

**City of Annapolis-Non DOT
Drug and Alcohol
Testing Policy**

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City of Annapolis Drug and Alcohol Testing Policy

I. STATEMENT OF PURPOSE:

City of Annapolis believes that the use of alcohol or illicit drugs in the workplace is deleterious to public safety, employee morale, and productivity. The City of Annapolis reserves the prerogative to utilize policies or procedures believed to be in the best interest of the general public and City of Annapolis employees.

II. APPLICABILITY:

Agreement to abide by City of Annapolis's Drug & Alcohol Testing Policy is a requirement for employment.

Refusal to submit to drug and/or alcohol testing is grounds for immediate dismissal. Any of the following behaviors will be considered by the City of Annapolis as a refusal to test:

- a) Failure to permit monitoring or direct observation when required.
- b) Failure to take a second test when required.
- c) Overt behavior designed to disrupt the testing process.
- d) If an individual fails to comply with or complete the testing process.
- e) Obvious physical or laboratory evidence on the part of the donor to submit an adulterated or substituted specimen.
- f) Individuals who fail to provide an adequate breath, urine, or saliva specimen, in the absence of valid medical explanation.
- g) If the donor is found to possess or wear a prosthetic or other device that could be used to interfere with the collection process.
- h) If the donor refuses to follow collector instructions during an observed collection process, to raise and lower clothing.
- i) The donor admits to the collector or MRO that he/she adulterated or substituted the specimen.

III. MEDICAL REVIEW OFFICER (MRO):

The Medical Review Officer (MRO) is a licensed physician with knowledge of urine drug testing and substance abuse disorders. The primary role of the MRO is to act as an independent, impartial gatekeeper and advocate for the accuracy and integrity of the drug testing process. The MRO must also provide a quality assurance review of the drug testing process for the specimens reviewed and processed by said MRO.

IV. EMPLOYEES SUBJECT TO TESTING:

All employees are subject to pre-employment, random, post incident, and reasonable suspicion drug and/or alcohol testing. At times, City of Annapolis may require follow up and return to duty tests.

V. TESTING LABORATORIES:

City of Annapolis retains the services of several DHHS (Department of Health and Human Services) certified forensic laboratories for the purposes of saliva/urine drug screening and confirmation testing. These laboratories have completed the certification program conducted by the DHHS and administered by the National Institute of Drug Abuse (NIDA).

The laboratory must retain any specimen reported with positive, adulterated, substituted, or invalid results, for a minimum of 1 (one) year. The MRO must offer the donor of any laboratory confirmed positive test result, the opportunity to have “split specimen” testing performed. Laboratories testing the “split specimen”, must also retain those specimens for 1 (one) year.

VI. COLLECTION SITES AND PROTOCOL:

Specimens for pre-employment, random, post accident and reasonable suspicion alcohol and drug testing will be collected at locations with properly trained and certified personnel to act as collectors. These locations will also furnish all of the necessary equipment and supplies for the purpose of collecting breath, saliva, and urine specimens for drug & alcohol testing. All procedures used for collection, shipment, custody control, and accessioning of specimens are performed using guidelines set forth in The U. S. Department of Transportation 49 CFR part 40, and will be reviewed regularly by the administrative staff of City of Annapolis’s TPA, for compliance of these regulations.

Each employee must possess a valid photo ID, in order for testing to be conducted.

The City of Annapolis reserves the right to require a designated supervisor escort any employee who has been directed to test, to the collection site

VII. ALCOHOL TESTING:

For purposes of alcohol testing, City of Annapolis utilizes DOT approved alcohol screening devices. These tests are supported and confirmed by a DOT approved and calibrated Evidential Breath Testing Device (EBT). Any screening alcohol test registering an alcohol concentration above 0.02 must be confirmed after a 15 (fifteen) minute waiting period has elapsed, by an approved EBT. The donor is instructed not to eat, drink, smoke, chew, or belch during the waiting period. The confirmation test must be completed within 30 (thirty) minutes of the initial screening test result. If the confirmation test is not completed within the specified 30 (thirty) minutes, the testing will be still be conducted, and the reason for the delay and amount of time that has actually elapsed, are noted on the remarks line of the alcohol testing form.

