



## City of Valdez Personnel Policy and Procedures Manual

### Section #: 12 Special Provisions

#### Policy: 12.3 - Controlled Substance, Alcohol and Marijuana Non-DOT Policy

Replaces: 12.3 - Controlled Substances and Alcohol Policy; 12.5 – Controlled Substance and Alcohol Testing Policy for Other Safety Sensitive Positions - City of Valdez Personnel Regulations; 2008

Scope: All Staff

Responsible Department(s):  
All Departments

Approved By:

Last Reviewed Date:

Effective Date:

Approval Date:

**Purpose:** The purpose of this Controlled Substance, Alcohol, and Marijuana Policy ("Policy") is to maintain the highest safety, health, and work performance standards possible, and to reduce work related accidents, injuries, and damage which may be caused by controlled substance, alcohol or marijuana use or impairment. This policy is also intended to ensure the maintenance of productivity, the quality of products and services, and the security of property.

**Policy:** The City of Valdez ("City") has a long-standing commitment to maintain the highest standards possible for the health and safety of its employees, customers, clients, and the public at large. The use of or impairment by controlled substances, alcohol, and/or marijuana during work time is contrary to these high standards and will not be tolerated. The City of Valdez is still a drug free work place, despite the legalization of marijuana sales and/or personal use in Alaska. MARIJUANA IS STILL CONSIDERED AN IMPAIRING SUBSTANCE OR CONTROLLED SUBSTANCE UNDER THIS POLICY.

#### Procedure:

##### SECTION I: Introduction, General Consideration and Guidelines:

- A. Posting:** Each Department Director shall post this Policy in a prominent location, readily accessible to all employees.
- B. Distribution:** A copy of this Policy will be distributed to each employee. All employees will be required to sign a statement acknowledging receipt and understanding of this Policy and his/her agreement to comply with this Policy.
- C. Prohibited Conduct:** The following conduct is prohibited and will result in discipline up to and including termination.

1. The unauthorized use, possession, manufacture, distribution, or sale of an illegal drug, controlled substance, or drug paraphernalia on or in City-owned property (to include City-supplied vehicles), or while on City business, or during working hours.
2. Storing any illegal drug, alcohol, drug paraphernalia, or any controlled substance whose use is unauthorized in or on City-owned or supplied property (to include City-supplied vehicles).
3. Reporting to work, working, or acting or appearing on behalf of the City while under the influence of alcohol, marijuana, illegal drugs, or a controlled substance unless such use is prescribed for the individual by a licensed medical practitioner and is used according to the prescription. This policy does not preclude consuming alcohol at social or business functions where an employee is representing the City of Valdez and where alcohol is served. However, at these functions employees may not consume alcohol to the point of intoxication, to the point where they endanger their own safety or the safety of others, nor may they consume alcohol to excess if they are going to drive. Employees must always conduct themselves professionally and appropriately while on City business.
4. Failure to notify the employer before beginning work to ensure that the workplace is safe and secure, that the employee is taking medications (either prescribed or over-the-counter) or controlled substances which may affect their ability to perform in a manner that would pose a direct threat as a result of their inability or impaired ability to the safe and effective performance of their essential job junctions.
5. Refusing to immediately submit to the requirements of any controlled substance or alcohol test when requested by the City in accordance with this policy.
6. Failing to adhere to the requirements of any controlled substance, alcohol treatment, or rehabilitation program in which the employee is participating either as a condition of continued employment or pursuant to a written agreement between the City and the employee.
7. Violating any state or local criminal controlled substance law or statute either on or off duty.
8. Violating any state or local alcohol and/or marijuana law or statute while on duty.
9. Failing to notify the City of any citation, arrest, or conviction under any state or local criminal controlled substance, alcohol, or marijuana law or statute by the next working day following citation, arrest, or conviction.
10. Testing positive for a controlled substance, alcohol, and/or marijuana in violation of this policy.
11. Tampering with, altering, adulterating, substituting, or otherwise obstructing any controlled substance or alcohol testing process required under this policy.
12. Reporting to work, consuming during work hours, or remaining on duty while having an alcohol concentration of greater than .040 or if the employee is otherwise impaired by or under the influence of alcohol, marijuana, or a controlled substance.
13. For on-call employees who have consumed alcohol, marijuana, and/or a controlled substance while on-call to report to work upon request before or after a regularly scheduled shift.

