendation of the SAP, an employee may be able to work while completing his or her treatment or educational program, when and if the employee passes a return-to-duty drug test, paid for by the employee.

All reports, including but not limited to the return-to-duty drug test, evaluation and recommendation of the SAP, verification of completion of treatment or education, and the results of follow-up testing are submitted directly and solely to Human Resources.

An eligible employee who has accrued PTO available, may use PTO in order to be paid for work time missed resulting from and directly connected to a verified positive drug test. If an employee does not have any accrued PTO available or is not eligible to accrue PTO, time missed is unpaid.

An eligible employee may also use SPTO for an extended absence resulting from and directly connected to a verified positive drug test, if the employee has been evaluated by a SAP and the absence is for evaluation and/or treatment of substance abuse.

All work time missed, whether paid or unpaid, resulting from and directly connected to a verified positive drug test is excused.

An employee who tests positive for alcohol or drugs and who is given a “last chance,” will be discharged for any of the following actions that occur subsequent to the “last chance” agreement:

1. Failure to cooperate fully with the Human Resources Director, the SAP, and/or the employee’s Department Head;
2. Failure to successfully complete recommended treatment or educational programming;

3. Refusal or failure to take or failure to pass a return-to-duty drug or alcohol test;
4. Refusal or failure to take or failure to pass a follow-up drug or alcohol test; or
5. Any subsequent violation of the drug and alcohol policies.

28.15 *AN EMPLOYEE'S SELF REFERRAL FOR TREATMENT OF SUBSTANCE ABUSE*

An employee may refer himself or herself for drug and/or alcohol testing and treatment.

While self referrals are encouraged when an employee believes that he or she has a substance abuse problem, the employee is not relieved of the responsibility for adequate job performance or exempt from disciplinary action arising from violations of drug and alcohol policies.

A regular full-time employee may use available PTO and, if it conforms with policies, SPTO, for work time missed to participate in substance abuse assessments and treatment.

Self-referral after notification of a required drug or alcohol test does not eliminate the requirement to take the test.

28.16 *DRUG AND ALCOHOL TESTING OF EMPLOYEES IN REGULAR AND TEMPORARY, FULL-TIME AND PART-TIME SAFETY-SENSITIVE POSITIONS*

Definition Of Safety-Sensitive Position

A **safety-sensitive position** is a position held by an employee who operates a non-revenue service City vehicle that requires the employee to hold a Commercial Drivers License (CDL) in order to legally drive the vehicle and as a condition of employment; or a supervisor of an employee in a safety-sensitive position who also operates a non-revenue service City vehicle that requires the supervisor to hold a CDL in order to legally drive the vehicle.

Human Resources maintains a current list of employees in safety-sensitive positions.

Employees And Circumstances For Which Drug And/Or Alcohol Tests Are Conducted

1. Post-Offer Pre-Employment Drug Test

All potential new hires for safety-sensitive positions, including full-time and part-time regular and temporary employees, are given a drug test.

Individuals, including full-time and part-time regular and temporary employees, moving into safety-sensitive positions from other positions within the City are given a drug test, only if the position from which the employee is moving did not require post-offer pre-employment drug testing.

NOTE: Post-offer pre-employment drug testing is done for illegal drugs only.

A new hire who refuses to take or fails to pass a post-offer pre-employment drug test will have the job offer rescinded.

An employee moving into a safety-sensitive position from another position with the City who is required to take a drug test, but who refuses or fails to take the drug test will be discharged.

An employee moving into a safety-sensitive position from another position with the City who is required to take a drug test, but who fails to pass the drug test is disqualified from moving into the safety-sensitive position. Furthermore, that employee must be evaluated by a SAP. Also read Section 28.13.

Post-offer pre-employment alcohol testing is not done.

The City pays for post-offer pre-employment drug testing.

2. Random Testing

All employees in safety-sensitive positions, including full-time and part-time regular and temporary employees, are subject to random drug and alcohol testing.

A scientifically valid random number selection method is used to select employees in safety-sensitive positions for drug and alcohol testing.

At least 25% of the total number of employees in safety-sensitive positions in all City departments and the Valparaiso Water Department are subject to alcohol testing each calendar year.

At least 50% of the total number of employees in safety-sensitive positions in all City departments and the Valparaiso Water Department are subject to drug testing each calendar year.

The City pays for all random testing of its employees.

3. Reasonable Suspicion Testing

All employees in safety-sensitive positions, including full-time and part-time regular and temporary employees, are subject to reasonable suspicion drug and alcohol testing.

