

**TOWN OF PRESCOTT VALLEY
POLICIES AND PROCEDURES**

Subject: DRUG AND ALCOHOL CONTROL	File Under Section: PERSONNEL	
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Supersedes: Res. No. 1117, 8/22/2002 Prior Personnel Manual	Approved By:  Larry Tarkowski Town Manager Date: 5/14/18/S	

1.0 POLICY

1.1 The Town of Prescott Valley is committed to maintaining a drug-free workplace, educating employees regarding the danger of substance abuse, and providing support for employees undergoing treatment and rehabilitation for chemical dependency. The Town is also committed to accountability of employees for violations of this policy through appropriate discipline, up to and including termination.

2.0 PURPOSE

2.1 The goal of the Town of Prescott Valley is to provide employees with a workplace which promotes health and safety. The purpose of this policy is to establish procedures to support the Town's Drug and Alcohol Free Workplace policy and to comply with federal safety standards for safety-sensitive duties regulated by the Federal Motor Carrier Safety Administration (FMCSA). Those standards were designed to reduce accidents that result from employee use of controlled substances and alcohol.

3.0 APPLICABILITY

3.1 This Drug and Alcohol Control Policy applies to all full-time, part-time, seasonal, volunteer and contractual employees of the Town of Prescott Valley, including management. All Town employees required to have a current Commercial Drivers License (CDL) are subject to the CDL-related provisions of this policy.

4.0 REFERENCE

4.1 Drug Free Workplace Act of 1988

- 4.2 Federal Motor Carrier Safety Administration (FMCSA) rules on Drug and Alcohol Testing
- 4.3 Arizona's Medical Marijuana Act (AMMA)
- 4.4 Drug and Alcohol-Free Workplace, Personnel Policy 2-24

5.0 MANAGERIAL RESPONSIBILITIES & GUIDELINES FOR ENFORCEMENT

5.1 Department directors and supervisors are responsible for enforcement of this policy. The Town will provide training to supervisors under this policy for evaluating and working with substance abuse issues in the workplace.

5.2 Supervisors must contact Human Resources to request that an employee submit to a screening test under any of the following circumstances:

5.2.1 Reasonable Suspicion

- a) The supervisor determines there is a reasonable suspicion that an employee may be affected by the use of drugs or alcohol and that such use may adversely affect the job performance or the work environment.
- b) The supervisor determines there is reasonable suspicion that an employee is currently impaired or exhibiting objective symptoms of intoxication or drug influence while on duty or during paid standby/on-call duty. (See Section 9.0 for additional information.)

5.2.2 Post Accident

- a) An employee is involved in an accident in which the employee receives a citation and any vehicle must be towed from the scene.
- b) An employee is on-duty and involved in an injury or fatal accident.
- c) An employee is involved in an injury or fatal accident while operating any Town-owned vehicle, whether on- or off-duty.
- d) There is an investigation of a workplace accident (provided the testing is performed as soon as practicable after an accident and is administered to employees who it is reasonable to believe may have contributed to the accident).

5.2.3 Random

- a) As part of a drug or alcohol testing program on a random or chance basis. (See Section 8.0 for additional information.)

5.3 Following authorization for testing, Human Resources will provide supervisors with a Drug Test Order to a designated lab for testing. Supervisors (or other

authorized persons) will transport the employee to said lab for testing. Generally, testing of employees shall occur during, or immediately before or after, a regular work period. The testing and travel time will be deemed work time for the purpose of compensation for all paid employees.

- 5.4 Supervisors shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:
- a) The test will be given to detect either alcohol or drugs, or both.
 - b) The result of the test is not admissible in any criminal proceeding against the employee.
 - c) The employee may refuse the test, but refusal will be considered a violation of this policy that may result in dismissal or other disciplinary action.

6.0 SCREENING TEST REFUSAL

- 6.1 Taking the screening test as requested is mandatory. Failure to promptly take the test raises the presumption that the results would be positive and that this policy has been violated. Thus, an employee may be subject to rehabilitative or disciplinary action if the employee:
- a) Fails or refuses to submit to a screening test as requested.
 - b) After taking a screening test that indicates the presence of a controlled substance, fails to provide to the testing facility's Medical Review Officer (MRO) proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in their name. The employee will be immediately removed from performing safety-sensitive functions until such proof is accepted by the MRO.
 - c) Attempts to adulterate, dilute, substitute, contaminate, or in any way tamper with or affect the outcome of a screening test.
 - d) Violates any provisions of this policy.

7.0 PRE-EMPLOYMENT TESTING

- 7.1 As a condition of employment all new Town employees are required to pass a pre-employment urine drug test prior to hire. All paid and volunteer police reserve applicants will also be required to pass a breath alcohol test. Human Resources will provide the candidate a lab order and testing instructions. Testing must be completed within 48 hours after a contingent job offer is made and accepted.

