



Subject/Title

Maintenance of a Drug and Alcohol-Free Workplace

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March 31, 2011

Code Number

HR 4

City Manager

W. Curtis Wooten Jr.

Human Resources

Responsible Key Business

CITY OF CHARLOTTE

MAINTENANCE OF A DRUG AND ALCOHOL-FREE WORKPLACE POLICY

Revised March 31, 2011

The purpose of this policy is to identify the City of Charlotte's philosophy and procedures for maintaining a drug and alcohol-free workplace, and conducting screening of job applicants and City employees for illegal drugs, improper use of prescription drugs, and alcohol.

Additional information concerning the effects of alcohol and drug use on an individual's health, work, and personal life; signs and symptoms of an alcohol or drug problem; and available methods of intervening when an alcohol or drug problem is suspected, is available from the Human Resources Business Unit.

This Policy ensures that all testing is conducted in a manner that protects the rights of employees and applicants subject to testing.

The City of Charlotte takes all necessary steps to safeguard the dignity and self-esteem of those being tested, and ensures adherence to all procedures pertaining to the implementation of this Policy. The City adheres strictly to all standards of confidentiality and ensures all employees that testing records and results are released only to those authorized to receive such information.

The City contracts the services of a Substance Abuse Professional (SAP) through its Employee Assistance Program. The contact number is **800-765-3277**. Employees should ask to speak with a Care Coordinator who will make an assessment and refer the employee to a qualified SAP as mandated by the USDOT.

The employee should complete the attached "Employee Notification and Acknowledgement" form upon receipt of a copy of this policy. Employees who are under the age of 18 must provide a parent/guardian signature for participation in the City's Drug and Alcohol-Free Workplace Program.

Please contact David Sanders in the Human Resources Business Unit at 704.336.4091 should you have questions about this policy.

How To Use This Policy

This policy covers all applicants and employees, without exception. The portion of this policy labeled “City Regulations” is based on the independent authority of the City of Charlotte and applies to all City employees.

In addition:

- Some City employees are regulated by the U.S. Department of Transportation (DOT). In addition to the policy section labeled City Regulations, these employees are also covered by the section labeled “Federal Provisions.” Where the City Regulations and Federal Provisions conflict, the Federal Provisions govern for those employees regulated by DOT. All employees subject to DOT regulations must be familiar with the Federal Provisions section of this policy.
- Employees, volunteers, and applicants of the Charlotte Mecklenburg Police Department (CMPD) are subject to both the City Regulations **and** CMPD Regulations of this policy. Where the City Regulations and the CMPD Regulations conflict, the City Regulations will govern for CMPD employees, volunteers, and applicants, unless otherwise noted in the policy. (Note: Recommendation for termination of sworn personnel must be approved by the Civil Service Board). All persons subject to the CMPD Regulations must be familiar with the City and CMPD sections of this policy.
- Key Business Units with a separate policy may be more restrictive than the City Policy; however, the KBU policy cannot be less restrictive. For example, the KBU must cite an employee for termination, pending a Termination Hearing, for a positive drug test result.
- Employees not covered by the Federal Provisions or CMPD Regulations are covered exclusively by City Regulations. All employees must be familiar with the City Provisions of this policy.

Quick Reference

Please refer to the page numbers listed below when searching for particular information within this policy. Topics primarily refer to the City Regulations and may be cross-referenced, as appropriate, for employees covered under CMPD Regulations or Federal Provisions.

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City of Charlotte Regulations

Types of Drug and Alcohol Tests:

Individuals subject to the provisions of this section include all applicants and all employees, including Charlotte Mecklenburg Police Department (CMPD) and those covered by U.S. Department Of Transportation (DOT) regulations. Whenever City regulations conflict with DOT, DOT Regulations will govern. Whenever City regulations conflict with CMPD regulations, City Regulations will govern. The City will conduct the following types of tests:

A. Pre-placement Test (Drug Test Only)

Applicants for employment or current employees transferring into a position that requires testing must pass a pre-placement drug test. A drug test with negative results is considered passing. If the test is canceled, the applicant or employee must retake and pass the test before being hired or transferred.

B. Post Accident Test (Drug and Alcohol Tests)

Employees involved in a non-vehicular or a vehicular accident may be required to take a drug and alcohol test. All accidents should be documented using the Post Accident Testing Checklist.

A drug and alcohol test is required when the following conditions exist:

- ✓ The accident involves a fatality, or
- ✓ The driver receives moving traffic violation arising from the accident, or
- ✓ Any involved vehicle requires towing from the scene, or
- ✓ Any person involved requires medical treatment away from the scene of the accident, or
- ✓ The City cannot completely discount the employee's conduct as a contributing factor to the accident (non-vehicular or vehicular).

C. Reasonable Suspicion Test (Drug and Alcohol Tests)

Employees are tested when there is reason to believe that the employee has used a prohibited drug or has misused alcohol. Reasonable suspicion testing is authorized only if the required observations are made by a trained supervisor or supervising official of the business unit where the covered employee is on duty, or by a reliable source.

D. Random Test (Drug and Alcohol Tests)

Employees designated as safety sensitive (See "City Designated Safety Sensitive Positions" list) will be tested on an unannounced basis throughout the year. A computer-based random selection process will determine who is tested.

E. Return to Duty Test (Drug and Alcohol Tests)

An employee returning to duty following the completion of a drug and/or alcohol rehabilitation program or returning to duty after a positive drug and/or alcohol test result shall be required to undergo and pass a return to duty test. All return-to-duty tests shall be conducted under direct observation.

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F. Follow-Up Test

Once allowed to return to duty, an employee who has been determined by the evaluating Substance Abuse Professional (SAP) to be in need of assistance in resolving problems associated with misuse of drugs and/or alcohol must submit to a minimum of six follow-up tests within the first 12 months following rehabilitation. Follow-up testing may be extended for up to 60 months following return to duty as prescribed by the evaluating SAP. All follow-up tests shall be conducted under direct observation.

Note: Reasonable Suspicion, Random, and Follow-up alcohol testing shall be conducted while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

Drugs Tested For and Cutoff Limits

A sample of urine or blood, provided by the employee/applicant, is used to test for the presence of any of the following drugs or drug metabolites. Federal government regulations and the US Department of Transportation testing guidelines mandate cutoffs for minimum quantity of drug or alcohol that must be detected in the initial test and also in the confirmation test. When the initial test results reach the minimum cutoff limit, a confirmation test is conducted using the cutoff limits established for the confirmation test. (See below) Cutoff limits are measured in nanograms per milliliter.

<u>DRUGS</u>	<u>SCREENING TEST</u>	<u>CONFIRMATION TEST</u>
(a) Amphetamines	500	250
(b) Barbiturates	300	200
(c) Benzodiazepines	300	200
(d) Cannabinoids	50	15
(e) Cocaine	150	100
(f) Methaqualone	300	200
(g) Opiates	2000	2000
(h) Phencyclidine	25	25
(i) Propoxyphene	300	200
(j) Other drugs which may be determined to reduce work efficiency		

Prohibited Activities:

- A. The unlawful manufacture, distribution, dispensation, possession, purchase, or use of drugs by City employees is prohibited and will result in immediate suspension pending the results of the pre-termination hearing.
- B. The manufacture, distribution, dispensation, possession, storage, purchase, or use of alcohol by City employees while on City property and during established work hours is prohibited and will result in immediate suspension pending the results of the pre-termination hearing.
- C. No safety sensitive employee shall use alcohol within four (4) hours before going on duty or operating, or having physical control of City equipment.

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- D. No employee shall report for work or remain on duty while having an alcohol concentration of 0.02 or greater. An employee who reports to work and whose alcohol test result indicates a 0.02 or greater level of alcohol in the employee's system shall be considered to have a positive alcohol test and shall be disciplined as outlined in this Policy.
- E. Employees may be disciplined, up to and including termination (after a pre-termination hearing), for any confirmed (admission to or conviction of) illegal involvement or activity with drugs that occurs during off-duty time.
- F. Alcohol will not be served or consumed at activities or events that are organized or sponsored by the City primarily for City employees.

Employees with substance abuse problems are encouraged to voluntarily seek help from the Employee Assistance Program (EAP). However, if employees do not pass drug tests, they will be terminated. If employees do not pass alcohol tests, they will be severely disciplined, up to and including termination. Participation in a counseling, treatment, or rehabilitation program for drug and/or alcohol use or abuse will not be grounds for discharge provided the employee voluntarily enters such a program prior to being identified as a drug user or abuser or alcohol abuser by means such as tests, and before the employee becomes suspected under circumstances satisfactory to the City of Charlotte of being a drug or alcohol user.

Procedures and Discipline

Pre-placement Testing

- A. Applicants determined to be final candidates for regular positions will be required to submit to and pass a drug screening prior to being hired. Such applicants will be tested no more than 30 days prior to employment. The drug screen shall be performed within 48 hours from the time the applicant is required to submit to a pre-employment drug test. Final candidates under 18 years old must have consent of a parent/guardian to participate in the City's Drug & Alcohol Free Workplace Program.
- B. Applicants for temporary positions designated as safety sensitive as defined by the City are required to submit to a pre-employment drug screen.
- C. Candidates for temporary positions being filled for more than two weeks are required to submit to a pre-employment drug screen.
- D. All applicants have three hours to provide an acceptable urine specimen. An applicant who refuses to submit, or fails to follow through with the drug test as required, will not be considered for employment for a two-year period.
- E. An applicant who does not pass the drug test as required will not be considered for employment for a two-year period following the date of the test. The applicant is considered for re-employment only when (1) such applicant provides documented proof that he/she has successfully completed a drug abuse or rehabilitation program, and (2) such applicant passes a pre-placement drug test, (3) such applicants may also be tested on

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an unannounced and periodic basis for drugs/alcohol during the 60 months following their placement.

- F. Applicants, who previously fail a City drug test, having completed a drug or alcohol rehabilitation program within two years (from their failed test) prior to their employment with the City will be required to certify that they successfully completed the program before they can be hired. If hired, these employees will be tested on an unannounced and periodic basis for drugs and/or alcohol during the sixty months following their hire.

Note: A drug test is included as part of a promotion, demotion, and transfer selection process for employees determined to be final candidates for positions requiring a physical examination, positions more physically demanding than the employee's current position, and positions which are determined to be "City safety sensitive." Testing shall be conducted immediately after the employee has been requested to submit to a drug test. Testing for promotion, demotion, and transfer is considered a pre-employment test.

Post Accident Testing

- A. A Post Accident drug test shall be administered within 32 hours following the accident. If the drug test is not administered within 32 hours, the supervisor shall cease attempts to administer a drug test and must document the reason(s) for not administering the test. No employee may refuse to submit to a drug and/or alcohol test required by the policy. Employee shall remain ready and available when a post accident is required. Failure to remain ready and available will be considered as a "refusal to submit" to testing.
- B. A Post Accident alcohol test shall be administered no later than eight (8) hours following the accident. If the test is not administered within two (2) hours, the supervisor must document the reason(s) the alcohol test was not administered promptly. If the alcohol test is not administered within eight (8) hours of the accident, the supervisor shall cease attempts to administer the test and must document the reason(s) for not administering the test.
- C. In the event an alcohol test is not conducted within the eight (8) hour time frame, the following should occur:
 - a. The employee shall not be allowed to remain on duty or twenty-four hours have elapsed following the accident before returning to duty.
 - b. The employee shall not have the option to refuse an alcohol test as required by this policy.
- D. No safety sensitive employee involved in an accident which requires an alcohol test shall consume any alcohol for eight (8) hours following the accident or until a Post Accident Alcohol Test is performed, whichever comes first.

