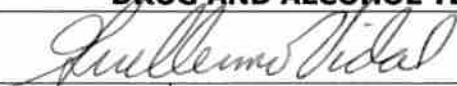


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GENERAL

This Policy supersedes and replaces Public Works Policy Number 10-P017, Drug and Alcohol Testing and Follow-Up, issued on September 19, 2001.

PURPOSE

Under Executive Order 94 and Department of Transportation regulations, the City and County of Denver has established a policy for a Drug Free Work place. The purpose of this policy of the Department of Public Works is to further define Public Works policy and associated procedures with regard to referrals to the Occupational Health and Safety Center (OHSC) at Denver Health Medical Center (DHMC) for drug and alcohol testing. To insure that all facts are known and in compliance with Executive Order #94, this policy establishes a consistent and fair procedure to be used by supervisors in certain situations. **Failure of a supervisor, administrator, or safety officer to comply with the procedures herein may be grounds for Performance Review and/or disciplinary measures, but this does not relieve an employee of his/her obligation to comply with this policy nor negate any test results.**

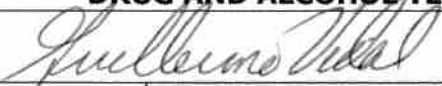
POLICY

Referrals for drug and/or alcohol testing shall be made when any of the following circumstances apply:

1. A candidate has been offered employment in a position requiring that they maintain a Commercial Driver's License (CDL).
2. A vehicle accident or on the job accident occurs where a supervisor or safety officer believes that the employee may be at fault or the employee could have avoided the accident.
3. A supervisor has reasonable suspicion that the employee may be under the influence of alcohol or drugs and whenever possible, confirms that suspicion with at least one other person.
4. If there has been a vehicle accident in which:
 - the employee has been issued a citation;
 - the accident resulted in a fatality;
 - an injury required medical care away from the scene; or
 - when a vehicle had to be towed from the scene.

Testing shall be administered as soon as possible and in no event later than the following:

- a. Testing for alcohol must be administered within the first two hours and no longer than eight hours after the accident. If testing is not performed within the first two hours following the accident, the supervisor is required to document the reason the employee could not be tested within the two-hour period.
 - b. Testing for drugs must be administered within thirty-two hours of the accident.
5. A CDL employee's name has been selected from the citywide database for random testing.

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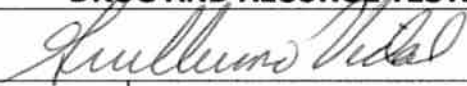
6. An employee is returned to a safety sensitive function after:
 - a. after signing a stipulation and agreement for participation in a substance abuse treatment program;
 - b. evaluation;
 - c. and rehabilitation treatment.

7. The Agency or Substance Abuse Professional (SAP) selects the employee's name for unannounced follow-up testing while the employee is required, by a stipulation and agreement or Department of Transportation monitored treatment program, to participate in substance abuse treatment.

PROCEDURE

FOLLOWING THE OFFER OF A JOB THAT REQUIRES A CDL:

1. The candidate will be offered the job contingent upon successful completion of pre-employment testing. (Pre-employment testing will be done for new hires and current City employees who have not been required to have a CDL in their former position and/or are not active in the City random pool).
2. The candidate will be given DOT training material and directed to go to OHSC for pre-employment testing at a time that has been scheduled by the Agency or the Payroll section.
3. The candidate may not be hired and/or assigned for safety sensitive duties until the pre-employment tests are completed and negative test results are received.
4. If the pre-employment tests show positive results for drugs or a masking agent or if the candidate refuses to submit to pre-employment testing, tampers with the test, or fails to follow testing procedures, the candidate will be notified, in writing, that the offer of employment is withdrawn.
5. New employees shall be scheduled for CDL Drug/Alcohol Testing training within the first month of employment.
6. When the test result is confirmed negative by the Medical Review Officer (MRO) and training is completed, the safety officer will fill out the CDL Employee Alcohol and Drug Test status form and submit it to OHSC to place the employee into the random testing database.
7. It is the position of the Department of Public Works that employment will be denied to potential employees who have tested positive for drugs and/or alcohol by previous employers, unless:
 - a. The individual is honest and informs the interviewing panel of the prior drug/alcohol problem.
 - b. The individual provides documented proof from the Substance Abuse Provider of completion of the recommended program, and
 - c. The individual tests negative for the pre-employment drug screen.