If a trained supervisor reasonably concludes that objective facts may indicate prohibited drug use and/or alcohol misuse or abuse, the trained supervisor will follow the procedures to refer an employee for drug and/or alcohol testing.

Two trained supervisors must complete all steps delineated in the *Reasonable Suspicion Drug and Alcohol Testing Procedures Form* prior to referring an employee for any tests.

The City pays for drug and alcohol testing performed as a result of reasonable suspicion. Also read Section 28.12.

4. Post-Accident Testing

All employees in safety-sensitive positions, including full-time and part-time regular and temporary employees, are subject to post-accident drug and alcohol testing.

Post-accident drug and alcohol testing is mandatory following an accident, as defined in Section 28.01.

Post-accident alcohol testing must be performed within eight hours following an accident.

Post-accident drug testing must be performed within 32 hours following an accident.

The City pays for post-accident drug and alcohol testing. Also read Section 28.12.

5. Return-To-Duty Testing

Before an employee is allowed to return to duty in a safety-sensitive position following a positive drug or alcohol test result, that employee must first be evaluated by a SAP and, if not discharged, pass a return-to-duty test for drugs, if the drug test was positive and/or for alcohol, if the alcohol test was positive.

Employees pay for return-to-duty drug and alcohol testing.

6. Follow-Up Testing

Once an employee in a safety-sensitive position who tested positive for drugs and/or alcohol is allowed to return to duty, the employee is subject to unannounced follow-up testing for at least 12 months, but not more than 60 months.

A minimum of six drug tests, if that is the test for which the employee tested positive, or alcohol tests, if that is the test for which the employee tested positive, will be performed during the first 12 months after the employee returns to duty.

Employees must pay for all follow-up drug and alcohol testing.

28.17 *DRUG AND ALCOHOL TESTING OF EMPLOYEES IN THE FOLLOWING REGULAR AND TEMPORARY, FULL-TIME AND PART-TIME CIVILIAN POSITIONS NOT INCLUDED UNDER SECTION 28.16: DEPARTMENT HEADS; EMPLOYEES WITH TAKE-HOME VEHICLES; EMPLOYEES REQUIRED TO USE A CITY VEHICLE TO PERFORM AN ESSENTIAL JOB FUNCTION; EMPLOYEES IN POSITIONS WHICH HAVE A SIGNIFICANT IMPACT UPON PUBLIC HEALTH/SAFETY*

Human Resources maintains a current list of employees in positions to which Section 28.17 applies.

NOTE: The Police Chief and Auxiliary Police Officers are included in a selection pool with all other Police Officers. The Fire Chief is included in a selection pool with all other Firefighters.

Employees And Circumstances For Which Drug And/Or Alcohol Tests Are Conducted

1. Post-Offer Pre-Employment Drug Test

All potential new hires or individuals moving into positions to whom Section 28.17 applies, including full-time and part-time regular and temporary employees, who were not subject to a post-offer pre-employment drug test, for whatever reason, for their current position, are given a drug test.

NOTE: Post-offer pre-employment drug testing is done for illegal drugs only.

A new hire who refuses to take or fails to pass a post-offer pre-employment drug test will have the job offer rescinded.

An employee moving into a position to whom Section 28.17 applies from another position with the City (when a post-offer pre-employment drug test is required) who refuses or fails to take the drug test will be discharged.

An employee moving into a position to whom Section 28.17 applies from another position with the City (when a post-offer pre-employment drug test is required) who fails to pass a drug test is disqualified from moving into the new position. Furthermore, that employee must be evaluated by a SAP. Also read Section 28.13.

Post-offer pre-employment alcohol testing is not done.

The City pays for post-offer pre-employment drug testing.

2. Random Testing

All employees in positions to whom Section 28.17 applies, including full-time and part-time regular and temporary employees, are subject to random drug and alcohol testing.

A scientifically valid random number selection method is used to select employees for drug and alcohol testing.

At least 25% of the total number of employees from a pool comprised of City employees and employees in equivalent positions who work for the Valparaiso Water Department are subject to alcohol testing each calendar year.

At least 50% of the total number of employees from a pool comprised of City employees and employees in equivalent positions who work for the Valparaiso Water Department are subject to drug testing each calendar year.

The City pays for all random testing of its employees.

3. Reasonable Suspicion Testing

All employees in positions to whom Section 28.17 applies, including full-time and part-time regular and temporary employees, are subject to reasonable suspicion drug and alcohol testing.

