

<b>CITY OF MENASHA POLICY</b>		<b>TITLE: ALCOHOL &amp; CONTROLLED SUBSTANCE TESTING COMPLIANCE</b>	
LAST UPDATE: 4/17/2012	SECTION:		
AUDIENCE: CDL – licensed employees	TOTAL PAGES: 18		
Personnel Committee Approval Date: 4/2/2012	Council Approval Date: 4/17/2012		

## I. PURPOSE

The Department of Transportation (DOT), the Federal Highway Administration (FHWA), and the Federal Aviation Administration (FAA) have issued Federal regulations (49 CFR Parts 40 and 382) implementing the provisions of the Federal Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and controlled substance testing of drivers who are required to have a Commercial Driver's License (CDL). These regulations include detailed procedures for urine drug testing and breath alcohol testing of employees in safety sensitive positions. The purpose of this Policy, then, is that of establishing an alcohol and controlled substances testing program in conformance with Federal Law.

## II. POLICY

The City of Menasha, as a public employer, recognizes that the use and/or abuse of alcohol or controlled substances by employees of the City of Menasha, who are drivers of commercial motor vehicles, presents a serious threat to the safety and health of the employees and to the general public. It is the policy of the City of Menasha that its drivers should be free of drugs and alcohol. In order to further the City's goal of maintaining a drug-free and alcohol-free employment environment, and to come into compliance with the Omnibus Transportation Employee Testing Act of 1991, the City of Menasha has implemented a drug and alcohol testing program which is designed to help reduce and avoid traffic accidents and injuries to the City's employees and to the public and to discourage substance and alcohol abuse.

## III. COVERAGE

For purposes of this Policy, the City of Menasha, FHWA and the DOT strictly prohibit the use of alcohol and/or controlled substances by its employees who are performing, ready to perform, or ceasing to perform the following safety-sensitive job functions:

- A. Operation of a commercial motor vehicle;

- B. Directly supervising employees who perform safety-sensitive job functions or supervisors required to have a CDL.

#### IV. EMPLOYEES SUBJECT TO DOT

- A. All drivers who operate commercial motor vehicles (CMV) are subject to testing under the department of transportation's (DOT) drug and alcohol testing regulations. This includes any driver who may be subject to the commercial driver's license requirements of Part 383.
- B. Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle—
  - 1. Has a gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds) inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or
  - 2. Has a gross vehicle weight rating of 11,794 or more kilograms (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 (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

#### V. PROHIBITED CONDUCT

Federal Regulations prohibit employees from engaging in the following conduct immediately before, during, or immediately after performing safety sensitive duties:

- 1. Engaging in the on-the job use of illegal or unauthorized drugs including those defined as prohibited substances in this policy;
- 2. Engaging in the on-the-job unlawful manufacture, distribution, dispensing, possession or use of prohibited substances. Law enforcement shall be notified whenever illegal drugs are found or determined to be present in the workplace;
- 3. Having a drug test result that is considered positive when the driver is found to have a quantifiable presence of a prohibited substance in

the body at or above the minimum thresholds consistent with those defined in 49 CFR Part 40;

4. Tampering, substituting or adulterating urine specimens;
5. Unauthorized use or possession of alcohol while on the job or conducting City business;
6. Having a breath alcohol test result of .020 or greater when reporting for work or working, or within 24 hours of being tested with a result of at least .020 but less than 0.04;
7. Having a positive breath alcohol test result of .040 or greater;
8. Consuming alcohol within four (4) hours of reporting to work, or during the hours you are on call;
9. Consuming alcohol while on duty, while working, or just before or just after performing any functions;
10. Consuming alcohol within eight (8) hours following an accident or until the post accident test has been administered, whichever occurs first;
11. Refusing to submit to an alcohol or drug test described as follows:
  - a. Failing to appear for any test within a reasonable time after being directed to do so. This includes the failure of a driver (including an owner-operator) to appear for a test when called by a C/TPA;
  - b. Failing to remain at the testing site once the process has started (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);
  - c. In the case of a directly observed or monitored collection in a drug test, the driver fails to permit the observation or monitoring of the driver's provision of a specimen;
  - d. Failing to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
  - e. Failing to provide a sufficient amount of breath when directed,  
and it has been determined, through a required medical evaluation that there was no adequate medical explanation for the failure;

- f. Failing or declining to take a second test the employer or collector has directed the driver to take;
- g. Failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER
- h. Failing to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process);
- i. Having a verified adulterated or substituted test result reported by the MRO.

