PURPOSE

This policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of general employees. It is the policy of the City of Monterey to maintain a safe, healthful and productive work environment for all employees. To that end, the City and the General Employees of Monterey (GEM) will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee's ability to safely and effectively perform the functions of the particular job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or tends to undermine protection and safety of youth and public confidence in the quality of the City's programs for youth. All persons covered by this policy should be aware that violations of the policy may result in discipline, up to and including termination.

In recognition of the serious duty entrusted to the employees of the City, with knowledge that drugs and alcohol do hinder a person's ability to perform duties safely and effectively, the following policy against drug and alcohol abuse is hereby adopted by the City of Monterey.

DEFINITION

Employees as used in this policy refers to any employee of the Recreation and Community Services Department of Monterey in the classifications represented by GEM/LIUNA (Laborers International Union of North America) who have custodial responsibility for individuals in recreation programs.

POLICY

It is the policy of the City that employees:

• shall not report to work or be at work under the influence of any alcohol, drugs and/or controlled substances or have the odor of alcohol, drugs and/or controlled substances on their person;

• while on or off - duty or on on-call, shall not use, ingest, possess, sell or
provide drugs and/or controlled substances unless pursuant to a medical prescription.

• shall not use, ingest, possess, sell or provide alcohol on duty, unless permission has been granted to use and ingest under the provision of City Code Section 25-3.04.d.

• shall not have their ability to work impaired as a result of the use of alcohol, drugs and/or controlled substances.

• The City, in pursuit of the objectives of this policy and at its discretion, may implement a program of random testing.

While use of medically prescribed medications and drugs is not per se a violation of this policy, failure by the employee to notify his/her supervisor before beginning work when taking medications or drugs which the employee knows or should have known may interfere with the safe and effective performance of duties or operation of City equipment can result in discipline.

In the event there are questions regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from the employee's physician or the City physician will be required.

The City has established services through its health plan providers to assist those employees who voluntarily seek help for alcohol, drugs and controlled substance abuse problems. Employees may contact their supervisors, or the City Personnel Department for additional information.

Employees reasonably believed to be under the influence of alcohol, drugs and/or controlled substances shall be prevented from engaging in work and shall be instructed to wait until a supervisor can arrange for any appropriate testing and transport for the employee from the worksite to home or an appropriate medical facility by a competent authority.

Violations of this policy shall be grounds for discipline. Refusal to submit immediately to an alcohol, drugs and/or controlled substance analysis when directed by management will constitute insubordination which alone will form a basis for discipline and the employee shall be presumed to be under the influence for purposes of this policy.

APPLICATION

A. Personnel

1. This policy shall apply to all employees represented by GEM/LIUNA in the Recreation and Community Services Department who have custodial responsibility for individuals in recreation programs.
B. Substances - The use, possession and/or provision of the following substances are subject to this policy:

1. Alcohol;

2. illegal drugs and/or controlled substances; and

3. prescription drugs and other substances which may impair an employee's ability to effectively perform the functions of the job.

EMPLOYEE RESPONSIBILITIES

An employee must:

A. not report to work, be at work, or be on paid on-call while his/her ability to perform job duties is impaired due to alcohol, drug and/or controlled substance use;

B. not possess or use, or have the odor of alcohol, drugs and/or controlled substance on their person during working hours, on breaks, during meal periods while on City property in an official capacity or while operating any City vehicles unless pursuant to a medical prescription, and never while impaired under any circumstances in any of the above listed circumstances in this section;

C. not directly or through a third party sell or provide drugs and/or controlled substance to any person or to any other employee while either employee or both employees are on or off - duty, or paid on-call;

D. not directly or through a third party sell or provide alcohol to any other employee while either employee or both employees are on duty or on-call;

E. submit immediately to required testing for alcohol, drug and/or controlled substance abuse analysis when requested by a supervisor;

F. notify his/her supervisor, before beginning work, when taking any alcohol, medications or drugs, prescription or non-prescription, which the employee knows or should have known may interfere with the safe and effective performance of duties or operation of City equipment; and

G. not engage in the use, possession or provision of controlled substances, unless pursuant to a medical prescription, or of illegal drugs.
MANAGEMENT RESPONSIBILITIES AND GUIDELINES FOR TESTING

A. Supervisors are responsible for consistent enforcement of this policy. Any supervisor who knowingly permits a violation of this policy by employees under his/her direct supervision shall be subject to disciplinary action. Supervisor for this policy is defined as an employee with the title of Recreation Superintendent, Operations Manager, Sports Center Manager, or Department Director.

