




## City of Round Rock Alcohol and Drug Testing Procedure

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### SCOPE

The City of Round Rock is committed to maintaining a drug free workplace with zero tolerance for drugs and alcohol. All City employees shall not use, possess, sell or provide alcohol or controlled substances to any other employee or to any person while such an employee is on duty. Employee shall not consume alcohol within four hours of reporting for duty, or when on-call, unless the employee is required as a part of his or her job to legally possess alcohol or drugs.

### I. POLICY

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited while the employee is on duty, including on-call employees. An employee shall not report for duty or remain on duty when using or testing positive for any controlled substance, except under the instructions of a physician who has advised the employee the substance does not adversely affect the employee's ability to perform his or her job safely.

Employees must abide by the terms of this policy and notify the City of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.

The City has a zero tolerance policy. Employees violating this policy will be subject to disciplinary action, up to and including termination.

## II. DEFINITIONS

**Accident:** For the purpose of this policy, an occurrence involving a City vehicle, mobile equipment, or an earth moving machine which causes one of the following; a fatality, an injury treated at the scene or transported to a health care provider, or serious damage to one or both vehicles. Serious damage shall be considered any damages where the anticipated cost of repairs to the city vehicle is expected to exceed \$1,000. When in doubt on whether the damages are serious, the employee shall be tested. Employees that are legally parked when struck, or that are properly stopped and rear-ended at a traffic control device, are not required to be tested.

**Affected City employee:** Any City employee in a safety sensitive position that operates a City commercial vehicle, mobile equipment, or an earth moving machine while performing safety sensitive functions.

**Alcohol concentration:** The concentration of alcohol in a volume of breath.

**Alcohol Positive Result:** An alcohol test result with an alcohol concentration at or above (.02) for all non-police and non-fire personnel; for police and fire personnel (0.00)

**Collection Site:** A place designated by the employer where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs or a breathalyzer for the presence of alcohol. The designated collection site will be posted in City facilities and the intranet.

**Commercial Driver:** Any person who operates a commercial motor vehicle including, but not limited to, full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers, and independent, owner-operator contractors who are either directly employed by or under contract to the City or who operate a commercial motor vehicle at the direction of or with the consent of the City. For the purposes of pre-employment/pre-duty testing only, the term driver includes any person applying to the City for any job which requires, or could require, the driving of a commercial motor vehicle.

**Commercial Motor Vehicle:** A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property, if the motor vehicle:

- 1) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- 2) Has a gross vehicle weight rating of 26,001 or more pounds; or
- 3) Is designed to transport 16 or more passengers, including the driver; or
- 4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which requires the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

**Controlled Substances (Drugs):** The U.S. DOT regulations require 5 panels testing for the following classes of substances: Marijuana, cocaine, Opiates, Amphetamines and methamphetamines, and Phencyclidine –PCP.

**Department of Transportation (DOT):** The federal agency regulating drug and alcohol testing required by the Omnibus Transportation Employee Testing Act of 1991, as amended.

**Designated HR Staff Member (DHR):** The Human Resources designated employee(s) responsible for administering the City's alcohol and drug testing program, and for coordinating alcohol and drug testing procedures.

**Drugs Positive Result:** Urinalysis or hair sample test that reveals the presence of drugs with a verified test result indicates a detectable level of controlled substances. The positive result is based on the Medical Review Officer's determination and verification.

**Employee Assistance Program (EAP):** A professional, confidential counseling service provided by the City of Round Rock to help the commercial driver and family members resolve personal problems such as, but not limited to, drug and alcohol dependency.

**Hair sample:** The chemical analysis of a hair sample taken from the involved employee by the technician at the laboratory facility used to determine a detectable level of a controlled substance. Hair sample test may be requested by the City Human Resources Department under certain circumstances.

**Medical Review Officer (MRO):** A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the City's drug testing program. This person has knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his or her medical history, and any other relevant biomedical information. The MRO may contact employees directly if there is a question concerning the accuracy of the testing sample.

