



SUBJECT

MAYOR'S AMENDED DRUG DETECTION AND DETERRENCE PROCEDURES

E O. No.

1-12 (2nd Revision)

Effective Date

10/26/93

1.0 PURPOSE

To provide procedures for implementation of the Mayor's Amended Drug Detection and Deterrence Policy based upon the City's commitment to maintain a safe, healthful and productive work environment for all employees, and to ensure the safe and efficient delivery of services to citizens of the City of Houston.

2.0 OBJECTIVES

- 2.1. To establish a procedure to achieve a drug-free workforce and to provide a workplace that is free from the use of illegal drugs and substance abuse.
- 2.2. To establish a procedure for drug screening of applicants for City employment.
- 2.3. To establish a procedure for drug screening of employees where there is reasonable suspicion that an employee has illegal or illicit substances in their system while on duty or in the scope of their employment with the City.
- 2.4. To establish a procedure of random drug screening for classified personnel and certain non-classified personnel in positions that have a significant impact upon the public safety of themselves or others, City Council members and certain other positions.
- 2.5. To establish a procedure for assignment drug screening for classified personnel and certain non-classified personnel who are applicants for positions that have a significant impact upon the public safety of themselves or others.
- 2.6. To establish a procedure for drug screening of personnel employed as certified peace officers assigned to, or who are applicants for, positions as certified peace officers with the Police or Fire Departments that may include testing to detect the presence of anabolic steroids.
- 2.7. To establish a procedure that complies with the Drug-Free Workplace Act of 1988.

Approved

Bob Lanier

Date Approved

10/26/93

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3.0 POLICY

It is the policy of the City of Houston that the manufacture, distribution, dispensation, possession, sale or use of illegal drugs or alcohol by employees while on duty for or in behalf of the City is prohibited. The City's goal is to establish and maintain a work environment that is free from the effects of abuse or misuse of any type of drug or alcohol. Consequently, employees are prohibited from being at work or acting in the scope of their employment with the City while impaired by alcohol or with illegal or illicit substances present in their systems, on their persons, in City vehicles or on City premises. This policy incorporates any off duty use or misuse of illegal or illicit substances that result in a positive drug test pursuant to these procedures.

4.0 SCOPE

This procedure is applicable to individuals applying for employment with the City, and all City of Houston employees.

5.0 DEFINITIONS

- 5.1. **APPLICANT FOR EMPLOYMENT** means a person applying for any position with the City.
- 5.2. **CERTIFIED PEACE OFFICERS** means employees authorized under state law as peace officers assigned to the Fire or Police Departments.
- 5.3. **CITY PREMISES** means all City facilities, their surrounding grounds and parking lots, leased space, and City provided motor driven equipment/vehicles.
- 5.4. **COLLECTION SITE** means a designated National Institute for Drug Abuse (NIDA) certified facility where urine samples are collected from an employee or applicant.
- 5.5. **CONFIRMATION OF DRUG TEST RESULTS** means a form issued to an applicant or employee that informs them of a positive result from a confirmatory drug test.
- 5.6. **CONTRACT EMPLOYEE** means a City employee directly engaged in the performance of work pursuant to the provisions of a federal contract valued in excess of \$25,000.
- 5.7. **CONVICTION** means a finding of guilt or imposition of sentence, including deferred adjudication, or probation by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.

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- 5.8. CRIMINAL DRUG STATUTE means a federal or non-federal criminal statute pertaining to the manufacture, distribution, dispensation, sale, use, or possession of any controlled substance.
- 5.9. DEPARTMENT DIRECTOR means all Department Directors, the Division Director and Chief of Staff of the Mayor's Office, and the City Controller. The Mayor Pro Tem is the Department Director for Council Members.
- 5.10. DRUG means any chemical substance that is defined by statute as a controlled substance or which may produce physical, mental, emotional, or behavioral change in the user.
- 5.11. DRUG-FREE WORKPLACE means a site for the performance of work at which City employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance.
- 5.12. DRUG-FREE WORKPLACE ACT OF 1988 means the statute passed by Congress on November 18, 1988 and all amendments thereto, that require grantees of federal agencies to certify that they will provide a drug-free workplace.
- 5.13. DRUG SCREENING/DRUG TESTING means a procedure to screen and/or test urine samples for the purpose of detecting the presence of amphetamines, cocaine metabolites, opiate metabolites, phencyclidine, marijuana metabolites and, if appropriate, anabolic steroids.
- 5.14. EMPLOYEE means all individuals engaged in the performance of work for or on behalf of the City of Houston whether hired, appointed or elected and is not limited to municipal or classified employees. For the purpose of this procedure, the term employee extends to officers and agents of the City and includes the Mayor, City Controller, City Council Members, their respective staff, and full or part time Municipal Judges.
- 5.15. GRANT means an award of funds by a federal agency.
- 5.16. GRANT EMPLOYEE means a City employee directly engaged in the performance of work pursuant to the provisions of a federal grant, including all direct charge employees and indirect charge employees unless their impact or involvement is insignificant to the performance of the grant as determined by the Department Director.
- 5.17. INFORMED CONSENT means a form authorization completed by an applicant or an employee consenting to a drug test and permitting the release of test results to designated City officials.

