



Drug and Alcohol Policy

Purpose

In compliance with the Drug-Free Workplace Act of 1988, the City of Greenbelt has a longstanding commitment to provide a safe, quality-oriented and productive work environment. Alcohol and drug misuse poses a threat to the health and safety of City's employees and to the security of our equipment and facilities. For these reasons, the City is committed to the elimination of drug and alcohol use and misuse in the workplace.

Scope

This policy applies to all employees and all applicants for employment for the City of Greenbelt.

Employee Assistance

Employees should report to work fit for duty and free of any adverse effects of illegal drugs, cannabis, or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor.

The City will assist and support employees who voluntarily seek help with drug or alcohol addiction before becoming subject to discipline or termination under this or other City policies. Such employees will be allowed to use accrued paid time off, unpaid leave of absence, referred to treatment providers, and otherwise accommodated as required by law. Employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or require driving, or if they have violated this policy previously. Once a drug test has been initiated under this policy, unless otherwise required by the Family and Medical Leave Act or the Americans with Disabilities Act, the employee will have forfeited the opportunity to be granted a leave of absence for treatment, and will face possible discipline, up to and including discharge. This provision applies even if the employee is taking cannabis for medicinal purposes under a doctor's care and with a prescription.

Work Rules

1. Whenever employees are working, operating any City vehicle, are present within the City limits or are conducting City-related work offsite during working hours, they are prohibited from:
 - a. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug or cannabis (to include possession of drug paraphernalia).
 - b. Being under the influence of alcohol, cannabis or an illegal drug as defined in this policy.
 - c. Possessing or consuming alcohol.
2. The presence of any detectable amount of any illegal drug, illegal controlled substance, cannabis, or alcohol in an employee's body system, while performing City business or while in a City facility, is prohibited.
3. The City will also not allow employees to perform their duties while taking prescribed drugs, including medical cannabis, that are adversely affecting their ability to perform their job duties



safely and effectively. Employees taking prescribed medication must carry it in a container labeled by a licensed pharmacist or be prepared to produce the container if asked.

4. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Required Testing

Pre-employment

Applicants being considered for hire must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.

Reasonable suspicion

Employees are subject to testing based on, but not limited to, observations of apparent workplace use, possession or impairment by at least two members of management. Human Resources, the City Manager or the Department Director shall be consulted before sending an employee for testing. Management must use the reasonable suspicion observation checklist to document specific observations and behaviors that create a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol.

Examples of observations and behaviors include, but are not limited to:

- Odors (smell of alcohol, body odor or urine).
- Movements (unsteady, fidgety, dizzy).
- Eyes (dilated, constricted or watery eyes, or involuntary eye movements).
- Face (flushed, sweating, confused or blank look).
- Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).
- Emotions (argumentative, agitated, irritable, drowsy).
- Actions (yawning, twitching).
- Inactions (sleeping, unconscious, no reaction to questions).

When reasonable suspicion testing is warranted, management or Human Resources will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test within informed of an incident. Refusal by an employee will be treated as a positive drug test result and will result in immediate disciplinary action.

Under no circumstances will the employee be allowed to drive themselves to the testing facility. A member of management must transport the employee or arrange for a cab and arrange for the employee to be transported home.

Post-accident

Employees are subject to testing when they cause or contribute to accidents that damage a City vehicle, machinery, equipment or property or that result in an injury to themselves or another employee requiring any medical attention. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized City vehicle is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place immediately following the accident. Refusal by an employee will be treated as a positive test result and will result in immediate disciplinary action.



Under no circumstances will the employee be allowed to drive themselves to the testing facility. A member of management must transport the employee or arrange for a cab and arrange for the employee to be transported home.

Collection and Testing Procedures

Employees subject to alcohol testing will be transported to a City designated facility and directed to provide breath specimens. Breath specimens will be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If an employee's breath alcohol concentration is .04 or more, a second breath specimen will be tested approximately 20 minutes later. The results of the second test will be determinative. Alcohol tests may, however, be a breath, blood or saliva test, at the City's discretion. For purposes of this policy, test results generated by law enforcement or medical providers may be considered by the City as work rule violations.

