



City of Foley Substance Abuse Policy and Program

I. Substance Abuse Policy

A. Purpose.

The City of Foley is concerned about the adverse dangers posed by employees' abuse of controlled substances and alcohol. Employee substance abuse, on or off duty, can cause increased accidents, injuries, illnesses and medical claims. Substance abuse also can lead to the deterioration of employees' health and family lives. Employees who abuse controlled substances or alcohol endanger the safety of themselves, their fellow employees and the public. Medical costs related to substance abuse also place an undue financial burden on the health and benefit programs to the detriment of other employees. Additionally, substance abuse can adversely affect productivity and employee morale, and can cause increased absenteeism and turnover, all of which adversely affects the City's ability to provide services to our residents. In light of these concerns, the City's goal is to maintain a safe, healthy and productive workplace free of substance abuse. To achieve this goal, the City has adopted and implemented this comprehensive Substance Abuse Policy and Program ("Program") that includes (i) alcohol and controlled substance testing, (ii) educational training programs, and (iii) appropriate discipline for violations of the City's policy.

B. Policy.

The possession, use, distribution, dispensing, manufacture or sale of alcohol or any controlled substance on city property or during an employee's work hours (including meal and rest periods) is prohibited. Reporting for duty or performing work while affected by alcohol (a level 0.04 BrAC or greater) or with any controlled substance present in the body (unless the employee has a current legal prescription and a valid medical reason for using the controlled substance) is also prohibited. Employees who violate this policy are subject to discipline including dismissal.

C. Procedures.

To implement this policy, the City has established a Substance Abuse Policy and Program that includes alcohol and controlled substance testing of City employees. Alcohol and controlled substance testing will include reasonable suspicion testing,

post-accident testing under certain circumstances, routine fitness-for-duty testing and pre-employment and/or random testing of employees in certain safety-sensitive jobs. An employee or applicant who tests positive, or who refuses to submit to a test if requested to do so, is subject to discipline, including dismissal or ineligibility for employment with the City. Each employee will receive a copy of the City's *Substance Abuse Policy and Program*.

Upon request, the City will make available information concerning the availability of alcohol or drug abuse counseling, rehabilitation and employee assistance programs in the Foley area. Participation in such program is at the employee's own expense, but the City will allow a leave of absence without pay for that purpose. Each year, the City will sponsor a program to inform all employees of (i) the dangers of drug abuse in the workplace, (ii) the City's intent to maintain a drug free workplace including penalties that may be imposed upon employees who violate this policy, and (iii) the availability of any alcohol or drug abuse counseling, rehabilitation and employee assistance programs that are available in our area.

All employees shall semiannually receive one hour of education which will include at a minimum the following subjects:

- I. An explanation of the disease model of addiction;
- II. The effects and dangers of commonly abused substances in the workplace;
- III. The City of Foley policy and procedures regarding substance use.

Supervisors shall receive an additional two hours of annual training which will include at a minimum the following subjects:

- I. How to recognize signs of employee substance abuse;
- II. How to document and corroborate signs of employee substance abuse;
- III. How to refer substance abusing employees to the proper treatment providers.

If an employee observes a violation of this policy, the employee is required to report the violation to the Personnel Officer. If an employee is convicted of a criminal offense that is related in any way to the unlawful manufacture, distribution, dispensing, possession or use of illegal drugs or other controlled substances in the workplace, the employee must notify his or her supervisor of the conviction within five days after the date of the conviction. Within ten days after receipt of the conviction, the City is required to notify the federal agency that approves federal grants to the City. A "conviction" includes a guilty plea. The

City may, in its sole discretion, require the employee to provide satisfactory proof of participation in a drug abuse or rehabilitation program in *lieu* of dismissal.

If an employee must use an over-the-counter or prescriptive drug that has adverse side effects (such as drowsiness or impaired reflexes or reaction time) that prevents the employee from performing his or her job duties safely, or that pose a risk to the safety of others, the employee must inform his or her supervisor. Upon request, the employee may be required to provide a copy of any prescription and may be required to produce the medication in its original container. If the prescription causes performance or safety problems, the employee may be placed on unpaid leave of absence (unless the employee has accumulated vacation or sick leave time) while the employee is taking medication.

