

MUNICIPALITY OF MONROEVILLE
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 1958

**AN ORDINANCE OF THE MUNICIPALITY OF MONROEVILLE
ADOPTING AN AMENDMENT TO THE EMPLOYEE
HANDBOOK**

BE IT ORDAINED AND ENACTED, by the Municipality of Monroeville in Council assembled as follows:

SECTION 1. The Municipality of Monroeville hereby adopts an amendment attached Exhibit "A" to the Municipality of Monroeville Employee Handbook for the purpose of adding a drug and alcohol testing policy.

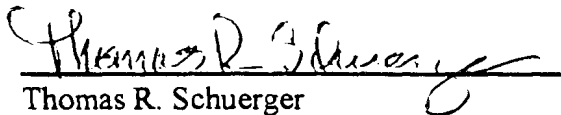
ORDAINED AND ENACTED this 10th day of October, 1995.

ATTEST:

MUNICIPALITY OF MONROEVILLE



Mary Ann Nau
Municipal Manager



Thomas R. Schuerger
Mayor

ENTERED INTO LEGAL BOOK:

October 20, 1995

MUNICIPALITY OF MONROEVILLE
DRUG & ALCOHOL USE IN THE WORKPLACE
POLICY

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Exhibit A

DRUG & ALCOHOL USE IN THE WORKPLACE

A. **The Problem:** Drug and Alcohol abuse is a major health problem in the workplace. It affects all industries, age groups, economic levels, and geographic areas. It jeopardizes safety and reduces productivity. Studies show that employees who abuse drugs and alcohol are more likely to have accidents, use more sick leave, and file more workers' compensation claims. They are also more likely to be absent, late for work, or leave work early. Further, their actions can endanger fellow employees and the general public. Drug and alcohol are a significant factor in highway accidents and deaths.

B. **Municipal Philosophy:** We are committed to providing a safe, productive, and drug-free workplace. We recognize that our employees are our most valuable resource and we wish to maintain their healthy well-being. We believe that most substance abuse problems can be prevented or rehabilitated. We encourage employees with such problems to seek counseling.

C. **Drug Education:** Periodically, the Municipality will provide employees with information on the effects and consequences of drug use on personal health, safety, and the work environment. Supervisors will attend classes on how to recognize manifestations and behavioral symptoms of drug and alcohol use.

D. **Policy:**

- The lawful manufacture, distribution, dispensing, possession, or use of illegal drugs or alcohol is prohibited in the Municipality's workplace.
- Illegal drug usage, whether on or off the job, may adversely affect an employee's job performance, jeopardize the safety of other employees, clients, and the general public. As such, it is just cause for disciplinary action up to and including termination of employment.
- Employees are not permitted to perform safety-sensitive functions within four hours of using alcohol. Employees are not permitted to use alcohol during working hours. No driver should use alcohol for eight hours following an accident or until he/she undergoes a post-accident alcohol test whichever occurs first.
- If an employee reports to work in a condition giving a supervisor reasonable cause to suspect the influence of alcohol or illegal drugs, the employee may be required to submit to a breath alcohol and/or urine drug test. If the test reveals that the employee has an alcohol level greater than 0.04, or has illegal drugs in his/her system, the employee will be subject to disciplinary action up to and including termination of employment. An employee with an alcohol level 0.02 to 0.039 will not be permitted to perform safety-sensitive functions for 24 hours.
- When there is reasonable cause, vehicles, lockers, and/or related personal areas may be searched without prior notice to ensure a work environment free of

alcohol and illegal drugs. Any employee found to have illegal drugs in his/her vehicle, locker, and/or related personal area will be subject to immediate disciplinary action to and including termination of employment.

- Any employee who may be undergoing medically prescribed treatment with a controlled substance which may limit his/her ability to perform on the job must report this treatment to his/her supervisor prior to beginning work. Failure to do this shall be cause for disciplinary action.
- It is a condition of continuing employment with the Municipality for an employee to notify the Municipality if he/she is convicted under a federal or state drug statute for the use, sale, or distribution of drugs in the workplace, such notification must occur within five (5) days of conviction.