- 7.2 Current Town employees who transfer for the first time into a position that requires a Commercial Driver's License (CDL) will be required to pass a pre-employment urine drug screen and breath alcohol test in compliance with federally-mandated guidelines.
- 7.3 Those candidates who are unable to complete a urine drug screen due to an existing medical condition will be required to complete another form of pre-employment drug screen (which could include a saliva and/or blood draw test).
- 7.4 A candidate's inability to provide a negative test (i.e. dilute, positive test results without a legitimate medical reason, unable to release a sample) within the allotted timeframe will exclude the candidate from being hired by the Town or from volunteer service with the police department.

8.0 RANDOM TESTING

- 8.1 During the calendar year, 25% to 50% of all safety-sensitive positions (CDL-licensed employees, including volunteers) will be tested on a random basis for the presence of drugs and alcohol. Approximately quarterly (although testing could occur anytime during the year) names of personnel in safety-sensitive positions will be randomly selected for drug and alcohol testing. These individuals will be scheduled for testing. All individuals will be required to go to a collection site for drug and alcohol testing. No advance warning will be given to employees regarding the date and time of the random test. Volunteer personnel may be required to be tested during regularly-scheduled department activities.
- 8.2 Sworn police officers may annually volunteer for participation in a random testing process for the presence of drugs and alcohol based upon the provision outlined in 8.1 above. All police personnel (civilian and sworn) are subject to drug and alcohol testing based upon "reasonable suspicion."
- 8.3 Urine sample collection will be in an unobserved setting with collection and chain of custody protocols as required under FMCSA regulations. Individuals who drive a CDL vehicle or perform a safety-sensitive function on the day of the random test shall also take a breathalyzer test for alcohol.
- 8.4 Test results and the handling of any positive test results are the same as noted below for all Town employees.

9.0 REASONABLE SUSPICION

- 9.1 "Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonable person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is reduced.

As an example, any of the following, alone or in combination, may constitute reasonable suspicion:

1. Slurred speech
2. Irregular or unusual speech patterns, stammering, rambling
3. Inability to carry on a rational conversation
4. Red eyes or dilated pupils
5. Unsteadiness on feet, difficulty walking or standing
6. Sleeping on the job
7. Smell of alcohol or marijuana coming from the employee's body
8. Possession of alcohol or drugs
9. Impaired judgment; irrational, erratic or unusual behavior
10. Other unusual or irregular behaviors such as carelessness, inattentiveness, listlessness, hyperactivity, hostility or aggressiveness

9.2 Reasonable suspicion must be documented at or near the time of observation. Supervisors shall directly observe and investigate the employee's behavior and complete "Managerial Responsibilities and Guidelines for Enforcement" as outlined in Section 5.0 above. When circumstances permit, a second person shall also observe the employee to verify that there is reasonable cause to believe that drug or alcohol impairment may be present. If possible, supervisors shall question the employee with regard to the situation.

10.0 DRUG AND ALCOHOL TESTING

- 10.1 A drug test under this policy is a urinalysis for drugs, and an evidential breathalyzer test for alcohol administered under approved conditions and procedures conducted for the sole purpose of detecting drugs and alcohol. The test will be conducted by a Town appointed Medical Review Officer (MRO) and paid for by the Town.
- 10.2 The Town may test for alcohol and any drugs in accordance with ARS 23-493(3), including marijuana, cocaine, amphetamines, phencyclidine (PCP), opiates and semi-synthetic opioids, and any other prescription drugs or over-the-counter compounds.
- 10.3 Following authorization for reasonable suspicion or post-accident drug testing, supervisors or other authorized persons will transport the employee to the designated laboratory.
- 10.4 The employee will be interviewed by laboratory personnel prior to the sample collection to determine whether the employee is currently using prescribed drugs under medical supervision and/or taking over-the-counter medications which might reasonably impact the test.
- 10.5 The room where the sample is obtained will be private and secure. Documentation shall be maintained that the area has been searched and is free of any foreign substance. Each step in the collection and processing of the specimen shall be documented to establish procedural integrity and the chain of custody.
- 10.6 Testing of CDL holders will adhere to the Substance Abuse and Mental Health Services Administration (SAMHSA) testing procedures and be performed by an approved laboratory

- 10.7 Specimen samples shall be sealed and labeled. Samples shall be stored in a secure and refrigerated atmosphere. A large sample will be taken to allow for a second follow-up test.
- 10.8 Any sample which has been adulterated or is shown to be a substance other than urine shall be reported as such. Any employee providing false information about a urine or breath specimen or who attempts to contaminate such sample shall be subject to disciplinary action.

