

**CITY OF OAK RIDGE, TENNESSEE
REQUEST FOR PROPOSALS FOR
POST-EMPLOYMENT OFFER MEDICAL EXAMINATIONS AND DRUG SCREENS**

General Information

1. The City of Oak Ridge (City) is seeking written proposals to provide post-employment-offer medical examinations for all positions (other than Fire Department) for which the City chooses to have such examinations performed as well as post-employment offer drug screens. Accepted proposals would become effective at 12:01 a.m. on July 1, 2016.
2. Proposals must be received by mail or delivered to the Materials Management Division of the Finance Department by 2:00 p. m. on Friday, April 15, 2016. Proposals will not be publicly opened, but a register of proposals will be prepared and made available upon request beginning Friday, April 29, 2016. The mailing and delivery addresses are listed below:

Mailing Address

City of Oak Ridge
Attention: Evelyn S. Majeski
P.O. Box 1
Oak Ridge, TN 37831-0001

Delivery Address

City of Oak Ridge
Attention: Evelyn S. (Lyn) Majeski
100 Woodbury Drive
Oak Ridge, TN 37830
(865) 425-1819
lmajeski@oakridgetn.gov

3. It is the intention of the City to award a contract during the Oak Ridge City Council meeting scheduled for May 9, 2016. This contract will be deemed to be in the best interest of the City with cost, administration, ability, stability, and all other relevant factors considered and will be subsequent to recommendations from City staff. The most attractive proposers may be asked to participate in an oral interview.
4. It is the intention of the City that this proposal for post-employment offer medical examinations will be for the twelve (12) month period of July 1, 2016 through June 30, 2017 with potential of four one-year renewal options.
5. Proposals must be provided on copies of the forms included in this request for proposals and required attachments must be included. Additional pages may be attached to any forms with concisely stated additional information.
6. Alternative proposals may or may not be considered at the sole discretion of the City. All deviations from the specifications, terms and conditions herein, must be identified in writing in the proposal. Failure to state a deviation from the specifications, terms and conditions shall be construed as agreement to comply therewith.
7. Each proposer and the successful provider shall fully comply with all applicable City, State and Federal laws, rules and regulations, including prohibitions against discrimination.

**CITY OF OAK RIDGE, TENNESSEE
REQUEST FOR PROPOSALS FOR
POST-EMPLOYMENT OFFER MEDICAL EXAMINATIONS AND DRUG SCREENS**

General Information, continued

8. All official requests for information, interpretation or clarification must be made in writing prior to 5:00 p.m. on Friday, April 1, 2016 to lmajeski@oakridgetn.gov. The issuance of a written addendum forwarded to all known proposers is the only official method whereby interpretations, clarifications or additional information shall be given. The City shall not be responsible for nor bound by any oral interpretations or information given by any City employee, representative or others.
9. Any proposal may be withdrawn until the date and time for opening of the proposals. Any proposal not withdrawn before that time will constitute an irrevocable offer to the City for a period of ninety (90) days.
10. All services under this proposal shall be provided by and/or under the direct supervision of a licensed medical doctor. Experience and/or training in occupational medicine is preferred.
11. Proposals will be for providing all services listed on and completion of the listed attached forms and the proposed price shall include all associated medical and administrative services: City of Oak Ridge Medical History Questionnaire and Physical Examination, Medical Review Form, and Tennessee Peace Officer Standards and Training Commission Confirmation of Medical Examination. Thirty-five (35) of these medical examinations were conducted during CY 2015 and fourteen (14) have been conducted to date this calendar year.
12. Post-employment offer medical examinations shall also include a five (5) panel drug screen. All drug testing shall be performed in strict compliance with the City of Oak Ridge Administrative Policy and Procedure Manual for Drug and Alcohol Testing (copy attached) and the Omnibus Transportation Employee Testing Act of 1991 and any present or future amendments or additions to the law or procedures. The provider shall be responsible for knowing and complying with the law and procedures including the services of a Medical Review Officer.

