

	General Substance Abuse Policy	
	Section No: 2.06	
	Resolution Number: 257-2026	
	Effective Date: September 1, 2026	
	Supersedes: General Substance Abuse Policy Resolution No. 2010-139 effective date November 18, 2014 Resolution No. 2020-107 effective date January 8, 2020	
	Next Review Date: September 1, 2028	
	Responsible Office: Risk Management	
Policy Applies to:	☒ All City employees (Full-time, Part-time, LSEs, temps, etc.) ☒ All City and School Employees	☐ Full-Time employees only ☐ Other: _____

Drug Free Workplace

It is the intent and obligation of the City to provide a drug free, healthful, safe, and secure work environment as mandated by the Drug-Free Workplace Act of 1988. Our policy regarding the work-related effects of drug use and the unlawful possession of controlled substances is as follows:

Employees are expected and required to report to work on time and in appropriate mental and physical condition for work.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on City premises or while conducting City business off City premises is absolutely prohibited. Violations of this policy will result in corrective actions up to and including termination and may have legal consequences.

The City recognizes drug dependency as an illness and a major health problem. The City also recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use local counseling facilities, our health insurance plan, and our employee assistance program (EAP) as appropriate. Conscientious efforts to seek such help will not jeopardize any employee's job and will not be noted in any personnel record.

Employees must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug statute for violations occurring on or off City premises while conducting City business. A written report of a conviction must be made within five (5) days after the conviction.

1. General Substance Abuse Program

The City of Kingsport is dedicated to providing safe, dependable, and economical services to our community. The City of Kingsport employees are our most valuable resource and it is our goal to provide a healthy, satisfying working environment that promotes personal opportunities for growth. In meeting these goals, it is our policy to:

- a. assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner;
- b. create a workplace environment free from the adverse effects of drug abuse and alcohol misuse;
- c. prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and
- d. to encourage employees to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

The purpose of this policy is to assure worker fitness for duty and to protect our employees, passengers, and the public from the risks posed by the misuse of alcohol and use of prohibited drugs. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs for the receipt of Federal Funds under the Drug-Free Workplace Act of 1988. The U.S. Department of Transportation (DOT) has published 49 CFR Part 40, as amended, which sets standards for drug and alcohol testing. In addition, the Federal government published 49 CFR Part 29, “The Drug-Free Workplace Act of 1988,” which requires the establishment of drug free workplace policies.

1.1 Covered Employees

All employees of the City of Kingsport are included in the substance abuse management program and are required to submit to post-accident and reasonable suspicion drug and alcohol testing.

DOT covered employees shall also submit to DOT regulated drug and alcohol testing in accordance with 49 CFR Part 655, Part 382 and Part 40.

1.2 Prohibited Substances

“Prohibited substances” addressed by this policy include the following:

1.2.1 Illegally Used Controlled Substances or Drugs

Any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15. This includes, but is not limited to marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as 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.

1.2.2 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 that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to supervisory personnel and medical advice must be sought by the employee, as appropriate, before performing work-related duties.

A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing City business is prohibited.

The use of beverages containing alcohol or substances including any medication, mouthwash, food, candy, or any other substance such that alcohol is present in the body while performing City business is prohibited.

1.3 Prohibited Behavior

1.3.1 Manufacture, Trafficking, Possession, and Use

City of Kingsport employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited or controlled substances on City premises, in CDL vehicles, other City vehicles, in uniform, or while on City business. All property owned or leased by the City of Kingsport is subject to inspection where suspicion exists that a violation has or is occurring. Inspection may be at any time without notice as there is NO expectation of privacy. City property includes, but is not limited to, vehicles, desks, containers, files, and storage lockers. All personnel are admonished that the retention of personal items in such containers or facilities is at the risk of the employee and the City will not be responsible for any losses. Such equipment is subject to entry and inspection without notice, even if the employee has placed a personally owned lock on the City's property. Employees assigned lockers, whether locked by employees or not, are also subject to inspection by supervision in the presence of the employee if the employee is reasonably available. Employees who violate this provision may be terminated. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

1.3.2 Intoxication/Under the Influence

Any employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty, shall be suspended from job duties pending an investigation and verification of condition. Employees found to be under the influence of prohibited substances or who fail to pass a drug or alcohol test shall be removed from duty and terminated. An individual fails a drug test if the test results show a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended. An individual fails a breath alcohol test when the breath alcohol concentration is 0.04 or greater or violates compliance with testing requirements.

