

	<b>Policy:</b> Drug & Alcohol-Free Workplace Policy (Non-DOT)	<b>Effective Date:</b> March 1, 2002
		<b>Revision Effective Date:</b>
	<b>Policy Number:</b> HR-32	<b>Page</b> 1 of 15
	<hr/> <b>City Manager</b>	<hr/> <b>Human Resources Responsible Party</b>

## **DISCLAIMER**

**THE ATTACHED SUBSTANCE ABUSE POLICY IN NO WAY CREATES A CONTRACT OF EMPLOYMENT. UNDERSTAND THAT YOUR EMPLOYMENT IS AT WILL, WHICH MEANS THAT YOU, AS WELL AS THE CITY OF MONROE HAVE THE RIGHT TO END THE EMPLOYMENT RELATIONSHIP AT ANY TIME FOR ANY REASON OR FOR NO REASON WITH OR WITHOUT NOTICE.**

**THE CITY OF MONROE RESERVES THE RIGHT TO MODIFY, REVOKE, SUSPEND, TERMINATE OR CHANGE ANY OR ALL OF THE SUBSTANCE ABUSE POLICIES OR PROCEDURES, AT ANY TIME, WITH OR WITHOUT PREVIOUS NOTICE.**

<b>Policy No.:</b> HR-32	<b>Policy Name:</b> Drug & Alcohol-Free Workplace Policy (Non-DOT)	<b>Page 2 of 15</b>
--------------------------	--	---------------------

TABLE OF CONTENTS

INTRODUCTION	3
DEFINITIONS	3
DRUG USE PROHIBITIONS	6
ALCOHOL USE PROHIBITIONS	6
TESTS REQUIRED	6
SEARCHES / INVESTIGATIONS	8
DRUG TESTING PROCEDURES	9
ALCOHOL TESTING PROCEDURES	9
APPEAL OF POSITIVE DRUG TEST	10
DISCIPLINARY ACTION & REHABILITATION	10
ARREST OR CONVICTION FOR DRUG-RELATED CRIME	11
EMPLOYEE ASSISTANCE PROGRAM (EAP)	11
CONFIDENTIALITY	12
DRUG-FREE AWARENESS EDUCATION	12
EFFECTS OF DRUGS AND ALCOHOL ON HEALTH, WORK AND HOME, AND SIGNS AND SYMPTOMS OF A PROBLEM	12
SERVICE PROVIDERS	14

<b>Policy No.:</b> HR-32	<b>Policy Name:</b> Drug & Alcohol-Free Workplace Policy (Non-DOT)	<b>Page 3 of 15</b>
--------------------------	--	---------------------

**I. INTRODUCTION**

The City of Monroe is dedicated to providing safe, reliable and professional services to our citizens. City of Monroe employees are our most valuable resource and it is our goal to provide a healthy, satisfying working environment, which promotes personal opportunities for growth. In meeting these goals, it is our policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; (3) prohibit the unlawful manufacture, distribution, dispensation, possession, and use of controlled substances; and (4) encourage employees to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

Neither this policy nor any of its terms are intended to create a contract of employment. The City of Monroe retains the sole right to change, amend, or modify any term or provision of this policy without notice. This policy is effective March 1, 2002 and will supersede all prior policies and statements relating to alcohol or drug use. This policy applies to all employees during working time, regardless of location, and at all times on City property including worksites and parking lots, or while operating a City vehicle.

If any part of this policy is determined to be void or unenforceable under state or federal law, the remainder of this policy, to the extent possible, will remain in full force and effect.

Violation of this policy can lead to disciplinary action, up to and including termination. Furthermore, depending on the circumstances, other action including notification of appropriate law enforcement agencies, may be taken against any violator of this policy.

Certain employees may be subject to additional requirements under state and/or federal regulations.

**II. DEFINITIONS**

When interpreting or implementing this policy, the following definitions apply:

**“Adulterated specimen”** means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine, or the physical characteristics of the specimen are outside the normal range expected for human urine. An adulterated drug test result is considered a refusal to submit.

**“Alcohol”** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.

**“Alcohol concentration”** means the concentration of alcohol in a person's breath as indicated by an evidential breath test (EBT).

**“Alcohol use”** means the drinking or swallowing of any beverage, mixture, or preparation, including any medication, containing alcohol.