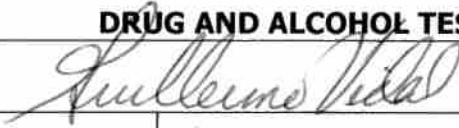
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Documentation from the previous employer stating that the candidate tested positive shall be obtained prior to disqualification.

- Human Resources will contact the previous employer(s) and complete Previous Employer Reference form prior to filling positions requiring a CDL.

FOLLOWING ACCIDENTS AND/OR WHEN REASONABLE SUSPICION EXISTS:

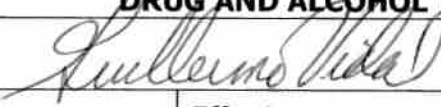
- As with all accidents, supervisors will comply with the Department of Public Works Rules concerning accident procedures. (Note: use of alcohol by the employee is prohibited for eight (8) hours following an accident or until tested, whichever comes first).
- The supervisor must take the employee for testing to OHSC. The supervisor will ensure that the safety officer is notified, responds, and, if determined by the Safety Officer to be necessary, accompanies the employee and the supervisor to OHSC. During emergency situations when a safety officer is available, the supervisor may request that the safety officer take the employee to be tested. The employee must not be allowed to drive to be tested.
- If the employee is to be tested for reasonable suspicion, the supervisor must complete the form explaining the reasonable suspicion. Two supervisors, if possible, should confirm the reasonable suspicion. (A Safety Officer may be substituted for one of the supervisors during emergencies.) The supervisor(s) must define reasonable suspicion completes the form, and sign the form before the result of the test is known.
- If an employee suspected of being under the influence refuses to be taken for testing and leaves work, driving their own vehicle, the police shall be notified immediately. Employees, who refuse to test, refuse to cooperate with testing requirements, or tamper with the test, may be subject to dismissal.
- Employees who test positive for alcohol or drugs shall not be allowed to drive a City vehicle until a negative test result is obtained by OHSC. On the day of the testing, the employee who tests positive for drugs and/or alcohol shall not leave work driving their own vehicle. Should the employee drive away from work the police shall be notified immediately.
- Employees who test positive for alcohol or drugs will immediately be put on investigatory leave by the employee's supervisor. When alcohol or drug test results are not immediately available, the employee will be placed on non-driving duty until the test results are known. The supervisor placing an employee on investigatory leave or non-driving duty shall immediately report the incident to the Agency Director to ensure that the Director is aware of the employee's work status.
- Employees on investigatory leave must be instructed to be available for contact during their normal work hours.
- The employee will be notified that discipline is being considered and a pre-disciplinary meeting will be set. Discipline for positive drug or alcohol tests could include dismissal and may be given in conjunction with a stipulation and agreement. However, no employee shall be offered more than one such treatment agreement.
- An employee will be considered to be "in compliance" with a stipulation and agreement as long as he or she:

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- a. completes the initial evaluation with the Office of Employee Assistance (OEA);
- b. enrolls in any rehabilitation program that is directed by OEA;
- c. provides monthly statements from the rehabilitation program care giver that the employee has been attending and participating in the program and tests negative for substance use in care giver directed tests;
- d. continues in outpatient counseling until released, in writing, from the stipulation and agreement by the rehabilitation program care giver, OEA, and the Agency (no less than twelve months), and;
- e. tests negative in monthly tests directed by the Agency.