**Pre-employment Testing:** All applicants for employment with the City of Round Rock shall be subject to drug and alcohol testing.

**Safety Sensitive Function:** Any of the following functions as defined by DOT:

- 1) All time spent at a facility or other property, waiting to be dispatched, unless the commercial driver has been relieved from duty by the employer.
- 2) All time spent inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSR's), or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- 3) All time spent at the driving controls of a commercial motor vehicle.

- 4) All time, other than driving time, spent on or in a commercial motor vehicle.
- 5) All time spent loading or unloading a commercial motor vehicle; supervising, or assisting in the loading or unloading of a vehicle; attending a vehicle being loaded or unloaded; or remaining in readiness to operate a vehicle.
- 6) All time spent performing the commercial driver requirements associated with an accident.
- 7) All time spent repairing, obtaining assistance for, or remaining in attendance with a disabled vehicle.

**Safety Sensitive Positions:** The following positions have been classified as safety sensitive positions for the purpose of this policy.

- Motor Vehicle Maintenance employees
- Police officers, Animal Control Officers and Fire Fighters
- Emergency Communications Operators
- Water Treatment Plant/Utility Support employees
- Waste Water and Waterline maintenance employees
- Streets and Drainage Field employees
- Construction Inspection employees
- Facilities Maintenance Employees
- Custodians
- Parks and Recreation field and maintenance employees

**Self-declaration:** When a covered employee makes the admission for alcohol misuse or controlled substance use prior to performing safety sensitive functions, prior to operating a city vehicle, and before random, reasonable suspicion, post-accident testing has been requested by the City.

**Treatment Plan:** The affected City employee will be placed on a Treatment Plan after a voluntary admission for possible counseling, treatment, or rehabilitation for alcohol misuse and controlled substance use.

**Urinalysis:** A chemical analysis of a sample of urine used to determine a detectable level of a controlled substance.

### **III. ROLES AND RESPONSIBILITIES**

#### **1. Immediate Supervisors**

- All supervisors must complete training on alcohol misuse and on drug use including recognition of the symptoms and how to determine whether reasonable suspicion cause exists to require alcohol and drugs testing.
- A supervisor having reasonable suspicion that an employee is using, possessing, selling or providing alcohol or drugs to any other employee or to any person while

such an employee is on duty or on call, shall not permit the employee to perform or continue to perform any duties.

- Supervisors will transport employees to the collection site(s) for testing and execute any documents necessary/requested by the site. It does not have to be the employee's direct supervisor that transports the employee to the collection site. The direct supervisor may request assistance from another supervisor, manager or Risk Manager.
- In post-accident situations, the supervisor must remove the employee from operating a vehicle until the drug test results have been received. The employee may continue all duties other than driving.
- A supervisor having actual knowledge that an employee is under the influence, or a reasonable suspicion that an employee is under the influence of alcohol or drugs, shall not permit the employee to perform or continue to perform any duties.
- A supervisor having a reasonable suspicion that an employee has used alcohol or drugs within four (4) hours prior to coming to work, shall not permit the employee to perform or continue to perform any duties.
- Supervisors are required to document in writing, all observations, specific facts, symptoms, and other witness statements that form the basis for the reasonable suspicion determination and that the testing of the involved employee is warranted.
- If the determination has been made, the supervisor contacts the DHR to review the reasonable suspicion observations and behaviors and then inform the affected City employee of the intent to perform the alcohol and drug testing. In the event the supervisor is unable to reach the DHR, then the supervisor should document the attempt and proceed straight to the collection site.
- Upon receiving the test results from the designated Human Resources staff, supervisors are required to meet with the tested employee and inform him/her about the results and advise with any further steps following the results.

