ADDENDUM TO PERSONNEL RULES AND REGULATIONS
City of CROSSVILLE DRUG AND ALCOHOL TESTING POLICY

Developed with the Assistance of the Municipal Technical Advisory Service.
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DRUG AND ALCOHOL TESTING POLICY

PURPOSE

The City of Crossville, Tennessee recognizes that the use and abuse of drugs and alcohol in today's society is a serious problem that may involve the workplace. It is the intent of the City of Crossville to provide all employees with a safe and secure workplace in which each person can perform his/her duties in an environment that promotes individual health and workplace efficiency. Employees of the City of Crossville are public employees and must foster the public trust by preserving employee reputation for integrity, honesty, and responsibility.

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the City of Crossville has adopted this drug and alcohol testing policy effective March 1, 2011. This policy complies with the: Federal Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL); Division of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass transit industries. In the case of this policy, the Omnibus Transportation Employee Testing Act of 1991 is most significant with its additional requirement of using the "split specimen" approach to drug testing, which provides an extra safeguard for employees. The types of tests required are: pre-employment, transfer, reasonable suspicion, post-accident (post-incident), random, return-to-duty, and follow-up.
It is the policy of the City of Crossville that the use of drugs by its employees and impairment in the workplace due to drugs and/or alcohol are prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to disciplinary action up to including termination of employment. Prohibited and/or illegal conduct includes but is not limited to:

- being on duty or performing work in or on city property while under the influence of drugs and/or alcohol;
- engaging in the manufacture, sale, distribution, use, or unauthorized possession of (illegal) drugs at any time and of alcohol while on duty or while in or on city property;
- refusing or failing a drug and/or alcohol test administered under this policy;
- providing an adulterated, altered, or substituted specimen for testing;
- use of alcohol within four hours prior to reporting for duty on schedule or use of alcohol while on-call for duty; and
- use of alcohol or drugs within eight hours following an accident (incident) if the employee’s involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures.

This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical, or emotional ability of the employee to safely and efficiently perform his/her duties. It is the employee's responsibility to inform the proper supervisory personnel of his/her use of such legally prescribed medication before the employee goes on duty or performs any work.

In order to educate the employees about the dangers of drug and/or alcohol abuse, the city shall sponsor an information and education program for all employees and supervisors. Information will be provided on the signs and symptoms of drug and/or alcohol abuse; the effects of drug and/or alcohol abuse on an individual’s health, work, and personal life; the city’s policy regarding drugs and/or alcohol; and the availability of counseling. The City Manager or his/her designee has been designated as the municipal official responsible for answering questions regarding this policy and its implementation.

All City of Crossville property may be subject to inspection at any time without notice. There should be no expectation of privacy in such property. Property includes, but is not limited to, vehicles, desks, containers, files, and lockers.
SCOPE

Certain aspects of this policy may apply to full-time, part-time, temporary, and volunteer employees of the City of Crossville. The policy also applies to applicants for positions requiring a CDL and other safety sensitive positions who have been given a conditional offer of employment from the City of Crossville.

CONSENT FORM

Before a drug and/or alcohol test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the laboratory, medical review officer (MRO), (See Appendix E.). City Manager or his/her designee. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the city’s drug and alcohol testing.
COMPLIANCE WITH SUBSTANCE ABUSE POLICY

Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The submission by an applicant or employee of a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or for disciplinary action up to and including immediate termination.

DUTY TO REPORT CONVICTIONS

Any employee convicted of violating a criminal drug statute shall inform the director of his/her department of such conviction (including pleas of guilty and nolo contendere) within five days of the conviction occurring. Failure to so inform the local government subjects the employee to disciplinary action for the first offense. The local government will notify the federal contracting officer pursuant to applicable provisions of the Drug-Free workplace Act and the Omnibus Transportation Employee Testing Act.

GENERAL RULES FOR DRUG AND ALCOHOL TESTING

These are the general rules governing the City of Crossville's drug and alcohol testing program:

- City employees shall not take or be under the influence of any drugs unless prescribed by the employee's licensed physician. Employees who are required to take prescription and/or over-the-counter medications shall notify the proper supervisory personnel before the employees go on duty.