In addition, the City of Menasha Policy prohibits employees from engaging in the following conduct:

1. Engaging in the off- the-job use of illegal or unauthorized drugs including those defined as a prohibited substances in this policy;
2. Engaging in the off -the-job unlawful manufacture, distribution, dispensing, possession or use of prohibited substances. Law enforcement shall be notified whenever illegal drugs are found or determined to be present in the workplace;
3. Dispensing, distributing or receiving alcohol and/or controlled substances while on duty;
4. Possession of or consumption of controlled substances while on duty or while on City property or within City equipment, unless such possession and/or consumption is pursuant to the instructions of a physician who has advised the driver and the City in writing that the substances does not adversely affect the driver's ability to safely operate a commercial motor vehicle;
5. Having an alcohol concentration of 0.02 but less than 0.04 immediately before, during, or immediately after performing safety sensitive work;
6. Reporting for duty or remaining on duty while under the influence of alcohol or a controlled substance;
7. Providing false information in connection with a test, or falsifying test results through tampering, contamination, adulteration or substitution.

VI. REQUIRED PARTICIPATION

- A. Participation in anti-drug and alcohol program is a requirement of all drivers and therefore, a condition of employment.
- B. Drivers will have deemed to implied their consent to cooperate in the City's effort to maintain a workplace free from the effects of alcohol, illegal drugs and controlled substances through the use and enforcement of this and related City policies and procedures
- C. [City policy: This policy does not alter the at-will employment relationship between the City and its employees. It is not meant to create a contract or expectation of future employment and is merely one condition of continued employment.]

VII. REQUIRED HOURS OF COMPLIANCE

- A. Drivers are required to be in compliance of the alcohol rule:
  - 1. While on duty
  - 2. Four (4) hours prior to on duty time
  - 3. Up to eight (8) hours following an accident or until the driver undergoes a post-accident test, whichever occurs first

A driver shall not report for duty or remain on duty when the driver uses any controlled substance, except when the use is at the instruction of a physician who has advised the driver that the substance does not adversely affect the ability to safely operate a CMV.

VIII. PROGRAM CONTACTS

A. Designated Employer Representative

Questions pertaining to these policies or procedures should be directed to the Designated Employer Representative (“DER”) who is responsible for managing this program in compliance of federal regulations, state laws, and the provisions of this policy.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_

B. Medical Review Officer

A Medical Review Officer (MRO) is a licensed physician with knowledge and clinical experience in substance abuse disorders; they are required to complete qualification training courses and fulfill obligations for continuing education courses. They serve as independent, impartial gatekeepers to the accuracy and integrity of the DOT drug testing program. All laboratory results are sent to an MRO for verification before a Company is informed of the result. As a safeguard to quality and accuracy, the MRO reviews each test for accuracy.

Provided by: Affinity Occupational Health  
Menasha: 1186 Appleton Road (920) 727-8700  
Oshkosh: 1885 Koeller Street (920) 223-7237

C. Substance Abuse Professionals

Substance Abuse Professionals (SAPs) play a critical role by professionally evaluating employees who have violated drug & alcohol testing rules/policies. SAPs recommend appropriate education, treatment, follow-up tests, and aftercare. They are the gate-keepers to the re-entry program by determining when an employee can be returned to duty. While SAPs do make recommendations to the employer about an employee's readiness to perform his/her duties, SAPs are neither an advocate for the employee or the employer, and they make return-to-duty recommendations according to their professional and ethical standards as well as applicable regulations. Even if a SAP believes that an employee is ready to return to work, the City retains its management rights with regard to hiring and reinstatement decisions.

