

STANDARD PROCEDURE

CITY OF WILSON

PERSONNEL MANUAL

SUBJECT	NUMBER	REVISED	EFFECTIVE DATE	PAGE
Drug and Alcohol Testing	E-3	September 15, 2009	June 6, 2000	1 of 14

Prepared By: Management Services

Approved By: Grant Goings, City Manager

1.0 Purpose

The purpose of this policy is to establish procedures for the administration of the Department of Transportation (DOT) anti-drug and alcohol program pursuant to DOT's agencies regulation. Code of Federal Regulations (CFR) Title 49 Part 199, 653, 654, 382 and to establish a drug and alcohol testing program for safety sensitive positions within the City of Wilson that do not fall into one of the DOT mandated programs. Part 199 requires operators of gas systems to have an anti-drug and alcohol program for persons who perform safety sensitive functions. Part 653 requires operators of transit systems to establish a program for the prevention of prohibited drug used in transit operations by employees in safety sensitive functions. Part 654 requires operators of transit systems to have a program for the prevention of alcohol misuse in transit operations. Part 382 requires the establishment of a controlled substances and alcohol use and testing program for drivers of vehicles that require the operator to have a commercial driver's license (CDL).

Any applicant applying for a position covered in this policy who refuses or fails a pre-employment drug test will not be hired, except as provided for in Section 6.0. Any employee covered by this policy who so refuses or fails a drug or alcohol test will immediately be removed from the safety sensitive functions covered by the DOT standards or City of Wilson Policy. Any employee covered by this policy who refuses or fails a drug or alcohol test may receive disciplinary action, up to and including termination.

Participation in this policy shall be a requirement of employment for any employee covered by the policy.

2.0 Employee Positions Covered by the Policy

2.1 All employees of the City of Wilson are subject to this policy. All employees are subject to the following types of drug and alcohol testing: pre-employment as described in Section 4.1, post-accident as described in Sections 4.3 and 14.0, reasonable suspicion as described in Section 4.4, and return-to-duty as described in Section 4.5. All employees listed in Section 2.2 are subject to all of the tests listed above as well as random drug and alcohol testing as described in Section 4.2.

2.2 The following employee positions are subject to drug and alcohol testing as outlined in this policy and required by the Department of Transportation

2.2.1 Positions Subject to Pipeline Safety Regulations (49 CFR Part 199):

Utilities Department

Director of Utilities
Superintendent of Gas Distribution
Gas Distribution Supervisor
Gas Engineer
Gasline Technician III
Gasline Technician II
Gasline Technician I
G.I.S. Technician (Gas) (2)
Utility Service Dispatcher
Contract Personnel (Gas)

Finance Department

Credit & Collections Coordinator
Utility Service Technician I
Utility Service Technician II

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Management Services Department
All Employees

Contractor Personnel
Any employees of a City of Wilson Contractor who performs a safety-sensitive function under DOT regulations.

2.2.2 Positions subject to Federal Transit Regulations (49 CFR Part 653 and 654):

Public Services Department
Transit Coordinator
Lead Transit Operator
Transit Dispatcher
Transit Operator
Equipment Maintenance Superintendent
Fleet Mechanic Supervisor
Fleet Mechanic I, II
Automotive Service Aide

Contractor Personnel
Any employees of a City of Wilson Contractor who performs a safety-sensitive function under DOT regulations.

2.2.3 Employees occupying the following positions that have a Commercial Driver’s License are subject to Federal Highway Regulations (49 CFR Part 382).

Public Services Department
Equipment Operator I
Equipment Operator II
General Service Technician I, II, III, IV
Water Resource Technician, I, II, III, IV
Environmental Service Technician, I, IV
Crew Supervisor
Superintendent
Sewer Monitoring Technician

Utilities Department
Director of Utilities
Equipment Operator I, II
Line Technician I, II, III
Tree Trimmer I, II, III
Electric Service III
Ground Line Worker
Tree Trimmer Supervisor
Electric Utility Crew Supervisor
Superintendent

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Parks and Recreation Department
General Service Technician I, II, III
Horticulturist
Crew Supervisor
Golf Course Superintendent

Contractor Personnel

Any employee of a City of Wilson Contractor who performs a safety-sensitive function under DOT regulations.

3.0. Training

3.1 Supervisory Training:

All supervisors of positions listed above as being covered by a DOT anti-drug/alcohol regulation shall receive training for detecting symptoms of drug use and alcohol misuse.

3.2 Employee Training:

All employees in positions covered by a DOT anti-drug/alcohol regulation shall be given training on the requirements of the drug and alcohol testing regulations and the City of Wilson policies and procedures with respect to meeting these requirements. All such employees will also be given training on the effects and consequences of substance abuse on personal health, safety, and the work site, as well as indicators of substance abuse.

4.0 Types of Drug and Alcohol Testing

Employees subject to this drug and alcohol testing program are required to be tested under the following five types of tests:

4.1 Pre-employment testing.

4.1.1 A pre-employment drug and alcohol test will be conducted when an individual is hired for any position with the City of Wilson.

4.1.2 A pre-employment drug and alcohol test will be conducted when a current employee transfers from a position not covered by DOT regulations into a position covered by DOT regulations. An employee who was previously separated from an anti-drug program position will be pre-employment tested prior to performing a safety-sensitive function covered by this policy.

