

CITY PERSONNEL POLICY

DRUGS AND ALCOHOL

Policy # 35

Approved by Personnel Board: 5/26/2011 Richard O'Gara, Human Resources Director

Approved by City Council: 6/28/2011 Council President Tom Mulligan

Pursuant to the Omaha Municipal Code, Section 23-65, the following is declared to be the policy of the City of Omaha. Please check the City's website <http://www.cityofomaha.org/humanresources/public-documents/hr-policies> for the latest amendments to this policy.

Purpose

The City of Omaha recognizes its responsibilities toward the maintenance of the physical and emotional well-being of its employees. We recognize that employee drug/alcohol problems are inherent in any workforce, and that this, in turn, impacts on the personal life of employees and their families. Since these problems not only affect the employee's personal life, but generally can also result in deteriorating job performance, the City believes that it is in the best interest of its employees, their families, and the City to provide the opportunity to deal with these personal problems.

There is no intent to intrude upon the private lives of employees. The City recognizes that employees with drug and alcohol abuse problems make up only a fraction of the workforce, and the City understands that inconveniences may be caused to the many non-abusers by the problems of the few. It is believed, however, that the benefits to be derived will more than make up for any inconvenience to the majority of the employees.

The purpose of this Policy is as follows:

- A. To establish and maintain a safe and healthy working environment for all employees.
- B. To ensure the reputation of City of Omaha employees as good, responsible citizens worthy of public trust.
- C. To reduce the incidents of accidental injury to persons and/or property.
- D. To reduce absenteeism, tardiness, and indifferent job performance.

- E. To provide assistance toward rehabilitation for any employee who seeks the City's help in overcoming any addiction to, dependence upon, or problem with alcohol or drugs.

The City is committed to maintaining a safe, healthful, and productive work environment for all employees and ensuring the safe and efficient delivery of services to the citizens of the City of Omaha. To that end, the City will attempt to eliminate the abuse of alcohol, illegal drugs, prescription drugs, or any other substance that could impair an employee's ability to perform safely and effectively the functions of any given job. Drug and alcohol abuse of any nature by employees of the City of Omaha cannot be tolerated. City Policy shall be ZERO tolerance for such abuse. All City of Omaha employees are covered by this Policy and should be aware that violation of this Policy can result in discipline up to and including discharge.

Definitions

Alcohol shall mean any product of distillation of any fermented liquid, whether rectified or diluted, whatever the origin thereof, and includes synthetic ethyl alcohol and alcohol processed or sold in a gaseous form; any alcoholic liquor including alcohol, spirits, wine, beer, and any liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed as a beverage by a human being, any confections or candy that contains more than one-half of one percent alcohol, and any variety of alcohol or liquor defined under Nebraska State Statute Section 53-103.

Drug shall mean any substance, chemical, or compound as described, defined, or delineated in Chapter 28 of the Nebraska State Statutes, including but not limited to Section 28-405 Nebraska R.R.S., or any metabolite or conjugated form thereof, except that any substance, chemical, or compound containing any product as defined in #1 of this Section may also be defined as alcohol.

Alcohol or Drug Abuse, for purposes of this Policy, shall be defined as an employee's dependence or addiction to sufficient severity to have the effect of impairing the performance of his/her official duties or his/her job behavior.

Reasonable Suspicion is a belief based on objective facts sufficient to lead a reasonable, prudent person to suspect that an employee is under the influence of a substance so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced. Reasonable suspicion may result from actual observation of the use or ingestion of a substance by an employee. It may be based on reliable information that the employee is currently or has recently used or possessed a controlled substance or open container with alcohol on the job. Reasonable suspicion may result from an observation of physical symptoms, such as slurred speech, red watery eyes, unsteady gait, dilated pupils, drowsiness, or actual sleeping on the job. In addition, reasonable suspicion may result from the observation of behavioral symptoms, such as severe mood swings, unexplained personality changes, inattention to personal hygiene, and frequent accidents.

Reasonable Suspicion is also the belief based on objective facts sufficient to lead a reasonable, prudent person to suspect that an employee's urine sample is a diluted sample. Reasonable suspicion may result from actual observation of an employee deliberately tampering with the urine sample. It may be based on reliable information that the employee has ingested enough liquids so that his/her urine sample will result in a diluted result.