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- 5.18. LABORATORY means a National Institute for Drug Abuse (NIDA) certified laboratory authorized by the City to perform drug screening/testing.
- 5.19. MEDICAL REVIEW OFFICER (MRO) means a physician authorized by the City to review and interpret drug test results.
- 5.20. ON DUTY means that time period which constitutes an employee's work day, or that time period when he or she has been recalled to work.
- 5.21. REASONABLE SUSPICION means an articulable belief based on specific facts and reasonable inferences drawn from those facts.
- 5.22. SAFETY IMPACT POSITION means an employment position involving job duties which if performed with inattentiveness, errors in judgment, or diminished coordination, dexterity, or composure may result in mistakes that could present a real and/or imminent threat to the personal health and safety of the employee, co-workers, and/or the public. Any employee who operates a City-owned or leased vehicle or motor driven or heavy equipment as a part of their primary duties is in a safety impact position. Employees who drive on City business are in safety impact positions if they drive as a regular, primary, or substantial part of their duties on behalf of the City. A Safety Impact Position also includes those employment positions whose job duties involve contact with or access to drugs.
- 5.23. NOTICE means an approved condensed written notice of the Mayor's Policy on Drug Detection and Deterrence.
- 5.24. USER DEPARTMENT means a City department approved by the Mayor to authorize collecting urine samples for drug screening in accordance with the Drug Detection and Deterrence Policy.

6.0 RESPONSIBILITIES

6.1. The Department Director is responsible for:

- 1) identifying Safety Impact Positions;
- 2) notifying employees in departmental Safety Impact Positions that they are subject to random drug testing;
- 3) authorizing the testing of employees;
- 4) scheduling employees for random drug tests;
- 5) receiving the results of drug tests of departmental employees;
- 6) notifying employees of positive test results and their right to a second test;

- 7) implementing disciplinary action against employees who fail to comply with provisions outlined in this amended procedures.
- 8) forwarding all drug test related records for employees to the Director of the Personnel Department for final retention;
- 9) ensuring notices are prominently displayed at all departmental facilities housing employees;
- 10) notifying the federal grantor agency and the Director of Personnel of a grant employee's conviction of a federal or state criminal drug statute violation; and
- 11) ensuring that the drug test, notice, forms and results are kept confidential.

6.2. For the purpose of this policy, the Mayor or designated Chief of Staff shall be deemed the supervisor for Department Directors and the Department Director of the Mayor's office and staff; the City Controller shall be deemed the Department Director for the Controller's office and staff; the Mayor Pro Tem, or the Personnel Director at the Mayor Pro Tem's direction, shall be deemed the Department Director and perform the duties of the Department Director for City Council Members and their staff.

6.3. The Medical Review Officer is responsible for:

- 1) receiving drug test results;
- 2) reviewing and interpreting drug test results;
- 3) examining alternate medical explanations for any positive test result;
- 4) notifying applicants and the Director of Personnel of an applicant's positive drug test results;
- 5) notifying the Department Director or designee of all employee drug test results;
- 6) coordinating the retesting of applicants and employees;
- 7) maintaining statistical data on applicants and employees referred for testing;
- 8) maintaining applicant drug test records;
- 9) consulting with departments regarding drug screening and/or test results; and
- 10) appearing, when necessary, to represent the City in any proceeding involving drug testing or results.