4.1.3 Only applicants who are offered a position covered by this policy will be tested before being employed. Pre-employment job applicants who test positive will not be hired and do not have the right to have their samples retested except as provided for under Section 6.0. Employees transferring into a position requiring drug testing who test positive, do have the right to have their sample retested. Employees who fail a drug test will not be hired for the position requiring drug testing. If applicant's drug test is positive, the City will refer to the MRO for review (see Section 6 - Medical Review Officer).

4.1.4 An employee who transfers from one position covered by this policy to another covered by this policy does not require pre-employment testing.

4.1.5 Employees working in a position covered by this policy on the effective date and continue to work in a covered position do not require a pre-employment test.

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4.2. Random Testing

4.2.1 All employees working in a position covered by a DOT regulation listed in Section 2.2 are subject to unannounced testing based on random selection. This includes temporary employees performing in a covered position. Gas Division Employees covered by the Office of Pipeline Safety are not subject to random alcohol testing under Pipeline Safety Regulations. They are, however, subject to random alcohol testing under Federal Highway Administration Regulations if they have a commercial driver's license.

4.2.2 The City of Wilson will randomly drug test at least fifty percent (50%) of employees covered by a DOT regulation every twelve (12) months. All persons will be subject to be randomly picked for drug testing at each random testing date. A person may be randomly picked more than once or not picked at all during the annual period. The percentage of covered employees to be tested in any one year is subject to change by notification of the DOT Agency Official after review of the past year's violation record for the entire industry. If such a change is to be made, notification to employees shall be given at least sixty (60) days in advance of such change.

4.2.3 The City of Wilson will randomly alcohol test at least twenty-five percent (25%) of covered employees every twelve (12) months. All persons will be subject to be randomly picked for alcohol testing at each random testing date. A person may be randomly picked more than once or not picked at all during the annual period. The percentage of covered employees to be tested in any one year is subject to change by notification of the DOT Agency Official after review of the past year's violation record for the entire industry. If such a change is to be made, notification to employees shall be given at least sixty (60) days in advance of such change.

4.2.4 To assure that the selection process is random, all employees covered by a particular DOT Agency Regulation will be placed in a common pool. All full-time and temporary employees will be in this pool. There will be three (3) separate pools within the City of Wilson: 1) all employees covered by the Office of Pipeline safety, 2) all employees covered by the Federal Transit Administration, and 3) all employees covered by the Federal Highway Administration that are not covered by either 1 or 2 above. Employees that are covered by more than one DOT Agency regulation (a gas division employee that also has a commercial driver's license would be covered by the Office of Pipeline Safety and the Federal Highway Administration regulations for example) shall be placed in the pool that meets their primary job function most accurately. Gas Division employees that also fall under Federal Highway Administration regulation shall be placed in the "Gas" pool. Transit division employees that also fall under Federal Highway Administration regulation shall be placed in the "Transit" pool. In the event that one DOT Agency's regulation becomes less restrictive than another, the employees shall be required to meet the testing requirements of the strictest Agency's regulation.

4.2.5 The random selection procedure will be selected by a computer based number generation system.

4.2.6 The selection procedure will select sufficient additional numbers (names) to be used to reach the appropriate testing level during each test period. These alternate numbers (names) will be tested in order of selection only if persons selected are unavailable for testing due to vacations, medical leave, travel requirements, or working outside of Wilson.

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4.3 Post Accident/Unsafe Activity Testing

4.3.1 Any Employee who has an accident or engages in an unsafe work related activity, whether directly or indirectly on a city vehicle, equipment, or equipment contracted to the city, will be required to submit to drug and alcohol test. There are six circumstances in which an employee will be tested:

- 1) Involves a fatality;
- 2) An incident causing bodily injury which requires immediate medical treatment, on or away from the scene of the accident for anyone involved;
- 3) any vehicle or equipment that is towed or rendered inoperative;
- 4) a citation is issued within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved at least one of the items listed above.
- 5) An incident causing a total aggregate property damage of at least \$2,000
- 6) Has had 3 accidents within a 12 month period:

Or at the discretion of Management Services other testing may be applicable.

Post-accident/unsafe activity testing will be conducted as soon as possible after an accident or unsafe activity. Post-accident testing will be conducted as soon as possible after the accident or unsafe activity. An employee who is subject to post-accident/unsafe activity testing will not be permitted to drive himself or herself to the testing facility. He or she will be escorted to the testing facility by a supervisor or other member of management. An employee must not use alcohol following an accident or unsafe activity for which a post-accident/unsafe activity alcohol test is required until the alcohol test has been conducted.

If the employee is too seriously injured to provide the specimen or sample, authorization must be provided for the City of Wilson to obtain and review hospital records or other documents that would indicate whether there were any prohibited drugs or alcohol in the employee’s system at the time of the accident or unsafe activity

4.3.2 The employee will be drug tested as soon as possible, but not later than 32 hours after the accident. Because certain drugs or drug metabolites do not remain in the body for extended periods of time, testing should be as soon as possible. The employee will be tested for alcohol as soon as possible but within eight (8) hours of the accident.