Five (5) Panel: Marijuana Metabolites, Cocaine Metabolites, Phencyclidine, Amphetamines, and Opiate Metabolites.
13. A five (5) panel drug screen ONLY is also required for post-employment offers for seasonal and temporary employees. During CY 2015, there were sixty (60) such screens administered.
14. Post-employment offer medical examinations shall include audiometry testing for new hires in the Electric and Public Works departments.

CITY OF OAK RIDGE, TENNESSEE

Proposal for Post-Employment Offer Medical Examinations and Drug Screens

Provider's Name _____

Address _____

Principle Contact _____ Telephone Number _____

Provider's Normal Hours of Operation:

Hours: _____ to _____

Days: _____

Hours: _____ to _____

Days: _____

Name of MRO: _____

Years of Experience as MRO: _____

Proposed Price per medical examination: _____

Proposed Price per five (5) panel drug screen: _____

Describe any additional charges for administration of random selection or for any other services required in connection with drug/alcohol testing:

Describe any additional services that will be provided free of additional charges other than those required by the request for proposals:

Describe administrative requirements the City must meet in order for the provider to meet the terms of this proposal:

Provider represented by the undersigned accepts responsibility for being aware of and complying with all applicable laws regarding provision of drug and alcohol testing under the Omnibus Transportation Employee Testing Act of 1991 and the City of oak Ridge procedures included as part of the request for proposals as well as any and all future modifications or additions to applicable laws and procedures.

Representative of Provider

Date

CITY OF OAK RIDGE, TENNESSEE

ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

Subject		Number
Pre-Employment Medical Examinations		F-180
Effective Date	Revision	Page 1 of 2
April 12, 2011	2	

- 1.0 **POLICY STATEMENT:** It is the policy of the City of Oak Ridge for each potential new employee for regular positions, as a condition of employment, to undergo a medical examination and drug screening. The purpose of the examination and screening is to ensure that newly hired employees are medically able to perform the responsibilities of the position in an effective and safe manner, and to minimize the risk to public resources, other employees, and the public at large from employing individuals with alcohol and substance dependencies.

- 2.0 **PROCEDURES:** The following procedures shall apply to all regular full and part-time positions:
 - 2.1 The Personnel Department shall determine the appropriate level of physical examination for the position being filled with Public Works, Electric, Police and Fire field personnel and other physically demanding positions receiving the most thorough examinations. Personnel will make arrangements with the appropriate provider to conduct the physical examination as a condition of employment that must be satisfied before the individual can actually begin work. When a prospective new employee is not from the local area, the appropriate forms may be provided to the prospect with instructions to obtain a medical examination from a licensed physician in that area and to have the physician forward the completed forms and the bill to the Personnel Department.
 - 2.2 Form 2-2-4, Medical History Questionnaire, shall be completed as part of each medical examination. Prospective new employees shall not begin work until Form 2-2-5, Medical Review Form, has been completed and signed by a licensed medical provider, returned to the City, and accepted by the Personnel Department.
 - 2.3 The Personnel Department shall arrange for drug screenings for all prospective new employees, including temporary and seasonal employees. The policy on drug screening shall include appropriate chain of custody, reliability of test results, and an opportunity for those testing positive to provide an explanation.
 - 2.4 Pre-employment medical examinations shall not normally be required for temporary or seasonal employees, but may be performed when the Department Director and the Personnel Director agree that it is appropriate.

- 3.0 **RESPONSIBILITY:** The Personnel Department shall be responsible for ensuring that newly hired employees are medically able to perform the responsibilities of the position in an effective, safe manner and shall make arrangements for pre-employment medical examinations and drug screenings for prospective new employees and approve payment of related expenses as incurred.

APPROVED:

Signature on File _____

Mark S. Watson

City Manager

Original: 7/1/88

Revisions: 4/12/11

MEDICAL HISTORY QUESTIONNAIRE

<u>Last Name</u>	<u>First Name</u>	<u>Middle</u>	<u>Gender</u>	<u>Birth Date</u>	<u>Age</u>
<u>Street Address</u>		<u>City</u>	<u>State</u>	<u>Zip</u>	<u>Phone Number</u>

Have any of your relatives (list relationship) had or do they now have any of the following:

	Relationship		Relationship		Relationship
Tuberculosis		Diabetes		Cancer	
Epilepsy		Heart Trouble		Nervous Breakdown	

To what extent do you use alcohol? Never Occasionally Frequently

Do you eat breakfast? Yes No Do you smoke? Yes No If yes, how much per day? .5 pk 1 pk 1-2pk

Have you had any of the following? Check Yes or No.