**“City Property”** includes work sites; parking lots; vehicles; or offices owned, rented, utilized, or serviced by the City or by any customer of the City; or employee-owned or employee-rented vehicles on the

<b>Policy No.:</b> HR-32	<b>Policy Name:</b> Drug & Alcohol-Free Workplace Policy (Non-DOT)	<b>Page 4 of 15</b>
--------------------------	--	---------------------

property of the City or of any customer of the City while on City business; and locations where the employee represents the City in any capacity.

**“Collection site”** means a place where individuals present themselves for the purpose of providing breath, body fluid, or tissue samples to be analyzed for specified controlled substances.

**“Controlled Substance”** means any drug so designated by federal or state Controlled Substances Acts and/or whose availability is restricted. Included in such classifications are narcotics, stimulants, depressants, hallucinogens, marijuana and all substances listed on Schedules I through V as they may be revised from time to time.

**“Designated Employer Representative (DER)”** means an employee authorized by the City of Monroe to take immediate action(s) to remove an employee from safety-sensitive duties, or cause an employee to be removed from these covered duties, and to make required decisions in the testing and evaluation process.

**“Dilute Specimen”** means a specimen with creatinine and specific gravity values that are lower than expected for human urine. If the Medical Review Officer (MRO) informs the City that a negative drug test was dilute, the employee will be directed to submit to another test immediately.

**“Drug”** means any substance (other than alcohol) that is a controlled substance as defined in this section and 49 CFR Part 40.

**“Invalid Test Result”** means the result of a drug test for a urine specimen contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result. If the City of Monroe receives a drug test result indicating an employee’s specimen is invalid, the employee will be directed to provide a new specimen under direct observation.

**“Legal Drugs”** means those prescribed or over-the-counter drugs which are legally obtained by the employee and used for the purpose for which they were prescribed and sold.

**“Medical Review Officer (MRO)”** means a licensed Medical Doctor or Doctor of Osteopathy with knowledge of drug abuse disorders that is employed or used by the City of Monroe to review drug testing results.

**“On-Duty / Working Time”** includes all working hours, as well as meal periods and break periods, regardless of whether on premises, and all hours when the employee represents the City in any capacity.

**“Reasonable cause”** means that the City of Monroe believes the actions or appearance or conduct of an employee who is on duty are indicative of the use of alcohol or a controlled substance.

**“Refuse to submit ( to an alcohol or controlled substances test)”** means that an employee:

- (1) Fails to provide adequate breath for alcohol testing as required by the policy, without a valid medical explanation, after he or she has received notice of the requirement for breath testing; or
- (2) Fails to provide an adequate urine sample for controlled substances testing as required by the policy, without a valid medical explanation of genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement for urine testing; or

<b>Policy No.:</b> HR-32	<b>Policy Name:</b> Drug & Alcohol-Free Workplace Policy (Non-DOT)	<b>Page 5 of 15</b>
--------------------------	--	---------------------

- (3) Fails to appear for any test within a reasonable time, as determined by the City of Monroe; or
- (4) Fails to remain at the testing site until the testing process is complete; or
- (5) Fails to undergo a medical examination or evaluation, as directed by the City of Monroe as part of the insufficient breath or urine procedures; or
- (6) Fails to cooperate with any part of the testing process; or
- (7) Engages in any conduct that clearly obstructs the testing process.

NOTE: An employee who fails to provide a sufficient amount of urine for a drug test or a sufficient amount of breath for a breath test will be directed to obtain within five working days an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen.

**“Safety-sensitive position”** means any position which requires the performance of physical or supervisory tasks directly affecting operations which, if performed improperly, could result in injury or death to employees or others, or could result in significant property damage. A position may also be classified as safety-sensitive if it involves responsibilities requiring a high degree of trust and confidence. A complete list of those jobs defined as “safety-sensitive” by the City of Monroe is attached to this policy.

**“Screening Test Technician (STT)”** means a certified individual who instructs and assists employees in the alcohol screening test process and operates an approved alcohol saliva device.

**“Shy Bladder”** means an employee has not been able to provide a sufficient urine specimen within the three hours of the first unsuccessful attempt to provide the specimen.

