

CITY OF NEWTON
SUBSTANCE ABUSE POLICY

Adopted January 24, 1996
Addendum B adopted July 1, 1997
Addendum B revised September 1, 1998
Addendum B revised June 1, 2001

Part One Policy

I. Purpose

The purpose of this policy is to

1. provide all applicants and employees with notice of the drug and alcohol program provisions for the City of Newton;
2. promote a drug and alcohol free workplace for our employees;
3. meet testing requirements set forth by the Criminal Justice Training and Standards Commission for certified law officers; and
4. comply with the requirements of the Omnibus Transportation Employee Testing Act of 1991.

II. Statement

The City of Newton is committed to the health, safety, and welfare of its employees and citizens. As a part of this commitment, the City expects its employees to be fit, alert and prepared to perform their jobs safely and productively for the benefit of all concerned.

To promote a drug and alcohol free work environment, the City will require pre-employment and workplace testing for either or both alcohol and drugs. Employees whose work with the City requires a commercial driver's license must comply with federal drug and alcohol testing requirements (*see Implementation of USDOT/FHWA Substance Abuse Program for requirements which apply to these employees*) and certified law enforcement personnel must comply with the testing requirements of the North Carolina Criminal Justice Training and Standards Commission.

III. Policy

Alcohol - The City of Newton prohibits the unlawful manufacture, distribution, dispensing, possession, purchase, sale, or use of alcohol by its employees during work hours, while on City property, while performing any duties for or on behalf of the City or while in a City vehicle.

Drugs - The City recognizes that impairment or reduced abilities may create a hazard in the workplace as a result of on or off duty use of controlled substances. Therefore, the City of Newton prohibits the unlawful manufacture, distribution, dispensing, possession, purchase, sale, or use of drugs by its employees at any time.

Medication - Any prescription medication used by an employee must be in the name of the employee and used in the amount and manner prescribed, consistent with any usage warnings. Any over the counter

medication must be used in accordance with manufacturer directions and warnings.

Convictions - An employee must notify the City Manager or his designee in writing of any drug or alcohol statute conviction within five days of the conviction, including convictions for driving under the influence if the employee's duties include driving a City vehicle or operating City equipment.

IV. Education

The City of Newton will provide designated supervisors 60 minutes of training regarding the signs and symptoms of alcohol misuse and an additional 60 minutes of training regarding the signs and symptoms of drug use to assist these supervisors in recognizing probable drug or alcohol use affecting the safety of the workplace.

Additionally, the City will provide drug and alcohol awareness materials to all its employees to help them understand the consequences of alcohol misuse and drug use in their personal lives and in the workplace and recognize the signs of this use or abuse.

The City also will provide each employee with a copy of its drug and alcohol policy so the employee will be prepared to meet the expectations and standards set forth in the policy. Questions about this policy and its implementation may be addressed to a program contact person referred to in Addendum A to this policy.

Resources for obtaining evaluations and treatment for chemical dependency disorders will be posted in the workplace.

Documentation of supervisor drug and alcohol training and employee acknowledgments of receiving a copy of the policy and drug and alcohol awareness material will be maintained by the City for at least two years.

V. City Manager or Designee Responsibility

The City Manager or his designee will be responsible for the administration of this policy. The City Manager or his designee will receive drug and alcohol test results, will administer discipline as defined in this policy, and will make decisions based on the administration of this policy. The City Manager may consult with the City Attorney or other appropriate professionals as a part of any decision making process.

VI. Supervisor Responsibility

Supervisors who have undergone training for the recognition of substance abuse in the workplace will be responsible for determining when an employee must undergo either or both drug and alcohol reasonable suspicion testing. Such a determination will be based on specific, describable observations such as appearance, behavior, speech or body odors when those observations are immediately prior to, immediately after, or during the performance of duties for the City.

The supervisor must document the decision to require reasonable suspicion drug testing within 24 hours of the determination or prior to receiving test results. The supervisor must document reasonable suspicion alcohol testing as soon as practicable following the determination, but not later than 24 hours after the determination.