Other Tobacco Use? Yes No

	Yes	No		Yes	No		Yes	No
ARTHRITIS			BLOOD STREAKED STOOLS			SHORTNESS OF BREATH		
RHEUMATISM			POOR APPETITE			HEARTBURN		
BACK TROUBLE OR BACK ACHE			NAUSEA, VOMITING			HEART MURMUR		
ASTHMA OR BRONCHITIS			STOMACH OR PEPTIC ULCER			PALPITATION OR POUNDING HEART		
ALLERGIC TO ANY DRUG			EAR TROUBLE			HIGH BLOOD PRESSURE		
HAY FEVER			POOR HEARING			RHEUMATIC FEVER		
PNEUMONIA OR PLEURISY			LOSS OF BALANCE			WEAKNESS		
CHRONIC COLDS			EPILEPSY OR SEIZURES			DIZZINESS		
COUGH			GONORRHEA OR SYPHILIS			FAINTING SPELLS		
BLOODY SPUTUM			HERNIA (RUPTURE)			CONVULSIONS		
TUBERCULOSIS			JAUNDICE			MUSCULAR WEAKNESS		
CANCER OR TUMOR			KIDNEY TROUBLE			HEADACHES		
WEIGHT LOSS			BLOODY URINE			POOR VISION		
DIABETES			FREQUENT URINATION			CORRECTED VISION		
EXCESSIVE THIRST			PAIN OR BURNING DURING URINATION			NERVOUS BREAKDOWN		
DIARRHEA			SWELLING OF ANKLES			DIFFICULTY SLEEPING		
CONSTIPATION			URINATION AFTER BEDTIME			VARICOSE VEINS		
LAXATIVE HABIT			CHEST PAIN					

BLACK STOOLS			WEIGHT GAIN					
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Date of last physical: _____ Do you have any work restrictions? _____

Have you ever had a serious injury? _____ If yes, please describe: _____

Have you ever received compensation for an injury or occupational condition? _____ How much time did you lose from work or school in the past two years? _____ Have you ever had a serious illness? _____ If yes, please describe: _____

What surgical operations have you had? _____

Have you ever been under the care of a clinic or hospital? _____ If yes, where? _____

Have you ever been treated for mental illness or substance abuse? _____ If yes, where? _____

Do you currently take any prescription medicine? _____ If yes, please list: _____

Females: Date of last menstrual period: _____ Duration: _____ Regular? Yes No

I, the undersigned, do hereby certify that the answers in this document are true and give permission for my medical examination.

Signed: _____ **Date:** _____

City of Oak Ridge - Employment Physical Examination

<u>Last Name</u>	<u>First Name</u>	<u>Middle</u>	<u>Gender</u>	<u>Birth Date</u>	<u>Age</u>
Height	Weight	Temp	Pulse	Resp	BP
General appearance		Gross Vision		OD	OS
Pupillary Reaction		Height		OD	OS
Fundi			Color Vision		
Hearing		Canals		Drums	
Skin			Nasal Passages		
Teeth			Thorax		
Pharynx		Thyroid		Lymph Nodes	
Heart			Murmurs		
Breasts (optional)			Genitalia (optional)		
Anus (optional)			Rectal (optional)		
Abdomen			Scars		
Hernia			Lungs		
Spine: Curvature		Mobility		Joints	
Extremities: Upper		Lower		Feet	
Varicosities			Reflexes		
Back Stress Test Results:					
Other Tests or Information:					
Summary:					

Employee or Applicant Name _____

Position _____ (see back for descriptions)

Police Fire Manual Labor Office Other

Pre-Employment Physical _____ Other _____

To Be Completed By Physician:

Date of Examination: _____

The employee/applicant is physically able to perform the duties of the position with no significant threat of a health related problem.