Provided by: Affinity Health Systems, Toll Free (800) 894-9327  
Three Locations: 1550 Midway Place, Menasha  
2700 W. Ninth Avenue, Oshkosh  
451 E. Brooklyn Street, Chilton

Employees can also use the Substance Abuse and Mental Health Services Administration (SAMHSA) website (located at <http://dasis3.samhsa.gov>) to locate a certified SAP in their area. The selected SAP must be acceptable to the employer.

IX. TESTING RULES AND PROCEDURES

A. Test requirement, costs and compensation

All employees of the City of Menasha who are employed in a safety-sensitive position and/or are required to hold a Commercial Drivers' License as a condition of their employment are subject to testing for alcohol and/or controlled substances. Refusal to take a required test will result in removal of that employee from the employee's assignment(s), which, in turn, may result in discipline up to and including discharge.

The City of Menasha shall pay all costs associated with the administration of alcohol and controlled substance testing, except those costs for a "split specimen" test required by an employee or a return to duty re-test. The employee shall pay for these tests. If the result of a split specimen test is negative, the City shall reimburse the employee for said test.

All time spent undergoing required alcohol or controlled substance testing, shall be paid in accordance with the administrative pay policy that normally applies to the City. An alcohol re-test, however, that is performed at the request of the employee must be done on an employee's own time, prior to the start of his/her regular shift.

B. Types of tests

Testing must be conducted in the following situations:

1. Pre-employment Testing.

Any individual not currently employed by the City of Menasha who is applying for a safety-sensitive position shall be required to undergo testing for alcohol and controlled substances indicating a verified negative test result after a conditional offer of employment has been made. Prior to the first time an existing employee performs safety-sensitive functions for the City of Menasha (i.e., new position, job transfer, promotion, new duties, etc., which involves moving from a position which does not require a CDL to a position that does require a CDL), the employee shall be required to undergo testing for alcohol and controlled substances indicating a verified negative test result for that employee.

2. Reasonable Suspicion Testing.

Reasonable suspicion means suspicion based on a specific, contemporaneous, articulable observation by a trained supervisor or other trained City of Menasha representative concerning the appearance, behavior, speech or body odors of an employee, including indications of the chronic and/or withdrawal effects of controlled substances. Reasonable suspicion controlled substances or alcohol testing will only occur under these rules if the observations are made during, just before, or just after the time the employee is performing safety-sensitive functions.

- a. In a situation where an employee is either acting in an impaired manner or the supervisor has reasonable suspicion to believe the employee is using or is under the influence of alcohol or controlled substances, the supervisor may order the employee to undergo a controlled substances or alcohol test.
- b. Once the employee has been removed from the job, the supervisor is to contact the Personnel Department. If contact cannot be made at that time, the supervisor is to proceed through the next step of this procedure and make contact with the Personnel Department as soon thereafter as possible.
- c. The supervisor is to then take the employee to the collection site for controlled substances and/or alcohol testing immediately, but no later than either (8) hours for an alcohol test or twenty-four (24) hours for a controlled substance test, after having determined that there is reasonable suspicion to believe that the employee is using or is under the influence of alcohol or a controlled substance. If the alcohol test is conducted more than two (2) hours, but less than eight (8) hours, after the supervisor makes such reasonable suspicion determination, the supervisor will complete a report explaining the reason for the delay in conducting the alcohol test. The supervisor is to wait at the clinic with the employee until the breath test has been completed or the urine sample has been taken.

If the alcohol test is not conducted with eight (8) hours after the supervisor makes such reasonable suspicion determination, or if the drug test is not conducted within twenty-four (24) hours after such determination, the supervisor will complete a report explaining the reasons why the test was not conducted timely.

