

SOP #64 - ALCOHOL AND DRUG ABUSE POLICY

PURPOSE

It is the intention of this policy to eliminate substance abuse and its effects in the workplace. While the City of Seaside has no intention of intruding into the private lives of its employees, involvement with drugs and alcohol can affect job performance and employee safety. Our concern is that employees are in a condition to perform their duties safely and efficiently, in the interest of their fellow workers and the public as well as themselves. The presence of drugs and alcohol on the job, and the influence of these substances on employees during working hours, are inconsistent with this objective.

The City is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as handicapped under federal and/or state law.

The City has established a voluntary Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol or drug problems. Employees should contact their supervisors or the EAP for additional information.

Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program. While the City will be supportive of those who seek help voluntarily, the City will be equally firm in identifying and disciplining those whose work performance is affected by substance abuse.

Supervisors will be trained to recognize abusers and become involved in this control process. Alcohol or drug abuse which adversely affects work performance will not be tolerated, and disciplinary action, up to and including termination, will be used as necessary to achieve this goal.

This policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of the City Manager and employees. To that end the City will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee's ability to safely and effectively perform the functions of the particular job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to the City's reputation. All persons covered by this policy should be aware that violations of the policy may result in discipline, up to and including termination, or in not being hired.

In recognition of the public service responsibilities entrusted to the employees of the City, and that drug and alcohol usage can hinder a person's ability to perform duties safely and effectively, the following policy against drug and alcohol abuse is hereby adopted by the City.

POLICY

It is City policy that employees shall not be under the influence of or in possession of open container of alcohol or drugs; nor possess alcohol or drugs while on City property, at work locations, or while on duty or on stand-by status; shall not utilize such substances while they

are subject to City duty, sell or provide drugs or alcohol to any other employee or to any person while such employee is on duty or subject to on stand-by status, nor have their ability to work impaired as a result of the use of alcohol or drugs in his or her possession or in an area jointly or fully controlled by the City. (re. office, desk).

Refusal to submit to a search of areas fully or jointly controlled by the City may constitute insubordination and may be grounds for discipline up to and including termination.

Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and shall be detained for a reasonable time until he or she can be safely transported from the work site.

APPLICATION

This policy applies to all employees of and to all applicants for positions with the City. This policy applies to alcohol and to all substances, drugs, or medications, legal or illegal, which could impair an employee's ability to effectively and safely perform the functions of the job.

EMPLOYEES RESPONSIBILITIES

An employee must:

- A. Not report to work or be subject to duty while his/her ability to perform job duties is impaired due to on or off duty alcohol or drug use;
- B. Not possess or use alcohol or impairing drugs (illegal drugs and prescription drugs without a prescription) during working hours or while subject to duty, on breaks, during meal periods or in an area fully or jointly controlled by the City.
- C. Not directly or through a third party sell or provide drugs or alcohol to any person, including any employee, while either employee or both employees are on duty or subject to being called;
- D. Notify his/her supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of City equipment.

MANAGEMENT RESPONSIBILITIES AND GUIDELINES

- A. Managers and supervisors are responsible for reasonable enforcement of this policy.
- B. Any manager or supervisor encountering an employee whose behavior or performance is impaired, should document in writing the facts constituting the reasonable suspicion. Where there is reasonable suspicion that the employee is then under the influence of alcohol or drugs, the manager or supervisor should arrange for the employee to be safely transported home.

- C. Managers and supervisors shall not physically search the person of employees, nor shall they search the personal possession of employees without the freely given written consent of, and in the presence of, the employee. However, employees shall have no reasonable expectation of privacy in those areas fully or jointly controlled by the City, including offices, desks or file cabinets, and the same may be searched without a warrant or the consent of the affected employee.
- D. Managers and supervisors shall notify their Department Head or designee when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area jointly or fully controlled by the City. If the Department Head or designee concurs that there is reasonable suspicion of illegal drug possession, the Department Head shall notify the City Manager and Police Chief.

PHYSICAL EXAMINATION-POLICE AND FIRE UNIFORMED PERSONNEL

The drug and/or alcohol test may test for the substance which could impair an employee's ability to effectively and safely perform the functions of his/her job, including, but not limited to, prescription medications, alcohol, heroin, cocaine, morphine and its derivatives, P.C.P., methadone, barbiturates, amphetamines, marijuana and other cannabinoids.