It is suggested that the following additional tests be conducted in order to determine whether the employee/applicant is physically able to perform the duties of the position with no significant threat of a health related problem: _____

A consultation is requested to discuss concerns that may or may not limit the employee/applicant's ability to perform the duties of the position.

The employee/applicant is physically able to perform the duties of the position if the following medical restrictions can be observed: _____

The employee/applicant is not physically able to perform the duties of the position without significant threat of a health related problem.

Physician's Signature

Return Form To:

Personnel Department
City of Oak Ridge
P.O. Box 1
Oak Ridge, TN 37831-0001

DESCRIPTIONS

Police or Fire

May be subject to infrequent physically strenuous demands and adverse weather conditions. May be subject to high levels of stress. Normal physical agility, vision and hearing usually of importance to the position.

Manual Labor

Routinely exposed to physical tasks which may be strenuous. May be exposed to extreme weather conditions. Normal physical agility and vision usually of importance to the position.

Office

Usually sedentary in nature. May be exposed to extended demands on the vision through use of computer terminals or concentration on numeric or other written information. May be exposed to high levels of stress.

Other

Generally exposed to light physical activity such as walking, driving or light lifting. May involve alternating between extended periods of sedentary work and periods of light physical activity. May involve moderate physical demands on an infrequent basis.



**TENNESSEE
PEACE OFFICER STANDARDS AND TRAINING COMMISSION**

CONFIRMATION OF MEDICAL EXAMINATION

(To be completed by a licensed medical examiner)

OFFICER: _____ SSN: _____

AGENCY: _____

TO THE HEAD OF LAW ENFORCEMENT AGENCY

This form should be presented to the medical examiner for the purpose of police officer certification. Upon completion of physical evaluation, the examiner should sign the appropriate statement and this form should be returned to the law enforcement agency. This form should then be attached to the Application for Certification – Police Officer, and should be forwarded to the POST Commission.

TO THE MEDICAL EXAMINER

Pursuant to Tennessee Code Annotated, Section 38-8-106, applicants for police certification must have passed a physical examination by a licensed physician or a nurse practitioner or physician assistant, so long as the task is expressly included in the written protocol developed jointly by the supervising physician and the nurse practitioner or physician assistant, whichever is applicable, setting forth the range of services that may be performed by the nurse practitioner or physician assistant. Upon completion of evaluation, please sign the appropriate statement and return this document to the law enforcement agency.

CONFIRMATION STATEMENT OF ATTENDING PHYSICIAN I have

performed a medical examination and find that this officer is:

PHYSICALLY FIT – This person is physically fit within reasonable degree of medical certainty. NOT

PHYSICALLY FIT – This person is not physically fit for the following reasons:

Comment: _____

(Signature of Medical Examiner)

(Street Address)

(Date)

(Telephone)

(City/State)

CITY OF OAK RIDGE, TENNESSEE

ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

Subject		Number
Drug and Alcohol Testing		F-602
Effective Date	Revision	Page 1 of 5
January 19, 2012	5	

1.0 POLICY STATEMENT: It is the policy of the City of Oak Ridge to promote a drug free work place and to protect the safety and security of the public, its' employees, and resources from the influence of alcohol and illegal or abused drugs. The existence of even small quantities of these substances within the human body has been proven to impair judgment and physical reactions. Being under the influence of alcohol and/or illegal or abused drugs while on duty or on call is strictly prohibited and subject to disciplinary action up to and including termination. The medical testing of employees for illegal or abused drugs and alcohol is sanctioned by the City and shall be conducted in such a manner as to balance the rights of individual employees with the responsibilities of the City. This policy and procedure is intended to comply with the requirements of the Omnibus Transportation Employee Testing Act of 1991.

2.0 PROCEDURES: Medical Testing of employees for illegal/abused drugs and alcohol is divided into seven (7) categories: (1) Pre-employment Testing, (2) Random Testing, (3) Reasonable Suspicion Testing, (4) Post Injury Testing, (5) Post Accident Testing, (6) Return-to-Duty and Follow-up Testing, and (7) Return-after-Illness/Injury/Other. All categories will be subject to a DOT Five Panel Drug Screen and/or a full Ten Panel testing.