E. **Drug & Alcohol Testing Circumstances:** The Municipality will conduct drug testing for the following reasons: pre-employment, random, reasonable suspicion, post--accident, fitness for duty, and follow-up to a positive drug test. Alcohol will be tested for all of the above circumstances except pre-employment.

1. *Pre-employment:* Prior to employment, all hires will be required to undergo drug screening. Hires who test positive will be denied employment. Failure to consent to this screen will be considered as withdrawal of his/her application for employment.

2. *Random Testing:* To encourage year round avoidance of illegal drugs, and be in compliance with DOT/FHWA regulations, the Municipality will conduct random tests of the Municipality's CDL employees at an annualized rate of 50% for drugs and 25% for alcohol. Those to be tested will be selected at random, which means that every employee--whether previously tested or not--has an equal chance to be tested every time tests are conducted. Once an individual is notified of the test he/she should go to the collection site immediately.

3. *Reasonable Suspicion Testing:* May be conducted based upon, among other things:

A. Direct observation of drug use or possession and/or physical symptoms of being under the influence of an illegal drug or alcohol;

B. A pattern of abnormal conduct or erratic behavior;

C. Arrest or conviction for a drug or alcohol related offense, or identification of the employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking;

4. *Post Accident Testing:* Is required for drivers and co-drivers, who are involved in an accident where death occurs, when the driver is issued a citation by the police for a moving violation and someone needs immediate medical treatment away from the scene of the accident or when the employee is issued a citation by the police for a moving

violation and a vehicle must be towed from the scene of the accident. The drug and/or breath alcohol test should be conducted as soon as possible after the accident takes place.

5. *Return-To-Duty Testing:* An employee found to have engaged in prohibited drug and alcohol conduct shall submit to return to duty drug and alcohol testing prior to performing safety-sensitive functions.

6. *Follow-Up Testing:* Employees who have engaged in illegal drug or alcohol use shall be required to submit to drug and alcohol testing a minimum of six (6) times for twelve (12) months following the incident. The number of tests should be greater if deemed necessary by the Municipality or the designated Substance Abuse Professional.. Cost of follow-up testing will be borne by the employee.

F. **Drugs to be Tested:** Urine specimens will be screened for the classes of drugs and at the cutoffs listed below:

<u>Drug</u>	<u>Immunoassay Screen Cutoffs</u>	<u>GC/MS Confirmation Cutoffs</u>
Amphetamines	1,000 ng/ml	500 ng/ml
Cannabinoids (Marijuana)	50 ng/ml	15 ng/ml
Cocaine and Metabolite	300 ng/ml	150 ng/ml
Opiates	300 ng/ml	300 ng/ml
Phencyclidine (PCP)	25 ng/ml	25 ng/ml

G. **Alcohol Testing:** As required by 49 CFR Part 40, the alcohol test is to be conducted by a certified "breath alcohol technician" (B.A.T.) using an "evidential breath testing device" (E.B.T.) which is approved by the National Highway Safety Administration (NHTSA). Tests are conducted in an area where confidentiality of results is assured. If the alcohol screening testing indicates an alcohol concentration 0.02 or greater, a confirmation test must be done 15-20 minutes later.

H. **Collection Sites:** They must follow the guidelines established by the National Institute on Drug Abuse (NIDA) for collecting, handling, and storing urine drug specimens and must meet the exacting "chain-of-custody" requirements. Alcohol testing can be done only by a certified Breath Alcohol Technician (B.A.T.) using an approved Evident Breath Testing Device (EBT)

I. **Unobserved Specimen Collection:** Individual shall be permitted to provide urine specimens in private and will not be directly observed. Exceptions to this are rare and are described below.

J. **Observed Specimen Collection:** May occur under the following circumstances:

- When the specimen fall outside the range of 90.5 to 99.8 degrees Fahrenheit or show signs of contamination;

- ♦ When a previous urine specimen provided by the individual was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2g/l; or
- ♦ When the collection site person observes conduct clearly indicating an attempt to substitute or adulterate the sample.