- d. Once the alcohol testing has been completed and a positive confirmation test result has been received (0.04 percent or above), the employee will be returned to his reporting station. It will then be the employee's responsibility to make appropriate transportation arrangements in order to insure that the employee is not operating a personal motor vehicle while under the influence of alcohol or a controlled substance.
- e. If a blood alcohol or urine drug test has been administered, the City of Menasha will contact the employee once the test results are known and a decision has been made as to the employee's status.
- f. The results of the drug testing will be sent directly to the Medical Review Officer (MRO) for review and forwarding to the authorized Personnel Department Professional. The results of the alcohol testing will be sent directly to the authorized Personnel Department Professional. When the results are obtained, the employee's supervisor and department head will consult with the authorized Personnel Department Professional to determine the appropriate course of action to be taken. This is a confidential process. Test results will be held strictly confidential and will not be discussed or shared with anyone who does not have a need to know.
- g. The supervisor must submit a signed written report to the authorized Personnel Department Professional describing, in detail, the event and the behavior observed that led the supervisor to believe the employee was under the influence of alcohol and/or a controlled substance. This report must be done within 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.

### 3. Random Testing.

Random alcohol and controlled substance testing will be conducted just before, during, or just after an employee's performance of safety-sensitive duties. The employee will be randomly selected for testing from a "pool" of employees subject to testing. The testing dates and times are unannounced and will occur with unpredictable frequency throughout the year.

Unless changed by Federal Regulation, the minimum annual percentage rate for random alcohol testing shall be ~~25~~ 10 percent and the minimum annual percentage rate for random drug testing shall be 50 percent of the average number of employees in safety-sensitive positions.

The selection of employees for random testing shall be made by Network Health System, Inc., d/b/a Affinity Occupational Health (hereafter referred to as Affinity Occupational Health) using a scientifically valid method. Under this selection process, each employee will have an equal chance of

being tested each time selections are made. As a result, some employees may be tested more than once each year, while other employees may not be tested at all.

4. Post Accident Testing.

As soon as practicable following an accident involving a commercial motor vehicle operating on a public road, the City of Menasha shall test an employee driver for alcohol and controlled substances in the following situations:

- a. Testing for alcohol will occur if:
  - i. The accident involved the loss of human life; or,
  - ii. The employee receives a citation within 8 hours of the occurrence, under state or local law for a moving traffic violation arising from the accident, if the accident involved 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 motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
  
- b. Testing for a controlled substance will occur if:
  - i. The accident involved the loss of human life; or,
  - ii. The employees receives a citation within 32 hours of the occurrence under state or local law for a moving traffic violation arising from the accident, if the accident involved 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 motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

The alcohol breath test must be administered as soon as possible, but no later than eight (8) hours following the accident, and the controlled substance test must be administered within thirty-two (32) hours of the accident. If the alcohol test is not administered within two (2) hours of the accident, the supervisor will complete a report explaining the reasons for the delay in conducting the test. If the alcohol test is not administered within eight (8) hours of the accident or if the controlled substance test is not administered within thirty-two (32) hours of the accident, the supervisor will complete a report explaining why the test was not conducted.

An employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the City of Menasha to have refused to submit to testing. A covered employee who leaves the scene of the accident may continue to be considered as "readily available" for testing if:

- a. The employee left the scene to obtain necessary medical care (for himself, herself, or others); or,
- b. The employee left the scene for the period necessary to obtain assistance in responding to the accident.

5. Return-to-Duty/Follow-up Testing.

If the City of Menasha offers an employee an opportunity to return to a safety-sensitive job function after engaging in conduct prohibited by Federal Regulations the driver shall complete the SAP evaluation, referral, and education/treatment process set forth federal regulations as well as undergo a return-to-duty follow-up test with a result indicating an alcohol concentration of less than 0.02 or verified negative result for controlled substance use. In any event, if required by law, an employee will not be allowed to return to duty without first having been evaluated by a City of Menasha Substance Abuse Professional (SAP) in order to determine the employee's fitness-for-duty.

In the event an employee is permitted to return to the performance of safety-sensitive functions, the City of Menasha will carry out the SAP's follow-up testing requirements.