4.3.3 An “accident” on a gas pipeline or LNG facility is defined as an “incident” in 49 CFR, Section 191.3 An “accident” requiring drug and alcohol testing in a transit function is defined as one involving death, an injury requiring medical treatment away from the accident scene, disabling damage to one or more vehicles, or the transit vehicle is removed from revenue service (49 CFR 653.7, 654.7). An “accident” requiring drug and alcohol testing under Federal Highway Administration regulations is one involving death or a citation being issued for a moving violation arising from the accident (49 CFR 382.303).

4.3.4 All reasonable steps will be taken to obtain a urine sample from an employee after an accident. In case of a hospitalized employee, the hospital or medical facility will be requested to obtain a sample, and if necessary, reference will be made to the DOT drug testing requirements and this policy.

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4.3.5 If an employee who is subject to post-accident testing is conscious, able to urinate normally (in the opinion of a medical professional) and refuses to be tested, that employee will be removed from duty as an employee covered by this policy, will not return to duty until he or she is tested, and is subject to disciplinary action up to and including termination.

4.3.6 Due to the nature of the statutory and internal policy requirements for drug and alcohol, timely testing of accidents is crucial. All accidents (including those in 4.3.3 above or 14.1 below) shall be reported to the employee's supervisor immediately. Failure to immediately notify a supervisor shall result in an automatic suspension from work without pay for one (1) day, and depending upon the severity of the accident, may result in additional disciplinary action up to and including termination. The supervisor of an employee involved in an accident (as defined 4.3.3 above or 14.1 below) shall immediately notify the City of Wilson Safety and Risk Manager or his or her designee. Failure of a supervisor to immediately notify the Safety and Risk Manager or his or her designee shall result in an automatic suspension from work without pay for one (1) day, and depending upon the severity of the accident, may result in additional disciplinary action up to and including termination. The Safety and Risk Manager can be notified by requesting Public Works Dispatch, Utilities Dispatch, or Wilson County Emergency Communications to notify him or her, at (252) 296-3355. If unable to contact directly by the means listed above, the supervisor should call (252) 296-3355 and leave a message on the voice mail system. If unable to contact the Safety and Risk Manager or and drug and alcohol testing is required under this policy, the employee involved should then be taken to Wilson Memorial Hospital for drug and alcohol testing as soon as feasible thereafter.

4.4 Reasonable Suspicion Testing

If the City has a reasonable suspicion that an employee has used prohibited drugs or alcohol in violation of this Policy or is under the influence of prohibited drugs or alcohol at the workplace, the employee may be required to submit a urine sample, breath sample, saliva sample, or other sample or specimen for drug and/or alcohol testing immediately upon request by the employee's supervisor.

The decision to test an employee will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, or body odor of the employee, or performance indicators of probable prohibited drug use and/or alcohol misuse. This may include involvement in any unusual circumstance that merits further investigation, conduct exhibiting less than total consciousness or self-control, violence, difficulty in performing normal tasks, and other behavior for which there appears to be no explanation. If possible, the reasonable suspicion observations should be corroborated by a manager-witness.

An employee who is subject to reasonable suspicion testing will not be permitted to drive himself or herself to the testing facility. He or she will be escorted to the testing facility by a supervisor or other member of management.

Follow-Up Testing. If for some reason an employee who has tested confirmed positive for prohibited drugs or alcohol is permitted to return to duty, as a condition of the employee's return, he or she first must be evaluated by a substance abuse professional acceptable to the City of Wilson and participate in any treatment program prescribed by the substance abuse professional. The employee also may be required to execute and comply with any Last Chance Assistance Agreement or similar agreement required by the City of Wilson and will be subject to unannounced follow-up drug and/or alcohol testing for up to 24 months after his or her return to duty. The City of Wilson may coordinate with the substance abuse professional performing the evaluation to establish the number and frequency of these tests.

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4.5 Return to duty testing

4.5.1 An employee who fails a drug or alcohol test or refuses a test must be evaluated by a substance abuse professional.

4.5.2 An employee who, at the recommendation of the Medical Review Officer (MRO), returns to work will be given unannounced drug and alcohol tests. The schedule and frequency of these tests will be recommended by the substance abuse professional or the MRO to the Safety and Health Division. These tests are in addition to the other types of tests stated in this policy.

4.5.3 The time period for “return to duty” testing will not be more than sixty (60) months. A reasonable minimum is 12 months. This period will be determined by the Safety and Health Division with recommendations by the substance abuse counselor and/or the MRO.

4.5.4 Testing will be on a daily, weekly, monthly, or longer basis at the discretion of the Safety and Health Division.

5.0 Testing Procedures

5.1 Drug Testing Procedures

5.1.1 Drug testing will be performed utilizing urine samples.

5.1.2 The drug tests will include testing for marijuana, cocaine, opiates, amphetamines and phencyclidine.

5.1.3 An applicant who is offered a position covered by this policy will be required to report to the drug testing collection site specified in Section 6 of this policy prior to hire and provide a specimen of his/her urine.

5.1.4 Upon notification that a drug test is required, an employee will report as soon as possible but no later than 24 hours (32 hours for post-accident) after notification to the drug collection site and provide a specimen of his/her urine.