6.4. The Director of Personnel is responsible for:

- 1) providing initial communication and training for departments;
- 2) administering and coordinating the use of Employee Assistance Programs (EAPs);

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- 3) developing a training program to assist supervisors to recognize the conduct and behavior that gives rise to a reasonable suspicion of drug use by employees;
- 4) certifying Safety Impact Positions in consultation with the requesting department and the Legal Department;
- 5) collecting and maintaining employee drug testing records and files from all sources and assuring that they are kept confidential;
- 6) making available supplies of drug testing and notice forms;
- 7) notifying departments of its employees randomly selected for drug testing;
- 8) administration of all pre-employment drug testing;
- 9) issuing a Request for Proposal and administering the contract to provide urine sample collection and drug screening/testing; and
- 10) overseeing the administration of the Mayor's Policy on Drug Detection and Deterrence.

6.5. Departmental supervisors are responsible for:

- 1) determining if reasonable suspicion exists to warrant drug testing and detailing in writing the specific facts, symptoms, or observations which form the basis for the reasonable suspicion,
- 2) submitting the documentation to the Department Director or designee; and
- 3) enforcing the appropriate provisions outlined in this Amended procedure.

6.6. Employees are responsible for:

- 1) All employees are responsible for reviewing and complying with the Mayor's Amended Drug Detection and Deterrence Policy.
- 2) Grant or contract employees are additionally responsible for notifying their immediate supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

7.0 BASIS FOR TESTING

7.1. Pre-Employment Testing

- 7.1.1. Prior to certification as City employees, applicants for employment shall be required to undergo drug screening for the presence of drugs referenced in Section 8.2 of these procedures.

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- 7.1.1.1. Emergency employees hired pursuant to §14-113 of the City Code of Ordinances shall undergo drug testing as soon as possible under the circumstances and exigencies of the emergency requiring their hire.
- 7.1.1.2. This exception is limited to emergency situations only and does not include temporary employment situations included in §14-113 which in all cases are considered as initial hires/rehires and treated accordingly.
- 7.1.2. All applicants shall be asked to consent to drug screening and sign an Applicant's Informed Consent. The appropriate City official shall complete the Pre-Employment Drug Test Notification Form. Applicants who refuse to consent to a drug screen, who fail to appear at the designated collection site, or who fail to provide their urine sample shall have their hiring process terminated and their conditional offer of employment shall be withdrawn.
- 7.1.3. At the collection site, applicants referred for drug screening are required to present their Pre-Employment Drug Test Notification Form, their executed Applicant's Informed Consent, and a photo identification in the form approved by the Director of Personnel.
- 7.1.3.1. All applicants are required to complete a Medication Declaration Form and provide their urine sample for testing purposes. All urine samples will be screened in accordance with contractual requirements, and all test results will be sent to the Medical Review Officer for review.
- 7.1.3.2. The collection site shall confirm to the designated City official that the applicant reported for the screening, supplied a urine sample, and shall return the completed and executed Pre-Employment Drug Test Notification Form, Applicant's Informed Consent and Medication Declaration Form to the Medical Review Officer.

7.1.4. All test results will be sent to the Medical Review Officer for review. If a confirmed positive GC/MS result is received and verified after review, the Medical Review Officer shall notify the Director of Personnel or designee that the applicant has a positive test result. A written notice confirming positive results and of the procedure for obtaining, at their own expense, an additional urinalysis test conducted on the same urine sample at a laboratory approved by the City and selected by the applicant, shall be sent to the applicant by the Medical Review Officer. The Medical Review Officer shall coordinate the retesting of applicants.

7.1.4.1. An applicant who has a confirmed positive test result shall have his/her hiring process terminated and his/her conditional offer of employment withdrawn.

7.1.4.2. An applicant who has tested positive shall be eligible to reapply for City employment provided, however, that the applicant provides documentation of successful completion or satisfactory participation in a supervised drug rehabilitation program and provides satisfactory proof of nonuse of drugs subsequent to the positive test.

7.2. Reasonable Suspicion of Drug Use

7.2.1. Each supervisor shall be responsible to determine if reasonable suspicion exists to warrant drug testing, and required to document in writing the specific facts, symptoms, or observations which form the basis for such reasonable suspicion. The documentation shall be forwarded to the Department Director or designee to authorize the drug test of an employee.