If a trained supervisor reasonably concludes that objective facts may indicate prohibited drug use and/or alcohol misuse or abuse, the trained supervisor will follow the procedures to refer an employee for drug and/or alcohol testing.

Two trained supervisors must complete all steps delineated in the *Reasonable Suspicion Drug and Alcohol Testing Procedures Form* prior to referring an employee for any tests.

The City pays for drug and alcohol testing performed as a result of reasonable suspicion. Also read Section 28.12.

4. Post-Accident Testing

All employees in positions to whom Section 28.17 applies, including full-time and part-time regular and temporary employees, are subject to post-accident drug and alcohol testing.

Post-accident drug and alcohol testing is mandatory following an accident, as defined in Section 28.01.

Post-accident alcohol testing must be performed within eight hours following an accident.

Post-accident drug testing must be performed within 32 hours following an accident.

The City pays for post-accident drug and alcohol testing. Also read Section 28.12.

5. Return-To-Duty Testing

Before an employee to whom Section 28.17 applies is allowed to return to duty following a positive drug or alcohol test result, that employee must first be evaluated by a SAP and, if not discharged, pass a return-to-duty test for drugs, if the drug test was positive and/or for alcohol, if the alcohol test was positive.

Employees pay for return-to-duty drug and alcohol testing.

6. Follow-Up Testing

Once an employee who tested positive for drugs and/or alcohol is allowed to return to duty, the employee is subject to unannounced follow-up testing for at least 12 months, but not more than 60 months.

A minimum of six drug tests, if that is the test for which the employee tested positive, or alcohol tests, if that is the test for which the employee tested positive, will be performed during the first 12 months after the employee returns to duty.

Employees must pay for all follow-up drug and alcohol testing.

28.18 *DRUG AND ALCOHOL TESTING OF EMPLOYEES IN THE FOLLOWING REGULAR AND TEMPORARY, FULL-TIME AND PART-TIME CIVILIAN POSITIONS **NOT** INCLUDED UNDER SECTION 28.16 OR 28.17: EMPLOYEES IN POSITIONS WHICH MAY REQUIRE ONE OR MORE OF THE FOLLOWING FROM THEM: TO DRIVE A CITY VEHICLE, BUT NOT IN ORDER TO PERFORM AN ESSENTIAL JOB FUNCTION; TO PERFORM A JOB FUNCTION WHICH HAS AN IMPACT, THOUGH NOT NECESSARILY SIGNIFICANT, ON PUBLIC HEALTH/SAFETY; TO SUPERVISE EMPLOYEES INCLUDED UNDER SECTION 28.16 OR 28.17*

Human Resources maintains a current list of employees in positions to which Section 28.18 applies.

Employees And Circumstances For Which Drug And/Or Alcohol Tests Are Conducted

1. Post-Offer Pre-Employment Drug Test

All potential new hires to whom Section 28.18 applies, including full-time and part-time regular and temporary employees, are given a drug test.

Individuals, including full-time and part-time regular and temporary employees, moving from other positions within the City into positions to which Section 28.18 applies are given a drug test, only if the position from which the employee is moving did not require post-offer pre-employment drug testing.

NOTE: Post-offer pre-employment drug testing is done for illegal drugs only.

A new hire who refuses to take or fails to pass a post-offer pre-employment drug test will have the job offer rescinded.

An employee moving into a position to whom Section 28.18 applies from another position with the City (when a post-offer pre-employment drug test is required) who refuses or fails to take the drug test will be discharged.

An employee moving into a position to whom Section 28.18 applies from another position with the City (when a post-offer pre-employment drug test is required) who fails to pass a drug test is disqualified from moving into the new position. Furthermore, that employee must be evaluated by a SAP. Also read Section 28.13.

Post-offer pre-employment alcohol testing is not done.

The City pays for post-offer pre-employment drug testing.

1. Random Testing

All employees in positions to which Section 28.18 applies, including full-time and part-time regular and temporary employees, are subject to random drug and alcohol testing.

A scientifically valid random number selection method is used to select employees for drug and alcohol testing.

At least 25% of the total number of employees from a pool comprised of City employees and employees in equivalent positions who work for the Valparaiso Water Department are subject to alcohol testing each calendar year.

At least 50% of the total number of employees from a pool comprised of City employees and employees in equivalent positions who work for the Valparaiso Water Department are subject to drug testing each calendar year.

The City pays for all random testing of its employees.