5.1.5 The collection agency shall adhere to all requirements outlined in 49 CFR Part 40, Procedures for Transportation Workplace Drug Testing Program.

5.2 Alcohol Testing Procedures

5.2.1 Alcohol testing will be conducted using an Evidential Breath Testing device (EBT) authorized by DOT, as evidenced by its inclusion on NHTSA’s Conforming Products List.

5.2.2 Alcohol testing shall be conducted by a DOT certified Breath Alcohol Technician.

5.2.3 An employee who is offered a position covered by this policy will be required to report to the Alcohol testing site specified in Section 6 of this policy within 48 hours of notification and provide a breath sample for analysis.

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5.2.4 Alcohol testing will be conducted at the job site, at the City of Wilson Safety and Health Division Office, or by Wilson Memorial Hospital in the event that one of the City DOT Breath Alcohol Technicians is unavailable.

5.2.5 Screening Tests - All breath alcohol tests shall begin with a screening test. If the results of the screening test indicate an alcohol concentration below .02, no further testing will be required and the employee will be given a copy of the results of the test.

5.2.6 Confirmation Tests - If the screening test indicates a concentration greater than .02, a confirmation test shall be conducted. The confirmation test shall be conducted at least 15 minutes, but not more than 20 minutes after the completion of the screening test. An air blank test shall be performed prior to all confirmation tests to insure the proper working condition of the unit. After all 'positive' confirmation tests, a calibration check of the EBT shall be conducted and the results recorded. If the confirmation test cannot be conducted within 20 minutes of the screening test, the testing process must begin anew with a second screening followed by the appropriate waiting period and then a confirmation test.

5.2.7 In order to assure that test results are attributed to the correct safety-sensitive employee, the BAT shall show the employee the sequential test number assigned to the employee's test by the EBT and shall provide the employee with a print out of the test results indicating that the results are for the correct test number indicated above.

6.0 Medical Review Officer (MRO)

6.1 The MRO for this policy is Dr. Lawrence Krabill, Wilson Immediate Care PA, 1725 S. Tarboro Street, Wilson, North Carolina 27893.

6.2 MRO Duties. The MRO shall perform the following functions for the City of Wilson:

6.2.1 Review the results of drug testing before they are reported to the City.

6.2.2 Review and interpret each confirmed positive test result as follows to determine if there is an alternative medical explanation for the confirmed positive test result:

6.2.2.1 Conduct a medical interview with individual tested.

6.2.2.2 Review the individual's medical history and any relevant biomedical factors.

6.2.2.3 Review all medical records made available by the individual tested to determine if a confirmed positive test resulted from legally prescribed medication.

6.2.2.4 If necessary, require that the original specimen be reanalyzed to determine the accuracy of the reported test result

6.2.2.5 Verify that the laboratory report and assessment are correct.

6.2.3 Recommend whether and when an employee who refused to take or did not pass a drug test administered under DOT Procedures may be returned to duty.

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6.2.4 Recommend a schedule of unannounced testing for an employee who has returned to duty.

6.2.5 Ensure that an employee has been drug tested in accordance with the DOT Procedures before the employee returns to duty.

6.3 MRO Determinations

6.3.1 If the MRO determines, after appropriate review, that there is a legitimate medical explanation for the confirmed positive test result other than the unauthorized use of a prohibited drug, the MRO is not required to take further action.

6.3.2 If the MRO determines, after appropriate review, that there is no legitimate medical explanation for the confirmed positive test result other than the unauthorized use of a prohibited drug, the MRO shall refer the individual tested to an employee assistance program, or to a personal or administrative officer for further proceedings in accordance with the City's anti-drug program.

6.3.3 Based on a review of laboratory inspection reports, quality assurance and quality control data, and other drug test results, the MRO may conclude that a particular drug test result is scientifically insufficient for further action. Under these circumstances, the MRO should conclude that the test is negative for the presence of a prohibited drug or drug metabolite in an individual's system.

7.0 Drug Testing Laboratory

7.1 The drug testing laboratories for this policy are LabCorp, Burlington, North Carolina, and Quest, Atlanta, Georgia.

7.2 The testing laboratory will comply with all methods and procedures of 49 CFR Part 40 and will provide annual reports to the City of Wilson Safety and Health Division showing compliance.

8.0 Collection Agent

8.1 The collection agents for this policy are City of Wilson, Management Services Department, Wilson Immediate Care PA or Wilson Memorial Hospital.

8.2 The collection agent will comply with all methods and procedures of 49 CFR Part 40 and will provide annual reports to the City of Wilson Safety and Health Division showing compliance.

9.0 Employee Assistance Program (EAP):

9.1 Education - Every employee covered by this policy will receive the following drug use education:

9.1.1 Drug information will be periodically distributed and displayed in the work areas.

9.1.2 A copy of this policy will be given to each employee and displayed in the work areas.

9.1.3 The hot-line telephone number for employee assistance will be given to each employee and displayed in the work areas.

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9.2 Training - Every supervisor covered by this policy who will determine whether an employee must be drug tested based on reasonable cause will receive the following drug use training:

9.2.1 A 1-hour (minimum) training period on the specific, contemporaneous physical, behavioral, and performance indicators of probable drug use.