## **SECTION II: Applicability**

- A. Individuals Subject to Controlled Substance, Alcohol and Marijuana Policy:** Any prospective or current employee of the City is subject to this Policy. The city reserves the right, within the limits of Federal and state laws or statutes, to examine and/or test for the presence of controlled substances, alcohol and/or marijuana. Under the conditions of this Policy, at the sole discretion of the City, applicants or employees may be required to undergo medical examination and/or a urine, blood, or oral fluids test. Testing will be conducted in accordance with accepted industry standard processes and procedures to include the use of Quick/Instant tests. Saliva testing will be administered when required by contract, job description, or any other reason the City may deem necessary.

**B. Prescription Drugs:** The City will not allow any employee to perform their duties while taking prescribed drugs that are adversely affecting the employee's ability to safely and effectively perform their job duties.

1. Employees taking prescribed medication that may adversely affect the employee's ability to safely and effectively perform their job duties must notify their supervisor within twenty four hours of taking such medication.
2. Employees taking a prescribed medication that may adversely affect the employee's ability to safely and effectively perform their job duties must carry it in the container labeled by a licensed pharmacist or be prepared to produce this if asked.
3. It is the employee's responsibility and obligation to determine, by consulting a physician if necessary, whether or not a legal medication he/she is taking may affect his/her ability to safely and effectively perform their assigned job duties.
4. An employee whose impairment by a prescribed medication may affect job performance must contact the supervisor and attempt to find an appropriate alternative assignment. If none is available, the employee may take leave or take other steps consistent with the advice of a physician.
5. If the result of testing conducted under this policy demonstrates a safety concern, the City may require that the employee provide a fit for duty letter from his/her physician.
6. If an employee report to work under the influence of prescription medication and, as a result, endangers themselves or others, the employee will be disciplined, up to and including termination.

**C. Safety Sensitive Positions:** The City has defined "safety sensitive" positions to include the following:

1. All personnel who routinely maintain or operate equipment or apparatus not otherwise classified as CMVs to include police, fire and ambulance apparatus.
2. All personnel who come in contact with, or could reasonably be expected to come into contact with, public safety information regarding alcohol, controlled substance, or illegal drug related investigations and operations.
3. All personnel whose job responsibilities require them to carry, or be licensed to carry, a firearm.
4. All personnel whose job requires them to treat and/or attend to injured or ill members of the public.

Safety sensitive positions shall be designated as deemed appropriate by the City Manager. Positions so designated include, but are not limited to, the following:

City Manager	Shelter Attendant
Assistant City Manager	Fire Chief
Human Resources Director	Fire Captain
Chief of Police	Fire Lieutenant
Police Lieutenant	Fire Engineer
Police Sergeant	Fire Administrative Assistant
Police Officer	Fire Department Volunteers
Police Administrative Assistant	Harbormaster
PST/Jail Supervisor	Ports and Harbor workers
PST/Dispatcher/Correctional Officer	PRCS Teen Center personnel
Animal Control Officer	Lifeguards

## SECTION III: Testing

**A. Collection of Testing Samples:** Testing under this policy for a controlled substance or marijuana is a urinalysis and for alcohol is an evidential breath testing device. Both are administered under approved conditions and procedures conducted solely for the purpose of detecting the presence of controlled substances, marijuana and/or alcohol. Other on-site methods to detect the presence of alcohol or marijuana may be used to include Blood Alcohol Concentration and saliva tests.