## **2. Employees**

- Applicants who receive a conditional offer of employment with the City of Round Rock are required to take a pre-employment alcohol and drugs test within 48 hours of receiving a conditional job offer. Under justified circumstances, this timeframe can be extended as needed and reasonable due to holidays and weekends.
- Applicant's that may operate a commercial vehicle shall identify all former employers for the last three years. Applicants must identify whether they tested positive for the use of drugs and alcohol during this time period. A positive test does not necessarily prohibit employment.

- Employees must receive training on the policies and procedures pertaining to alcohol and drug use, misuse, and testing procedures.
- Employees shall not operate City vehicles, mobile equipment, or personal vehicles and/or perform safety sensitive functions when taking legally prescribed medications that may cause drowsiness or disorientation impacting their ability to operate vehicles or equipment in a safe manner.
- Employees experiencing difficulties in alcohol use and drug misuse are advised to seek professional assistance through the EAP or the City's health network providers. Employee self-declaration (admission) occurs when the employee admits that he or she has a problem with misuse of alcohol and drugs. The self-declaration is considered before the selection for random testing and before a reasonable suspicion notification.
- An employee who self declares (admission), prior to any alcohol and drugs testing notification, will not be considered to have tested positive for purposes of responding to City's testing verification request. Further review and action will be determined by the Human Resources Director and the Department Director.
- Employees refusing to submit to alcohol and drug testing will be reviewed as a positive result and will result in termination of employment.
- After collection of the testing sample, the collection facility and/or testing facility shall split the collected sample into two, separate units. An employee that tests positive for the improper use of drugs and/or alcohol shall have the right to have the split sample tested by a DOT certified laboratory at the employee's own expense. If the original test results are determined to be invalid, the employee will be reimbursed for the cost of testing.
- Employees testing positive for the presence of prohibited drugs and/or alcohol may be contacted by the MRO. The employee must comply with all requests made by the MRO. Federal law requires the MRO to certify drug test results as positive if the employee fails to timely respond to requests for information.
- Employees must decide whether they want to have the split sample tested within 72 hours of being notified of their test results by the MRO. Failure to notify the **DHR** within this time frame shall be considered a waiver of the right for additional testing.
- Any employee requesting that a split sample be tested shall sign a payroll deduction authorization prior to the expiration the 72 hour window for requesting additional testing.

- Employee's shall not be allowed to operate a commercial vehicle or perform any other safety sensitive functions until the tests results of the split sample have been reviewed by the MRO and the results communicated to the DHR.

#### **IV. PROHIBITIONS**

Each covered employee is required to comply with the provisions of federal law and City policy, which include the following requirements:

- A. No commercial driver shall report for duty or remain on duty to perform a safety-sensitive function while having an alcohol concentration of 0.02 or greater; 0.00 for police and fire personnel.
- B. No commercial driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol or any product containing alcohol.
- C. No commercial driver shall use alcohol while performing safety-sensitive functions.
- D. No commercial driver shall perform safety-sensitive functions within four hours after using alcohol, regardless of the driver's actual alcohol concentration.
- E. No commercial driver who is required to undergo post-accident alcohol testing shall use alcohol for eight hours following the accident, or until the employee provides the test sample to the collection site, whichever occurs first.
- F. No commercial driver shall refuse to submit to any alcohol or controlled substance test required under the law.
- G. No commercial driver shall report for duty or remain on duty to perform a safety-sensitive function if the driver uses any controlled substances, except when the controlled substance is used pursuant to the instructions of a physician and the physician has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
- H. No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances.
- I. Any commercial driver who is tested for alcohol and found to have an alcohol concentration of 0.02 or greater (0.00 for police and fire personnel), but less than 0.04 will not be permitted to perform safety sensitive functions until directed by his or her supervisor, but not less than 24 hours following administration of the test. See section "VI. Alcohol and Drug Test Results" for further information.
- J. Each covered employee must notify their supervisor immediately of any changes to their driving status. This includes any tickets, arrests, accidents or any other behavior, on or off duty, that effects their driving ability (i.e. CDL restrictions, etc.)