9.2.2 The EAP contract provider or the City nurse will provide any additional training for supervisors.

9.2.3 An employee who fails a drug test may receive disciplinary action, up to and including termination.

9.2.4 Participation in rehabilitation through the EAP will not result in disciplinary action. However, successful completion of the prescribed program will be required for the employee to continue in the employment of the City of Wilson.

9.2.5 Participation in rehabilitation through the EAP will not waive disciplinary action where warranted for violations of rules and regulations.

9.2.6 An employee who asks for assistance before he has been selected for testing will be referred to the City of Wilson EAP Program.

10.0 Record keeping

10.1. The City of Wilson will keep the following records for the periods specified. These records will be maintained in the Safety and Health Division under the control of the medical consultant for the City of Wilson.

10.1.1 Records that demonstrate the collection process conforms to Part 199 will be kept for a minimum of 3 years.

10.1.2 Records of employee drug test results that show employees failed a drug test, and the type of test failed and records that demonstrate rehabilitation, if any, will be kept for a minimum of 5 years, and include the following information:

10.1.2.1 The functions performed by each employee who fails the drug test.

10.1.2.2 The prohibited drugs which were used by each employee who fails the drug test.

10.1.2.3 The disposition of each employee who fails the drug test (e.g. termination, rehabilitation, leave without pay, etc.).

10.1.3 Records of employee drug test results that show employee passed a drug test will be kept for a minimum of 1 year.

10.1.4 A record of the number of employees tested by type of test will be kept for a minimum of 5 years.

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10.1.5 Records confirming that supervisors and employees have been trained as required by this policy will be kept for a minimum of 3 years. Training records will include copies of all training materials.

10.1.6 Test results will not be furnished to any other person without the express written consent of the tested employee, except as specified in this Policy or as required or permitted by law. The City will try to keep the conducting and results of the testing as confidential as possible under the circumstances.

11.0 Confidentiality

Each individual's record of testing and results under this policy will be maintained private and confidential as provided by North Carolina General Statute 160A-168 and 42 USC 12112(c).

12.0 Prohibited Behavior

12.1 All employees of the City of Wilson shall not use or ingest prohibited drugs at any time.

12.2 Employees shall not consume alcohol while performing a safety sensitive function, four (4) hours before performing a safety-sensitive function, and up to eight (8) hours following an accident or until the employee undergoes a post-accident test, whichever occurs first.

12.3 Employees shall not refuse to submit to a test. Behavior that constitutes a refusal to submit to a test shall include refusing to give a specimen (breath or urine), inability to provide sufficient quantities of specimen (breath or urine) without a valid medical explanation, tampering with or attempting to adulterate the specimen (breath or urine) or collection procedure, not reporting to the collection site in the time allotted, or leaving the scene of an accident without a valid reason before the tests have been conducted.

12.4 Any employee who refuses to submit to a test, has a verified positive drug test result, or has an alcohol concentration of 0.02 or greater, shall be immediately removed from performing a safety-sensitive function and is subject to disciplinary action, up to and including termination. Any employee who refuses to submit to a test, has a verified positive drug test result, or has an alcohol concentration of .04 or higher must also be evaluated by a substance abuse professional and must be recommended by the professional to return to duty if the City elects to retain the employee.

13.0 Any employee with a question about this policy or the procedures required herein should direct those questions to their supervisor or to the Management Services Department, 252-399-2238.

14.0 Additional Drug and Alcohol Testing Required by the City of Wilson

14.1 Post Vehicle Accident Testing:

All City of Wilson Employees whose performance either contributed to an accident or cannot be completely discounted as a contributing factor to the accident while operating a City-owned vehicle or piece of motorized equipment or personal vehicle on City of Wilson business, shall be tested for drug and alcohol use. All employees who are tested following a vehicle accident shall be transported to the testing site. Following a post-accident drug and alcohol test, all such employees shall be removed from performing a safety sensitive function. At the discretion of the department head, an employee may be placed on light duty (no safety sensitive functions), or placed on paid administrative leave. All such employees shall be tested for alcohol as soon as possible, but within two hours of the accident and shall be drug tested as soon as possible, but no later than 32 hours after the accident.

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Employees who fall under one of the DOT drug and alcohol testing programs listed in Section 2.2 are subject to being tested under both the DOT requirements and the City of Wilson requirements, however, no employee shall

be tested twice for the same accident. The accident reporting requirements and penalties found in 4.3.6 above shall apply to accidents under this section.

14.2 Random Drug and Alcohol Testing:

All City of Wilson Employees who perform a safety sensitive function as defined below will be subject to random drug and alcohol testing in the same manner and at the same rates/percentages of the covered pool as those covered by a Department of Transportation regulation and outlined in section 4.2 of this policy.

14.2.1 Definition of a Safety Sensitive Function

Any Function that involves public safety, safety concerns for others, or one which, if performed by someone who was impaired, could increase the risk of harm to others. The following are examples of tasks and functions that are considered to be safety sensitive:

- a. responsibility for traffic control;
- b. responding to emergency calls;
- c. handling hazardous materials;
- d. direct responsibility for public safety;
- e handling firearms; and
- f. operating motorized equipment/machinery

14.2.2 Positions covered by the City of Wilson Random Drug and Alcohol testing policy (positions covered by a DOT or other federal regulation listed in this policy are also subject to random testing but are not listed again here).

