

CITY OF SPOKANE ADMINISTRATIVE POLICY AND PROCEDURE	ADMIN 0620-15-10 LGL 2006-0009
TITLE: DRUG AND ALCOHOL TESTING FOR NON-CDL EMPLOYEES EFFECTIVE DATE: October 9, 1995 REVISION EFFECTIVE DATE: July 3, 2015	

1.0 GENERAL

1.1 Drug addiction and alcohol abuse cost employers over a billion dollars per year. Those costs show up in higher accident rates, higher workers' compensation costs, greater absenteeism, and increased costs for health insurance. In an effort to stem that rising tide, the Drug Free Workplace Act of 1988 was implemented.

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2.0 DEPARTMENTS/DIVISIONS AFFECTED

This policy shall apply to all City departments and divisions. Policy ADMIN 0620-05-47 contains further provisions that apply to holders of commercial drivers licenses.

3.0 REFERENCES

41 U.S.C. 701

4.0 DEFINITIONS

None

5.0 POLICY

5.1 The City has a significant interest in ensuring the health and safety of its employees and the citizens of the City of Spokane. In furtherance of that interest, it is the policy of the City to take those steps necessary to ensure that its employees are free of the influence of alcohol and drugs while in the performance of their duties. All Prospective employees who have been given a conditional offer of employment with the City in a public safety sensitive position shall pass a post-offer pre-placement physical examination which may include a drug test.

5.2 There shall be a required drug and/or alcohol test for an employee when there is reasonable cause that the employee is under the influence of alcohol or drugs while on duty.

5.3 Drug Testing of Prospective Employees

5.3.1 Applicants for public safety or a safety sensitive position who have been given a conditional offer of employment with the City shall be informed that a condition of employment may include passing a drug test as part of the post-offer pre-placement physical examination. Applicants who refuse to take the drug test or who test positive shall be considered ineligible for City employment for one (1) year.

5.3.2 An applicant who wishes to challenge a positive drug test must do so within twenty four (24) hours of notification of the positive result. The applicant must notify the City's medical review officer that he/she wishes to challenge the test and must pay for the retest. The retest must be processed at a Department of Health and Human Services (DHHS) certified laboratory. If the retest is in favor of the applicant, the City shall reimburse him/her the cost of the retest.

5.4 Drug and Alcohol Testing of Employees

5.4.1 Where there is a reasonable suspicion that an employee is under the influence of alcohol or drugs while on duty, the supervisor shall have a representative of the Human Resources Department and a union representative confirm the suspicion. If the suspicion is confirmed, the employee shall be required to take a drug and/or alcohol test.

- 5.4.2 An employee who tests .04 or greater on a breath alcohol test or who tests positive for a controlled substance shall not be permitted to return to work until he/she has been evaluated and complied with any rehabilitation recommended by a qualified substance abuse professional. A list of names will be provided by the Human Resources Department or the City's medical review officer. There shall be a pre-disciplinary hearing convened to determine the appropriate course of action. Also before returning to work, the employee must have a negative result on a return to duty alcohol and/or drug test (depending upon which was failed), and must sign a return to work contract with the City for a period of time not less than two (2) years nor more than five (5) years. If there should be a further violation during the contract period, the initial violation that gave rise to the contract will be coupled with the second violation, and the employee shall be subject to disciplinary action up to and including discharge for the two (2) violations. Conversely, if the employee completes the program and there is no further violation within two (2) years of the end of the contract, there shall be no record kept of the offense giving rise to the pre-disciplinary hearing.
- 5.4.3 An employee who has a breath alcohol reading greater than .00 but less than .04 shall not be permitted to return to work until the supervisor contacts a representative of the Human Resources Department and the employee's union representative to determine the employee's appropriate duty status during the upcoming hours. If the decision of the supervisor is to return the employee to work, the employee must not operate vehicles or power equipment.
- 5.4.4 No employee shall deliberately adulterate a urine sample, refuse to take a directed alcohol or drug test or refuse to provide urine. If the employee should refuse to take an alcohol test, there will be a presumption that the employee has a positive reading of .04 or greater alcohol concentration. If the employee should refuse to take a drug test or to provide urine, or if the employee deliberately adulterates a urine sample, there shall be a presumption that the employee tests positive for a controlled substance. There shall be a pre-disciplinary hearing convened to determine the appropriate course of action.
- 5.4.5 An employee who wishes to challenge a positive drug test must do so within twenty four (24) hours of notification of the positive result. The employee must notify the City's medical

review officer that he/she wishes to challenge the test and must pay for the retest. The retest must be processed at a DHHS-certified laboratory. If the retest is in favor of the employee, the City shall reimburse him/her the cost of the retest.

5.4.6 Test results will be kept confidential.

5.4.7 If the test results are negative, the fact that tests were given may not be used in the discipline or grievance process.

5.4.8 Periodic training of supervisors and employees on drug and alcohol abuse will be provided by the Human Resources Department.

5.5 Notification of Results of Drug / Alcohol Test

5.5.1 Drugs. Persons who test positive for drugs are notified by the City's medical review officer. Persons who take a drug test and do not hear from the City's medical review officer within three (3) working days and who wish to know their result may contact the medical review officer's office or the City's Human Resources Department. Copies of drug-test results will be provided to those who apply in person (with proper ID) at the medical review officer's office or the Human Resources Department.

5.5.2 Alcohol. Persons taking a breath-alcohol test are notified immediately, and given a copy of the test results.

5.6 Use, Sale or Possession

5.6.1 The illegal use, sale, or possession of drugs, controlled substances, or alcohol on City premises or property or while on City time constitutes grounds for dismissal.

5.7 Operation of Equipment Prohibited

5.7.1 Under no circumstances should a supervisor allow an employee who appears to be under the influence of alcohol or drugs drive any vehicle. If the supervisor is unable to stop the employee from driving, the supervisor should immediately notify the Police.

6.0 PROCEDURE

None

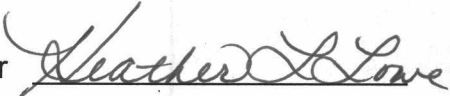
7.0 RESPONSIBILITIES


7.1 The Human Resources Department shall be responsible for administering this policy.

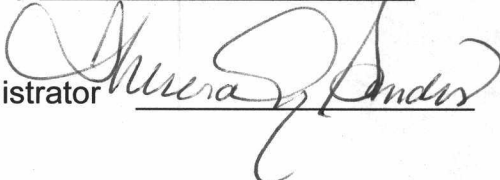
8.0 APPENDICES

None

APPROVED BY:

HR Director  Date 6.10.15

City Attorney  Date 6/10/15

City Administrator  Date 6/18/15