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Reasonable Suspicion Testing

- A. A written record shall be made of the supervisor's observations leading to a reasonable suspicion drug or alcohol test. The documentation shall be signed by the supervisor or departmental designee who made the observations, within 24 hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier.
- B. Where there is reasonable suspicion that an employee on duty has a drug in his or her system, such employee will be tested for drug use. If the employee does not pass the drug test, the employee will be suspended immediately, pending the results of the pre-termination hearing.
- C. Where there is reasonable suspicion that an employee on duty has alcohol in his or her system, such employee will be tested for alcohol use. If the employee tests positive (Breath Alcohol Test results indicate a 0.02 or greater concentration of alcohol in the employee's system), and department management concludes that alcohol consumption occurred on the job, the employee will be suspended immediately, pending the results of the pre-termination hearing.
- D. If the employee tests positive for alcohol, and department management concludes that alcohol consumption occurred while not on the job, the employee shall receive appropriate discipline as outlined in this Policy.
- E. A reasonable suspicion alcohol test shall be administered no later than eight (8) hours following the determination of reasonable suspicion. If the test is not administered within two (2) hours, the supervisor must document the reason(s) the alcohol test was not promptly administered. If the alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the supervisor shall cease attempts to administer the test and must document the reason(s) for not administering the test.

Random Testing

- A. Employees assigned to City "safety sensitive" positions will be randomly tested for alcohol and drugs. A supervisor will transport selected employees to the designated testing location. Random testing for drugs and alcohol shall be conducted monthly at a rate determined by the City but not less than the rate mandated by USDOT.

Return To Duty Testing

- A. An employee, returning from treatment/rehabilitation, who is tested (exclusive of the return to duty test) and found to have an alcohol concentration of 0.02 or greater shall not perform or continue to perform his or her job functions. A Breath Alcohol Test result of 0.02 or greater concentration of alcohol in the employee's system shall be considered a positive alcohol test result. An employee must indicate an alcohol concentration of less than 0.02 on a return to duty alcohol test before he/she will be allowed to resume performance of his or her job functions.

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- B. If an employee tests positive for alcohol, the employee must submit to a return to duty Breath Alcohol Test or equivalent before returning to work. The return to duty alcohol test must indicate an alcohol concentration of less than 0.02. A return to duty breath alcohol test result of 0.02 or greater will be considered the second positive alcohol test within a five-year period, and will be suspended immediately, pending the results of the pre-termination hearing.
- C. Employees returning to the workforce following completion of a drug and/or alcohol rehabilitation program, or employees who are subject to the return to duty provisions, will be required to undergo a return to duty test.
- D. Employees subject to the return to duty provisions may also be tested on an unannounced and periodic basis for drugs and/or alcohol during the 60 months following their return to work. Employees may be required to submit to a minimum of six (6) follow-up tests within the first 12 months following rehabilitation. Any follow-up breath alcohol test result of 0.02 or greater will result in immediate suspension, pending the results of the pre-termination hearing.

Specimen Identification

The applicant/employee must follow the collection procedures outlined below for specimen identification.

- A. At the collection site and prior to providing a specimen, the applicant/employee must provide a photo identification (Such as a valid driver's license, work id, passport, or other).
- B. Applicant/employee must present to the collection site representative
 1. An appointment form (Drug Test Authorization Form), and
 2. The chain of custody form, in a sealed enveloped. The collection site representative must complete the chain of custody form.
- C. Applicant/employee must initial the seal on the specimen container *after* the seal has been applied to the specimen container.

Obstruction To The Testing Process

- A. Definition - Obstruction

For the purposes of this policy, conduct that obstructs the testing process includes providing a urine specimen that has been adulterated, substituted, and/or any other action that result in a urine specimen that cannot be properly tested for illicit drugs.

- B. Based on current drug testing standards, the Medical Review Officer (MRO) will determine whether obstruction has occurred. If a determination of obstruction is made, the MRO will report that test result to the City. The report will show that a specimen has been adulterated, substituted or otherwise obstructed. The City will notify the applicant or employee of the test result and will follow the procedure set forth below.

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1. Applicants
 - a. Applicants whose test results show an adulterated, substituted, or otherwise obstructed urine specimen will not be employed.
 - b. Applicants not employed based on a finding of obstruction will not be considered for employment for a two-year period following the date of the test, and then will be considered only when:
 - i. Such applicant provides documented proof that he/she has successfully completed a drug abuse or rehabilitation program; and
 - ii. Such applicant passes a pre-placement drug test. Upon employment, such applicant will be subject to "Follow-up Testing" as set forth in this policy.
2. Employees
 - a. Employees whose test results show a positive result, an adulterated, substituted, or otherwise obstructed urine specimen have 72 hours, from the time of notification, to request a test of sample B of the split specimen. If the employee does not request a test of the split specimen within 72 hours, the employee may present to the MRO information documenting that serious injury, illness, lack of actual notice of the test result, inability to contact the MRO, or other circumstances unavoidable prevented him/her from making a timely request. It is up to the MRO to determine whether there is legitimate reason for the employee's failure to contact the MRO within the specified time frame. If a legitimate reason exists, the MRO will order the testing of the split specimen.
 - b. The employee is responsible for paying the cost of the split testing.
 - c. The MRO may issue the results of a split specimen testing as reconfirmed or failure to reconfirm.
 - i. A reconfirmed positive result means that the test result of specimen B confirms the original positive test results.
 - ii. A reconfirmed adulterated or substituted specimen is reported as a final result "refusal to test."
 - d. Employees will be suspended immediately, pending the results of the pre-termination hearing when their drug test result is reconfirmed positive, adulterated, or substituted.
 - e. The MRO will cancel both tests when tests results "failed to reconfirm" for drug metabolite, adulteration, or substitution. If the test is cancelled, the employee will be directed to give another specimen (at no cost to the employee), immediately, under direct observation, with no notice given to the employee of this collection requirement until immediately before the collection.

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- f. If a test result is issued as positive dilute, the test is treated as a verified positive test. The employee is suspended immediately, pending the results of the pre-termination hearing.
 - g. If a test is issued as negative dilute, the employee must take another drug test immediately (next opportunity). This second test is not under direct observation unless there is a reason other than the test was dilute to require direct observation testing.
- C. An employee terminated based on a finding of obstruction or confirmed positive may appeal his/her termination directly to the Human Resources Key Business Executive. The appeal must be in writing, and submitted within 10 days from the date of termination or the date the employee is aware of the termination. (Note: Since the MRO will have determined a test that has been obstructed, the Human Resources Business Unit will not typically be in the position of disputing the findings of the MRO).
- D. Employees terminated based on a finding of obstruction 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) such employee provides documented proof that he/she has successfully completed a drug abuse or rehabilitation program; and b) such employee passes a pre-placement drug test. Upon re-employment, such employee will be subject to "Follow-up Testing" as set forth in this policy.

Direct Observation Testing (Employees Only)

(Note: A collection site employee of the same sex performs observations)

- A. Immediate testing under direct observation will occur under the following circumstances:
- 1. When a previous specimen was invalid and the MRO found that there was no legitimate medical explanation for the result; or
 - 2. When the original positive, adulterated, or substituted test result had to be canceled because the test of the split specimen could not be performed; or
 - 3. When a collection site employee observed materials brought to the collection site or employee conduct clearly indicates an attempt to tamper with a specimen; or
 - 4. When an employee is required to test for return-to-duty or a follow-up.

Employees will be told the reason for the direct observation collection.

General Standards and Procedures

- A. All specimen collected on behalf of the City of Charlotte will be collected using the split specimen method. Employees will have three (3) hours to provide an acceptable urine specimen from the time the collector (at the collection site) has made the request.
- B. An employee, who refuses to submit to, fails to arrive at the test site, fails to arrive in a timely manner, or fails to follow through with a drug or alcohol test when testing is required by this policy, will be considered to have refused the test, will have a positive test result, and will be terminated. If the employee elects to appeal the termination he or she must do so within 72 hours from the termination.

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- C. If an employee alleges that, because of medical reasons, he or she is unable to provide a sufficient amount of breath to permit a valid breath test, the Breath Alcohol Technician (BAT) shall instruct the employee a second time to attempt to provide an adequate amount of breath. If the employee continues to allege an inability to provide a sufficient amount of breath for the test, the department shall be notified that the employee has refused to be tested. The employee will be directed to obtain, as soon as possible after the attempted provision of breath, an evaluation from a licensed physician acceptable to the MRO or by the MRO, if appropriate addressing the employee's medical ability to provide the adequate amount of breath. If there is not a medical reason acceptable to the MRO for the employee's inability to provide the breath, the employee will be considered to have refused to submit to the alcohol test and will be cited for termination, pending a pre-termination hearing.
- D. If the employee claims to be unable to provide a urine specimen, the employee shall remain at or near the designated collection site until the specimen is provided or three hours have passed, whichever occurs first. If the employee is unable to provide a minimum quantity of urine for testing, he or she shall be instructed to drink up to 40 ounces of fluids and again attempt to provide a complete sample using a fresh collection container. If after three hours the employee is still unable to provide an adequate specimen, testing shall be discontinued and the supervisor shall be notified. The employee will be directed to obtain, within five working days, an evaluation from a licensed physician acceptable to the MRO or by the MRO, if appropriate. If there is not a medical reason acceptable to the MRO for the employee's inability to provide the urine, the employee will be considered to have refused to submit to the drug test and will be cited for termination, pending a pre-termination hearing.
- E. An employee who does not 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) they provide documented proof that they have successfully completed a drug and/or alcohol abuse treatment or rehabilitation program, and (b) they pass a pre-placement drug and/or alcohol test.
- F. An employee who tests positive for alcohol (0.02 or greater on a Breath Alcohol Test) and is not terminated will be removed immediately from performing his or her duties. Employee will also receive a 5-day suspension without pay, 180 days performance probation, and a mandatory referral to a Substance Abuse Professional.
- G. An employee shall inform his/her supervisor, prior to beginning work or while they are on duty, that they have used or intend to use any prescription drugs, over the counter drugs, or other substance that might impair their ability to satisfactorily perform their duties. Employees are responsible for having a thorough understanding of the effects and potential side effects of medications or other chemical substances taken. Failure to notify the supervisor under these circumstances may result in disciplinary action up to and including termination. An employee who takes a prescription drug that is not prescribed to him/her and whose test result is positive shall be cited for termination, pending a pre-termination hearing. The Human Resources Business Unit will be consulted prior to such discipline being imposed.