The Supervisor must arrange for the employee to be transported to the collection or testing facility to initiate the testing process. The supervisor also will offer access to transport away from the collection facility to the employee's designated location and will document if the employee refuses that transportation.

VII. City Employee Responsibility

No City employee may engage in conduct in violation State or Federal laws or in variance with the requirements of this policy.

Specifically, no City employee shall operate any City vehicle or equipment or perform any duties for or on behalf of the City after engaging in prohibited conduct under this policy.

No City employee who has entered into a treatment program voluntarily or as a result of violation of this policy may operate a City vehicle, operate equipment or perform any safety duty without the express consent of the City Manager or his designee and the written authorization of the treatment professional that the employee is ready to engage in these duties.

No City employee may fail to report promptly in writing to the City Manager any drug or alcohol statute conviction if the employee's duties include driving a City vehicle or operating City equipment. For CDL drivers this reporting requirement extends to an arrest or conviction for driving under the influence of alcohol or drugs. No City employee may perform any type of safety duty for the City while using prescription or over the counter medication without reporting the medication use to a supervisor for a determination of possible work restrictions.

VIII. Intervention

The City will require drug and alcohol testing as follows:

All applicants for City employment must successfully undergo drug testing as a condition of employment.

All City employees are subject to return to duty and follow-up drug and/or alcohol testing following a violation of this policy or following completion of chemical dependency treatment. Follow-up testing will be determined by the treatment provider, but will be conducted under municipal authority.

Sworn Law Enforcement personnel also will be subject to drug testing as required under Criminal Justice Training and Standards Commission requirements for lateral position transfers. Additionally, under municipal authority, Law Enforcement personnel will be subject to alcohol testing by blood or by breath when there is reasonable suspicion of pre-duty or on-duty use of alcohol and periodic testing for either or both drugs and alcohol as a part of a medical physical.

Employees who perform CDL duties for the City will be subject to reasonable suspicion, post accident, random, return to duty and follow-up alcohol and/or drug testing. See *Implementation of USDOT/FHWA Substance Abuse Program Guideline*.

IX. Test Substances

Testing under municipal authority: amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, methadone, methaqualone, opiates, phencyclidine, and propoxyphene

Testing under Criminal Justice or DOT standards: amphetamines, cocaine, marijuana, opiates, phencyclidine

Alcohol testing as needed under municipal or DOT authority

X. Testing Procedures

Drug testing and blood alcohol testing will be conducted by a laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMHSA).

Evidential Breath Alcohol testing will be conducted by a certified Breath Alcohol Technician (BAT) using an Evidential Breath Testing (EBT) device.

Testing will occur immediately prior to, during, or immediately after performing job duties.

The drug and alcohol testing protocols set forth in the *Implementation of USDOT/FHWA Substance Abuse Program Guideline* will apply to all testing conducted on behalf of the City.

An applicant or employee will be afforded the opportunity for medical assessment following a positive drug test. This assessment will be made by a special physician called a Medical Review Officer (MRO) who will make a final medical determination on the laboratory result.

An additional confirmation test on the split specimen or the remainder of a single specimen may be requested by the applicant or employee through the MRO no later than 72 hours following notification of a verified positive test.

XI. Refusal to Test

A refusal to test will result in removal from duty and other disciplinary action up to and including dismissal. An applicant who refuses to test will not be hired.

Failing to arrive for specimen collection or testing, failing to provide an adequate urine or breath specimen without medical reason, obstructing the testing process, or failing to remain available for testing will be considered refusal to test.

XII. Other measures

An employee undergoing reasonable suspicion or post accident testing may be suspended from duty until test results are received. If testing results are negative, the employee will be returned to duty with full back pay, but may be subject to other disciplinary action in accordance with personnel policy.

XIII. Discipline

An employee engaging in the unlawful manufacture, distribution, dispensing, possession, purchase, sale, or use of alcohol or drugs on the job will be dismissed.

Failure to comply with any requirement of this policy will result in disciplinary action up to and including dismissal.