Reasonable Suspicion is also the belief based on objective facts sufficient to lead a reasonable, prudent person to suspect that an employee's urine sample has been tampered with or is a sample that is not a genuine sample taken from the employee's body. Reasonable suspicion may result from actual observation of an employee deliberately tampering with the urine sample. It may be based on reliable information that the employee has used means to attempt to falsify the urine testing. Reasonable suspicion can be based on all facts and circumstances observed or known by a reasonably prudent person to analyze the situation, sample and employee taking the urine test.

Employee Assistance Program (EAP) is a benefit program offered by the City with the intent to help its employees deal with personal problems that might adversely impact their work performance, health, and well-being. The contact information and location of the City's EAP program is provided in Appendix "B" of this policy (such appendix may be updated periodically during the pendency of this policy).

Also the services of designated Police/Fire mental health professionals are provided to those uniform employees for their assistance with any psychological problem, including drug/alcohol problems.

Impaired is the inability of an employee to perform his/her usual and normal work assignments with normal effectiveness and efficiency.

Policy

Abuse of alcohol and drugs by City employees will not be tolerated.

A. Drugs

Employees of the City of Omaha shall not:

- a) Report to work impaired by any drug;
- b) Whether on or off duty, illegally use, manufacture, possess, sell, or provide to another any drug.

Use or possession of medically prescribed drugs or medications which have been legally prescribed to the employee by a person licensed to do so is not a violation of this Policy. However, no prescription medication of any sort shall be brought upon City property by any person other than the person for whom the medication is prescribed and shall be used only in the manner, combination, and quantity prescribed. It is a violation of the law for any employee to use, acquire, or possess any prescribed medication not in his/her own name. Such violations of the law shall be considered grounds for discipline up to and including termination of employment.

A City employee who is taking any medication, whether prescribed or non-prescribed, which may interfere with the safe and effective performance of duties or operation of City equipment is required to advise his/her supervisor of that fact before beginning work. In the event that there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medication, clearance from a physician shall be required. Failure to advise a supervisor of the use of any medication which may interfere with the safe and effective performance of duties or operation of City equipment may result in discipline.

Any employee who is arrested on a violation of any criminal drug statute for an incident occurring either in the workplace or outside of the workplace shall notify his/her City supervisor of the arrest as soon as reasonably possible. Any employee who is convicted of a violation of any criminal drug statute for an incident occurring either in the workplace or outside of the workplace shall notify his/her City supervisor of the conviction within five calendar days of the conviction. Failure to properly notify the City of such a situation may result in disciplinary action, up to and including termination.

B. Alcohol

Employees of the City of Omaha shall not:

- a) Report to work impaired by the use of alcohol;
- b) While on duty, use, possess, sell, or provide alcohol to another;
- c) While on duty **or** on call, be impaired by the use of alcohol.

In certain situations, Civilian employees are individually placed "on call." For those employees, "on call" as above shall mean those situations where an employee has been specifically and personally notified that he/she is on stand-by for a specific period of time (not to exceed 72 hours) and subject to being called in for City work on an emergency basis. Such notification must occur either at the end of an employee's work shift before the employee leaves work or eight hours before any call-in would occur.

For the purposes of this Policy, an employee whose blood, breath, or urine, when tested, contains an alcohol concentration of .04 percent or above is presumptively deemed to be impaired by the use of alcohol. For the purposes of this Policy, an employee whose blood, breath, or urine, when tested, contains an alcohol concentration of less than .04 percent may be considered impaired depending on a consideration of all of the circumstances.

C. Education and Training of Employees

The City has developed and implemented a Drugfree Awareness Program to inform its employees of:

- a) The dangers of drug/alcohol abuse in the workplace.
- b) The City's Policy regarding drug and alcohol use.
- c) The availability of counseling, rehabilitation, etc., through the City's Employee Assistance Program.
- d) The penalties that may be imposed upon employees for substance abuse violations.

Additionally, educational activities focusing on stress, substance abuse, and other problem areas are provided. These activities are designed to promote early identification and self-referral, prevent problems from developing and/or becoming more severe, and enhance the quality of life.