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- H. The MRO will review the findings of a drug test with the employee or applicant before a final determination is made that the employee did not pass the drug test. The purpose of this review is to ensure that the findings of a "positive" test are not based on factors other than the use of the drug for which the positive result is found. If the MRO is unable to reach the donor, the MRO will issue the results as "positive without review."
- I. Information regarding the testing and referral of employees and applicants under this policy will be treated in accordance with the requirements of North Carolina law governing the privacy of employee personnel records.
- J. The City reserves the right and shall have the authority to conduct unannounced random, return to duty, and/or follow-up tests for drug and/or alcohol as deemed necessary. This action may be in addition to the random testing process. The Human Resources Business Unit shall be consulted prior to such testing being imposed.
- K. An employee covered under Civil Service who does not pass the drug or alcohol test and is not terminated shall be required to submit to unannounced drug and/or alcohol testing. He/she must submit to a minimum of six tests within 12 months. Unannounced testing should not to exceed five years.
- L. The City reserves the right to conduct searches or inspections of any City property assigned to an employee. Such searches or inspections may include, but are not limited to, an employee's locker, desk, or City assigned vehicle. If a search indicates the presence of what appears to be an illegal substance, the Charlotte-Mecklenburg Police Department (CMPD) will be contacted. In addition, if there is probable cause to believe that personal property may contain evidence of the commission of a crime, then the City may search personal items with the assistance of a law enforcement officer.
- M. The City contracts with an outside vendor to provide certified Department of Health and Human Services (DHHS) collection sites (see Exhibit 2) and to monitor each site for compliance with USDOT standards. The vendor provides services relative to the Maintenance of a Drug and Alcohol-Free Workplace Policy including the provision of the Medical Review Officer (MRO) services. The vendor names the MRO, who shall be a certified medical doctor. The vendor ensures that testing for drugs will be conducted through analysis of urine specimens by a laboratory certified by DHHS using testing and quality assurance protocols approved by DHHS or other appropriate agencies. Such laboratory uses appropriate quality control measures to ensure the accuracy of test results. All positives will be tested twice using different technologies, such as an initial screening test followed by gas chromatography mass spectrometry (GCMS). Blood or other samples will be tested if circumstances indicate the need.
- N. Supervisors are provided training that emphasizes responsibilities regarding reasonable suspicion determination; detection and recognition of substance and alcohol use, including the physical, behavioral, speech, and performance indicators; methods of confronting suspected substance or alcohol abusers; and rehabilitation processes and resources. Training will include at least 60 minutes on drugs and at least 60 minutes on alcohol.

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- O. Employees are provided at least 60 minutes training on the effects and consequences of prohibited drug use and updates to the drug-testing program.
- P. Covered employees are tested according to standards set by the Substance Abuse and Mental Health Services Administration (SAMHSA), and by federal regulations in conjunction with the US Department of Transportation.
- Q. Every Key Business Unit shall:
 - 1. Establish procedures that are to be followed in the key business if there is reasonable suspicion that an employee, when on duty, has an illegal drug or alcohol in his or her system. Such procedures must ensure:
 - a. The Key Business Executive or designee is notified of a reasonable suspicion testing case. (Reasonable suspicion referrals are made by a trained supervisor, to determine whether a drug or alcohol test will be conducted.)
 - b. If the results of the Breath Alcohol Test or equivalent show a presence of alcohol at 0.02 or greater, there will be a second Breath Alcohol Test or Breathalyzer test conducted by a Breath Alcohol Technician or other certified operator.
 - c. There is a supervisor in the business unit who is authorized to have a drug or alcohol test conducted if there is a reasonable suspicion case outside the hours of 8:00 a.m. through 5:00 p.m., Monday through Friday. Business Units should develop written procedures for supervisors to follow in the event of an after hours test.
 - d. Managers or supervisors are identified who have the training and authority to request a search of City property for drugs, and that such managers and supervisors understand that they are to contact the Charlotte-Mecklenburg Police Department and Human Resources when a search indicates the presence of anything which appears to be an illegal substance.
 - e. All supervisors in the Business Unit understand operating procedures relative to this policy.
 - f. The Human Resources Business Unit is informed of any changes in duties and responsibilities that might result in a position being added to or deleted from the list of safety sensitive jobs subject to random testing.
 - g. A “Reasonable Suspicion Testing Checklist” form is completed and forwarded to the Human Resources Business Unit for each case in which a drug or alcohol test is conducted within 24 hours of the observed behavior or prior to the release of the test results.

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- h. When a decision is made to have a drug or alcohol test conducted, the employee who is suspected of having the drug or alcohol in his system is first asked to voluntarily submit to a test. If the employee elects not to voluntarily submit to the test, he should be required to submit to the test.
- i. An employee being tested for reasonable suspicion for alcohol or drugs is not allowed to work until the final results of the alcohol or drug test are obtained. The employee must be given the option to use vacation leave during this time or take leave without pay. Ensure that the employee's leave or pay is reinstated, if the results are not positive.
- j. An employee to be tested for alcohol or other drugs is transported to the City's designated test site.

R. Every supervisor shall:

- 1. Consistently apply this policy to all employees under his/her supervision. A supervisor who fails to apply this policy when they believe, or reasonably should believe, that an employee under his/her supervision has committed a violation, and/or a supervisor who otherwise fails to carry out their responsibilities under this policy, will be disciplined.
- 2. Initiate the process for having an employee drug or alcohol tested if there is reasonable suspicion that an employee under his/her supervision, when such employee is on duty, has an illegal drug or alcohol in his or her system or is using any legal drug in a manner other than it was intended.
- 3. Follow key business unit procedures to determine whether an employee will be tested.
- 4. Contact the CMPD for assistance if the employee creates a disturbance.
- 5. Search City property/equipment as needed, but refrain from searching the employee's personal property without assistance from CMPD and refrain from attempting to personally confiscate any drug from an employee.
- 6. Follow the procedure established by the Key Business Executive for ensuring that the CMPD is contacted when there is reasonable suspicion that an employee has an illegal drug in his possession.
- 7. Not use physical force to accomplish a test.
- 8. Ensure that employees are aware of the requirements and consequences of this policy.
- 9. Follow the procedure established by the Key Business Executive for ensuring that an employee who is to be tested for alcohol or other drugs is transported to the City's designated test site, and that those employees for whom there is

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reasonable suspicion or a Breath Alcohol Test of 0.02 or greater are transported home - either by personal family/friends or by City-arranged transportation.

10. Be provided training which emphasizes responsibilities regarding reasonable suspicion determination; detection and recognition of substance and alcohol abuse, including the physical, behavioral, speech, and performance indicators; methods of confronting suspected substance or alcohol abusers; and rehabilitation processes and resources. Training will include at least 60 minutes on drugs and at least 60 minutes on alcohol.

Every employee shall:

1. Abide by this policy as a condition of employment.
2. Comply with all applicable laws regulating the manufacture, distribution, dispensation, use or possession of illegal drugs, alcohol, or prescription drugs.
3. Ensure that their ability to perform their job duties are not negatively affected due to the use of drugs or alcohol when scheduled to report to work or when on "on call" status.
4. Advise their supervisor that they are unable to perform their job duties or that they have consumed alcohol within the last four hours prior to reporting for duty, should they be requested to report to work for a safety sensitive job earlier than their normal or previously assigned time. If the employee had received prior notice that he/she might be called back into work, the employee shall be considered AWOL if he/she is unable to report to duty. An employee may be subject to other disciplinary action based upon the determination of business unit management regarding their inability to report for duty.
5. Submit immediately to a drug or alcohol test when requested by their supervisor.
6. Have 72 hours from the time they are notified that they have had a verified positive drug test or refusal to test because of adulteration or substitution to appeal the results with a request to test the split specimen. The request must be to the MRO and may be verbal or in writing. If the employee has not requested the split specimen test within 72 hours, the employee may present to the MRO information documenting that serious injury, illness, lack of actual notice or the test result, inability to contact the MRO or other circumstances unavoidable prevented the employee from making a timely request. It is up to the MRO to determine whether there was a legitimate reason for the employee's failure to contact the MRO within the specified time frame. If a legitimate reason existed, the MRO will order the testing of the split specimen. The second test will be at the expense of the employee.
7. Be entitled to appeal a confirmed positive test result. A second test is conducted using sample "B" from the original split specimen. If the employee

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does elect to appeal the results of the second test, he or she must appeal in writing, directly to the Human Resources Key Business Executive, within 10 days from the date the employee becomes aware of the second confirmed positive test result. (NOTE: Since the Medical Review Officer (MRO) will determine a test to be positive only after reviewing with the employee all information which might have an impact on the test results, the Human Resources Business Unit will not typically be in the position of disputing test results with the MRO).

8. Be entitled, upon written request, to review and/or obtain copies of any records pertaining to their use of prohibited drugs, including records pertaining to his or her drug or alcohol test results. The City shall provide promptly the records requested by the employee.
9. Notify his or her Key Business Executive, within five days, if convicted of a violation of a criminal drug statute when such violation occurred while the employee was on duty or in the workplace. (NOTE: This is a requirement of the Federal Drug-Free Workplace Act.)
10. Inform his or her supervisor or business unit manager of conduct by any other employee, including a supervisor, which the employee believes, or reasonably should believe, is in violation of this policy.

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Charlotte Mecklenburg Police Department Regulations

I. PURPOSE

To establish a Department policy concerning the inappropriate use of drugs, alcohol and controlled substances by employees, volunteers, or applicants, and to explain the Department's drug testing procedures.

II. POLICY

A. The protection of citizens, as well as its employees, is of prime concern to the Charlotte-Mecklenburg Police Department (CMPD). The CMPD recognizes that substance abuse can have an adverse impact on the general public, City government, and the CMPD's operations and can adversely affect the image and general health, welfare, and safety of CMPD employees. To maintain the public's confidence and trust in the CMPD and its employees, as well as to protect the safety of the public and CMPD employees, all employees must remain free from any physical and/or mental impairment. The unlawful use of any drug or controlled substance is prohibited, and will result in denial of employment, termination, or other disciplinary action. Substance abuse cannot be tolerated and the CMPD shall have the right and authority to require employees to submit to substance analysis.

III. PROCEDURE

A. To ensure that CMPD employees remain free from unlawful drugs and alcohol impairment and use while on duty, the CMPD will conduct drug testing through urinalysis and alcohol testing through Breath Alcohol Tests. This does not preclude other appropriate drug testing methods in a particular case, where cause exists.

B. A Breath Alcohol Test is an analysis of the breath to check for the presence of alcohol in the body administered by a Breath Alcohol Technician (BAT). Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol. Evidential breathalyzer test or blood screening that produces a Blood Alcohol Content (BAC) reading of more than .00 can result in denial of employment, termination, or other disciplinary action.

C. The CMPD requires drug and alcohol testing under any of the following circumstances:

1. Pre-employment
2. Reasonable Suspicion
3. Random selection

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4. Post accident
5. Return to duty
- D. The collection of urine and breath samples will occur at a City designated drug and alcohol collection site.
 1. The selected drug testing agency will follow the National Institute on Drug Abuse (NIDA) standards governing the collection and chain of custody of urine samples.
 2. The selected breath testing site will conduct a breath test administered by a Breath Alcohol Technician (BAT).
- E. The analysis of urine samples will be performed by a private laboratory certified by NIDA. The drug testing procedure will be performed at the lab, and will consist of an enzyme immunoassay preliminary test. If the preliminary test is positive, a confirmatory test, gas chromatography/mass spectrometry (GC/MS), will be performed.
- F. Urinalysis drug testing will screen for the following classes of drugs at NIDA specified or industry accepted cutoff levels:
 1. Amphetamines
 2. Barbiturates
 3. Benzodiazepines
 4. Cocaine
 5. Methaqualone
 6. Opiates
 7. Phencyclidine
 8. Propoxyphene
 9. Cannabinoids
- G. The results of any drug test administered under this policy will not be used as evidence in a criminal prosecution. The test results will be used in considering suitability for employment or fitness for duty.
- H. Deliberate obstruction or substitution of a urine sample for the purpose of defeating a drug test will result in denial of employment, termination, or other disciplinary action.
- I. Once a CMPD employee has been designated for drug screening, he/she is not eligible to participate in the Employee Assistance Program in connection with, or because of, any illegal drug or substance, including dependency or addiction to

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any illegal drug or other illegal substance. Prior to being selected, any CMPD employee is eligible to participate in the Employee Assistance Program.