**“Shy Lung”** means an employee has not been able to provide a sufficient breath specimen after attempts by the Breath Alcohol Technician to collect the specimen.

**“Split Specimen”** means in drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

**“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 certified addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

**“Substituted Specimen”** means a specimen with creatinine and gravity values that are so diminished that they are not consistent with human urine. A substituted drug test result is considered a refusal to submit.

**“Validity Testing”** means the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

<b>Policy No.:</b> HR-32	<b>Policy Name:</b> Drug & Alcohol-Free Workplace Policy (Non-DOT)	<b>Page</b> 6 of 15
--------------------------	--	---------------------

**III. DRUG USE PROHIBITIONS**

The use, sale, purchase, possession, manufacture or distribution, or dispensation of illegal drugs on City property or while on duty is prohibited and will result in immediate termination.

It is also against City policy for any employee to report to work with the presence of illegal drugs in the employee's system. Additionally, the City prohibits operating a City vehicle at any time while under the influence of drugs.

For the purposes of this policy, an employee is presumed to be under the influence of legal or illegal drugs if a drug test shows forensically acceptable positive proof of the drug in the employee's system. Additionally, for the purposes of this policy, the ingestion or consumption of hemp, hemp oil or other THC containing products will not be a viable explanation for a positive drug test.

Legal drugs may also affect the safety of the employee or fellow employees or members of the public. The City prohibits the use or abuse of such drugs to the extent that job performance or fitness for duty may be adversely affected. Therefore, any employee who is taking any legal drug which might impair safety, performance, or any motor functions must advise his or her supervisor before reporting to work under such medication. Upon request, the employee shall furnish the City with a physician's statement regarding the possible effects upon the employee's work activity. It may be necessary to restrict the employee's work activity while undergoing treatment.

Refusal to submit to, efforts to tamper with, or failure to pass a drug test will result in immediate termination. Refusal to submit shall include failing to provide an adequate urine sample, without a valid medical explanation or engaging in conduct that clearly obstructs the testing process.

**IV. ALCOHOL USE PROHIBITIONS**

The use, sale, purchase, possession, manufacture or distribution, or dispensation of alcohol on City property or while on duty is prohibited and will result in immediate termination.

It is also against City policy to report to work or to perform work under the influence of alcohol. Additionally, the City prohibits operating a city vehicle at any time while under the influence of alcohol.

An employee will be considered under the influence of alcohol when in the judgment of the employee's supervisor or other management official, the employee's ability to perform the job safely and effectively is affected by the use of alcohol. An alcohol test by breath, saliva, blood, or other scientifically acceptable method will be performed. For the purposes of this policy, an employee is presumed to be under the influence of alcohol if an alcohol test shows a blood alcohol concentration of 0.04 or greater.

Refusal to submit to, efforts to tamper with, or failure to pass an alcohol test will result in immediate termination. Refusal to submit shall include failing to provide an adequate breath or saliva sample, without a valid medical explanation or engaging in conduct that clearly obstructs the testing process.

**V. TESTS REQUIRED**

**RIGHT OF REFUSAL**

Each employee has the right to refuse to submit to testing when the City requires it, but if you refuse, you will be subject to immediate termination.

#### RE-EMPLOYMENT/PRE-DUTY TESTING

The City of Monroe requires that all applicants whom the City intends to hire be tested for drugs. The testing will be provided subsequent to an offer of employment conditioned upon submitting to drug testing and upon receiving a negative result. Any applicant testing positive will not be hired at that time and will be informed that he/she failed to meet the City's employment standards and shall be ineligible for hire for a period of two years. The City will not discriminate against applicants because of past drug use. It is the current use of drugs that will prevent a prospective employee from being considered for employment.

A pre-employment/pre-duty drug test will also be required before any existing worker in a non-safety-sensitive position will be assigned, transferred or otherwise permitted to perform job responsibilities in a safety-sensitive position.

#### POST-ACCIDENT TESTING

Employees will be tested for the presence of drugs following an accident or other occurrence that involves one or more of the following covered events: a fatality, an injury (requiring medical treatment) to an employee or other individual, substantial damage to vehicles, and/or substantial damage to other property. This may also include employees who are the cause of an accident or whose job performance may have contributed to an accident meeting the above definition. The City also reserves the right to test employees for alcohol following any accident or other occurrence as listed above, depending upon the circumstances.