Applicants and employees subject to drug testing will be sent to a City designated testing facility and directed to provide urine specimens. Applicants and employees may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. Collected specimens will be sent to a federally certified laboratory and tested for evidence of marijuana, cocaine, opiates, amphetamines, PCP, benzodiazepines, methadone, methaqualone and propoxyphene use. (Where indicated, specimens may be tested for other illegal drugs.) The laboratory will screen all specimens and confirm all positive screens. There must be a chain of custody from the time specimens are collected through testing and storage.

The laboratory will transmit all positive drug test results to a medical review officer (MRO) retained by the City designated testing facility, who will offer individuals with positive results a reasonable opportunity to rebut or explain the results. Individuals with positive test results may also ask the MRO to have their split specimen sent to another federally certified laboratory to be tested at the applicant's or employee's own expense. Such requests must be made within 72 hours of notice of test results. If the second facility fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as passing the test. In no event should a positive test result be communicated to the City until such time that the MRO has confirmed the test to be positive.

Consequences

Applicants who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to reapply/retest in the future.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug or cannabis in violation of this policy will be subject to disciplinary action. If the employee refuses to be tested, yet the City believes they are impaired, under no circumstances will the employee be allowed to drive themselves home.

Employees who test positive, or otherwise violate this policy, will be subject to disciplinary action. Depending on the circumstances, the employee's work history/record and any state law requirements, the City may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies determined by the City for a minimum of one year but not more than two years as



well as a waiver of the right to contest any termination resulting from a subsequent positive test. If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be immediately discharged from employment.

Employees will be paid for time spent in alcohol or drug testing. After the results of the test are received, depending on the results, a date and time will be scheduled to discuss the results of the test; this meeting will include a member of management and Human Resources.

Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to Human Resources will be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

Inspections

The City reserves the right to inspect all portions of its premises for illegal drugs, cannabis, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

Crimes Involving Drugs

The City prohibits all employees, including employees performing work under government contracts, from manufacturing, distributing, dispensing, possessing or using an illegal drug or cannabis in or in the City of Greenbelt premises or while conducting City business. Greenbelt employees are also prohibited from misusing legally prescribed or over the counter (OTC) drugs. Law enforcement personnel may be notified, as appropriate, when criminal activity is suspected.

The City does not desire to intrude into the private lives of its employees but recognizes that employees' off-the-job involvement with drugs and alcohol, including cannabis, may have an impact on the workplace. Therefore, The City reserves the right to take appropriate disciplinary action for drug use, sale or distribution while off City premises. All employees who are convicted of, plead guilty to or are sentenced for a crime involving an illegal drug or cannabis are required to report the conviction, plea or sentence to Human Resources within five days. Failure to comply will result in automatic discharge. Cooperation in complying may result in suspension without pay to allow management to review the nature of the charges and the employee's past record with the City.

Definitions

- **City premises** - include all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by the City or any site on which the City conducts business.



- **Illegal drug**- means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)
- **Refuse to cooperate**- means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.
- **Under the influence of alcohol**- means an alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.
- **Under the influence of drugs**- means a confirmed positive test result for illegal drug use, including cannabis, per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient's name, the name of the substance, quantity/amount to be taken and the period of authorization).

Enforcement

Human Resources is responsible for policy interpretation, administration and enforcement.



Reasonable Suspicion Checklist

REASONABLE SUSPICION OBSERVED BEHAVIOR REPORT

Behavior that provides reasonable suspicion supporting a test for controlled substances or alcohol use must be observed and documented by a supervisor. If possible, the behavior should be observed and documented by two supervisors. The documentation of the employee's conduct shall be prepared by the observing supervisor(s) within 24 hours of the observed behavior or before the results of the tests are released, whichever is earlier. Distribute this report to Human Resources while maintaining employee confidentiality.