RESULTS OF DRUG AND/OR ALCOHOL ANALYSIS

- A. Pre-employment Physical for Police and Fire Uniformed Personnel
 1. A positive result from a drug and/or alcohol analysis may result in the applicant not being hired where the applicant's use of drugs and/or alcohol could affect requisite job standards, duties or responsibilities.
 2. If a drug screen is positive at the pre-employment physical, the applicant must provide within 24 hours of request bona fide verification of a valid current prescription for the drug identified in the drug screen. If the prescription is not in the applicant's name or the applicant does not provide acceptable verification, or if the drug is one that is likely to impair the applicant's ability to perform the job duties, the applicant may not be hired.
- B. During Employment Physical or Alcohol/Drug Tests for Police and Fire Uniformed Personnel
 1. A positive result from a drug and/or alcohol analysis may result in disciplinary action, up to and including discharge.
 2. If the drug screen is positive, the employee must provide within 24 hours of request bona fide verification of a valid current prescription for the drug identified in the drug screen. The prescription must be in the employee's name. If the employee does not provide acceptable verification of a valid prescription, or if the prescription is not in the employee's name, or if the employee has not previously notified his or her supervisor, the employee will

be subject to disciplinary action up, to and including discharge.

3. If an alcohol or drug test is positive for alcohol or drugs the City shall conduct an investigation to gather all fact. The City may impose a course of employee assistance, impose discipline, or impose both discipline and allow employee to receive counseling and/or rehabilitation. The decision to discipline or discharge will be carried out in conformance with Personnel Rule 12.

CONFIDENTIALITY

Laboratory reports or test results shall not appear in an employee's general personnel file. Information of this nature will be contained in a separate confidential medical file that will be securely kept under the control of the Personnel Officer. The reports or test results may be disclosed to City management on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without patient consent, may also occur when: (1) the information is compelled by law or by judicial or administrative process; (2) the information has been placed at issue in a formal dispute between the employer and employee; (3) the information is to be used in administering an employee benefit plan; (4) the information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

ALCOHOL AND DRUG ABUSE

POLICY REPORT FORM

This is to certify that _____ (supervisor) has reasonable suspicion to believe that on _____ (date) at ____ a.m./p.m., (employee) was (a) in possession of or (b) under the influence of a substance or substances in violation of the City's Alcohol and Drug Abuse Policy.

The following are the specific facts that have led me to suspect that the above-named employee has violated the Agency's Alcohol and Drug Abuse Policy:

Date: _____

SUPERVISOR'S SIGNATURE _____

CONSENT TO ANNUAL
PHYSICAL EXAMINATION AND RELEASE OF MEDICAL
INFORMATION
FOR UNIFORMED POLICE AND FIRE PERSONNEL

EXPLANATION

The annual physical examination is a part of the fitness program for employment with the City. Employment with the City is contingent upon conducting the below-mentioned medical tests.

The following tests are a part of the physical examination

- Chem panel, comprehensive blood count and coronary risk evaluation.
- Chest x-rays (unless chest x-rays have been recently accomplished, the employee makes the negatives available to the examining physician at the time of the physical examination and the examining physician determines that the current x-rays are not needed).
- Electrocardiogram (for any employee who the examining physician believes may have evidence of a cardiovascular problem).
- Drug and alcohol screening urine test.

AUTHORIZATION

I hereby authorize a qualified representative and/or physician to conduct the above-stated medical tests and above-mentioned physical examination. I understand that the physical examination is a part of the fitness program for employment with the City. I further authorize _____ to release to the City all above-mentioned test results conducted as part of the physical examination and other relevant medical information.

SIGNATURE OF EMPLOYEE

DATE

WITNESS

DATE

CITY OF SEASIDE
PRE-EMPLOYMENT SCREENING/MEDICAL EXAMINATION POLICY

It is the policy of the City of Seaside to require medical examinations as a part of its selection process or evaluation for continued employment only in the following situations:

1. After a conditional offer of employment has been made to an applicant, and before the individual begins work for the City. Medical examinations are uniformly required of all applicants for positions within certain designated job categories, such as law enforcement and fire protection;
2. Where there exist a need to determine whether an employee still is able to perform the essential functions of his or her job;
3. Periodic physical examinations to determine fitness for duty or other medical monitoring that is required by medical standards or by federal, state or local law; or
4. Voluntary medical examinations, including voluntary medical histories, that are part of employee health programs.