B. Guidelines for Reasonable Suspicion Testing

1. Supervisor may require that an employee submit to a drug and/or alcohol analysis when a supervisor has reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol. "Reasonable suspicion" is a belief based on objective and articulable facts sufficient to lead a prudent supervisor to suspect that an employee is under the influence of drugs or alcohol 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. Prior to a supervisor requiring an employee to submit to testing under reasonable suspicion, that manager or supervisor must observe or confirm the conditions which may constitute reasonable suspicion.

For example, any of the following, but not limited to these items, alone or in combination, may constitute reasonable suspicion:

a. Slurred speech;
b. Odor of alcohol on breath;
c. Behavior which is unusual in a manner suggestive of being under the influence of alcohol or drugs;
d. Possession of alcohol, drugs or drug paraphernalia;

2. Any supervisor may require an employee to submit to a drug, controlled substance and/or alcohol analysis. If an employee of a lower rank believes a superior officer has a problem and should be tested or referred, he or she should contact the Department Director.

3. Should the superior believe and/or concur that the employee appears to be in violation of the policy, the following procedure shall immediately be applied. Additionally, the following shall apply when a supervisor requires an employee to submit to testing:

a. The manager or supervisor shall document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs.
b. Any manager or supervisor requiring an employee to submit to a
drug, controlled substance and/or alcohol analysis shall be responsible for the employee’s transport to the City’s designated Employee Medical Services or emergency room where a drug or substance abuse and/or alcohol test will be requested.

c. Any manager or supervisor encountering an employee who refuses to submit to a drug, controlled substance and/or alcohol analysis upon request shall remind the employee of the requirements and consequences of this policy. Further, consistent with item 3a on page 4, the supervisor should document any relevant information to this potential violation of policy. Any employee refusing to submit to drug, substance abuse and/or alcohol testing shall not be forced to submit to such testing. The manager or supervisor should ask the employee to wait until transport can be arranged to the employee’s home or a proper medical facility. Any employee refusing to submit to a drug, controlled substance and/or alcohol analysis shall be presumed to be under the influence in addition to being considered insubordinate.

d. Managers and supervisors shall not confiscate, without consent, prescription drugs or medications from an employee who has a prescription.

e. The employee will be informed of the requirement that he or she will undergo testing in a confidential manner, by one of the supervisory employees who made the reasonable suspicion determination.

C. Guidelines for Random Drug and Alcohol Testing

Concerning a referral under a random drug and alcohol testing program, the following procedures shall apply.

1. Employees performing the duties described under the “Definition” section herein will be tested on a random basis.

2. Any individual employee will not be subjected to more than three (3) random tests during any 12 month period, unless pursuant to conditions imposed from a disciplinary action or pursuant to reasonable suspicion testing or "self-identification" (as provided subsequently in this policy).

3. The methodology for urine sample collection and testing shall be consistent with the "Procedure for Collecting and Processing Urine Samples Pursuant to the Drug Policy" attached to this policy as Exhibit B.

D. Procedure for Drug and Alcohol Testing
1. Employees subjected to random or reasonable suspicion testing may be screened for the presence of alcohol, drugs and/or controlled substances.

2. Employee will provide a urine sample of 45 cc for analysis for drugs and for controlled substances. If an employee can not give a minimum urine sample of 45 cc, the employee will be given a sufficient amount of liquid and additional time to provide the sample.

   Employee will submit to a breathalyzer test for alcohol. If the employee so requests, he or she will be provided a retest of the breathalyzer approximately 15 minutes after the prior test.

3. The presence of any drug and/or controlled substance will be considered a violation of this policy unless medically prescribed and the employee has informed his/her supervisor of this prescribed medication if it could impair the employee's performance, prior to the imminent administration of the testing and analysis. Further, the presence of alcohol in excess of the standard contained in this policy while the employee is on duty shall be considered a violation of this policy.

