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| <p style="text-align: center;">PART A HOLDERS OF COMMERCIAL DRIVER'S LICENSES (CDL's)</p> |
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FOREWORD

Misuse of alcohol and controlled substances by employees of the City of Pine Bluff poses a danger to the employee, co-workers and the public. All employees of the City have a duty to refrain from such misuse. This policy is intended to foster an alcohol and drug free workplace by detecting and deterring misuse of alcohol and drugs by employees, and to diminish accidents and injuries in the workplace. This policy has several other purposes:

1. To provide administration of the Anti-Drug and Alcohol program.
2. To identify what employees are covered by this policy and when they will be required to comply with the policy.
3. To spell out what is prohibited conduct and the consequences of an employee engaging in such conduct.
4. To alert employees under what circumstances they will be required to undergo drug and alcohol testing.
5. To warn employees of the consequences of refusing to submit to alcohol and drug testing when notified that this policy requires employees to do so.
6. To provide education to employees concerning the consequences of alcohol and drug abuse and training to supervisors called on to make reasonable suspicion determination.
7. To maintain all records required under applicable Federal regulations in a safe and confidential manner.
8. To identify the contact person under this policy who will administer the policy, maintain all required records, and answer inquiries regarding administration of the policy.

9. To respect the integrity and privacy of our employees consistent with the obligation of ensuring a safe workplace for the protection of all employees and the public and to comply with Federal law.

A. INTRODUCTION

The United States Department of Transportation, Federal Highway Administration has promulgated Part 382 of Title 49, Code of Federal Regulations. These regulations, the Federal Motor Carrier Safety Regulations, require the City of Pine Bluff to establish rules and regulations for controlled substances and alcohol use and testing.

The City Council of the City of Pine Bluff has adopted the following regulations and policies respecting alcohol and drug testing for holders of commercial driver's licenses pursuant to the Federal Motor Carrier Safety Regulations.

B. EMPLOYEES SUBJECT TO ALCOHOL AND DRUG TESTING

1. Employees who must be tested are those required to have a commercial driver's license (CDL) [49 CFR 382.103]. This includes any employee whose position requires driving a motor vehicle:
 - with gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross weight of more than 10,000 pounds; or
 - with a gross vehicle weight rating of 26,001 or more pounds; or
 - designed to transport 16 or more passengers; or
 - of any size that is used to transport hazardous material which require the vehicle to be placarded under the hazardous materials regulations [49 CFR 382.107].

2. CDL's MUST COMPLY WITH THIS POLICY WHEN PERFORMING A SAFETY-FUNCTION. – A safety-sensitive function means any of the duties set out in 49 CFR 395.2, regarding on-duty time. Local policy: Covered employees may be called upon to perform safety sensitive functions at any time during their scheduled work periods. Covered employees are expected to adhere to this policy at all times during their scheduled work periods.

On-duty time means all time from the time the driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. On-duty time includes:

- waiting at a terminal, facility, or other property to drive, unless relieved from duty by the employer;
 - performing pre-trip inspections or other wise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
 - driving the motor vehicle;
 - in or upon any commercial motor vehicle, except when resting in a sleeper berth;
 - loading and unloading the vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, giving or receiving receipts for the load, or remaining in readiness to operate the motor vehicle; AND
 - all time repairing, obtaining assistance , or remaining in attendance of a disabled vehicle.
3. Occasionally in the course of employment, CDL's will perform other functions which are not covered by this section. During such times the CDL will be covered by and must comply with Part C of this policy which covers all non-uniformed employees of the City of Pine Bluff.

C. PROHIBITED CONDUCT

A driver **shall not** report or remain on duty requiring the performance of safety-sensitive function:

- (1) while using alcohol; [49 CFR 382.205]
To "use alcohol" or "alcohol use" means the consumption of any beverage, mixture, or preparation, including medication, containing alcohol. Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol. [49 CFR 382.107]
- (2) while having an alcohol concentration of 0.04 or greater; [49 CFR 382.201]
- (3) while possessing alcohol, unless the alcohol is manifested and transported as part of a shipment; [49 CFR 382.204]
This includes the possession of medicine containing alcohol, whether prescription or over the counter, unless the employee provides the employer with a written doctor's statement verifying that the medication has been prescribed for the employee and will

not adversely affect the employee's ability to operate a commercial vehicle.

- (4) within four (4) four hours after using alcohol; [49 CFR 382.207]. This applies to "on-call" employees as well. An on-call employee is one who has been told by a supervisor that he or she is expected to be available for duty during a designated period if called by an authorized member of management.
- (5) when the driver uses any controlled substance or prohibited drug, except if the use is pursuant to the instructions of the physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle; [49 CFR 382.213] The driver shall disclose the fact that he or she is using a prescribed controlled substance to his or her supervisor, identify the controlled substance being ingested, and upon request provide a written statement from the physician verifying the driver may operate a commercial motor vehicle safely.
- (6) if tested positive for controlled substances. [49 CFR 382.215]

A driver **shall not:**

- (1) sell, distribute, dispense, manufacture, or deal, any prohibited drug or controlled substance on the premises of the employer, in or from any vehicle owned or operated by the employer, or while on duty at any time;
- (2) refuse to submit to an alcohol or drug test when informed that such a test is required under this policy; [49 CFR 382.211]

Refusal to submit to an alcohol or drug test means that a covered employee (i) fails to provide adequate breath for testing without a valid medical explanation after he or she received notice of the requirement to be tested in accordance with the provisions of this policy, (ii) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she received notice of the requirement for urine testing in accordance with the provisions of this policy, (iii) engages in conduct that clearly obstructs the testing process, such as providing adulterated or contaminated sample of a substitute sample, failing to report in a timely manner for testing or failing to

cooperate with personnel administering the test. [49 CFR 382.107]

- (3) Use alcohol for eight (8) hours following an accident he or she was involved in, or until undergoing post-accident alcohol testing, whichever ever comes first. [49 CFR 382.209]
- (4) report for duty or remain on duty impaired or under the influence of alcohol or drugs. *Under the influence or impaired means that the employee's speech, behavior, physical reactions, motor skills, or mental faculties are noticeably affected by use of alcohol or drugs.*

No supervisor or department head:

shall permit a driver or operator to perform or continue to perform safety-sensitive functions when the supervisor or department has actual knowledge that the driver or operator:

- is using alcohol
- has an alcohol concentration of 0.04 or greater
- has used alcohol within four hours
- possesses alcohol under circumstances prohibited by this policy
- possesses or is using controlled substance under circumstances prohibited by this policy
- has refused to submit to alcohol or controlled substances test
- is impaired by alcohol or drugs
- has tested positive for alcohol or drugs

D. CONSEQUENCES OF PROHIBITED CONDUCT

Any employee who engages in prohibited conduct:

- will be immediately removed from the performance of safety-sensitive function
- will be advised of the resources available in resolving problems associated with alcohol misuse and drug use
- will be provided with the names of substance abuse professionals (SAP) [49 CFR 382.605 (a)]
- **WILL BE DISCHARGED**

Proviso: If the determination of prohibited conduct requires the result of an alcohol or drug test not immediately available, and the test was directed because of a reasonable suspicion the employee was impaired by alcohol or drugs, the employee will be placed on leave pending the test result. Whether the leave will be with pay or without pay will depend on the test result. A negative result means the leave will be with pay; a positive result means the leave will be without pay.