Administration

Building Maintenance Superintendent
General Service Technician I, II, III
Building Maintenance Mechanic

Police

Police Chief
Police Officer I
Police Officer II
Senior Police Officer
Reserve Police Officer
Police Sergeant
Police Lieutenant
Police Captain

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Fire

Fire Chief
Fire Captain
Fire Battalion Chief
Firefighter-Engineer
Firefighter
Deputy Fire Chief
Fire Lieutenant
Fire Marshall
Fire Inspector
Fire Maintenance Supervisor

Parks & Recreation

Aquatic Assistant
LifeGuard

Public Services

Water Plant Operator I, II, III
Water Resources Manager
Water Treatment Mechanic
Water Resources Technician I, II, III, IV
Chief Water Plant Operator
Wastewater Treatment Plant Operator I, II, III
Wastewater Operations & Maintenance Supervisor
Wastewater Treatment Manager

Utilities

Electric Distribution Engineer

14.3 Procedures for Drug and Alcohol Testing under City of Wilson Policy:

Procedures for the collection, testing, and interpretation of results of drug and alcohol test required by the City of Wilson shall be conducted in the same manner and shall meet the same requirements as those required by DOT and listed in the policy above.

14.4 Consequences of Positive Drug and/or Alcohol Test

If an employee has a “positive” drug and/or alcohol test, one that indicates the presence of drugs or alcohol in an employee’s system, the following procedures will be followed:

14.4.1 The employee is immediately removed from duty and advised to arrange transportation from the workplace. If an impaired employee attempts to leave the workplace by driving, the Wilson County Communications Center (911) should be contacted and advised of the situation.

STANDARD PROCEDURE

CITY OF WILSON

PERSONNEL MANUAL

SUBJECT	NUMBER	REVISED	EFFECTIVE DATE	PAGE
Drug and Alcohol Testing	E-3	September 15, 2009	June 6, 2000	14 of 14
Prepared By: Management Services			Approved By: Grant Goings, City Manager	

14.4.2 The employee will be suspended with pay pending a disposition hearing.

14.4.3 At the disposition hearing, the employee may present any relevant information to his or her department head and supervisor.

14.4.4 If an employee is given the opportunity to rehabilitate, he or she will be subject to return to duty and follow-up testing as described in section 4.5 of this policy. The employee will also be subject, as allowed by law, to loss of or reduction to any potential workers' compensation benefits that may be due the employee arising from an accident if applicable.



**CITY OF WILSON
DRUG AND ALCOHOL TESTING POLICY
ACKNOWLEDGMENT AND AGREEMENT**

I have been given a copy of and have familiarized myself with the Drug and Alcohol Testing Policy (the "Policy") adopted by the City of Wilson (the "City"), and I hereby acknowledge that I understand, accept, and agree to be bound by the conditions specified in the Policy and these materials.

I further understand and agree that:

1. If I am an **applicant**:

- a. As a condition of my employment with the City, I will be required to provide a post-offer, pre-employment urine sample or other sample or specimen for drug testing as specified in the Policy, and I hereby consent to such testing.
- b. Confirmed failure of a drug test or my refusal to submit to a drug test will result in the termination of my application and my not being considered further for employment with the City.

2. If I am hired or retained as an **employee**:

- a. As a condition of employment and continued employment with the City, I may be required to provide urine samples, blood samples, breath samples, saliva samples, or other samples or specimens, as appropriate, for drug and alcohol testing and to submit to searches under the circumstances described in the Policy, and I hereby consent to such testing and searches.
- b. Confirmed failure of a drug test, failure of an alcohol test, my refusal to submit to drug or alcohol tests or to a search under the circumstances set forth in the Policy, or violation of any provisions of the Policy or other policies of the City that apply to me and relate to drugs or alcohol will result in disciplinary action, up to and including my immediate termination, as described in the Policy.

3. To the extent required or permitted by law, the Policy may be modified at any time in any way in the discretion of the City and will become effective immediately upon posting a notice indicating the changes made therein.

4. The Policy is not a contract of employment with the City, but compliance with its terms and conditions is a condition to my employment and, if I am hired, my continued employment with the City. I understand that nothing in this Policy modifies the AT-WILL nature of employment with the City.

Applicant / Employee Signature

Date

Print Name



**CITY OF WILSON
CONSENT AND RELEASE OF LIABILITY FOR DRUG OR ALCOHOL
TESTING**

TO BE COMPLETED PRIOR TO PROVIDING SPECIMEN:

I hereby consent, as a condition of my employment or continued employment by the City of Wilson (the "City") to the collection of a sample or specimen of my **urine, blood, breath, saliva, hair, or other sample(s) or specimen(s)** and to the testing of such sample(s) or specimen(s) for the presence of prohibited drugs or for the presence of alcohol in my system (if I am an **employee** of the City) by a facility or person qualified to determine the results of such a test. As an **applicant**, I understand that a confirmed positive drug test will result in the City's rejection of my application for employment. As an **employee**, I understand that a confirmed positive drug or positive alcohol test will result in disciplinary action, up to and including the termination of my employment.