FOLLOWING NOTIFICATION OF RANDOM SELECTION FOR TESTING:

1. Selection for random testing will be made at the direction of the CDL Administrator at OHSC. The Agency will be contacted at randomly selected intervals with the names of people selected from the Citywide CDL database for testing. Every attempt will be made by OHSC to notify the safety officers by 9 a.m., however, there will be cases in which notification will occur after 9 a.m.
2. The Agency contact will notify the supervisor of the person(s) to be randomly tested on that day. If the person(s) listed are not scheduled to work on that day, the supervisor will so inform the Safety Officer who will in turn notify the CDL Administrator at OHSC.
3. Those employees listed for testing will be notified, by the supervisor or the Agency contact, to report to the specified location for testing within two hours of notification.
4. If an employee who was selected for random testing refuses to cooperate with testing requirements and leaves work, driving a vehicle, the police shall be notified immediately. Employees who refuse to test, refuse to cooperate with testing requirements, or tamper with the test, may be subject to dismissal.
5. Upon completion of the testing, the employee will return to their normal work assignment.
6. Employees who test positive for alcohol or drugs will be put on investigatory leave by the employee's supervisor immediately upon receipt of the results from the Medical Review Officer. The supervisor placing an employee on investigatory leave shall immediately report the incident to the agency director to ensure that the director is aware of the employee's work status.
7. Employees on investigatory leave must be instructed to be available for contact during their normal work hours.
8. Employees who test positive for alcohol or drugs shall not be allowed to drive a City vehicle until a negative test result is obtained by OHSC. On the day of the testing, the employee who tests positive for drugs and/or alcohol shall not leave work driving their own vehicle. Should the employee drive away from work the police shall be notified immediately.
9. The employee who tests positive for alcohol or drugs, and has not been dismissed, must be sent to OEA for evaluation with the Substance Abuse Professional. CDL holders who have been dismissed, will be given information to contact the OEA so that they are in compliance with DOT regulations.

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10. The employee will be notified that discipline is being considered and a pre-disciplinary meeting will be set. Discipline for positive drug or alcohol tests could include dismissal and may be given in conjunction with a DOT monitored treatment program.
11. An employee will be considered to be "in compliance" with a DOT monitored treatment program as long as he or she:
 - a. completes the initial evaluation with the Substance Abuse Professional,
 - b. enrolls in any rehabilitation program as directed or approved by the Substance Abuse Professional,
 - c. provides monthly statements from the rehabilitation program caregiver that the employee has been attending and participating in the program and tests negative for substance use in caregiver directed tests,
 - d. continues in outpatient counseling until released, in writing, from the DOT monitored treatment program by the rehabilitation program care giver, the Substance Abuse Professional, and the Agency (not less than twelve months), and
 - e. tests negative in monthly tests directed by the Agency and/or the Substance Abuse Professional.
11. Any employee found to be out of compliance during rehabilitation, before formal release from the DOT monitored treatment program, will be subject to disciplinary action, which could include dismissal.

FOLLOWING RETURN TO DUTY DURING REHABILITATION:

1. Upon return to duty during rehabilitation, the employee must be tested before being allowed to drive any vehicle or perform any safety sensitive function. The supervisor will take the employee to OHSC for testing.
2. When cleared by OHSC for return to duty, the Safety Officer will complete the CDL Employee Alcohol and Drug Test status form and submit it to OHSC to place the employee back into the random testing database.
3. The Agency will conduct unannounced drug and/or alcohol tests continually until the employee is officially released from the stipulation and agreement for rehabilitation (not less than one year). Agency random follow-up tests will be done no less than once each calendar month. Random follow-up tests will be done in addition to, and separate from, any testing done by random selection from the Citywide CDL database. Substance Abuse Professional unannounced testing may be required for up to 60 months.
4. The Agency will ensure that monthly statements of participation in rehabilitation have been received from the employee by the 10th of each month and that those documents are forwarded to the Human Resource office by the 15th of each month.
5. Any employee testing positive for drugs, alcohol, or that tampers with the follow-up test will be placed immediately on investigatory leave, will be scheduled for a pre-disciplinary meeting, and will be subject to disciplinary action, which could include dismissal.