

RESOLUTION NO. 458

A RESOLUTION ADOPTING AN AMENDED DRUG AND ALCOHOL TESTING POLICY FOR THE TOWN OF MOUNT CARMEL, TENNESSEE.

WHEREAS, the Town of Mount Carmel wishes to be in full compliance with the Drug-Free Workplace Act of 1988, 41 U.S.C. 701 *et. seq.*, and *Tenn. Code Anno. §50-9-101, et. seq.*; and

WHEREAS, the Town of Mount Carmel participates in this important program; and

WHEREAS, the public welfare requires it;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF MOUNT CARMEL, TENNESSEE, as follows:

Section I. The attached Amended Drug and Alcohol Testing Policy is hereby adopted as the official policy of the Town of Mount Carmel; and

Section II. A copy of the attached amended policy on Drug and Alcohol Testing shall be maintained on file in the Town of Mount Carmel Recorder's office; and

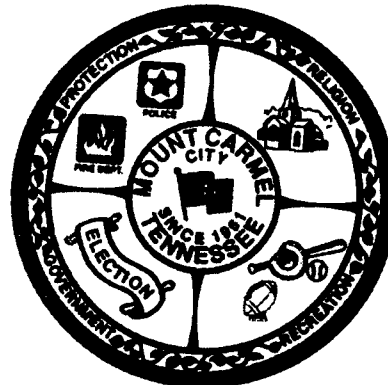
Section III. This Resolution shall take effect upon its passage the public welfare requiring it.

Duly passed and approved this the 24th day of August, 2010.

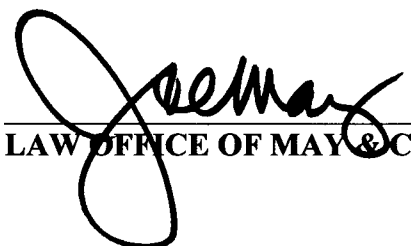

GARY W. LAWSON, Mayor

ATTEST:


MARIAN SANDIDGE, City Recorder



APPROVED AS TO FORM:


LAW OFFICE OF MAY & COUP

FIRST READING	AYES	NAYS	OTHER
Alderman William Blakely	X		
Alderman Richard Gabriel	X		
Alderman Tresa Mawk	X		
Alderman Kathy Roberts	X		
Vice-Mayor Thomas Wheeler	X		
Alderman Carl Wolfe	X		
Mayor Gary Lawson	X		
TOTALS	7	0	0

PASSED: August 24, 2010

Town of Mount Carmel

DRUG AND ALCOHOL TESTING POLICY

(Revised August 24, 2010)

**Developed with the Assistance of
Tennessee Municipal League
Municipal Technical Advisory Service
Institute of Public Service
The University of Tennessee**

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1. PURPOSE

The Town of Mount Carmel recognizes that the use and abuse of drugs and alcohol in today's society is a serious problem that may involve the workplace. It is the intent of the Town of Mount Carmel to provide all employees with a safe and secure workplace in which each person can perform his/her duties in an environment that promotes individual health and workplace efficiency. Employees of the Town of Mount Carmel are public employees and must foster the public trust by preserving employee reputation for integrity, honesty, and responsibility.

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the Town of Mount Carmel has adopted this drug and alcohol testing policy effective **August 25, 2010**. This policy complies with the: Federal Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL); Division of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass transit industries. In the case of this policy, the Omnibus Transportation Employee Testing Act of 1991 is most significant with its additional requirement of using the "split specimen" approach to drug testing, which provides an extra safeguard for employees. The types of tests required are: pre-employment, transfer, reasonable suspicion, post-accident (post-incident), random, return-to-duty, and follow-up.