2.1 Pre-employment Testing. The Personnel Department shall be responsible for administration of a DOT Five Panel Drug Pre-employment Testing. New employees WILL NOT be allowed to report for work until results are received in the Personnel Department.

2.2 Random Testing. The Personnel Department shall be responsible for the timing, selection, and administration of drug and alcohol Random Testing. Effective July 1, 2007, all employees shall be subject to random drug and alcohol testing and are in one of the following groups: a) all employees required to hold Commercial Drivers' Licenses (CDL); b) all State-certified Police Department employees and public safety dispatchers; c) all Fire Department fire suppression and management employees; d) any and all other employees. Testing may be performed at any time, including during regularly scheduled duty hours as well as while serving in an on-call status or on injury leave.

The number of tests conducted during a given calendar year will equal at least 50 percent of the number of employees in the group for drug testing and at least 25 percent of the employees in the group for alcohol testing. Due to budgetary constraints, the City Manager may determine to lessen the number of employees subject to random drug and alcohol testing based upon their job classifications/responsibilities.

2.3 Reasonable Suspicion Testing. The supervising department shall be responsible for administration of drug and alcohol Reasonable Suspicion Testing. Reasonable suspicion that the employee may be under the influence of alcohol or drugs must be based on direct observations by a trained supervisor during or

directly prior to on-duty or on-call hours. Reasonable suspicion may involve a single incident or may include behavior over a period of time. Reasonable suspicion testing must be based on a logical conclusion that an employee used prohibited drugs, drawn from specific facts and reasonable inference from those facts. Such a conclusion may be based upon observable facts; such as, (1) the use or possession of illegal drugs or alcohol within the workplace, (2) the physical symptoms of being under the influence of drugs and/or alcohol, (3) a pattern of abnormal conduct or erratic behavior or a significant deterioration in work performance not attributable to other factors, (4) arrest or conviction of a drug-related offense or the identification of the individual as the focus of a criminal investigation into illegal drug possession, use or trafficking, and (5) information that is either provided by a reliable and credible source or is independently corroborated. The fact that an employee had a confirmed positive test for the use of illegal drugs and/or alcohol at some point, or has undergone a period of rehabilitation or treatment, will not, in and of itself, be grounds for testing on the basis of reasonable suspicion. The police shift commander or the Personnel Director may serve as acting supervision under this provision for any City employee when normal supervision is not immediately available.

2.3.1 The observing supervisor(s) shall document and sign a written statement outlining the observations upon which the reasonable suspicion was based within 24 hours of the observation. This statement is forwarded to the Personnel Department.

2.3.2 The Personnel Department shall be responsible for providing at least one hour of training for all supervisory level employees in the recognition of the signs and symptoms of alcohol/drug abuse, what constitutes reasonable suspicion, and the procedures for conducting drug/alcohol tests based on reasonable suspicion. Supervising departments are responsible for ensuring that all supervisory employees attend this training. Refresher courses will be provided as needed.

2.3.3 Whenever supervision has a reasonable suspicion that an employee is under the influence of drugs or alcohol, the employee will be immediately taken by his or her supervisor to be tested for drug and alcohol use and will be removed from safety-sensitive duty, if applicable, for a 24 hour period. The employee will be credited as having worked a normal work schedule unless the results of the drug or alcohol test are positive. Should such positive test occur, employment actions as detailed in Sections 3.8 and 3.9 will be taken.

2.4 Post Injury Testing. The Personnel Department will work with medical providers and the supervising department to be certain that any employee who is injured on the job will be subject to alcohol and drug testing if that injury results in lost time from work.

2.5 Post Accident Testing. The supervising department shall be responsible for the administration of drug and alcohol Post Accident Testing for the employee driver or operator involved in any vehicle or equipment accident. In the event of a vehicle accident involving loss of life, all employees involved in the accident will be required to submit to alcohol and drug testing regardless of perceived fault or cause of the accident. The Police shift commander or the Personnel Director may act as the acting supervision for any City employee for purposes of this section when other supervision is not immediately available.