If an employee is to be tested it must be as soon as possible after the accident. Any employee who is seriously injured and cannot provide a specimen at the time of the accident shall provide the necessary authorization for obtaining hospital records and other documents that would indicate whether there were alcohol or drugs in the employee's system.

Failure to report any accident which meets the post-accident testing criteria is in violation of this policy and will subject the employee to disciplinary action, up to and including termination. Employees testing positive, under certain state laws, may be ineligible for workers' compensation benefits.

#### REASONABLE CAUSE/SUSPICION TESTING

The City requires an employee to be tested upon reasonable cause/suspicion for the use of alcohol and/or drugs if reasonable cause/suspicion exists to indicate that their ability to perform work safely or effectively may be impaired. Reasonable cause will exist when an employee's appearance, behavior, speech or body odors indicate drug and/or alcohol use. The conduct constituting reasonable cause normally should, but need not always, be witnessed by at least two supervisors or city officials. If not feasible, only one supervisor or city official need witness the conduct. The witness or witnesses must have received training in the identification of actions, appearance, or conduct of an employee which are indicative of the use of alcohol and/or drugs. These findings and observations will be documented on the "Reasonable Cause" Investigation form and signed by the witnesses within 24 hours of the observed behavior or before the results of the tests are released, whichever is earlier.

#### RANDOM TESTING

For the added safety and health of the City's employees and the direct impact on the City's image and reputation as a drug-free employer, random testing for drugs will be conducted on safety-sensitive employees as permitted by applicable law. Testing will be conducted on a random basis without prior

<b>Policy No.:</b> HR-32	<b>Policy Name:</b> Drug & Alcohol-Free Workplace Policy (Non-DOT)	<b>Page 8 of 15</b>
--------------------------	--	---------------------

announcement. Selection of employees for random testing shall be conducted through the use of a random number generator or other neutral selection process. Every employee covered under the random testing program has an equal chance of being chosen every time a random selection is made.

A list of those job classifications determined to be "safety-sensitive" has been developed by the City and is kept on file in the office of the Director of Human Resources. Such list will be periodically updated as needed. A list of those "safety-sensitive" positions subject to random testing is attached to this policy.

**RETURN-TO-DUTY TESTING**

No return-to-duty testing will be available once an employee has tested positive for a controlled substance or for alcohol (0.04 or greater).

**FOLLOW-UP TESTING:**

Follow-up testing will be conducted only if an employee voluntarily enters rehabilitation for drug and/or alcohol abuse before testing positive. The employee shall be evaluated by a Substance Abuse Professional. If the Substance Abuse Professional determines that the employee is in need of assistance in resolving problems associated with alcohol and/or controlled substance use, the employee will be subject to unannounced follow-up testing as directed by the Substance Abuse Professional, with no less than six (6) tests being given within the twelve (12) month period following a return to duty. All such tests will be conducted without prior notice being given to the employee.

**CONTRACTOR AND OUTSIDE VENDORS TESTING**

All contractors and outside vendors must certify that they are in compliance with the City's Substance Abuse Program when the contractor's or vendor's employees have significant potential impact on the safety of the workplace.

**DEPARTMENT OF TRANSPORTATION**

Testing procedures for employees or applicants in positions subject to the Department of Transportation's ("DOT") Alcohol and Controlled Substance testing regulations shall also be governed by those regulations. Employees in positions covered by the DOT regulations shall be notified in writing and will also be covered under a separate policy which will outline the DOT regulations.

**VI. SEARCHES/INVESTIGATION**

To ensure that illegal drugs and alcohol do not enter or affect the workplace, the City reserves the right to search all City property, including City vehicles and lockers, or other items on City property in furtherance of this policy.

Searches will be conducted under this policy only where the City has reason to believe that the employee has violated the City's Substance Abuse Policy.

When the City has a reasonable suspicion that an employee is in possession of substances on City premises which may impair performance or violate this policy, the City may request the employee to consent to a search of the employee's property, such as automobiles, clothing, tool boxes, lunch boxes, handbags, etc.

<b>Policy No.:</b> HR-32	<b>Policy Name:</b> Drug & Alcohol-Free Workplace Policy (Non-DOT)	<b>Page</b> 9 of 15
--------------------------	--	---------------------

The City reserves the right to enlist the services of the proper law enforcement authorities to coordinate such a search.