11.0 RESULTS OF DRUG TESTING

- 11.1 The laboratory will review the results of the test and determine if the sample contains any controlled substances that would cause impairment or reveal illegal use. When there is a confirmed presence of any illegal drug or alcohol (equal to or greater than .02), or (in the case of legal drugs) for which in the opinion of the MRO no legitimate medical reason is provided, the subject shall be deemed to have failed the test.
- 11.2 In the case of prescriptive drug use that may affect the employee's ability to perform his or her job safely, the MRO will require the employee to provide a bona fide verification of a valid current prescription for the drug identified. An applicant's contingent job offer will be rescinded (or a current employee will be subject to disciplinary action) when:
 - a) Verification of a valid prescription is not provided within 72 hours, or
 - b) The lawful prescription provided is not in the subject's name.
- 11.3 Employees have the right to obtain written results of any drug or alcohol testing performed. Employees also have the right to have a positive test result explained in a confidential setting.
- 11.4 Employees who have been tested where no controlled substance was found shall receive notice of such findings from the Town's Human Resources department.

12.0 DISCIPLINARY ACTION

- 12.1 Rehabilitative or disciplinary action for positive test results, without a legitimate medical reason, may include:
 - 12.1.1 Immediate removal from performing safety-sensitive functions and enrollment in rehabilitation, treatment or counseling program. The employee will be provided a list of qualified Substance Abuse Professionals (SAP) in the area to seek treatment. Participation in the program may be a condition of continued employment. The cost may or may not be covered by an available health plan or policy.

Before returning to work Human Resources must receive the affirming SAP evaluation and a negative result on a directly observed return-to-

duty screening test. The employee will be subject to random, directly-observed follow-up testing for 12 to 60 months depending on the SAP's recommendation.

12.1.2 Suspension of the employee, with or without pay, for a designated period.

12.1.3 Termination of employment.

12.1.4 Other adverse employment action.

13.0 CONFIDENTIALITY

13.1 The written results of any screening tests and all documents generated by the SAP are considered confidential medical records and shall not appear in an employee's general personnel folder. Information of this nature will be placed in a separate, confidential medical folder maintained by Human Resources.

13.2 Positive reports or test results shall be disclosed to the department director. Disclosures without patient consent may also occur when (1) the information is compelled by law or by judicial or administrative process, (2) the information has been placed at issue in a formal dispute between the Town and the employee, (3) the information is to be used in administering an employee benefit plan (such as for drug or alcohol treatment), (4) the information is needed by medical personnel for the diagnosis or treatment of the patient (employee) who is unable to authorize disclosure.

14.0 DRUG AND ALCOHOL TESTING FOR CDL HOLDERS

14.1 All employees of the Town who are required to have a Commercial Drivers License (CDL) as part of their jobs are subject to drug and alcohol testing as required by the U.S. Department of Transportation through the Federal Highway Administration. The following additional procedures apply to CDL holders:

14.1.1 As noted, employees are prohibited from consuming alcohol for four (4) hours before going on duty or before operating a commercial motor vehicle. This regulation applies to scheduled shifts and all callout situations. If an employee cannot meet this requirement, it is the employee's responsibility to tell their supervisor, or person initiating the callout, that they cannot report to work.

14.1.2 Any accident involving a CDL vehicle must be reported as soon as possible by the employee to their supervisor. The supervisor should investigate the circumstances of the accident and determine if there is reasonable suspicion to require a drug and alcohol test. Testing is mandated in the following circumstances:

a) Any accident resulting in the loss of human life.

- b) An accident in which the employee who was driving received a citation and there is an injury requiring medical attention away from the scene of the accident.
- c) An accident in which the employee who was driving received a citation and any vehicle in the accident must be towed from the scene.

An individual in safety-sensitive positions, such as mechanics and police personnel, is subject to drug and alcohol testing when, in the opinion of a supervisor, employee performance caused or contributed to the accident. For example, a mechanic would be tested when they worked on a Town vehicle's brakes just prior to an accident and a brake problem may have contributed to the accident.

A post-accident drug and alcohol test should be completed as soon as possible. Drug testing must occur no later than 32 hours after the accident. Alcohol testing must occur no later than 8 hours after the accident. If more than two hours elapse before an alcohol test is administered, the Town is required to prepare and maintain on file an explanation of why a test was not properly administered for the FHWA. A police officer investigating an accident has legal authority under certain circumstances to order a blood sample to be taken for drug and alcohol testing.

A driver is prohibited from consuming alcohol for eight (8) hours after an accident, or until the employee has taken a drug and alcohol test (whichever occurs first).

- 14.1.3 When an employee has tested positive for drugs or alcohol during a random or post-accident test the provisions in the section above apply. In addition, the following specific rules apply:
- Unannounced follow-up tests will be conducted at least six (6) times within the first 12 months regardless of SAP recommendations after the CDL holder returns to work.