

CHAPTER 7

SUBSTANCE ABUSE POLICY

7.1 SUBSTANCE ABUSE POLICY STATEMENT

It is the policy of the City of Hot Springs to provide a work environment free from the effects of the illegal use of drugs and the misuse of alcohol. The City is dedicated to ensuring that our employees are both physically and mentally prepared at all times to assume the duties and responsibilities of their respective jobs and to provide efficient services to the citizens they are employed to serve. Our employees are our most valuable resource, and it is the City's goal to provide a healthy and satisfying work environment which promotes personal opportunities for growth.

In an effort to ensure the integrity of City government and to preserve public trust and confidence in our organization, the City maintains an active drug and alcohol testing program to detect and deter the misuse of drugs and alcohol by its employees.

7.2 PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect employees and the public from the risks posed by the misuse of alcohol and the use of prohibited drugs. The City's policy will comply with all applicable federal regulations governing workplace anti-drug and alcohol programs as outlined below.

The Federal Motor Carrier Safety Administration (FMCSA) has published 49 CFR part 382 which mandates urine drug testing and breath alcohol testing for all employees operating a commercial motor vehicle subject to the commercial driver's license requirements and prohibits performance of safety-sensitive functions when there is a positive test result.

The U.S. Department of Transportation (DOT) has published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens. In addition, the Federal Government published 48 CFR Part 29 (The Drug-Free Workplace Act of 1988) which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses.

The City of Hot Springs Board of Directors, for the sake of convenience and fairness, has further adopted these regulations and procedures to apply to other positions not under the authority of DOT or its agencies.

7.3 PROHIBITED SUBSTANCES

Illegally Used Controlled Substances or Drugs - This includes any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs and use of illegally obtained prescription drugs.

Alcohol - This includes the use of beverages containing alcohol or any other substances (including any medication, mouthwash, food or candy) such that alcohol is present in the body while performing job duties. The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath as measured by a breath testing device.

7.4 LEGAL DRUGS

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited; however, the use of any substance which carries a warning label indicating that mental functions, motor skills or judgment may be adversely affected must be discussed by employees with their appropriate health care professional before performing work-related duties. Educational information regarding prescription and over-the-counter medications should be obtained from either a health care professional or pharmacist. Employees are strongly urged to seek and obtain medical advice prior to using prescription or over-the-counter drugs that may adversely affect their ability to safely perform their job functions.

Any employee taking medications or drugs which may interfere with the safe and effective performance of duties or operation of vehicles and equipment must so notify his supervisor before beginning work. The employee may be temporarily reassigned to other duties when appropriate. ***Failure to provide such notice can result in disciplinary action, up to and including termination of employment.*** In the event of a question regarding an employee's ability to safely and effectively perform assigned duties while using such medication or drugs, clearance from a qualified physician will be required.

A legally prescribed drug means that the individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. If an employee tests positive for drugs, he must provide, within 24 hours, a valid prescription. A valid prescription includes the patient's name, the name of the substance, quantity/amount to be taken and the time period of the authorization. The misuse or abuse of legal drugs is prohibited during working hours, on breaks, during meal periods, when in uniform, while on City premises or at work sites in an official capacity as a representative of the City or while operating *any* City vehicle or equipment.

7.5 PROHIBITED CONDUCT

All employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of prohibited substances at all times. Employees are not to report for duty or remain on duty when they have used any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect their ability to safely perform their duties. **Employees who violate these provisions will be subject to disciplinary action, up to and including termination.** Law enforcement will be notified, as appropriate, when criminal activity is suspected.

Any employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance or not fit for duty will be suspended from job duties pending an investigation and verification of condition. Employees who fail to pass a drug or alcohol test **will be terminated their last day worked** and referred to a Substance Abuse Professional (SAP). A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.

No employee will be allowed to report for duty or remain on duty when his ability to perform assigned duties is adversely affected by alcohol or when his breath alcohol concentration is 0.02 – 0.039. No employee may use alcohol within four hours of reporting for duty, while on duty or during any hours they are on call. **Violation of these provisions will be cause for disciplinary action up to and including termination of employment.**

If an alcohol confirmation test result is 0.02 or greater, but less than 0.04, the employee will not be permitted to return to work until the start of his/her next regularly scheduled duty period, but not less than 24 hours following administration of the test.

