

CITY OF WHITING

SUBSTANCE ABUSE TESTING PROGRAM

POLICY STATEMENT

The City Of Whiting recognizes the importance of assuring proper administrative and operational decisions and actions in the management of safety issues. We recognize the need to provide a safe working environment for all employees. We recognize the public trust that accompanies the permitted status of our operations. Finally, we recognize the need to protect those individuals who might endanger themselves through the abuse of alcohol or drugs. In order to mitigate the risks, which result from being under the influence of alcohol or drugs, the City of Whiting will enforce uniform testing for determination of ability to work and disciplinary action as described in the attached policy documentation.

Furthermore, *The City Of Whiting* does not allow or condone the consumption or use of alcohol or drugs on *The City Of Whiting* property during working hours or the reporting to work by an employee who is under the influence of illegal or non-prescribed drugs or alcohol. Possession, consumption, or the sale of alcohol or controlled substances on *City* property without proper authorization is forbidden and will result in immediate discharge. Controlled substances are never authorized or permitted on any City property with the exception of those in the custody of a law enforcement officer as a result of the performance of an official duty. Also *The City Of Whiting* reserves the right to search all company property, including employee lockers and city vehicles, to prevent violations of alcohol and drug abuse or for any other legitimate reasons.

1. PERSONS SUBJECT TO THE TESTING PROGRAM

- a. All applicants for full-time and non-seasonal part-time as part of new hiring procedures
- b. All employees

2. CHANGES OR MODIFICATIONS

- a. *The City Of Whiting* reserves the right to change the provisions of this policy, uniform testing procedure, and disciplinary action at any time in the future.

3. TESTING CIRCUMSTANCES

- a. Pre-employment - Candidates for full-time and non-seasonal part-time employment will be given a conditional offer of employment, but will not be hired unless the employee successfully passes a urinalysis test for alcohol and controlled substances. The City will bear the cost of the testing. If a candidate for employment refuses to undergo the required pre-employment testing, the hiring process shall cease for that candidate.
- b. Reasonable Suspicion - The City may require a city employee, including any elected or appointed officer, to undergo drug and alcohol testing if there is a reasonable suspicion that the individual is under the influence of drugs or alcohol during work hours. Supervisors are required to detail in writing the specific facts, symptoms, or

- observations, which formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the appropriate department head or designee.
- c. Post accident testing - an employee who is involved in any work related accident may be required to submit to drug/alcohol screening.

Accident means a reportable incident as follows:

- i. Death of any person.
 - ii. Bodily harm to any person resulting in one or more of the following:
 - (a) Loss of consciousness.
 - (b) Necessity to carry the person from the scene.
 - (c) Necessity for medical treatment.
 - (d) Disability, which prevents the discharge of normal duties or the pursuit of normal activities beyond the day of the accident.
 - iii. Estimated property damage, including cost of clean-up and recovery, value of lost product and damage to the property of The City Of Whiting, or others, or both, exceeding \$1,000.
 - iv. An event that is significant, in the judgment of The City Of Whiting, even though it did not meet the criteria of paragraphs (i), (ii) or (iii).
4. EXCEPTIONS
- Employees who are contracted or hired on short notice may be permitted to begin work on-site pending receipt of the results of pre-access substance testing. This permission will not extend beyond seven calendar days from the first date after work starts.

Any person working under this provision must be removed from the work site immediately upon receipt of a positive test result, or at the end of seven calendar days if test results have not been reported.

This provision is to allow work to begin on emergency or short notice situations only. Testing must be done as soon as reasonably feasible, and results must be available within the seven calendar days allotted. This provision covers only employees needed for initial staffing and does not extend to those hired with sufficient time for pre-access testing (2-3 days after the job begins).

5. CONFIDENTIALITY

The results of any test shall be kept confidential by the management, the clinic, any outside laboratory used for analysis and the host company, if applicable. However *The City Of Whiting* may use the results to decide upon action to be taken to the extent necessary to defend its actions in any subsequent grievance, arbitration or legal action.

6. TYPE OF TESTING

The type of test to be used for drug screening will be determined by the NIDA certified laboratory doing the testing. Proper "chain of custody" procedures will be followed. This means the combination of procedures and documentation, which provides a faithful and accurate written record of the custody of a biological specimen from the time of initial collection of a specimen to completion of the analysis.

Positive results will be confirmed by use of a second and different method of testing. At present the initial test is done by Enzyme Immunochemical Assay (EMIT) method. A positive test is then confirmed by using Gas Chromatograph/Mass Spectrometry GS/MS).