1. Testing sample will be collected by a City-approved testing site and paid for by the City. Sample collections and testing will be performed under reasonable and sanitary conditions.
2. The collection site shall have all necessary trained personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of specimens to a SAMHSA certified testing laboratory. An independent medical facility may also be utilized as a collections site.
3. The test will be collected at the City approved testing site or a certified medical laboratory and paid for by the City. The testing site is responsible for proper collection and to ensure the proper chain of custody for the test sample collected.
4. All controlled substance samples will be collected by the split sample collection method. However, if a split sample is not collected, the single sample will be collected and sent to the laboratory for testing.
5. The person collecting the sample will document the sample, to include labeling the sample, to preclude, to the extent reasonable, the possibility of misidentification of the person tested in relation to the test result provided.
6. The person collecting the sample shall provide the person being tested with an opportunity to provide medical information that may be relevant to the test, including identifying current or recently used prescription and non-prescription drugs.
7. Sample collection, storage, and transportation to the testing facility shall be performed in a manner reasonably designed to preclude the possibility of sample contamination, adulteration, or misidentification.
8. The employee designated for testing must provide reliable individual identification to the person collecting the sample.
9. With the exception of pre-employment testing, controlled substance and alcohol testing will be scheduled during, immediately before, or after the employee's regular work period or work time. With the exception of pre-employment testing, testing under this policy is considered work time and will be compensated at the employee's regular rate of pay.
10. Sample collection will be performed in a manner which ensures the individual employee's privacy to the maximum extent consistent with ensuring that the sample is not contaminated, adulterated, or misidentified.
11. The City will pay the entire cost actual costs for controlled substance and alcohol testing required of employees and prospective employees. The City shall also pay reasonable transportation costs if the required sample is taken at a location other than the normal work site.

**B. Testing Procedures:** The City shall use a controlled substance testing laboratory approved or certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) unless testing is conducted on-site.

1. *If non-instrumented controlled substance or alcohol tests are used, then the collector must perform the on-site tests in the presence of the donor. In on-site testing, an employer may only use products approved by the Food and Drug Administration for employee testing and shall use the products in accordance with the manufacturer's instructions. All presumptive positive test results must be sent to the SAMHSA certified laboratory for confirmation testing before any employment action can be taken.*

Employees with a presumptive positive test result will be relieved from duty and placed on paid administrative leave until such time as confirmation test results are received.

2. The City may, at times, use a rapid test kit. If the rapid test is positive, the sample will be sent to the SAMHSA certified laboratory for confirmation.
3. Positive controlled substance test will be confirmed by a gas chromatography mass spectrometry. The City will not rely on a positive controlled substance test unless the confirming test results have been reviewed by a licensed Medical Doctor or Doctor of Osteopathy.
4. Alcohol testing will be performed by a breath alcohol technician (BAT). If the result of an alcohol screening test is a breath alcohol concentration (BAC) of .04 or greater, a confirmation test will be performed. The confirmation test will generally be done within 15, but not more than 30 minutes of the screening test. The results of these tests will be reported directly to Human Resources.

**C. Review of Controlled Substance Test Results:** The approved testing facility shall contract the services of a Medical Review officer (MRO). The MRO shall be a licensed Medical Doctor or Doctor of Osteopathy. The MRO shall *review all confirmed positive test results* an interview individuals testing positive to verify the laboratory result. The MRO, in conjunction with the SAP, may also evaluate and recommend to the City whether and when an employee who either refuses to test or tests positive but has not been terminated may return to work and under what conditions.