In all cases other than reasonable suspicion where the test result is not immediately available the employee will be allowed to return to duty pending the test result.

THE CITY OF PINE BLUFF HAS ADOPTED A POLICY OF ZERO TOLERANCE FOR EMPLOYEES WHO ENGAGE IN PROHIBITED CONDUCT. A DRIVER WHO DOES ENGAGE IN PROHIBITED CONDUCT WILL BE DISCHARGED FOR THE FIRST VIOLATION.

A driver who reports to duty or is on duty with an alcohol concentration of .02 or greater but less than .04 will be immediately removed from duty and placed on leave without pay. The employee will undergo return-to-duty testing for alcohol and/or drugs with a result for the alcohol test of less than 0.02 and a verified negative drug test result. The employee will be subject to unannounced follow-up testing for drugs and/or alcohol as determined by a substance abuse professional (SAP) in consultation with the employer. The costs of the consultation with the (SAP) must be borne by the employee and his insurance. [49 CFR 382.309; 382.605]

E. CIRCUMSTANCES UNDER WHICH A COVERED EMPLOYEE WILL BE TESTED FOR ALCOHOL OR DRUGS

A driver will be tested for the presence of alcohol and drugs as a condition of his or her employment. All employees are reminded that refusal to submit to testing when required by this policy will result in the employee being discharged.

Testing will occur in the following circumstances:

Reasonable Suspicion [49 CFR 382.307]

You will be tested when a supervisor trained in the detection of the symptoms of alcohol or drug misuse makes specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee which indicates a reasonable suspicion of a violation of this policy.

The supervisor who makes the reasonable suspicion determination will not conduct the alcohol test of the employee or serve as the collection site person for the drug test of the employee. [49 CFR 382.307 (c)]

A written record shall be made of the observations leading to a controlled substances reasonable suspicion test, and signed by the supervisor or company official who made the observations, within twenty-four (24) hours of the observed behavior or before the results of the controlled substances test or released, whichever is earlier. [49 CFR 382.307 (f)]

Testing should be performed immediately after the reasonable suspicion determination. If drug testing is not performed within thirty-two hours after the reasonable suspicion determination, the employer can not require drug testing. If drug testing is not administered within thirty-two (32) hours, the employer must prepare and maintain on file a written explanation of why the test was not promptly administered.[49 CFR 382.303 (b) (2)] Alcohol testing should be administered within two (2) hours; prepare and maintain on file a written explanation of why the test was not promptly administered. In no event can alcohol testing be required later than eight (8) hours after the determination. If alcohol testing was not administered, within eight (8) hours, the employer must prepare and maintain on file a written explanation of why the test was not administered. [49 CFR 382.307 (e)]

With regard to alcohol use, reasonable suspicion testing may only be required when the observations of the covered employee are made during, just preceding, or just after the period of the work day that the covered employee is performing safety-sensitive functions as any time during their scheduled work day.

Notwithstanding the absence of an alcohol or drug test, the covered employee will not be allowed to report for duty or remain on duty requiring performance of safety-sensitive functions while the employee is under the influence or impaired by alcohol or drugs, as shown by his behavior, speech, or other performance indicators of alcohol or drug misuse. [49 CFR 382.307 (e) (2)]. The covered employee is reminded that appearing for work impaired or under the influence is grounds for reasonable suspicions testing and refusal to submit to testing under

such circumstances is prohibited conduct with adverse consequence to the covered employee.

In no event will the employee be permitted to return to work without first undergoing alcohol testing with a result of less than 0.02 and/or drug testing with a verified negative result. [49 CFR 382.307 (e) (2) (i)]

2. Post Accident Testing [49 CFR 382.303]

Immediately after an accident involving a commercial motor vehicle, each employee shall be tested for alcohol and controlled substances who was performing safety-sensitive functions with respect to the vehicle as a result of the accident:

- an individual dies; or
- an individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident;
- the driver receives a citation under state or local law for a moving traffic violation arising from the accident; or
- one or more of the involved motor vehicles is towed from the scene [49 CFR 390.5]

Vehicle or motor vehicle means commercial motor vehicle. [49 CFR 382.103]

Employees must be readily available for post-accident alcohol or drug testing, and notify the employer if you leave the scene of the accident prior to the submission of the test. If an employee leaves the scene and does not notify the employer of your location before a test, you may be deemed by the employer to have refused to submit to testing. Nothing in this paragraph shall be construed to require the delay of necessary medical attention for injured people following an accident or prohibit a driver or covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care. [49 CFR 382.303 (c)]

The results of a breath or blood test for the use of alcohol or a controlled substance, conducted by Federal, State or local officials having independent authority for the test, shall be considered to meet the requirements, and the results of the test are obtained by the employer [49 CFR 391.113 (b)]

A driver who is seriously injured and cannot provide a specimen at the time of the accident shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in his or her system. [49 CFR 391.113 (b)]

3. Return-to-duty testing [49 CFR 382.309]

A covered employee who violates this policy will be terminated. A driver who reports for duty or remains on duty with an alcohol concentration of .02 or greater but less than .04 and who has been placed on leave without pay cannot return to duty before first undergoing alcohol testing. The alcohol test result must be less than .02. [49 CFR 382.309] This requirement is additional to the requirement that you be evaluated by a substance abuse professional (SAP) before returning to duty. [49 CFR 382.605 (b)] The costs of the evaluation by the SAP must be paid by the employee or employee's insurance. [49 CFR 382.605 (d)]

4. Follow-up testing [49 CFR 382.311]

As mentioned in the paragraph on return-to-duty testing, a driver who has been placed on leave without pay because he had an alcohol concentration of .02 or greater but less than .04 while on duty, and who has been allowed to return-to-duty, is subject to follow-up alcohol testing, if a SAP determines the need of assistance in resolving problems associated with alcohol misuse.

Follow-up testing for alcohol will be limited to those periods on duty when the covered employee is performing safety-sensitive functions, just before the performance of safety-sensitive functions, or just after the performance of safety-sensitive functions. [49 CFR 382.311 (b)] The driver is reminded that he or she may be called upon to perform safety-sensitive functions at any time during the scheduled work day.

Follow-up testing shall be unannounced and at least six (6) tests will be conducted in the first twelve (12) months after a driver returns to duty. Follow-up testing may be extended for up to sixty (60) months following return to duty [49 CFR 382.605 (c) (2)]

An employee referred to a SAP must comply with the treatment program developed by the SAP. Compliance with the treatment plan is a condition of employment.

5. Random Testing [49 CFR 382.205]

All covered employees will be subject to random alcohol and drug testing. The percentage of covered employees who will undergo annual random testing will vary as determined by federal regulations published in the FEDERAL REGISTER. Selection of employees for random testing shall be done by a scientifically valid method. Under the selection process used, each covered employee shall have

an equal chance of being tested each time selections are made. [49 CFR 382.305 (e)]

Random testing shall be unannounced and the dates spread reasonably throughout the calendar year. [49 CFR 382.305 (g)]

An employee selected for random testing shall proceed immediately to the test site; provided, however, that if the employee is performing a safety-sensitive function at the time of notification, the employee shall cease the function and proceed to the testing site as soon as possible. [49 CFR 382.305(h)]

With regard to random alcohol testing, a covered employee may only be tested when performing safety-sensitive functions, just before performing such function, or just after performing such a function. [49 CFR 382.305 (i)] The driver is reminded that he or she may be called upon to perform safety-sensitive functions at any time during the work day.