Any employee who refuses to comply with a request for testing will be considered as having a positive test and **will be terminated** and referred to a Substance Abuse Professional (SAP). Refusal can include an inability to provide a sufficient urine specimen or breath sample without a valid medical explanation, as well as verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test. Any employee who is suspected of providing false information in connection with a test or who is suspected of falsifying test results through tampering, contamination, adulteration or substitution will be required to undergo an observed collection. Verification of these actions **will result in termination.**

7.6 EMPLOYEE ADMISSION OF ALCOHOL AND/OR DRUG USE

An employee who makes a voluntary admission of misusing alcohol or controlled substances use will not be subject to disciplinary action provided:

- the employee does not self-identify in order to avoid testing under the requirements of applicable regulations and/or this policy;
- the employee makes such an admission prior to any testing;
- the employee makes the admission prior to performing a safety-sensitive function (i.e., prior to reporting for duty);
- the employee does not perform a safety-sensitive function until he has been evaluated and has successfully completed education and/or treatment and return-to-duty testing requirements as outlined herein;
- the admission is made to a supervisor or the City's Designated Employer Representative (DER); and
- the employee has not previously self-admitted within the past sixty (60) months.

When an employee makes a voluntary admission (under the conditions outlined above) of misusing alcohol or controlled substances, s/he will immediately be suspended and shall contact the employee assistance program ("EAP") for the City of Hot Springs by the end of the next business day. The employee must satisfactorily complete the treatment program established by the alcohol or substance abuse professional. The employee must utilize accrued time pursuant to the established leave policy, and shall be subject to the City's FMLA policy. The employee shall not be eligible for donated leave time. Prior to returning to duty, the employee must undergo a return-to-duty breath alcohol test with a result of less than 0.02 and/or a return-to-duty drug test with a verified negative result. Follow-up testing will be required with a minimum of six drug and/or alcohol tests within the next 12 months after returning to duty. If the evaluation expert recommends more frequent follow-up testing, their recommendation will be followed.

7.7 TESTING PROCEDURES

Urine drug testing and breath testing for alcohol will be conducted when circumstances warrant or as required by federal regulations and City policy. All employees will be subject to drug testing prior to employment and to drug and/or alcohol testing for reasonable suspicion. In addition, all safety-sensitive employees will be subject to random and post-accident drug and/or alcohol testing. All employees with a positive drug or alcohol test ***will be terminated effective their last day worked.***

All testing will be conducted in a manner to assure a high degree of accuracy and reliability using techniques, equipment and laboratory facilities that have been approved by the U.S.

Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended.

The drugs that will be tested for are:

Substance (Drug)

- Amphetamines
- Barbiturates
- Benzodiazepines
- Cannabinoids
- Cocaine
- Methadone
- Opiates
- Phencyclidine
- Propoxyphene

An initial drug screen will be conducted on each urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended.

All drug testing laboratory results will only be released to and reviewed by a qualified Medical Review Officer (MRO) in order to verify and validate test results. The MRO will release findings only to the Designated Employer Representative (DER). The MRO will be a licensed physician who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result. Before verifying that an employee has a positive test result, the MRO is responsible for contacting the employee, on a direct and confidential basis, to determine whether the employee wishes to discuss the test or present a legitimate explanation for the positive result. An MRO staff person may make the contact; the MRO's medically licensed or certified staff person may gather information. If, after reasonable efforts, the MRO is unable to reach the employee directly, the MRO may contact the DER for assistance in contacting the employee. The DER will take maximum precautions to preserve the confidentiality of the MRO contact.

