



City of Dublin

ADMINISTRATIVE ORDER OF THE CITY MANAGER
TO: All Non Union Personnel
FROM: Marsha Grigsby, City Manager 
SUBJECT: 2.38 - Employee Drug & Alcohol Testing Program
DATE: June 4, 2013
Supersedes and Replaces Administrative Order 2.38 dated 10-10-03 Regarding Same Subject

I. INTRODUCTION & PURPOSE

In an effort to promote and maintain a safe and healthy environment for City employees, establish a standard of conduct for City employees, protect the public health, safety, and welfare, and to uphold the public confidence in the work performed by City employees, the City has determined that an employee drug & alcohol testing program should be established. The purpose of this Administrative Order is to establish such a program; to implement procedures governing the administration of the program; and to publish a policy statement regarding the establishment of the program.

This Administrative Order shall be applicable to all Non Union Personnel of the City and shall be strictly enforced by all Department/Division Heads and other supervisory personnel. (Similar provisions exist within the Collective Bargaining Agreements governing Union personnel.) Questions regarding this Administrative Order should be directed to your supervisor, Department/Division Head, or the Division of Human Resources.

II. POLICY

It shall be the policy of the City of Dublin that, City employees, including Department/Division Heads and supervisory personnel, shall be required as a condition of employment, to submit upon request, to a urinalysis, breath, saliva and/or blood test (whichever the City deems most appropriate) to detect the presence of illegal drugs or alcohol in their system in the following circumstances:

- A. When the City has reasonable suspicion to believe that an employee is under the influence of illegal drugs or alcohol while on City premises or on City business;

- B. Following a serious violation of safety policies, rules, and regulations.
- C. Following a work-related accident resulting in any of the following:
 - (1) bodily injury (other than minor abrasions/contusions) to the employee or any third party requiring off site medical attention;
 - (2) issuance of a traffic citation to the employee for a moving violation in connection with a vehicular accident;
 - (3) vehicular damage in apparent excess of \$1,000;
 - (4) non-vehicular property damage in apparent excess of \$500;
 - (5) any accident involving fatalities.

Employees who are directed to submit to testing shall be required to sign the attached consent form, which includes consent that notice of the test results will be released to City of Dublin.

Employees are hereby advised that if required to submit to testing, failure to consent to the testing may result in appropriate disciplinary action which may include suspension or dismissal. The actual discipline to be imposed shall take into consideration all facts and circumstances including the expressed reasons for the employee's refusal, the need for the testing, the employee's desire for rehabilitation, and the employee's job performance.

Employees who have been found, through the testing procedures identified in Section III. of the Administrative Order, to have been under the influence of drugs or alcohol, or who have engaged in conduct which obstructs the testing procedures (i.e. the use of masking agents or other products to adulterate or dilute specimens), shall not be paid for the time they are off work awaiting the testing results, and shall be subject to appropriate disciplinary action including suspension or dismissal.

III. DRUG & ALCOHOL TESTING PROCEDURES

Drug & Alcohol testing shall be conducted in the following manner:

- A. When circumstances arise which require drug and/or alcohol testing, the Department/Division Head shall contact the Director of Human Resources or, in his/her absence, his/her designee, to obtain approval for testing. (Under circumstances involving "reasonable suspicion", the supervisor and/or Department/Division Head should refer to appendix A, "Reasonable Suspicion Checklist".)

Should disagreement exist between the employee's supervisor or Department/Division Head and the Director of Human Resources/, or his/her designee, regarding whether or not to proceed with testing, the City Manager shall make the final determination. Upon receiving approval to proceed with testing, the supervisor shall escort the employee to a designated D.H.H.S. (Department of Health and Human Services) certified laboratory. After specimen collection, the employee shall be escorted home. (In circumstances involving "post accident" testing, where the employee requires off-site medical attention, the testing procedure shall be initiated after proper medical attention has been rendered. In the event the employee is hospitalized, testing shall be accomplished by blood within the hospital environment as soon as possible.)