- City employees are prohibited from engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal drugs or alcohol at any time while on duty or while in or on City property.

- All City of Crossville property is subject to inspection at any time without notice. There should be no expectation of privacy in or on such property. City Property includes, but is not limited to, vehicles, desks, containers, files, and lockers.

- Any employee convicted of violating a criminal drug statute shall inform the director of his/her department of such conviction (including pleas of guilty and nolo contendere) within five days of the conviction occurring. Failure to so inform the City Manager or his designee subjects the employee to disciplinary action up to and including termination for the first offense. The city will notify the federal contracting officer pursuant to applicable provisions of the Federal Drug-Free Workplace Act and the Omnibus Transportation Employee Testing Act.
An applicant or employee must carry and present a current and recent photo ID in the form of a driver's license to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to drug testing under six separate conditions:

**TYPES OF TESTS**

1. **PRE-EMPLOYMENT**

All applicants are subject to pre-employment drug testing.

Applicants who have received a conditional offer of employment with the City of Crossville, must take a drug test before receiving a final offer of employment.

**Transfer**

Employees transferring to the fire department or police department, and/or another safety sensitive position within the city that requires a commercial driver's license (CDL) shall undergo drug testing.

2. **POST-ACCIDENT/POST-INCIDENT TESTING**

All employees are subject to post-accident drug testing.

Following any workplace accident (incident) determined by supervisory personnel of the City of Crossville to have resulted in significant property (more than $400) or environmental damage or in significant personal injury, including but not limited to a fatality or human injury requiring medical treatment, each employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) and who is reasonably suspected of possible drug use as determined during a routine post-accident (post-incident) investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) drug test. Post-accident (post-incident) testing shall be carried out within 32 hours following the accident (incident).

In instances where post-accident (post-incident) testing is to be performed, the City of Crossville reserves the right to direct the medical review officer (MRO) to instruct the designated laboratory to perform testing on submitted urine specimens for possible illegal/illegitimate substances.

Any testing for additional substances listed under the Tennessee Drug Control Act of 1989 as amended shall be performed at the urinary cutoff level that is normally used for those specific substances by the laboratory selected.
a. Post-Accident (Post-Incident) Testing for Ambulatory Employees

Following all workplace accidents (incidents) where drug testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the City of Crossville to the designated urine specimen collection site within 32 hours following the accident. In the event of an accident (incident) occurring after regular work hours (Call Out), the employee(s) will be taken to the testing site (See appendix B) within 32 hours. No employee shall consume drugs prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in providing specimens for drug testing shall be considered a refusal to cooperate with the substance abuse program of the City of Crossville and shall result in administrative action up to and including termination of employment.

b. Post-Accident (Post-Incidents Testing for Injured Employees

Any affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for drug testing by qualified, licensed attending medical personnel and consent to the testing of the specimens. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) (See Appendix E) of the City of Crossville appropriate and necessary information or records that would indicate only whether or not prohibited drugs were found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the City of Crossville or upon hiring following the implementation date.

Post-accident (post-incident) urinary testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if drugs were present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within 32 hours must be fully documented by the attending medical personnel.

Any failure to do post-accident (post-incident) testing within 32 hours must be fully documented by the attending medical personnel.
3. TESTING BASED ON REASONABLE SUSPICION

All employees are subject to drug testing based on reasonable suspicion.

A drug test is required for any employee when there is reasonable suspicion to believe the employee is using or is under the influence of drugs.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used drugs. This belief should be based on recent, physical, behavioral, or performance indicators of possible drug use. One supervisor who has received drug detection training that must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the City of Crossville making a determination to subject any employee to drug testing based on reasonable suspicion shall document their specific reasons and observations in writing to the City Manager or his/her designee within 24 hours of the decision to test and before the results of the urine drug tests are received by the department. Urine collection for reasonable suspicion testing shall be monitored or observed by collection personnel.

4. RANDOM DRUG TESTING

Only employees of the City of Crossville holding safety sensitive positions are subject to random testing.

