

CITY OF LEXINGTON
33 FIRST STREET
LEXINGTON, TN 38351

Ordinance Number 200001
Passed March 7, 2000

DRUG POLICY

A. Purpose

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

To provide a safe, healthy, productive and drug-free working environment for its employees to properly conduct the public business, the City of Lexington has adopted this drug and alcohol testing policy effective March 1, 2000. This policy complies with the: Drug-Free Workplace Act of 1998, which ensures employees the right to work in an alcohol and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL); Division of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine and mass transit industries. In the case of this policy, the Omnibus Transportation Employee Testing Act of 1991

is most significant with its additional requirement of using the "split specimen" approach to drug testing, which provides an extra safeguard for employees. The types of tests required are: pre-employment, transfer, reasonable suspicion, post-accident (post-incident), random, return-to-duty and follow-up.

It is the policy of the City of Lexington that the use of drugs by its employees and impairment in the workplace due to drugs and/or alcohol are prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to termination of employment. Prohibited and/or illegal conduct includes but is not limited to:

1. Being on duty or performing work in or on City property while under the influence of drugs and/or alcohol.
2. Engaging in the manufacture, sale, distribution, use or unauthorized possession of drugs at any time and of alcohol while on duty or while in or on City property.
3. Refusing or failing a drug and/or alcohol test administered under this policy.
4. Providing an adulterated, altered or substituted specimen for testing.
5. Use of alcohol while on duty or use of alcohol while on-call for duty.
6. Use of alcohol or drugs following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures.

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

use of any legally prescribed medication before the employee goes on duty or performs any work.

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

All City of Lexington property may be subject to inspection at any time without notice. There should be no expectation of privacy in such property. Property includes, but is not limited to, vehicles, desks, containers, files and lockers. Employee-assigned lockers that are locked by the employee are subject to inspection by the employee's supervisor in the presence of the employee after reasonable advance notice to the employee, unless the Chairman of the Board the employee works under waives such notice.

B. SCOPE

Certain aspects of this policy apply to all full-time, part-time, temporary and volunteer employees of the City of Lexington. The policy also applies to applicants who have been given a conditional offer of employment from the City of Lexington.

C. CONSENT FORM

Before a drug and/or alcohol test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the laboratory, medical

review officer (MRO), department manager or his/her designee. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the City's drug and alcohol testing policy.

The consent form shall set forth the following information:

1. The procedure for confirming and verifying an initial positive test result.
2. The consequences of a verified positive test result.
3. The consequences of refusing to undergo a drug and/or alcohol test.

The consent form also provides authorization for certified or licensed attending medical personnel to take and have analyzed appropriate specimens to determine if drugs or alcohol were present in the employee's system.

D. COMPLIANCE WITH SUBSTANCE ABUSE POLICY

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

E. GENERAL RULES

These are the general rules governing the City of Lexington's alcohol testing program:

1. City employees shall not take or be under the influence of any drugs unless prescribed by the employee's licensed physician. Employees who are required to take prescription and/or over-the-counter medications shall notify the proper supervisory personnel before the employees go on duty.
2. City employees are prohibited from engaging in the manufacture, sale, distribution, use or unauthorized possession of illegal drugs at any time and of alcohol while on duty or while in or on City property.
3. All City of Lexington property is subject to inspection at any time without notice. There should be no expectation of privacy in or on such property. Property includes, but is not limited to, vehicles, desks, containers, files and lockers. Employee-assigned lockers that are locked by the employee are also subject to inspection by the employee's supervisor in the presence of the employee after reasonable advance notice to the employee, unless such notice is waived by the Chairman or the Board the employee works under.
4. Any employee convicted of violating a criminal drug statute shall inform the manager of his/her department of such conviction (including pleas of guilty and nolo contendere) within five days of the conviction occurring. Failure to so inform the City subjects the employee to disciplinary action up to and including termination for the first offense. The City will notify the federal contracting officer pursuant to applicable provisions of the Drug-Free Workplace Act and the Omnibus Transportation Employee Testing Act.

F. DRUG TESTING

An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to drug testing under six separate conditions:

1. PRE-EMPLOYMENT

All applicants for employee status who have received a conditional offer of employment with the City of Lexington must take a drug test before receiving a final offer of employment.

2. TRANSFER

Employees transferring to the fire, police, gas, water/wastewater and street departments and/or another position within the City that requires a commercial driver's license (CDL) shall undergo drug testing.

3. POST-ACCIDENT/POST-INCIDENT TESTING

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

Post-accident (post-incident) testing shall be carried out immediately following the accident (incident). Same-gender collection personnel at the established collection site(s) shall monitor urine collection for post-accident (post-incident) testing.