K. **Laboratories to be used:** Only laboratories certified by the national Institute on Drug Abuse (NIDA) and the Department of Health and Human Service (DHHS) to conduct Workplace Drug Testing Programs will be used to analyze urine specimens. The NIDA/DHHS Certification indicates that the laboratory meets the highest standards for drug testing.

L. **Medical Review Officer (MRO):** The Municipality will utilize a Medical Review Officer to review and interpret test results obtained through drug testing. The MRO is a physician knowledgeable in the medical use of prescription drugs and the pharmacology and toxicology of illicit drugs. Our Municipality Medical Review Officer service are provided by a third-party administrator.

The MRO receives test results from the laboratory and evaluates them before notifying the Municipality. Prior to notifying the Municipality, the MRO will conduct a medical interview--via phone or in the office--to discuss the individual's medical history and other biomedical factors. He will receive all medical history and other biomedical factors. He will receive all medical records made available by the tested employee to determine if there might be a legitimate medical reason for a confirmed "positive test." If there is, the MRO will report the test as "negative."

If the MRO is unable to reach a person who tested positive, he shall report his efforts to contact the driver to the employers. As soon as possible, the employer shall request the driver to contact the MRO prior to dispatching the driver or within 24 hours, whichever is sooner.

M. **Reports of Drug Test Results:** The Medical Review Officer will forward results only to the person designated in the Municipality to receive such results. The MRO shall report whether an individual's test is negative or positive. If positive, he will identify the substance for which the test was positive.

N. **Split Sample Testing:** After the MRO informs an employee that he will be reported to his employer as testing positive for illegal drug use, the employee has the right to request that the "split sample" be tested at another NIDA/DHHS laboratory. The employee must make this request to the MRO within 72 hours after the MRO-Driver evaluation call/visit. The cost of the second laboratory analysis and MRO review will be borne by the employee. The employee will be reimbursed by the Municipality if the split sample test is negative.

O. **Reports of Alcohol Test Results:** Following a confirmed alcohol test of 0.02 or greater, the Breath Alcohol Technician (B.A.T.) must immediately report the results to the Municipal representative designated to receive this information. This is done so that the Municipality can take steps to ensure the employee testing positive will not drive his/her vehicle. The designated

Municipal representative must provide the testing sites with a telephone number where the representative can be reached at all times.

P. **Disciplinary Actions:**

1. The use of alcoholic beverages or substances containing alcohol including any medication, mouthwash, food, candy, or any other substance while performing Municipal duties is strictly prohibited(See section 7.6 of the Personnel Handbook). An employee who is found to have a breath alcohol concentration of 0.02 or greater but less than 0.039 shall not be allowed to perform safety-sensitive for at least 24 hours following the administration of the test. Employees will punch out immediately after testing in this range and may not punch back in until 24 hours later. There will be loss of pay during that 24 hour period. Further infractions in this area will incur progressive discipline. A second violation will result in three (3) days suspension from work without pay. A third violation results in termination. Employees whose blood alcohol content is above .04 will immediately be suspended for three (3) days without pay. Employees must then see a substance abuse professional, can not drive commercially until they have done so, and have been released to active duty by the substance abuse professional. A second violation in this area will result in termination. If there are no alcohol violations for three years then the progression through the steps starts over again.

2. An employee who tests positive for drugs will immediately be suspended for three days without pay and must see a substance abuse professional before being allowed to drive commercially. A second violation in this area will result in termination. There is no time limit that can clear a violation.

3. Refusal of Testing: Any driver who refuses either drug or alcohol testing will be immediately terminated. There will be no excuse accepted.

Q. **Substance Abuse Professional:** Under DOT/FHWA drug and alcohol regulations, an employee who engages in prohibited drug or alcohol conduct shall be referred to a Substance abuse Professional (S.A.P.) for an evaluation and possible referral to a counseling or treatment program. By law, the S.A.P. may make specific recommendations for follow-up drug and alcohol testing that could last as long as 60 months from a driver's return-to-duty date. No driver may return to duty without a negative drug and alcohol test and a evaluation by the S.A.P. that the driver has properly followed the rehabilitation program presented by the S.A.P. the cost of S.A.P. shall be borne by Health Insurance or the Employee.