2.5.1 Employees involved in a vehicle or equipment accident while conducting City business shall inform their supervisor as soon as possible after the accident, including contacting on call supervision, irrespective of the time of day. The employee should only discuss the accident with City of Oak Ridge supervision or the investigating Police Officer. Leaving the accident scene without reporting immediately as stated above and without valid reason, such as to receive medical care, may be deemed

as refusing to submit to testing. Employees involved in a vehicle or equipment accident are prohibited from consuming alcohol for eight hours after the accident unless they have first received post accident alcohol and drug tests under this procedure. The Police Department will also be responsible for informing the appropriate department supervision of any accident involving a City vehicle as soon as possible.

2.5.2 If alcohol tests cannot be performed within two hours after the accident or drug tests within eight hours, supervision will prepare a written report explaining why the tests could not be performed in a timely manner. The written report will be maintained by the City as part of the drug and alcohol testing records. Alcohol tests will not be performed more than eight hours after the accident nor will drug tests be performed more than 24 hours after the accident.

- 2.6 Return-to-Duty and Follow-up Testing. The Personnel Department will be responsible for the administration of drug and alcohol Return-to-Duty and Follow-up Testing. The administration of Return-to-Duty and Follow-up Testing is addressed in Section 3.0. The Personnel Director will be responsible for arranging for one or more providers to serve as drug and alcohol test provider(s); for medical review officer(s) to interpret drug testing results; for arranging for professional substance abuse counseling evaluator(s) to be available to counsel employees; and for informing all departments of these providers and the necessary procedures to follow in obtaining the tests and follow-up.
- 2.7 Return-after-Illness/Injury/Other. Any employee returning to work after a prolonged absence of 400 or more hours for 40 hour per week employees and 560 hours for Fire Department, station based employees will be required to submit for drug and alcohol testing on their first return to work shift.

3.0 TESTING PROCEDURES:

- 3.1 Except for Pre-employment Testing and Return-To-Duty Testing, the supervising department shall arrange transportation of the employee in a City vehicle to and from the testing location. Employees shall proceed or be taken directly to the testing location when directed to do so. No intermediate stops may be made en route without the express permission or instruction of the person directing the employee to submit to the testing. Any employee who refuses to submit to or attempts to obstruct an alcohol or drug test will be immediately assigned to non-safety sensitive responsibilities, which may include assignment to home, pending a decision on disciplinary action. (CDL employees who refuse to submit to a test are disqualified as commercial drivers for a minimum of one year.)
- 3.2 A Medical Review Officer (MRO) will ensure that the proper drug testing procedures are followed, interpret the results of all drug tests, and make the final determination of whether drug tests are positive or negative. If the results are positive, the MRO will attempt to contact the employee to schedule a conference to discuss any alternative explanations for the positive test results before notifying the City of the test result. If the MRO is not able to contact the employee directly, the MRO will send a message to the employee through the Personnel Department or the Police Department, during non-business hours, to have the employee report to the MRO before beginning/continuing work. Employees are prohibited from continuing work after being notified to contact the MRO and before participating in the conference.
- 3.3 A split sample of the original urine/blood sample will be maintained by the laboratory so that an employee at his or her own expense may request from the MRO a confirmation test of the split sample within 72 hours of the employee's notification that the original test was positive. If a second testing of the split sample produces a negative result, the MRO will cancel the original test and the employee will be reimbursed for the cost of the second split sample test.