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

Any testing for additional substances listed under the Tennessee Drug Control Act of 1989 as amended shall be performed at the urinary cutoff level that is normally used for those specific substances by the laboratory selected.

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

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

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

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

An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for drug testing by qualified, licensed attending medical personnel and consent to the testing of the specimens. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) of the City of Lexington appropriate and necessary information or records that would indicate only whether or

not specified prohibited drugs (and what amounts) were found in the employee's system. Each employee shall grant consent at the implementation date of the substance abuse policy of the City of Lexington or upon hiring following the implementation date.

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

4. Testing Based on Reasonable Suspicion

A drug test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of drugs and/or alcohol.

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

Supervisory personnel of the City of Lexington making a determination to subject any employee to drug testing based on reasonable suspicion shall document their specific reasons and observations in writing to their department head and Chairman of the Board they report to within 24 hours of the decision to test and before the results of the urine drug tests are received by the department. Same-gender collection personnel shall monitor urine collection for reasonable suspicion testing.

5. Random Testing

Only employees of the City of Lexington possessing or wishing to obtain a commercial driver's license (CDL) or who are gas department or police department employees or employees in safety-sensitive positions are subject to random urine drug testing. It is the policy of the City of Lexington to annually random test for drugs at least 50 percent of the total number of drivers possessing or obtaining a commercial driver's license (CDL).

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

Random donor selection dates will be unannounced with unpredictable frequency. Some may be tested more than once each year while others may not be tested at all, depending on the random selection.

If an employees is unavailable (i.e., vacation, sick day, out of town, work-related caused, etc.) to produce a specimen on the date random testing occurs, the City of Lexington may omit that employee from that random testing or await the employee's return to work.

6. Return-to-Duty and Follow-Up

Any employee of the City of Lexington who has voluntary disclosed drug abuse and undergone treatment for same must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

Testing will also be performed on any employee returning from leave or special assignment in excess of six months.

G. PROHIBITED DRUGS

All drug results will be reported to the medical review officer (MRO). If verified by the MRO, they will be reported to the department manager. The following is a list of drugs for which tests will be routinely conducted (see Appendix A for cutoff levels):

1. amphetamines
2. marijuana
3. cocaine
4. opiates
5. phencyclidine (PCP)

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

H. COLLECTION PROCEDURES

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

I. LABORATORY STANDARDS AND PROCEDURES

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

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

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

For the employee's protection, the results of the analysis will be confidential except for the testing laboratory. After the MRO has evaluated a positive test result, the employee will be notified and the MRO will notify the department manager.

J. REPORTING AND REVIEWING

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

1. The laboratory shall report test results only to the designated MRO, who will review them in accordance with accepted

guidelines and the procedures adopted by the City of Lexington.

2. Reports from the laboratory to the MRO shall be in writing or by fax. The MRO may talk with the employee by telephone upon exchange of acceptable identification.
3. The testing laboratory, collection site personnel, and MRO shall maintain security over all the testing data and limit access to such information to the following” the respective department manager, the mayor, and the employee.
4. Neither the City of Lexington, the laboratory, nor the MRO shall disclose any drug test results to any other person except under written authorization from the affected employee, unless such results are necessary in the process of resolution of accident (incident) investigations, requested by court order, or required to be released to parties (i.e., DOT, the Tennessee Department of Labor, etc.) having legitimate right-to-know as determined by the City attorney.

K. ALCOHOL TESTING

An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to alcohol testing under six separate conditions:

1. Transfer

Employees transferring to the [fire department, police department, street department and employees in safety-sensitive positions or another position within the City that requires a commercial driver's license (CDL) shall undergo alcohol testing.

2. Post-Accident/Post-Incident Testing

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

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

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

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

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

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

An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for alcohol testing by qualified, licensed attending medical personnel and consent to specimen testing.

Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) of the City of Lexington appropriate and necessary information or records that would indicate only whether or not specified prohibited alcohol (and what amount) was found in the employee's system. Each employee shall grant consent at the implementation date of the substance abuse policy of the City of Lexington or upon hiring following the implementation date.

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

3. Testing Based on Reasonable Suspicion

An alcohol test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used alcohol. This belief should be based on recent,

physical, behavioral, or performance indicators of possible alcohol use. One supervisor who has received alcohol detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior. Employee will then be escorted to testing site.

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

4. Return-to-Duty and Follow-Up

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

Testing will also be performed on any employee returning from leave or special assignment in excess of six months.

L. ALCOHOL TESTING PROCEDURES

All breath alcohol testing conducted for the City of Lexington shall be performed using evidential breath testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA).

Alcohol testing is to be performed by a qualified technician as follows:

Step 1: An initial breath alcohol test will be performed using a breath alcohol analysis device approved by the National

Highway Traffic Safety Administration (NHTSA). If the measured result is less than 0.02 percent breath alcohol level (BAL), the test shall be considered negative. If the result is greater or equal to 0.04 percent BAL, the result shall be recorded and witnessed, and the test shall proceed to Step Two.