J. Failure to participate in any procedure required by this policy will result in denial of employment, termination, or other disciplinary action.

K. Medical Review Officer (MRO)

1. All positive drug test results will be reviewed by a MRO. The MRO determines if the result was caused by a legally used medication. The MRO may review any relevant medical histories or records of the applicant or employee prior to making a decision. The MRO will also conduct a medical interview with the applicant or employee. There is no MRO review of alcohol tests.

a. Based on appropriate dates or facts, the MRO may deem a positive result to be scientifically insufficient for further action and declare the results to be negative.

b. Any positive test result not satisfactorily explained to the MRO will be considered a positive test.

c. Should questions arise from the MRO concerning the legitimacy of a positive result, the MRO may cancel the results of the original specimen or request collection and testing of a new specimen.

2. If the test is positive, the MRO will contact the donor immediately prior to issuing the results. Failure of the employee to contact the MRO within five (5) days will result in the MRO issuing results as "positive without review."

L. Employee Responsibility

1. Abide by this policy as a condition of employment.

2. Comply with all applicable laws regulating the manufacture, distribution, dispensing, use or possession of illegal drugs, alcohol, or prescription drugs.

3. Ensure that their ability to perform their job duties are not negatively affected due to the use of drugs or alcohol when scheduled to report to work or when on "on call" status.

4. Advise their supervisor that they are unable to perform their duties or that they have consumed alcohol within the last four hours prior to reporting for duty, should they be requested to report to work for a safety sensitive job earlier than their normal or previously assigned time. If the employee had received prior notice that he or she is on call, the employee may be subject to disciplinary action regarding their inability to report for duty as determined by his or her chain of command.

5. Submit immediately to a drug or alcohol test when requested by their supervisor.

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M. Record Keeping and Reporting

1. All information concerning an applicant's or employee's participation in drug testing procedures will be considered part of the individual's personnel records and subject to the nondisclosure provision of G.S. 160-A-168.
2. Pursuant to state law for all sworn personnel, the CMPD will report to the Criminal Justice Standards Division of the North Carolina Justice Department any refusal to be tested or any reported positive results on a drug test administered to any applicant or lateral transferee seeking employment as a CMPD Officer. Any positive result on a drug test administered to any currently certified police officer employed by the CMPD will also be reported to the State. This may result in the suspension, revocation, or denial of the individual's state law enforcement certificate by the State Criminal Justice Standards Commission.

N. Procedures for Pre-Employment and Lateral Transfer Drug Testing (Sworn Positions)

1. All applicants for employment in sworn positions, to include lateral transfers to sworn positions and Police Reserve appointments in the CMPD, will submit to pre-employment drug testing procedures as administered by the Recruitment Section of the Training Bureau.
2. Each applicant will be tested no more than thirty (30) days prior to employment. These drug testing procedures will require the applicant to complete a Consent Form and a Drug Screening Questionnaire prior to the testing. The collection of the urine sample will be in accordance with NIDA standards, and will occur at a drug collection agency selected by the City of Charlotte.
3. All applicants for employment in a sworn position, lateral transfer to a sworn position, and Police Reserve appointments in the CMPD must test negative on the pre-employment drug test. A positive result or refusal to submit to testing will eliminate the applicant from further consideration for employment.
4. Any applicant seeking a sworn position, including Reserve Officer positions, who tests positive or refuses to submit to drug testing will not be eligible for employment with the CMPD. The Recruitment Section of the Training Bureau will verify with the State Standards Commission of the certification status of each applicant.

O. Procedures for Pre-Employment Drug Testing (Non Sworn Positions)

1. All applicants seeking employment in non-sworn positions in the CMPD and applicants for internships, volunteer positions, and other non-paid positions will submit to pre-employment drug testing procedures and must have a negative result.

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2. Any applicant seeking a non-sworn position that tests positive or refuses to submit to drug testing will not be eligible for employment with the CMPD.

P. Procedures for In-Service Drug and Alcohol Testing

1. When there is a reasonable basis for suspecting that an employee may have recently engaged in the unlawful use of any alcohol, drug, or controlled substance, the CMPD can require that employee to submit to drug and alcohol testing procedures in order to confirm or dispel the suspicion.
2. Failure to follow or cooperate with drug and alcohol testing procedures as stated in the policy will be treated as a refusal to comply with a direct order.
3. The supervisor will determine when sufficient cause exists to order an employee to submit to drug and/or alcohol testing.
4. The Internal Affairs Bureau will be responsible for conducting administrative investigations regarding allegations of illegal drug use or substance abuse by CMPD employees.
5. When reasonable suspicion exists that a CMPD employee may have engaged in illegal drug use or substance abuse, the following procedures apply.
 - a. The supervisor should complete and provide a copy of the Reasonable Suspicion Checklist (RSC) located on the CMPD Portal Page, to the Internal Affairs Bureau and the Human Resources Division.
 - b. At the time the supervisor determines reasonable suspicion, the employee shall remain in the sight of the supervisor at all times prior to testing.
 - c. The supervisor along with Internal Affairs personnel will accompany the employee to the test location. Internal Affairs will ensure the necessary paperwork is available for testing.
 - d. The supervisor will complete the City of Charlotte Appointment Form and Authorization for Drug and Alcohol Test. This form should be completed in triplicate and routed to the appropriate locations.
 - f. The Forensic Drug Testing Custody and Control Form must also accompany the donor, but not completed. This form will be completed by the collection agent who collects the sample and processes it for analysis.

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- h. Because this is a “reasonable suspicion” test, the employee will be given a direct order to submit to the testing.
 - i. At the collection site, two supervisors (selected by Internal Affairs) will witness the collection of the urine specimen. The two (2) supervisors will be of the same sex as the employee. Collection of the urine sample will be in accordance with NIDA standards, except that the employee will enter the collection site and provide a urine specimen while under direct observation by the Internal Affairs Investigator and/or the designated witness of the same sex. Direct observation can only be by a person of the same sex as the employee.
 - j. If the employee claims to be unable to provide a specimen, the employee will remain at or near the designated collection site until the specimen is provided or three (3) hours has passed, whichever occurs first. Failure to provide a urine specimen of at least sixty (60) ml. within three (3) hours will be considered a refusal to comply with a direct order.
 - k. After the testing is completed, the employee will be made available to Internal Affairs Bureau.
- 6. Analysis results will be reported directly to the Chief of Police or appropriate designee. All positive test results will be reported to the Criminal Justice Standards Commission.
- 7. CMPD policy forbids employees from consuming alcohol while on duty, (except in the performance of duty), or appearing for duty while intoxicated or with alcohol on their breath. If reasonable suspicion exists that an employee has violated the CMPD's policy regarding the use of alcohol, the employee's supervisor can order the employee to submit to a reasonable suspicion test.
- Q. Random In-Service Drug/Alcohol Testing
 - 1. All sworn personnel and any civilian personnel who have access to or may be involved in handling of illicit drugs or operation of a vehicle in the course of their duties are subject to random selection for a drug or alcohol test.
 - 2. The provision of certain police services is critical to the safety of officers as well as the public. Any employee who is employed as a telecommunicator is subject to being randomly selected for drug and alcohol testing. In addition, any employee who transports participants in Police Activities League (PAL) activities is subject to random drug and alcohol testing.
 - 3. Failure to submit to a random drug or alcohol test when requested will be treated as a refusal to comply with a direct order and will result in a recommendation of termination to the Civil Service Board. Failure to

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provide a urine specimen of at least sixty (60) ml. within three hours will be considered a refusal to comply with a direct order.

4. Random selection will be accomplished through the use of a computer program.
5. The following procedures will apply to random drug or alcohol testing of eligible employees.
 - a. The Human Resources Division Manager will be notified on a periodic basis of the employees randomly selected to take a drug or alcohol test.
 - b. On the first business day an employee works after selection, the employee's supervisor will be notified of the employee's selection.
 - c. The employee's supervisor or other appropriate supervisor will transport the selected employee to the drug or alcohol testing agency as soon as possible during the employee's tour of duty.
 - d. Sample collection(s) of urine or breath will be done in accordance with NIDA standards.
 - e. The urine or breath sample collection will occur on the day of notification, except when extraordinary circumstances intervene. Employees on vacation leave, sick leave, or other approved temporary absence will be tested upon their return to active duty. Employees on extended sick leave, leave of absence, or educational leave who are not expected to return to work within fifteen (15) calendar days will not be tested upon their return to duty. In cases of extended leave, a different employee will be randomly selected to be tested.
 - f. The employee will be directed to obtain, as soon as practicable after the attempted provision of breath, an evaluation from a licensed physician acceptable to the City addressing the employee's medical ability to provide the adequate amount of breath. If there is no medical reason for the employee's inability to provide the breath, the employee will be considered to have refused to submit to the alcohol test and will be terminated.
 - g. Test results will be sent the Human Resources Manager. All test positive results will be issued by an MRO.
 - h. Employees will be notified of their test results in an appropriate fashion and on a timely basis.
6. Collection of an employee's urine sample will occur while the employee is on duty whenever possible. Employees providing a urine sample during non-duty hours will be appropriately compensated.

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7. Employees who test positive for illicit drugs have the right to request of the MRO to have the Sample B tested by a second NIDA approved laboratory at the employee's expense.
8. The Internal Affairs Bureau will investigate any drug tests that are confirmed positive after review by an MRO and all positive alcohol tests. A positive drug test will result in a recommendation of termination to the Civil Service Board. A positive alcohol test will result in discipline action up to and including termination.

R. Post Accident Drug / Alcohol Testing

1. Employees involved in a vehicular accident or a non-vehicular accident may be required to take a drug and alcohol test. All accidents should be documented using the Post Accident Testing Checklist.
 - a. The drug and alcohol test is required when the following conditions exist:
 - 1) The crash involves a fatality, or
 - 2) The city driver receives a moving traffic violation arising from the accident, or
 - 3) Any involved vehicle requires towing from the scene, or
 - 4) Any person involved requires medical treatment away from the scene of the accident, or
 - 5) The City cannot completely discount the employee's conduct as a contributing factor to the accident.

IV. REFERENCE

G.S. 160-A-168

CMPD Rules of Conduct 6, 17 and 18

200-001 Discipline, Internal Investigations and Employee Rights

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Federal Provisions

Employees subject to the provisions of this section include employees who hold a Commercial Driver's License (CDL) for use in their job and employees who perform other safety-sensitive functions as defined by the Federal Motor Carrier Safety Administration ("FMCSA" regulations) and the Federal Transit Administration (FTA) and other employees performing safety sensitive functions in Charlotte Area Transit System's Light Rail section. (See Exhibit 3) FTA standards are noted in **bold underlined print** when they are different from FMCSA standards. The City contracts the services of a Substance Abuse Professional (SAP) through its Employee Assistance Program. The contact number is **800-765-3277**. Employees should ask to speak with a Care Coordinator who will make an assessment and refer the employee to qualified SAPs as mandated by the USDOT. *Italicized* text in this section denotes the independent authority of the City.