“Safety sensitive positions” include but are not limited to: police officers, firefighters, positions requiring a commercial driver's license, public works equipment operators, water/wastewater plant operators, all positions involving the construction and maintenance of electrical lines, teachers and other positions having responsibility for the safety and care of children

The City of Crossville will comply with DOT's annually published random rates. The city of Crossville will randomly screen 10% of its employees quarterly for drugs or as required by law.

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random urine drug testing and the actual presentation for specimen collection.

Random donor selection dates will be unannounced with unpredictable frequency. Some may be tested more than once each year while others may not be tested at all, depending on the random selection.
If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to produce a specimen on the date random testing occurs, the City of Crossville may omit that employee from that random testing or await the employee's return to work.

RETURN-TO-DUTY AND FOLLOW-UP

Any employee of the City of Crossville who has violated the prohibited drug conduct standards and is allowed to return to work must submit to a return-to-duty test. Follow-up tests will be unannounced and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly.

Testing will also be performed on any employee possessing a CDL returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

PROHIBITED DRUGS

All drug results will be reported to the medical review officer (MRO) (See Appendix E). If verified by the MRO, they will be reported to the City Manager or his/her designee. The following is a list of drugs for which tests will be routinely conducted (See Appendix F & G for Drug and Alcohol limits):

- Amphetamines/ methamphetamines,
- marijuana,
- cocaine,
- opiates,
- phencyclidine (PCP),
- alcohol, and
- depressants.
- 6-Acetylmorphine

The city may test for any additional substances listed under the Tennessee Drug Control Act of 1989.
COLLECTION PROCEDURES

Testing will be accomplished as non-intrusively as possible. Affected employees, except in cases of random testing, will be taken by a supervisor or designated personnel of the City of Crossville to a drug test collection facility selected by the City of Crossville (see Appendix B), where a urine sample will be taken from the employee in privacy. The urine sample will be immediately sealed by personnel overseeing the specimen collection after first being examined by these personnel for signs of alteration, adulteration, or substitution. The employee will be asked to complete a chain-of-custody form to accompany the sample to a laboratory selected by the City of Crossville to perform the analysis on collected urine samples.

DRUG TESTING LABORATORY STANDARDS AND PROCEDURES

All collected urine samples will be sent to a laboratory that is certified and monitored by the federal Department of Health and Human Services (DHHS) (See Appendix C).

As specified earlier, in the event of an accident (incident) occurring after regular work hours (Call Out), the supervisor or designated personnel shall take the employee(s) to the testing site (see Appendix C) within 32 hours where proper collection procedures will be administered.

The Omnibus Act requires that drug testing procedures include split specimen procedures. Each urine specimen is subdivided into two bottles labeled as a “primary” and a “split” specimen. Both bottles are sent to a laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of drugs, the employee has 72 hours to request sending the split specimen to another federal Department of Health and Human Services (DHHS) certified laboratory for analysis. The employee will be required to pay for his or her split specimen test(s).

For the employee’s protection, the results of the analysis will be confidential except for the testing laboratory. After the MRO has evaluated a positive test result, the employee will be notified, and the MRO will notify the City Manager or his/her designee.
REPORTING AND REVIEWING

The City of Crossville shall designate a medical review officer (MRO) to receive, report, and file testing information transmitted by the laboratory. This person shall be a licensed physician with knowledge of substance abuse disorders (see Appendix E).

The laboratory shall report test results only to the designated MRO, who will review them in accordance with accepted guidelines and the procedures adopted by the City of Crossville.

Reports from the laboratory to the MRO shall be in writing or by fax. The MRO or designee may talk with the employee by telephone upon exchange of acceptable identification.

The testing laboratory, collection site personnel, and MRO shall maintain security over all the testing data and limit access to such information to the following: the respective department head, the City Manager or his/her designee, and the employee.

Neither the City of Crossville, the laboratory, nor the MRO shall disclose any drug test results to any other person except under written authorization from the affected employee, unless such results are necessary in the process of resolution of accident (incident) investigations, requested by court order, or required to be released to parties (i.e., DOT, the Tennessee Department of Labor, etc.) having legitimate right-to-know as determined by the city attorney.