If, after making all diligent and reasonable efforts, neither the MRO nor the DER is able to contact the employee within 14 days of the date the MRO received the confirmed positive test result from the laboratory, the MRO may verify the test result as positive. The MRO may also verify the test result as positive if the employee does not contact the MRO within five days of being contacted by the DER or if the employee expressly declines the opportunity to discuss the test result. The MRO may reopen the verification of a positive test if the employee presents documentation of serious injury or illness or other circumstances that unavoidably prevented the employee from being contacted within the designated time period and, if the employee

then presents a legitimate (in the MRO's opinion) explanation for the positive test, the MRO will declare the test to be negative. The MRO will review and interpret an individual's medical history, including any medical records and biomedical information provided, affording the individual an opportunity to discuss the test result, and decide whether there is a legitimate medical explanation for the result, including legally prescribed medication.

The MRO can declare a test invalid or canceled based on the regulations specified in 49 CFR Part 40, as amended. A canceled/invalid test is considered neither a positive nor a negative test. An example of a canceled test is a urine sample being rejected by the laboratory. The MRO will cancel the test and report the cancellation and the reason(s) for it to the appropriate agency, employer and employee.

Any drug test with a "positive dilute" result will be treated as a verified positive test **and the employee will be terminated effective the last day worked**. Any drug test that is reported as "negative dilute" will require the employee or applicant for employment to be retested immediately upon receipt of the result. If an employee is directed to take another test and declines, that employee has refused the test and it will be considered a positive and result in immediate termination. The result of the second test will become the test of record. A second negative dilute result will be treated as a negative test, and no further retesting will be required.

Tests for breath alcohol concentration will be conducted utilizing an Evidential Breath Testing device (EBT) that has been approved by the National Highway Traffic Safety Administration (NHTSA) and operated by a trained Breath Alcohol Technician (BAT). All breath alcohol test results will be reported only by an MRO or BAT to the DER.

If the initial breath test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. An employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will be removed from his position for at least 24 hours unless a retest results in a concentration measure of less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and/or of the requirements set forth in 49 CFR Part 382.

Any employee who has a confirmed positive drug or alcohol **test will be terminated effective their last day worked** and referred to a Substance Abuse Professional (SAP).

All drug testing will be accomplished by urine test utilizing the split sample method and chain-of-custody control. Any employee who questions a positive drug test result may request that an additional test be conducted. This test must be conducted at a different DHHS-certified laboratory than performed the initial test. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. All costs for such testing are paid by the employee unless the result of the split sample test invalidates the result of the original test. This cost will be deducted from the employee's paycheck. The method of collecting, storing and testing the split sample will be consistent with the procedures set forth

in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the MRO within 72 hours of notice of the original sample verified test result. Requests made after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

7.8 REQUIRED TESTING

PRE-EMPLOYMENT drug tests will be conducted on each applicant selected for hire into any regular full-time or regular part-time position. Applicants selected for hire into temporary/seasonal positions will be drug tested if they are required to have a CDL or will be performing safety-sensitive functions. A job offer may be made prior to the test only if it includes the condition that the applicant tests negative. No applicant will be hired prior to the City's receipt of a verified negative test result. Any applicant who tests positive will not be eligible for reapplication until he/she:

- shows proof of successfully completing a substance abuse treatment program (including all follow-ups not less than 6 months prior to reapplication); and
- completes a new drug test with a negative result.

Pre-Employment (Pre-Transfer) drug tests will be conducted on each employee selected for transfer from a non-safety-sensitive position to a safety-sensitive position. No employee will be transferred to a safety-sensitive position prior to the City's receipt of a verified negative test result.

After obtaining written consent from an applicant with a CDL (including employees transferring from a non-CDL position to one requiring a CDL), the City will request the following information from DOT-regulated employers who have employed that individual for any period during the five (5) years before the date of application or transfer:

- Alcohol tests with a result of 0.04 or higher alcohol concentration
- Verified positive drug test results
- Refusals to be tested
- Other violations of DOT agency drug and alcohol testing regulations
- Documentation of successful completion of DOT return-to-duty requirements (including follow-up testing) for any applicant or employee who violated a DOT drug and/or alcohol regulation

REASONABLE SUSPICION drug and/or alcohol tests will be conducted when a determination is made that reasonable suspicion exists to require the employee to undergo testing. This determination must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of the chronic and withdrawal effects of controlled substances.