Types of Drug and Alcohol Tests Required by the United States Department of Transportation ("DOT") and Procedures

A. Pre-placement

1. All applicants covered under the Department of Transportation (DOT) regulations must pass a drug test prior to placement in a safety sensitive job.
2. Applicants for temporary positions requiring a CDL or positions designated as safety-sensitive will be required to submit to and pass a drug test prior to being hired.
3. All current DOT employees must pass a drug test prior to performing a safety-sensitive function or transferring into a position that requires drug testing.
4. A drug test with verified negative results is considered passing.
5. If the test is cancelled, a new test must be taken and passed before the applicant is hired or the employee performs a safety-sensitive function or transfers to a position that requires drug testing.
6. Prior to an applicant being hired and an existing employee to perform safety-sensitive functions, all employees/applicants must sign a written consent ("Pre-Employment Testing History" form) to allow the City to obtain information from DOT-regulated employers who have employed the employee/applicant at any time during the two years preceding the application or transfer.

B. Post Accident

1. The Federal Motor Carrier Safety Administration mandates that drug and alcohol tests must be conducted on any surviving driver, or other employee whose performance could have contributed to the accident if:
 - a. The accident involved a fatality; or
 - b. The driver receives a citation under State or local law for a moving traffic violation arising from the accident AND
 - 1) Any involved vehicle requires towing from the scene, OR

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2) Any person involved requires medical treatment away from the scene of the accident.

2. The Federal Transit Authority mandates post-accident testing for a covered employee operating a mass transit vehicle if:

- a. **The accident involved a fatality; OR**
- b. **Any involved vehicle requires towing from the scene; OR**
- c. **Any person involved requires medical treatment away from the scene of the accident; OR**
- d. **A Mass Transit vehicle is removed from operation; OR**
- e. **When the City of Charlotte cannot completely discount the employee's conduct as a contributing factor to the accident.**

3. A Post-Accident Drug Test shall be administered within 32 hours following the accident and a Post Accident Alcohol Test shall be done within 8 hours following the accident. If the alcohol test is not administered within 2 hours following the accident, the reason(s) must be documented.

4. Any covered employee in addition to the driver (i.e. mechanic, dispatcher, or supervisor) whose performance could have contributed to an accident shall be drug tested. (Based on the best information at the time of the decision.)

C. Reasonable Suspicion

- 1. Must be conducted when there is reason to believe that the employee has used a prohibited drug or has misused alcohol as defined in this Policy.
- 2. Reasonable suspicion testing is authorized only if the required observations are made by a supervisor or official of the locality where the covered employee is on duty.
- 3. Reasonable suspicion testing for prohibited drugs can occur before, during, or after any work duties.
- 4. Reasonable suspicion testing for alcohol use can only occur before, during, or just after the performance of safety-sensitive functions.

D. Random

- 1. Employees designated as safety-sensitive, as defined by the FMCSA and FTA regulations, will be tested on an unannounced basis throughout the year.
- 2. Computer-based, random numbers generated and matched with the employee's identification number will determine who should be tested.
- 3. Random testing for alcohol use can only occur before, during, or just after the performance of safety-sensitive functions.

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4. Employees who are expected to be absent from work 90 days or more will be taken out of the random pool and must pass a pre-placement drug test before performing a DOT safety sensitive function.

E. Return to Duty

1. After an employee has engaged in prohibited conduct as defined by this policy, the employee shall be required to undergo a return to duty test before returning to the performance of safety-sensitive functions.
2. An employee returning to duty following the completion of a drug and/or alcohol rehabilitation program shall be required to undergo a return to duty test. All return-to-duty tests shall be conducted under direct observation.

F. Follow-up

1. Once allowed to return to duty, an employee who has been determined by the evaluating Substance Abuse Professional (SAP) to be in need of assistance in resolving problems associated with misuse of drugs and/or alcohol must submit to a minimum of six follow-up tests within the first 12 months following rehabilitation.
2. Follow-up testing may be extended for up to 60 months following return to duty as prescribed by the evaluating SAP.
3. **All follow-up testing of employees subject to the FTA regulations can occur before, during, or after any work duties.** Testing for prohibited drugs during follow-up testing for employees subject to FMCSA regulations can occur before, during, or after any work duties. Testing for alcohol use during follow-up testing for employees subject to DOT/FMCSA regulations can only occur before, during, or just after the performance of safety-sensitive functions. **All follow-up tests shall be conducted under direct observation.**

Note: Under the DOT regulations, employees whose Breath Alcohol Test results register at .04 or greater is considered a positive test. (The employee has failed the alcohol test.)

General Standards and Procedures

- A. No safety sensitive employee shall use alcohol within four (4) hours before performing safety-sensitive functions.
- B. Should any employee be requested to report to work for a safety sensitive job earlier than their normal or previously assigned time, it is the employee's responsibility to advise his supervisor that he is unable to perform his job duties or that he has consumed alcohol within the last four hours prior to reporting for duty.

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- C. No safety sensitive employee involved in an accident which requires an alcohol test shall consume any alcohol for eight (8) hours following the accident or until a Post-Accident Alcohol Test is performed, whichever comes first.
- D. A reasonable suspicion or post-accident alcohol test shall be administered no later than eight (8) hours following the determination of reasonable suspicion or the accident. If the test is not administered within two (2) hours, the supervisor must document the reason(s) the alcohol test was not promptly administered. If the alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion or the accident, the supervisor shall cease attempts to administer the test and must document the reason(s) for not administering the test.
- E. For positions assigned to random testing pools because of DOT designation, random drug and alcohol testing shall be conducted at the rates mandated by FMCSA and FTA regulations.
- F. At the Collection Site:
1. At the collection site and prior to providing a specimen, the applicant/employee must provide photo identification.
 2. Applicant/employee must initial the seal on the specimen container after the seal has been applied to the specimen container.
 3. The Collector ensures that, if the results of the screening Breath Alcohol Test or equivalent show a presence of alcohol between *0.02 – 0.039 (under City Authority)*, *there will be a second Breath Alcohol Test or Breathalyzer Test conducted by a Breath Alcohol Technician or other certified operator.*
- G. **Supervisors are provided training which emphasizes responsibilities regarding reasonable suspicion determination; detection and recognition of substance and alcohol abuse, including the physical, behavioral, speech, and performance indicators; methods of confronting suspected substance or alcohol abusers; and rehabilitation processes and resources. Training will include at least 60 minutes on drugs and at least 60 minutes on alcohol.**
- H. Employees are provided at least 60 minutes of training on the effects and consequences of prohibited drug use and the drug-testing program. Every employee subject to the FMCSA regulations must receive a copy of the employer’s policy, which outlines the information in the regulations, and each of those employees must sign a certificate of receipt of the policy.

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I. Drug Testing Limits

Drug testing will be conducted for the following drugs at the following federally mandated cutoff limits:

<u>Drugs</u>	<u>Initial Test</u>	<u>Confirmation Test</u>
1. Marijuana metabolites	50	15
2. Cocaine metabolites	150	100
3. Phencyclidine	25	25
4. Amphetamines	500	250
5. Opiate metabolites	2000	2000

J. The Medical Review Officer Shall:

1. Determine whether there is a legitimate medical explanation for confirmed positive, adulterated, substituted, and invalid drug test results from the laboratory, including the following:
 - a. Conducting interviews with employees or applicants as necessary and when possible.
 - b. Reviewing employees' or applicants' medical histories or any other biomedical factors as necessary.
 - c. Reviewing all medical records made available by the tested employee or a referring physician and determining whether there is a legitimate medical explanation for a confirmed positive, adulterated, or substituted test result.
2. After reviewing all appropriate data, determine if the test is positive, negative, or canceled and notify accordingly the properly authorized individual in the City and the employee/applicant.
3. Notify the employee of his or her right to have the split specimen tested and the procedures for requesting a test of the split specimen, informing the employee that he or she has 72 hours from the time that the MRO provides notification.
4. The MRO will make all reasonable efforts to review the findings of a drug test with the employee before a final determination is made that the employee did not pass the drug test. The purpose of this review is to help ensure that the findings of a "positive" test are not based on factors other than the use of the drug for which the positive result is found.

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K. Immediate testing under direct observation will occur under the following circumstances:

1. When a previous specimen was invalid and the MRO found that there was no legitimate medical explanation for the result; or
2. When the original positive, adulterated, or substituted test result had to be canceled because the test of the split specimen could not be performed; or
3. When a collection site employee observed materials brought to the collection site or employee conduct clearly indicates an attempt to tamper with a specimen; or
4. **When an employee is required to test for return-to-duty or a follow-up.**

Employees will be told the reason for the direct observation collection.

L. Dilute Tests. If a test is issued as positive dilute, the test is treated as a verified positive test. If a negative drug test result is issued as dilute, the employee must take another drug test immediately (next opportunity). This second test is not under direct observation unless there is a reason other than the test was dilute to require direct observation testing.

M. Split Specimen Testing

1. When an employee is notified that he or she has had a verified positive drug test or refusal to test because of adulteration or substitution, the employee has 72 hours from the time of the notification to request a test of the split specimen. The request must be to the MRO and may be verbal or in writing. If the employee has not requested the split specimen test within 72 hours, the employee may present to the MRO information documenting that serious injury, illness, lack of actual notice of the test result, inability to contact the MRO or other circumstances unavoidable prevented the employee from making a timely request. It is up to the MRO to determine whether there was a legitimate reason for the employee's failure to contact the MRO within the specified time frame. If a legitimate reason existed, the MRO will order the testing of the split specimen.
2. Results of split specimen testing:
 - a. Reconfirmed. Reconfirmed positive is reported as such. Reconfirmed substituted or adulterated is reported as a final result "refusal to test," which is treated as a reconfirmed positive.
 - b. Failed to reconfirm: Drug(s)/drug metabolite(s) not detected. Both tests canceled.
 - c. Failed to reconfirm: Adulteration or Substitution Criteria not met. Both tests canceled.
 - d. Failed to reconfirm: Specimen not Available for Testing. Both tests canceled and employee is directed to give another, immediate collection under direct observation, with no notice given to the employee

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Discipline

- A. An employee who tests positive for alcohol (*0.02 or greater on a Breath Alcohol Test*) and is not terminated will be removed immediately from performing his or her duties. *The employee will also receive a 5-day suspension without pay, 180 days performance probation, and a mandatory referral to an SAP.*
- B. For drug and alcohol testing, an employee who refuses to submit to, fails to arrive at the test site, fails to arrive in a timely manner, or fails to follow through with a drug or alcohol test when testing is required by this policy will be considered to have refused the test, will have a positive test result, and *will be cited for termination, pending a pre-termination hearing.* An employee who is subject to post-accident testing who unnecessarily leaves the scene of an accident before a required test is administered, fails to remain readily available for testing, including notifying the employer of his or her location prior to submission to the test, will be considered to have refused the test and will have a positive test result. *The employee will be cited for termination, pending a pre-termination hearing.*
- C. If an employee alleges that, because of medical reasons, he or she is unable to provide a sufficient amount of breath to permit a valid breath test, the Breath Alcohol Technician (BAT) shall instruct the employee a second time to attempt to provide an adequate amount of breath. If the employee continues to allege an inability to provide a sufficient amount of breath for the test, the department shall be notified that the employee has refused to be tested. The employee will be directed to obtain, as soon as practicable after the attempted provision of breath, an evaluation from a licensed physician acceptable to the City addressing the employee's medical ability to provide the adequate amount of breath. If there is not a medical reason acceptable to the City for the employee's inability to provide the breath, the employee will be considered to have refused to submit to the alcohol test and *will be cited for termination, pending a pre-termination hearing.*
- D. If the employee claims to be unable to provide a urine specimen, the employee shall remain at or near the designated collection site until the specimen is provided or three hours have passed, whichever occurs first. If the employee is unable to provide such a quantity of urine, the employee will be urged to drink up to 40 ounces of fluids and again attempt to provide a complete sample using a fresh collection container. If after three hours the employee is still unable to provide an adequate specimen, testing shall be discontinued and the supervisor shall be notified. The employee will be directed to obtain, within five working days, an evaluation from a licensed physician acceptable to the Medical Review Officer ("MRO"), or from the MRO, if appropriate. If there is not a medical reason acceptable to the MRO for the employee's inability to provide the urine, the employee will be considered to have refused to submit to the drug test and *will be cited for termination, pending a pre-termination hearing.*
- E. Employees returning to the workforce following completion of a drug and/or alcohol rehabilitation program, or employees who are subject to the return to duty provisions as outlined in the Policy, will be required to undergo a return to duty test, and will also be tested on an unannounced and periodic basis for drugs and/or alcohol during the sixty months following their return to work. Employees will be required to submit to a minimum of six (6) follow-up tests within the first 12 months following

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rehabilitation. Any follow-up breath alcohol test result of 0.02 or greater *will be cited for termination, pending a pre-termination hearing*

Contractors

The City's Drug and Alcohol Test Program Administrator will monitor and review the drug and alcohol testing policy of all contractors to ensure compliance with federal and state regulations.