4. Should an employee's initial test prove positive, a second test shall be conducted to confirm the positive results. The exception to this testing procedure will be alcohol, where one test shall be deemed adequate unless the employee requests a retest as provided above. All individual employee samples shall be subject to chain of custody rules.

   For purposes of this section the term "screen" shall be defined as including the initial drug test and, if applicable, the confirming second drug test to determine if an employee is positive for the presence of a substance(s) prohibited by this policy.

   A urine sample of sufficient quantity will be given by the employee so two screens may be conducted on the sample.

E. Results of Drug and/or Alcohol Analysis

1. If the employee's test result is negative, the following shall apply:

   a. If the test is a result of a reasonable suspicion testing, the employee shall be provided a copy of the laboratory report, if any, and paid for any time off resulting from the testing process, if it would have otherwise been time worked, and return to work if otherwise fit for duty. All records and documentation related to the specific instance giving rise to the actions under this policy shall be purged.

   b. If the test result is a result of random testing, the employee shall be provided a copy of the laboratory report, if any.
2. If the employee's test result is positive, the following shall apply:

   a. A positive test result for either a random or reasonable suspicion test shall subject the employee to discipline. This section does not supersede any other rights due an employee for disciplinary action, such as the right to appeal disciplinary action or to representation, provided however that this section shall not be interpreted to allow an employee to delay being subjected to drug/alcohol testing.

   Nothing in this policy shall prevent the City from taking separate disciplinary action on other concurrent disciplinable offenses.

   An employee found in violation of this policy may be required to submit to evaluation through the Employee Assistance Plan for potential rehabilitation and, if so indicated, be required to participate in a rehabilitation program. The employee will provide the City with a general description prepared by the employee's treating Substance Abuse Professional of the proposed treatment plan. The treatment plan description must include: 1) employee's name, 2) the date treatment will begin, 3) the date that treatment is expected to end, and 4) any work or physical limitations that will be imposed on the employee during the treatment plan, based on a review of the employee's job analysis. If an employee refuses to participate, does not provide the general treatment plan description, or fails to complete a rehabilitation program, the City, at its option, may impose further discipline.

   The City may require that an employee found in violation of this policy submit to more frequent testing to verify their compliance with this policy. Such testing, at the City's option, may be on a scheduled or random basis and need not be subject to the frequency limits contained in this policy.

   b. The employee shall be provided with a copy of the test results.

   c. For a positive test, the City shall receive the details of the test.

   d. An employee may use existing benefits programs for which they are enrolled and qualified, to underwrite the cost of a rehabilitation program, required by the City under this section, for any treatment which is not covered by the Employee Assistance Plan. In addition, an employee may use appropriate existing accrual leave banks with the City to maintain a pay status during rehabilitation, but not in lieu of any disciplinary suspension.
3. A list of test standards to be used for regular random testing purposes are identified with an asterisk (*) on the attached Exhibit "A". These test standards, where applicable, are consistent with SAMHSA (Substance Abuse Mental Health Services Administration) standards. For reasonable suspicion testing and for more frequent random or scheduled testing that results from an employee having previously tested positive or self identified, the entire list of substances shown in Exhibit "A", and such illegal drugs or controlled substances that may arise subsequent to the finalization of the policy, may be used for the testing. The cutoff points contained in Exhibit "A" are dependent on using a toxicology profile test procedure and are intended to establish a zero tolerance level.

CONFIDENTIALITY

Detailed laboratory/test reports, only if positive, shall appear in an employee’s confidential medical file. The reports may be disclosed to the, Recreation and Community Services Director for Recreation, City Manager, City Attorney, and Personnel Director or their designees on a strictly need-to-know basis, and to the tested employee. Disclosures, without patient consent, may also occur when: (1) the information has been placed at issue in a formal dispute between the employer and employee; (2) the information is to be used in administering this program; (3) the information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

SELF IDENTIFICATION

In recognition that it is desirable to provide an incentive for an employee engaged in any drug, controlled substance and/or alcohol abuse to identify him/herself and receive treatment in an expeditious manner, the policy will include the following elements:

1. An employee who identifies him/herself as a substance abuser to the Recreation and Community Services Director shall be referred to the City's existing Employee Assistance Plan and medical insurance program for rehabilitation. Such self-identification must be done in writing by the employee. Utilizing existing benefits, the self-identifying employee will be given the opportunity to rehabilitate him/herself once without being subject to discipline. Any subsequent relapse will be subject to discipline. Further, if an employee is required to be off-duty in order to receive treatment, he/she will be provided his/her benefits under the Family Medical Leave Act. Such leave will be in a no-pay status unless the employee elects to utilize sick or another discretionary leave category.
The employee will provide the City with a general description prepared by the employee's treating Substance Abuse Professional of the proposed treatment plan. The treatment plan description must include: 1) employee’s name, 2) the date treatment will begin, 3) the date that treatment is expected to end, and 4) any work or physical limitations that will be imposed on the employee during the treatment plan, based on a review of the employee's job analysis. If an employee refuses to participate, does not provide the general treatment plan description, or fails to complete a rehabilitation program, the City, at its option, may impose discipline.

The City may require that the employee submit to more frequent testing to verify their compliance with this policy. Such testing, at the City's option, may be on a scheduled or random basis and need not be subject to the frequency limits contained in this policy.

2. An employee, for purposes of Item 1, cannot self identify upon or after official written notification of the City's intent to imminently conduct a random substance abuse test or verbal notification of a reasonable suspicion test.

3. An employee is not eligible for the benefits described in Item 1, if they have been approved for an industrial disability retirement by the City.

**TRAINING**

Training will be provided to all affected employees during fiscal year 2003/2004. The purpose of this training will be to familiarize unit employees with the contents of this policy and its implementation.
### INITIAL SCREEN CUTOFF LEVELS

<table>
<thead>
<tr>
<th>Drug or Drug Metabolite</th>
<th>Cut off Points</th>
<th>(NG/ML)</th>
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<tr>
<td>*Amphetamines</td>
<td>1,000</td>
<td>NG/ML</td>
</tr>
<tr>
<td>Barbiturates</td>
<td>300</td>
<td>NG/ML</td>
</tr>
<tr>
<td>Benzodiazepines</td>
<td>300</td>
<td>NG/ML</td>
</tr>
<tr>
<td>*Cocaine Metabolite</td>
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</tr>
<tr>
<td>Methadone</td>
<td>300</td>
<td>NG/ML</td>
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<tr>
<td>Methaqualone</td>
<td>300</td>
<td>NG/ML</td>
</tr>
<tr>
<td>*Opiates</td>
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<tr>
<td>*Phencyclidine</td>
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<td>Propoxyphene</td>
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<tr>
<td>*THC Metabolites</td>
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</tr>
<tr>
<td>*Ethyl Alcohol</td>
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## CONFIRMATION CUTOFF LEVELS

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<th>(NG/ML)</th>
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<tr>
<td>Amphetamine</td>
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<tr>
<td>Methamphetamine</td>
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<td>NG/ML</td>
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<tr>
<td>Barbiturates</td>
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<tr>
<td>Benzodiazapines</td>
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<tr>
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<td>Benzoylecgonine</td>
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<tr>
<td>Methaqualone</td>
<td>200</td>
<td>NG/ML</td>
</tr>
<tr>
<td>*Opiates</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Codeine</td>
<td>2000</td>
<td>NG/ML</td>
</tr>
<tr>
<td>Morphine</td>
<td>2000</td>
<td>NG/ML</td>
</tr>
<tr>
<td>*Phencyclidine</td>
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</tr>
<tr>
<td>Propoxyphene</td>
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</tr>
<tr>
<td>*THC Metabolite</td>
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<td>NG/ML</td>
</tr>
<tr>
<td>*Ethyl Alcohol</td>
<td>0.02%</td>
<td></td>
</tr>
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</table>
COMPREHENSIVE CONFIRMATION
(INCLUSIVE DRUGS AND DRUG METABOLITES)