ALCOHOL TESTING

An applicant or employee must carry and present a current and recent photo ID (driver's license) to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to alcohol testing under six separate conditions:
A. Types of Alcohol Testing

1. POST-ACCIDENT/POST-INCIDENT TESTING

Following any workplace accident (incident) determined by supervisory personnel of the City of Crossville to have resulted in significant property or environmental damage ($400) or in significant personal injury, including but not limited to a fatality or human injury requiring medical treatment, each employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) and who is reasonably suspected of possible alcohol use as determined during a routine post-accident (post-incident) investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) alcohol test.

Post-accident (post-incident) testing shall be carried out within two hours following the accident (incident).

a. Post-Accident (Post-Incident Testing for Ambulatory Employees)

Following all workplace accidents (incidents) where alcohol testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the City of Crossville to the designated breath alcohol test site for a breath alcohol test within two hours following the accident. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to the testing site (see Appendix B) within two (2) – eight (8) hours. No employee shall consume alcohol prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in appearing for alcohol testing shall be considered a refusal to cooperate with the substance abuse program of the City of Crossville and shall result in administrative action up to and including termination of employment.

b. Post-Accident (Post-Incidents Testing for Injured Employees)

An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for alcohol testing by qualified, licensed attending medical personnel and consent to specimen testing. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) of the City of Crossville appropriate and necessary information or records that would indicate only whether or not specified prohibited alcohol (and what amount) was found in the employee’s system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the City of Crossville or upon hiring following the implementation date.
Post-accident (post-incident) breath alcohol testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if alcohol was present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within two (2) to eight (8) hours must be fully documented by the attending medical personnel.

2. TESTING BASED ON REASONABLE SUSPICION

All employees are subject to alcohol testing based on reasonable suspicion.

A drug test is required for any employee when there is reasonable suspicion to believe the employee is under the influence of alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used alcohol. This belief should be based on recent, physical, behavioral, or performance indicators of possible alcohol use. One supervisor who has received alcohol detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the City of Crossville making a determination to subject any employee to alcohol testing based on reasonable suspicion shall document their specific reasons and observations in writing to the City Manager or designee within eight hours of the decision to test and before the results of the tests are received by the department.

3. RANDOM ALCOHOL TESTING

Only employees of the City of Crossville holding safety sensitive positions are subject to random alcohol testing.

“Safety sensitive positions” include but are not limited to: police officers, firefighters, positions requiring a commercial driver’s license, public works equipment operators, water/wastewater plant operators, all positions involving the construction and maintenance of electrical lines, teachers and other positions having responsibility for the safety and care of children.

It is the policy of the City of Crossville to annually random test for alcohol at least 10% percent of the total number of drivers possessing or obtaining a commercial driver’s license (CDL).

A minimum of 15 minutes and a maximum of two hours will be allowed between an employee’s notification of selection for random alcohol testing and the actual presentation for testing.

Random test dates will be unannounced with unpredictable frequency. Some employees may be tested more than once each year while others may not be tested at all, depending on the random selection.
If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to be tested on the date random testing occurs, the City of Crossville may omit that employee from that random testing or await the employee's return to work.

**RETURN-TO-DUTY AND FOLLOW-UP**

Any employee of the City of Crossville who has violated the prohibited alcohol conduct standards must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly.

Testing will also be performed on any employee with a CDL returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

**ALCOHOL TESTING PROCEDURES**

All breath alcohol testing conducted for City of Crossville will be performed using evidential breath testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA). Alcohol testing is to be performed by a qualified technician as follows:

**Step One:** An initial breath alcohol test will be performed using a breath alcohol analysis device approved by the National Highway Traffic Safety Administration (NHTSA). If the measured result is less than 0.02 percent breath alcohol level (BAL), the test will be considered negative. If the result is greater or equal to 0.04 BAL, the result will be recorded and witnessed, and the test shall proceed to Step Two.

**Step Two:** Fifteen minutes will be allowed to pass following the completion of Step One above. Before the confirmation test or Step Two is administered for each employee, the breath alcohol technician shall insure that the evidential breath testing device registers 0.00 on an air blank. If the reading is greater than 0.00, the breath alcohol technician will conduct one more air blank. If the reading is greater than 0.00, testing shall not proceed using that instrument. However, testing may proceed on another instrument. Then Step One will be repeated using a new mouthpiece and either the same or equivalent but different breath analysis device.