## V. TESTING GUIDELINES

The guidelines below provide clarifications on the pre-employment testing, post accident testing, random testing, reasonable suspicion testing, return to duty testing, and follow-up testing.

### 1. Pre-employment testing

All applicants for employment with the City of Round Rock are subject to pre-employment alcohol and drug testing. The hiring supervisor and/or DHR advises the applicant to report to DHR in order to complete the alcohol and drug testing authorization form as part of the conditional offer. The pre-employment alcohol and drug test must be performed within 48 hours from the initial notification. Testing arrangement for out of town or out of state applicants will be made and authorized through the DHR. The designated Human Resources staff notifies the hiring supervisor of the results as soon as it becomes available.

### 2. Post-Accident Testing

The City requires all drivers to submit to alcohol and drug testing, as provided below, if they are involved in an accident wherein the damages are expected to be in excess of \$1,000.00. When in doubt as to the value of the damages, then the employee shall be tested. Employees that are legally parked when struck or that are properly stopped and rear-ended at a traffic control device are not required to be tested.

#### A. Notification Procedures:

1) The driver involved in the accident will immediately notify his or her supervisor or director and the Round Rock Police department dispatcher that an accident has occurred. In the event the employee is unable to reach his/her supervisor or director, then the employee may contact any other supervisor within the employee's department. The employee or supervisor shall contact the risk manager or safety coordinator of the accident.

2) The supervisor, risk manager or safety coordinator who first receives notification of the incident will ask the driver the following questions to determine whether the occurrence is an accident under the terms defined above:

a. Was there a human fatality?

b. Has any driver or passenger sought, or indicated they will seek, medical treatment?

c. Does it reasonably appear the damages to the City vehicle will exceed \$1,000? When in doubt, the employee shall be tested.

d. Was the driver issued a traffic citation?



e. Was the employee's vehicle moving, not parked, at the time of the accident?

3) If the answer to all of the above questions is "no", the occurrence does not qualify as an accident and alcohol and drug testing will not be conducted. (If reasonable suspicion exists, refer to the Reasonable Suspicion Section of these procedures.)

4) If the answer to one or more of the above questions is "yes", the occurrence qualifies as an accident and the employee will be transported to the collection site for drug and alcohol testing.

5) Failure to report an incident may result in disciplinary action up to and including termination in conjunction with City and /or department policies and procedures.

6) If the accident requires post-accident testing, a supervisor will report to the accident scene to transport the driver to a collection site for both drug and alcohol testing. If a supervisor is not available, then the risk manager, safety program coordinator or other designated individual shall transport the employee to the collection site.

a) If the required alcohol test is not administered within two hours following the accident, the supervisor, risk manager or safety program coordinator will document the reason why the test was not taken in a timely manner.

b) If the required drug test is not administered within eight hours following the accident, the supervisor will cease attempts to test and prepare a record documenting the reason why the test was not taken.

c) A copy of this record will be forwarded to the DHR

7) In all circumstances, if the driver is injured, ensuring that the driver receives medical attention takes precedence over the requirement to conduct drug and alcohol testing.

8) In the event the accident occurs during non-business hours when the collection site is not available, then the supervisor, risk manager or safety coordinator shall call the after-hours collection site. The telephone number of the collection site is available on the intranet.

9) The employee may continue work after submitting to testing, but may not operate a motor vehicle until the test results are received.

### 3. **Random Testing**

Employees that maintain a commercial driver's license (CDL) and that may operate a commercial vehicle for the City of Round Rock shall be subject to random drug and alcohol testing in accordance with Department of Transportation regulations. A minimum of 50% of all CDL operators will be randomly tested for

the improper use of controlled substances. An additional 10% will be tested for the improper use of alcohol. Employees may be selected to submit to both drug and alcohol testing at the same time.