- 3.4 Alcohol tests will be considered negative if the concentration is less than 0.02 alcohol content (AC). A second test will be conducted if the results are 0.02 AC or greater. The second test must be conducted on an instrument that prints the results, date, time, a sequential test number, and the name and serial number of the instrument.
- 3.5 All testing administration will follow the requirements of the Omnibus Transportation Employee Testing Act of 1991, as set forth in 49 CFR Part 382, as a minimum.
- 3.6 All employees required to maintain commercial drivers' licenses (CDLs) will be advised if tests they are required to submit to under this policy and procedure are required by the Omnibus Transportation Employee Act of 1991.
- 3.7 When a drug test is canceled (i.e., invalidated) by a laboratory and/or a MRO, the following will apply with respect to rescheduling tests:
 - 3.7.1 Pre-employment – will be rescheduled.
 - 3.7.2 Random – will not be rescheduled.
 - 3.7.3 Reasonable Suspicion – will be rescheduled, but only if reasonable suspicion continues to be present or reoccurs and new documentation is prepared.
 - 3.7.4 Post Injury – will be rescheduled.
 - 3.7.5 Post Accident – will not be rescheduled.
 - 3.7.6 Return-to-Duty and Follow-up – will be rescheduled.
 - 3.7.7 Return-after-Illness/Injury/Other – will be rescheduled.
- 3.8 Employees who receive alcohol test results of at least 0.02 AC but less than 0.04 will be immediately placed on leave for 24 hours. The employee will be allowed to use general leave or leave without pay.
- 3.9 Any employee who has confirmation of an alcohol test result of 0.04 AC or greater or who has confirmation of a positive drug test will be immediately assigned to non-safety sensitive related responsibilities, which may include assignment to home, pending a final decision on disciplinary action and will be referred to a substance abuse counselor for evaluation. No employee may return to his or her position without receiving an evaluation from a substance abuse professional, complying with any and all recommended rehabilitation activities prescribed by the substance abuse professional, and successfully completing a Return-to-Duty drug and/or alcohol test. An employee returning to work will be subject to unannounced Follow-up Testing for drug and alcohol abuse for a minimum period of 12 months up to a maximum period of 60 months, provided no subsequent positive drug or alcohol tests occur. Employees will receive a minimum of six follow-up tests during the first twelve months following

their Return-to-Duty unless the substance abuse counselor specifies a different number of follow-up tests. The follow-up tests may be conducted for both alcohol and drugs.

- 4.0 DISCIPLINARY ACTION: Disciplinary action will be determined on a case by case basis. As a frame of reference, the anticipated disciplinary action for a regular employee for a single positive drug test or alcohol test of 0.04 AC or greater shall be a two-week suspension without pay (112 hours for fire department, station based employees), although lesser or stricter disciplinary action, up to an including termination, may be taken depending on specific circumstances. The anticipated disciplinary action for a temporary or seasonal employee will be immediate removal from employment. The Department Director, with the concurrence of the City Manager, will determine whether or not a probationary employee is to be disciplined or removed from employment. The anticipated disciplinary action for a second positive test within a two-year period shall be termination, although lesser disciplinary action may be taken depending on specific circumstances. The disciplinary action for a third offense within three years shall be termination. The time periods listed above for measuring multiple offenses may also be modified depending on specific circumstances. (CDL employees are disqualified from operating commercial vehicles after multiple positive tests for various periods depending on the circumstances.)
- 5.0 EMPLOYEE CONFIDENTIALITY. All employee information, documentation, and records related to drug and alcohol testing shall be confidential. All records and documentation of alcohol and drug testing shall be maintained by the Personnel Department, and no department shall maintain separate records regarding drug or alcohol testing of any employee. Records or information relating to drug and alcohol testing will be released only to the employee who has undergone the testing and those persons who have a legal right to the information and to other individuals only upon the submission of a release signed by the employee who underwent the drug or alcohol testing authorizing the disbursement of such records or information. This section does not prohibit disclosure among management as is reasonably necessary for making disciplinary decisions under this policy.
- 6.0 RESPONSIBILITY: The Personnel Director shall be responsible for overseeing the implementation of this procedure and for the administration of Pre-Employment Testing, Random Testing, Return-to-Duty and Follow-up Testing, and Return-after-Illness/Injury/Other. Department Directors shall be responsible for the administration of Post-Accident Testing and Reasonable Suspicion Testing. All employees are responsible for ensuring that they are not under the influence of alcohol or illegal/abused drugs while on duty or in an on-call status, and for notifying their supervisor of medications they are taking that could affect their safe actions and judgment.

APPROVED:

Mark S. Watson

City Manager

Original: 1/1/95

Revisions: 4/19/95; 10/27/97;7/01/07 2/15/11; 1/19/12

Reference: Administrative Policies and Procedures

F-225, Discipline of Employees

F-600, Drug and Alcohol Use While on Duty

F-605, Drug Free Work Place