6. Applicant/Transfer Testing

Persons whose positions require a commercial driver's license must be tested for drug use prior to employment, promotion or transfer. For purposes of this provision, when a current employee acquires a CDL to be used in the course of his employment, he/she will be deemed to "transfer" and subject to testing under this paragraph.

A negative drug test must be received before the driver is hired, promoted or transferred. [49 CFR 382.301]

F. TESTING PROCEDURES

Covered employees will be tested in accordance with the requirements of 49 CFR 40. Every effort will be made to afford privacy to the employee while he or she is being tested. Basically, this is how you will be tested.

Alcohol Testing

- Alcohol testing will be by evidentiary breath testing device approved by the federal regulations and conducted by a breath alcohol technician who has been trained and certified in the operation of the device.
- The device shall produce a printed serial number identifiable record of each test. A copy of the result of each test will be provided to the employee.

- If the test result is less than 0.02, the test is negative and testing complete. If this result is 0.02 or greater, a confirmation test will be administered no sooner than fifteen (15) or later than (20) minutes after the first test. The employee shall not eat, drink, or place any object in his mouth.
- The employee is reminded that refusal to submit to testing includes any conduct to subvert the testing process, and will result in the discharge of the employee.

Drug Testing

1. Drug testing will be by split urine sample with chain of custody control procedures outlined in 49 CFR 40. Testing will be conducted by a laboratory or facility approved by the United States Department of Health. (DHHS)

Testing will be performed for prohibited drugs

Prohibited drugs include:

1. Marijuana
 2. Cocaine
 3. Opiates
 4. Amphetamines
 5. Phencyclidine
2. After the urine specimen has been collected and forwarded to the laboratory, two (2) tests are performed.:
 - a. Initial test; that is an immunoassay test to determine usage for the five (5) classes of drugs; and, when necessary,
 - b. Second test: this is a confirmation test.

If the results of the initial test are negative, the testing laboratory will advise the employer's medical review officer (MRO) that the drug test for the driver was negative . No additional tests on the specimen will be done.

A test is considered positive for a substance if the test indicates the substance is present in excess of the threshold amount established in 49 CFR 40. In the

event of a positive initial test, a second, confirmation test must be confirmed using gas chromatography/mass spectrometry techniques.

3. Only urine specimens that are confirmed positive on the second, confirmation test are reported positive to the MRO.
 - ❖ The Human Resources Director will notify the employee or applicant of a positive test result. In this regard, the telephone number and address provided by the employee are presumed correct and notification to same will be deemed as effective notice to the employee triggering the running of time for response by the employee. Employees who provide an incorrect or out-of-date address and telephone number to the Human Resources Department will suffer the consequences outlined in this section.

The Human Resources Director may verify a test as positive without having communicated directly with the employee about the test results when (a) the employee declines to discuss the test results; (b) the employee fails to contact the Human Resources Director within five (5) days after being told to do so; or (c) as otherwise provided in the DOT Regulations

The employee has seventy-two (72) hours after notice of a positive test result to request the Human Resources Director to send the other half of the split urine sample to be tested by a different DHHS laboratory or facility. The testing of the split specimen will be for the presence of drugs. If the result of the test of the split specimen is negative, the Human Resources Director shall cancel the test.

The costs of the initial and confirmation tests will be paid by the employer. The costs of a test requested by the employee must be paid by the employee, unless the test is negative in which case the costs of the test will be paid by the employer also.

G. RECORDS

The employer will maintain all records required by 49 CFR 382 and 40 in a secure location with limited access to ensure confidentiality of the records and protection of employee privacy.

H. CONTACT PERSON

For assistance in understanding the requirements of this policy contact:

Department Head or Director of Human Resources

I EDUCATION, INTERVENTION AND ASSISTANCE

Education

1. Employees will be provided information and materials on the consequences of alcohol misuse and the use of controlled substances. [49 CFR 382.601 (b) (11)]
2. All supervisors who make reasonable suspicion determinations shall receive annual specialized training in making such determinations, of not less than sixty (60) minutes annually for alcohol and drugs, respectively. [49 CFR 382.603]

Intervention and Assistance

The hazard of misuse of alcohol and prohibited drugs extends far beyond the individual user. Impaired employees endanger themselves, fellow workers, and other users of our highways. Employees with drugs or alcohol in their systems are less productive and more likely to injure themselves or other persons in an accident. Alcohol and drug abusing employees contribute to lost productivity, absenteeism, accidents, loss of trained personnel, theft, and treatment deterrence programs. Also, medical costs are higher and are passed on to the employer in the form of higher health insurance rates.

Alcohol consumption causes a number of changes in behavior. Even low doses can impair the judgment and coordination required for driving. Low to moderate doses increase the incidence of a variety of aggressive acts. Moderate to high doses cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressant drugs, much lower doses of alcohol will produce the effects just described. Long-term consumption of large quantities of alcohol can lead to permanent damage to vital organs such as the brain and liver.

Drugs show effects in many different ways, such as: drowsiness, respiratory depression, constricted pupils, nausea, slurred speech, excitement, loss of appetite, poor perception of time and distance, relaxed inhibitions, disoriented behavior, watery eyes, runny nose, chills and sweats, convulsions, apathy, depression, and the use of drug paraphernalia. Signs and symptoms of alcohol misuse are the odor of alcohol, delirium, loss of appetite, using arms for balance, leaning against walls and doorways, swaying while maintaining balance, and confusion.

Multiple substance abuse is abuse of more than one drug at the same time or over a period of time, involving any combination of :

- Alcohol
- Prescription drugs
- Over-the-counter drugs
- Illegal drugs

Multiple substance abuse is especially mostly dangerous because substances that interact with each other produce unexpected effects and dangers. This may happen because once a person begins to rely on a drug, abuse of additional substances become more likely. People who abuse one substance are at a high risk for developing dependence and tolerance for other substances.

**LISTED BELOW ARE SOURCES FOR INFORMATION ON ALCOHOL AND
DRUG ABUSE TREATMENT CENTERS**

| Name | Address | Phone | Website |
|--|--|----------------------------------|--|
| HDRS | 2106 E. 6 th , Pine Bluff, AR 71601 | (870) 535-3535 (870) 541-0965 | |
| HDRS | 6841 W. 13 th , Pine Bluff, AR 71602 | (870) 879-1051 | |
| Mid Arkansas Substance Abuse Service | 4601 W. 7 th , Little Rock, AR 72205 | (501) 686-9393 | |
| Serenity House | 2801 West Roosevelt Rd., Little Rock, AR 72204 | (501) 663-7627 | |
| Southeast AR Behavioral Healthcare Inc. | 2500 Rike Drive, Pine Bluff, AR 71613 | (870) 534-1834 | |
| The Bridgeway | 21 Bridgeway Rd., Maumelle, AR 72113 | (501) 771-1500 | Thebridgeway.co m |
| CATAR Clinic | 1401 South University Ave., Little Rock, AR 72204 | (501) 664-7833 | www.catarclinic.com |
| Recovery Centers of Arkansas | 1201 River Road, North Little Rock, AR 72114 | (501) 372-4611 | www.rcofa.org |
| Central Arkansas Veterans Healthcare Special Treatment Section | 2200 Fort Roots, North Little Rock, AR 72114 | (501) 247-3501 | |
| UAMS/Substance Abuse Treatment Clinic | 3924 West Markham, Little Rock, AR 72205 | (501) 686-9630 | |