All alcohol-testing technicians are certified by approved training program as Screening Test Technicians (STT) and Breath Alcohol Technicians (BAT). They are also provided with

continuing education and training with regards to equipment and testing protocols, to keep in compliance with Federal and State regulations.

Training certifications and calibration information for equipment and collectors utilized by City of Annapolis are maintained at City of Annapolis and can be inspected upon request.

VIII. DRUG TESTING:

The City of Annapolis's Drug and Alcohol Testing Policy will follow guidelines set forth by The U.S. Department of Transportation 49 CFR Part 40 regulations for specimen collection, transit, and laboratory analysis. Specimens will be collected utilizing urine and/or saliva samples. The laboratory analysis of all specimens will include an initial screen with confirmation by GC/MS for non-negative results. The drugs tested for may include the following:

- Marijuana (THC metabolite)
- PCP (phencyclidine) Cocaine
- Opiates
- Amphetamines
- Methamphetamines
- MDMA (Ecstasy)
- Barbiturates
- Benzodiazepines
- Propoxyphene
- Oxycodone

Any confirmed laboratory positive drug screen will be forwarded directly to the MRO, at which time the chain of custody and documentation concerning the specimen is examined in detail. Both the laboratory and the MRO inspect each sample for "fatal flaws". If any "fatal flaws" are discovered, the test is cancelled.

In situations where correctable flaws exist, they must be corrected prior to the completion of MRO verification process.

After a thorough review of the collection procedure, chain of custody form, testing protocol and laboratory results, the MRO will contact the involved employee and conduct a medical interview, focusing on the individual's medical history and/or any other relevant biomedical factors. The MRO shall examine all alternative medical explanations for any positive test results. The MRO will also review all medical records made available by the donor, when a confirmed positive test result could have resulted from legally prescribed medications.

Additionally, the MRO reserves the right to order additional laboratory ancillary testing and/or specimen re-analysis and quantification of the specimen submitted, in order to complete the verification process.

The MRO must offer the donor of any laboratory confirmed positive test result, the opportunity to have "split specimen" testing performed. The donor must notify the MRO of their

request for “split specimen” testing within 72 (seventy two) hours of the initial interview by the MRO. Split specimen testing allows the donor to have the unopened specimen bottle, with the chain of custody and tamper evident seal intact, sent to a second independent DHHS approved laboratory for confirmation. Saliva samples, which do not have a “split sample” may also be sent to a second independent DHHS approved laboratory for confirmation. If the second certified laboratory fails to confirm the test for saliva or urine, the donor will be refunded the cost of the confirmation test.

The MRO will attempt to contact the donor a minimum of at least 3 (three) times during the first 24 (twenty four) hours. If the MRO is unable to contact the donor after 24 (twenty-four) hours, the MRO will request that the City of Annapolis’s Designated Employer Representative (DER), attempt to contact the donor. The DER, will instruct the donor to contact the MRO immediately. The donor will be instructed that contact with the MRO must occur within 72 (seventy two) hours. The DER must also advise the donor, that his or her failure to contact the MRO within 72 (seventy two) hours after being instructed to do so will result in the test being reported by the MRO as a refusal to test which is considered a verified positive.

If after 10 (ten) days from the MRO’s receipt of the confirmed laboratory positive result, the MRO and DER are still unable to contact the donor the test will be reported as verified positive. In the event the donor expressly declines or refuses an interview with the MRO, the test will be reported as verified positive.

The MRO will not release individual test results to any other person, without first obtaining specific written authorization from the donor.

All drug screens (urine or saliva) are collected in a manner consistent with industry standards, with strict adherence to manufacturer’s recommendations.

A chain of custody form is initiated for each sample (saliva or urine) such that the integrity is documented for each stage of transit.