Each department shall provide the names of all employees holding a CDL and that may operate a commercial vehicle to the DHR. The department shall further notify the DHR of any newly hired employee or transferred employee that may be operating a commercial vehicle before the employee begins safety sensitive job duties. A random selection of employees will be performed by the DHR. The random testing will be unannounced and will occur at unpredictable times. An employee could be randomly selected for testing more than once per year.

DHR will send a notification for Examination or Treatment to the Department/immediate supervisor with the selected name(s) via e-mail. The immediate supervisor will notify the affected employee and immediately accompany the employee to the collection site. The employee will provide all information requested by the collection site. In those situations where a supervisor is randomly selected for testing, the superintendent, manager/director will transport the supervisor to the collection site. If the manager/director is unavailable, then the manager/director shall contact the Risk Manager for transportation alternatives.

After performing the alcohol and/or drug test, the involved employee will continue to perform the assigned job functions until the test results are available to the DHR.

#### **4. Reasonable Suspicion Testing**

All employees are subject to drug and alcohol testing when there is a reasonable, articulable suspicion the employee is under the influence of drugs and/or alcohol at the workplace.

Any supervisor after observing the employee may make a determination that reasonable suspicion exists to test the employee. Reasonable suspicion must be based on objective facts and articulable observations concerning the employee's appearance, behavior, speech, or body odors. These observations shall be documented and provided to the DHR immediately. If the observation is made during non-office hours, then the DHR shall be notified immediately upon resumption of normal office hours. Failure to reach the DHR shall not impede the supervisor from transporting the employee to the collection site.

In circumstances where the supervisor making the reasonable suspicion determination is not the employee's immediate supervisor, then as a courtesy, the supervisor making the initial determination is responsible for notifying the employee's immediate supervisor of his/her observations. The supervisor making the observation shall immediately transport the employee to the collection site. When operational needs require it, the supervisor may contact a fellow supervisor, manager or the Risk Manager for assistance. Under no circumstances, should the employee be allowed to continue working without first submitting to drug and/or alcohol testing.

The supervisor notifies DHR for the final approval to perform the reasonable suspicion test. After the review and approval, the immediate supervisor informs the involved employee about the decision and proceeds with the arrangements for the testing within the first two hours.

If the alcohol and drug testing was not conducted within two hours of the observations and notification, the supervisor is required to write a statement stating the reasons why the test was not promptly administered.

#### **5. Employee self-declaration of alcohol and drug use**

City employees operating City vehicles/mobile equipment and performing safety sensitive functions who admit to alcohol misuse or controlled substance use are subject to evaluation by the Human Resources Director and the Department Director.

The City employee may voluntarily notify his/her supervisor or the designated Human Resources staff and admit to a problem with alcohol and/or drugs. In this case, the involved employee will not be considered to have tested positive for purposes of responding to employer testing verification requests.

The process is initiated when the involved employee notifies the Supervisor or the designated Human Resources staff /DHR that the employee has a problem with the misuse of alcohol and/or drugs.

The admission will be reviewed by the Human Resources Director and the Department Director. The employee will be placed on a monitored Fitness for Duty Plan with a formal referral to the Employee Assistance Program (EAP).

During the process, the involved employee is not permitted to operate a City vehicle/ mobile equipment or perform safety sensitive functions until the DHR is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements at a licensed facility or required by a licensed substance abuse professional (SAP) professional.

Prior to operating a City vehicle or performing safety sensitive functions, the employee shall undergo a return to duty alcohol and drug test with a verified negative test results.

#### **6. Treatment Plan**

In the absence of any documented job performance issues, an employee who voluntarily admits to alcohol misuse and drug use will be placed on a Treatment Plan and referred for professional assessment, counseling, and rehabilitation.

Upon successful completion of professional counseling and rehabilitation, and based on the review of the SAP, the involved employee will return to work. A formal review with the employee will be conducted by Human Resources including a, Return to Duty Test before the employee reports to regular duties.