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| <p style="text-align: center;">PART B TRANSIT EMPLOYEES</p> |
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FOREWORD

Misuse of alcohol and controlled substances by employees of the City of Pine Bluff poses a danger to the employee, co-workers and the public. All employees of the City have a duty to refrain from such misuse. This policy is intended to foster an alcohol and drug free workplace by detecting and deterring misuse of alcohol and drugs by employees, and to diminish accidents and injuries in the workplace. This policy has several other purposes:

1. To provide administration of the Anti-Drug and Alcohol program.
2. To identify what employee are covered by this policy and when they will be required to comply with the policy.
3. To spell out what is prohibited conduct and the consequences of an employee engaging in such conduct.
4. To alert employees under what circumstances they will be required to undergo drug and alcohol testing.
5. To warn employees of the consequences of refusing to submit to alcohol and drug testing when notified that this policy requires employees to do so.
6. To provide education to employees concerning the consequences of alcohol and drug abuse and training to supervisors called on to make reasonable suspicion determinations.
7. To maintain records required to be maintained under applicable Federal regulations in a safe and confidential manner.
8. To identify the contact person under this policy who will administer the policy, maintain all required records, and answer inquiries regarding administration of the policy.
9. To respect the integrity and privacy of our employees consistent with the obligation of ensuring a safe workplace for the protection of all employees and the public and to comply with Federal law.

A. INTRODUCTION

The United States Department of Transportation, Federal Transit Administration, has promulgated regulations in 49 CFR Parts 653, 654, and 40 pertaining to the detection and prevention adopted by the Pine Bluff City Council to comply with those regulations.

B. COVERED EMPLOYEES

A covered employee is anyone, including a volunteer, an applicant, or transferee, who performs a safety-sensitive function for the employer. [49 CFR 653.7; 654.7]

A safety-sensitive function means any of the following duties:

- Operating a revenue service vehicle, including when not in revenue service;
- Operating of nonrevenue service vehicle, when required to be operated by a holder of a Commercial Driver's License;
- Controlled dispatch or movement of a revenue service vehicle;
- Maintaining a revenue service vehicle or equipment used in revenue service; or
- Carrying a firearm for security purposes.

[49 CFR 653.7; 654.7]

Covered employees may be called upon to perform safety-sensitive functions at any time during the work day. Covered employees are therefore required to follow the provisions of this policy at all times during their scheduled work periods. Employees of the Transit Department not engaged in the above functions are covered and must comply with Part C of this policy concerning all non-uniformed employees of the City of Pine Bluff.

C. PROHIBITED CONDUCT

A covered employee cannot engage in the following conduct:

1. Drink alcohol while performing safety-sensitive functions. [49 CFR 654.21]

To “use alcohol” or “alcohol use” means the consumption of any beverage, mixture, or preparations, including medication, containing alcohol. Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol or low molecular weight alcohols, including methyl or isopropyl alcohol.

2. Report for duty or remain on duty requiring the performances of safety-sensitive functions while having an alcohol concentration of 0.04 or greater [49 CFR 654.21]
3. Use alcohol for eight (8) hours following an accident he or she was involved in, or until undergoing post-accident alcohol testing, whichever comes first. [49 CFR 654.27].
4. Report for duty or remain on duty while impaired or under the influence of alcohol or drugs. Under the influence or impaired means that the employee’s speech, behavior, physical reactions, motor skills, or mental faculties are noticeably affected by use of alcohol or drugs.
5. Use alcohol within four (4) hours prior to performing safety-sensitive functions. This applies to “on-call” employees as well. [49 CFR 654.25]
6. Sell, distribute, dispense, manufacture, or deal, any prohibited drug or controlled substance on the premises of the employer, in or from any vehicle owned or operated by the employer, or while on duty at any time.
7. Refuse to submit to an alcohol or drug test when informed that such a test is required under this policy. [49 CFR 653.7; 654.29] Refuse to submit to an alcohol or drug test means that a covered employee:
 - Fails to provide adequate breath for testing without a valid medical explanation after he or she received notice of the requirement to be tested in accordance with the provisions of this policy;
 - Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she received notice

of the requirement to be tested in accordance with the provisions of this policy;

- Engages in conduct that clearly obstructs the testing process, which includes, but is not limited to, the following behavior: tampering with a test sample; adulterating, diluting or providing a substitute test sample; failing to report to a collection site immediately after being directed to do so, or failing to report at all; or refusing to cooperate with collection site personnel. [49 CFR 653.7; 654.7]
8. Use prohibited drugs while performing safety-sensitive functions. Prohibited drugs are marijuana, cocaine, opiates, amphetamines, or phencyclidine. [49 CFR 653.7]
 9. Report for duty or remain on duty requiring the performance of a safety-sensitive function when the employee uses any controlled substance, except when the use is prescribed by a doctor, who has told the employee that use is prescribed by a doctor, who has told the employee that use of the controlled substance will not adversely affect the employee's ability to drive a motor vehicle and the employee has provided the employer with a written statement from the physician verifying the employee may perform safety-sensitive functions while taking the controlled substance without risk. Failure to disclose by the employee that he or she is taking a prescribed substance or to provide the written statement from the physician is a basis for discharge.

No supervisor with knowledge that an employee has engaged in prohibited conduct as set out above, shall allow the employee to engage in safety-sensitive functions.

D. CONSEQUENCES OF PROHIBITED CONDUCT

An employee who engages in prohibited conduct will be immediately removed from duty requiring performance of safety-sensitive functions, and advised of the resources available in evaluation and resolving problems associated with the misuse of alcohol and drugs, including the names, addresses, and telephone number of substance abuse professionals (SAP) and counseling and treatment programs. [49 CFR 653.37(a); 654.75 (a)]

THE EMPLOYEE WILL BE DISCHARGED

PROVISO: If the determination of prohibited conduct requires the result of an alcohol or drug test not immediately available, and the test was directed because of a reasonable suspicion the employee was impaired by alcohol or drugs, the employee will be placed on leave pending the test result. If the result is negative, the leave will be with pay; if the result is positive, the leave will be without pay.

In cases other than reasonable cause where the test result is not immediately available the employee will return to duty pending the test result.

THE CITY OF PINE BLUFF HAS ADOPTED A POLICY OF ZERO TOLERANCE FOR EMPLOYEES WHO ENGAGE IN PROHIBITED CONDUCT. AN EMPLOYEE WHO ENGAGES IN PROHIBITED CONDUCT WILL BE TERMINATED FOR THE FIRST VIOLATION.