Any corrupted samples or chain of custody forms will result in the cancellation of the test by the MRO.

All collection officials have been trained and certified according to collection procedures outlined in U.S. DOT 49 CFR Part 40. Each collector participates in a quality assurance and continuing education program, which requires periodic monitoring and proficiency demonstrations utilizing mock collections. Training certification documentation for all collectors utilized is maintained at the offices of City of Annapolis.

IX. EMPLOYEE ASSISTANCE PROGRAM

Employees in need of assistance for drug and/or alcohol problems are encouraged to voluntarily seek help. Employees are responsible for all costs associated with treatment, counseling, rehabilitation, return to duty testing, follow up testing, and any other costs not covered by health insurance.

The City of Annapolis does not consider a request for assistance with a drug and/or alcohol problem after an employee is required to report for testing as a “voluntary” or “self report”. In this case, the employee would still be required to submit to any requested drug and/or alcohol testing, and subsequent action taken if adverse results were received.

If an employee has reason to believe he or she is unfit to perform duties, and voluntarily seeks assistance, due to a drug and/or alcohol problem, the employee must contact the City of Annapolis’s Drug & Alcohol Testing Program DER, and request a temporary leave from the performance of duties.

Any employee, who is seeking treatment for a drug and/or alcohol problem, may be subject to follow up testing, as determined by the City of Annapolis, the Substance Abuse Professional treating the employee, and the City of Annapolis’s MRO. The cost of this testing would be the employee’s financial responsibility.

City of Annapolis cannot hold a position for an employee receiving drug and/or alcohol treatment, but rather only guarantees the employee will be eligible for rehire after successfully completion of a drug and/or alcohol treatment program.

The employee remains subject to all personnel policies, including those related to drugs and/or alcohol while undergoing treatment. The employee is subject to termination if found to be violating the City of Annapolis’s Drug & Alcohol Testing Policy, notwithstanding the fact that he or she may be receiving treatment.

X. QUALITY ASSURANCE PROGRAM

In order to insure the sensitivity and reliability of the City of Annapolis’s Drug and Alcohol Testing Policy, City of Annapolis’s TPA (Third Party Administrator) constantly monitors test cancellation rates, confers with laboratory certifying scientists, and submits blind specimens. In the event that a blind specimen is not reported correctly, City of Annapolis’s TPA (Third Party Administrator) will contact the laboratory and certifying scientist directly and complete a thorough investigation. Evidence of deviance regarding blind specimen submission results, will result in a cessation of submissions to said laboratory. A separate file of blind test submissions and results is maintained by City of Annapolis’s TPA (Third Party Administrator).

XI. POLICIES & PROCEDURES

A. General Program Guidelines

Employees are prohibited from performing duties while under the influence of alcohol and/or illegally prescribed or illegally used controlled substances.

Any employee using prescription medication must keep the medication in the original container.

The City of Annapolis considers the following behaviors prohibited, and will result in immediate removal from duties and subsequent disciplinary action taken, which may include termination of employment:

1. On duty use or possession of alcohol.
2. Pre-duty use of alcohol within 4 (four) hours of reporting for duty.
3. Use of alcohol within 8 (eight) hours of a reportable incident, or until post incident alcohol testing has been conducted.
4. Refusal to submit to a required alcohol or controlled substances test.
5. Use of controlled substances, unless a physician has advised the employee that the medication or substance does not adversely affect their ability to safely operate a motor vehicle or perform other duties.

The City of Annapolis reserves the right to search, at any time, City of Annapolis property used by employees, i.e. desks, work areas, motor vehicles, lockers, etc. for the presence of controlled substances and/or alcohol.

B. Drug/DUI Arrests and Convictions:

All employees are required to notify the City's DER of any criminal drug statute conviction within 5 (five) days after such conviction.

All employees are required to notify the City's DER of any DUI arrest, and/or any license suspension within 24 hours. Failure to comply with this provision shall result in immediate termination of employment.