## **7. Return-to-Duty Testing**

City employees operating City vehicles/mobile equipment and /or performing safety sensitive functions must submit to Return- to- Duty Testing under the following conditions:

- After self-declaration, during and after the successful completion of the Treatment Plan;
- After being away from work or on restricted duty status for more than 30 days for an extended period of time due to an injury or an illness, Military leave, FMLA leave or any extended leave of absence;
- After being on certain medications or treatment prescribed by a physician;
- When changing job functions or duties have been expanded from non-sensitive to safety sensitive requiring operating a City vehicle or mobile equipment.

## **8. Follow-up Testing**

Follow-up alcohol and drugs testing is required when:

- The involved City employee has been evaluated by the DHR and identified as needing assistance in resolving problems associated with alcohol and controlled substances;
- The involved City employee has completed the necessary education and counseling associated with the established Fit for Duty Plan after self-admission.
- The employee is subject to Disciplinary Probation”.

The SAP may terminate the requirement for follow-up testing at any time after (6) unannounced tests (within the first 12 months) have been administered if the SAP after consultation with the DHR determines that such testing is no longer necessary.

## **VI. ALCOHOL AND DRUG TEST RESULTS:**

### **Receiving and communicating the alcohol and drug test results**

The DHR receives a faxed/electronic copy of the test results from the collection facility. The DHR may contact the laboratory collection facility by phone for any verification related to the specimen or the results.

The Medical Review Officer (MRO) will notify the DHR of the drug test results and identify test results that are pending. A pending test is when preliminary test results have been identified and require additional information from the tested employee. If the MRO is unable to contact the tested employee, the Human Resources staff will make additional effort to advise the employee to contact the MRO immediately. If the tested employee does not contact the MRO within 5 days, or provide requested documentation within the timelines set by the MRO, the test will be confirmed positive.

The DHR will contact the Department Director or Department's Single Point of Contact (SPOC) designated by the Department Director and be informed of positive results. The immediate supervisor will be contacted by the DHR. The immediate supervisor is responsible for notifying the tested employee of the test results. A meeting will be scheduled with the DHR, Supervisor and Employee to discuss future action.

If the employee was tested for reasonable suspicion and post-accident causes, the employee will be reassigned to non-safety sensitive duties until test results are received.

### **Confidentiality Practices**

Consistent with HIPAA and GINA rules and regulations, all alcohol and drug test results and medical information furnished during the testing process will be treated as confidential medical information. Records of all tests conducted under this policy will be maintained at the Human Resources Department. A tested employee has the right to request a copy of his/her testing records.

***Breath Alcohol:*** Employees may be initially tested using DOT approved swabs or other approved methods. These test results shall be considered preliminary results. Any employee testing positive for alcohol will be transported by the supervisor to a breath alcohol testing facility (see after hours testing site for location of facility). Any alcohol test result **less than (0.02)** concentration, 0.00 for police and fire personnel, is considered a "**Negative Test**".

City employees who have any alcohol concentration defined as 0.02 and greater (0.02 - 0.039), for police and fire personnel (0.00-0.04), when tested just before, during or just after performing safety-sensitive functions will be:

- Removed from performing such duties;
- Counseled by the supervisor with a written reprimand;
- Instructed by DHR to schedule a formal EAP referral;

- Submit to another alcohol follow-up test before returning to safety sensitive functions
- Subject to disciplinary action up to and including termination of employment;
- Any similar violation (0.02 – 0.039), for police and fire personnel (0.00-0.04), within two years will result in termination of employment.

City employees who have any alcohol concentration defined as 0.04 and greater are subject to evaluation and discipline up to and including termination of employment with the City of Round Rock. Any employee that is allowed to continue employment will be subject to the terms of Disciplinary Probation that will include future drug and/or alcohol testing, in accordance with recommendations made by the SAP, at the employee's own expense. Disciplinary Probation is subject to the discretion of the DHR after consultation with the Department Director, HR Director and/or Assistant City Manager.