The employee's supervisor must complete and sign a written record of the observations leading to a reasonable suspicion; this record must be completed within 24 hours of the observed behavior or before the results of the alcohol or drug test are released, whichever is earlier. Reasonable suspicion tests will be coordinated with the Human Resources Director whenever possible. **All employees are subject to reasonable suspicion testing.**

Notwithstanding the absence of a reasonable suspicion alcohol test, no employee is permitted to report for duty or remain on duty while he is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse, nor will the City permit the employee to perform his duties until:

- an alcohol test is administered and the employee's alcohol concentration measures less than 0.02; **OR**
- twenty-four hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated the provisions of this policy concerning the use of alcohol.

If a reasonable suspicion alcohol test is not administered within two hours following the determination, the employee's supervisor or department head must prepare a record stating the reason(s) the test was not promptly administered. If the test is not administered within eight hours following the determination, all attempts to administer an alcohol test will cease, and the employee's supervisor or department head must prepare a record stating the reason(s) the test was not administered. Any records prepared in accordance with this section must be submitted to and retained by the Human Resources Director.

POST-ACCIDENT drug and alcohol testing will be conducted on employees performing safety-sensitive functions after any accident involving the loss of human life. For non-fatal accidents, employees will be tested if they receive a citation for a moving traffic violation arising from the accident (within eight hours of the accident for alcohol testing and within 32 hours of the accident for drug testing) **AND**

- the accident involves bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident **OR**
- one or more vehicles incur disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other motor vehicle.

An employee who is subject to post-accident testing must remain readily available for such testing or he may be deemed to have refused to submit to testing. This is not intended to delay any necessary medical attention for injured people or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care. If it is necessary for an employee to leave the scene of an accident prior to testing, the employee must keep his supervisor informed of his location.

An employee subject to post-accident alcohol testing must not use alcohol for eight hours following the accident or until he undergoes a post-accident alcohol test, whichever occurs first.

If a required post-accident alcohol test is not administered within two hours following the accident, the employee's supervisor or department head must prepare a record stating the reason(s) the test was not promptly administered. If the test is not administered within eight hours following the accident, all attempts to administer an alcohol test will cease, and the employee's supervisor or department head must prepare a record stating the reason(s) the test was not administered. If a required post-accident drug test is not administered within 32 hours following the accident, all attempts to administer a drug test will cease, and the employee's supervisor or department head must prepare a record stating the reason(s) the test was not administered. Any records prepared in accordance with this section must be submitted to and retained by the Human Resources Director.

RANDOM drug and alcohol testing will be performed on an unannounced basis and will be spread reasonably throughout the calendar year. The selection of employees for random alcohol and controlled substances testing will be made by a scientifically valid method so that each employee subject to random testing will have an equal chance of being tested each time selections are made. Once notified of selection for random testing, an employee must proceed to the collection site immediately. Employees subject to random testing are as follows:

DOT - all non-transit employees who operate City vehicles and equipment requiring a Commercial Driver's License (CDL); employees in this category are tested under the authority of and in compliance with DOT regulations as specified in 49 CFR Part 40 and FMCSA regulations as specified in 49 CFR Part 382

POLICE - all uniformed and non-uniformed employees of the Hot Springs Police Department are tested under the authority of the City of Hot Springs Board of Directors

FIRE - all uniformed and non-uniformed employees of the Hot Springs Fire Department are tested under the authority of the City of Hot Springs Board of Directors

OTHER - all employees whose job functions include the operation of City vehicles and/or equipment not requiring a CDL, all employees whose job functions include the dispatch

or maintenance of any City vehicles and/or equipment and any other employees which the City may determine to be performing safety-sensitive functions including, but not limited to, employees of the airport, water production and wastewater treatment facilities; all employees in this category are tested under the authority of the City of Hot Springs Board of Directors

7.9 CONSEQUENCES OF A POSITIVE TEST

Alcohol - If the confirmation test result is 0.02 or greater, but less than 0.04, the employee will not be permitted to return to work until the start of his next regularly scheduled duty period, but not less than 24 hours following administration of the test.

If the confirmation test result is 0.04 or greater, the employee will be terminated their last day worked.