Adherence to the City's policy on drugs and alcohol is a condition of employment for all employees. All employees will be required to sign the attached acknowledgement form consenting to this *Substance Abuse Policy and Program*.

II. Definitions

- A. Medical Review Officer (MRO).** The MRO is a City-designated licensed physician with knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate the results of alcohol and controlled substance tests in light of an employee's medical history and relevant biomedical information. If the City utilizes an employee of the laboratory conducting testing under this *Program* as the City's MRO, the laboratory must have established a clear separation of functions to prevent any appearance of conflict of interest, including assuring that the MRO does not supervise and is not supervised by any person who has responsibility for the drug testing or quality control operations of the laboratory.
- B. Testing Laboratory.** The testing laboratory is a City-designated facility, certified by the United States Department of Health and Human Services and licensed or certified, when required, by appropriate local and state authorities, to test employees for the use of alcohol and controlled substances.

III. Drug and Alcohol Testing

- A. All Employees.** The City may instruct a City employee to undergo a test for controlled substances or alcohol under the following circumstances:
 - 1. Post Accident or Incident.* The City shall test any employee who causes, or contributes to the causation of, an accident or incident that results in (i) death, (ii) personal injury or illness requiring medical treatment away from the scene

of the accident, (iii) an on-the-job injury that results in a loss of work time, or (iv) estimated property damage in excess of \$1,000.

2. *Reasonable Suspicion of Substance Abuse.* The City shall test an employee based upon reasonable suspicion that the employee has used alcohol or a controlled substance in violation of this *Program*.
 - a. Reasonable suspicion shall be based upon specific, contemporaneous, articulable and objective facts and reasonable inferences drawn from the facts in light of experience. While it is not possible to list every factor that might lead to testing those listed below are some of the more common:
 1. Observable actions while at work, such as direct observation of substance abuse or the physical symptoms or manifestations of impairment due to the substance abuse;
 2. A report of substance abuse provided by a reliable and credible source;
 3. Evidence that an employee has tampered with any substance abuse test under this *Program*;
 4. Evidence that an employee has used, possessed, sold or solicited alcohol or controlled substances while working, while on City property, or while operating a City vehicle, machinery or equipment;
 5. Excessive unexcused absenteeism or tardiness;
 6. Significant deterioration in job performance;
 7. Significant change in personality (such as mood swings, euphoria, depression, abusive behavior, violence, secretiveness, insolence, insubordination);
 8. Unexplained absences from normal work sites;
 9. Unusual or erratic behavior that cannot be readily explained;
 10. Changes in personal hygiene or demeanor;
 11. Sudden cravings for water or sweets;

12. Reddened eyes or dilated pupils;
 13. Odor of alcohol or controlled substance;
 14. Unexplained significant weight loss or gain;
 15. Slurred or incoherent speech;
 16. Difficulty in motor coordination.
- b. Within 24 hours of observation and before the test results are released, the witness or witnesses providing information to support reasonable suspicion shall prepare and sign an incident report (*APPENDIX B*) detailing the facts supporting the reasonable suspicion.
 - c. Alcohol testing upon reasonable suspicion shall be conducted under this Paragraph only if the factual observations and reasonable inferences are made during just preceding, or just after the period of the work day that the employee is required to be in compliance with this Policy. The person who determines that reasonable suspicion exists to conduct an alcohol test shall not conduct the test of the employee.
 - d. If an alcohol test conducted under this Paragraph is not administered within two hours following the determination to conduct reasonable suspicion testing, the City shall prepare and maintain on file a record stating the reasons the test was not promptly administered.
 - e. If an alcohol test required by this Paragraph is not administered within eight hours following the determination to conduct testing, the City shall cease attempts to administer the test and shall state in the record the reasons for not administering the test.
 - f. If a controlled substances test required by this Paragraph is not administered within thirty-two hours following the determination to conduct reasonable suspicion testing, the City shall cease attempts to administer the test and shall state in the record the reasons for not administering the test.
3. *Routine Fitness-For-Duty Testing* shall be a part of all scheduled medical examinations for all employees.