An applicant producing a verified positive drug test will not be offered employment with the City.

First Offense (Police subject to Criminal Justice Standards)

An employee producing a verified positive drug test or confirmed positive alcohol test will be offered the opportunity to complete return to duty requirements in preparation for resuming workplace duties. The employee must sign a return to duty agreement. Failing to undergo evaluation or to successfully complete recommended treatment will result in dismissal.

Return to Duty Requirements

The employee must undergo evaluation by a Substance Abuse Professional (SAP) and complete any recommended treatment. At the direction of the SAP, the employee will undergo return to duty testing for either or both alcohol and drugs. Further, if the SAP recommended treatment, the employee is subject to follow-up tests for a maximum of five years at the direction of the SAP. The employee will have sole responsibility for the costs incurred in the evaluation and treatment process except for what benefits may be available through the City's Employee Assistance Program or medical plan. The cost of follow-up testing also shall be incurred by the employee.

The employee may take sick days, accrued vacation days, or, with prior permission, unpaid leave to complete any required rehabilitation after undergoing evaluation. If approved by the SAP, the employee may be placed on restricted duty if such a position is available. The City Manager or his designee must approve such measures.

The employee may be reassigned duties for reasons of health, safety and public protection until recommended rehabilitation has been successfully completed.

Entering into or participating in a treatment program does not preclude the City from administering appropriate disciplinary measures consistent with this or other City policy.

Second Offense:

An employee producing a second positive test, either for drugs or alcohol, within five years will be subject to disciplinary action up to and including dismissal for continual violation of this policy and failure of personal conduct.

Voluntary Referral:

An employee may voluntarily enter rehabilitation without incurring disciplinary action, but will be subject to return to duty and follow-up

testing at the direction of the SAP or treatment professional.

The employee may contact the EAP directly or through a health care provider.

XIV. Confidentiality and Release of Information

All information obtained as a result of this program will be confidential.

No information will be released without the written permission of the employee, except in the case of an action initiated by or on behalf of an employee such as, but not limited to, a grievance, workers' compensation hearing, or unemployment hearing or as required by regulatory authorities.

Applicants for DOT covered positions must sign an authorization form for the release of substance abuse testing data compiled by previous covered employers under the Omnibus Transportation Employee Testing Act of 1991 and its revisions. This information includes alcohol test results of 0.04 or above, positive controlled substances tests, refusals to test, and any other specified information for the required time period under FHWA rules.

XV. No Contract

While compliance with this policy is mandatory for the safety and well being of employees and citizens, compliance shall not be construed as a contract or guarantee of employment with the City.

Part Two Implementation of USDOT/FHWA Substance Abuse Program

I. Testing

The following testing for controlled substances and/or alcohol will be carried out in compliance with FHWA regulations for DOT CDL positions:

Pre-employment testing for drugs prior to the first time a driver performs safety sensitive duties as a CDL driver for the City

Post Accident testing for drugs and alcohol following a vehicular accident in a commercial motor vehicle if the accident involves loss of human life or if the CDL driver receives a moving traffic citation as a result of the accident. Drug testing must occur within 32 hours of the accident. Reasons for any failure to complete this testing must be documented. Alcohol testing must be conducted within two (2) hours of such an accident or a report must be prepared explaining why the test was not promptly administered. If the test is not completed within 8 hours, alcohol testing attempts will cease and a report must be prepared to document the reason for failure to test. It is the responsibility of the driver, unless unavoidably prevented, to report immediately any accident to his or her transportation supervisor and then to report to the designated collection facility for drug and alcohol testing. The driver may not consume alcohol prior to completing the alcohol test or for a maximum of eight (8) hours.