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7.2.2. The Department Director or designee shall require an employee to undergo drug testing if there is reasonable suspicion that the employee is in violation of the Mayor's Policy on Drug Detection and Deterrence. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

- 1) A Pattern of Abnormal or Erratic Behavior - This includes but is not limited to a single, unexplainable incident of serious abnormal behavior or a pattern of behavior which is radically different from what is normally displayed by the employee or grossly differing from acceptable behavior in the workplace.
- 2) Information Provided by a Reliable and Credible Source - The first line supervisor or another supervisor/manager receives information from a reliable and credible source as determined by the Department Director that an employee is violating the City's Policy on Drug Detection and Deterrence.
- 3) Direct Observation of Drug Use - The first line or another supervisor/manager directly observes an employee using drugs while the employee is on duty. Under these circumstances, a request for drug testing is MANDATORY.
- 4) Presence of the Physical Symptoms of Drug Use - The supervisor observes physical symptoms that could include but are not limited to glassy or bloodshot eyes, slurred speech, poor motor coordination, or slow or poor reflex responses different from what is usually displayed by the employee or generally associated with common ailments, e.g. colds, sinus, hayfever, diabetes, etc.

7.2.3. The following will be deemed reasonable suspicion and may provide a sufficient basis for requesting a drug test at the direction of the Department Director or designee:

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- 1) Violent or Threatening Behavior - First Incident: If an employee engages in unprovoked, unexplained, aggressive, violent and/or threatening behavior against a fellow employee or a citizen, the Department may request that the employee submit to drug testing;
- 2) Violent or Threatening Behavior - Subsequent Incident: Whether or not an employee has previously received formal counseling or disciplinary action for unprovoked, unexplained, aggressive, violent or threatening behavior against a fellow employee or a citizen, upon a second or subsequent episode of similar behavior/conduct (within twelve months), the department shall request that the employee undergo drug testing.
- 3) Absenteeism and/or Tardiness: If an employee has previously received a suspension action for absenteeism and/or tardiness, a continued poor record (within twelve months) that warrants a second or subsequent suspension action may result in a request for a drug test.
- 4) Loss - First Occurrence: Any documented, unexplained loss of City property, equipment, money or other asset(s) may result in a request for drug testing of the employee accountable for the lost asset(s).
- 5) Loss - Subsequent Occurrence: A second or subsequent (within twelve months) documented, unexplained loss of City property, equipment, money or other asset(s) shall result in a request for a drug test of the employee accountable for the lost asset(s).

7.2.4. Drug testing procedures for reasonable suspicion testing will be consistent with Section 8.0 et seq.

7.3. Post-Accident

7.3.1. Any preventable, on-the-job accident that results in any lost time personal injury or property damage shall result in a recommendation for drug testing.

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7.3.2. Any non preventable, on-the-job accident that results in any lost time personal injury or property damage may result in a recommendation for drug testing. Any such recommendation for drug testing will be based upon a determination by management that due to unusual or extenuating facts and/or circumstances, a drug test recommendation would be appropriate.

7.3.3. Drug testing procedures for post accident testing will be consistent with Section 8.0 et seq.

7.4. Follow Up Testing

7.4.1. An employee shall be requested to submit to a drug test upon returning to work in a Safety Impact Position after an absence of over 30 calendar days for any reason.

7.4.2. An employee who voluntarily identifies himself or herself to the City as requiring drug rehabilitation or an applicant who has tested positive and later hired by the City after completing the specific requirements in Section 7.1.4.2. will be subject to undergo drug screens as determined by the City for a period of up to 24 months from the date of such identification or hire, whichever is applicable.

7.4.3. Drug testing procedures for follow up testing will be consistent with section 8.0 et seq.

7.5. Random Drug Testing

7.5.1. All classified personnel under Chapter 143 of the Texas Local Government Code, municipal employees in certified Safety Impact Positions, and City Council Members shall be subject to random drug testing.

7.5.2. Department Directors who believe that a job position has an impact upon the safety of that individual or others or for appropriate reasons should be subject to random testing, shall identify each such position and submit it to the Director of Personnel, who in consultation with the Legal Department when

necessary, shall review the request before certifying that the position is a Safety Impact Position or otherwise certifying them for a random selection pool. Employees in such positions shall be informed that they are in a certified safety impact position and are subject to random drug testing.