B. Safety-Sensitive Positions. In addition to testing of all employees described above, each City employee who is employed in a Safety-Sensitive Position shall be subject to pre-employment and random testing for controlled substances and alcohol misuse or abuse.

1. *Designation of Safety Sensitive Positions.* A position will be designated safety sensitive when the City has a compelling need, on the basis of safety or security concerns, to ascertain on-the-job impairment on the part of employees who hold the position. Such a compelling need may arise where the duties of the position create, or are accompanied by, a risk of personal injury or property damage of such magnitude that even a momentary lapse of attention, judgment or dexterity could have disastrous consequences, or where the position involves such a high level of public trust, safety or security that unlawful use of controlled substances or alcohol abuse could seriously impact the ability of the employee to carry out his or her trust, safety, or security responsibilities. A list of all City positions that have been designated as Safety-Sensitive Positions can be found in the City's Pay Classification Plan.
2. *Pre-Employment Testing.* An applicant for a Safety-Sensitive Position with the City shall be extended a conditional offer of employment, which condition shall be satisfied only upon the applicant's successful completion and passing of a controlled substances and alcohol test.
3. *Random Testing.* The City shall select a percentage of the pool of employees in *Safety Sensitive* Positions to be tested annually for abuse or misuse of controlled substances and alcohol utilizing a random number table or a computer-based random number generator matched to employees' social security numbers.
4. *Return To Duty.* Employees in safety-sensitive positions (as defined in Paragraph III.B.1. above) who test positive for alcohol use (a level of 0.04 BrAC or greater) on a random testing basis, or upon reasonable suspicion, in addition to any discipline administered in accordance with Paragraph IV.G. below, shall not perform or continue to perform safety-sensitive functions for the City, nor shall the employee be permitted to perform or continue to perform safety-sensitive functions until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

C. Commercial Motor Vehicle Drivers. In addition to testing of all employees described above, each City employee required to maintain a Commercial Drivers

License (“CDL”) and (i) who operates any vehicle on public highways in interstate commerce with a gross vehicle weight rating or 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, (ii) who operates any vehicle which transports hazardous materials required to be placarded, or (iii) who operates any vehicle which is designed to transport 15 or more persons (including the driver) (collectively, “CMV Drivers”) shall be subject to controlled substance and alcohol testing. Tests shall conform in all respects to the Controlled Substances and Alcohol Use and Testing Regulations (49 C.F.R. Part 382) of the Federal Motor Carrier Safety Administration (“FMCSA”) and the Procedures for Transportation Workplace Drug and Alcohol Testing Programs (49 C.F.R. Part 40) of the U.S. Department of Transportation. Tests are required in the following situations:

1. *Pre-Employment.* An applicant for a CMV Driver position with the City shall be extended a conditional offer of employment, which condition shall be satisfied only upon the applicant’s successful completion and passing of a controlled substances test.
2. *Random.* The City shall, in accordance with applicable DOT regulations, select a percentage of the pool of DOT-regulated employees to be drug tested annually using a random number table or a computer-based random number generator matched to employees’ social security numbers. CMV Drivers selected for random testing shall be subjected to both controlled substances and alcohol testing as determined under DOT regulations.
3. *Post Accident.* A CMV Driver shall be subject to post-accident testing as follows:
 - a. In the event of an accident involving the loss of human life, any surviving CMV Driver shall be tested for controlled substances and alcohol use as soon as practicable after the accident.
 - b. In the event of an accident involving bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, any CMV Driver who, within 8 hours of the accident, receives a citation under State or local law for a moving traffic violation arising from the accident shall be subjected to controlled substances and alcohol testing.
 - c. In the event of an accident involving bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the

scene of the accident, any CMV Driver who, between 8 and 32 hours following the accident, receives a citation under State or local law for a moving traffic violation arising from the accident shall be subjected to controlled substances testing.