Reasonable Suspicion testing for drugs and/or alcohol when a supervisor who has undergone alcohol and controlled substance recognition training determines there is cause to believe a driver has engaged in prohibited conduct regarding the misuse of alcohol or use of controlled substances. Such a determination must be based on specific, describable, contemporaneous observations concerning the appearance, behavior, speech or body odors of the driver. The driver will be escorted to an appropriate collection site to initiate the testing process and then will be offered safe transportation away from the work premises. Testing will be accomplished in a timely manner as described for post accident testing. The reasons for any failure to test will be documented. Additionally, documentation will be made for reasonable suspicion drug tests within 24 hours of the event or prior to receiving the test results, whichever is sooner. Documentation for reasonable suspicion alcohol testing will be made as soon as practicable following the incident.

Random testing for drugs and/or alcohol through a computer generated random selection process. Periodic updates to the roster will assure

complete driver pools and will provide equal opportunity for any driver to be selected in any selection period. Records documenting this program will be maintained at least two years. Testing will occur at annualized rates determined yearly by FHWA. Initially the rate will be 25% annually for alcohol testing and 50% annually for other drug testing, based on the number of covered driver positions in the pool. Testing will be spread reasonably throughout a 12 month period. Selected drivers will be notified of their selection for alcohol and/or drug testing and instructed to proceed *directly and immediately* to the designated collection facility.

Blind Sample testing for drugs as a part of a quality control program. Samples will be submitted at a rate of three (3) samples per 100 specimens submitted.

Return to Duty and Follow-up testing for drugs and/or alcohol will apply only to drivers who return to safety sensitive positions after engaging in prohibited drug or alcohol conduct. There must be a minimum of six (6) follow-up tests in the first twelve months after returning to duty if the driver has undergone chemical dependency treatment. The Substance Abuse Professional may determine the testing schedule.

II. Collection of Specimens for Testing

Urine Collections

The collection of the urine specimens will follow the protocol established by the U. S. Department of Health and Human Services (DHHS). Among other things, this protocol includes suitable donor identification, secured collection restroom with blue toilet water, and a strict external and internal chain of custody to assure specimen integrity.

The urine specimen collection will be performed by qualified medical personnel or by personnel trained in full DHHS urine collection procedures. Under most circumstances, the urine specimen will be provided unobserved. Observed collections will be carried out only in circumstances mandated by DOT regulation. For example, an observed collection would occur after a collector received an initial sample where there was cause to suspect sample substitution or adulteration.

Each urine specimen collected under DOT requirements will be divided to make two specimens. The primary specimen will be at least 30 mls with the remaining volume of at least 15 mls constituting the 'split' specimen. Both specimens will be properly identified and sealed in the donor's presence using tamper evident seals from the Federal Drug Testing Custody and Control form. Copies of this completed form accompany the specimens which are shipped to the designated, certified testing lab.

If the donor cannot provide an adequate urine specimen, the individual may consume fluid to facilitate providing an adequate specimen. The amount of fluid and the allotted time period will be adopted by reference to DOT requirements. Leaving the collection site premises during this time will be considered a refusal to test and will result in the disciplinary action set forth in this policy.

Collections for Company authority testing will follow the same protocol, but will use a non-Federal custody and control form and may use a single specimen rather than a split specimen.

Breath

Breath specimens will be collected by a person called a Breath Alcohol Technician (BAT) who has been trained to proficiency and certified in the operation of an evidential breath alcohol testing device (EBT).

The BAT and the donor will jointly complete reporting requirements outlined by DOT for the collection and testing of the breath specimen using a specified reporting form for DOT testing. A non-DOT form similarly will be completed for testing under City authority.

If the donor leaves the collection site premises without completing the test, he or she will be considered to have refused to submit to testing and will be subject to the disciplinary action set forth in this policy.

Refusal to Submit

If the donor does not provide a sufficient urine specimen within the time period required by DOT or an adequate breath specimen following the second attempt, the collection process will be discontinued and the designated City representative and MRO will be notified promptly.

The MRO will inform the donor that he or she may submit medical evidence from a personal physician of the inability to provide the required specimen. Failure to provide this information will be deemed a refusal to submit to required testing and the donor will be subject to disciplinary action set forth in this policy.

Failure to remain available for required post accident testing also will be considered a refusal to test.

All refusals to test will be treated the same as a positive drug or alcohol test.