The breath alcohol level detected in Step Two shall be recorded and witnessed.

If the lower of the breath alcohol measurements in Step One and Step Two is 0.04 percent or greater, the employee shall be considered to have failed the breath alcohol test. Failure of the breath alcohol test shall result in administrative action by proper officials of the City of Crossville up to and including termination of employment.
Any breath alcohol level found between 0.02 percent BAL and 0.04 percent BAL shall result in the employee’s removal from duty without pay for a minimum of 24 hours. In this situation, the employee must be retested by breath analysis and found to have a BAL of up to 0.02 percent before returning to duty with the City of Crossville.

Breath alcohol test results shall be recorded by the technician and shall be witnessed by the tested employee and by a supervisory employee of the City of Crossville when possible.

The completed breath alcohol test form shall be submitted to the City Manager or his/her designee.

EDUCATION AND TRAINING

Supervisory Personnel Who Will Determine Reasonable Suspicion Testing

Training for supervisory personnel who will determine whether an employee must be tested, based on reasonable suspicion, will include at the minimum two 60-minute periods of training on the specific, contemporaneous, physical, behavioral, and performance indicators of both probable drug use and alcohol use. One 60-minute period will be for drugs and one will be for alcohol.

DISTRIBUTION OF INFORMATION

The City of Crossville will sponsor a drug-free awareness program for all employees. The minimal distribution of information for all employees will include the display and distribution of:

a. informational material on the effects of drug and alcohol abuse;
b. an existing community services hotline number, available drug counseling, rehabilitation, and employee assistance programs for employee assistance;
c. the City of Crossville policy regarding the use of prohibited drugs and/or alcohol; and
d. the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
CONSEQUENCES OF A CONFIRMED POSITIVE DRUG AND/OR ALCOHOL TEST RESULT AND/OR VERIFIED POSITIVE DRUG AND/OR ALCOHOL TEST RESULT

Job applicants will be denied employment with the City of Crossville if their initial positive post offer employment drug and alcohol test results have been confirmed/verified.

If a current employee's positive drug and alcohol test result has been confirmed, the employee is subject to immediate removal from any safety-sensitive function and may be subject to disciplinary action up to and including termination. The city may consider the following factors in determining the appropriate disciplinary response: the employee's work history, length of employment, current work assignment, current job performance, and existence of past disciplinary actions. However, the city reserves the right to allow employees to participate in an education and/or treatment program. The employee must satisfactorily participate in and complete the program as a condition of continued employment.

No disciplinary action may be taken pursuant to this drug policy against employees who voluntarily identify themselves as drug users, obtain counseling and rehabilitation and thereafter refrain from violating the city's policy on drug and alcohol abuse. However, voluntary identification will not prohibit disciplinary action for the violation of city personnel policy and regulations and substandard job performance, nor will it relieve the employee of any requirements for return to duty testing.

Refusing to submit to an alcohol or controlled substances test means that a driver/employee: (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part; (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance
with the provisions of this part; or (3) engages in conduct that clearly obstructs the testing process and (4) refuses to submit. In either case collection personnel shall provide written documentation to the City indicating a refusal to test.

**VOLUNTARY DISCLOSURE OF DRUG AND/OR ALCOHOL USE**

In the event that an employee of the City of Crossville is dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, that employee should voluntarily discuss his/her problem with the respective department head in private. Such voluntary desire for help with a substance abuse problem will be honored by the City of Crossville. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment.

Affected employees of the City of Crossville may be allowed up to 30 consecutive calendar days for initial substance abuse treatment as follows:

The employee must use all vacation and sick time available which runs concurrent with FMLA leave.

In the event accumulated vacation, sick, is insufficient to provide the medically prescribed and needed treatment up to a maximum of 30 consecutive calendar days, the employee will be provided unpaid FMLA leave for the difference between the amount of accumulated leave and the number of days prescribed and needed for treatment up to the maximum 60-day treatment period.