C. Pre-Employment Testing

All applicants for employment will be notified at the time of their application that as a condition of employment, they will be required to submit a drug screen with a negative result, prior to the performance of any duties. The City of Annapolis will require recollection of any NEGATIVE DILUTE pre- employment up urine drug screens.

D. Random Testing

All employees listed on Appendix A are subject to random unannounced alcohol and drug testing, at a frequency and testing rate determined by City of Annapolis.

E. Post Incident Testing

The City of Annapolis requires post incident drug & alcohol testing for any incident including those which result in; police response, rendering of medical services, filing of a worker's comp claim, and/or property damage. The City of Annapolis also reserves the right to require a test for any situation or incident in which the City of Annapolis believes there will be a potential liability or any incident or situation that would be in the best interest of the City of Annapolis to require testing.

Alcohol testing should occur within 2 (two) hours of the incident. If a post incident alcohol test is not administered within 8 (eight) hours following an incident, the City of Annapolis shall cease attempts to administer the test, and prepare and maintain the same

explanatory record. Urine drug testing should also occur immediately following an incident, but must be performed no more than 32 hours after the incident.

At no time shall any employee be delayed or denied medical attention or be prohibited from leaving the scene of an incident, for the period necessary, to obtain assistance in responding to the incident, or to obtain necessary emergency medical care.

If an employee subject to post incident testing does not remain readily available for testing, including notifying the City of Annapolis of his or her location if he or she leaves the scene of the incident prior to post incident testing, he or she may be deemed to have refused testing.

F. Reasonable Suspicion

Any employee exhibiting behavior that gives reasonable suspicion to suspect drug or alcohol use, he or she must submit to reasonable suspicion drug & alcohol testing. The employee will be removed from duty and requested to submit to reasonable suspicion drug & alcohol testing. A refusal to submit to testing will be treated as a positive result, and grounds for immediate termination. The supervisor will escort the employee directly to the collection site for drug & alcohol testing. Under no circumstances will an employee who requires reasonable suspicion drug & alcohol testing be permitted to drive themselves to the collection site.

G. Return to Duty

Any employee returning to duty after an extended illness of 180 days or an absence related to alcohol and/or controlled substance use will be required to take a return to duty drug and alcohol test.

Any employee with a confirmed breath alcohol concentration of 0.02 or greater but less than 0.04, must submit a negative return to duty alcohol test prior to resuming performance of duty. The cost of this test will be the financial responsibility of the donor. The City of Annapolis reserves the right to request the submission of a negative urine drug screen as well.

Any employee, who voluntarily seeks assistance for drug and/or alcohol abuse, will be required to submit a negative drug & alcohol test, prior to resuming the performance of any duties.

City of Annapolis cannot hold a position for an employee receiving drug and/or alcohol treatment, but rather only guarantees the employee will be eligible for rehire after successful completion of a drug and/or alcohol treatment program. The City of Annapolis will require recollection of any NEGATIVE DILUTE return to duty urine drug screens.

H. Follow Up Testing

Any employee who requests or receives drug and/or alcohol treatment is subject to follow up testing for a period up to 12 (twelve) months. The frequency and duration of testing will be determined by the SAP, based on information obtained regarding the employee's treatment. The cost of this testing will be the employee's financial responsibility. The City of Annapolis will require recollection of any NEGATIVE DILUTE follow up urine drug screens.

I. Consequences of a POSITIVE Test Result

Any employee with a confirmed POSITIVE-BAC (Blood Alcohol Concentration) or BrAC (Breath Alcohol Concentration) 0.02-0.039 will be IMMEDIATELY removed from duty, and suspended for 24 (twenty four) hours without pay. The employee may resume duties after submission of a NEGATIVE return to duty alcohol test. The employee will not be permitted to drive any City of Annapolis vehicle until a negative test result is received.

Any employee with a confirmed POSITIVE BAC (Blood Alcohol Concentration) or BrAC (Breath Alcohol Concentration) 0.04 or greater will be removed from duty and subject to disciplinary action including but not limited to suspension and/or termination.