III. ANALYTICAL REQUIREMENTS

Drugs

The analytical process for the testing of the designated drugs will be conducted by a DHHS certified laboratory. Such testing will be conducted under required protocols and quality assurance requirements established by DHHS and DOT guidelines for DOT tests and by industry standards for Company tests.

Initial screening of primary urine specimens submitted to the laboratory will be performed using an immunoassay process. Any specimen indicating the positive presence of any of the screened drugs will undergo a confirmatory procedure known as Gas Chromatography/Mass Spectrometry (GC/MS). Cutoff levels to determine positive drug tests are determined by DHHS guidelines where available and otherwise by industry standards. Cut-off levels will be adopted by reference to DHHS threshold standards for all DOT testing.

Split specimens submitted to the initial testing laboratory will be maintained in frozen storage for 60 days from the date of arrival if a positive test occurs on the primary specimen. Any specimen found positive after GC/MS, whether a primary, split, or remainder of the single specimen, will be maintained in frozen storage for at least 365 days by the laboratory conducting the test.

The City's designated laboratory will provide quarterly statistical summaries of the City's DOT drug testing program.

Alcohol

Alcohol testing will occur immediately prior to, during, or immediately following the performance of safety sensitive duties.

Alcohol testing will be conducted by a Breath Alcohol Technician (BAT) using an evidential breath testing (EBT) device which meets specified DOT guidelines. An initial test of 0.02 BAC or greater will result in a 15 to 30 minute oral ingestion deprivation period where the donor is instructed not to consume any product orally, and a second evidential breath test which will produce a final reportable alcohol concentration result.

The devices and protocols used in this testing must meet the Quality Assurance Plan (QAP) developed by the device manufacturer and approved by DOT. BAT personnel will maintain external calibration check records in accordance with the QAP requirements and will perform an external calibration check following any confirmed positive alcohol test of 0.02 BAC or above. If the calibration check is not consistent with the QAP, the BAT will cancel the positive test and the device will be placed out of service until recalibration is completed successfully.

The EBT device must provide a printed result in triplicate for each breath test with the report containing a sequential test number which can be viewed by the BAT and the donor prior to printing. It also must be capable of printing specific equipment identification information on the results document to verify the use of an approved EBT.

The breath alcohol testing form required in the alcohol testing regulations will be completed in triplicate for every breath alcohol test. The donor, the employer, and the BAT each receive a copy of this report. This form contains certifying statements by both the donor and the BAT on testing aspects. The printout of the EBT reading on all confirmation tests will be attached to or printed on the testing form. This paperwork assures proper correlation between test result and donor identification.

The use of trained personnel and approved testing devices maintained and operated in accordance with the approved Quality Assurance Plan will provide the driver with assurances for the accuracy and integrity of the breath alcohol test process.

IV. MEDICAL REVIEW, SPLIT SPECIMENS, AND EVALUATIONS

All urinalysis results will be sent by the certified laboratory directly to the designated Medical Review Officer (MRO). If a donor produces a confirmed positive urine test, that individual will be given the opportunity to present any medical explanation for the positive test to the MRO who then will make a final decision on the disposition of the test.

Upon completion of all review procedures, the MRO officially will report a medical conclusion on the laboratory result. This report will be placed in an appropriate, secure, confidential file for the tested individual.

Within 72 hours of notification of a verified positive test, a donor may request through the MRO that the split specimen or remainder of single specimen may be tested at another certified laboratory. The split sample result will be considered positive if GC/MS determines the presence of the drug in question without regard to cutoff levels which apply to the primary specimen.

The donor will be responsible for the cost of the re-confirmation unless the MRO cancels the tests through MRO review.

The Medical Review Officer will maintain in confidential files individual negative test results for one year and positive results for five years. Any employee engaging in prohibited conduct regarding misuse of alcohol or illegal use of drugs will be provided the name, address, and telephone number of a Substance Abuse Professional (SAP) to assist in the evaluation and resolution of substance abuse

disorders. The driver will be responsible for the cost of evaluation or treatment.