- B. In screening for the presence of drugs or alcohol generally accepted screening procedures shall be used. Whenever an employee is required to provide urine or blood for the screening procedure, the employee shall be required to provide a split specimen at the time of collection in order to facilitate the screening procedure.
- C. When screenings are performed, the threshold level for determination shall be established in accordance with generally accepted medical procedures and existing laws or regulations.
- D. In testing urine or blood specimens for the presence of illegal drugs and/or alcohol, the first specimen shall be submitted for testing to a certified laboratory. If illegal drugs and/or alcohol are found in the first specimen, then that same specimen shall be submitted for further verification (confirmatory) testing. If both initial and verification (confirmatory) tests are positive for an illegal drug and/or alcohol, the Director of Human Resources, or his/her designee, shall be notified by the Medical Review Officer (MRO) at the certified laboratory. The Director of Human Resources, or his/her designee, shall in turn contact the employee.
- E. The employee must then decide whether or not he/she wishes the second specimen provided at the initial collection to be further tested. If the employee so requests, then the second specimen shall be tested using a second certified laboratory.
- F. If the employee does not request the screening of the second specimen after the initial specimen tests positive, or if the employee does request the testing of second specimen and it also tests positive for an illegal drug or alcohol, appropriate rehabilitative and/or disciplinary action shall be taken, which may include suspension or dismissal.

- G. In the initial testing of the first blood/urine specimen provided at the time of collection, should masking agents (e.g. Klear, Ur-n-luck, Zydol, etc.) be detected, such shall be considered as a “refusal to submit to testing” and the option to pursue testing of the second specimen shall be forfeited. The City shall be so notified. Such “refusal to submit to testing” shall result in appropriate disciplinary action, including suspension or dismissal.
- H. In the testing of blood/urine specimens provided at time of collection, should a “dilute negative” result be received by the City, the employee shall be required to repeat the testing procedure within 24 hours. The result of the second test shall then become the test of record. Should the employee decline to take the second test, such shall constitute a refusal to submit to testing, which shall result in appropriate disciplinary action, including suspension or dismissal. Should a “dilute positive” result be received by the City on the first or second test, such shall be considered as a verified positive test which shall result in appropriate disciplinary action, including suspension or dismissal.
- I. Should the City use breath alcohol testing as an alternate method to blood/urine testing, all breath testing shall be administered by a trained Breath Alcohol Technician (BAT). In addition, only Evidential Breath Testing (EBT) devices certified by the Federal Government shall be used along with the prescribed breath alcohol testing form.
- J. In the administration of breath alcohol testing, an initial breath test shall be conducted via the Evidential Breath Testing (EBT) device. If the initial test results in a reading of less than 0.02, the test shall be recorded as “negative”. If the initial test results in a reading of 0.02 or greater, a confirmatory test shall be administered. Prior to the administration of a confirmatory test, there shall be a 20-30 minute waiting period to ensure that the presence of mouth alcohol from recent use of food, tobacco, or hygiene products does not artificially raise the test result. Should the confirmatory test result be different from the initial test result, the confirmatory test shall be deemed the final result. A test result of 0.02 or greater on the confirmatory test shall result in appropriate disciplinary action, which may include suspension or dismissal.
- K. Following the receipt of drug and/or alcohol testing results by the City, the City shall advise the employee regarding his/her return to work.

VI. REFERRAL TO EMPLOYEE ASSISTANCE PROGRAM

If the results of drug and/or alcohol testing do not warrant dismissal of the employee, a referral to the Employee Assistance Program will be offered. Employees are hereby advised

that although offered an assessment through the Employee Assistance Program, they are still subject to appropriate disciplinary action.

If an employee accepts a referral to the EAP for assessment as a result of a positive drug and/or alcohol test, he/she must comply with any recommendation made by the EAP Drug and Alcohol Counselor resulting from an assessment, as a condition of continued employment. The employee shall further comply with random drug and/or alcohol testing for a period of up to two years. Failure to comply with any of the conditions associated with the recommendations of the Counselor, the conditions associated with the rehabilitation program, or the random testing, as specified above, may result in dismissal of the employee.

**CITY OF DUBLIN
EMPLOYEE CONSENT
TO DRUG AND ALCOHOL TESTING**

I understand that in consideration for my continued employment with the City of Dublin, I must voluntarily consent to a breath, saliva, urinalysis, and/or blood test to detect the presence of illegal drugs or alcohol in my system. I also understand that I am subject to appropriate disciplinary action including suspension or dismissal, if the test results are positive, if masking agents are detected in specimens I provide in conjunction with the testing procedure, or if I refuse to sign this consent and thereby decline to be tested.