1. Reporting and Review of Results.
  - a. The MRO shall review confirmed positive test results. This review shall be performed by the MRO prior to the transmission of results to the City's Department of Human Resources.
  - b. The MRO shall contact the employee within 48 hours of confirmation of a positive test result and offer the employee an opportunity to discuss the confirmed test result
  - c. The MRO will inform the employee that they have 72 hours to request a re-test of the split or single sample. A re-test is an analysis of the second split sample bottle or an aliquot of the original sample. The re-test must be sent to a SAMHSA approved or certified laboratory. The employee will be responsible for the costs of the re-test and will be reimbursed by the City only if the test comes back negative.
  - d. Until a confirmed positive test has been reported by the MRO to Human Resources result to Human Resources, the employee will remain on paid administrative leave status. Once a confirmed positive test result is reported to Human Resources, the employee's status shall convert to unpaid administrative leave status until such time as a final resolution is reached concerning pending personnel action. The employee may elect to use accrued leave or comp time while awaiting resolution of pending personnel action.
2. Legal Use of a Controlled Substance. If the MRO determines there is a legitimate medical explanation for the confirmed positive test result, the MRO shall report the test to the City as negative. Positive test results caused by legitimate prescription medication shall be reported as negative.
3. Written Test Results. An employee may obtain a copy of the written test results only upon written request to Human Resources made within 6 months of the date of the test. The City will provide the written test results to the employee, pursuant to that request, within 5 days of its receipt.
4. Explanation of Positive Test Result. An employee who would like an opportunity to explain a positive test result in a confidential setting to Human Resources and/or the City Manager, must make such a request in writing within 5 working days of being notified of the test result. An employee who submits such a request in a timely manner will be given the opportunity, within 3 working days after its receipt or before taking further adverse employment action, to explain the positive result in a confidential setting.

**D. Confidentiality of Results:** Test results are Protected Health Information (PHI) and will be treated according to HIPAA (Health Insurance Portability and Accountability Act).

1. All records relating to controlled substance and alcohol testing will be maintained in the employee's confidential medical file in a secure location with controlled access separate from the employee's personnel file.
2. Any communication received by the City relevant to controlled substance or alcohol test results and received through the City's testing program is confidential and privileged and will not be disclosed by the City except for the following circumstances:
  - a. To the tested employee, prospective employee or another person designated in writing by the current or prospective employee.
  - b. To an individual designated by the City to receive and evaluate test results or hear the explanation from the current or prospective employee.
  - c. As ordered by a court or governmental agency.
  - d. In any proceeding initiated by or on behalf of the individual tested and arising from a positive test.

**E. Testing Criteria:** The City shall test for alcohol and the following controlled substances based on the following criteria as set forth in DOT rule 49 CFR Part 40 Section 40.87:

**Urine Testing Screening and Confirmation Levels**

Initial Test Analyte	Initial Test Cutoff Concentration	Confirmatory Test Analyte	Confirmatory Test Cutoff Concentration
Marijuana metabolites	50 ng/ml	THCA(1)	15 ng/ml.
Cocaine metabolites	150 ng/ml	Benzoyllecgonine	100 ng/ml.
Opiate metabolites Codeine/Morphine(2)	2000 ng/ml	Codeine Morphine	2000 ng/ml 2000 ng/ml.
6-Acetylmorphine	10 ng/ml	6-Acetylmorphine	10 ng/ml.
Phencyclidine	25 ng/ml	Phencyclidine	25 ng/ml.
Amphetamines(3) AMP/MAMP(4)	500 ng/ml	Amphetamine Methamphetamine(5)	250 ng/ml. 250 ng/ml.
MDMA(6)	500 ng/ml	MDMA MDA(7) MDEA(8)	250 ng/ml. 250 ng/ml. 250 ng/ml.

- 1 Delta-9-tetrahydrocannabinol -9-carboxylic acid (THCA)
- 2 Morphine is the target analyte for codeine/morphine testing
- 3 Either a single initial test or multiple initial test kits may be used provided the single test kit detects each target analyte independently at the specified cut-off.
- 4 Methamphetamine is the target analyte for amphetamine/methamphetamine testing.
- 5 To be reported positive for methamphetamine, a specimen must also contain amphetamine at a concentration equal to or greater than 100ng/ml.
- 6 Methylenedioxyamphetamine (MDMA)
- 7 Methylenedioxyamphetamine (MDA)
- 8 Methylenedioxyethamphetamine (MDEA)

**Testing for Alcohol Level by Evidentiary Breath Testing Device.** The City recognizes and enforces the SAMHSA threshold screening levels for Blood Alcohol Concentration (BAC) in the bloodstream.

1. BAC Screening level of .02-.039: The employee will be removed from service for 8-24 hours.

2. BAC Confirmation level of .04 or greater is a positive test and requires immediate removal from job functions. An employee testing at the .04 or greater BAC level while at work may not resume job duties until a specific return-to-duty process as recommended by the SAP has been successfully completed.