The City's primary concern is the safety of its employees and their working environment. The City will, however, consider prosecution in matters involving illegal substances. Further, the City reserves the right to cooperate with or enlist the services of the proper law enforcement authorities in the course of any investigation.

**VII. DRUG TESTING PROCEDURES**

- (1) The City will determine for which drugs testing will be performed.
- (2) Pre-employment/pre-duty drug tests will be conducted using a urine specimen collected on-site or at a qualified collection site. The collection of samples shall be performed under reasonable and sanitary conditions with individual dignity being preserved to the extent possible. The collection site will take necessary steps to avoid any adulteration of the specimen.
- (3) If the employee refuses to submit (as defined in Section II of this policy) to a controlled substances test, he or she will be immediately terminated.
- (4) If an initial drug screen is positive, a confirmation test will be performed by an approved laboratory on the same specimen using a scientifically proven confirmation methodology. For the purpose of this policy, an "Approved Laboratory" shall mean a clinical chemistry laboratory which performs controlled substance testing and which has demonstrated satisfactory performance in the forensic drug testing programs of the United States Department of Health and Human Services.
- (5) All specimens must be of sufficient quantity to perform an evaluation. Any employee submitting a urine specimen of insufficient quantity will be immediately required to produce another specimen. An employee shall be given up to three (3) hours with reasonable water ingestion to provide a sufficient urine specimen. If the employee fails to provide a complete urine specimen of sufficient quantity during the allotted time, it will be treated as a refusal to submit and the disciplinary actions associated with such refusal shall apply.
- (6) Employees who have a confirmed laboratory positive drug test will be given the opportunity to speak to the City's Medical Review Officer (MRO) to explain the positive test results. The employee shall also have any other appeal rights set forth in the section below titled "Appeal of Positive Drug Test."
- (7) Urine collection procedures shall allow individual privacy unless there is a reason to believe that a particular individual may adulterate or substitute the specimen to be provided, based upon knowledge of prior substance use (e.g. a previous positive test), or based upon the circumstances.

**VIII. ALCOHOL TESTING PROCEDURES**

- (1) All alcohol tests will be conducted from either a saliva, breath, or blood specimen collected on-site or at a qualified collection site.

<b>Policy No.:</b> HR-32	<b>Policy Name:</b> Drug & Alcohol-Free Workplace Policy (Non-DOT)	<b>Page 10 of 15</b>
--------------------------	--	----------------------

- (2) If a breath or saliva testing is performed, the collector will conduct a screening test. If the screening test reads 0.02 or greater a confirmation test, by blood, breath or saliva will be conducted.
- (3) All breath or saliva samples must be of adequate measure to perform an evaluation. Any employee submitting a sample of insufficient measure of breath or saliva will be immediately required to produce another sample. Failure to produce a complete breath or saliva sample of adequate measure may be considered a refusal to submit to alcohol testing.
- (4) If the employee refuses to submit (as defined in Section II of this policy) to an alcohol test, he or she will be immediately terminated.

**IX. APPEAL OF POSITIVE TEST RESULT**

After receipt of a report of a verified positive test result, the City will inform an employee in writing of the positive test result and the consequences of the positive test result.

An employee may request and receive from the City a copy of the test result report.

Within the three working days after being informed of a verified positive test result, the employee may submit information to the City or its designated MRO explaining the positive test result and the reason(s) why the result does not constitute a violation of the City's Substance Abuse Policy. For the purpose of this policy, the ingestion or consumption of hemp, hemp oil or other THC containing products will not be a viable explanation for a positive drug test.

The employee may, at their option and expense, have a second confirmation test made on the same specimen (or "split sample" as the case may be) through a different Approved Laboratory. The laboratory shall honor such a request if it is made within a reasonable time frame of the employee having actual notice that he or she tested positive. All costs associated with the testing of the split specimen will be the responsibility of the employee; however, the City will ensure that any request for a retest will be performed in a timely manner. The City will not suspend disciplinary actions pending the outcome of the split specimen analysis. If the testing of the split specimen does not confirm the test results of the primary specimen, the employee will be reimbursed for the cost of having the split specimen tested. An employee will not be allowed to submit another specimen for testing.