Employees are encouraged to utilize the EAP programs provided by the City in seeking assistance with drug/alcohol problems. Employees' use of these services privately and on their own initiative will not jeopardize job security, promotional opportunity, and/or reputation. When such use is private and voluntary, no report of any kind will be made by the EAP to the City unless the employee freely and willingly chooses.

The City has a training program to assist supervisory personnel and the unions in the recognition of conduct and behavior that gives rise to suspicion that an employee may be a drug/alcohol abuser. The intent of this training is not to put the supervisor in a position to diagnose alcohol/drug problems, but simply to make such supervisor sufficiently aware of the causes and symptoms so that he/she may seek proper referral. The training program educates supervisors of the City's EAP program and policies, as well as encourages supervisors to seek proper consultation with other City officials and the EAP when attempting to deal with an employee's deteriorating job performance.

D. Drug/Alcohol Testing Procedures

Any time a supervisor has reasonable suspicion to believe that an on duty employee is impaired by alcohol or drugs, he/she shall immediately place such employee on special assignment in order to protect the employee, fellow employees, and the public from harm. The supervisor shall immediately notify his/her supervisor of such action and the particular employee's union representative, if applicable.

The two supervisors and the union representative, if available, will interview the employee. If both supervisors believe, based upon reasonable suspicion, that the employee is impaired by the use of alcohol or drugs, then said employee will be ordered, pursuant to this Policy, to submit to a test of his/her blood, breath, or urine.

In determining whether or not the employee is impaired, the supervisors may consult with the Labor Relations Director, Human Resources Director, the City Safety & Training Coordinator, City Safety Inspector(s) or Safety Division personnel, CDL Instructor, Law Department, or any other appropriate City official and utilize any reasonable means or procedures available to confirm or disprove such suspicion (such as breath alcohol pre-test and the Observed Behavior Form). Employees from the Human Resources Department Safety Division can be reached both during and after business hours at the phone numbers provided in Appendix "A" (such appendix may be updated periodically during the pendency of this policy).

A supervisor or Human Resources Department Safety Division representative shall transport the employee to that facility designated by the City for the performance of drug or alcohol tests. As soon as practically possible, each supervisor shall document, in writing, to the Department Head the reasons and causes which gave rise to the reasonable suspicion. Additionally, this documentation shall include a narrative of what steps were taken by the supervisor(s).

Before a drug or alcohol test is administered, employees will be ordered to sign a consent form authorizing the test and permitting the release of test results to a designated City official(s). The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the City's Drug/Alcohol Testing Policy.

The consent form for drug/alcohol tests shall also set forth the following information:

- a) The procedure for confirming an initial positive test result.
- b) The consequences of a confirmed positive test result.
- c) The consequences of refusing to undergo a drug test.
- d) The procedure for retesting with a negative test result that is diluted.

All drug testing shall be of the employee's urine. All alcohol testing shall be of the employee's breath or saliva for screening tests and breath for confirmation tests.

The initial drug screening shall be the Enzyme Immunoassay Techniques (EMIT) test, which shall be administered at City expense. An employee or job applicant whose drug test indicates the presence of a drug group (listed further on in this Section) shall be given a second test, at City expense, using Gas Chromatography/Mass Spectrometry (GC/MS). The second test shall use a portion of the same test sample taken from the employee or applicant for use in the first test. The employee or job applicant shall pay for any additional testing on a urine sample that results from any false information given by the employee or job applicant.

If this GC/MS test confirms the drug group presence, a Medical Review Officer, who shall be a properly licensed and trained medical doctor, will review both tests. The purpose of this review is to see if the drug presence can be explained by the individual employee's medical history. In completing this review, the Medical Review Officer shall interview the employee and may perform a physical examination on such employee. Refusal to cooperate in such an interview, failing to consent to such physical examination, or any false or misleading information given in such interview shall be grounds for disciplinary action up to and including termination.

If the medical review confirms the presence of drugs in the employee's body fluids, then such test shall be considered "positive." The employee is required to meet within five (5) working days with the Labor Relations Director, his/her Department or Division head, a Union representative (if applicable), and a representative from the Human Resources Department. At this meeting, the employee will be notified of the test results, the particular substance found in such results, and updated on his/her working status with the City of Omaha. It is the employee's duty to ensure that the appropriate personnel can contact them regarding any drug test. Any attempt by an employee to avoid contact with personnel regarding his/her drug testing shall be considered grounds for discipline up to and including termination of employment. Should the Medical Review Officer fail to make contact with the employee, through no fault of the employee, then the Medical Review Officer should contact the appropriate Department Head or Human Resources Department designee and relay the drug testing information to that person.