**F. Circumstances Under Which Testing May be Conducted:** Failure to submit to and successfully pass a urinalysis test for controlled substances and/or an evidentiary breath test under the following circumstances shall disqualify the employee for employment with the City. A negative controlled substance test result is required prior to reporting for work. The City will test employees for controlled substances, alcohol, and/or marijuana under the following conditions:

**1. Pre-employment Testing.**

- a. Pre-employment controlled substance tests will be required for all prospective employees for any regular position within the City.
- b. Pre-employment controlled substance tests will be required for all regular employees being promoted or transferred to Safety Sensitive positions or positions requiring a CDL (Commercial Driver's License).
- c. Pre-employment controlled substance tests will be required for all prospective employees for any position within the City (to include temporary positions) that requires driving as a component of the job function.
- d. Pre-employment controlled substance tests will be required for all prospective employees for any position within the City (to include temporary positions) that requires contact with youth or teens as a component of the job function.
- e. Pre-employment urinalysis, blood, or saliva tests are valid for thirty (30) days and must be re-administered if the individual is not hired within this timeframe.

**2. Condition of Employment Testing for Safety Sensitive and Public Safety Positions.**

- a. An employee in a non-safety sensitive position who transfers, is promote, demoted, rehire, or re-instated to a safety sensitive or public safety position shall be required to undergo a condition of employment controlled substance test.
- b. Police and Fire Department employees who transfer, are promoted, demoted, rehired, or reinstated to another position within their department are required to undergo a condition of employment controlled substance test.

**3. Post-Accident Testing.**

- a. **Persons Subject to Post-Accident Testing.** Employees involved in an accident or who have contributed to an accident in the workplace or during work time will be required to undergo controlled substance, alcohol and/or impairment testing. Such a test will be conducted as soon as practicable after the accident, but not later than 32 hours after the accident for controlled substances and not later than 8 hours after the accident for alcohol. Human Resources will direct the employee to a testing facility qualified to obtain a sample from the employee after an accident as defined below. However, any injuries will be treated first. Under this section an accident is defined as any of the following:
  - i. Loss of Human life.
  - ii. Issuance of a moving citation under state or local law or statute.
  - iii. Medical treatment to the employee or anyone affected, other than first aid.
  - iv. Issuance of a moving traffic citation to the employee under state or local law or statute involving any property or vehicle damage.
  - v. Any property or vehicle damage involving a motor vehicle.
  - vi. Any property damage not involving a motor vehicle.

**b. Obligations of an Employee subject to Post-Accident Testing.** Employees who do not comply with the below post-accident testing requirements or who fail or refuse to provide a sample for testing will be considered to have refused to submit to testing and will be subject to appropriate disciplinary action up to and including termination.

- i. Report the accident to the Police Department, your Department Head or immediate supervisor, and Human Resources immediately.
- ii. Complete an Incident Report within 24 hours to submit to Finance if the employee is capable. If not capable, the Department Head must complete and submit the Incident Report to Finance within 24 hours of the accident.
- iii. An employee who is subject to post-accident testing **shall not** consume alcohol within 8 hours or a controlled substance or marijuana for 32 hours after the accident, or until the controlled substance or alcohol test has been administered, whichever occurs first.
- iv. An employee who is subject to post-accident testing must remain readily available for such testing and must not take any action to interfere with the testing or the results thereof.
- v. An employee who is subject to post-accident testing is immediately relieved of all duties and will be placed on paid administrative leave pending the results of the required testing or release to work by a certified medical professional.

**4. Reasonable Suspicion Testing.** Any employee whom the city reasonable suspects may be affected by the use of a controlled substance, alcohol, or marijuana which may adversely affect job performance, safety or that constitutes a violation of this policy may be required to submit to a controlled substance and/or alcohol test. Reasonable Suspicion testing is done to identify controlled substance, alcohol and/or marijuana affected employees who may pose a danger to themselves or others in the performance of their duties. Trained supervisors will make the decision whether there is reasonable suspicion to believe an employee is impaired by or under the influence of a controlled substance, alcohol, or marijuana while on duty in violation of this policy.