- d. If an alcohol test required by this Paragraph III.C.3 is not administered within two hours following the accident, the City shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If an alcohol test required by this section is not administered within eight hours following the accident, the City shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.
 - e. If a controlled substances test required by this Paragraph III.C.3. is not administered within 32 hours following the accident, the City shall cease attempts to administer a controlled substances test and shall prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.
 - g. A CMV Driver who is subject to post-accident testing shall remain readily available for post-accident testing. In the event such employee is not readily available, such employee will be deemed by the City to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
 - g. If the accident occurs away from a City facility, the employee shall arrange for the test and reporting of results to the City.
4. *Reasonable Suspicion Testing.* CMV Drivers shall be subject to controlled substances and alcohol testing upon reasonable suspicion under the same standards and procedures contained in Paragraph III.A.2. above applicable to all City employees.
5. *Return-to-Duty and Follow-up Testing.* In the event any CMV Driver tests positive for controlled substances or alcohol use, and the employment of such CMV Driver is not terminated, such employee may return to duty only after referral to, and evaluation by, a Substance Abuse Program meeting the requirements of 49 C.F.R. § 40.281 and the successful completion of the

education/treatment process. Follow-up testing shall be conducted as required by the Substance Abuse Program and, at a minimum, shall consist of six unannounced follow-up tests during the first twelve months of the employee's return to safety-sensitive duty.

IV. Procedures Applicable to Testing

- A. Transportation To Test Collection Site.** The City shall arrange transportation for employees to be tested to the collection site. If an employee refuses to accept City-provided transportation, the employee shall be warned that the City may take disciplinary action, up to and including dismissal. If the City believes that the employee is impaired by alcohol or a controlled substance, the employee shall be advised that the City will notify law enforcement authorities if the employee attempts to drive. If the employee attempts to drive, the City police shall be notified immediately and all actions taken to persuade the employee not to drive shall be documented.
- B. Relationship of DOT Drug and Alcohol Tests to Non-DOT Tests.** Controlled substances and alcohol testing of CMV Drivers which is required by DOT regulations shall be completely separate from non-DOT required tests for such employees. DOT-approved custody and control forms and alcohol testing forms shall not be used for any non-DOT required drug and alcohol testing.
- C. Split Specimens.** All collections of urine specimens for controlled substances testing shall be split-specimen collections.
- D. Continuation of Work.** The City may permit an employee to continue work pending the results of the test, if, in the City's sole discretion, the employee's continuation of work will not risk the health, safety or property of any person, including the employee, fellow employees or members of the public. If an employee cannot or should not be permitted to continue to work pending the results of the test, the employee shall be suspended with pay until the results have been obtained.
- E. Drug-Free Awareness and Substance Abuse Program.** Upon request, the City will make available to employees information concerning the availability of alcohol or controlled substance abuse counseling, rehabilitation and employee assistance programs in the Foley area. Participation in such program is at the employee's expense. Each year, the City will sponsor a program to inform all employees of (i) the dangers of drug abuse in the workplace, (ii) the City's intent to maintain a drug free workplace including the discipline that may be imposed

upon employees who violate this policy, and (iii) the availability of any alcohol or drug abuse counseling, rehabilitation and employee assistance programs that are available in our area.

F. Special Searches. When there is reasonable suspicion that an employee may be in possession of a substance prohibited by the *Program*, the employee may be required, as a condition of employment, to submit to a reasonable search of clothing, personal lockers, purses, lunch boxes or other containers, desks or personal vehicles. Searches shall be approved by the City's Personnel Officer. Reasonable suspicion shall be based upon specific objective facts and reasonable inferences drawn from the facts in light of experience. Before a search is approved by the City Personnel Officer, the witness or witnesses providing information to support reasonable suspicion shall prepare and sign an incident report detailing the facts supporting the reasonable suspicion.