Step 2: Fifteen minutes shall be allowed to pass following the completion of Step One above. Before the confirmation test or Step Two is administered for each employee, the breath alcohol technician shall insure that the evidential breath testing device registers 0.00, the breath alcohol technician shall conduct one more air blank. If the reading is greater than 0.00, testing shall not proceed using that instrument. However, testing may proceed on another instrument. Then Step One shall be repeated using a new mouthpiece and either the same or equivalent but different breath analysis device.

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

If the lower of the breath alcohol measurements in Step One and Step Two is 0.04 percent or greater, the employee shall be considered to have failed the breath alcohol test and they shall be terminated.

Any breath level found upon analysis to be between 0.02 percent BAL and 0.04 percent BAL shall result in the employee's removal from duty without pay for a minimum of 24 hours. In this situation, the employee must be retested by breath analysis and found to have a BAL of up to 0.02 percent before returning to duty with the City of Lexington.

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

The completed breath alcohol test form shall be submitted to the department manager.

M. EDUCATION AND TRAINING

1. Supervisory Personnel Who Will Determine Reasonable Suspicion Testing

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

The City of Lexington will sponsor a drug-free awareness program for all employees.

2. Distribution of Information

The minimal distribution of information for all employees will include the display and distribution of:

- a. informational material on the effects of drug and alcohol abuse;
- b. an existing community services hotline number, available drug counseling, rehabilitation, and employee assistance programs for employee assistance;
- c. the City of Lexington policy regarding the use of prohibited drugs and/or alcohol; and
- d. the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

N. CONSEQUENCES OF A CONFIRMED POSITIVE DRUG AND/OR ALCOHOL TEST RESULT AND/OR VERIFIED POSITIVE DRUG AND/OR ALCOHOL TEST RESULT

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

If a current employee's positive drug and alcohol test result has been confirmed, the employee will be immediately removed from any safety-sensitive function and shall be terminated.

No disciplinary action may be taken pursuant to this drug policy against employees who voluntarily identify themselves as drug users prior to being requested to submit to a drug test, obtain counseling and rehabilitation through the City Employee Assistance Program or other program sanctioned by the City and thereafter refrain from violating the City policy on drug and alcohol abuse. However, voluntary identification will not prohibit disciplinary action for the violation of City personnel policy and regulations (Already been involved in an incident or accident).

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

O. VOLUNTARY DISCLOSURE OF DRUG AND/OR ALCOHOL USE

In the event that an employee of the City of Lexington is dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, that employee

should voluntarily discuss his/her problem with the respective department head in private.

Such voluntary desire for help with a substance abuse problem will be honored by the City of Lexington. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment.

Affected employees of the City of Lexington are entitled to up to 30 consecutive calendar days for initial substance abuse treatment as follows:

1. The employee must use all vacation, and personal time available.
2. In the event accumulated vacation, and personal time is insufficient to provide the medically prescribed and needed treatment up to a maximum of 60 consecutive calendar days, the employee will be provided the opportunity to take an unpaid leave for the difference between the amount of accumulated leave and the number of days prescribed and needed for treatment up to the maximum 60-day treatment period.

Voluntary disclosure must occur before an employee is tested for drugs and/or alcohol.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the substance abuse professional (SAP) of the City of Lexington. The SAP may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The respective department head and chairman of the board over that department head will consider each case individually and set forth final conditions of reinstatement to active duty. The employee must meet these conditions of reinstatement. Failure of the employee to complete treatment or follow after-care conditions, or subsequent failure of any drug or alcohol test under this policy will result in

administrative action up to and including termination of employment.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the City of Lexington. Voluntary disclosure provisions do not apply to applicants. Employees found positive during drug and/or alcohol testing of .04percent under this policy shall have their employment terminated as specified elsewhere in this policy.

P. EXCEPTIONS

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

Voluntary disclosure provisions do not apply when a drug test is requested because of an accident or incident.

Voluntary disclosure provisions will only apply one time. An employee found to have violated the drug and/or alcohol provisions of the City of Lexington for the second time will be terminated from service.

Q. MODIFICATION OF POLICY

This statement of policy may be revised by the City of Lexington at any time to comply with applicable federal and state regulations that may be implemented, to comply with judicial rulings, or to meet any changes in the work environment or changes in the drug and alcohol testing policy of the City of Lexington.

Amendment Number One

Pursuant to the Drug-Free Workplace Act of 1988 the Mayor will provide written notice within ten (10) calendar days of the name and position title of any employee convicted of drug charges to those state and/or federal granting agencies in whose grant activities the employee was working. Notice will include the identification number(s) of each affected grant.