An employee who tests positive for drugs may, at the employee's own expense, have a third test conducted on the same sample (split sample) at a laboratory pre-approved by the City that meets the minimum criteria for drug testing. If the test is for alcohol, and the City orders a breath test, the employee has the right to another test at his/her expense. That test may be of blood or breath.

The initial alcohol screening test shall be by using an evidential breath testing devices (EBT), a non-evidential breath alcohol screening device (ASD), a saliva ASD, or a breath tube ASD. The National Highway Traffic Safety Administration (NHTSA) must approve any device used under this policy for alcohol testing. If the result is less than 0.02 alcohol concentration, then this is a "negative" test. If the test result is an alcohol concentration of 0.02 or higher, the employee is directed to take a second test or confirmation test. Such confirmation test will be conducted using an EBT. If the confirmation test result is 0.02 or higher, the employee is required to sign the necessary DOT forms, if such testing was done under DOT regulations, and will be placed on administrative leave as detailed below.

If an employee refuses to consent to drug or alcohol testing, such refusal shall be considered grounds for discipline up to and including termination of employment. An employee who refuses shall be immediately and indefinitely suspended with pay pending disciplinary action. The supervisor shall make every reasonable effort to ensure that such employee does not operate a motor vehicle (i.e., provide transportation for employee to his/her home). Should the employee refuse to cooperate and attempt to operate a motor vehicle, the police shall be immediately notified.

If the medical review confirms the presence of drugs in a job applicant's body fluids, then such test shall be considered "positive." The job applicant will be contacted by the Human Resources Department designee and be informed of the positive drug test. This person will be eliminated from consideration for employment with the City of Omaha. The Human Resources Department will document this positive test result, in the appropriate fashion, within its records for six (6) months after the positive test result. This documentation is done to allow the City of Omaha to know that this applicant, in the past, tested positive in a drug test.

Should the Medical Review Officer and/or the test collector for the contracted testing facility have a reasonable suspicion that the urine sample taken from the employee or job applicant is a diluted sample, this person shall immediately require the employee to provide another sample. It will be the duty of the Medical Review Officer or testing collector to inform the employee that a second sample is being collected because this person has a reasonable suspicion that the first sample is diluted. A diluted urine sample shall not be deemed, automatically, a tampered sample. The Medical Review Officer or testing collector shall also contact either the Labor Relations Director or the appropriate Human Resources Department designee(s) to inform them that an employee or job applicant has provided, what is believed to be, a diluted sample and a second sample is being collected. If an employee refuses to consent to this second testing, such refusal shall be considered grounds for discipline up to and including termination of employment.

Should the Medical Review Officer and/or the test collector for the contracted testing facility have a reasonable suspicion that the urine sample taken from the employee or job applicant has been tampered in any way or that the sample provided is not urine taken from the employee, the suspected sample shall be immediately tested for creatinine levels, specific gravity, and Ph levels. The Medical Review Officer or testing collector shall immediately require the employee to provide another sample. It will be the duty of the Medical Review Officer or testing collector to inform the employee that a second sample is being collected because this person has a reasonable suspicion that the first sample has been tampered or is a false specimen. The Medical Review Officer or testing collector shall also contact either the Labor Relations Director or the appropriate Human Resources Department designee(s) to inform them that an employee or job applicant has provided, what is believed to be, a tampered or false sample and a second sample is being collected. If an employee refuses to consent to this second testing, such refusal shall be considered grounds for discipline up to and including termination of employment. The second sample shall go through all normal testing procedures but will also be tested for creatinine levels, specific gravity and Ph levels. The results of both tests will be submitted in a side-by-side analysis.