Employee Name _____ Employee ID Number _____

Employee Job Title _____ Department _____

Employee is reporting for duty _____ Employee is already on duty _____

Behavioral observation timeline:

From (date/time) _____/_____/_____ am/pm To (date/time) _____/_____/_____ am/pm

Site or Location where observation(s) occurred:

Street Address _____ City _____ Zip Code _____

CAUSE FOR REASONABLE SUSPICION

NOTE: A manager or supervisor must complete this form. A combination of one or more observable signs and symptoms of drug or alcohol use must be observed to establish reasonable suspicion. Determination of reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, body odors or speech (ABBS) of the employee. The observations may include indications of the chronic and withdrawal effects of controlled substances. In making a determination of reasonable suspicion, additional factors may include, but are not limited to the following:

- Pattern of unsatisfactory job performance or work habits;
- Occurrence of a serious or potentially serious work related accident that may have been caused by human error or flagrant violations of safety, security, or other operating procedures;
- Evidence of illegal substance use, possession, sale, or delivery while on duty and/or possession of drug paraphernalia and marijuana.
- Information provided by either a reliable or credible source independently corroborated or having corroborative evidence from a supervisor;

Physical Signs or Symptoms (CIRCLE ALL THAT APPLY)

Flush/pale/sweaty face	Dry mouth/lip smacking	Odor of alcohol
Profuse sweating	Vomiting/excessive belching	Odor of marijuana
Red/bloodshot eyes	Shaking hands/body tremors/twitching	Odor of chemicals
Glassy/watery eyes	Disheveled appearance	Excessive sweating
Closed eyes	Needle tracks or puncture marks	
Droopy eyelids	Frequent sniffing	
Dilated/constricted pupils	Shortness of breath/difficulty breathing	
	Runny nose/sores around nostrils	

Behavioral Indicators (CIRCLE ALL THAT APPLY)

Agitated/insulting speech	Irritable/angry/impulsive	Sad, depressed, withdrawn
Combative/threatening speech	Use of profanity/argumentative	Anxious/fearful
Incoherent/slurred/slow speech	Swaying/stumbling/staggering	Cannot control machinery/equipment
Rapid/rambling/repetitive speech	Lack of coordination	Excessive yawning/fatigue/lethargy
Delayed/mumbling speech	Disoriented/confused	Unaccounted time/extended breaks
Shouting/whispering/silent	Euphoric	Loss of inhibition
Talkative	Tearful	Inappropriate wearing of sunglasses
	Impaired judgment	Falling down/reaching for support
	Sleepy/stupor	In appropriate wearing of outerwear

Description of actions or behaviors Provide a **detailed description** of the behaviors or indicators you observed. Apply **BOAS** - Describe **B**ehavior, **O**dors, **A**pppearance, **S**peech when documenting observations.



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Post Accident (Complete if applicable) Specify indicators of drug or alcohol use as a potential factor in this accident:

Employee Interview Ask employee, "Explain the behaviors we have observed" and provide **employee response**:

Checklist Answer the following questions to establish reasonable cause for testing. Consult with your Human Resources Representative, Appointing Authority or designee to determine appropriateness of testing upon answering the following questions.

1. Has impairment been displayed by the employee in their workplace appearance, actions and/or performance?
 Yes No
2. Could the impairment result from the possible use of drugs and/or alcohol?
 Yes No
3. Is the impairment current?
 Yes No
4. Did you personally witness the situation and/or the concerning appearance, actions, behavior or performance?
 Yes No
5. Are observers able to (and/or have they) document(ed) facts about the situation?
 Yes No

Observer Information (Must be a manager or supervisor)

Supervisor/Manager Name: _____

Title: _____ Date/Time: _____

IMPORTANT NOTE: SECONDARY OBSERVER must complete a separate, original form. Always seek a secondary observation from another supervisor or member of management.