NOTE: A CDL driver who has a drug or alcohol violation under FHWA rules is not allowed to resume safety sensitive duties for any motor carrier until undergoing evaluation by the SAP, completing any recommended treatment, and completing a return to duty test at the direction of the SAP. Additionally, if treatment was recommended, the driver must undergo at least 6 follow-up tests in the 12 months after return to duty and will be subject to follow-up testing for four more years.

V. RECORD KEEPING

The City will maintain or cause to be maintained the following records:

Five Years

- a. Confidential reports on alcohol tests reporting alcohol concentration of .02 BAC or greater or any verified positive drug test
- b. Documentation of refusals to take required alcohol or drug tests
- c. Calibration documentation from the EBT equipment
- d. Driver evaluation and referral documentation, including SAP evaluations and documentation of donor compliance with SAP evaluations
- e. Quarterly statistical laboratory summaries and consolidated calendar year statistical summaries containing the data to complete the standard management information system (MIS) form required by DOT.

Two Years

- a. Records relating to the alcohol and controlled substance collection process (except for calibration records per above) including random selection process information documentation of BAT training reasonable cause testing decision documentation post accident testing decision documentation documentation of donor inability to provide breath/urine specimen
- b. Supervisor training records and employee information acknowledgment forms

One Year

- a. Records of negative controlled substance tests, canceled tests, and alcohol tests reporting an alcohol concentration below .02 BAC
Specific required information and records the Company will

maintain include but are not confined to

- a. Materials on alcohol misuse and controlled substance awareness including a written copy of the alcohol misuse and substance abuse policy
- b. Written acknowledgment by each driver of receiving copies of the above education material
- c. Documentation of training for supervisors to assist them in determining the need of alcohol and/or controlled substance reasonable suspicion testing
- d. Certification that any such training meets the requirements of DOT/FHWA
- e. Agreements with collection facilities, testing laboratory, MRO, and consortium
- f. The names of Employer representatives and their positions who have designated roles in the administration of this policy

Record Availability and Location

Any of the above records will be made available to an authorized representative of the FHWA within two business days after a request has been made by an authorized agency.

VI. Responsible Measures

All aspects of the City's mandated drug and alcohol program will comply with legal requirements, by reference, to any applicable regulations implemented, added, or amended by DOT/FHWA without the necessity of reissuing this full policy.

ADDENDUM A
EMPLOYER CONTACTS FOR DRUG AND ALCOHOL PROGRAM
(provide names, addresses, telephone numbers)

Teresa B Laffon, Human Resource Director
City of Newton
P O Box 550
Newton NC 28658
828-465-7400

Dr. Jay Schmit
Newton Internal Medicine
605 West 25th Street
Newton NC 28658
828-466-3121

City Health Nurse
P O Box 550
Newton NC 28658
828-465-7400

GLOSSARY

Alcohol - constitutes any beverage, mixture, or preparation (including medication) containing as an intoxicating agent any low molecular weight alcohol such as ethyl, methyl or isopropyl alcohol.

Alcohol Concentration means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath.

BAC - breath alcohol concentration; used to report the level of breath alcohol.

Breath Alcohol Technician (BAT) - a person trained to proficiency in the operation of an evidential breath testing device and in the alcohol testing procedures required by DOT.

CDL - refers to a Commercial Drivers License which is required to operate a commercial motor vehicle.

Commercial Motor Vehicle - is a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle

- 1) has a gross motor vehicle weight rating of at least 26,001 lbs. or a gross combination weight rating of at least 26,001 lbs. inclusive of a towed unit with a gross weight rating of more than 10,000 lbs;
- 2) is of any size and used to transport any hazardous materials which requires the vehicle to be placarded;
- 3) or is designed to transport 16 or more persons, including the driver.

Confirmed Positive Alcohol Test - is the result of an initial and confirmatory test via breath or other approved body fluid with both tests reflecting an alcohol concentration of 0.02 or above.

Confirmed Positive Drug Test - is the result of the detection of one or more of the designated substances at thresholds at or exceeding the levels established by the National Institute on Drug Abuse through two separate testing protocols.