C. Testing Procedures

The City of Menasha has entered into an alcohol and drug testing agreement with Affinity Occupational Health. Testing may be done on both urine and breath (blood alcohol may also be required by law or at the request of an employee). All drug and alcohol testing will be conducted in conformance with the procedures and rules established by the Federal Omnibus Transportation Employee Testing Act of 1991 and its implementing regulations. Affinity Occupational Health, or its designee, will handle taking the sample (in standard collection kits). Affinity Occupational Health, or its designee, will be responsible for seeing that the samples are sent to a certified laboratory, and will assist in the interpretation of the results. The City of Menasha may contract with a replacement testing service as long as such replacement service meets Federal standards.

Locations of test sites are:

- Affinity Occupational Health (7:30 a.m. – 4:30 p.m.); 1186 Appleton Road, Menasha, Wisconsin
- Affinity Occupational Health (7:30 a.m. to 4:30 p.m.); 1855 S. Koehler Street, Oshkosh, Wisconsin

After hours or emergency:

- St. Elizabeth Hospital Emergency Room, 1506 S. Oneida Street, Appleton, Wisconsin
- Mercy Medical Center . Emergency Room (register with the receptionist at the desk); 500 S. Oakwood; Oshkosh, Wisconsin

Employees selected for testing will be notified as to which test site to report to.

D. Drug & Alcohol testing methodologies

1. Breath Alcohol

- a. Screening Test: A screening test is conducted utilizing a DOT approved Evidentiary Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT) in which the driver provides breath sample. In some instances, a screening test may be conducted utilizing an alcohol screening device (ASD) operated by a qualified Screening Test Technician (STT) to obtain a saliva or breath sample.
- b. A screening test result of less than .02 is considered negative. No further action is required.
- b. If the screening test provides a result of 0.02 or greater, a confirmation test will be conducted.

2. Confirmation Test

A confirmation test is conducted utilizing a DOT approved Evidentiary Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). The results of a confirmation test take precedence over the screening test results.

- a. A confirmation test result of less than .020 is considered negative.
- b. A confirmation test result of 0.040 or greater is considered positive and the driver must immediately be removed from performing safety-sensitive functions and complete the requirements of Subpart O of 49 CFR Part 40 prior to resuming or assuming safety-sensitive functions.
- c. A confirmation test result of .020 to .039 is also considered positive, however, the employee is immediately removed from performing safety-sensitive functions for a mandatory 24-hour period. There is no requirement under the DOT regulations for the employee to be referred for the SAP process.

3. Drug & Validity Testing

The testing processes and protocols are consistent with those mandated by 49 CFR Part 40.

- a. The collection process is conducted by a qualified collector utilizing a split specimen process in which the specimens are sent to an approved laboratory certified by the U.S. Department of Health and Human Services.
- b. The laboratory will use techniques and equipment to conduct initial and confirmation drug testing to detect the presence of the following drugs or

classes of drugs: Marijuana metabolites, Cocaine metabolites, Amphetamines, Opiate metabolites, and Phencyclidine (PCP).

- c. Specimen A – Initial Test: If the result is at or above the cutoff concentration, a confirmation test will be conducted using gas chromatography/mass spectrometry (GC/MS) technology. The test will be considered positive if the amounts present are at or above the minimum thresholds established in 49 CFR Part 40, as amended.

The laboratory will also conduct specimen validity testing to determine if the specimen is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

- d. Specimen B – Confirmation Test. When no legitimate medical reason is established for a positive, adulterated, substituted, or invalid test result the driver has 72 hours in which to request the MRO to have his/her Specimen B bottle be sent to another certified lab for analysis of the same substance or condition that was found in Specimen A.

#### D. Medical Review Officer

- 1. When the MRO receives a confirmed positive, adulterated, substituted, or invalid test result from the laboratory, reasonable efforts will be made to contact the driver on a confidential basis to determine whether the employee wants to discuss the test result to determine if there is a legitimate medical reason for the result.
  - a. If a legitimate medical reason is established, the MRO will report the result to the DER as negative.
  - b. If an employee refuses to discuss the results with the MRO and/or does not provide the MRO with acceptable medical documentation to explain non-negative results, then the MRO will report a positive test result to the DER.
  - c. When the result is reported as adulterated or substituted test and a legitimate reason is established, the MRO will cancel the test. When no legitimate medical reason is established, the MRO will report the result to the DER as a refusal to test.
- 2. The MRO may verify a test result as a positive or refusal to test, as applicable, when:

- a. The driver expressly declines the opportunity to discuss the test with the MRO or reasonable efforts to contact the driver are unsuccessful.
  - b. The driver has not contacted the MRO within 72 hours of being notified to do so by the DER.
  - c. All reasonable efforts to contact the driver by both the MRO and DER have been unsuccessful within the 10-day period the MRO receives the results from the laboratory.
3. Confirmation Test. When no legitimate medical reason is established for a positive, adulterated, substituted, or invalid test result the driver has 72 hours in which to request the MRO to have his/her Specimen B bottle be sent to another certified lab for analysis of the same substance or condition that was found in Specimen A.

F. Prescription and non-prescription drugs

Before performing work-related duties, employees must notify their supervisor if they are taking any legal prescribed medication, therapeutic drug, or any non-prescription drug which contains any measurable amount of alcohol or which carries a warning label that indicates the employee's mental functioning, motor skills, or judgment may be adversely affected by the use of this medication. In such case, the employee's physician shall indicate and recommend accommodation for the employee. Employees do not need to disclose the purpose for which the medication has been prescribed.

It is the responsibility of the employee to inform his/her physician of the type of safety-sensitive function that he is likely to perform in order that the physician may determine if the prescribed substance could interfere with the safe and effective performance of the employee's duties or operation of City equipment. The employee shall present his physician with a form, provided by the City of Menasha, that the employee's physician is to complete, and where accommodation is warranted, the City of Menasha will attempt to provide accommodation. Upon reporting for work on the first day in which the employee is taking the medication, he/she is to present the completed physician's form to his/her immediate management supervisor.

As set forth in part D-1 of this Policy, an employee considering the use or possession of prescription or non-prescription medications containing alcohol should consult with his/her personal physician in order to obtain a substitute medication that does not contain alcohol or to consume such medications containing alcohol on a prescribed schedule that will render the employee alcohol-free during working hours. In the event that the employee's physician cannot prescribe a medication substitute or schedule that will render the employee alcohol-free during working hours, the employee shall provide his or her immediate management supervisor with signed documentation from his or her personal physician indicating such so that an accommodation for the employee can be attempted.

## G. Confidentiality of records

The City of Menasha respects the confidentiality and privacy rights of all of its employees. Accordingly, the results of any test administered under this Policy and the identity of any employee participating in any related assessment or treatment program will not be revealed by the City of Menasha except as provided for by law. The City of Menasha will release an employee's records as directed by the express written consent of the employee authorizing release to an identified person. In addition, the City of Menasha will ensure that any lab or agency used to conduct testing under this Policy will maintain the confidentiality of employee test records. In the course of official business, however, the lab or testing agency will disclose information related to a positive drug or alcohol test of an individual to the authorized Personnel Department Professional. The authorized Personnel Department Professional may, in turn, disclose this information to the employee, and limited necessary information to his department head and his immediate management supervisor as well as to the arbitrator or judge in a lawsuit, grievance, or other proceeding by or on behalf of the individual which arises from any action taken in response to a positive drug or alcohol test; or as provided for by law, including court orders or subpoenas.

The Medical Review Officer (MRO) will not reveal individual test results to anyone except the employee and the authorized Personnel Department Professional, unless the MRO has been presented with a written authorization from the tested employee. The MRO may reveal to the authorized Personnel Department Professional relevant information as to whether the employee is qualified to perform safety-sensitive functions or whether the employee has tested positive for alcohol or a controlled substance. The authorized Personnel Department Professional may disclose limited necessary information to the employee's department head and immediate management supervisor as well as to the arbitrator or judge in a lawsuit, grievance or other proceeding on behalf of the individual which arises from any action taken in response to a positive drug or alcohol test; or as provided for by law.

All records related to drug and alcohol tests of individual employees will be maintained in individual files separate from the employee's personnel file. These records will be stored in a locked cabinet and access will only be allowed to those employees who have a legitimate need to file or review the records of a particular employee as part of their authorized work assignments.