It is the policy of the Town of Mount Carmel that the use of drugs by its employees and impairment in the workplace due to drugs and/or alcohol are prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to termination of employment. Prohibited and/or illegal conduct includes but is not limited to:

1. being on duty or performing work in or on Town property while under the influence of drugs and/or alcohol;
2. engaging in the manufacture, sale, distribution, use, or unauthorized possession of (illegal) drugs at any time and of alcohol while on duty or while in or on Town property;
3. refusing or failing a drug and/or alcohol test administered under this policy;
4. providing an adulterated, altered, or substituted specimen for testing;
5. use of alcohol within eight (8) hours prior to reporting for duty on schedule or use of alcohol while on-call for duty; and
6. use of alcohol or drugs within eight hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the

accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures.

This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical, or emotional ability of the employee to safely and efficiently perform his/her duties. It is the employee's responsibility to inform the proper supervisory personnel of his/her use of such legally prescribed medication before the employee goes on duty or performs any work.

In order to educate the employees about the dangers of drug and/or alcohol abuse, the Town shall sponsor an information and education program for all employees and supervisors. Information will be provided on the signs and symptoms of drug and/or alcohol abuse; the effects of drug and/or alcohol abuse on an individual's health, work, and personal life; the Town of Mount Carmel's policy regarding drugs and/or alcohol; and the availability of counseling. The City Recorder, who is designated as the Keeper/Custodian of Medical & Confidential Records, has been designated as the municipal official responsible for answering questions regarding this policy and its implementation.

All Town of Mount Carmel property may be subject to inspection at any time without notice. There should be no expectation of privacy in such property. Property includes, but is not limited to, vehicles, desks, containers, files, and lockers.

2. SCOPE

Certain aspects of this policy may apply to full-time, part-time, temporary, and volunteer employees of the Town of Mount Carmel. The policy also applies to applicants for positions requiring a CDL and other safety sensitive positions who have been given a conditional offer of employment from the Town of Mount Carmel.

3. CONSENT FORM

Before a drug and/or alcohol test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting release of test results to the laboratory, medical review officer (MRO), The City Recorder, who is designated as the Keeper/Custodian of Medical & Confidential Records, or his/her designee. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the Town's drug and alcohol testing policy.

The consent form shall set forth the following information:

1. the procedure for confirming and verifying an initial positive test result;
2. the consequences of a verified positive test result; and
3. the consequences of refusing to undergo a drug and/or alcohol test.

The consent form also provides authorization for certified or licensed attending medical personnel to take and have analyzed appropriate specimens to determine if drugs or alcohol were present in the employee's system.

4. COMPLIANCE WITH SUBSTANCE ABUSE POLICY

Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The submission by an applicant or employee of a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or for termination.

5. GENERAL RULES

These are the general rules governing the Town of Mount Carmel's drug and alcohol testing program:

1. Town employees shall not take or be under the influence of any drugs unless prescribed by the employee's licensed physician. Employees who are required to take prescription and/or over-the-counter medications shall notify the proper supervisory personnel before the employees go on duty.
2. Town employees are prohibited from engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal drugs at any time and of alcohol while on duty or while in or on Town property.
3. All Town of Mount Carmel property is subject to inspection at any time without notice. There should be no expectation of privacy in or on such property. Town Property includes, but is not limited to, vehicles, desks, containers, files, and lockers.
4. Any employee convicted of violating a criminal drug statute shall inform the supervisor of his/her department of such conviction (including pleas of guilty and *nolo contendere*) **within five days** of the conviction occurring. Failure to so inform the Town subjects the employee to disciplinary action up to and including termination for the first offense. The Town will notify the federal contracting officer pursuant to applicable provisions of the Drug-Free Workplace Act and the Omnibus Transportation Employee Testing Act.

6. DRUG TESTING

An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to drug testing under six separate conditions:

A. **Types of Tests**

1. **Pre-employment**

All employment applicants who have received a conditional offer of employment with the Town of Mount Carmel must take a drug test before receiving a final offer of employment.

2. **Transfer**

Employees transferring to a safety sensitive position and/or another position within the Town that requires a commercial driver's license (CDL) shall undergo drug testing.

3. **Post-Accident/Post-Incident Testing**

Following any workplace accident (incident) having resulted in significant property or environmental damage or in significant personal injury, including but not limited to a fatality or human injury requiring medical treatment, **any** employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) and who is reasonably suspected of possible drug use as determined during a routine post-accident (post-incident) investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) drug test.