G. Discipline.

1. *General.* Employee compliance with this *Program* is a condition of employment with the City. A violation of this *Program*, a failure or refusal to cooperate or participate fully in this *Program*, or a failure or refusal to sign any required document or to submit to a test or search, is a ground for discipline. Discipline may include an unpaid suspension for up to 30 working days, and/or a demotion to an available position, or dismissal. In the sole discretion of the City, any discipline may be conditioned upon referral for substance abuse counseling or rehabilitation.
2. *Drivers.* In addition to the discipline in subparagraph IV.G.1. above, CDL drivers may be subject to disqualification and suspension or revocation of licenses, registrations or certifications in accordance with applicable Federal Highway Administration and Department of Transportation rules and regulations.
3. *Standards And Cooperation.* Employees who have been referred for alcohol or substance abuse counseling or rehabilitation shall cooperate fully in their rehabilitation and the recommendations of the program administrators, which may include regular attendance at Alcoholics or Narcotics Anonymous or similar therapy sessions and participation in after-care, follow-up and similar monitoring programs.

H. Other Alcohol Related Conduct. No employee tested under the provisions of this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions for

the City, nor shall the employee be permitted to perform or continue to perform safety-sensitive functions, until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

- I. Criminal Convictions.** As a condition of employment each employee who is convicted of any violation occurring in the workplace of any criminal drug statute shall notify the City no later than 5 days after such conviction. A conviction includes a guilty plea or a plea of *nolo contendere*. Any employee so convicted shall be disciplined up to and including dismissal.

V. Communication of Test Results

- A. Negative Test Result.** The testing laboratory shall report negative results to the City's Personnel Officer, who shall communicate the results confidentially in person to the employee. If an employee who tests negative has been suspended pending the results of the test, the employee will be reinstated with back pay.
- B. Unreadable Sample.** The testing laboratory shall report any sample which is adulterated, contaminated, unreadable, not authentic, or otherwise impossible to analyze properly to the City's Personnel Officer, who shall meet with the employee and ask for explanation. If a satisfactory explanation is provided, a new test may be performed at the City's discretion. If a satisfactory explanation is not provided, the employee is subject to discipline, up to and including dismissal. The Personnel Officer, with the concurrence of the Mayor, and in consultation with the MRO, if deemed necessary, shall determine the adequacy of the explanation.
- C. Positive Test Result.** The testing laboratory shall confirm all positive test results using approved confirmatory methods. If the confirmatory test is positive, the following procedures shall be followed:
 - 1. The testing laboratory shall report positive test results only to the MRO for verification.
 - 2. Prior to finally verifying a positive test result, the MRO shall give the employee an opportunity to discuss the result in person, and shall review the applicant's or employee's medical history, relevant biomedical factors and all medical records made available by the employee to determine if a confirmed positive result might be due to an alternative medical explanation. The MRO may request a reanalysis of the sample to determine the accuracy of the reported result.

3. The MRO shall report as negative any initial positive result for which there is a legitimate medical explanation consistent with legal drug use or which, based on laboratory inspection reports, quality assurance control data and other test results, the MRO concludes is scientifically insufficient for further action. For purposes of this paragraph, under no circumstances shall use of hemp oil or medical marijuana be considered a legal drug use pursuant to a legitimate medical explanation.
4. If the MRO verifies that the positive test is correct, the MRO shall inform the employee of the result and of the controlled substance or substances discovered by the test. The applicant or employee shall be asked to provide an explanation and whether a second confirmatory test of the split sample is desired.
5. If the applicant or employee desires a second confirmatory test of the split sample, he or she shall submit a written request to the MRO for such retest no later than 72 hours after being informed of the initial positive result. The MRO shall notify the Personnel Officer, and the second test shall be done on the split sample using approved test methods at the applicant's or employee's expense. At the applicant's or employee's option, the test shall be done at either the original testing laboratory or at another laboratory certified by the United States Department of Health and Human Services. The cost of this test shall be paid before retesting is done. Untimely requests for retesting shall be denied. An employee or job applicant who receives a positive confirmed test result may contest or explain the result to the City of Foley within five (5) working days after receiving a written notification of such result.
6. If the results of the additional confirmatory test are negative, the MRO shall notify the Personnel Officer, and the results of the initial positive test will not be used to impose discipline.
7. If no additional confirmatory test is timely requested or if the additional confirmatory test is positive and a satisfactory explanation is still not provided, the Personnel Officer shall inform the employee. The employee may be disciplined, up to and including dismissal.
8. A confidential written memorandum of any discussion with the employee shall be prepared and signed by all City representatives present.