*Alcohol
  -Ethyl Alcohol

*Amphetamines
  -Amphetamine (Benzedrine)
  -d,l-Methamphetamine

Barbiturates
  -Amobarbital (Amytal)
  -Butabarbital (Butisol)
  -Butalbital (Fiorinal)
  -Mepobarbital (Mebaral)
  -Pentobarbital (Nembutal)
  -Phenobarbital (Luminal)
  -Secobarbital (Seconal)

Benzodiazepines
  -Alprazolam (Xanax) & metabolite
  -Chlordiazepoxide (Librium) & metabolite
  -Clorazepate (Tranxene, as Desmethyldiazepam)
  -Diazepam (Valium) & metabolites
  -Flurazepam (Dalmane) & metabolite
  -Halazepam
  -Lorazepam (Ativan)
  -Midazolam (Versed)
  -Oxazepam (Serax)
  -Prazepam (Centrax)
  -Temazepam (Restoril)
  -Triazolam (Halcion)

*Cocaine
  -Cocaine
  -Cocaine metabolite (Benzylecgonine)

*Opiates
  -Codeine
  -Morphine
  -6-acetylmorphine
  -Hydrocodone (Dicodid)
  -Hydromorphone (Dilaudid)
  -Meperidine (Demerol) & Normeperidine
  -Oxycodone (Percodan)

Methadone (Dolophine) & metabolite
Methaqualone (Quaalude)
*Phencyclidine (PCP)
Propoxyphene (Darvon) & metabolite
*THC (Marijuana) metabolite
PROCEDURE FOR COLLECTING AND PROCESSING URINE SAMPLES
PURSUANT TO THE DRUG POLICY

The following describes the procedure for collecting the necessary urine samples pursuant to the City's drug testing policy applicable to employees and is intended to be consistent with SAMHSA procedures and standards, where applicable. The physician or laboratory office shall follow the following procedure in collecting a sample and assure a chain of custody is maintained.

1. The City employee is to remove any outer garments (i.e. coat and/or concealing garment) in a private room under supervision and advice of a medical employee.

2. A medical employee will furnish the City employee a restroom where the employee will provide a urine sample (the medical employee does not need to visually observe the urination process).

3. Blue colored water is to be added to the toilet bowl and/or tank to prevent alteration of the urine sample, and the temperature of the sample that the City employee has provided will be checked by the medical employee. If the urine sample is altered or cold, the applicant will be required to provide another sample.

4. The container of the sample will be closed and sealed with evidence tape and both the medical employee and the City employee will sign a chain of custody slip that is placed in the laboratory envelope along with the sample.

5. The sample will be shipped to the laboratory or if the sample is taken in the laboratory, custody will be assumed by the proper laboratory employee for testing. The laboratory will be one certified by SAMHSA.

6. Upon receiving the sample, the laboratory employee will examine the sealed sample for signs of tampering and assign a serial number to the sample to avoid identifying the City employee by name. The laboratory will also maintain a positive chain of custody at all times.

7. The laboratory will test the urine sample for the substances listed in Exhibit "A" of this policy. In addition, the sample may be tested for the presence of other illegal drugs or controlled substances that may arise subsequent to the finalization of this policy. The types of substances tested for in regular random testing are subject to the provisions of Section E.3 of the Substance Abuse Policy.
8. Any sample that tests positive on the initial test shall be tested a second time to confirm the results, except for a positive test for alcohol where a breathalyzer test is deemed adequate. If the employee requests, he or she will be provided a retest of the breathalyzer approximately 15 minutes after the prior test.

9. The results of the laboratory test shall be reviewed and interpreted by a Medical Review Officer (MRO). The Medical Review Officer shall be certified by the Medical Review Officer Certification Council. The City employee, if tested positive, shall promptly complete a form listing all medications and drugs that he or she is currently taking for review by the Medical Review Officer or verbally provide such information, if requested by the Medical Review Officer. At the request of the Medical Review Officer, the employee will provide evidence of prescriptions for medications.

10. The determination of the Medical Review Officer on whether or not the test has revealed the presence of drugs for which the employee has no legitimate medical explanation shall be reported to the Recreation and Community Services Director. In the absence of the Recreation and Community Services Director, the City Manager, Assistant City Manager, Personnel Director, and/or the City Attorney shall be authorized to receive the Medical Review Officer’s report.