Post-accident (post-incident) testing shall be carried out within 2 hours following the accident (incident). Urine collection for post-accident (post-incident) testing shall be monitored or observed by same-gender collection personnel at the established collection site(s). If medical treatment is performed, post testing must be conducted at that time.

In instances where post-accident (post-incident) testing is to be performed, the Town of Mount Carmel reserves the right to direct the medical review officer (MRO) to instruct the designated laboratory to perform testing on submitted urine specimens for possible illegal/illegitimate substances.

Any testing for additional substances listed under the Tennessee Drug Control Act of 1989 as amended shall be performed at the urinary cutoff level that is normally used for those specific substances by the laboratory selected.

a. **Post-Accident (Post-Incident) Testing for Ambulatory Employees**

Following all workplace accidents (incidents) where drug testing is to be performed, **any** affected employees who are ambulatory will be taken by a supervisor or designated personnel of the Town of Mount Carmel to the designated urine specimen collection site within 2 hours following the accident. In the event of an accident (incident) occurring after regular work hours of the (testing site), the employee(s) will be taken to the (testing site) within 24 hours. No employee shall consume drugs prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in providing specimens for drug testing shall be considered a refusal to cooperate with the substance abuse program of the Town of Mount Carmel and shall result in administrative action up to and including termination of employment.

b. **Post-Accident (Post-Incident) Testing for Injured Employees**

Any affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for drug testing by qualified, licensed attending medical personnel and consent to the testing of the specimens. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) of the Town of Mount Carmel appropriate and necessary information or records that would indicate only whether or not specified prohibited drugs (and what amounts) were found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the Town of Mount Carmel or upon hiring following the implementation date.

Post-accident (post-incident) urinary testing may be impossible for unconscious, seriously-injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if drugs were present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within 2 hours must be fully documented by the attending medical personnel.

4. **Testing Based on Reasonable Suspicion**

A drug test is required for **any** employee where there is reasonable suspicion to believe the employee is using or is under the influence of drugs and/or alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used drugs. This belief should be based on recent, physical, behavioral, or performance indicators of possible drug use.

Supervisory who has received drug detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the Town of Mount Carmel making a determination to subject any employee to drug testing based on reasonable suspicion shall document their specific reasons and observations in writing to the City Recorder, who is designated as the Keeper/Custodian of Medical & Confidential Records, within 24 hours of the decision to test and before the results of the urine drug tests are received by the department. Urine collection for reasonable suspicion testing shall be monitored or observed by same-gender collection personnel.

5. Random Testing

Only employees of the Town of Mount Carmel holding safety sensitive positions are subject to random alcohol and drug testing. "Safety sensitive positions" include police officers, firefighters, positions requiring a commercial drivers' license, public works equipment operators, water/wastewater plant operators, all positions involving the construction and maintenance of electrical lines. It is the policy of the Town of Mount Carmel to annually random test for drugs at least 50 percent of the total number of drivers possessing or obtaining a commercial driver's license (CDL).

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random urine drug testing and the actual presentation for specimen collection.

Random donor selection dates will be unannounced with unpredictable frequency. Some may be tested more than once each year while others may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to produce a specimen on the date random testing occurs, the Town of Mount Carmel may omit that employee from that random testing or await the employee's return to work. If said employee is off for more than thirty (30) days then said employee will be put back into the random selection pool.

6. Return-to-Duty and Follow-Up

Any employee of the Town of Mount Carmel, who has violated the prohibited drug conduct standards and is allowed to return to work, must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly.

Testing will also be performed on any employee possessing a CDL returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

B. PROHIBITED DRUGS

All drug results will be reported to the medical review officer (MRO). If verified by the MRO, they will be reported to The City Recorder, who is designated as the Keeper/Custodian of Medical & Confidential Records. The following is a list of drugs for which tests will be routinely conducted (see Appendix A for cutoff levels):

1. amphetamines,
2. marijuana,
3. cocaine,
4. opiates,
5. phencyclidine (PCP),
6. alcohol, and
7. depressants.