When an alcohol or drug test is administered, an employee under reasonable suspicion of drug/alcohol use shall continue on special assignment and/or suspended with pay until test results are available. In no event shall such employee be allowed to operate a motor vehicle or any City equipment during this period. Any employee that takes an alcohol or drug test but is not under reasonable suspicion of drug/alcohol use shall return to his/her regular City duties. Final test results shall be reported directly and immediately to the Labor Relations Director or any designated Human Resources Department designee(s). If the results and the facts of the particular case are positive for drugs or indicate impairment from alcohol, the employee shall be immediately and indefinitely suspended with pay. The City shall make every reasonable effort to ensure that such employee does not operate a motor vehicle (i.e., provide transportation for employee to his/her home). Should the employee refuse to cooperate and attempt to operate a motor vehicle, the police shall be immediately notified.

At all stages of this drug/alcohol testing process, the employee's right to confidentiality will be respected and maintained as much as reasonably possible. Only those persons with a need to know are to be informed of the test results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee. All records relating to the taking of a drug/alcohol test, or the order to take a drug/alcohol test, shall be deemed confidential unless written authorization has been obtained freely and willingly from the employee, or the records become the subject of a Personnel Board, arbitration hearing, or judicial proceeding. All records relating to the taking or ordering of a drug/ alcohol test shall be kept in a separate file. Each Department Head shall implement procedures to prevent the unauthorized distribution of the results of an order to take such a test.

The facility designated by the City will be licensed pursuant to the Clinical Laboratory Improvement Amendments of 1988, 42 U.S.C. 263a or be accredited by the College of American Pathologists. The above does not apply for breath tests. Any breath testing device shall conform to the rules and regulations of the Nebraska Department of Health, and the operators of such devices shall be persons who have obtained or been issued a permit to operate such device pursuant to the rules and regulations of the Nebraska Department of Health. If a test is performed under the Omnibus Transportation Employee Act of 1991, the facility and equipment shall be licensed and approved as required by that Act.

The facility designated by the City shall use strict chain of custody procedures, which ensure proper identification, labeling, and handling of test samples. Such samples (except for breath test specimens) which result in a finding of drugs or alcohol shall be refrigerated and preserved in a sufficient quantity for re-testing. Furthermore, such facility shall, in all respects, comply with Sections 48-1901 to 48-1910 Nebraska R.R.S. (1988) and all applicable State and Federal statutes, rules, and regulations.

When drug testing is required under the provisions of this Policy, a urinalysis test will be given to detect the presence of the following drug groups: (All cutoff concentrations are expressed in nanograms per milliliter (ng/mL)).

URINE DRUG TESTING COMPONENTS:

Initial Test Analyte	Initial Test Cutoff Concentration	Confirmatory Test Analyte	Confirmatory Test Cutoff Concentration
Marijuana metabolites	50 ng/mL	THCA ¹	15 ng/mL
Cocaine metabolites	150 ng/mL	Benzoylcegonine	100 ng/mL
Opiate metabolites			
Codeine/Morphine ²	2000 ng/mL	Codeine	2000 ng/mL
		Morphine	2000 ng/mL
6–Acetylmorphine	10 ng/mL	6–Acetylmorphine	10 ng/mL
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamines ³			
AMP/MAMP ⁴	500 ng/mL	Amphetamine	250 ng/mL
		Methamphetamine ⁵	250 ng/mL
MDMA ⁶	500 ng/mL	MDMA	250 ng/mL
		MDA ⁷	250 ng/mL
		MDEA ⁸	250 ng/mL

¹Delta-9-tetrahydrocannabinol-9-carboxylic acid (THCA).

²Morphine is the target analyte for codeine/morphine testing.

³Either a single initial test kit or multiple initial test kits may be used provided the single test kit detects each target analyte independently at the specified cutoff.

⁴Methamphetamine is the target analyte for amphetamine/methamphetamine testing.

⁵To be reported positive for methamphetamine, a specimen must also contain amphetamine at a concentration equal to or greater than 100 ng/mL.

⁶Methylenedioxyamphetamine (MDMA).

⁷Methylenedioxyamphetamine (MDA).

⁸Methylenedioxyethylamphetamine (MDEA).

The above Urine Drug Testing Components are taken from the rules and regulations set forth by the Department of Transportation (DOT) on drug and alcohol testing in the workplace, effective October 1, 2010. It is the desire and intent of the City of Omaha and it shall be its policy to, at all times, follow the cutoff concentrations set by the DOT. Should the DOT change or modify the above cutoff concentrations, it shall be the policy of the City to comply with such modified cutoff concentrations until such changes can be placed into this personnel policy.

