

		Non-DOT-Regulated Employee Alcohol Misuse Prevention and Anti-Drug Policy			
Owner:	HR Manager	Approving Position:	Common Council	Pages:	7
Issue Date:		Revision Date:		Review Date:	
Special Instructions:	New policy				

I. PURPOSE

In compliance with the Drug-Free Workplace Act of 1988, City of Whitewater has a longstanding commitment to provide a safe, quality-oriented and productive work environment consistent with the standards of the community in which the City operates.

II. POLICY COVERAGE

This policy applies to all full-time, part-time, seasonal, and limited-term employees. For employees required to hold a Commercial Driver's License for their position, please refer to the DOT Regulated Drivers Policy for further testing, reporting and conduct requirements.

III. POLICY

Alcohol and drug abuse poses a threat to the health and safety of City of Whitewater employees and to the security of the City of Whitewater equipment and facilities. For these reasons, City of Whitewater is committed to the elimination of drug and alcohol use and abuse in the workplace. Employee involvement with alcohol and other drugs can be very disruptive, adversely affect the quality of work and performance of employees, pose serious health risks to users and others, and have a negative impact on productivity and morale. The City has established a drug-free workplace program that balances the respect for individuals with the need to maintain a drug and alcohol free environment.

A. Prohibited Conduct for all City Employees

1. As required by the Drug Free Workplace Act, all City employees are strictly prohibited from using, possessing, manufacturing, distributing, or dispensing controlled substances while on City property, or operating City equipment or vehicles.
2. City employees are prohibited from reporting for or remaining on duty or performing assigned job duties while under the influence of alcohol or a controlled substance.

3. City managers/supervisors are prohibited from deliberately misusing this policy in regard to subordinates, as well as providing false information in connection with a test, or falsifying test results through tampering, contamination, adulteration or substitution.

B. Report of Criminal Conviction

Criminal convictions for manufacturing, distributing, dispensing, possessing or using controlled substances in the workplace must be reported ***in writing*** to the City of Whitewater no later than **5** calendar days after such conviction. Appropriate action, which may consist of discipline up to and including termination, will be taken within 30 days of notification. Federal contracting agencies will be notified when appropriate.

C. Wisconsin Public Abstract Request System (PARS)

PARS is a secure online service that provides notifications for any changes to an employee's driving record and any changes/updates related to tier of operation changes and Fed Med card expiration. The City utilizes PARS for post-offer; pre-employment driving checks in safety-sensitive positions such as public works and protective services. Additionally, the City maintains a roster of employed public works and protective services drivers on PARS in order to quickly and easily receive current information regarding the driving records of the enrolled employees.

D. Drug and Alcohol Tests

1.Pre-Employment

After a conditional offer of employment has been made, the applicant may be required to take a pre-employment drug test. The applicant shall not be allowed to assume the position until such time the City of Whitewater has received a verified negative drug test result. An offer of employment will be withdrawn if the employee fails to report for testing unless the failure is due to circumstances beyond his/her control (such as a vehicular accident) or the applicant's test result is anything but negative.

2.Reasonable Suspicion

An employee is required to submit to an alcohol or controlled substance test upon a supervisor's reasonable suspicion to believe that the employee is in violation of this policy. The determination of reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of the chronic and withdrawal effects of controlled substances.

a. Reasonable Suspicion Testing Procedure

1. Upon the employee's removal from the job site, the supervisor should contact the HR Department. If contact cannot be made at that time, the supervisor should proceed to the next step of this procedure and make contact with the HR Department as soon thereafter as possible.
2. The supervisor is to then take the employee to the collection site for drug and/or alcohol testing, and must remain at the site until the test is completed.

3. If the alcohol test is conducted more than two (2) hours, but less than eight (8) hours, after the supervisor makes the reasonable suspicion determination, the supervisor should, if feasible, complete a report explaining the reason for the delay in conducting the test. If the alcohol test is not conducted within 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 should, if feasible, complete a report explaining the reasons why the test was not conducted.
4. Once the drug and/or alcohol test has been completed the supervisor is to make arrangements for the employee to be taken home. The employee will not be permitted to drive their own car home at that time. The employee may have a family member or a friend pick them up or the supervisor may take the employee home.
5. The City will contact the employee once the test results are known (this normally takes 24-48 hours) and a decision has been made as to the employee's status. The employee is to be advised not to report to work until notification is received from the City.
6. The results of the drug and/or alcohol test will be sent directly to the HR Department. When the results are obtained, the employee's supervisor(s) will meet with the HR Department to determine the appropriate course of action to be taken.
7. This is a confidential process. Test results will be held strictly confidential and are not to be discussed or shared with anyone who does not need to know. Likewise, a supervisor must not discuss the suspected reason for a referral or termination with anyone who does not need to know.
8. Once the test has been completed and the employee has been taken home, the supervisor must submit a written report to the HR Department outlining in detail what happened and what behavior was observed that led the supervisor to believe the employee was under the influence of alcohol and/or drugs. This report is to be done within 24 hours of testing.
9. Law enforcement will be notified if a suspected crime has been committed as a result of the reasonable suspicion process. The initial contact will be the Whitewater Police Department, unless the potential crime involves a Whitewater Police Department employee, in which case an outside law enforcement agency with jurisdiction will be notified.