**X. DISCIPLINARY ACTION & REHABILITATION**

The City will attempt to assist employees identified with an alcohol or drug problem to the extent that the employee desires assistance. However, in the event that an employee violates this policy, the following discipline shall be imposed:

- (1) Any employee that **tests positive on an alcohol test with a level of 0.02 or more but less than 0.04** will be immediately removed without pay from duty for a period of at least twenty-four (24) hours. Depending upon the circumstances, the employee may also be subject to other disciplinary action. Additional occurrences of confirmatory test results of 0.02 or more but less than 0.04 will also result in further disciplinary action up to and including termination.
- (2) Any employee that **tests positive on an alcohol test with a level of 0.04 or greater** will be immediately terminated and referred to a Substance Abuse Professional (SAP) for an evaluation.

<b>Policy No.:</b> HR-32	<b>Policy Name:</b> Drug & Alcohol-Free Workplace Policy (Non-DOT)	<b>Page 11 of 15</b>
--------------------------	--	----------------------

- (3) Any employee that tests positive on a controlled substance/drug test will be immediately terminated and referred to a Substance Abuse Professional (SAP) for an evaluation.
- (4) Any employee that is considered to have refused to submit to testing will be immediately removed from his or her job duties, referred to a Substance Abuse Professional and the employee's employment will be immediately terminated.
- (5) Any employee who fails to pass the drug or alcohol test and is terminated will not be considered for re-employment for a two-year period following the date of the test and then will be considered only when (a) he or she provides documentary proof that he or she has successfully completed a drug and/or alcohol abuse treatment or rehabilitation program and (b) he or she passes a pre-placement drug and/or alcohol test.
- (6) The City will not be responsible for bearing any costs associated with the evaluation, treatment, counseling, or rehabilitation by the employee; nor shall the City be responsible for any losses incurred by the employee as a result of testing positive under this program.
- (7) The City recognizes alcoholism and drug abuse as treatable conditions. Employees are encouraged to voluntarily seek assistance prior to there being cause for disciplinary action. The purpose of this program is to assist all employees whose work performance or behavior is being adversely affected by certain non-work related problems. The problem may not appear to be job related but will eventually affect job performance. The intent is to rehabilitate the employee, not just to take disciplinary action against the employee.
- (8) Any employee that would like information on available treatment programs or on available methods of intervention when an alcohol or a controlled substances problem is suspected, including confrontation or referral may contact the City's Alcohol and Drug Abuse Program Coordinator.

**XI. ARREST OR CONVICTION FOR DRUG-RELATED CRIME**

If an employee is arrested for or convicted of a drug-related crime, the City will investigate all of the circumstances, and City officials may utilize the drug-testing procedure if cause is established by the investigation. In most cases, an arrest for a drug-related crime constitutes reasonable cause/suspicion under this policy.

As a condition of employment, an employee shall notify the City of any criminal drug statute conviction for a violation which occurred on City property. The employee must give notice in writing to the City within five (5) days of such conviction. Failure to do so will be grounds for termination.

**XII. EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The City of Monroe offers an Employee Assistance Program (EAP) benefit for employees and their dependents. The EAP provides confidential assessment, referral and short term counseling for employees who request the service.

The EAP is available to provide information and assist employees in confidentially obtaining treatment for substance abuse problems before their health, safety and work performance are affected. Employees may voluntarily participate in services and programs offered by the EAP; however, once notified of the

<b>Policy No.:</b> HR-32	<b>Policy Name:</b> Drug & Alcohol-Free Workplace Policy (Non-DOT)	<b>Page 12 of 15</b>
--------------------------	--	----------------------

requirement to submit to a drug or alcohol test, the employee may not state participation in the EAP as an “excuse” or “defense” to avoid testing nor to prevent disciplinary action from being taken as a result of a positive test.

**XIII. CONFIDENTIALITY**

Results of an applicant's or employee's test for the use of illegal drugs or alcohol shall be transmitted to the City's authorized drug and alcohol program representatives. In order to effectively address the employees with drug or alcohol problems, it will be necessary for the City's Drug and Alcohol Program Coordinator to consult with other persons in the process. However, such results will be disseminated only on a need-to-know basis.