The Town may test for any additional substances listed under the Tennessee Drug Control Act of 1989.

C. DRUG TESTING COLLECTION PROCEDURES

Testing will be accomplished as non-intrusively as possible. Affected employees, except in cases of random testing, will be taken by a supervisor or designated personnel of the Town of Mount Carmel to a drug test collection facility selected by the Town of Mount Carmel (see Appendix B), where a urine sample will be taken from the employee in privacy. The urine sample will be immediately sealed by personnel overseeing the specimen collection after first being examined by these personnel for signs of alteration, adulteration, or substitution. The sample will be placed in a secure mailing container. The employee will be asked to complete a chain-of-custody form to accompany the sample to a laboratory selected by the Town of Mount Carmel to perform the analysis on collected urine samples.

D. DRUG TESTING LABORATORY STANDARDS AND PROCEDURES

All collected urine samples will be sent to a laboratory that is certified and monitored by the federal Department of Health and Human Services (DHHS) (see Appendix C).

As specified earlier, in the event of an accident (incident) occurring after regular work hours of the (testing site), the supervisor or designated personnel shall take the employee(s) to the (testing site) within 24 hours where proper collection procedures will be administered.

The Omnibus Act requires that drug testing procedures include split specimen procedures. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to a laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of drugs, the employee has 72 hours to request sending the split specimen to another federal Department of Health and Human Services (DHHS) certified laboratory for analysis. The employee will be required to pay for his or her split specimen test(s).

For the employee's protection, the results of the analysis will be confidential except for the testing laboratory. After the MRO has evaluated a positive test result, the employee will be notified, and the MRO will notify the City Recorder, which is designated as the Keeper/Custodian of Medical & Confidential Records.

E. REPORTING AND REVIEWING

The Town of Mount Carmel shall designate a medical review officer (MRO) to receive, report, and file testing information transmitted by the laboratory. This person shall be a licensed physician with knowledge of substance abuse disorders (see Appendix C).

1. The laboratory shall report test results only to the designated MRO, who will review them in accordance with accepted guidelines and the procedures adopted by the Town of Mount Carmel.
2. Reports from the laboratory to the MRO shall be in writing or by fax. The MRO may talk with the employee by telephone upon exchange of acceptable identification.
3. The testing laboratory, collection site personnel, and MRO shall maintain security over all the testing data and limit access to such information to the following: the respective department head, the City Recorder, which is designated as the Keeper/Custodian of Medical & Confidential Records, and the employee.
4. Neither the Town of Mount Carmel, the laboratory, nor the MRO shall disclose any drug test results to any other person except under written authorization from the affected employee, unless such results are necessary in

the process of resolution of accident (incident) investigations, requested by court order, or required to be released to parties (i.e., DOT, the Tennessee Department of Labor, etc.) having legitimate right-to-know as determined by the city attorney.

7. ALCOHOL TESTING

An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to alcohol testing under six separate conditions:

A. Types of Tests

1. Post-Accident/Post-Incident Testing

Following any workplace accident (incident) resulting in significant property or environmental damage or in significant personal injury, including but not limited to a fatality or bodily injuries requiring medical treatment, each employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) and who is reasonably suspected of possible alcohol use as determined during a routine post-accident (post-incident) investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) alcohol test.

Post-accident (post-incident) testing shall be carried out within 2 hours following the accident (incident).

a. Post-Accident (Post-Incident) Testing for Ambulatory Employees

Following all workplace accidents (incidents) where alcohol testing is to be performed, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the Town of Mount Carmel to the designated breath alcohol test site for a breath alcohol test within two hours following the accident. If the employee is kept in the Emergency Room past two (2) hours following an accident then the Hospital may obtain and blood draw for alcohol testing. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to the (testing site) within two hours. No employee shall consume alcohol prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in appearing for alcohol testing shall be considered a refusal to cooperate with the substance abuse program of the Town of Mount Carmel and shall result in administrative action up to and including termination of employment.

b. **Post-Accident (Post-Incident) Testing for Injured Employees**

An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for alcohol testing by qualified, licensed attending medical personnel and consent to specimen testing. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) of the Town of Mount Carmel appropriate and necessary information or records that would indicate only whether or not specified prohibited alcohol (and what amount) was found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the Town of Mount Carmel or upon hiring following the implementation date.