## H. Discipline

Consistent with this policy, the City of Menasha may take disciplinary action based on noncompliance with this policy by an employee and specifically for actions as follows:

1. If a Medical Review Officer (MRO) reports that a urine test is positive, the employee shall be subject to discharge. Discharge may be held in abeyance if the employee enters into a last chance agreement and successfully completes a Substance Abuse Treatment Program.
2. If a BAT reports that a breath test is equal to or exceeds 0.04, that employee shall be subject to discharge. Discharge may be held in abeyance if the employee enters into a last chance agreement and

- successfully completes a Substance Abuse Treatment Program.
3. If a BAT reports a breath test between 0.02 and 0.04, the employee shall be sent home without pay for the remainder of the day and shall be suspended without pay until the start of the employee's next regularly scheduled work day, but not less than 24 hours following administration of the test.
  4. Any employee who refuses to submit an alcohol or drug test shall be subject to discharge.

I. Convictions

Within five (5) calendar days, an employee is required to notify the City of any criminal drug conviction for a violation occurring in the workplace. The City will take appropriate action it deems necessary.

J. Searches

Entering the City's property constitutes consent to searches and inspections. If an individual is suspected of violating the drug-free workplace policy, he/she may be asked to submit to a search or inspection at any time. Searches can be conducted of pockets and clothing, lockers, wallets, purses, briefcases and lunchboxes, desks, computers and work stations and vehicles and equipment.

Adopted: 12/95

S:\HR\_secure\Forms and policies\Policies\Alcohol and Controlled Substance Testing Procedure.docx

K. Effects, Signs & Symptoms

- a. Impact on Health, Work, & Personal Life Information in this policy is intended to help employees understand what consequences alcohol and drug use has on his/her health, work and personal life. The impact of an individual's substance use and/or abuse extends beyond them. Impaired employees endanger themselves, fellow workers, and the general traveling public. Employees with alcohol are less productive and more likely to injure themselves or other persons in an accident. Alcohol abusing employees increase the costs related to lost productivity, absenteeism, loss of trained personnel, theft, and treatment and deterrence programs. Medical costs are higher and are passed on to the employer in the form of higher insurance rates.
- b. Shared Responsibility  
A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. If substance abuse is contributing

to an employee's poor performance, ignoring or avoiding it will not help the situation. An employee's use or misuse of alcohol or drugs may be the root of the performance problem; however, substance abuse on the part of someone close to the employee also could be the source. Inevitably, the abuse of alcohol or other drugs leads to costly and potentially dangerous consequences unless action is taken to confront the issue.

Employees are encouraged to:

- Be concerned about working in a safe environment;
- Support fellow workers in seeking help;
- Report dangerous behavior to their supervisor.

Supervisor's have a responsibility to:

- Observe employee performance and counsel employees regarding their performance;
- Document negative changes and problems in performance and investigate reports of dangerous practices;
- Counsel employees as to expected performance improvement and clearly state consequences of policy violations;
- Refer employees to Substance Abuse professionals.

L. Where to Find Help

If you or someone you know has a problem with alcohol or other drugs, contact these resources for free, confidential help.

	Website
	Phone
• Substance Abuse Treatment Locator	
www.findtreatment.samhsa.gov	1.800.662.HELP
• Al-Anon/Alateen	www.al-anon.alateen.org
1.888.4AL.ANON	
• Alcoholics Anonymous (AA)	www.aa.org
• American Council on Alcoholism	www.aca-usa.org
1.800.527.5344	
• Cocaine Anonymous	www.ca.org
1.800.347.8998	
• Nar-Anon	www.nar-anon.org
1.800.477.6291	
• National Council on Alcoholism	www.ncadd.org
1.800.622.2255	
and Drug Dependence Hopeline	
• National Institute on Alcohol	www.niaaa.nih.gov
Abuse and Alcoholism	
• Workplace Helpline	workplace.samhsa.gov
1.800.WORKPLACE	

M. Behavioral & Physical Effects

The chart below presents some of the possible effects of alcohol and other drug use. It presents them by phases of use—early, middle, late middle, and late

phases—and it emphasizes the visible signs in general behavior and job performance for each phase. The struggle for answers about alcohol and drug problems can be difficult. Without expert assessment and diagnosis, it can entail an exhausting search without easy resolution. But confidential diagnosis and assistance can be helpful at any point along the continuum, and it is better to seek and get such help sooner rather than later.