1.3.3 Alcohol Misuse

No employee shall report for duty or remain on duty when his/her ability to perform assigned employment functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No employee shall consume alcohol while on duty, while in uniform, just before or just after employment duty, or while on call.

1.4 Circumstances for Testing

1.4.1 Post-Accident Testing

All employees are subject to post-accident drug and alcohol testing under the following circumstances:

Fatal Accidents

As soon as practicable following an accident involving the loss of human life, drug and alcohol tests will be conducted on each surviving employee operating the equipment or vehicle at the time of the accident. In addition, any other employee whose performance could have contributed to the accident, as determined by the Risk Manager or their representative using the best information available at the time of the decision, will be tested.

Non-fatal Accidents

As soon as practicable following an accident not involving the loss of human life, drug and alcohol tests will be conducted on each employee operating the equipment or vehicle at the time of the accident if at least one of the following conditions are met:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, unless the employee can be completely discounted as a contributing factor to the accident.
- (2) One or more vehicles incurs disabling damage and must be towed away from the scene, unless the employee can be completely discounted as a contributing factor to the accident.

In addition, any other employee whose performance could have contributed to the accident, as determined by the Risk Manager or their representative using the best information available at the time of the decision, will be tested.

Employees subject to post-accident testing must be readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident 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 care.

1.4.2 Reasonable Suspicion Testing

All employees shall be subject to a drug and/or alcohol test at any time while on duty when there is a reasonable suspicion that the employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee.

1.5 Testing Procedures

Confidentiality is maintained throughout the drug/alcohol testing process. All positive results are first forwarded to a Medical Review Officer (MRO) for review. The MRO reviews the individual medical

history and affords the employee an opportunity to offer any clarifying information that would explain the positive test. Risk Management will maintain results in the strictest of confidence in a medical file separate from the official personnel file.

In cases where a corrective action results from a positive test, such information is shared only with those in a supervisory capacity involved in that action. The City of Kingsport will carry out this policy in a manner that respects the dignity and confidentiality of those involved.

All drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.

1.5.1 Dilute Urine Specimen

If there is a negative dilute test result, the City will conduct one additional retest. The result of the second test will be the test of record.

1.5.2 Split Specimen Test

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. All requests for split specimen testing must be made within 72 hours of the employee being notified by the medical review officer (MRO) of the results. All costs of the split sample test are the employee's responsibility unless the result of the split specimen test invalidates the result of the original test. In cases where the result of the split specimen test invalidates the original test results, the test will be considered as cancelled and a retest scheduled.

1.6 Test Refusals

An employee has refused to test if they:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the City.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to provide a specimen for a drug or alcohol test. An employee who does not provide a specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient specimen for a drug or alcohol test without a valid medical explanation.
- (6) Fail or decline to take a second drug test as directed by the collector or City of Kingsport.
- (7) Fail to undergo a medical evaluation as required by the MRO or the City's Risk Manager.

- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed urine drug test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.

If you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive.

1.7 Proper Application of the Policy

The City of Kingsport is dedicated to assuring equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to corrective action, up to and including termination.

Consequences of Policy Violation

Following a positive drug or alcohol (BAC at 0.04 or above) test result or test refusal, the employee will be immediately removed from duty, terminated, and, be provided with contact information for Substance Abuse Professionals (SAPs).

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from duties until the start of their next regularly scheduled shift (but for not less than 8 hours) unless a retest results in the employee's alcohol concentration being less than 0.02. The employee may be disciplined up to and including termination.

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 the employee's removal from duty and their employment terminated. Refusal can include an inability to provide a sufficient urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

2. Safety-Sensitive Employees

Employees designated as safety-sensitive the regulations of the Federal Transit Administration and Federal Motor Carrier Safety Administration are subject to the drug and alcohol testing requirements of their respective agency. In addition to DOT covered employees, the City reserves the right to classify other employees as safety-sensitive at the discretion of the City Manager or their designee. In addition

to the testing requirements of section 1 of this policy, pre-employment testing will also apply to all employees classified as safety-sensitive.

Employees identified as Safety-Sensitive under this policy may be randomly selected for a drug and alcohol screen.

Other Provisions:

Nothing in this policy should be construed to conflict with or supersede state or federal law, or as interfering with the constitutional rights of employees.

While the city is committed to the principles embodied in this policy, the policy itself is not intended to state contractual terms and does not constitute a contract between the city and its employees. Furthermore, this statement constitutes *ONLY* the policy of the city. A finding of a violation of this policy does not mean that the conduct violates state and/or federal laws.

Contacts

The following can address questions regarding this Policy:

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