I hereby knowingly and voluntarily consent to the City of Dublin's request and authorize them to conduct, through its designated testing laboratory or other licensed/certified medical professionals/technicians, urinalysis, blood, saliva, or breath testing. In addition, I authorize the designated testing laboratory or other licensed/certified medical professionals/technicians to release any and all information regarding the tests, including their results, to the City of Dublin and its representatives. I further release the City of Dublin, its officers, directors, employees, agents, representatives, from any and all claims, suits, causes of action, liability, and damages arising from my submitting to the tests and from the information obtained from the tests.

Employee

Witness

Date

Date

I refuse to consent to a breath, saliva, urinalysis, and/or blood test:

Employee

Witness

Date

Date

Appendix A
REASONABLE SUSPICION RECORD

Name of Employee: _____ **Employee Job Title:** _____
Location of Observation: _____ **Date:** _____ **Time:** (____ a.m. /p.m.)
Supervisor: _____ **Confirmation Witness (if applicable):** _____

Causes for Suspicion:

1) Presence of (describe what you saw)

- Drugs _____
- Drug Paraphernalia _____
- Alcohol _____
- Other _____

Physical Symptoms

Walking

- Holding on
- Staggering
- Unsteady
- Falling
- Arm raised for balance
- Reaching for support
- Stumbling
- Unable to Walk**
- Swaying

Other (describe) _____

Speech

- Whispering
- Silent
- Slow
- Rambling
- Slobbering
- Nervousness
- Loud outburst
- Other (describe) _____
- Slurred
- Shouting
- Incoherent
- Rushing
- Rapid
- Irritability
- Confused

Standing:

- Unable to stand
- Swaying
- Feet wide apart
- Sagging at the knees
- Other (describe) _____
- Rigid
- Falling
- Staggering

Eyes:

- Bloodshot
- Watery
- Closed
- Jerky movement
- Other (describe) _____
- Glassy
- Droopy
- Dilated pupils
- Constricted pupils

Unusual Behavior:

- Paranoid
- Sleepy
- Argumentative
- Mood swings
- Crying
- Inexplicably Laughing
- Other (describe) _____
- Depressed
- Euphoric
- Disoriented
- Overreaction
- Avoidance

Face:

- Flushed
- Other (describe) _____
- Pale
- Sweaty

Breath:

- Odor of alcohol
- Odor of marijuana
- Heavy usage breath spray, gum, mints
- No odor of alcohol
- Pungent odor

3) Work Performance:

Attendance:

- Frequent Illnesses
- Tardiness
- Bizarre excuses for absences
- Excessive use of sick leave
- Absenteeism: (unexcused, excessive, pattern)
- On-the-Job Absenteeism (away from work area, frequent use restroom, long breaks, excessive personal phone calls)
- Other (describe) _____
- No call/no show
- Sleeping or dozing

Behavior:

- Agitation
- Paranoia/Suspicious behavior
- Blaming other for shortcoming and mistakes
- Frequent financial problems (burrowing for others)
- Avoidance of friends and colleagues
- Unreasonable resentment
- Overreaction to Criticism
- Requires frequent instruction or correction
- Other (describe)** _____
- Anxiety

Work Performance:

Safety:

- Frequent near miss
- Increased risk taking
- Accidents without explanation
- Shows disregard for safety of self and others
- Ignores safety protocol
- Off duty accidents that affect work
- Excessive mistakes
- Unable to concentrate
- Dangerous operating machinery
- Unusual accidents
- Lowered Efficiency:** (Missed deadlines, wasted supplies, complaints about performance, varying periods of high and low productivity).

Performance

- Inconsistent work quality
- Carelessness
- Divided attention
- Reduced intelligence
- Difficulty with learning and problem solving
- Inability to follow directions
- Unreliable promises and commitments
- Difficulty Concentrating:** (inattention to details, work requires greater effort or time, bad decision, poor judgment)
- Forgetfulness:** (Difficulty in recalling or following instruction, increasing difficulty in performing complex task)

4) Describe any other relevant observed actions or behaviors:

5) Employee statements if any are made:

ACTION TAKEN:

Reasonable Suspicion Test (drug and alcohol): YES NO

No Test Required (explanation required): _____

Employee Transported to collections site by: _____ home: _____

Time of Transport: (_____ a.m. /p.m.) Collection Facility: _____

Check One: _____ Employee has agreed to testing _____ Employee has refused testing

Law Enforcement contacted: _____

Signature

Signature

Title

Title

____/____/____
Date

____/____/____
Date