Controlled Substance - also referred to as "drug" includes any substance listed on Schedules I through V as they may be revised under federal law in 21 CFR 1308.

DOT - refers to the United States Department of Transportation.

Driver/Applicant - is any qualified individual who operates a commercial motor vehicle in full time, part time, casual, intermittent, or occasional service for the employer, or under lease or contract to the employer, or an applicant for any such position with the employer.

Drug - see Controlled Substance

Drug Test - constitutes an analytical procedure or chemical test to determine if specific drugs or alcohol are present at a given time in a person's system.

Evidential Breath Testing Device (EBT) - a device meeting requirements set forth by the National Highway Traffic Safety Administration and placed on their Conforming Products List for the evidential testing of breath alcohol.

FHWA - refers to the Federal Highway Administration.

Illegal Drug - constitutes any drug/substance for which possession or sale has been declared unlawful by United States law or any controlled substance which has been used in violation of federal law.

Medical Review Officer (MRO) is a medical doctor (MD) or doctor of osteopathy (DO) who has knowledge in the field of substance abuse disorders and who receives, reviews, and evaluates confirmed positive drug tests.

Negative Drug Test - is the result of a testing process which has not found evidence of the presence of any one of the designated substances or its metabolites at thresholds established by the National Institute on Drug Abuse.

Over the Counter Medication - constitutes those medications legally available as over-the-counter purchases.

Performing a Safety Sensitive Function - covers the period of time when 1) a driver is actually performing the safety sensitive function, 2) ready to perform such a function, or 3) is immediately available to perform such a function. In addition to driving, this includes but is not limited to waiting to be dispatched, inspecting equipment, time in or upon the motor vehicle while not actually driving (except resting in the sleeping berth), loading or unloading or supervising such, attendance with a disabled vehicle.

Prescription Medication - constitutes a substance prescribed to a specific individual by an authorized health care professional with that substance being used in the prescribed manner.

Refusal to Submit - (to an alcohol or controlled substance test) means that a covered driver fails to provide an adequate breath or urine specimen for testing without valid medical explanation after being notified of the requirement for testing under DOT guidelines or under employer policy or that a covered driver engages in conduct that clearly obstructs the testing process.

Employer Premises - constitutes any location where the employer engages in business activities, including parking lots, Company vehicles, or any work sites.

Substance Abuse Professional (SAP) - is a licensed MD or DO or a licensed or certified psychologist, social worker, employee assistance professional, or NAADAC certified addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance related disorders. The SAP evaluates drivers who engage in prohibited conduct involving controlled substances or alcohol.

Verified Positive Drug Test - occurs when the MRO has reviewed a confirmed positive test and found no acceptable medical alternative for the presence of the drug(s).

ADDENDUM B TO CITY OF NEWTON SUBSTANCE ABUSE POLICY

To further the safety and welfare of City employees and our citizens, in addition to the testing requirements specified under section VIII in Part One of the City's Substance Abuse policy, effective June 1, 2001 all City employees will be subject to Reasonable Suspicion for drugs and/or alcohol. These testing circumstances also apply to CDL holders when not superseded by DOT/FHWA testing requirements.

Reasonable Suspicion testing for drugs and/or alcohol will occur when the City has reasonable concern to believe an employee has engaged in conduct in violation of this policy. Prior to such testing being administered, the City Manager or designee must approve this testing based on written documentation regarding the reason for the concern. Following a decision to test, the employee will be escorted to the testing facility and will be offered transportation home after the testing process has been completed. The employee undergoing testing may be placed on unpaid leave until the investigation is complete and test results have been received. If the testing process produces negative test results, the employee may be reinstated with back pay and/or subject to other disciplinary action consistent with City policies.

All city employees shall be subject to vehicular post accident testing for drugs and/or alcohol when the following conditions are met:

1. Human fatality occurred.
2. The employee is found by the investigating officer to have contributed to the collision in a motor vehicle accident.
3. Reasonable suspicion.