Any employee with a confirmed positive, adulterated, and/or substituted drug test result will be removed from duty and subject to disciplinary action including but not limited to suspension and/or termination.

Any employee who refuses to submit to an alcohol test or drug screen will be considered positive. The employee will be removed from duty and subject to disciplinary action including but not limited to suspension and/or termination.

Employees removed from duty for violation of the City of Annapolis's drug and alcohol testing policy will be considered eligible for return to duty ONLY after successful enrollment and completion of a substance abuse treatment approved by the City of Annapolis's Program Administrator.

The City of Annapolis cannot hold a position for an employee receiving drug and/or alcohol treatment, but rather only guarantees the employee will be eligible for return to duty after successfully completion of a drug and/or alcohol treatment program.

XII. CONFIDENTIALITY AND RECORDKEEPING

Confidentiality will be maintained to the fullest extent possible with regards to drug and alcohol testing. All correspondence written or verbal, between the City of Annapolis's DER, TPA, and the City of Annapolis's MRO, is further protected from breeches in confidentiality by utilization of a password, known only to these individuals, prior to the exchange of any information.

The traditional doctor/patient relationship does not exist when the MRO is acting within the scope of duties assigned under the City of Annapolis's Drug & Alcohol Testing Policy. Individuals are advised, information provided to the MRO during the verification process of a confirmed laboratory positive test result, may be disclosed to third parties. No testing information will be furnished to a third party, without express written consent provided by the employee/donor.

Test results will not be disclosed by the DER, the MRO, the TPA, or the testing laboratory, to anyone outside of the City of Annapolis, including law enforcement agencies except when the following circumstances occur:

- a) The decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee, including a worker's compensation claim, unemployment compensation claim, or any other proceeding relating to a benefit sought by the employee require such.
- b) As a requirement of any Federal, State, or Local statute.

XIII. SPECIMEN VALIDITY TESTING MEDICAL EVALUATIONS

All DHHS certified laboratories are required to perform validity and adulteration testing of all samples. Validity testing is conducted to insure the sample is consistent with human urine, and adulterants, substitutions, and dilutions have not been utilized in an attempt to corrupt the testing process and/or results. For specimens deemed invalid due to adulteration or substitution, the result will be treated as a positive, and the employee subsequently terminated. If the urine is reported as "dilute", it is still a valid test, either positive or negative. In the event of a negative, but "dilute" specimen, the donor must immediately submit another sample for testing.

In the event an employee is unable to produce a sufficient amount of specimen urine, breath, and/or saliva, the MRO will arrange for a medical evaluation to determine if a medical condition accounts for such. In the absence of a medical condition or legitimate medical explanation, insufficient samples will be treated as a refusal to test, and the employee will be subsequently terminated.

Attachment A

(Positions subject to non-DOT drug and alcohol testing)

ASST WATER PLANT SUPT
FACILITIES MAINT ENGINEER I
FACILITIES MAINT ENGINEER II
FACILITIES MAINT SUPERVISOR
FACILITIES MAINTENANCE TECHNIC
FLEET MANAGER
FLEET PARTS SPECIALIST
INSTRUMENTATION TECHNICIAN
MASON I
MASON II
METER TECHNICIAN I
PARK FOREMAN
PARKS MAINTENANCE WORKER I
PARKS MAINTENANCE WORKER II
PARKS MAINTENANCE WORKER III
PUBLIC WORKS SERVICE WORKER
PUBLIC WORKS SUPERVISOR
PW COMMUNICATIONS OP
PW MAINTENANCE WORKER I
PW MAINTENANCE WORKER II
SUPERINTENDENT-PW SERVICES
SUPERINTENDENT-PW UTILITIES
UTILITY SUPERVISOR
WATER PLANT OPERATOR IV
WATER PLANT SUPERINTENDENT
WATER PLANT TECHNICIAN I
WATER PLANT TECHNICIAN II
WATER PLANT TECHNICIAN III