- 7.5.3. All employees in certified Safety Impact Positions will be subject to random testing in groups by Department with a preset percentage tested as determined by the Director of Personnel.
- 7.5.4. The selection of employees for random drug testing shall be made by a random computer selection process. Human intervention in this process shall be limited to the programming of the computer by an individual outside the City.
- 7.5.5. Employees selected for a random test shall be notified by the Department Director or designee to submit to a drug test. Employees selected for a random test but absent due to vacation, sick leave, other leave or on urgent City Business approved by their Department Director will not be notified to take the drug test until the first day they return to work after random selection even if the first day back occurs in a later month.
- 7.5.6. Drug testing procedures for random testing will be consistent with section 8.0 et seq.

7.6. Assignment Testing

- 7.6.1. All employees shall be subject to drug testing as a condition of transfer or promotion to an assignment that is in a certified Safety Impact Position. Employees seeking a transfer or promotion into such positions shall be tested only if they are qualified and selected for the transfer or promotion and consent to the test. Notification and testing will be conducted consistent with drug testing procedures in Section 8.1. herein.
- 7.6.2. Employment positions subject to drug testing will be noted on the job vacancy posting.

- 7.6.3. The department posting the position will pay the costs of drug testing.
- 7.6.4. Successfully passing a drug test is a condition of transfer or promotion. An employee who refuses to consent to drug testing or who fails to appear or provide a urine sample shall have their transfer or promotion process terminated and the conditional offer of transfer or promotion will be withdrawn. Section 11.1. herein shall not be applicable in this limited circumstance only.
- 7.6.5. Drug testing procedures for assignment testing will be consistent with Section 8.0 et seq.

8.0 DRUG SCREENING/TESTING PROCEDURES

- 8.1. Employees selected for drug testing for any reason shall be notified by the appropriate Department Director or designee to submit to the drug test within 3 hours after notice.
- 8.1.1. Once an employee has been notified to take a drug test, unless hospitalized, no sick or other leave may be authorized until the collection process is completed.
- 8.1.2. An employee has 3 hours from the time of notification to complete all the requirements of the collection process. A notified employee may consult with anyone regarding the drug test so long as the informed consent and the collection process are timely completed.
- 8.2. When drug screening is required or authorized under the provisions of this policy, a urinalysis test will be given to detect the presence of amphetamines, cocaine metabolites, opiate metabolites, phencyclidine, marijuana metabolites and, if appropriate, anabolic steroids. Testing for anabolic steroids may be conducted upon approval by the Department Director for classified personnel under Chapter 143 of the Texas Local Government Code or applicants for those positions.
- 8.3. The initial drug screening shall be by enzyme immunoassay techniques (EMIT) test which shall be administered at a City approved laboratory and at City expense. If an initial drug screen yields a positive result, a second confirmatory test, at City expense, using a gas chromatography/mass spectrometry (GC/MS) test will be conducted on a portion of the same urine sample provided by the applicant or employee for use in the initial drug screen.

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8.4. The minimum levels for positive test results are:

<u>DRUG GROUP</u>	Initial EMIT Screen (ng/ml)	Confirmatory GC/MS Test (ng/ml)
a. Amphetamines	1000	
Amphetamine		500
Methamphetamine		500
b. Cocaine Metabolites	300	150*
c. Opiate Metabolites	300	
Morphine		300
Codeine		300
d. Phencyclidine	25	25
e. Marijuana Metabolites	100	15**
f. Anabolic Steroids	The level for a positive test in the testosterone procedure will be a 6 to 1 ratio of testosterone to epitestosterone.	

* Benzoylecgonine

** Delta 9 tetrahydrocannabinol - 9 - carboxylic acid.

8.5. The collection of urine samples may occur at a user department or a City approved collection site. A user department shall obtain prior approval from the Mayor to collect urine samples, to develop procedures to ensure the chain of custody and to provide for the delivery of samples to an approved laboratory facility. Questions regarding the chain of custody shall be discussed with the Legal Department, which must approve the user department procedures.

8.6. A copy of the Mayor's Policy on Drug Detection and Deterrence shall be given to all employees.

8.7. When drug testing is authorized by Sections 7.2. or 7.3. herein due to reasonable suspicion or post accident reasons, arrangements for obtaining a urine sample from the employee shall be made as soon as possible following the decision to test by the Department Director or designee. The employee's urine sample shall be tested

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only at a City approved facility or at a user department. At least one supervisor shall accompany the employee to monitor compliance with the required procedures. When only one supervisor accompanies the employee, that supervisor shall be of the same sex as the employee to be tested.