Any applicant for any City job may, at the discretion of the City, be required, as a part of his/her pre-employment physical, to undergo drug testing pursuant to Section D of this Policy. Any applicant who refuses such testing, or tests positive, shall have his/her hiring process terminated. Such person will not be allowed to re-apply for any City position for a period of one year.

Supervisors are responsible for consistent enforcement of this Policy. Any supervisor who knowingly permits a violation of this Policy shall be subject to disciplinary action. Any non-supervisory employee who believes that any other City employee (supervisor or non-supervisor) is in violation of this Policy may report that belief by contacting the Labor Relations Director or any Human Resources Department Safety Division personnel either during business hours or after business hours at the phone numbers listed in Appendix "A".

In addition to the above outlined testing based upon reasonable suspicion and for pre-employment purposes, this Policy shall be followed in random tests given pursuant to labor contracts or State or Federal law.

E. Positive Test Results

Pursuant to the above procedure, an employee who tests positive for drugs or who is determined, based upon the test or circumstances, to be impaired by alcohol may be subject to disciplinary action up to and including termination. Generally speaking, an employee who tests positive pursuant to this policy will not be terminated from City employment for a first-time positive drug test unless one or more of these circumstances occur:

- a) The facts and circumstances surrounding the positive drug test are so in conflict with the principles and policies of the City of Omaha that a reasonably prudent person would terminate the employee;
- b) The employee refuses to attend a mandatory EAP referral or refuses subsequent directions from such EAP;
- c) The employee refuses to agree to subject himself/herself to drug testing with or without suspicion pursuant to this policy;
- d) Refuses to take any such subsequent drug test;
- e) Lies, misleads, refuses to cooperate or provide requested information to appropriate City and medical personnel during any part of the drug testing process or in any post-drug test investigation; or,
- f) Negative work history, including but not limited by the factors detailed as factors a) to g) below.

Any disciplinary action shall be in conformance with appropriate labor agreements, and any due process rights that employees have under those Agreements will be adhered to.

Factors to be considered in determining appropriate discipline, which may include termination, include but are not limited to the following:

- a) The position held by the employee and the resulting danger to the health and safety of the employee or the public by such an employee's use of controlled substances or alcohol.
- b) The impact of an employee's use of controlled substances or alcohol on the employee's ability to perform his or her job in the future.
- c) The employee's past job performance.
- d) The length of employment with the City.
- e) The employee's current job performance.
- f) The extent and nature of past disciplinary actions. A second violation of the City's Policy regarding alcohol or controlled substances will generally result in termination.
- g) Whether the employee's conduct is scandalous to the service.

Pursuant to this Policy, any sworn Police Officer who tests positive for drugs, other than alcohol, shall be terminated. When any other employee tests positive for drugs or is impaired by alcohol, if the employee is not terminated but is either not disciplined or disciplined in some lesser manner, the employee shall be referred to the City's Employee Assistance Program (EAP) for assessment, counseling, treatment, and rehabilitation. This shall be a management referral, and, as such, the employee shall be required to execute the necessary medical releases so that the EAP may communicate to the City whether or not such employee is in compliance with directed treatment.

In addition, employees holding a Commercial Drivers License (CDL) whose test results under this policy violate the Department of Transportation (DOT) drug and alcohol regulations, cannot perform any DOT safety-sensitive duties for the City until and unless such employee completes the Substance Abuse Professional (SAP) evaluation, referral, and education/treatment process. The City or any of its service agents, including EAP, shall provide the employee with a listing of approved and readily available SAPs. Pursuant to DOT regulations, the City is not required to provide a SAP evaluation or any subsequent recommended education or treatment for an employee who has violated DOT drug and alcohol regulations. Payment for SAP evaluations and services for employees shall be the employee's responsibility. However, the City shall maintain the discretion, based on the circumstances of each individual case, to allow any SAP evaluations and/or services to be covered under the City's health insurance plan. It is mandatory that employees comply and complete all SAP requirements, including any necessary evaluations, referred education and/or treatment options, follow-up evaluations, and any SAP-directed follow-up treatment, aftercare or support group services. Any employee failing or refusing to comply with SAP recommendations and requirements will be subject to disciplinary action, up to and including termination.