A driver who reports to duty or is on duty with an alcohol concentration of .02 or greater but less than .04 will be immediately removed from duty and placed on leave without pay. The employee will undergo return-to-duty testing for alcohol and/or drugs with a result for the alcohol test of less than 0.02 and a verified negative drug test result. The employee will be subject to unannounced follow-up testing for drugs and/or alcohol as determined by a substance abuse professional (SAP) in consultation with the employer. The costs of the consultation with the (SAP) must be borne by the employee and his insurance. [49 CFR 382.309; 382.605]

E. CIRCUMSTANCES UNDER WHICH YOU WILL BE TESTED FOR ALCOHOL OR DRUGS

A COVERED EMPLOYEE WILL BE REQUIRED TO SUBMIT TO TESTING FOR THE PRESENCE OF ALCOHOL AND DRUGS IN HIS OR HER BODY AS A CONDITION OF EMPLOYMENT WITH THE PINE BLUFF TRANSIT AUTHORITY

THE EMPLOYEE WILL BE NOTIFIED WHEN HE OR SHE IS REQUIRED TO SUBMIT TO TESTING. A refusal to submit to testing when notified of the requirement to do so is prohibited conduct.

Covered employees will be tested under the following circumstances:

Reasonable Suspicion [49 CFR 653.43; 654.31]

1. Reasonable suspicion exists when a supervisor trained in the detection of the symptoms of alcohol or drug misuse makes specific contemporaneous,

- articulable observation concerning the appearance, behavior, speech or body odors of the employee which indicate may be under the influence of alcohol or drugs. [49 CFR 653.43(b); 654.37(b)]
2. The supervisor who makes the reasonable suspicion determination will not conduct the alcohol test of the employee or serve as the collection site person for the drug test of the employee. [49 CFR 653.43 (c); 654.37(b)]
 3. A written record shall be made of the observations leading to a controlled substances reasonable suspicion test, and signed by the supervisor or company official who made the observations, within twenty-four (24) hours of the observed behavior or before the results of the controlled substance test are released, whichever is earlier.
 4. Testing will be performed immediately after the reasonable suspicion determination. The employee is reminded of the consequences for refusal to submit to testing.
 5. Regarding alcohol use, reasonable suspicion testing may only be required when the observations of the covered employee are made during, just preceding, or just after the period of the work day that the covered employee is reminded that covered employees are expected to adhere to the provisions of this policy at all times during their work periods.
 6. Notwithstanding the absence of an alcohol or drug test, the covered employee will not be allowed to report for duty or remain on duty requiring performance of safety-sensitive functions while the employee is under the influence or impaired by alcohol or drugs, as shown by his behavior, speech, or other performance indicators of alcohol or drug misuse. [49 CFR 654.379(d) (2)] The covered employee is further reminded that appearing for work impaired or under the influence is grounds for reasonable suspicions testing and refusal to submit to testing under such circumstances is prohibited conduct with adverse consequence to the covered employee.
 7. In no event will the employee be permitted to return to work without first undergoing alcohol testing with a result of less than .02 and/or testing with a verified negative result. [49 CFR 654.34(d) (2) (i)]

Post-Accident Testing [49 CFR 653.33]

Accident means an occurrence associated with the operation of a vehicle if as a result:

- An individual dies; or
- An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident and the driver receives a citation; or
- With respect to an occurrence in a bus, van, maintenance vehicle, or automobile, one or more motor vehicles incurs disabling damage as a result of the accident, requiring the vehicle to be transported away from

the scene by a tow truck or other vehicle, and the driver receives a citation. Disabling means damage which precludes departure of a motor vehicle from the scene of an accident in its usual manner in daylight after simple repairs. It includes damage to motor vehicles that could have been driven, but have been damaged further if driven. It does not include damage which can be remedied temporarily at the scene of the accident without special tools or parts, tire disablement without other damage even if no spare tire is available, headlamp or taillight damage, or damage to run signals, horn, or windshield wipers which makes them inoperative. [49 CFR 653.7; , slightly modified]

- The covered employee received a citation under State or local law for moving traffic violation arising from the accident. [see 49 CFR 653.45 (a)(2)(i); 654.33 (a)(2)(i)]

All covered employees involved in an accident will be tested immediately after the accident. Regarding an accident involving a mass transit vehicle, if the employer determines from the best covered employee's performance could have contributed to the accident, that covered employee will be tested also. [49 CFR 654.33 (a); 653.45 (a)]

- Drug testing must be performed within thirty-two (32) hours after the reasonable suspicion determination or the employer cannot require drug testing. [49 CFR 654.37 (d) (1)] If drug testing is not administered within thirty-two (32) hours, the employer must prepare and maintain on file a written explanation of why the test was not administered. Alcohol testing should be within two (2) hours; if not administered within two (2) hours, the employer must prepare and maintain on file a written explanation of why the test was not promptly administered. In no event can alcohol testing be required later than eight (8) hours after the determination. [49 CFR 654.37(d) (1)] If alcohol testing was not administered within eight (8) hours, the employer must prepare and maintain on file a written explanation of why the test was not administered. [49 CFR 654.37 9d) (1)]
- Employees must be readily available for post-accident alcohol or drug testing and notify your employer if he or she must leave the scene of the accident prior to the submission to a test. If an employee leaves the scene and does not notify the employer of your location before a test, you may be deemed by the employer to have refused to submit to testing. Nothing in this paragraph shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver or covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the

accident or to obtain necessary emergency medical care. [49 CFR 654.33 (c); 653 (b), (c)]

Return-to-duty and Follow-up testing

[49 CFR 653.49;653.51;654.39; 654.41]

If an employee has engaged in prohibited conduct outlined in this policy, he or she will be discharged. The provisions of this paragraph are applicable only to an employee returning to duty having being placed on leave without pay for reporting to duty with an alcohol concentration of .02 or greater but less than .04. In such case the employee must first undergo alcohol and/or drug testing,. The alcohol test result must be less than .02 and the drug test must be a verified negative result. This requirement is additional to the requirement that you be evaluated by a substance abuse professional (SAP) before returning to duty. The costs of the evaluation by the SAP must be paid by the employee or employee's insurance. Further, he or she will be subject to follow-up drug and/or alcohol testing, if a SAP determines the employee is in need of assistance in resolving problems associated with drugs and alcohol misuse.

Follow-Up Testing

[49 CFR 653.47; 654.35]

All covered employees will be subject to random alcohol and drug testing. The percentage of covered employees who will undergo annual random testing will vary as determined by Federal regulations published in the Federal Register. Selection of employees for random testing should be made by a scientifically valid method. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.

Random testing shall be unannounced and the dates spread reasonably throughout the calendar year.

An employee selected for random testing shall proceed immediately to the test site; provided, however, that if the employee is performing a safety-sensitive function at the time of notification, the employee shall cease the function and proceed to the testing site as soon as possible.

With regard to random alcohol testing a covered employee may only be tested when performing safety-sensitive functions, just before performing such a function. Employees are reminded that they may be called upon to perform safety-sensitive functions at any time during the work provisions of this policy at all times during their scheduled work period.

Applicant/Transfer Testing [49 CFR 653.41; 654.31]

No applicant for a position regarding performance of safety-sensitive functions, or a current employee seeking reassignment or transfer to such a position, shall be hired or transferred before first undergoing a drug test with a verified negative result.

If a test scheduled pursuant to this section is cancelled the employer or applicant must take another test before hire or transfer. Cancelled test means a test that has been declared invalid by Medical Review Officer (MRO) means 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 or her relevant biomedical information.

F. TESTING PROCEDURES

Covered employees will be tested in accordance with the requirements of 49 CFR 40 pertaining to alcohol and drug testing.