**a. Supervisor Training.** Department Directors and supervisory personnel will receive training on the CONTROLLED SUBSTANCE, ALCOHOL AND MARIJUANA POLICY. The training shall include, at least, *60 minutes of annual training on Reasonable Suspicion of Controlled Substances for Supervisors* and *60 minutes of annual training on Reasonable Suspicion of Alcohol for Supervisors*. This training shall be for all supervisors who may determine whether an employee will be tested for Reasonable Suspicion of impairment or being under the influence of a controlled substance, marijuana, or alcohol.

**b. When Reasonable Suspicion Exists.** The decision to test under this section must be based on a reasonable and articulable suspicion or belief that the employee is under the influence of an unauthorized controlled substance, alcohol or marijuana. Reasonable Suspicion is a belief based on contemporaneous, articulable observations concerning the employee's appearance, behavior, speech, body odors or other reliable evidence or information that the employee is under the influence of or impaired by a controlled substance or alcohol. By example, any of the following, either alone or in combination, may constitute reasonable suspicion:

- i. Slurred speech,
- ii. Irregular or unusual speech patterns,
- iii. Impaired judgment,
- iv. Alcohol odor on the breath,
- v. Body or clothing odor suggesting alcohol or marijuana use,
- vi. Uncoordinated walking or movement,



- vii. Unusual or irregular behavior such as inattentiveness, listlessness, hyperactivity, hostility, or aggressiveness,
- viii. Possession of a controlled substance, alcohol, or marijuana,
- ix. Observation of controlled substance, alcohol, or marijuana use.

c. **Determination of Reasonable Suspicion.** Although suspicion or belief of an employee being under the influence of an unauthorized controlled substance, alcohol, or marijuana may be reported by anyone, actual Reasonable Suspicion determinations will only be made by supervisory or public safety personnel who have received training concerning the signs and symptoms of controlled substance, alcohol, or marijuana use. The trained observing supervisor or public safety personnel shall document the events and record the behavioral signs and symptoms that support a determination of Reasonable Suspicion. If possible, a second supervisor should also observe the employee to verify that there is a reasonable basis to believe that a controlled substance, alcohol, or marijuana violation has occurred.

d. **Events after Determination is Made.** When the determination is made that Reasonable Suspicion exists that an employee is under the influence of a controlled substance, alcohol, or marijuana in violation of this policy, the employee shall be relieved of all duty and placed on paid administrative leave pending further action. The observing supervisor shall immediately notify the Department Director and Human Resources if Reasonable Suspicion is found to exist. Upon review, the Department Director may direct and Human Resources will authorize that the employee in question immediately submit to a controlled substance and/or alcohol test. Should the result of the test be positive, the employee will be placed on leave without pay and further disciplinary action will be taken up to and including termination.

e. **Reports of Possible Violation by Supervisory Personnel.** If a non-supervisory employee has reason to believe that a supervisor subject to this policy is under the influence of a controlled substance, alcohol, or marijuana at work in violation of this policy, she/he shall report such potential violation to Human Resources who will immediately take appropriate action as provided for in this section.

5. **Return to Duty Testing.** An employee who refuses to take or fails a substance abuse or alcohol test and whose employment is not terminated may not return-to-duty until she/he is evaluated by a Substance Abuse Professional (SAP), passes a substance abuse and/or alcohol test, and has completed the treatment recommended by the SAP. An employee who is not terminated for violating this policy may be given the opportunity to return to work provided they first:

- a. Receive a recommended return-to-work evaluation by a SAP and the medical review Officer (MRO);
- b. The return-to-work controlled substance and/or alcohol test result is negative;
- c. Continue to receive negative controlled substance and/or alcohol test results in follow-up tests after returning to duty; and
- d. Participate in and successfully complete an applicable City approved evaluation/rehabilitation program determined by the SAP.