Failure of the employee to comply with such directives shall be considered insubordination and, as such, shall subject the employee to new and separate grounds for disciplinary action up to and including termination.

In addition, such employees shall be required, in order to maintain their employment with the City, to submit to random testing with or without reasonable suspicion for the consumption of alcohol or drugs for a period of time reasonably determined based upon the circumstances of the case. Any employee who tests positive for drugs or is shown to be impaired by alcohol, pursuant to this random test, shall be terminated.

CITY OF OMAHA
Consent To Take Drug/Alcohol Test

I, the undersigned employee/prospective employee of the City of Omaha, hereby consent to the taking of a sample of my blood, breath, or urine by personnel from the current third party Drug and Alcohol testing vendor approved by the City of Omaha and authorize the testing of such sample for the presence of drugs or alcohol. I agree to cooperate fully in the process of giving the necessary sample. It is understood that a City Supervisor or Human Resources Department Representative has given me a direct order to provide such sample, and to sign this consent form and any other consent form that the current third party Drug and Alcohol testing vendor approved by the City of Omaha may require. This order was given to me pursuant to the City Personnel Policies "Drug and Alcohol Policy," and/or the "CDL Drug Testing" and I hereby acknowledge receipt of a copy of that Policy pertains to my testing requirements or acknowledge that I may obtain a copy of that policy by contacting the City Labor Relations Director or Human Resources Director.

I understand that if the test administered is a urine test for drugs, any preliminary tests will be confirmed by using a gas chromatography/mass spectrometry (GC / MS) test. Further, I may be required to submit to a physical examination and interview by a medical doctor pursuant to the above City policy. I authorize the current third party Drug and Alcohol testing vendor approved by the City of Omaha to release the results of such test to my Department Director, the City Labor Relations Director, and/or personnel previously designated by the City of Omaha to the current third party Drug and Alcohol testing vendor approved by the City of Omaha to receive such results. I also understand that officials of the current third party Drug and Alcohol testing vendor approved by the City of Omaha, if upon reasonable suspicion, believe the sample I provide is either diluted, tampered, or in some way improper, can require me to provide a second urine sample immediately.

If the test indicates the presence of drugs listed in the above policy or indicates impairment by alcohol under the terms of that policy, I understand that I could be subject to disciplinary action up to, and including, termination of employment, or in the case of pre-employment testing may be eliminated from consideration for employment with the City of Omaha. If I refuse to cooperate or agree to any such testing, I could be subject to disciplinary action up to, and including, termination of employment, or in the case of pre-employment testing may be eliminated from consideration for employment with the City of Omaha.

Dated this _____ day of _____, _____
(Year)

Employee or Applicant

Witness:

OBSERVED BEHAVIOR – REASONABLE SUSPICION/CAUSE RECORD

Employee:	Name: _____		
	Identification Number : _____		
Observation:	Date: _____	Time: (from) _____	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.: (to) _____
	Location: _____	_____	_____
	<i>(Street)</i>	<i>(City)</i>	<i>(State)</i> <i>(Zip)</i>

Record employee observed behavior for reasonable suspicion for the use of alcohol or controlled substances. According to 49 CFR 382.307 - Reasonable Suspicion Testing, the employer shall require the driver to submit to a controlled substance or alcohol test if a supervisor or company official trained in accordance with 382. 603 determines that reasonable suspicion exists.

CAUSE FOR SUSPICION

1. **Presence of Alcohol, Drugs and/or Drug Paraphernalia (specify):** _____
2. **Appearance:**

<input type="checkbox"/> Normal	<input type="checkbox"/> Flushed	<input type="checkbox"/> Puncture Marks
<input type="checkbox"/> Disheveled	<input type="checkbox"/> Bloodshot Eyes	<input type="checkbox"/> Body Odor
<input type="checkbox"/> Dilated/Constricted Pupils	<input type="checkbox"/> Profuse Sweating	<input type="checkbox"/> Tremors
<input type="checkbox"/> Smell of Alcohol on Body/Breath	<input type="checkbox"/> Runny Nose/Sores	<input type="checkbox"/> Dry-mouth Symptoms
<input type="checkbox"/> Inappropriate wearing of sunglasses	<input type="checkbox"/> Droopy Eyes	
<input type="checkbox"/> Other: _____		
3. **Behavior**