3. Reasonable Suspicion Testing

All employees in positions to whom Section 28.18 applies, including full-time and part-time regular and temporary employees, are subject to reasonable suspicion drug and alcohol testing.

If a trained supervisor reasonably concludes that objective facts may indicate prohibited drug use and/or alcohol misuse or abuse, the trained supervisor will follow the procedures to refer the employee for drug and/or alcohol testing.

Two trained supervisors must complete all steps delineated in the *Reasonable Suspicion Drug and Alcohol Testing Procedures Form* prior to referring an employee for any tests.

The City pays for drug and alcohol testing performed as a result of reasonable suspicion. Also read Section 28.12.

4. Post-Accident Testing

All employees in positions to whom Section 28.18 applies, including full-time and part-time regular and temporary employees, are subject to post-accident drug and alcohol testing.

Post-accident drug and alcohol testing is mandatory following an accident, as defined in Section 28.01.

Post-accident alcohol testing must be performed within eight hours following an accident.

Post-accident drug testing must be performed within 32 hours following an accident.

The City pays for post-accident drug and alcohol testing. Also read Section 28.12.

5. Return-To-Duty Testing

Before an employee to whom Section 28.18 applies is allowed to return to duty following a positive drug or alcohol test result, that employee must first be evaluated by a SAP and, if not discharged, pass a return-to-duty test for drugs, if the drug test was positive and/or for alcohol, if the alcohol test was positive.

Employees pay for return-to-duty drug and alcohol testing.

6. Follow-Up Testing

Once an employee who tested positive for drugs and/or alcohol is allowed to return to duty, the employee is subject to unannounced follow-up testing for at least 12 months, but not more than 60 months.

A minimum of six drug tests, if that is the test for which the employee tested positive, or alcohol tests, if that is the test for which the employee tested positive, will be performed during the first 12 months after the employee returns to duty.

Employees must pay for all follow-up drug and alcohol testing.

28.19 *DRUG AND ALCOHOL TESTING OF EMPLOYEES IN REGULAR AND TEMPORARY, FULL-TIME AND PART-TIME CIVILIAN POSITIONS NOT INCLUDED UNDER SECTION 28.16, 28.17 OR 28.18*

Human Resources maintains a current list of employees in positions to which Section 28.19 applies.

Employees And Circumstances For Which Drug And/ Or Alcohol Tests Are Conducted

1. Post-Offer Pre-Employment Drug Test

Post-offer pre-employment drug testing is not done on any potential new hire or to an individual who moving into a position to which Section 28.19 applies.

2. Random testing

Random drug and alcohol testing is not done on any employee in a position to which Section 28.19 applies.

3. Reasonable Suspicion Testing

All employees in positions to which Section 28.19 applies are subject to reasonable suspicion drug and alcohol testing.

If a trained supervisor reasonably concludes that objective facts may indicate prohibited drug use and/or alcohol misuse or abuse, the trained supervisor will follow the procedures to refer the employee for drug and/or alcohol testing.

Two trained supervisors must complete all steps delineated in the *Reasonable Suspicion Drug and Alcohol Testing Procedures Form* prior to referring an employee for any tests.

The City pays for drug and alcohol testing performed as a result of reasonable suspicion. Also read Section 28.12.

4. Post-Accident Testing

All employees in positions to which Section 28.19 applies are subject to post-accident drug and alcohol testing.

Post-accident drug and alcohol testing is mandatory following an accident, as defined in Section 28.01.

Post-accident alcohol testing must be performed within eight hours following an accident.

Post-accident drug testing must be performed within 32 hours following an accident.

The City pays for post-accident drug and alcohol testing. Also read Section 28.12.

5. Return-To-Duty Testing

Before an employee to whom Section 28.19 applies is allowed to return to duty following a positive drug or alcohol test result, that employee must first be evaluated by a SAP and, if not discharged, pass a return-to-duty test for drugs, if the drug test was positive and/or for alcohol, if the alcohol test was positive.

Employees pay for return-to-duty drug and alcohol testing.

6. Follow-Up Testing

Once an employee who tested positive for drugs and/or alcohol is allowed to return to duty, the employee is subject to unannounced follow-up testing for at least 12 months, but not more than 60 months.

A minimum of six drug tests, if that is the test for which the employee tested positive, or alcohol tests, if that is the test for which the employee tested positive, will be performed during the first 12 months after the employee returns to duty.

Employees must pay for all follow-up drug and alcohol testing.