<ul style="list-style-type: none"> <li>-Use to relieve tension</li> <li>-Tolerance increases</li> <li>-Don't feel like yourself</li> <li>-Have memory blackouts</li> <li>-Lie about use</li> </ul> <p><b>Visible signs</b> <i>General behavior:</i></p> <ul style="list-style-type: none"> <li>-Overreact to real or imagined criticism</li> <li>-Complain of not feeling well</li> <li>-Lie about use</li> <li>-Family and coworkers complain about you</li> </ul> <p><i>Job performance:</i></p> <ul style="list-style-type: none"> <li>-Miss deadlines</li> <li>-Arrive late</li> <li>-Leave job early</li> <li>-Often absent from work</li> <li>-Make mistakes because of inattention or poor judgment</li> <li>-Experience decreased efficiency</li> </ul>	<ul style="list-style-type: none"> <li>-Sneak drinks or drugs</li> <li>-Feel guilty about using the substance</li> <li>-Experience tremors when not using</li> <li>-Experience general loss of interest</li> </ul> <p><b>Visible signs</b> <i>General behavior:</i></p> <ul style="list-style-type: none"> <li>-Family, coworkers, supervisors, friends not able to depend on your word</li> <li>-Begin to avoid associates</li> <li>-Borrow money from coworkers</li> <li>-Exaggerate work accomplishments</li> <li>-Need to go to hospital more than average</li> <li>-Have repeated minor injuries on and off the job</li> <li>-Feel unreasonable resentment</li> </ul> <p><i>Job performance:</i></p> <ul style="list-style-type: none"> <li>-Take frequent days off for vague ailments</li> <li>-Work deteriorates</li> <li>-Experience irregular work pace</li> <li>-Find it difficult to concentrate</li> </ul>	<ul style="list-style-type: none"> <li>-Avoid discussion of problems</li> <li>-Fail in efforts at control</li> <li>-Experience a lack of appetite</li> <li>-Prefer to use alone</li> </ul> <p><b>Visible signs</b> <i>General behavior:</i></p> <ul style="list-style-type: none"> <li>-With some substances, such as alcohol, can become grandiose, aggressive, or belligerent</li> <li>-Relationship issues interfere with work</li> <li>-Have an apparent loss of ethical values</li> <li>-Experience loss of money</li> <li>-Hospitalization increases</li> <li>-Have trouble with the law</li> </ul> <p><i>Job performance:</i></p> <ul style="list-style-type: none"> <li>-Perform below expected level</li> <li>-Take frequent time off, sometimes for several days</li> <li>-Fail to return from lunch</li> </ul>	<ul style="list-style-type: none"> <li>-Believe that other activities interfere with drinking or other substance use</li> </ul> <p><b>Visible signs</b> <i>General behavior:</i></p> <ul style="list-style-type: none"> <li>-Use on the job</li> <li>-Become totally undependable.</li> <li>-Have repeated hospitalizations.</li> <li>-Show visible physical deterioration</li> <li>-Financial problems worsen</li> <li>-Have serious family problems or divorce</li> </ul> <p><i>Job performance:</i></p> <ul style="list-style-type: none"> <li>-Have prolonged and unpredictable absences</li> <li>-Work is very uneven</li> <li>-Become generally incompetent</li> </ul>
---	--	---	--

[http://www.workplace.samhsa.gov/WPWorkit/pdf/effects\\_of\\_alcohol\\_and%20other\\_drugs\\_on\\_job\\_fs.pdf](http://www.workplace.samhsa.gov/WPWorkit/pdf/effects_of_alcohol_and%20other_drugs_on_job_fs.pdf)