A drug test is not considered a medical examination and may be administered by the City any time in the pre-employment or employment process in accordance with City policy and practice.

If a medical examination reveals or confirms that a job applicant or employee has a disability, this information will not be used by the City to unlawfully discriminate against the job applicant or employee on the basis of disability. The City of Seaside will not use the results of a medical examination that reveals or confirms a disability to withdraw an offer of employment or discharge an employee unless the disability limits the individual in the performance of the essential functions of his or her job, and no reasonable accommodation can be made.

The results of any medical examination performed by or on behalf of the City of Seaside will be collected and maintained on separate forms and in separate medical files and will be treated as confidential. Medical information may be disclosed only under the following circumstance:

1. Supervisors and managers may be informed about necessary restrictions on the work or duties of the employee and any necessary accommodations;
2. First aid and safety personnel may be informed, where appropriate, if the identified disability might require emergency treatment; and
3. Government officials investigating compliance with federal laws shall be provided relevant information upon request.

CITY OF SEASIDE
PRE-EMPLOYMENT SCREENING/MEDICAL EXAMINATION
INFORMED CONSENT AND RELEASE AUTHORIZATION

I UNDERSTAND that, according to the City of Seaside policy which I have read and understand, this offer of employment places me in a pool of qualified applicants and is conditional pending my successful completion of the remaining selection criteria, including: Background Investigation; Psychological Screening; Polygraph Test; Drug Analysis; and the availability of positions in the department for which I applied.

THE PURPOSE of the screenings and medical examination is to determine my ability to perform the essential functions of the position of _____ in the _____ Department.

I UNDERSTAND the results of the examinations and screenings stated above will be collected and maintained on separate forms and in separate medical files and will be treated as confidential except for the following circumstances:

- (a) Supervisors and managers may be informed regarding restrictions on the work or duties to be performed and necessary accommodations;
- (b) First aid and safety personnel may be informed, when appropriate, if the identified liability might require emergency treatment;
- (c) Government officials investigating a compliance with this part shall be provided relevant information upon request.

I UNDERSTAND the screenings and medical examinations are required of all applicants for this position in the _____ Department.

I FURTHER UNDERSTAND that refusal to take any part of or all of the screenings and medical examinations mentioned above will be grounds for the City of Seaside to terminate the hiring process.

I am taking the following medications: (REPORTING OF BIRTH CONTROL MEDICATION AND DOCTOR'S DIAGNOSES ARE NOT REQUIRED).

NAME OF MEDICATION(S) INCLUDING NAME OF DOCTOR ISSUING
OVER-THE-COUNTER MEDICATIONS PRESCRIPTION(S):

_____	_____
_____	_____
_____	_____

NAME OF APPLICANT

SOCIAL SECURITY NUMBER

_____	_____
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DATE SIGNED BY APPLICANT

NAME OF WITNESS

_____	_____
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AMENDMENT TO SOP #64 - ALOCHOL AND DRUG ABUSE POLICY PURSUANT TO THE DEPARTMENT OF TRANSPORTATION REGULATIONS

Effective January 1, 1996, the City of Seaside must comply with the United States Department of Transportation regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991. Specifically, the City must comply with the regulations of the Federal Highway Administration (FHWA). Adoption of a policy is one of the City's obligations under the regulations. This policy sets forth the rights and obligations of covered employees. If you are an employee covered by these new requirements you should familiarize yourself with the provisions of this policy **BECAUSE COMPLIANCE WITH THIS POLICY IS A CONDITION OF YOUR EMPLOYMENT.**

If you are an employee covered by this policy, you should be aware that you are still required to comply with the provisions of the City's Drug and Alcohol Policy SOP #64 which went into effect May 1, 1993. The obligations and requirements set forth below are in addition to existing obligations and requirements set forth in the policy.