Controlled Substances (Drugs) - If the result of the primary specimen analysis is positive, the Medical Review Officer (MRO) will notify the employee of the positive result and the employee may, within 72 hours of such notification, request that the split sample be tested in a different DHHS laboratory for the presence of the substance(s) that showed a positive result. A SECOND TEST WILL NOT BE CONDUCTED UNLESS THE EMPLOYEE REQUESTS IT WITHIN 72 HOURS OF NOTIFICATION BY THE MRO OF THE POSITIVE RESULT UNLESS THE DELAY IS DUE TO DOCUMENTABLE FACTS THAT ARE BEYOND THE CONTROL OF THE EMPLOYEE.

Once a verified positive test result has been received from the MRO, the employee will immediately be suspended until 72 hours have elapsed or, if the employee has requested a split sample test, until the split sample test results are received. If the split sample test result is negative, the employee will return to work and be paid for any period of suspension; the City will pay the cost of the split sample test. If the split sample test is not requested or if it reconfirms the positive result ***the employee will be terminated effective his last day worked.***

7.10 RECORDS

Drug and alcohol testing results will be maintained under strict confidentiality by the Human Resources Director, Medical Review Officer (MRO) and testing laboratory. The Human Resources Director will maintain all records required by 49 CFR Part 40, 49 CFR Part 382 and this policy. All requests for information must be referred to the Human Resources Director who is the point of contact for all correspondence and reports from the MRO, testing laboratories and Substance Abuse Professional.

7.11 DESIGNATED EMPLOYER REPRESENTATIVE

The Designated Employer Representative (DER) for the City of Hot Springs is the Human Resources Director. As the DER, s/he is authorized to:

- receive communications and test results from service agents;
- take immediate actions to remove employees from safety-sensitive duties; and
- make required decisions in the testing and evaluation processes.

The Human Resources Director will be responsible for administration of this policy, including the maintenance of records, preparation of reports, coordination of drug and alcohol testing procedures and required training. He will be the contact person for any questions regarding the administration of this policy and for issuing any rulings regarding the interpretation of this policy.

In the Human Resources Director's absence, the City's Human Resources Generalist will serve as the Designated Employer Representative.

7.12 TERMS AND DEFINITIONS

Adulterated Specimen - a specimen that contains a substance that is not expected to be present in human urine or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

Alcohol - the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol

Alcohol Concentration/Content - 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

Alcohol Use - the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication) containing alcohol

Breath Alcohol Technician (BAT) - a person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device

Canceled Test - a drug or alcohol test that has a problem identified that cannot be or has not been corrected or which is otherwise required to be canceled by governing regulations; it is neither a positive nor a negative test and includes a specimen rejected for testing by a laboratory

Chain-of-Custody - a procedure used to document the handling of the urine specimen from the time the employee or applicant gives the specimen to the collector until the specimen is destroyed

Confirmation Test (Alcohol) - a subsequent test using an EBT, following a screening test with a result of 0.02 or greater, which provides quantitative data about the alcohol concentration

Confirmation/Confirmatory Drug Test - a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite

Confirmation/Confirmatory Validity Test - a second test performed on a urine specimen to further support a validity test result

Confirmed Drug Test - a confirmation test result received by an MRO from a laboratory

Covered Employee - a person, including a volunteer, applicant or transferee who performs a safety-sensitive function

Dilute Specimen - a specimen with creatinine and specific gravity values that are lower than expected for human urine

Disabling Damage - damage which precludes departure of a motor vehicle from the scene of an accident in its usual manner in daylight after simple repairs; includes damage to motor vehicles that could have been driven but would have been further damaged if so driven; excludes damage which can be remedied temporarily at the scene of the accident without special tools or parts, tire disablement without other damage even if no spare tire is available, headlight or taillight damage and damage to turn signals, horn or windshield wipers which makes them inoperative

DOT Agency - an agency (or operating administration) of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing

Evidential Breath Testing (EBT) Device - a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the 0.02 and 0.04 alcohol concentrations

Licensed Medical Practitioner - a person who is licensed, certified and/or registered, in accordance with applicable federal, state, local or foreign laws and regulations, to prescribe controlled substances and other drugs