1. Alcohol Testing

- Alcohol testing will be by evidentiary breath testing device listed on the NHTSA Conforming Products List and conducted by a breath alcohol technician who has been trained and certified in the operation of the device.
- The device shall produce a printed serial number identifiable record of each test.
- If the test result is less than .02, testing is negative and testing is complete. If the result is .02 or greater, a second confirmation test will be administered within thirty (30) minutes of the first test. The employee shall not eat, drink, or place any object in his mouth between testing.
- The employee is reminded that refusal to submit to testing includes any conduct to subvert the testing process, and will result in adverse consequence to the employee.

2. Drug Testing

- Drug testing will be by split urine sample with chain of custody control procedures outlined in 49 CFR 40. Testing will be conducted by a laboratory or facility approved by the United States Department of Health and Human Services. (DHHS)

- Testing will be performed for prohibited drugs. Prohibited drugs include marijuana, cocaine, opiates, amphetamines, or phencyclidine. A test will be considered positive for a substance if the test indicates the substance is present in excess of the threshold amount established in 49 CFR 40.
- The MRO will notify the employee of a positive test result. The employee has seventy-two (72) hours to request a confirmation test on the split urine sample by a different DHHS laboratory or facility. This confirmation test will be done by using chromatography/mass spectrometer method.
- If the employee does not request a confirmation test within seventy-two (72) hours there will be no confirmation test. Provided, however, that if the MRO determines the employee had a legitimate reason for not making a timely request for the confirmation test the MRO may direct one.
- The cost of testing will be paid by the employer.

G. RECORDS/PRIVACY/CONTACT PERSON

The Manager of the Pine Bluff Transit Department is the contact person for all purposes under this policy. The Contact person will be the custodian of the records required to be maintained under this policy and the individual to whom requests for access to records must be made. Questions or comments respecting this policy should be addressed:

Manager, Pine Bluff Transit Department
 2300 E. Harding
 Pine Bluff, AR 71601
 (870) 543-5130

OR

Human Resources Director
 City of Pine Bluff
 City Hall, Room 104
 Pine Bluff, AR 71601
 (870) 730-2038

The regulations cited throughout this policy require that the employer prepare and keep on file detailed records. The employee will maintain all records required by 49 CFR 653,654 and 40 in a secure location with limited access.

The employee may obtain access to his or her records maintained in accordance with Federal regulations under certain circumstances. These are some of the circumstances:

- Upon written request of the employee, he or she can obtain copies pertaining to the employee's use of alcohol or controlled substances, including any test results.
- Upon written request of the employee, records may be provided to an employee's new employer or other third party, but only to the extent authorized by the employee.

If you are interested in obtaining access to your records, contact the person named above.

The records may also be released to certain federal or state agencies, but only to the extent authorized by Federal regulations.

Certain situations compel that an employee provide a urine sample under observation by another person. Every effort will be made to respect the privacy and dignity of the employee in such case.

H. TRAINING/EDUCATION

[CFR 654.71 (b) (11), 654.73; 653.29]

Training

- All employees will receive one hour of annual training respecting the consequences of drug and alcohol misuse.
- All supervisors who make reasonable suspicion determinations shall receive annual specialized training in making such determinations of not less than sixty (60) minutes each for alcohol and drug determinations.

Education

The hazard of misuse of alcohol and prohibited drugs extends far beyond the individual user. Impaired employees endanger themselves, fellow workers, and the public safety. Employees with drugs or alcohol in their systems are less productive and more likely to injure themselves or other persons in an accident. Alcohol and drug abusing employees are less productive and more likely to injure themselves or other persons in an accident. Alcohol and drug

abusing employees increase the costs related to the productivity, absenteeism, accidents, loss of trained personnel, theft, and treatment and deterrence programs. Also, medical costs are higher and passed on to the employer in the form of higher health insurance rates. Alcohol and drug costs both the employer and the employee. Alcohol remains the number one abused drug in this country. Alcohol consumption causes a number of changes in behavior. Even low doses can impair the judgment and coordination required for driving. Low to moderate doses increase the incidence of a variety of aggressive acts. Moderate to high doses cause marked impairments in higher mental functions, severely altering a person's ability to learn and depression and death. If combined with other depressant drugs, much lower doses of alcohol will produce the effects just described. Long-term consumption of large quantities of alcohol can lead to permanent damage to vital organs such as the brain and liver.

Drugs can show their effects in many different ways. Some of the most noticeable signs of drug abuse, are drowsiness, respiratory depression, constricted pupils, nausea, slurred distance, relaxed inhibitions, disoriented behavior, watery eyes, runny nose, chills and sweats, convulsions, apathy, depression, and the use of drug paraphernalia. Some of the signs and symptoms of alcohol misuse are speech, staggering, tremors, vomiting, cramps, delirium, loss of appetite, using arms for balance, leaning against the walls and doorways, swaying while maintaining balance, and confusion.

Multiple substance abuse is abuse of more than one drug, either at the same time or over a period of time and it involves any combination of:

- Alcohol
- Prescription drugs
- Over-the-counter drugs
- Illegal drugs

Multiple substance abuse is especially dangerous because substances interact with each other produce unexpected effects and dangers.

Multiple substance abuse often begins with abuse of a single substance. This may happen because once a person begins to rely on a drug, abuse of additional substances become more developing dependence and tolerance for other substances.

I. POSITIONS INVOLVING SAFETY-SENSITIVE FUNCTIONS

The following positions with the **Pine Bluff Transit** job are considered safety-sensitive functions as of July 18, 1995. This list is subject to change from time to time to time without notice.

- Bus Operator
- Manager
- Assistant Manager
- Mechanic
- Mechanic's Helper
- Secretary
- ADA Dispatcher
- Other job classifications designated by the Manager

**PART C ALCOHOL AND DRUG FREE WORKPLACE POLICY FOR
NON-UNIFORMED, UNIFORMED AND SAFETY SENSITIVE
POSITIONS EMPLOYEES**

A. INTRODUCTION

Employees of the City of Pine Bluff perform many duties which require that their mental and physical faculties be unimpaired by alcohol or drugs. Public safety and the safety of co-workers require nothing less than a workplace free of the influence of alcohol or drugs. The U.S. Congress has recognized the fact by enactment of Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D), which prohibits drug abuse in the workplace. This policy is adopted by the city council of the City of Pine Bluff to comply with and supplement the provisions of the Federal Act as well as provide for rules pertaining to alcohol use an/or possession by employees while on duty.

B. COVERED EMPLOYEES

All non-uniformed, uniformed and safety sensitive city employees are covered by this policy, including Transit employees and holders of Commercial Driver's Licenses (CDL's) and Part B (Transit), and must comply with rules and regulations adopted by the City Council in conformity with federal regulations.

The definition of a safety sensitive position is one in which the momentary lapse of attention may result in grave and immediate danger to the public. The following positions are considered safety or security sensitive positions:

- a. Law enforcement officers who carry firearms and jailers
- b. Motor vehicle operators who carry passengers, including, but not limited to ambulance drivers, bus or jitney drivers, and drivers who transport other city employees.
- c. Fire department employees who directly participate in fire-fighting activities.
- d. Medical personnel with direct patient care responsibilities including physicians, nurses, surgical scrub technicians, emergency medical technicians and trainees, medical and nurse's assistants.
- e. Mechanics, welders and sheet metal workers who work on vehicles designed to carry passengers such as buses, ambulances, police cruisers, vans and the like.