A. EMPLOYEE QUESTIONS?:

Employees shall refer any questions regarding his/her rights and obligations under the new regulations to the Personnel Officer.

B. COVERED EMPLOYEES:

Employees in the following job classifications are "covered employees" because they perform "safety sensitive functions" as described in Section C below, and thus are subject to all of the provisions of this policy:

Bus Driver
Public Works Maintenance Specialist - Sanitation

C. WHAT ARE SAFETY-SENSITIVE FUNCTIONS?

Covered employees may not be under the influence or in possession of controlled substances or alcohol during work hours. Further, the regulations of the FHWA prohibit certain conduct (See section D below) while performing and prior to performing safety sensitive functions. A safety sensitive function is driving one of the following vehicles:

1. a vehicle with a gross combination weight of at least 26,001 pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
2. a vehicle with a gross vehicle weight of at least 26,001 pounds;
3. a vehicle designed to transport 16 or more passengers, including the driver, or
4. a vehicle used to transport those hazardous materials found in the Hazardous Materials Transportation Act.

D. PROHIBITIONS:

The following conduct is prohibited and may result in discipline, up to and including termination:

1. Reporting for duty or remaining on duty requiring the performance of safety sensitive functions while having an alcohol concentration level of 0.04 or greater;
2. Performing a safety sensitive function within four hours of using alcohol;
3. Being on duty or operating a vehicle described in Section C above, while possessing alcohol;
4. Using alcohol while performing a safety sensitive function;
5. Reporting for duty or remaining on duty requiring the performance of safety sensitive functions when the employee used any controlled substances, except if the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a vehicle;
6. Reporting for duty or remaining on duty requiring the performance of safety sensitive functions if the employee tests positive for controlled substances;
7. Refusing to submit any alcohol or controlled substances test required by this Policy. A covered employee who refuses to submit to a required drug/alcohol test will be treated in the same manner as an employee who tested 0.04 or greater on an alcohol test or tested positively on a controlled substance test;

A refusal to submit to an alcohol or controlled substances test required by this Policy includes, but is not limited to:

- a. A refusal to provide a urine sample for a drug test;
- b. An inability to provide a urine sample without a valid medical explanation;
- c. A refusal to complete and sign the breath alcohol testing form, or otherwise to cooperate with the testing process in a way that prevents the completion of the test;
- d. An inability to provide breath or to provide an adequate amount of breath without a valid medical explanation;
- e. Tampering with or attempting to adulterate the urine specimen or collection procedure;
- f. Not reporting to the collection site in the time allotted by the supervisor or manager

who directs the employee to be tested;

- g. Leaving the scene of an accident without a valid reason as to why authorization from a supervisor or manager who shall make a determination whether to send the employee for a post-accident drug and/or alcohol test was not obtained.
- h. Consuming alcohol during the eight hours immediately following an accident, unless the employee has been informed that his/her actions have been discounted as a contributing factor, or if the employee has been tested.

In addition to the above prohibitions, employees are reminded of their obligations under the Federal Drug Free Workplace Act of 1988.

E. CONSEQUENCES FOR EMPLOYEE FOUND TO HAVE ALCOHOL CONCENTRATION LEVEL OF 0.02 OR GREATER BUT LESS THAN 0.04

An employee whose alcohol test indicates an alcohol concentration level between 0.02 and 0.04 will be removed from his or her safety sensitive position for at least twenty-four hours. Such an employee may be subject to discipline up to and including termination.

F. CIRCUMSTANCES UNDER WHICH DRUG AND ALCOHOL TESTING WILL BE IMPOSED ON COVERED EMPLOYEES:

1. Pre-Employment Testing:

All applicants for classifications which are covered by the DOT regulations (See "covered employees" above) as well as all employees who transfer from classifications which are not covered to classifications which are covered will be required to submit to pre-employment/pre-duty drug and alcohol testing. Applicants will not be assigned to a safety sensitive position if they do not pass the tests.

2. Post-Accident Testing:

Post-Accident drug and alcohol testing will be conducted on employees following an accident where the employee's performance cannot be discounted as a contributing factor.

The decision as to whether or not to test the employee will be left to a supervisory or management employee. The presumption is for testing. The only reason an employee will not be tested following an accident is if a determination is made that the employee's performance could not have been a contributing factor. If a fatality occurs, the employee will be tested irrespective of whether his/her involvement may be discounted.