D. Access to Test Records. Upon written request, an employee shall have access during regular business hours to any records relating to the employee's screening tests conducted pursuant to this *Program* and to the results of any relevant certification, review or revocation of certification proceeding. The employee is entitled to one copy of the results, if requested in writing. The employee shall give the City a receipt for such copy.

E. Confidentiality. All information involving testing, counseling, rehabilitation, treatment or discipline of an individual employee or applicant shall be treated as confidential medical information, which shall be maintained in separate medical records files. The MRO shall be sole custodian of all test results. The City shall retain only the following information in a separate employee medical records file:

1. That the Employee submitted to a drug and alcohol screening test.
2. The date of such a test.
3. The location of such test.
4. The name of the laboratory performing the test.
5. Whether the test was positive, negative, adulterated, unreadable or not authentic.

Such information shall be accessible only to the Mayor and the Personnel Officer, authorized testing laboratory personnel, the MRO, and other persons designated by Personnel Officer based upon a valid need to know, and otherwise as provided by applicable laws regulations, *provided* such information may be used by the City in the course of any grievance proceedings requested by the employee under the City's grievance procedure, and in any legal proceedings in which the test results are relevant. Except pursuant to judicial or quasi-judicial process, no such information shall be provided to any other party, including supervisors, fellow employees, family and friends or prospective employers without the specific written consent of the employee authorizing release to an identified person. In the absence of a valid consent, the City shall respond to inquiries regarding an employee tested, referred for counseling or rehabilitation, disciplined or dismissed under this *Program* by stating only that the employee was terminated and the dates of employment. Any employee who willfully discloses such information in violation of City policy will be subject to discipline, up to and including dismissal.

VI. Miscellaneous Provisions

- A. **Grievance Procedure.** An employee subject to discipline under this *Program*, including dismissal shall be disciplined as provided in the City's Personnel Policy Rules and Regulations and may assert a grievance under the grievance procedure.
- B. **Dissemination of Program.** A copy of the City's Substance Abuse Policy and Program shall be distributed to all City employees and a copy shall be available in the office of the City Clerk for inspection and copying during regular business hours.
- C. **Emergency Action.** Nothing in this *Program* shall prevent or restrain any administrator, department head, supervisor or other employee from taking any immediate action deemed necessary to stop or prevent an unsafe act or to stop or prevent an immediate threat of personal injury, death or property damage.
- D. **Severability.** If any provision in this *Program* is determined to be contrary to law or is otherwise invalidated by a court of competent jurisdiction, such action shall not affect any other provision in this *Program*.
- E. **Employee Acknowledgement and Consent.** Each City employee shall be required to read the City's Substance Abuse Policy and Program and to sign an acknowledgement and consent form. (APPENDIX A).
- F. **Contractor employees.** With respect to those covered employees who are contractors or employed by a contractor, an operator may provide by contract that the alcohol testing, training and education required by this Policy be carried out by the contractor provided the contractor (i) presents proof to the satisfaction of the City that such contractor and its employees who will be performing such function are covered by a controlled substances and alcohol testing program that conforms to the requirements of this Policy and (ii) allows access to property and records by the City and any DOT agency with regulatory authority over the City or covered employee.

SUBSTANCE ABUSE POLICY AND PROGRAM
APPENDIX A
CONSENT AND RELEASE OF LIABILITY

Name of Employee or Applicant (Please Print)

Last

First

Middle

To further the City's policy of providing and maintaining a safe and healthy environment for all City employees and City residents, I agree that, I will abide by the City's *Substance Abuse Policy and Program*. I acknowledge that I have received a copy of the *Program* and I understand that it is my responsibility to read the *Program*. I understand that, under the *Program*, as a condition of my employment with the City, I may be required to undergo a controlled substance and alcohol screening test.