I authorize and direct that the approved laboratory or qualified facility or person, as applicable, analyze my sample(s) or specimen(s) and release the results of the test(s) to the City, any agent or designee of the City, or any medical review officer retained by the City.

Applicant / Employee Signature

Date

Print Name



**CITY OF WILSON
 DRUG AND ALCOHOL TESTING POLICY
 OBSERVATION OF SUSPICIOUS BEHAVIOR – SUPERVISOR STATEMENT**

GENERAL INFORMATION:

Employee's Name: _____

Observation Date: _____ Time: _____ a.m. / p.m.

Location: _____

Supervisor's Name: _____

How long has the employee worked at _____? _____

How long have you supervised the employee? _____

Was the employee involved in an accident or unsafe activity? Yes _____ No _____

If yes, please describe: _____

Date and Time: _____

Extent of Injury to Persons/Property: _____

Employee's Actions: _____

CAUSE FOR SUSPICION:

SPEECH:

___ Mumbled ___ Slurred ___ Confused ___ Incoherent ___ Stuttered ___ Clear

CONDITION OF CLOTHES:

___ Disorderly ___ Soiled ___ Rumpled ___ Orderly

EYES:

___ Sleepy ___ Blood Shot ___ Glassy ___ Watery ___ Dilated ___ Closed

___ Alert ___ Inappropriate Wearing of Sunglasses

ATTITUDE OR Demeanor:

Talkative Hyperactive Hostile Irritable Nervous Depressed
 Profane Drowsy Mood Swings Pleasant

UNUSUAL ACTIONS:

Belching Vomiting Fighting Runny Nose Crying Laughing
 Accident Prone None

WALKING/STANDING:

Stumbling Swaying Staggering Falling Arms Raised for Balance
 Reaching for Support Feet Wide Apart Unable to Stand Normal

ODOR OF ALCOHOL:

Strong Fairly Strong Moderate Faint None

Indicate other unusual actions or statements, including when first observed: _____

HISTORY:

Number of Mondays missed or tardy in the last two months: _____

Has there been a recent change in the employee's level of performance?

Yes No Don't Know

SUPERVISOR'S OPINION:

Effects of drugs and/or alcohol: _____

Ability to drive, operate equipment, or otherwise perform duties: Unfit Fit

Indicate briefly what leads you to suspect drug or alcohol influence: _____

Indicate any additional substandard performance: _____

Other Witnesses: _____

Supervisor Signature

Title

Date

Time



**CITY OF WILSON
 DRUG AND ALCOHOL TESTING POLICY
 OBSERVATION OF SUSPECT BEHAVIOR- STATEMENT OF WITNESS**

This document is to be detached from the Observation of Suspect Behavior - Supervisor Statement and provided to anyone who has reported suspect behavior to a supervisor or to anyone who was present and appeared to witness the same behavior the supervisor witnessed. The witness should independently complete this document and provide it to the supervisor, who should attach it to the Observation of Suspect Behavior - Supervisor Statement.

GENERAL INFORMATION:

Observed Employee's Name: _____

Observation Date: _____ Time: _____ a.m. / p.m.

Location: _____

Witness Name: _____

Was the employee involved in an accident or unsafe activity? Yes _____ No _____

If yes, please describe: _____

Date and Time: _____

Extent of Injury to Persons/Property: _____

Observed Employee's Actions: _____

CAUSE FOR SUSPICION:

SPEECH:

___ Mumbled ___ Slurred ___ Confused ___ Incoherent ___ Stuttered ___ Clear

CONDITION OF CLOTHES:

___ Disorderly ___ Soiled ___ Rumpled ___ Orderly

EYES:

___ Sleepy ___ Blood Shot ___ Glassy ___ Watery ___ Dilated ___ Closed

___ Alert ___ Inappropriate Wearing of Sunglasses

ATTITUDE OR Demeanor:

Talkative Hyperactive Hostile Irritable Nervous Depressed
 Profane Drowsy Mood Swings Pleasant

UNUSUAL ACTIONS:

Belching Vomiting Fighting Runny Nose Crying Laughing
 Accident Prone None

WALKING/STANDING:

Stumbling Swaying Staggering Falling Arms Raised for Balance
 Reaching for Support Feet Wide Apart Unable to Stand Normal

ODOR OF ALCOHOL:

Strong Fairly Strong Moderate Faint None

Indicate other unusual actions or statements, including when first observed: _____

Ability to drive, operate equipment, or otherwise perform duties: Unfit Fit

Indicate briefly what you witnessed: _____

Other Witnesses: _____

Supervisor Signature

Title

Date

Time



**CITY OF WILSON
DRUG AND ALCOHOL TESTING POLICY
LAST CHANCE ASSISTANCE AGREEMENT**

1. As a condition of my continued employment with the City of Wilson (the "CITY"), I promise to cooperate fully and participate in any counseling, treatment, or rehabilitation program to which I have been referred by the CITY for evaluation by a substance abuse professional, in accordance with instructions and requirements of program administrators. I understand that any approved leave of absence to continue in a counseling, treatment, or rehabilitation program may be reviewed on a weekly basis or as otherwise deemed necessary by the CITY.