Post-accident tests shall be administered within two hours following an accident and no test may be administered after eight hours. A post-accident drug test shall be conducted within 32 hours following the accident.

FHWA PROVISION

An accident occurs when as a result of an occurrence involving the vehicle an individual dies or when a State or local law enforcement authority issues a citation to the covered employee for a moving violation arising from the accident.

3. Random Testing:

Covered employees will be subject to random alcohol and drug testing as follows:

A random alcohol test will be administered just prior to the employee performing a safety-sensitive function (i.e., driving) while the employee is performing a safety-sensitive function, or just after the employee has stopped performing a safety-sensitive function. The City will subject at least 25% of total number of covered employees to random alcohol testing per year.

A random drug test will be administered to at least 50% of the total number of covered employees per year. Some employees maybe tested more than once in a year, while others are not tested at all depending on the random selection.

On the date an employee is selected for random drug testing, his/her supervisor will ensure his/her duties are covered. The employee will receive a written notice in the morning indicating the time he/she is to report to the lab for testing.

4. Reasonable Suspicion Testing:

Covered employees are also required to submit to an alcohol or drug test when a trained supervisor has reasonable suspicion to believe the employee is under the influence of alcohol or controlled substances. The observation must be based on short-term indicators, such as blurry eyes, slurring, or alcohol on the breath. The supervisor may not rely on long-term signs, such as absenteeism or tardiness, to support the need for a reasonable suspicion test.

The reasonable suspicion alcohol test will be administered within two hours of the observation. If not, the employer must provide written documentation as to why the test was not promptly conducted. No test may be administered after eight hours following the observation.

To ensure that supervisors are trained to make reasonable suspicion determinations, supervisors vested with the authority to demand a reasonable suspicion drug and alcohol test will attend at least one hour of training on alcohol misuse and at least one hour of training on controlled substances use. The training will cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

5. Return to Duty/Follow-up Testing:

A covered employee who has violated any of the prohibitions of this policy (See Section D) must submit to a return to duty test before he/she may be returned to his/her position. The test result must indicate an alcohol concentration of less than 0.02 or a verified negative result on a controlled substances test. In addition, because studies have shown that the relapse rate is highest during the first year of recovery, the employee will be subject to follow-up testing which is separate from the random testing obligation. The employee will be subject to at least six unannounced drug/alcohol tests during the first year back to the safety-sensitive position following the violation.

G. PROCEDURES TO BE USED FOR DETECTION OF DRUGS AND ALCOHOL:

1. Alcohol Testing:

Alcohol testing will be conducted either by using an evidential breath testing device (EBT) approved by the National Highway Traffic Safety Administration.

A screening test will be conducted first. If the result is an alcohol concentration level of less than 0.02, the test is considered a negative test. If the alcohol concentration level is 0.02 or more, a second confirmation test will be conducted.

The procedures that will be utilized by the lab for collection and testing of the specimen are attached hereto as Attachment A.

2. Drug Testing:

Drug testing will be conducted pursuant to the procedures set forth at Attachment A.

H. REFUSAL TO SUBMIT TO AN ALCOHOL AND/OR DRUG TEST:

A covered employee who refuses to submit to any required drug/alcohol testing will be treated in the same manner as an employee who tested 0.04 or greater on an alcohol test or tested positively on a controlled substances test.

I. CONSEQUENCES OF FAILING AN ALCOHOL AND/OR DRUG TEST:

A positive result from a drug or alcohol test may result in disciplinary action, up to and including termination.

If a covered employee is not terminated, the employee:

1. Must be removed from performing any safety-sensitive function;
2. Must submit to an examination by a substance abuse professional. Upon a determination by the substance abuse professional, the employee may be required to undergo treatment to cure his/her alcohol or drug abuse. The City is not required to pay for this treatment.

3. May not be returned to his/her former safety-sensitive position until the employee submits to a return-to-duty controlled substance and/or alcohol test (depending on which test the employee failed) which indicates an alcohol concentration level of less than 0.02 or a negative result on a controlled substance test;
4. Will be required to submit an unannounced follow-up testing after he/she has been returned to his/her sensitive position. See Section F (5) above.