3. Post-Accident Testing

Employees are to immediately report all accidents to a supervisor. If an employee is involved in an accident and the accident cannot be explained to the satisfaction of City representatives, the employee is involved in an accident for which the employee is issued a citation for a moving violation, the accident involves a fatality or the accident causes disabling vehicle damage, the employee shall be required to submit to a drug and/or alcohol test. This section shall apply to the employee operating the City motor vehicle and any other employee whose actions may have contributed to the occurrence of the accident.

4. Return-to-Duty/Follow-Up Testing

An employee is required to undergo an alcohol and/or drug test prior to returning to duty, following a violation of this policy and evaluation by a Substance Abuse Professional (SAP). The results of the test must indicate an alcohol concentration of less than 0.02 and/or a negative result for drug use. The City is responsible for deciding whether the employee is returned to duty.

Following successful compliance with a recommendation for education and/or treatment, the employee must submit to the follow-up testing plan established by the SAP, which shall be provided to the City of Whitewater. The City must carry out the SAP's follow up testing requirements and must ensure that the tests are unannounced with no pattern to their timing and that the employee is given no advance notice.

5. Test Refusal

The following behavior constitutes a test refusal for drugs and alcohol:

- a. Failure to appear for the test in the time frame specified by the City with the exception of pre-employment.
- b. Failure to remain at the testing site until the testing process is completed
- c. Failure to provide a urine specimen, saliva or breath specimen, as applicable.
- d. Failure to provide a sufficient volume of urine or breath without a valid medical explanation for the failure.
- e. Failure to undergo a medical examination as part of the verification process.
- f. Failure to cooperate with any part of the testing process.
- g. Failure to permit the observation or monitoring of specimen donation when so required.
- h. Failure to take a second test required by the City or collector.
- i. A drug test result that is verified by the MRO as adulterated or substituted (applicable to drug test only).

6. Results of a Positive Alcohol or Drug Test

Any employee who tests positive for drugs or for alcohol concentration of 0.02 or higher is subject to discipline, up to and including discharge.

7. Controlled Substances, Over-the-Counter, and Prescription Medications

a. Non-Safety Sensitive Positions

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with

safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (i.e. call in sick, use leave, request change of duty, change medications, notify supervisor, notify City Occupational Health Clinic) to avoid unsafe workplace practices.

b. Medical Review Officer (MRO)

The MRO serves as an independent, impartial gatekeeper regarding the accuracy and integrity of drug testing. As a safeguard to quality and accuracy, the MRO reviews each test for accuracy.

When the laboratory reports a confirmed positive, adulterated, substituted, or invalid drug test from the laboratory, test results are reviewed and interpreted by the MRO before they are reported to the City. The MRO conducts a verification process with the employee during which time he/she will obtain information to determine if an alternative medical explanation for the test result.

If the MRO determines that a legitimate medical explanation exists, the drug test result may be reported as negative to the City. Even if there is a legitimate medical explanation and verifies a negative test, the MRO has a responsibility to raise fitness-for-duty considerations with the City. When no legitimate medical reason is established, the MRO may verify a test result as a positive or refusal to test, as applicable.

8. Confidentiality of Records

The City respects the confidentiality and privacy rights of all employees. Accordingly, the results of any test administered under this policy and the identity of any employee participating in the City EAP or other assessment or treatment program will not be revealed by the City to anyone except as required by law. The City will release any employee's records as directed by the express written consent of the employee authorizing release to an identified person. In addition, the City will ensure that any lab, agency or Medical Review Officer (MRO) used to conduct testing under this policy will maintain the confidentiality of employee test records.

The Medical Review Officer (MRO) will not reveal individual test results to anyone except the individual tested, unless the MRO has been presented with a written authorization from the tested employee. The City may be requested by the MRO to have a tested employee contact the MRO if the employee was unable to be reached after a minimum of three (3) attempts over a 24-hour period. The MRO will disclose information related to a verified positive drug or alcohol test of an individual to the HR Department. The City may disclose information to the employee or to the decision maker 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 required by law, including court orders and subpoenas; or upon the tested employee's written authorization and consent.

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 City employees who have a legitimate need to review the records of a particular employee.

E. Prevention and Rehabilitation

The goals of this policy are prevention and rehabilitation whenever possible, rather than discipline or termination. The City encourages employees who have an alcohol or other drug problem to seek help to deal with their problem.

IV. Job Aids – Form Attached

EMPLOYEE ACKNOWLEDGEMENT FORM

DRUG & ALCOHOL POLICY

Detach and return this page to the City of Whitewater's Designated Employee Representative, Safety Manager or other identified City of Whitewater manager.

I acknowledge that I have received City of Whitewater's Drug and Alcohol Testing Policy and that this policy has been reviewed with me in a training session conducted by the City of Whitewater. I understand that the terms described in this policy may be altered, amended, or changed by the City of Whitewater, at any time or in order to comply with changes or revisions to federal law, with or without, prior notice.

PRINTED NAME _____

SIGNATURE _____

DATE _____

DRIVER'S LICENSE # _____