6. **Follow-Up Testing.** An employee who is referred for assistance related to controlled substance, alcohol, or marijuana misuse may be subject to random follow-up testing for a period not to exceed 60 months as directed by the SAP. The number and frequency of follow-up tests will be determined by the SAP and the City, but will not be less than six (6) tests in the first 12 months following the employee's return to duty. Follow-up testing will be arranged by Human Resources and will be conducted immediately prior to or during work time for that employee.

#### **SECTION IV: Consequences for Violating this Policy.**

- A. General:** Compliance with this policy is a condition of employment. Refusal to take a required controlled substance or alcohol test, a positive controlled substance or alcohol test, or engaging in an activity or behavior which otherwise violates this policy shall, at a minimum, result in removal from performing assigned functions. Additional disciplinary action may follow, up to and including termination.
- B. Violations:** The City may take adverse employment action, up to and including termination, based upon:
1. A positive controlled substance or alcohol test result;
  2. A criminal conviction for a controlled substance offense whether it be on or off duty;
  3. A prospective or current employee's refusal to provide a controlled substance or alcohol testing sample required according to the provisions of this policy;
  4. An employee's failure to notify the employee's supervisor before beginning work that the employee is taking medications or controlled substances (either prescribed or over-the-counter) which might interfere with the safe or effective performance of duties;
  5. Verification of a valid, current prescription is not provided upon request by the next scheduled work day;
  6. Misuse of a prescription or recommended non-prescription drug; or
  7. Otherwise violating the terms and requirements of this policy.
- C. Disciplinary Actions:** The City may take potential, adverse employment actions for violations of this policy which may include one or more of the following:
1. A requirement that the employee enroll in a City-provided or approved rehabilitation treatment or counseling program. This program may include additional Controlled substance or alcohol testing as provided for in this policy. Participation in such a program is a condition of employment. The costs of participating in such a program, aside from those provided for in the employee health benefit, will be borne by the employee.
  2. Suspension with or without pay.
  3. Termination of employment.
  4. Refusal to hire the prospective employee in the case of a positive pre-employment testing result.
  5. Other and/or additional adverse employment actions at the election of and discretion of the City.

**SECTION V: Employee Assistance Program.** The Employee Assistance Program (EAP) is a City employee benefit designed to benefit both the employer and the employee. The EAP addresses productivity issues by helping employees identify and resolve personal concerns that affect job performance. Through prevention, identification, and resolution of these issues, the EAP enhances employee and workplace effectiveness and is a vital tool for maintaining and improving worker health and productivity, and retaining valued employees. EAP Services to employees include:

- A.** Mental health-related services and referrals;
- B.** Controlled substance and alcohol-related services and referrals;
- C.** Services and referrals related to personal affairs such as divorce, parenting and estate planning;
- D.** Information on work/life supports, such as care-giving for elderly parents and financial planning;
- E.** Wellness and health promotion services such as smoking cessation and weight reduction;
- F.** Work-related supports like career counseling.

## Definitions:

**Alcohol** means ethanol, isopropanol, or methanol.

**Alcohol concentration** means the alcohol in a volume of breath expressed in terms of grams of alcohol - per 210 liters of breath-as indicated by an evidential breath test.

**Alcohol Use** means the consumption of any beverage or mixture, including any medication or mouthwash containing alcohol.

**Blood/Breath Alcohol Concentration (BAC)** is the amount of alcohol in the bloodstream or on one's breath. BAC can be measured by breath, blood or urine tests.

**Breath Alcohol Technician (BAT)** means an individual who operates an EBT and instructs and assists individuals in the alcohol testing process.

**Collection Site Person** Is an individual authorized by the City of Valdez to collect samples in accordance with this policy and trained in procedures for such collections. The City of Valdez has chosen to follow the highest industry standards for work place collection, testing, and reporting of test results; therefore, The City of Valdez procedures will attempt to follow, as a guide only the federal drug testing procedures.

**Controlled Substance** means a substance considered unlawful under AS 11.71 or under federal law, or the metabolite of the substance.