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Definitions

Definitions

For purposes of this policy:

1. **Accident** means:

Under City Policy:

A non-vehicular occurrence which results:

- a. in a fatality; or
- b. any person involved requires immediate medical treatment away from the scene of the accident; or
- c. when the City cannot completely discount the employee's conduct as a contributing factor to the accident.

A vehicular occurrence which results: (including personal vehicles use for City business)

- a. in a fatality; or
- b. any person involved requires immediate medical treatment away from the scene of the accident; or
- c. the driver receives a citation from a law enforcement official; or
- d. one or more motor vehicles incur disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

Under Federal Motor Carrier Safety Administration: (FMCSA)

- a. An occurrence involving a commercial motor vehicle operating on a public road which results in a fatality; or
- b. the driver receives a citation from a law enforcement official; AND
- c. any vehicle requires towing from the scene, OR
- d. any person involved requires medical treatment away from the scene of the accident.

Under Federal Transit Administration:

- a. **An occurrence associated with the operation of a vehicle which results in a fatality, or**
- b. **any vehicle requires towing from the scene OR**
- c. **any person involved requires medical treatment away from the scene of the accident OR**
- d. **A Mass Transit vehicle is removed from operation; AND**
- e. **when the City of Charlotte cannot completely discount the employee's conduct as a contributing factor to the accident.**

2. **Alcohol Test** means a test for the presence of alcohol in the body as determined through the use of a Breath Alcohol Test, evidential breathalyzer test, saliva test, or blood screening. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

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3. **Canceled Test** with respect to the results of a drug test, means a test result that the Medical Review Officer declares invalid. A canceled test is neither a positive nor a negative test. A sample that has been rejected for testing by a laboratory is treated the same as a canceled test. If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or un-testable, the MRO shall cancel the test and report the cancellation and the reason for it to the Department of Transportation (USDOT), the employer, and the employee/applicant. In Alcohol Testing a test that is deemed to be invalid is neither a positive nor a negative test.
4. **Commercial Motor Vehicle** means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
 - A. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
 - B. Has a gross vehicle weight rating of 26,001 or more pounds; or
 - C. Is designed to transport 16 or more passengers, including the driver; or
 - D. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which requires the motor vehicle to be placarded under the Hazardous Materials Regulations.
5. **Confirmed illegal involvement/activity** means an admission to or conviction of being involved or participating in activity that is illegal according to federal, state, and local laws. Such involvement/activity includes, but not limited to, possessing, selling, buying, making, dispensing, distributing, or using illicit drugs.
6. **Confirmation Test for alcohol** means a second test, following a screening test with a result of 0.02 or greater (greater than 0.00 for CMPD), which provides quantitative data of alcohol concentration.
7. **Confirmation Test for controlled substances** means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for the five SAMHSA drugs.
8. **Conviction** means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.
9. **Criminal Drug Statute** means a criminal statute involving manufacture, distribution, dispensation, use or possession of any drug.
10. **Direct Observation** means observations that are performed by a collection site employee or a CMPD supervisor of the same sex.

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11. **Drug** means a controlled substance as listed in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) or NC GS 90-87(5) or a metabolite thereof.
12. **Medical Review Officer (MRO)** is a licensed physician with specific training in the area of substance abuse. The MRO not only has knowledge of substance abuse disorders, but also has been trained to interpret and evaluate laboratory test results in conjunction with an employee's medical history. An MRO verifies a positive drug test result by reviewing a laboratory report and an employee's unique medical history to determine whether the result was caused by the use of prohibited drugs or by an employee's medical condition.
13. **Negative**, with respect to the results of a drug test, means a test result that does not show presence of drugs at a level specified to be a positive test.
14. **Negative**, with respect to the results of an alcohol test, means a test result which indicates a breath alcohol concentration of less than 0.02 (or 0.00 for CMPD).
15. **"Obstruction"** means conduct that obstructs the testing process that includes providing a urine specimen that has been adulterated, substituted, and/or any other action that results in a urine specimen that cannot be properly tested for illicit drugs.
16. **On call** means being subject to a call to report immediately to work for the City.
17. **On duty** means when an employee is at his or her work place, when an employee is performing job duties, when an employee is on call, and during any other period of time for which an employee is entitled to receive pay from the City.
18. **Other substance** means any substance that has the potential to impair appreciably the mental or physical function of a person who does not have an unusual or extraordinary reaction to such substance.
19. **Pass an alcohol test** is a negative alcohol test. The test showed no evidence or insufficient evidence of a prohibited level of alcohol.
20. **Pass a drug test** means that the result of a drug test is negative. The test either:
 - A. Showed no evidence or insufficient evidence of a prohibited drug or drug metabolite; or
 - B. Showed evidence of a prohibited drug or drug metabolite but there was a legitimate medical explanation for the result as determined by a certified Medical Review Officer (MRO).
21. **Positive**, with respect to the results of a drug test, means a laboratory finding of the presence of a drug or a drug metabolite in the urine or blood of an employee at the levels identified by the Substance Abuse and Mental Health Services Administration (SAMHSA), or for drugs not subject to SAMHSA guidelines, at the levels identified by the City; all "positive" tests will be confirmed using a different technology than the first test, such as the gas chromatography mass spectrometry (GCMS) process.

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22. **Positive**, with respect to the results of an alcohol test, means the presence of alcohol in an employee's system at the 0.02 level or greater (greater than 0.00 for CMPD).
23. **Pre-placement Testing** is testing conducted on an applicant prior to his being hired. It is also conducted on a current City employee prior to his being promoted, transferred or demoted into a "safety sensitive" position as defined by USDOT guidelines or City policy guidelines.
24. **Qualified negative**, with respect to the results of a drug test, means a test in which the lab result is consistent with legal drug use.
25. **Random Testing** is conducted on an employee assigned to a City "safety sensitive" position, chosen by a method that provides an equal probability that any employee from a group of employees will be selected. The City administers random testing unannounced, spread reasonably throughout the year, on all days and hours of operation.
26. **Reasonable Suspicion** exists when a supervisor, who has received the required training in detecting the signs and symptoms of probable drug and/or alcohol use, can substantiate specific current articulable observations concerning appearance, behavior, speech, or body odor or other physical indicators of probable drug or alcohol use. By way of example but not limited to any one or a combination of the following may constitute reasonable suspicion:
- ✓ Slurred speech
 - ✓ The odor of marijuana or alcohol about the person
 - ✓ Inability to walk a straight line
 - ✓ An accident resulting in damage to City property or personal injury
 - ✓ Physical altercation
 - ✓ Verbal altercation
 - ✓ Behavior which is so unusual that it warrants summoning a supervisor or anyone else in authority; (i.e., confusion, disorientation, lack of coordination, marked personality changes, irrational behavior)
 - ✓ Possession of drugs
 - ✓ Verifiable information obtained from other employees based on their observations
 - ✓ Arrests, citations and deferred prosecutions associated with drugs or alcohol
27. **Refuse to Submit** means that an employee (1) fails to provide adequate breath for testing without a valid medical explanation after he has received notice of the requirement for breath testing, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he has received notice of the requirement for urine testing, (3) refuses to sign the breath alcohol confirmation test certification. **An employee subject to the post accident testing requirements of the USDOT who unnecessarily leaves the scene of an accident before a required test is administered or fails to remain readily available for testing may be deemed to have refused to submit to testing.**
28. **Safety-sensitive Position** means:

Under City Authority

A position will be designated safety-sensitive only where the City has a compelling need, on the basis of safety concerns, to ascertain on-the-job impairment on the part of employees who hold the position. Such a compelling need may arise where the duties of a position create, or are accompanied by, such a great risk of injury to self, other persons or to property of such magnitude that even a momentary lapse of attention, judgment, or dexterity could have disastrous consequences.

Under FMCSA

An employee is performing a safety sensitive function if they are:

- A. Driving a commercial motor vehicle which requires the driver to have a commercial driver’s license (CDL)
- B. Inspecting, servicing, or repairing any commercial motor vehicle
- C. Waiting to be dispatched to operate a commercial motor vehicle
- D. Performing all other functions in or upon a commercial motor vehicle
- E. Loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments being loaded or unloaded
- F. Performing driver requirements associated with an accident
- G. Repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle

Under FTA an employee is performing a safety sensitive function if he/she is:

- A. **Operating a revenue service vehicle, such as a Special Transportation van/bus, or light rail vehicle,** (including but not limited to rail operator, controller, rail maintenance repair, rail maintenance mechanic, etc.) in Charlotte Area Transit System’s Light Rail section) **including when not in revenue service**
- B. **Operating a non-revenue service vehicle, when required to be operated by a holder of a commercial Driver’s License (CDL)**
- C. **Controlling dispatch or movement of equipment used in revenue service**
- D. **Maintaining a revenue service vehicle or equipment used in revenue service**
- E. **Carrying a firearm for security reasons**

Examples of FTA positions include:

1. **Positions (full or part-time) requiring the use of weapons (or potential use of weapons) or the operation of vehicles, machinery, or equipment as a primary task (does not include routine office equipment).**
2. **Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace.**
3. **Other positions as determined on a case-by-case basis.**

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Note: Determination as to which positions are safety-sensitive will be based on US Department of Transportation guidelines or the recommendation of the Key Business Executive and approval by the Human Resources Business Unit. (See Exhibit – CATS Safety Sensitive Positions)

29. **Supervisor**, in general, means any employee who has the authority to direct the job activities of one or more other employees. With respect to a particular employee, the term means such employee's immediate supervisor and all persons having indirect supervisory authority over such employee.
30. **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 addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission), with knowledge of and clinical experience in the diagnosis and treatment of both drug and alcohol-related disorders. The City contracts its substance abuse professional through the Employee Assistance Program. **The contact number is 800-765-3277. Employees should ask to speak with a Care Coordinator who will make an assessment and refer the employee to a qualified SAP as mandated by the USDOT.**
31. **Unannounced Follow-up Testing** is testing conducted on an employee on a periodic, unannounced basis, following his return to work from an approved drug or alcohol rehabilitation program.
32. **Workplace** means the location or facility where an employee may be expected to perform any task related to the requirements of his job. This includes break rooms and restrooms, outdoor worksites, City or personal vehicles (while personal vehicle is being used for City business), computer work stations, conference rooms, hallways, private offices, open/partitioned work areas, public contact/customer service/medical services areas, and parking lots with the exception of "storage only" in vehicles which are not used for City business.