***Drugs (urine or hair specimen):*** Current DOT regulations require five (5) panel testing for controlled substances (drugs). The positive testing is reviewed and determined by the Medical Review Officer (MRO) after obtaining information requested from the employee. If the drug test was determined by the MRO as "Positive", the involved City employee is subject to discipline up to and including termination of employment with the City of Round Rock. The method and manner of testing may be changed unilaterally by the City provided such methods are in accordance with DOT Regulations.

## **VII. DISCIPLINARY ACTION**

Employees that test positive for the inappropriate use of drugs and/or alcohol will be subject to discipline, including but not limited to:

- Suspension;
- Demotion
- Disciplinary Probation; and,
- Termination;

The level and manner of discipline shall be at the sole discretion of the City.

A. Disciplinary Referrals and Evaluation are required for:

1) Any covered employee who violates any provision of the federal regulations or this Policy shall be advised by his or her Department or by the DHR of resources available to assist the employee in evaluating and resolving problems associated with the misuse of alcohol and controlled substances. Employees shall be referred to the City's Employee Assistance Program by his or her department and/or the DHR

2) Any covered employee who violates Subsections A through J of Section IV of the Alcohol and Drug Procedure will be evaluated by a SAP. The SAP shall determine what assistance, if any, the employee needs in resolving problems associated with the misuse of alcohol and the inappropriate use of controlled substances. If the SAP prescribes a rehabilitation program including future testing, the employee must complete that

program, as a condition of continued employment. The SAP will advise the Alcohol and Drug Program Coordinator of the prescribed rehabilitation program.

B. Any covered employee who refuses to submit to alcohol or drug testing under federal regulations or the City's Policy will be dismissed.

C. Any covered employee who attempts to alter or adulterate a specimen submitted for testing or otherwise obstruct the testing process will be deemed to have refused to submit to testing and will be dismissed.

D. The City reserves the right to determine the appropriate discipline at the time of the positive drug and/or alcohol test at .04 or higher. The City shall consider the employee's longevity, work history, position and any other factors the City deems relevant in determining appropriate action.

In general, the City will treat first time violators as follows:

1) Initial action:

a) Disciplinary suspension without pay for a period of two weeks; or demotion of one pay grade for a period of six months, if the Department Director deems demotion to be more appropriate to the operational needs of the department.

b) During the period of demotion, the employee will not be permitted to operate a commercial motor vehicle; the employee's pay will be reduced in accordance with the procedures of the DHR pertaining to demotions; and the employee must complete any rehabilitation program prescribed by the SAP who performed his or her evaluation

2) Additional actions:

a) The employee will be referred to a SAP for evaluation.

b) The employee will be placed on Disciplinary Probation which may include:

1 Future testing at the employee's expense;

2 Such other terms as deemed appropriate by the employee's department director, DHR and Supervisor.

E. Any covered employee whose alcohol test indicates an alcohol concentration greater than 0.02 but less than 0.04, for police and fire personnel 0.00-0.04, at a minimum shall be disciplined as follows:

1) First violation: Written reprimand with warning that any future violations will result in a higher level of discipline.

2) Second violation, of this nature, within two years of first violation: termination

3) Subsequent violations, of this nature, not within two years of any other violation: Disciplinary suspension without pay for a period of at least one week or

dismissal, to be determined by the Department Director and consultation with the DHR.

F. If an employee, who applies for transfer or promotion to a position that requires a commercial driver's license, knowingly provides false information regarding previous drug test results, he/she will be dismissed.

G. Department Directors are responsible for taking appropriate disciplinary action, up to and including dismissal, against any employee who violates the confidentiality of any portion of the alcohol and drug-testing program established under the City's Alcohol and Drug Policy for Drivers of Commercial Motor Vehicles.