You should also be aware that the City has established an Employee Assistance Program to help employees who need assistance with alcohol and controlled substance abuse.

SOP #64 Attachment A

Drug Urinalysis

Drug testing will be performed through urinalysis. Urinalysis will test for the presence of drugs and/or metabolites of the following controlled substances: (1) marijuana; (2) cocaine; (3) opiates; (4) amphetamines; and (5) phencyclidine (PCP).

The urinalysis procedure starts with the collection of urine specimen. Urine specimens will be submitted to a SMHSA-certified laboratory for testing. As part of collection process, the specimen provided will be split into two vials: a primary vial and a secondary vial. The SAMHSA-certified laboratory will perform initial screenings on all primary vials. In the event that the primary specimen tests positive, a confirmation test of that specimen will be performed before being reported by the laboratory to the Medical Review Officer (MRO) as a positive.

All laboratory results will be reported by the laboratory to an MRO designated by the City. Negative results will be reported by the MRO to the City. Before reporting a positive test result to the City, the MRO will attempt to contact the employee to discuss the test result. If the MRO is unable to contact the employee directly, the MRO will contact the Personnel Services Manager, who shall, in turn, contact the employee and direct the employee to contact the MRO.

Upon being so directed, the employee shall contact the MRO immediately or, if after the MRO's business hours and the MRO is unavailable, at the start of the MRO's next business day. If the MRO's sole discretion, a determination will be made as to whether a result is positive or negative. If, the driver fails to contact the MRO after 72 hours, or if the employee cannot be contacted within 10 days, the MRO may verify the test as positive, or refusal to test, as applicable. After any positive verification, the employee may petition the MRO to reopen the case for reconsideration.

Pursuant to DOT regulations, individual test results for applicants and employees will be released to the City and will be kept strictly confidential until consent for the release of the test results has been obtained. Any individual who has submitted to drug testing in compliance with the policy is entitled to receive the results of such testing upon timely written report.

An individual testing positive may make a request of the MRO to have the secondary vial tested. This request can be made verbally or in writing to the MRO within 72 hours of being notified by the City of a positive test result. The secondary vial must be tested by a different SAMHSA-certified lab than tested the primary specimen.

Dilute Specimens

If the MRO informs the City that a positive drug test was dilute, the City will treat the test as a verified positive test. The City will not direct the employee to take another test.

If the MRO informs the City that a negative test was dilute, the City may, but is not required to, direct the employee to take another test immediately. Such re-collections will not be recollected under direct observation, unless there is another reason to do so.

The City will treat all similarly situated employees the same way for re-collections. However, the City may establish different policies for different types of testing (e.g. conduct retest in pre-employment test situations, but not in random test situations).

Drivers will be informed in advance of the policy regarding re-collections. When the City directs the employee to take another test, the employee will be given the minimum possible advance notice that he or she must go to the collection site. The result of the second test – not the original test – is the test of record. Any employee required to take another test, which is also negative and dilute, will not be permitted to take a third test. If the City directs the employee to take a second test and the driver refuses, the test will be treated as a positive result.

Alcohol Tests

Alcohol tests will be performed using a device that is on the National Highway Traffic Safety Administration's (NHTSA) Confirming Products List (CPL) and meets the DOT's testing requirements. This may be a breath testing device or a saliva testing device, and may be provided through a vendor or agent. The device will be operated by a technician who is certified and trained on the specific device he or she will be operating. The driver shall report to the alcohol testing site as notified by the City. All alcohol tests shall be performed just prior to, during, or just after duty. The employee shall follow all instructions given by the alcohol technician.

Any initial test indicating a blood alcohol concentration BAC of 0.02 or greater will be confirmed on an evidential breath testing device (EBT) operated by a breath alcohol technician (BAT). The confirmation test will be performed no sooner than 15 minutes and no later than 30 minutes following the completion of the initial test. In the event the confirmation test indicates a BAC of 0.02 to 0.0399, the employee shall be removed from duty for 25 hours or until his/her next scheduled on-duty time, whichever is longer. Drivers with tests indicating a BCC of 0.04 or greater are considered to have engaged in prohibited conduct which may result in disciplinary action up to and including termination.