- f. Other employees whose duties meet the definition of safety or security sensitive after consultation with and approval by the Arkansas Municipal League.
- g. Any police officer, jailer, police dispatcher and police department employee, including but not limited to , clerical workers, have access to information not available to the public or concerning ongoing criminal investigations and criminal cases, which information could, if revealed, compromise, hinder or prejudice the investigation or prosecution of the case.
- h. The city also considers law enforcement officers as holding security-sensitive positions by reason of their duty to enforce the laws pertaining to the use of illegal substances. Officers who themselves use such substances may be unsympathetic to the enforcement of the law and subject to blackmail and bribery.

Employees in (and applicants for) safety and security-sensitive positions shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the foregoing and following circumstances.

- a. When a safety-sensitive employee is involved in an accident involving a motor vehicle on a public road, and the employee's position is safety-sensitive because it involves driving a motor vehicle.
- b. Random testing for drugs (but not alcohol) will be conducted. In order to treat all employees as equally as possible, and to maintain consistency in the administration of its efforts to maintain a drug-free workplace, random testing under this policy will be governed by 49 U.S.C. 31306 and implementing regulations to the extent that it is lawful and feasible to do so.

C. PROHIBITED CONDUCT

Employees are expected and required as a condition of their employment with the City of Pine Bluff to abide by the provisions of this policy while in the workplace. "Workplace" is defined as anywhere an employee is physically located during the performance of, or transportation to and from, any work related assignment.

The following is prohibited conduct:

1. Drink or consume alcohol
2. Use, possess, sell, distribute, dispense, manufacture, or deal, any prohibited drug or controlled substance on the premises of the employer, in or from any vehicle owned or operated by employer, at any time.
3. Refusal to submit to an alcohol or drug test when informed that such a test is required under this policy. (a) fails to provide adequate breath for testing without a valid medical explanation after he or she received notice of the requirement to be tested in accordance with the provisions of this policy, (b) fails to provide adequate urine for controlled substances testing without valid medical explanation after he or she received notice of the requirement for urine testing in accordance with the provisions of this policy (c) engages in conduct that clearly obstructs the testing process, such as providing an adulterated, contaminated, or substituted sample, or failing to report to a testing site immediately after being told to do so, or refusing to cooperate with the personnel administering the test.
4. Report to work or remain on duty while having an alcohol concentration of 0.04 or greater.
5. Use of prohibited drugs. Prohibited drugs include marijuana, cocaine, opiates, amphetamines, or phencyclidine.
6. Report for work or remain on duty if he or she tests positive for a controlled substance.
7. Use alcohol for eight (8) hours following an accident he or she was involved in, or until undergoing post-accident alcohol testing, whichever comes first.
8. Report for work or remain on duty impaired or under the influence of alcohol or drugs. Under the influence or impaired means that the

employee's speech, behavior, physical reactions, motor skills, or mental faculties are noticeably affected by use of alcohol or drugs.

9. Failure to disclose a criminal conviction of a drug statute as required by the following paragraph.

As a condition of employment, and employee must notify his/her supervisor of any criminal drug statute conviction of a violation occurring in the workplace no later the five (5) days after such conviction. The City of Pine Bluff will notify the appropriate Federal agency within ten (10) days after receiving notice of any criminal drug statute conviction in the workplace.

A covered employee who is found to be on duty with an alcohol concentration of .02 or greater or less than .04 will be removed from performing any safety-sensitive function and placed on leave without pay. He or she cannot return to duty without first submitting to an alcohol test with a result of less than .02, and evaluation by a substance abuse professional.

D. CONSEQUENCES OF PROHIBITED CONDUCT

The City of Pine Bluff has adopted a policy of zero tolerance if an employee engages in prohibited conduct. The employee who does so will be terminated.

The terminated employee will be informed of the resources available for resolving problems with consumption of drugs or alcohol. The terminated employee will also be informed of the names of substance abuse professionals (SAP) in the area who can provide help.

PROVISO: If the termination for prohibited conduct requires the result of an alcohol or drug test not immediately available, and the test was directed because of reasonable suspicion the employee was impaired by alcohol or drugs, the employee will be placed on leave pending the test result. If the result is negative, the leave will be with pay; if the result is positive, the leave will be without pay.

In all cases other than reasonable cause the test result is not immediately available, the employee will be allowed to return to duty pending the test result.

E. CIRCUMSTANCES UNDER WHICH AN EMPLOYEE WILL BE TESTED FOR DRUGS AND/OR ALCOHOL

Drug and alcohol testing will be required under these circumstances:

- Reasonable suspicion
- Post-accident
- Return-to-duty and follow-up testing
- Applicant/transfers (for certain positions)

F. When Drug and Alcohol Testing May be Required of Employees Holding Safety and Security-Sensitive Positions

(1) Definition: A safety-sensitive position is one in which a momentary lapse of attention may result in grave and immediate danger to the public. The following positions are considered safety or security sensitive:

- (a) Law enforcement officers who carry firearms and jailers.
- (b) Motor vehicle operators who carry passengers, including, but not limited to, ambulance drivers, bus or jitney drivers, and drivers who transport other city employees.
- (c) Fire department employees who directly participate in fire-fighting activities.
- (d) Medical personnel with direct patient care responsibilities including physicians, nurses, surgical scrub technicians, emergency medical technicians and trainees, medical and nurse's assistants.
- (e) Mechanics, welders and sheet metal workers who work on vehicles designed to carry passengers such as buses, ambulances, police cruisers, vans and the like.
- (f) Other employees whose duties meet the definition of safety or security sensitive after consultation with and approval by the Arkansas Municipal League.
- (g) Any police officer, jailer, police dispatcher and police department employee, including, but not limited to, clerical workers, having access to information not available to the public or concerning ongoing criminal investigations and criminal cases, which information could, if revealed, compromise, hinder or prejudice the investigation or prosecution of the case.
- (h) The city also considers law enforcement officers as holding security-sensitive positions by reason of their duty to enforce the laws

pertaining to the use of illegal substances. Officers who themselves use such substances may be unsympathetic to the enforcement of the law and subject to blackmail and bribery.

(2) Employees in (and applicants for) safety and security-sensitive positions shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the foregoing and in the following circumstances:

(a) When a safety-sensitive employee is involved in an accident involving a motor vehicle on a public road, and the employee's position is safety-sensitive because it involves driving a motor vehicle.

(b) Random testing for drugs (but not alcohol) will be conducted. In order to treat all employees as equally as possible, and to maintain consistency in the administration of its efforts to maintain a drug-free workplace, random testing under this policy will be governed by 49 U.S.C. 31306 and implementing regulations to the extent that it is lawful and feasible to do so.

Failure to submit to testing when told one is required is prohibited conduct and will result in the employee being terminated.

1. Reasonable Suspicion

You will be tested when a supervisor or other city official trained in the detection of the symptoms of alcohol or drug misuse makes specific, contemporaneous, articulable observations concerning your appearance and behavior, speech, or body odor which indicate a violation of this policy. Testing will occur immediately after the observations and be conducted by someone other than the supervisor or official who makes the reasonable suspicion determination.