Medical Review Officer (MRO) - a licensed physician responsible for receiving and reviewing laboratory results generated by a drug testing program and evaluating medical explanations for certain drug test results

On Call - when an employee has specifically been placed on call for a designated period of time; any use of drugs or alcohol while specifically on call is strictly prohibited

On Duty - includes all time from the time an employee begins to work or is required to be in readiness to work until the time he is relieved from work and all responsibility for performing work

Performing a Safety-Sensitive Function - any period in which an employee is actually performing, ready to perform or immediately available to perform any safety-sensitive function

Refusal to Submit (to an alcohol or controlled substances test) - when an employee:

- fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the City, consistent with applicable DOT agency regulations and this policy, after being directed to do so by the City;
- fails to remain at the testing site until the testing process is complete; provided, that an applicant who leaves the testing site before the pre-employment testing process begins is not deemed to have refused to test;
- fails to provide a urine specimen or breath sample for any required drug or alcohol test; provided, that an applicant who does not provide a urine specimen or breath sample because he has left the testing site before the pre-employment testing process begins is not deemed to have refused to test;
- fails to permit the observation or monitoring of his provision of a specimen in the case of a directly observed or monitored collection in a drug test;
- fails to provide a sufficient amount of urine or breath sample when directed and when it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- fails to or declines to take a second test which the City or collector has directed him to take;
- fails to undergo a medical examination or evaluation as directed by the MRO as part of the verification process or as directed by the DER (In the case of a pre-employment drug test, the applicant is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment.);

- fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process); or
- is reported by the MRO as having a verified adulterated or substituted test result.
- possess or wears a prosthetic or other device that could be used to interfere with the collection process.
- admits to the collector or MRO that you adulterated or substituted the specimen.

Safety-Sensitive Function - includes any time a driver of City vehicles/equipment is at a City facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City; all time inspecting, servicing or conditioning any City vehicle/equipment; all time spent at the driving controls of any City vehicle/equipment; all time, other than driving time, in or upon any City vehicle/equipment; all time loading or unloading any City vehicle/equipment, supervising or assisting in the loading or unloading, attending any vehicle/equipment being loaded or unloaded, remaining in readiness to operate the vehicle/equipment or in giving or receiving receipts for shipments loaded or unloaded; and all time spent repairing, obtaining assistance or remaining in attendance upon a disabled vehicle/equipment; ***any function which directly affects public health and safety (e.g., performance and dispatch of law enforcement and firefighting functions, operation and maintenance of water or wastewater treatment facilities and communication and contact with aircraft); and any other function which the City may determine to be safety sensitive***

Screening/Initial Test (Alcohol) - an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen

Screening/Initial Test (Drugs) - a test to eliminate negative urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs

Split Specimen/Sample - a part of the urine specimen that is sent to a first laboratory and retained unopened and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result

Subject to Call - when an employee is generally subject to call but not specifically “on call”; if called in to work while subject to call, an employee must inform his supervisor if he has been using drugs and/or alcohol which might impair his job performance; no disciplinary action will be taken against an employee in this situation; however, if the employee fails to inform his supervisor of any such impairment and reports to work under the influence of drugs and/or alcohol, he will be subject to disciplinary action, up to and including termination of employment.

Substituted Specimen - a specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine

Verified Test - a drug test result or validity testing result from an DHHS-certified laboratory that has undergone review and final determination by the MRO

7.13 CONTACTS

The contact information for the following will be kept on file with the Human Resources Department:

Designated Employer Rep (DER)

Collection Site

Medical Review Officer (MRO)

Testing Laboratory

Third Party Administrator (TPA)

Substance Abuse Professional (SAP)

The sources of the services provided by any of the forgoing may be contracted, from time to time, by the City Manager, subject to the provisions of the City's procurement and purchasing policies.

7.14 POLICY APPROVAL AND EFFECTIVE DATE

This policy shall become effective October 1, 2015, as approved by Resolution No. 8741 of the City of Hot Springs Board of Directors on August 4, 2015. All previous editions are hereby superseded.