All information received through substance abuse testing is confidential, but may be used or received in evidence, or obtained in discovery, or disclosed in any civil or administrative proceeding when the information is relevant to the employer's defense, e.g., a workers' compensation hearing or unemployment insurance hearing.

**XIV. DRUG-FREE AWARENESS EDUCATION PROGRAM**

All employees are to be informed of the City's Substance Abuse Program, and be made aware of its contents. In order to protect the safety and health of its employees, the City will present a Drug-Free Awareness Education Program to all supervisors and employees on a periodic basis. The Education program will consist of materials concerning the dangers of drug use in the worksite, available counseling and treatment, and the penalties for violating the City's Substance Abuse Program. Management and supervisory personnel will also receive training periodically regarding the symptoms of alcohol and drug use.

**XV. EFFECTS OF DRUGS AND ALCOHOL ON HEALTH, WORK AND HOME, AND SIGNS AND SYMPTOMS OF A PROBLEM**

Alcohol and drug misuse can have disastrous effects on a person’s health, work and home life. The following information is provided to assist all employees in learning about the serious consequences of substance abuse and to assist supervisors in identifying the signs and symptoms of misuse when observing employees.

Alcohol

Alcohol is a depressant that slows physical and mental reactions. Although alcohol is a socially accepted, legal substance, the detrimental effects of its over-consumption can be devastating. Alcohol related deaths from disease and accidents in this country top 200,000 per year! **Physical Symptoms** include lack of coordination, slurred speech, slowed reaction time, sleepy condition, blood-shot eyes, staggered walk, odor of alcohol on the breath. **Possible Health Effects** include addiction, fatal liver disease, decreased judgment, kidney disease, birth defects, ulcers.

Amphetamines and Methamphetamine or ICE

Amphetamines, and its derivatives, are stimulants that give a person a heightened sense of physical and mental energy. There are legal uses for these drugs, including physician prescribed diet pills; however, medical use of these drugs is very limited. **Physical Symptoms** include restlessness, hyperactivity,

increased blood pressure, talkativeness, aggressiveness, excessive mood swings. **Possible Health Effects** include strong psychological dependence, addiction, heart attack or stroke due to elevated rates, paranoia or schizophrenic feelings, fatigue, depression with withdrawal, brain damage.

#### Cocaine and Crack

Cocaine does have a very restricted medical use – it is used as a local anesthetic, particularly during nasal surgery. Cocaine is one of the most addictive and financially debilitating drugs of abuse. The effects of its use on the central nervous system are intense and can result in immediate death. **Physical Symptoms** include frequent and extended absences from the workstation, isolation from co-workers, severe mood swings, elusiveness, runny or irritated nose, impatience, risk taking, overreaction to stimuli, hallucinations. **Possible Health Effects** include high blood pressure, increased risk of heart attack, insomnia, paranoia, strong psychological dependence.

#### Marijuana

Marijuana remains a prevalent, illegal drug in today's society. Marijuana also has restricted medical usage, prescribed by some physicians for the nausea associated with cancer treatments such as chemotherapy. **Physical Symptoms** include red eyes, inappropriate or excessive laughing, lack of motivation, reduced concentration, irritating cough, "I don't care" attitude. **Possible Health Effects** include addiction, respiratory trouble, distorted sense of reality, sterility, decrease in fertility, higher infant mortality, birth defects.

#### Opiates - including Morphine, Codeine and Heroin

Opiates are often referred to as narcotics and are drugs prescribed by medical professionals to alleviate pain. The use of these drugs is illegal without a legitimate prescription. **Physical Symptoms** include constricted pupils, decreased alertness and functioning, nausea, high tolerance to pain, drowsiness, intoxication. **Possible Health Effects** include risk of contracting hepatitis or AIDS through sharing of needles, high risk of overdose, failure to recognize serious injury because of increased pain tolerance, strong psychological and physiological dependency, addiction.

#### Phencyclidine or PCP

There is no legitimate medical use of this drug in humans. It is used primarily for its mood altering effects. Overdose is very difficult to treat. **Physical Symptoms** include confusion, aggressive or hostile behavior, paranoia, mood swings, dizziness. **Possible Health Effects** include high potential for overdose and accidents, convulsions, coma, irreversible brain damage, flashbacks, heart and lung failure.