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Forms and Exhibits:

(Policy and Forms are located online at the Drug and Alcohol Testing Website:

<http://cnet/KBUs/HR/Pages/DrugandAlcoholTesting.aspx>)

1. Employee Notification and Acknowledgement Form (Cover Sheet)
2. City Designated Safety Sensitive Positions (Exhibit 1)
3. Preferred Providers Testing Site List (Exhibit 2)
4. Charlotte Area Transit Systems Safety Sensitive Positions (Exhibit 3)
5. Certification for Employee Training (PDER-1)
6. Appointment Form and Authorization for Drug and/or Alcohol Test (PDER-2)
7. City of Charlotte Reasonable Suspicion Testing Checklist (PDER-3)
8. New Hire/Return to Work/Referral Agreement (PDER-5)
9. City of Charlotte Post Accident Testing Checklist (PDER-6)
10. Certification for Supervisor Training (PDER-7)
11. Random Test Schedule (PDER-8)
12. Pre-Employment Testing History Form (PDER-9)
13. Previous Employment Testing History Form (PDER-10)

City of Charlotte

Maintenance of a Drug and Alcohol Free Workplace Policy Employee Notification and Acknowledgement

This is to certify that, on the date written below, I have been notified that:

- The City's Maintenance of a Drug and Alcohol Free Workplace Policy is a "No Tolerance" policy for illicit drugs.
- It is my responsibility to review and understand the contents of this policy and all future revisions of this policy.
- I can request to see the policy or obtain a copy of the policy from my supervisor.
- I can access the policy via a City computer on C-NET by Clicking *C-NET, Human Resources, Under "GOOD INFO" click Drug and Alcohol Testing for Policy and Forms.*

I agree to comply with the policy and to ask questions if I do not understand any part of it.

Date: _____

Employee Name: _____ Employee Signature: _____
Print

Department: _____ Division: _____

Note: Please give original copy of the completed form to your payroll clerk. The payroll clerk forwards the original copy to Human Resource, retains a copy for the employee record in the business unit and gives a copy to the employee.

Revised: March 2011

Send original to Human Resources

Make copy for Department

“City Designated Safety Sensitive” Positions

Exhibit 1

Airport Operations Officer
Airport Safety Officer
Animal Control Officer
Animal Control Supervisor
Assistant Fire Chief
Centrifuge/Solids Operator
Chief Treatment Plant Operator
Crime Scene Search Technician
Engineering Assistant
Equipment Operator (Non-CDL)
Field Operations Supervisor
Fire Battalion Chief
Fire Captain
Fire Chief
Firefighter-Engineer
Firefighter
Fire Inspector
Fire Investigator
Fire Storekeeper
Fire Stores Supervisor
Fire Telecommunicator
Laboratory Analyst
Laborer directing traffic; driving non CDL vehicle
Landscape Crew Member/Tree Technician
Maintenance Mechanic Positions (HVAC, Plumber, Systems
Maintenance Mechanics)
Police Officers
Police Telecommunicator
Property Control Personnel
Pumping Station Supervisor
Pumping Station Operator
Street Maintenance Crew Member
Solid Waste Services Contract Monitors
Traffic Electronic Technician
Transit Rail Trainer
Treatment Plant Operator
Treatment Plant Mechanic
Treatment Plant Supervisor
Utility Technician
Veterinary Technician
Water Quality Technician

City of Charlotte / WolfeData "Preferred Providers" Testing Site List Revised 02/2010

Wolfe Drug Testing.....(704) 334 - 6662

801 Baxter Street, Suite 401
Charlotte, NC 28025
Business Hrs: Mon-Fri: 8:30am to 5:30pm

Call **After-Hrs Pager***...to test after business hours.
Primary Pager..... (704) 789 - 6955
Back-Up Pager..... (704) 789 - 6952

After-Hours Pager Instructions*



You will be prompted to "Enter a Numeric Message". Enter your return phone number, area code first.
Wait until you hear several "Beeps", then hang up. Our on-call staff will return your call within 20 minutes.
If you do not receive a callback within 20 minutes, call the back-up pager (above). *After-hours fees will apply.

North:

IndustriCare Clinic (704) 597-7228

- 10616 Metromont Parkway, Suite 102
Charlotte, NC 28269
Mon-Fri: 8:00am to 5:00pm
I-77 North to Harris Blvd. East on Harris to Hwy 21.
Turn left (north) on 21 to Metromont.

SE:

NCS (704) 849-8012

- 1135 Four Lakes Drive, Suite B
Matthews, NC 28105
Mon-Fri: 8:00am to 5:00pm
Between 51 & Matthews-Mint Hill Rd.
West of Independence, off Indep. Pointe Pkwy.

Presbyterian Urgent Care clinics accept their last drug screen request **3 hrs prior to closing**.

This allows their staff to maintain compliance with DOT "shy-bladder" rules without unexpected overtime

Central:

Presbyterian Urgent Care: Randolph

- 1918 Randolph Road, Suite 175
Charlotte, NC 28207 (704) 316 - 1050
Mon-Fri: 8:00 - 8:00 (last collection @ 5)
*New Sat: 10:00 - 8:00 & Sun: 1:00 - 6:00 (last collection @ 3)
Between Caswell & Colonial on Randolph Rd.

NE:

Lakeside Family Physician: Highland Creek

- 10220 Prosperity Pk. Dr., Ste 300
Charlotte, NC 28269 (704) 384 - 1425
Mon-Fri: 8:00 - 5:00 (BAT test not available here)
I-85 N to exit 48 (Mallard Creek-North). North on MC
approx 5 mi. Road narrows to 1-lane, clinic on the right

SE:

Presbyterian Urgent Care: Matthews

- 1700 Matthews Township Parkway
Matthews, NC 28105 (704) 384-8441
Mon-Fri: 8:00 - 8:00 (last collection @ 5)
*New Sat: 10:00 - 8:00 & Sun: 1:00 - 6:00 (last collection @ 3)
Between Matthews hosp & the X of 51 @ Independence

S-Central:

Blakeney Family Physicians

- 5815 Blakeney Park Drive, Suite 200
Charlotte, NC 28277 (704) 316 - 2505
Mon-Fri: 8:00 - 8:00
*New Sat: 10:00-6:00 & Sun: 1:00-6:00 (last collection @ 3)
485 to exit 59 (Rea Rd). South on Rea to Audrey
Kell. Right on Audrey Kell -1 block to Blakeney.

Concentra Medical Center Fees:
(no longer a preferred vendor)

Concentra collections and BAT fees will be billed *outside* of "Preferred Vendor" rates for those departments who choose to continue use of their services

1) Concentra-West (704) 355-0060 4221 Tuckaseegee Rd. @ I-85 M-F: 8:00am-8:00pm (formerly ProMed)	2) Concentra-North (704) 342-8011 2835-A Jeff Adams Rd M-F: 7:30am-6:00pm	3) Concentra-South (704) 388-1268 1814 South Blvd. M-F: 7:30am-8:00pm Sat & Sun: 10:00-1:00	4) Concentra-Westinghouse (704) 582-0885 645 Westinghouse Blvd. M-F: 7:30am-6:00pm
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Charlotte Area Transit System
“Safety Sensitive” Positions
Covered under USDOT
(Federal Transit Administration Regulations (FTA))

This Safety Sensitive list is inclusive but not limited to the positions noted. Testing is conducted using FTA Regulation.

Business Systems Specialist
Business Systems Manager
CMPD Transit Police
Dispatchers
Electronic Technician
Fleet Supervisor
General Manager of Rail
General Manager of Safety and Security
Manager Rail Car Maintenance
Manager Rail Systems
Manager Rail Transportation
Manager of Safety – Bus
Manager of Safety – Rail
Paratransit Drivers
Paratransit Mechanics (Business Support Services)
Paratransit Operations Manager
Paratransit Supervisors
Rail Car Electro- Mechanic
Rail Car Instructor / Supervisor
Rail Car Maintenance Supervisor
Rail Car Technician
Rail Controller
Rail Dispatcher
Rail Operator
Rail Shop Machinist
Rail Transportation Instructor / Supervisor
Rail Transportation Supervisor
Safety and Security Specialist
Scheduler Manager
Superintendent Rail Operations
Systems Instructor / Supervisor
Train Control & Communication Supervisor
Traction Power Supervisor
Track Supervisor
Track Maintainer
Track & Systems Inspector
Track Laborer
Traction Power Technician
Train Control Technician

Appointment Form and Authorization for Drug and/or Alcohol Test

All items in this section **must** be completed by City Department

Applicant/Employee: _____ Appl. SS #/ Emp. ID _____

Date of birth: _____ Work Phone: _____ Home Phone: _____

Department: _____ Work Location # (Center #) _____

Authorized By: _____ Date: _____

Type of Test Requested (check all that apply):

DOT Test Non-DOT Test Drug Test Alcohol Test

Reason for Test

Different Assignment Pre-Placement Post Accident Random
 Reasonable Suspicion Return to Duty Other (specify) _____

You must report within 48 hours from receipt of this form:

Report by: _____
Date

Name of collection site: _____

Address: _____

Phone #: _____

The above named applicant/employee is required to submit to a drug and/or alcohol test based on provisions outlined in the City of Charlotte's Maintenance of a Drug and Alcohol-Free Workplace Policy. A picture ID must accompany the applicant/employee. The applicant/employee will be requested by the testing center to provide a urine specimen which will be analyzed by an approved DHHS certified laboratory. **The applicant/employee will be given three (3) hours to provide an adequate urine specimen.**

Pre-Placement Tests Only:

I consent to voluntarily submit to a drug and/or alcohol test and to release the test results to the City's vendor. I understand I will be given an opportunity to discuss a positive laboratory test result with the Medical Review Officer before the test result is reported to the company as a verified positive. I further understand that if it is determined that the test is verified/confirmed as a positive test and/or if it is determined that there has been an interference with the collection or testing process (including adulteration and/or switching specimens), I will be considered unqualified for employment by the City. I understand that employment is conditional upon passing drug and/or alcohol test.

Applicant Signature: _____ Date: _____

Required if applicant is less than 18 years of age:

I am the parent/guardian of _____, and I acknowledge that I understand the City's drug and alcohol policy. I hereby consent to his/her participation in the City's Drug-Free Workplace Program.

Parent/Guardian Signature: _____ Date: _____

City of Charlotte Reasonable Suspicion Testing Checklist

A supervisor (or trained supervising official) should complete this form when they believe that an employee has used a prohibited drug, has misused alcohol, or is under the influence of prohibited drugs or alcohol. When suspicion is determined, the supervisor (or trained supervising official) should proceed with testing the employee immediately. **Under reasonable suspicion testing, the supervisor *must* request both a drug and an alcohol test. Attach this form to the employer's copy of the Appointment Form and send to Department Human Resources)**

Employee's Name: _____ Date: _____

Supervisor's Name: _____

Department/Division: _____

Any of the following alone, or in combination, may constitute "reasonable suspicion"

Please provide any additional comments on the back of this form or attach additional comments to this form.

Note: This list is not inclusive and behaviors used that are not noted should be documented as additional comments.