Speech	<input type="checkbox"/> Normal	<input type="checkbox"/> Incoherent	<input type="checkbox"/> Slurred	<input type="checkbox"/> Silent
	<input type="checkbox"/> Confused	<input type="checkbox"/> Slowed	<input type="checkbox"/> Whispering	<input type="checkbox"/> Shouting
	<input type="checkbox"/> Rambling	<input type="checkbox"/> Mute	<input type="checkbox"/> Slobbering	
	<input type="checkbox"/> Other: _____			
Awareness:	<input type="checkbox"/> Normal	<input type="checkbox"/> Confused	<input type="checkbox"/> Mood Swings	<input type="checkbox"/> Euphoria
	<input type="checkbox"/> Lethargic	<input type="checkbox"/> Lack of Coordination	<input type="checkbox"/> Paranoid	<input type="checkbox"/> Disoriented
	<input type="checkbox"/> Erratic	<input type="checkbox"/> Irritable	<input type="checkbox"/> Inappropriate gaiety	<input type="checkbox"/> Angry
	<input type="checkbox"/> Polite	<input type="checkbox"/> Crying	<input type="checkbox"/> Nervous	<input type="checkbox"/> Hyperactive
	<input type="checkbox"/> Other: _____			
4. **Motor Skills**

Balance:	<input type="checkbox"/> Normal	<input type="checkbox"/> Unsteady	<input type="checkbox"/> Sagging at knees	<input type="checkbox"/> Staggering
	<input type="checkbox"/> Other: _____			
Walking & Turning:	<input type="checkbox"/> Normal	<input type="checkbox"/> Swaying	<input type="checkbox"/> Rigid Stance	<input type="checkbox"/> Arms Raised for Balance
	<input type="checkbox"/> Stumbling	<input type="checkbox"/> Falling	<input type="checkbox"/> Holding on	<input type="checkbox"/> Reaching for Support
5. Indications of the chronic and withdrawal effects of controlled substances: Yes No
 Explain: _____
6. Other Observed Actions or Behavior (specify): _____

Witnessed by:

Signature	Title	Preparation	Date	Time <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.
Signature	Title	Preparation	Date	Time <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.

The alcohol test must be administered within eight (8) hours following a reasonable suspicion determination. This document must be prepared and signed by the witnesses within twenty-four (24) hours of the observed behavior or before the results of the test are released, whichever is earlier (49 CFR 391.99).

THE HUMAN RESOURCES DEPARTMENT WILL RETAIN SUCH FORM IN THE EMPLOYEE'S CONFIDENTIAL ALCOHOL AND CONTROLLED SUBSTANCES FILE.

APPENDIX “A”

HUMAN RESOURCES DEPARTMENT CONTACT PERSONNEL
IN REGARD TO
THE CITY’S DRUG & ALCOHOL POLICY

(as of June 1, 2013)

- A. LABOR RELATIONS DIRECTOR** STEVE KERRIGAN
- PHONE NUMBERS**
 DURING BUSINESS HOURS (402) 444-5315
 AFTER BUSINESS HOURS -----
E-MAIL Steve.Kerrigan@ci.omaha.ne.us
- B. SAFETY & TRAINING COORDINATOR** KIMBALL KINNERSLEY
- PHONE NUMBERS**
 DURING BUSINESS HOURS (402) 444-4329
 AFTER BUSINESS HOURS (402) 957-3569 (Cell)
E-MAIL Kimball.Kinnersley@ci.omaha.ne.us
- C. SAFETY & TRAINING COORDINATOR** MARVIN “DEACON” HAYES
(PART-TIME)
- PHONE NUMBERS**
 DURING BUSINESS HOURS (402) 444-5014
 AFTER BUSINESS HOURS (402) 515-8459 (Cell)
E-MAIL Marvin.Hayes@ci.omaha.ne.us

APPENDIX “B”

CITY OF OMAHA
EMPLOYEE ASSISTANCE PROGRAM
(EAP)

(as of June 1, 2013)

Alegent Creighton Health
(402) 398-5566
(888) 847-4975