2. I understand that any counseling, treatment, or rehabilitation to which I may submit because of the evaluation interview will be handled on a confidential basis. However, the CITY or its designated health care provider may confer with any counseling, treatment, or rehabilitation representatives regarding job-related matters.

3. I understand that during my continued employment or upon my return to active employment, I must meet all established standards of conduct and job performance required of other employees of the CITY and that I will be subject to the same disciplinary procedures applicable to other employees of the CITY.

4. I understand and agree that I will submit willingly to unscheduled drug or alcohol testing, as directed by a substance abuse professional, at any time, and that my failure to take a drug or alcohol test as requested or to have a confirmed positive drug test or positive alcohol test will result in the termination of my employment. I understand and agree that unannounced testing may be required for up to 24 months after my return to duty.

5. I understand and agree that my future employment with the CITY depends upon my remaining free of the use of prohibited drugs and the misuse of alcohol for the entire duration of my continued employment, and that this "LAST CHANCE" opportunity afforded me by the CITY is conditioned accordingly. **I recognize that these conditions, including those above, are in addition to the CITY's right to alter my employment relationship with it AT-WILL, and for reasons not set forth in this Last Chance Assistance Agreement.**

Employee Signature

Date

Print Name

APPROVED: _____



**CITY OF WILSON
 DRUG AND ALCOHOL TESTING POLICY
 NOTICE OF RIGHTS AND RESPONSIBILITIES UNDER THE CONTROLLED
 SUBSTANCE EXAMINATION REGULATION ACT**

I hereby acknowledge that I have received notice of my rights and responsibilities under the North Carolina Controlled Substance Examination Regulation Act ("CSERA"), N.C. Gen. Stat. § 95-231, et seq. (if I am in North Carolina), as part of the collection and testing of a sample or specimen pursuant to the Drug and Alcohol Testing Policy of the City of Wilson (the "CITY"). I understand that my rights and responsibilities are:

1. To have the sample or specimen collected under reasonable and sanitary conditions in a manner reasonably calculated to prevent substitution of samples or specimens and interference with the collection, examination, or screening of samples or specimens.
2. To have the sample or specimen collected in manner designed to preserve dignity and privacy to the extent practicable.
3. If I am an **applicant** of the CITY, to have an approved laboratory perform any controlled substance examination confirmation test. If I am an **employee** of the CITY, to have an approved laboratory perform any controlled substance examination screening and confirmation test.
4. To have any positive results confirmed by an approved laboratory using gas chromatography with mass spectrometry or an equivalent scientifically accepted method.
5. To have any confirmed positive sample or specimen retested at my request.
6. To receive written notice within thirty (30) days from the time that the test results are delivered to the CITY of:
 - a. Any positive result of the controlled substance examination; and
 - b. My rights and responsibilities regarding retesting under applicable state law.
7. To have any information relating to the controlled substance examination kept confidential, including the results of the examination, my medical history, and any lawful prescription drug use, to the extent required by applicable state law.

I understand that if I request a retest of a confirmed positive sample, I am responsible for all reasonable expenses for retesting. **"Reasonable expenses for retesting"** means the actual cost of the retest charged by the approved laboratory; fees assessed by the approved laboratory for expenses relating to the retest; a maximum of \$15.00 for the City's expenses relating to the retest (unless the CITY demonstrates that its costs were greater than \$15.00); and the actual cost of shipping expenses related to the retest. I further understand that if I choose to have a retest, I must request release of the original sample or specimen in writing to the original laboratory within ninety (90) days of notification by the laboratory to the CITY of a confirmed positive test result, specifying the approved laboratory to which the sample or specimen is to be sent for retesting.

Applicant/Employee Signature: _____ Date: _____



**CITY OF WILSON
 DRUG AND ALCOHOL TESTING POLICY
 NOTICE OF CONFIRMED POSITIVE CONTROLLED SUBSTANCE
 EXAMINATION RESULT AND
 RIGHT TO RETEST**

On _____, you provided a sample or specimen for testing for the presence of certain controlled substances in your system. On _____, City of Wilson (the "CITY") received notification that the testing process returned a confirmed positive test result for the following controlled substance(s):

- Amphetamines _____
 - Benzoyllecogine (Cocaine) _____
 - Cannabinoids (Marijuana) _____
 - Opiates _____
 - Phencyclidine (PCP) _____
- Other _____

Pursuant to applicable state laws, including the North Carolina Controlled Substance Examination Regulation Act (if you are in North Carolina), you have the right to have any samples or specimens that return positive test results retested at the same approved laboratory used by the Company or at another approved laboratory. You must submit a written request for release of your sample or specimen to the original laboratory within ninety (90) days of notification by the original laboratory to the CITY of a confirmed positive test result, specifying the approved laboratory to which the sample or specimen is to be sent. You are responsible for all reasonable expenses for retesting of positive samples or specimens. "Reasonable expenses for retesting" means the actual cost of the retest charged by the approved laboratory; fees assessed by the approved laboratory for expenses relating to the retest; a maximum of \$15.00 for the CITY's expenses related to the retest (unless the City demonstrates that its costs were greater than \$15.00); and the actual cost of shipping expenses related to the retest.

If you have any questions regarding your rights to retesting, please contact the Management Services Department at 252-399-2238.