APPENDIX E

EMPLOYEE ACKNOWLEDGMENT FORM

CITY OF LEXINGTON

EMPLOYEE ACKNOWLEDGMENT

As an applicant or an employee, I have received a copy of the City of Lexington drug and alcohol testing policy. I have carefully read this policy and understand its requirements, and I agree, without reservation, to follow this policy.

As an applicant, I am aware that my offer of employment is conditional upon the results of a drug and/or alcohol test. As an employee, I am aware that I shall (1) be required to undergo random and other required drug and/or alcohol tests, (2) be informed prior to the drug and/or alcohol test, and (3) be subject to immediate dismissal if I refuse to take the test.

Name of Applicant or Employee

Department

Department Manager

Signature of Applicant or Employee

Date

Signature of Witness

Date

APPENDIX F

CONSENT AND ACKNOWLEDGE FORM

CITY OF LEXINGTON

DRUG/ALCOHOL TESTING PROCEDURES

CONSENT AND ACKNOWLEDGMENT FORM

As an applicant or an employee with the City of Lexington, I hereby consent to and acknowledge that I am scheduled to undergo drug and/or alcohol testing. The test for alcohol will be a breath analysis test. The drug test will involve an analysis of a urine sample, which I will provide at a designated site. The purpose of the test will be to test for the presence of the following substances: amphetamines, marijuana, cocaine, opiates, PCP, alcohol, and/or any additional drugs listed in the Tennessee Drug Control Act. I authorize qualified personnel to take and have analyzed appropriate specimens to determine if drugs and/or alcohol are present in my system. I acknowledge that the drug/alcohol screen test results will be made available to the testing laboratory, medical review officer (MRO), the department manager, or his/her designee. As an applicant, I am aware that a confirmed and verified positive drug/alcohol test result will rescind my conditional offer of employment. As an employee, I am aware that a confirmed and verified positive test will result in my immediate dismissal. I will present a copy of this form to the collection site when I report for my scheduled drug/alcohol test.

Name of Applicant or Employee: _____

Department Name: _____

(Signature of Applicant or Employee)

Date

(Signature of Parent/Guardian if Applicant/
Employee is under 18 years old)

Date

(Signature of Witness)

Date

APPENDIX G

CDL REQUIREMENT CITY OF LEXINGTON

ALCOHOL AND CONTROLLED SUBSTANCE EMPLOYEE'S CERTIFIED RECEIPT

This is to certify that I have been provided educational materials that explain the requirements of Sub-section 382.601 and 199.239 and my employer's policies and procedures with respect to meeting the requirements. The materials include detailed discussion of the following checked items:

- ____ 1. The designated person to answer questions about the materials.
- ____ 2. The categories of employees subject to part 382 and 199.
- ____ 3. Sufficient information about the safety-sensitive functions and periods of the workday that compliance is required.
- ____ 4. Specific information concerning prohibited driver conduct.
- ____ 5. Circumstances under which a driver will be tested.
- ____ 6. Test procedures, employee protection and integrity of the testing processes, and safeguarding the validity of the test.
- ____ 7. The requirement that tests are administered in accordance with Part 382 and 199.
- ____ 8. An explanation of what will be considered a refusal to submit to a test and the consequences.
- ____ 9. The consequences for Part 382 Subpart B, violation including removal from safety-sensitive functions and Sub-section 382,605 and Part 199 Subpart B 199.223.
- ____ 10. The consequences for employees found to have and alcohol concentration of 0.02 or greater but less than 0.04.
- ____ 11. Information on the effects of alcohol and controlled substances use on:
 - 1. An individual's health
 - 2. Signs and symptoms of a problem
 - 3. Work
 - 4. Personal life
 - 5. Available methods of intervening when a problem is suspected personal life

Employee's Signature

Date

Witness

Date

APPENDIX H

Employee Medication List

The City of Lexington Drug Policy does not prevent the use of legally prescribed medication that does not adversely affect the mental, physical or emotional ability of employees safely and efficiently performing their duties. However, it is the employee’s responsibility to inform their supervisor of his/her use of any legally prescribed medication before the employee goes on duty or performs any work.

Please list below any prescription drugs you are taking and, if this list should change, please inform your supervisor or the City Recorder immediately. This information is confidential and will be maintained in your medical records file for use by the Medical Review Officer if needed in any drug screening or in case of an emergency where your life could be at risk.

Employee Name: _____

Department: _____

Prescribed Medication List:

Medication: _____ Date On: _____ Date Off: _____

Medication: _____ Date On: _____ Date Off: _____

Medication: _____ Date On: _____ Date Off: _____

Medication: _____ Date On: _____ Date Off: _____

Medication: _____ Date On: _____ Date Off: _____

Medication: _____ Date On: _____ Date Off: _____

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