1. Change in Speech:

- | | | | |
|---|---------------------------------------|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> Not Understandable | <input type="checkbox"/> Mumbled | <input type="checkbox"/> Slurred | |
| <input type="checkbox"/> Thick Tongued | <input type="checkbox"/> Confused | <input type="checkbox"/> Stuttered | |
| <input type="checkbox"/> Talks Faster | <input type="checkbox"/> Talks Slower | <input type="checkbox"/> Talks More | <input type="checkbox"/> Talks Less |

2. Odor of alcohol or marijuana on breath or person:

- | | | | |
|---------------------------------|-----------------------------------|--------------------------------|-------------------------------|
| <input type="checkbox"/> Strong | <input type="checkbox"/> Moderate | <input type="checkbox"/> Faint | <input type="checkbox"/> None |
|---------------------------------|-----------------------------------|--------------------------------|-------------------------------|

3. Absent from the job:

- | | | |
|--|--|--|
| <input type="checkbox"/> Tardy | <input type="checkbox"/> Leave Without Notices | |
| <input type="checkbox"/> Excessive Sick Leave | <input type="checkbox"/> Takes Half Days Off Without Adequate Notice | |
| <input type="checkbox"/> Excessive Breaks | <input type="checkbox"/> Takes Long Lunches | <input type="checkbox"/> Gets Sick at Work |
| <input type="checkbox"/> Gives Unlikely Excuses for Absences | <input type="checkbox"/> Wanders Around Jobsite | |

4. Excessive Anger:

- | | | |
|--|---|---|
| <input type="checkbox"/> Impatient | <input type="checkbox"/> Over-Reaction to Criticism | <input type="checkbox"/> Irritable |
| <input type="checkbox"/> Argumentative | <input type="checkbox"/> Physical Fights | <input type="checkbox"/> Temper Outbursts |

5. Change in General Appearance:

- | | | |
|---|---|-------------------------------------|
| <input type="checkbox"/> Clothes Disorderly | <input type="checkbox"/> Soiled Clothes | <input type="checkbox"/> Mussed |
| <input type="checkbox"/> Clothes Orderly | <input type="checkbox"/> Puffy Face | <input type="checkbox"/> Runny Nose |
| <input type="checkbox"/> Red, Raw Nostrils | <input type="checkbox"/> Blushing or Paleness | |

6. Eyes:

- | | | |
|------------------------------------|---------------------------------|---|
| <input type="checkbox"/> Bloodshot | <input type="checkbox"/> Glassy | <input type="checkbox"/> Dilated Pupils |
|------------------------------------|---------------------------------|---|

7. Signs of Stress:

- | | | |
|--------------------------------------|--|---|
| <input type="checkbox"/> Shaky Hands | <input type="checkbox"/> Nail Biting | <input type="checkbox"/> Cold, Sweaty Hands |
| <input type="checkbox"/> Twitching | <input type="checkbox"/> Sweating, Especially Non-seasonal | |

8. Change in Attitude:

- | | | | |
|------------------------------------|-----------------------------------|--------------------------------------|--------------------------------|
| <input type="checkbox"/> Excited | <input type="checkbox"/> Carefree | <input type="checkbox"/> Indifferent | <input type="checkbox"/> Cocky |
| <input type="checkbox"/> Insulting | <input type="checkbox"/> Polite | <input type="checkbox"/> Cooperative | |

9. Unusual Behavior:

- | | | |
|-------------------------------------|-----------------------------------|--|
| <input type="checkbox"/> Hiccapping | <input type="checkbox"/> Belching | <input type="checkbox"/> Nausea/Vomiting |
| <input type="checkbox"/> Crying | <input type="checkbox"/> Laughing | |

CITY OF CHARLOTTE NEW HIRE/RETURN TO WORK/REFERRAL AGREEMENT

The purpose of this agreement is to inform the applicant/employee of provisions contained in the City of Charlotte's Maintenance of a Drug and Alcohol-Free Workplace Policy. Please indicate below the portion of the policy that applies:

_____ Applicants having completed a drug or alcohol rehabilitation program within two years prior to their employment with the City will be required to certify that they successfully completed the program before they can be rehired. If hired, these employees will be tested on an unannounced and periodic basis for drugs and/or alcohol during the sixty months following their hire.

_____ Employees returning to the workforce following completion of a drug or alcohol rehabilitation program will be tested on an unannounced and periodic basis for drugs and/or alcohol during the sixty months following their return to work.

_____ Employees who are terminated as a result of a violation of the Maintenance of a Drug and Alcohol Free Workplace policy shall be referred to the City of Charlotte's Employee Assistance Program for evaluation and further counseling or treatment by a Substance Abuse Professional (SAP).

_____ An employee who tests positive for alcohol (0.02 or above) and is not terminated will receive a 5-day suspension without pay, 180 days performance probation, and a mandatory referral to a Substance Abuse Professional (SAP). The employee shall be evaluated by the SAP and follow any rehabilitation program prescribed. The employee shall be subject to all other return to work provisions as outlined in Maintenance of a Drug and Alcohol Free Workplace policy.

It has come to the City of Charlotte's attention that you fall into one or more of the above categories. The City of Charlotte hereby makes you aware of the following requirement(s):

_____, (name) please provide documentation, acceptable to management, certifying your successful completion of the rehabilitation program.

_____, (name) is informed that he/she will be subject to testing on an unannounced and periodic basis for drugs and/or alcohol during the next sixty months beginning on _____(date). If you hold a Commercial Driver's License (CDL) for use in your job you will be subject to six follow-up tests within the first twelve months of this agreement.

By signing this form in the presence of the department representative, the applicant/employee understand the provisions set forth herein.

Applicant/Employee Signature Date

Department Representative Signature Date

CITY OF CHARLOTTE POST ACCIDENT TESTING CHECKLIST

This form accompanies all accident/incident reports and must be completed immediately following an accident. A Post Accident Test requires that a Drug and Alcohol test be administered. The City expects that alcohol tests should be administered within 2 hours of the accident (if not, fully explain reasons) not to exceed an 8 hour period (if not conducted within specified period, explain your reasons in the comment section of this form). Testing for drugs must be conducted within 32 hours of the accident. When required notification for a drug and alcohol test is given to the employee, the employee must remain ready and available for testing. Failure of employee to remain ready and available shall be considered a refusal to submit to testing and will be discipline in accordance with the policy. With this form the investigating supervisor's signature authorizes the drug test. *Please complete all other necessary, appropriate paperwork for testing.*
(Attach this form to the employer's copy of the Appointment Form and send to Department Human Resources)

 Employee's Name (Print)
 Date: _____

 Employee's Signature
 Date of Accident: _____

This employee is covered under (Check one) ___DOT regulations ___City regulations.

Check the applicable reason(s) for the Post Accident Drug and Alcohol Test.

Under City Policy	FMCSA* Under DOT	FTA** Under DOT
<input type="checkbox"/> The accident involved a fatality. <input type="checkbox"/> The driver received a citation for a moving traffic violation arising from the accident or <input type="checkbox"/> Any involved vehicle required towing from the scene, or <input type="checkbox"/> Any person involved required medical treatment away from the scene, <input type="checkbox"/> The City cannot completely discount the employee's conduct as a contributing factor to the accident.	<input type="checkbox"/> The accident involved a fatality. <input type="checkbox"/> The driver receives a citation for a moving violation arising from the accident AND <input type="checkbox"/> Any involved vehicle requires towing from the scene, OR <input type="checkbox"/> Any person involved requires medical treatment away from the scene of the accident	<input type="checkbox"/> The accident involved a fatality; <input type="checkbox"/> Any involved vehicle requires towing from the scene, OR <input type="checkbox"/> Any person involved requires medical treatment away from the scene of the accident OR <input type="checkbox"/> Mass Transit vehicle is removed from operation. <input type="checkbox"/> The City cannot completely discount the employee's conduct as a contributing factor to the accident.
	<input type="checkbox"/> The City cannot completely discount the employee's conduct as a contributing factor to the accident.	

None of the above conditions existed and there were no other conditions present requiring post accident testing.

Note: Any check within the chart requires a post accident test. *If test is not conducted, attach full explanation.*

 Investigating Supervisor Name (Print)

 Investigating Supervisor Signature

*Federal Motor Carrier Safety Administration

**Federal Transit Administration

City of Charlotte Pre-Employment Testing History Form:
Completed by Applicants for
DOT -Regulated Positions ONLY

Employers regulated by the Department of Transportation (DOT) must ask all prospective employees offered DOT -regulated positions whether they have tested positive or refused to test on any DOT -required pre- employment drug or alcohol test in the preceding two years. Please respond "yes" or "no" to the following questions by placing an "X" in the appropriate space.

To Be Completed By The Prospective Employee

In the last two (2) years:

1. Have you tested positive on any pre-employment drug or alcohol test administered by a DOT -regulated employer to which you applied for, but did not obtain, safety-sensitive transportation work?

2. Have you refused to test (including adulterated or substituted test results) on any pre-employment drug or alcohol test administered by a DOT -regulated employer to which you applied for, but did not obtain, safety-sensitive transportation work?

3. If you responded "Yes" to either Question 1 or 2 above, have you successfully completed the DOT -required return-to-duty process?

-or -

If you responded "No" to both Questions 1 and 2 above, please mark the following space

Please provide the name, address and telephone number of the Substance Abuse Professional (SAP) , if any, to which you were referred as part of the DOT -required return-to-duty process:

Name: _____

Address: _____

City, State and Zip: _____ Phone Number: (____) _____

I certify that the information set forth above is true and complete to the best of my knowledge. I understand that failure to provide this information is grounds for withdrawal of the conditional job offer. I further understand that if I am subsequently employed, any false statements I provide on this form may result in my dismissal.

Name: _____

Applicant Signature

Date _____

SSN: _____

City of Charlotte Previous Employment Testing History Form: DOT -Regulated Positions ONLY

Section 1: To Be Completed By The Prospective Employee

Date: _____ Print Employee Name: _____

I, _____ hereby authorize my previous employer, _____
Signature Previous Employer

To release and forward all information regarding my drug and alcohol testing and treatment records to my potential employer, the City of Charlotte.

Send to: _____
600 East Fourth Street
Charlotte, NC 28202 or FAX to: _____

Section 2 To Be Completed By The Previous Employer (last two (2) years)

1. Has this person received a verified positive drug test result in the last two years? ___Yes ___No
2. Has this person received an alcohol test result with a breath alcohol concentration 0.04 or greater In the last two (2) years? ___Yes ___No
3. Has this person refused a required test for drugs and/or alcohol in the last two (2) years (including verified adulterated or substituted drug test results)? ___Yes ___No
4. Has this person violated any DOT drug & alcohol regulations (e.g. positive test, refusal to test)? If so, please provide proof of successful completion of the DOT requirements (including follow-up testing). ___Yes ___No
5. Has this person violated any other DOT agency drug and alcohol testing regulations? ___Yes ___No

If "Yes" to any of the above questions, please provide the name , address and telephone of the Substance Abuse Professional (SAP) for further reference:

Name: _____

Address: _____

City, State and Zip: _____ Phone Number: (____) _____

Section 3 To Be Completed By The Prospective Employer

Release of Information

Previous Employer Contact Person _____

Date Information Received: _____

Interviewed By: _____

Interview Method: ___Letter ___FAX ___E-mail ___Telephone

Note: This certificate should be retained in a secure file.

PDER-10
Revised: March2011