The supervisor or official who makes the reasonable suspicion determination will make a written record of the observations leading to a controlled substances reasonable suspicion test, including the date, time, place, description of the incident and statements of any witnesses and sign the document. This record will be made before the results of the controlled substances test are released.

2. Post-Accident Testing

All involved employees will be tested immediately after an accident.

Accident means any occurrence, of which, as a result:

- An individual dies;
- An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident;
- The employee or a co-employee working together, sustains an on the job injury likely to generate a worker's compensation report;
- Damage to a city owned or leased vehicle ~~is estimated in good faith by a supervisor to equal or exceed \$500.00 or requires the vehicle to be towed from the scene;~~
- Damage to real or personal property owned or leased by the City or by another party ~~is estimated in good faith by a supervisor to equal or exceed \$500.00;~~ OR
- The employee received a citation under State or local law for a moving traffic violation arising from the accident.

All involved employees must be available for post accident alcohol or drug testing. If an employee leaves the scene and does not notify the supervisor of your location before a test, you may be deemed by the employer to have refused to submit to testing. Nothing in this paragraph shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver or covered employee from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

The results of a breath or blood test for the use of alcohol or controlled substances conducted by a law enforcement agency or official having independent authority for the test, will meet the requirements of this section, provided such tests conform to applicable Federal, State, or local requirements, and the results of the test are obtained by the employer.

3. Return-to-duty and Follow-up testing

Employees who are placed on leave without pay because of being on duty with an alcohol concentration of .02 or greater but less than .04 must undergo return-to-duty alcohol testing with a result less than 0.02. This requirement is additional to the requirement that you be evaluated by a substance abuse professional (SAP) before returning to duty. The costs of the evaluation by the SAP must be paid by the employee or employee's insurance.

Employees who return-to-duty will be subject to follow-up testing for alcohol or drugs if the SAP determines the need of assistance in resolving problems associated with drug and alcohol misuse. Employees will be required to comply with the plan for treatment formulated by the SAP and submit to testing required under the treatment plan. Failure to do so will be cause for termination.

4. Pre-Employment/Transfers Testing

Individuals to be hired or transferred for a position regarding performance of the following duties shall submit to a pre-screening drug and alcohol test prior to employment when:

- Operating a motor vehicle owned or leased by the City of Pine Bluff; or
- Operating heavy equipment or any equipment which is motorized or self-propelled; or
- Handling explosives or explosive materials; or
- Handling hazardous waste or materials. Hazardous waste is defined in A.C.A. Section 8-7-203(6); hazardous materials are defined in A.C.A. Sections 12-79-103(2)

The drug test must have a verified negative result; the alcohol test must have an alcohol concentration of less than .04.

F. TESTING PROCEDURES

Alcohol Testing

- Alcohol testing will be by evidentiary breath testing device approved by the Arkansas Department of Health and conducted by a breath alcohol technician who has trained and certified in the operation of the device.
- The device shall produce a printed serial number identifiable record of test.
- If the test result is less than .02, testing is negative and testing is complete. If the result is .02 or greater, a confirmation test will be administered within twenty (20) minutes of the first test. The employee shall not eat, drink, or place any object in his or her mouth between tests.
- The employee is reminded that to refuse to submit to test includes any conduct to subvert the testing process, and will result in termination

Drug Testing

- Drug testing will be split urine sample with a chain of custody control procedures. Testing will be conducted by a laboratory or facility certified by the appropriate state or federal authorities.
- Testing will be performed for prohibited drugs including marijuana, cocaine, opiates, amphetamines, or phencyclidine.
- The costs of testing will be paid by the employer.

Voluntary Self-Identification Policy

Eligibility

The following policy shall not apply to employees who

- are found to have engaged in selling, manufacture, distribution, or theft of alcohol or illegal drugs or controlled substances;
- have committed other serious violations of the law and/or ethics.

The City reserves the right to deny such requests and to take appropriate administrative or disciplinary action in such cases, including discharge.

Policy

Employees who have a personal problem with alcohol misuse or the abuse of controlled substances may request time off to voluntarily seek education, counseling or treatment services to successfully complete a drug abuse or alcohol assistance, treatment or rehabilitation program if such treatment or rehabilitation is recommended and conducted by a qualified substance abuse professional approved by the City. Self-admission of an alcohol or drug problem does not relieve the employee for liability for other acts of misconduct.

Requests from eligible employees will be considered **only** if all the following requirements are met:

1. The employee's admission is not made
 - to avoid testing under the requirements of the DOT or non-DOT drug testing policy;
 - after being notified to report for a drug and/or alcohol test;
 - while waiting for drug and/or alcohol test results to be received;
 - following receipt of positive drug and/or alcohol test results;
 - during investigations into misconduct or performance deficiencies; and/or
 - during pending disciplinary actions.
2. The employee makes the admission of alcohol misuse or controlled substances use prior to reporting to duty or performing a safety sensitive function.
3. The employee provides prompt, written verification from a qualified substance abuse professional approved by the City that the employee needs evaluation, education and/or treatment.

4. Before entering such a program, as a condition of continued employment, the employee shall be required to provide a signed, written agreement to submit to monitoring and unannounced follow-up drug and/or alcohol testing and to pay any required costs for the monitoring and tests.

Employees making a voluntary admission of alcohol misuse or controlled substances use will be given reasonable opportunity to seek evaluation, education or treatment for the employee's drug or alcohol problem. All expenses shall be the responsibility of the employee.

Accrued leave benefits, if available, may be utilized during approved absences upon proper written verification of the need as stated above. Leave for this purpose shall not be granted without advance approval, regardless of whether paid leave benefits are sought.

The employee will be permitted to return to work only upon providing written verification from the qualified substance abuse professional that the employee has successfully completed the recommended educational or treatment program.

Prior to the employee returning to work, the employee shall undergo a return to work drug and/or alcohol test(s) with a verified negative test result.

Following return to work, the employee will be required to submit to unannounced drug and/or alcohol testing for a period of up to sixty (60) months as recommended by the qualified substance abuse professional as a condition of continued employment. A positive drug or alcohol test following return to work shall be cause for immediate discharge.

Employees desiring to avail themselves of this opportunity should provide to their department head prompt written verification of the need for evaluation and/or treatment from a qualified substance abuse professional approved by the City.

The department head will immediately forward all such requests to the Human Resources Director. The Human Resources Director will review the request and determine whether the conditions for approval have been met or if more information is necessary. Unless the required conditions are met, the request will be denied.

Employees failing to meet the above conditions or who fail to cooperate with any educational or treatment program recommended by the drug and alcohol abuse evaluation expert are subject to discharge.

The City of Pine Bluff expressly prohibits its officials or employees from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the workplace. As a condition of employment, the employee will:

1. Abide by the terms of this statement; and
2. Notify the employer of any criminal drug statute conviction for a violation occurring within the workplace after such conviction.

RECORDS/CONTACT PERSON

The contact person for this policy is the Human Resources Director for the City of Pine Bluff, City Hall, 200 E. 8th Avenue, Room 104, Pine Bluff, AR 71601; telephone number (870) 730-2038. Employees with comments or questions regarding this policy should be addressed to the Human Resources Director.

All records generated by this enforcement of this policy shall be maintained by the Human Resources Director. Access to same shall be limited and the records shall be confidential. The Human Resources Director shall adopt procedures for the disclosure of the records to the affected employee or his or her designee.