- 8.8. A supervisor shall not be required, but may accompany an employee for random, assignment or follow up drug testing.
- 8.9. Before a drug test is administered, the appropriate City official shall complete the Drug Test Notification Form and the employee, except for individuals employed as certified peace officers, shall be requested to sign the Employee Informed Consent. The Employee Informed Consent shall be completed and signed by the employee in the presence of the employee's supervisor or a designated departmental representative. A copy of the signed Employee Informed Consent shall be retained by the Department and a copy given to the employee.
- 8.9.1. If the employee refuses to sign the Employee Informed Consent, the supervisor or departmental representative shall advise the employee that refusing to consent to the drug test shall result in indefinite suspension/termination. If the employee refuses to sign the Employee Informed Consent, testing will not occur. Upon refusal to sign, if appropriate, the employee shall be relieved of duty and, if advisable, arrangements shall be made by the department for the employee to be taken home.
- 8.9.2. Classified police personnel may sign the Employee Informed Consent or be ordered by the Department Director or designee to submit to a drug test.
- 8.10. At the collection site, employees referred for drug screening are required to present their Drug Test Notification Form, their executed Employee Informed Consent, and a photo identification in the form approved by the Director of Personnel.
- 8.10.1. On site, the employee will be requested to give their urine sample. The collection of urine samples shall be done in a private restroom stall or similar enclosure so that employees and applicants may not be viewed while providing the sample.

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- 8.10.1.1. Street clothes, bags, briefcases, purses, or any other containers shall not be carried into the collection area.
- 8.10.1.2. The water in the commode at the collection site may be colored with blue dye to protect against dilution or adulteration of test samples.
- 8.10.1.3. Any tampering or substitution of urine samples by an employee will be considered a failure to provide a urine sample and treated according to 11.2. herein.
- 8.10.2. During the sample collection, applicants and employees shall be given a Medication Declaration Form to list all prescription or over the counter medications they have taken or to list any other legitimate reasons for having ingested or been exposed to drugs within the 30 calendar days preceding the testing.
- 8.10.2.1. The completed Medication Declaration Form shall be sealed in an envelope by the applicant or employee and forwarded to the Medical Review officer by the collection staff.
- 8.10.2.2. The envelope shall not be opened unless the test result is positive. The sealed envelope shall be destroyed by the Medical Review officer if the test result is negative.
- 8.10.3. The collection site staff shall confirm to the designated City official that the employee reported for the test, shall return the complete copy of the Drug Test Notification Form, Employee Informed Consent and the Medication Declaration Form to the Medical Review Officer and shall collect and process the urine sample received from the employee.
- 8.11. All tests will be conducted in accordance with contractual requirements, and all test results will be sent to the Medical Review Officer for review. The results of a positive EMIT drug test shall not be released until the results are confirmed by GC/MS testing.

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- 8.11.1. The Medical Review Officer shall provide test results for all employee drug tests only to the Department Director or designee. The results shall be sealed in a confidential envelope and hand delivered to the Department Director.
- 8.11.2. If the GC/MS test confirms a positive test result, notification in writing shall be given to the employee by the Department Director or designee. The notification shall identify the particular controlled substance and its concentration level.
- 8.12. If the GC/MS confirmatory test is positive, an employee may elect to have a second test performed on the original sample at his/her cost at a laboratory approved by the City. The employee must request the second test in writing within three (3) working days of his/her notification of a positive test result. The employee must notify both the Department Director or designee and the Medical Review Officer during this three (3) working day period. The testing will be limited to the presence of the positively identified controlled drug only. The Medical Review Officer shall coordinate the retesting of employees.
- 8.13. The records of all drug tests and their results shall be handled in accordance with all applicable state and federal laws and regulations. All records relating to the taking of a drug test or to an order to take a drug test shall be deemed confidential unless written authorization has been obtained from the applicant or employee. All information from an applicant's or an employee's drug test is confidential and only those with a need to know are to be informed of the test results. Disclosure of test results to any other person, agency or organization is prohibited unless written authorization is obtained from the applicant or employee.
- 8.13.1. Each Department Director shall implement procedures to prevent the unauthorized disclosure or distribution of the results and/or the request or order to take a drug test. All employee test related documents will be forwarded to the Director of Personnel for final retention.
- 8.13.2. The Medical Review Officer shall maintain drug test-related records on applicants and the Director of Personnel shall retain all final

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drug testing employee records. All final records relating to the taking or ordering of an employee drug test shall be kept in a separate, secure and confidential file in the Personnel Department.