I hereby state my willingness and give my consent to undergoing controlled substance or alcohol screening tests as provided in this *Program*. ***I fully understand and accept the condition that any false answers, failure to cooperate, attempted or actual adulteration, contamination, or substitution of any sample or willful omission by me will be sufficient grounds for my discharge, regardless when discovered.***

I hereby authorize the release of the results of my tests to the management of the City and to such health insurers and health care evaluating groups as the City may from time-to-time contract with to provide employee health benefits or evaluation for health care.

I release the City, its employees, its elected and appointed officials, department heads, administrators and supervisor, medical and professional representatives, and testing facility from any and all claims or causes of action resulting from any such tests.

Witness

Signature

Date: _____

Date: _____

SUBSTANCE ABUSE POLICY AND PROGRAM

APPENDIX B

**INCIDENT REPORT AND
TESTING REQUEST FORM**

This form is to be used to document the reasons for requesting that an employee be asked to submit to a medical evaluation or controlled substance or alcohol screening test. Only those questions which apply need to be answered. Additional pages, if necessary, should be attached along with any other relevant documents.

Employee's Name: _____

Department: _____ Position: _____

A. Was there an incident? Yes _____ No _____

1. Description of event: _____

2. Date: _____ Time: _____

3. Extent of injury to persons or property: _____

4. Employee's actions: _____

B. Is the employee a driver/in a sensitive position? Yes: _____ No: _____

C. Observation of Employee:

1. *Walking* –
☐ Falling ☐ Staggering ☐ Holding on ☐ Unsteady
☐ Swaying ☐ Stumbling ☐ Unable to Walk ☐ Normal
☐ Other _____
2. *Standing* -
☐ Unable to stand ☐ Rigid ☐ Swaying ☐ Normal
☐ Feet wide apart ☐ Staggering ☐ Slumping at knees
☐ Other _____
3. *Speech* –
☐ Mute ☐ Incoherent ☐ Rambling ☐ Shouting ☐ Normal
☐ Slow ☐ Slurred ☐ Whispering
☐ Other _____
4. *Demeanor* -
☐ Calm ☐ Crying ☐ Excited ☐ Polite
☐ Sad ☐ Silent ☐ Sleepy ☐ Sarcastic
☐ Moody ☐ Talkative ☐ Fighting ☐ Cooperative
☐ Quiet ☐ Euphoric ☐ Secretive
☐ Other _____
5. *Actions* -
☐ Calm ☐ Drowsy ☐ Erratic ☐ Fighting
☐ Slow ☐ Hostile ☐ Insolent ☐ Hyperactive
☐ Fast ☐ Fumbling ☐ Profanity ☐ Threatening
☐ Resists communication
☐ Other _____
6. *Eyes* -
☐ Bloodshot ☐ Closed ☐ Dilated ☐ Droopy ☐ Normal
☐ Glassy ☐ Watery
☐ Other _____
7. *Face* -
☐ Flushed ☐ Pale ☐ Sweaty ☐ Normal
☐ Other _____
8. *Appearance/Clothing* –
☐ Neat ☐ Dirty ☐ Messy ☐ Unruly
☐ Having odor ☐ Excrement/blood stains on clothing

☐ Partially dressed

☐ Other _____

9. *Breath -*

☐ Alcohol odor ☐ Faint alcohol odor ☐ No alcohol odor

☐ Marijuana odor ☐ Faint marijuana odor ☐ No marijuana odor

☐ Other _____

10. *Eating/Chewing/Drinking -*

☐ Candy ☐ Gum ☐ Mints ☐ Sugar

☐ Large amounts of water ☐ Nothing

☐ Other _____

D. History:

1. To your knowledge, has the employee previously signed a Last Chance Agreement? Yes: _____ No: _____

2. If yes, when? _____

E. Attendance:

1. Number of Mondays or Fridays missed in last six months _____

2. Total absences in last six months _____

3. Times tardy in last six months _____

4. Times employee left early in last two months _____

5. Number of unexplained absences from work station in last six months

F. Performance Level:

1. Has there been any recent change in the employee's level of performance?

Yes: _____ No: _____

2. If yes, describe: _____

G. Other Observations:

H. Other Witness:

Signature

Date: _____

Printed Name: _____

Approved: _____