<b>Policy No.:</b> HR-32	<b>Policy Name:</b> Drug & Alcohol-Free Workplace Policy (Non-DOT)	<b>Page 14 of 15</b>
--------------------------	--	----------------------

**CITY OF MONROE  
SERVICE PROVIDERS**

The **CITY OF MONROE** has appointed a person to be the City's Substance Abuse Program Coordinator and all questions about the City's Substance Abuse Policy for employees should be addressed to this person. The person that has been appointed as the Substance Abuse Program Coordinator is:

**Human Resources Director**

**The following list is a list of the provider companies that the City of Monroe will be working with to conform to the requirements of Drug and Alcohol Testing.**

**SERVICE PROVIDERS**

**URINE COLLECTION:**

**Monroe Urgent Care  
613 W. Roosevelt Blvd.  
Monroe, NC 28112  
(704) 283-2442**

**OccMed  
601 Waxhaw-Indian Trail Road  
Indian Trail, NC 28079  
(704) 821-1161**

**BREATH ALCOHOL TESTING:**

**Monroe Urgent Care  
613 W. Roosevelt Blvd.  
Monroe, NC 28112  
(704) 283-2442**

**TESTING LABORATORY:**

**Advanced Toxicology Network  
3560 Air Center Cove, Suite 101  
Memphis, TN 38118  
(901) 794-5770**

**MEDICAL REVIEW OFFICER:**

**Dr. Gwendolyn Whitley &  
Dr. Ronald Plemmons  
Wolfe DATA  
681 Cabarrus Avenue W.  
Concord, NC 28025  
(800) 451-3743**

**EMPLOYEE ASSISTANCE PROGRAM:**

**Corporate Health International  
4400 Park Rd., Suite 330  
Charlotte, NC 28209  
(704) 529-1428  
(800) 633-3353**

<b>Policy No.:</b> HR-32	<b>Policy Name:</b> Drug & Alcohol-Free Workplace Policy (Non-DOT)	<b>Page 15 of 15</b>
--------------------------	--	----------------------

**EMPLOYEE ACKNOWLEDGEMENT**

I \_\_\_\_\_, hereby acknowledge that I have received and had the opportunity to read a copy of the City of Monroe's Substance Abuse Policy .

I further acknowledge the following:

- 1) That I have been notified that the unlawful manufacture, distribution, dispensation, possession of, or use of alcohol, drugs, or other controlled substances is prohibited in the City's workplace, and that violations of these prohibitions will subject me to immediate termination.
- 2) That I may be tested for drug and/or alcohol use in any situation where a member of management has reasonable cause to suspect such use, if I am involved in a work-related accident, or as part of a department-wide or City-wide random drug test, or any other situation covered by this Substance Abuse Policy.
- 3) If I refuse to submit to testing, fail to appear for testing, fail to cooperate with the testing process, or attempt to tamper with a drug or alcohol test, then I will be subject to immediate termination.
- 4) That if convicted of a violation of a criminal drug statute which occurred on City property, I will notify the City in writing within five days of the conviction.

**I UNDERSTAND THAT THE SUBSTANCE ABUSE POLICY AND RELATED DOCUMENTS ARE NOT INTENDED TO CONSTITUTE A CONTRACT BETWEEN THE CITY OF MONROE AND ME. I ALSO UNDERSTAND THAT MY EMPLOYMENT IS AT WILL, WHICH MEANS THAT I, AS WELL AS THE CITY HAVE THE RIGHT TO END THE EMPLOYMENT RELATIONSHIP AT ANY TIME FOR ANY REASON OR FOR NO REASON WITH OR WITHOUT NOTICE AS APPLICABLE PER STATE & FEDERAL LAWS.**

THE UNDERSIGNED FURTHER STATES THAT HE OR SHE HAS READ THE FOREGOING ACKNOWLEDGEMENT AND KNOWS THE CONTENTS THEREOF AND SIGNS THE SAME OF HIS OR HER OWN FREE WILL.

Employee Name ( Please print ) \_\_\_\_\_

Social Security Number \_\_\_\_\_

Date \_\_\_\_\_

Employee Signature \_\_\_\_\_

City Witness Signature \_\_\_\_\_

**NOTE: THIS FORM WILL BE RETAINED BY THE CITY IN A SECURE FILE.**