

***Current COV Employee Controlled Substances and Alcohol Policy
Excerpt from the 2008 Edition of the COV Personnel Regulations Manual***

12.3 Controlled Substances and Alcohol Policy:

12.301 It is the goal of the City of Valdez to provide a drug-free, healthful, and safe work place. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

12.302 No employee may use, possess, distribute, sell, or be under the influence of alcohol or engage in the unlawful manufacture, distribution, dispensation, possession, or use of any controlled substances while conducting any official City-related activities at any time on or off of the City of Valdez premises; and, while operating City of Valdez vehicles and equipment at any time, including off-duty hours.

12.303 Violators of this policy are subject to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

12.304 In the event substances are found in the work place or in an employee's possession or control, which are believed to be illegal drugs or other controlled substances, law enforcement authorities will be notified.

12.305 The legal use of prescribed drugs is permitted on the job only if they do not impair the employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger the employee or others. Employees taking over-the-counter or prescription drugs are responsible for notifying the city if such use has the potential to impair the employee's ability to perform his/her job function. If an employee is unsure about potential drug effects, the city highly recommends that the employee consult with a physician, and if necessary, provide a note to the city regarding drug impacts.

- A. The City of Valdez may require employees using prescription drugs to provide a doctor's certification that the use of the legally prescribed drug does not impair the ability of the employee to perform his/her job safely and properly.
- B. If the use of a legally prescribed drug will impair the ability of the employee to perform the job safely and properly, then the City of Valdez reserves the right to take proper steps to ensure the safety of the work environment.

12.306 Off-the-job drug or alcohol abuse which makes an employee unfit for work or which adversely affects the employee's job performance or jeopardizes the safety of persons or property will be cause for disciplinary action.

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12.5 Controlled Substances and Alcohol Testing Policy for Other Safety Sensitive Positions:

12.501 Affected Employees. The City has defined “safety sensitive” positions in addition to drivers holding CDLs to include the following:

- A. All personnel who routinely maintain or operate heavy equipment or apparatus not otherwise classified as CMVs, and police, fire, and ambulance apparatus;
- B. All personnel who come in contact with, or could reasonably be expected to come in contact with, public safety information regarding confidential drug and alcohol related investigations and operations;
- C. All personnel whose job responsibilities require them to carry, or be licensed to carry, a firearm; and
- D. All personnel whose job responsibilities require them to treat and attend to injured or ill members of the public.

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

Chief of Police	Administrative Assistant (Police and Admin)
Sworn Police Officers	Fire Chief
Public Safety Technicians	Career Firefighters
Animal Control Officer	Fire Department Volunteers
Lifeguards	City Manager
Harbormaster	Assistant City Manager
Marine Equipment Operator	
Asst. Harbormaster	

Other positions may be designated as deemed appropriate by the City Manager.

12.502 Testing. Testing will be done as provided below:

- A. Pre-employment Controlled Substance Testing. Candidates who have been selected for and accepted an offer of employment in a safety sensitive position shall undergo controlled substance testing. Controlled substance testing will also be conducted when a current employee transfers from a non-safety sensitive position to a safety sensitive position.
- B. Reasonable Suspicion Alcohol and Controlled Substance Testing. Reasonable suspicion testing shall be administered in accordance with Section 12.409(C).

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C. Post-accident/incident Alcohol and Controlled Substance Testing. Post-accident/incident testing for non-CMV accident/incidents shall be administered in accordance with Section 12.409(D).

D. Other Testing. Employees in safety sensitive positions shall also be subject to the following testing procedures:

1. Return to Duty Testing in accordance with Section 12.409(F).
2. Follow-up Testing in accordance with Section 12.409(G).
3. Confirmation Testing in accordance with Section 12.409(H).
4. After Hours Testing in accordance with Section 12.409(I).

E. Dilute Specimen Controlled substances Test Results. When the City receives a report of dilute specimen from the Medical Review Officer, the City will treat the test as a verified positive test. The City will request that the employee take another test immediately, however, such collections must not be collected under direct observation, unless there is another basis for use of direct observation. The result of the second test, not that of the original test, becomes the test of record. If the second test is also negative and is dilute, no further tests will be conducted.

12.503 Applicability of Additional Section 12.4 Provisions to Section 12.5. The following provisions of Section 12.4 relating to testing of drivers of CMVs are incorporated by reference for application to Section 12.5 addressing other safety sensitive positions:

Section 12.402 - 409; and Section 12.411 - 412. To the extent necessary to interpret and administer Section 12.5, 49 C.F.R. Pt. 32 "Controlled Substances and Alcohol Use and Testing" shall be adopted as a guideline.