**Controlled Substance Testing** means testing for evidence of the use of a controlled substance.

**Evidential Breath Testing Device (EBT)** is a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath, and is placed on NHTSA's "Conforming Products List" (CPL) of evidential breath measurement devices.

**Employee Assistance Program (EAP)** means a confidential counseling/referral service for employees and their dependents. EAP is designed to provide assistance to employees and their families to deal with personal problems which may affect their productivity, health, or continued employment. All counseling, assessment, and referral services will be provided by qualified, experienced clinicians with special training in short-term counseling and in assessing and treating substance abuse problems. (See also SAP.)

**Failing a Controlled Substance Test** shall mean the test results show positive evidence of the presence of a controlled substance or controlled substance metabolite in an employee's system in amounts that exceed cutoff levels established by this policy.

**Medical Review Officer (MRO)** is the licensed medical doctor or doctor of osteopathy who is responsible for the review of positive laboratory results generated by The City of Valdez testing program

**Prospective Employee** means a person who has made application to the City of Valdez, whether oral or written, to become an employee.

**Rapid Test** means a test designed to provide an instant screened test result.

**Refusal to submit** means failure to cooperate and provide a drug or alcohol sample, after receiving notice of the test in accordance with the City of Valdez Controlled Substance, Alcohol, and Marijuana Policy. A refusal will be treated the same as a positive test result. A refusal to test for alcohol occurs when a covered employee fails to provide an adequate breath for testing without a valid medical explanation after receiving notice of the requirement to be tested in accordance with the

provisions of the City of Valdez alcohol misuse prevention plan or engages in conduct that clearly obstructs the testing process.

**Safety Sensitive Position** is as defined in Section I.A.12

**Sample** means urine, blood, or breath from the person being tested.

**Screening Test or Initial Test** means an analytic procedure to determine whether an employee may have a prohibited concentration of drugs or alcohol in a specimen.

**Substance Abuse Professional (SAP)** means a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor ("Certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse") with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance related disorders.

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**References:** Policy 12.4; 49 CFR 40

**Attachments:** Appendix A – EAP;

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## Appendix A Employee Assistance Program

We all have problems from time to time, and usually we can cope with them on our own. Sometimes, however, we need outside help. The City of Valdez provides all regular, full-time employees with a Health Care Plan administered by Meritain Health Company. The plan offers partial coverage for Alcoholism and Controlled Substance Addiction-Inpatient and Outpatient treatment. Please contact the number listed on the back of your insurance card for more information. In addition, the City provides an EAP (Employee Assistance Program) as a benefit to City employees. Below is a list of resources that may help you.

### Controlled Substance and Alcohol Counseling Rehabilitation Resources

Advocates for Victims of Violence 24 hour crisis line	907-835-2999 907-835-2980
Advisory Board on Alcoholism and Drug Abuse Careline	877-266-4357
Akeela House, Inc.	907-561-5266
Alaska Addiction Rehabilitation Services	800-376-4535 907-376-4534
Alaska Aviation Toxicology	800-478-3783 907-456-2825
Alaska Human Services	907-561-4535
Alaska Youth and Parent Foundation	907-274-6541
Alcoholics Anonymous	907-835-2048 907-272-7860
Beacon WorkSafe, Inc.	907-563-8378
Betty Ford Center	800-854-9211
Center for Drug Problems	907-276-6430
Charter North Star Behavioral Health System	907-258-7575
Clitheroe Alcoholism and Substance Rehab Center	907-276-2898
Genesis House, Inc.	907-243-5130
Lakeside Milam Recovery Centers (Washington state)	800-231-4303
Pacific Rim Counseling, Inc.	907-349-0077
Providence Breakthrough	907-562-7325
Providence Valdez Medical Center	907-835-2249
Providence Valdez Behavioral Health	907-835-2838
Residence XII for Women (Washington state) 800-776-5944	
Salvation Army	907-243-1181
Sundown M Ranch (Washington state)	509-457-0990
Valdez Medical Clinic	907-835-4811
Valley General Hospital Alcohol/Drug Recovery Center (Washington state)	360-794-1405