8.13.3. Written consent authorizing disclosure from an employee is not required when drug testing becomes the subject of a Civil Service Commission appeal or some other judicial or quasi-judicial proceeding.

8.13.4. Any employee who violates this confidentiality provision shall be subject to disciplinary action up to and including indefinite suspension/termination.

9.0 POSSESSION OF DRUGS; CONSEQUENCE OF POSSESSION

9.1. Employees are prohibited from possessing or having in their control any drug while on duty on City premises, or while acting in the course and scope of their employment at any geographic location.

9.2. Possession can include an employee's person or personal property if on City premises, a City motor vehicle/equipment under the employee's control or City provided property under an employee's control including, but not limited to lockers, desks, files, etc.

9.3. An employee who is determined to have any drug in his/her possession shall be indefinitely suspended/terminated.

10.0 CONSEQUENCE OF POSITIVE DRUG TEST

10.1. An employee whose drug test result has been confirmed positive by GC/MS and determined to be positive by the MRO shall be indefinitely suspended/terminated.

10.2. An employee indefinitely suspended pursuant to this policy shall have the same rights of appeal as set forth in §14-182 of the City Code of Ordinances.

10.3. An elected or appointed employee whose test result has been confirmed positive by GC/MS and determined to be positive by the MRO shall be subject to removal from office or employment in accordance with applicable statutory or constitutional provisions.

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11.0 CONSEQUENCE OF REFUSAL TO CONSENT TO A DRUG TEST

- 11.1. Any employee who refuses to consent to a drug test after notification of the consequences of refusal, shall be indefinitely suspended/terminated.
- 11.2. Any employee who consents to a drug test but fails to appear timely at the collection site or who fails to give their urine sample after reasonable opportunity to do so, will be treated as a refusal to consent to a drug test in accordance with Section 11.1.
- 11.3. An employee indefinitely suspended pursuant to this policy shall have the same rights of appeal as set forth in §14-182 of the City Code of Ordinances.
- 11.4. Any elected or appointed employee who refuses to consent to a drug test, fails to appear timely at the collection site or who fails to provide a urine sample after reasonable opportunity to do so, shall be treated as a refusal to consent to a drug test in accordance with Section 11.1. and subject to removal from office or employment in accordance with applicable statutory or constitutional provisions.

12.0 EMPLOYEE ASSISTANCE PROGRAM

- 12.1. An employee may request a referral to the Employee Assistance Program for assessment, counseling and rehabilitation at any time. Participation in the Employee Assistance Program is voluntary and encouraged.
- 12.2. Employees shall remain drug free while seeking and/or undergoing drug rehabilitation or employee assistance counseling.
- 12.2.1. Disciplinary action based on a violation of the City's drug policy is not suspended by an employee's participation in the Employee Assistance Program.
- 12.2.2. Employees seeking and/or undergoing drug rehabilitation remain subject to follow-up testing as set forth in Section 7.4.2. herein.
- 12.2.3. Any positive drug test result will be handled according to Section 10.0 herein and discipline will be imposed by the Department Director.

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**13.0 DRUG-FREE WORKPLACE REQUIREMENTS FOR EMPLOYEES
OF GRANT FUNDED PROGRAMS**

- 13.1. All employees engaged in the performance of a federal grant or a federal contract valued at over \$25,000 shall be given a copy of the Mayor's Policy on Drug Detection and Deterrence, and informed that they must comply with the policy as a condition of employment.
- 13.2. Grant or contract employees shall notify the Department Director of any criminal conviction for a drug statute violation occurring in the workplace no later than five days after the conviction.
- 13.3. The Department Director shall provide written notice to the grantor or contractor agency and the Director of the Personnel Department of any criminal drug statute conviction occurring in the workplace within ten calendar days after receiving notice from the employee, or receiving actual notice of the conviction. The information provided by the Department Director shall include the employee's position, title and the grant identification(s) for each grant on which the convicted employee was working.

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