Voluntary disclosure must occur before an employee is notified of or otherwise becomes subject to a pending drug and/or alcohol test.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the substance abuse professional of the City of Crossville. The MRO may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The respective department head and City Manager or his/her designee of the City of Crossville will consider each case individually and set forth final conditions of reinstatement to active duty. These conditions of reinstatement must be met by the employee. Failure of the employee to complete treatment or follow after-care conditions, or subsequent failure of any drug or alcohol test under this policy will result in administrative action up to and including termination of employment.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the City of Crossville. Voluntary disclosure provisions do not apply to applicants. Employees found positive during drug and/or alcohol testing under this policy are subject to administrative action up to and including termination of employment as specified elsewhere in this policy.
EXCEPTIONS

This policy does not apply to possession, use, or provision of alcohol and/or drugs by employees in the context of authorized work assignments (i.e., undercover police enforcement, intoxilyzer demonstrations). In all such cases, it is the individual employee’s responsibility to ensure that job performance is not adversely affected by the possession, use, or provision of alcohol.

This policy may be revised by the City of Crossville at any time to comply with applicable local, state, and federal guidelines, judicial rulings, or to meet changes in the work environment or changes in the drug and alcohol policy of the City of Crossville.
DEFINITIONS

For purposes of the drug and alcohol testing policy, the following definitions are adopted:

**Alcohol** - The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

**Alcohol Concentration** - The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test.

**Alcohol Use** - The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

**Applicant** - Any person who has on file an application for employment or any person who is otherwise being considered for employment or transfer to the police department, fire department, or to a position requiring a commercial driver's license (CDL) being processed for employment. For the purposes of this policy, an applicant may also be: a uniformed employee who has applied for, and is offered a promotion, or who has been selected for a special assignment; a non-uniformed employee who is offered a position as a uniformed employee; or an employee transferring to or applying for a position requiring a CDL.

**Breath Alcohol Technician (BAT)** - An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

**Chain of Custody** - The method of tracking each urine specimen to maintain control from initial collection to final disposition for such samples and accountability at each stage of handling, testing, storing, and reporting.

**Collection Site** - A place where applicants or employees present themselves to provide, under controlled conditions, a urine specimen that will be analyzed for the presence of alcohol and/or drugs. Collection site may also include a place for the administration of a breath analysis test.

**Collection Site Personnel** - A person who instructs donors at the collection site.

**Commercial Driver's License (CDU)** - A motor vehicle driver's license required to operate a commercial motor vehicle (CMV).

**Commercial Motor Vehicle (CMV)** - Any vehicle or combination of vehicles meeting the following criteria: weighing more than 26,000 pounds; designed to transport more than 15 passengers; transporting hazardous materials required by law to be placarded, regardless of weight; and/or classified as a school bus.
Confirmation Test - In drug testing, a second analytical procedure that is independent of the initial test to identify the presence of a specific drug or metabolite that uses a different chemical principle from that of the initial test to ensure reliability and accuracy. In breath alcohol testing, a second test following an initial test with a result of 0.02 or greater that provides quantitative data of alcohol concentration.

Confirmed Positive Result - The presence of an illicit substance in the pure form or its metabolites at or above the cutoff level specified by the National Institute of Drug Abuse identified in two consecutive tests that utilize different test methods and that was not determined by the appropriate medical, scientific, professional testing, or forensic authority to have been caused by an alternate medical explanation or technically insufficient data. An EBT result equal to or greater than 0.02 is considered a positive result.

Consortium - An entity, including a group or association of employers or contractors, which provides alcohol or controlled substances testing as required by this part or other DOT alcohol or drug testing rules and that acts on behalf of the employers.

Department Director - The director or chief of a city department or his/her designee. The designee may be an individual who acts on behalf of the director to implement and administer these procedures.

DHHS - The federal Department of Health and Human Services or any designee of the secretary, Department of Health and Human Services.

DOT Agency - An agency of the United States Department of Transportation administering regulations related to alcohol and/or drug testing. For the City of Crossville, the Federal Highway Administration (FHWA) is the DOT agency.

Driver - Any person who operates a commercial motor vehicle.

EAP - Employee Assistance Program.

Employee - An individual currently employed by the City of Crossville.

Evidential Breath Testing Device (EBT) - An instrument approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices."

FHWA - Federal Highway Administration.