7. TEST LEVELS

The following initial cutoff levels shall be used when screening specimens to determine whether they are negative for the following compounds:

	Positive EMIT <u>Screen</u>	GC/MS Confirmation <u>Levels</u>
Amphetamines	1000 ng	500 ng/ml
Barbiturates	300 ng	200 ng/ml
Benzodiazepines	300 ng	300 ng/ml
Marijuana	50 ng	15 ng/ml
Cocaine	300 ng	150 ng/ml
Methadone	300 ng	300 ng/ml
Methaqualone	300 ng	200 ng/ml
Opiates	300 ng	300 ng/ml
Phencyclidine	25 ng	25 ng/ml
Ethanol*	.04 %	.04 %

* An alcohol breathalyzer test is considered positive (for the purpose of this policy) if the alcohol level is confirmed to be at or above .04%.

8. PRESCRIPTION AND NON-PRESCRIPTION MEDICATIONS

The employee shall note, on a form furnished by the collection site, the use of any prescription or non-prescription medications before any test is given. The collection site may require the employee to provide evidence that a prescription medication has been lawfully prescribed by a physician. Through the use of the above described laboratory procedures, the laboratory will report significant presence of all prescription and non-prescription medication in the appropriate described manner and if the employee has noted such use, as provided above, he/she will not be disciplined. Medications prescribed for another individual, not the employee, shall be considered to be illegally used and subject the employee to discipline.

9. EMPLOYEE CONSENT

Upon hiring, the Clerk-Treasurer shall insure that each new employee has read , understood, and signed the “City Of Whiting Acknowledgement of Receipt of Substance Testing Program” form. A copy of said executed form shall be placed in the employee’s city personnel file. This consent form shall be effective for the duration of the employee’s service with the City unless revoked in writing.

10. USE OF EMPLOYEE WHO FAILS OR REFUSES A DRUG TEST

a. Compliance with this drug-testing plan is a condition of employment. Refusal to take a required drug test or failure of a drug test shall result in removal from performing covered functions. Additional disciplinary action up to and including termination may result. The City Of Whiting reserves the right to terminate an employee for refusing or failing a substance test.

- b. Prohibitions On Use. The City Of Whiting shall not use in a function anyone who:
 - i. Fails a drug test as verified by the MRO (Medical Review Officer), or
 - ii. Refuses to take a drug test required by this plan.
- c. Options For Return-to-Duty. An employee may be given an opportunity to retain his or her employment, provided they first:
 - i. Have been recommended by the MRO (Medical Review Officer) for return to duty.
 - ii. Successfully passes a return to duty drug or alcohol test.
 - iii. Not fail a drug test after returning to duty.
 - iv. Agree to a 1-year random testing program.
 - v. Employee must successfully complete any rehabilitation program and conditions as determined by a qualified substance abuse counselor.
 - vi. Employee shall execute a "Last Chance Agreement" for continued employment.
- d. Conviction of Criminal Drug or Alcohol Statute. Any employee who is convicted of a criminal drug or alcohol statute must inform the City within five (5) days of such a conviction. When the City learns of the conviction, the City must appropriately discipline the employee.

NOTE: Rehabilitation is not mandated by DOT regulations and condition five (v.) is based on City policy and procedures.

11. RIGHT TO A HEARING.

- a. If any employee's positive test result has been confirmed, or the employee has illegally engaged in the manufacture, distribution, dispensation, possession, or use of a controlled substance at any time or place, including while at his or her work place, or the employee has reported to work under the influence of alcohol or illegal or non-prescribed drugs, such unlawful activity will be considered a sufficient ground for a serious adverse personnel action, including dismissal from employment. If an employee of the city is suspended in excess of five days, demoted, or dismissed, the employee may request a hearing within five days of the decision. Employees shall appeal to the Board of Public Works And Safety. The Board shall deliver written notice of the hearing upon the employee in person or by a copy left at his or her last address provided to the Office of the Clerk-Treasurer.. The notice must state:
 - i. The time and place of the hearing;
 - ii. The charges against the employee;
 - iii. The specific conduct that comprises the charges;
 - iv. That the employee is entitled to be represented by counsel at the employee's own expense;
 - v. That the employee is entitled to call and cross-examine witnesses;
 - vi. That the employee is entitled to require the production of evidence; and
 - vii. That the employee is entitled to have subpoenas issued, served, and executed within the county.

SUBSTANCE ABUSE PROGRAM (COORDINATORS)

LOCATION

COORDINATOR CONTACT

Comprehensive Care

Dr. Frank Messana 219-977-2090

St Catherine's Hospital

Dr. Robert Bertrand 219-392-7424

EMPLOYEE ASSISTANCE PROGRAM COUNSELING

Perspectives EAP

800-456-6327 (available 24/7)