Initial Test - In drug testing, an immunoassay test to eliminate negative urine specimens from further analysis. In alcohol testing, an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.
Medical Review Officer (MRO') - A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information.

Negative Result - The absence of an illicit substance in the pure form or its metabolites in sufficient quantities to be identified by either an initial test or confirmation test.


Random Testing - A sample of individuals selected such that each possible sample from the total group has the same probability of being selected.

Refuse to Submit - Refusing to submit to an alcohol or controlled substances test means that a driver: (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part; (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part; or (3) engages in conduct that clearly obstructs the testing process.

Safety-Sensitive – Employees required to have a CDL license or Police Officer and Firefighters.

Safety-Sensitive Drivers - Employees in the aviation, motor carrier, railroad, and mass transit industries.

Split Specimen - Urine drug test sample will be divided into two parts. One part will be tested initially, the other will remain sealed in case a retest is required or requested.

Substance Abuse Professional - 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 alcohol and controlled substances-related disorders.
EMPLOYEE ACKNOWLEDGEMENT FORM

City of Crossville

EMPLOYEE ACKNOWLEDGMENT

As an applicant or an employee, I have carefully read the City of Crossville’s drug and alcohol testing policy. I have received a copy of the city of Crossville’s drug and alcohol testing policies, understand its requirements, and agree without reservation to follow this policy. As an applicant, I am aware that my offer of employment is conditional upon the results of a drug and/or alcohol test. As an employee, I am aware that I may be required to undergo drug and/or alcohol tests, that I will be informed prior to the drug and/or alcohol test, and that I may be subject to immediate dismissal if I refuse to take the test.

Name of Applicant or Employee (PRINT):

SS # of Employee:

Signature of Employee/ Applicant & Date:

Signature of Witness & Date:
APPENDIX B

CONSENT AND ACKNOWLEDGEMENT FORM

City of Crossville

DRUG / ALCOHOL TESTING PROCEDURES

CONSENT AND ACKNOWLEDGEMENT FORM

As an applicant or an employee with the City of Crossville, I hereby consent to and acknowledge that I am scheduled to undergo drug and/or alcohol testing. The test for alcohol will be a breath analysis test. The drug test will involve an analysis of a urine sample, which I will provide at a designated site. The purpose of the test will be to test for the presence of the following substances: amphetamines, marijuana, cocaine, opiates, PCP, alcohol, and/or any additional drugs listed in the Tennessee Drug Control Act. I authorize qualified personnel to take and have analyzed appropriate specimens to determine if drugs and/or alcohol are present in my system. I acknowledge that the drug/alcohol test results will be made available to the testing laboratory, medical review officer (MRO), the (personnel director), or his/her designee.

As an applicant, I am aware that a confirmed and verified positive drug/alcohol test result will rescind my conditional offer of employment. As an employee, I am aware that a confirmed and verified positive test result may lead to disciplinary action up to and including immediate dismissal. I will present a copy of this form to the collection site when I report for my scheduled drug/alcohol test. I also understand that failure to provide adequate breath for testing without a valid medical explanation, failure to provide adequate urine for controlled substances testing without a valid medical explanation, and engaging in conduct that clearly obstructs the testing process are the same as refusing to test.

<table>
<thead>
<tr>
<th>Name of Applicant or Employee (PRINT):</th>
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<tbody>
<tr>
<td>SS # of Employee:</td>
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<tr>
<td>Signature of Employee/ Applicant &amp; Date:</td>
</tr>
<tr>
<td>Signature of Witness &amp; Date:</td>
</tr>
</tbody>
</table>
APPENDIX C

DESIGNATED DRUG TESTING COLLECTION FACILITY

Cumberland Medical Center Industrial Medicine

140 Woodmere Mall

Crossville, TN 38555

931-459-7246
APPENDIX D

CERTIFIED LABORATORY

DESIGNATED DEPARTMENT OF HEALTH AND HUMAN SERVICE (DHHS)
CERTIFIED LABORATORY

Kroll Laboratory Specialist

1111 Newton St.

Gretna, LA 70053
APPENDIX E

DESIGNATED MEDICAL REVIEW OFFICER (MRO)

Dr. Barry Wagner CMC Industrial Medicine

140 Woodmere Mall Crossville, TN 38555