Post-accident (post-incident) breath alcohol testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if alcohol was present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within two hours must be fully documented by the attending medical personnel.

2. **Testing Based on Reasonable Suspicion**

An alcohol test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used alcohol. This belief should be based on recent, physical, behavioral, or performance indicators of possible alcohol use. Supervisory who has received alcohol detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the Town of Mount Carmel making a determination to subject any employee to alcohol testing based on reasonable suspicion shall document their specific reasons and observations in writing to the City Recorder, who is designated as the Keeper/Custodian of Medical & Confidential Records within eight (8) hours of the decision to test and before the results of the tests are received by the department.

3. **Random Testing**

Only employees of the Town of Mount Carmel holding safety sensitive positions are subject to random alcohol testing. "Safety sensitive positions" include police officers, firefighters, positions requiring a commercial drivers' license, public works

equipment operators, water/wastewater plant operators, all positions involving the construction and maintenance of pipelines. It is the policy of the Town of Mount Carmel to annually random test for alcohol at least 50 percent of the total number of drivers possessing or obtaining a commercial driver's license (CDL).

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random alcohol testing and the actual presentation for testing.

Random test dates will be unannounced with unpredictable frequency. Some employees may be tested more than once each year while others may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to be tested on the date random testing occurs, the Town of Mount Carmel may omit that employee from that random testing or await the employee's return to work. If said employee is off for more than thirty (30) days then said employee will be put back into the random selection pool.

4. **Return-to-Duty and Follow-Up**

Any employee of the Town of Mount Carmel who has violated the prohibited alcohol conduct standards must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly.

Testing will also be performed on any employee with a CDL returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

B. ALCOHOL TESTING PROCEDURES

All breath alcohol testing conducted for the Town of Mount Carmel shall be performed using evidential breath testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA).

Alcohol testing is to be performed by a qualified technician as follows:

1. Step One:

An initial breath alcohol test will be performed using a breath alcohol analysis device approved by the National Highway Traffic Safety Administration (NHTSA). If the measured result is less than 0.02 percent breath alcohol level (BAL), the test shall be considered negative. If the result is greater or equal to 0.04 percent BAL, the result shall be recorded and witnessed, and the test shall proceed to Step Two.

2. Step Two:

Fifteen minutes shall be allowed to pass following the completion of Step One above. Before the confirmation test or Step Two is administered for each employee, the breath alcohol technician shall insure that the evidential breath testing device registers 0.00 on an air blank. If the reading is greater than 0.00, the breath alcohol technician shall conduct one more air blank. If the reading is greater than 0.00, testing shall not proceed using that instrument. However, testing may proceed on another instrument. Then Step One shall be repeated using a new mouthpiece and either the same or equivalent but different breath analysis device.

The breath alcohol level detected in Step Two shall be recorded and witnessed.

If the lower of the breath alcohol measurements in Step One and Step Two is 0.04 percent or greater, the employee shall be considered to have failed the breath alcohol test. Failure of the breath alcohol test shall result in administrative action by proper officials of the Town of Mount Carmel up to and including termination of employment.

Any breath level found upon analysis to be between 0.02 percent BAL and 0.04 percent BAL shall result in the employee's removal from duty without pay for a minimum of 24 hours. In this situation, the employee must be retested by breath analysis and found to have a BAL of less than 0.02 percent before returning to duty with the Town of Mount Carmel.

All breath alcohol test results shall be recorded by the technician and shall be witnessed by the tested employee and by a supervisory employee of the Town of Mount Carmel, when possible.

The completed breath alcohol test form shall be submitted to the City Recorder, who is designated as the Keeper/Custodian of Medical & Confidential Records.

8. EDUCATION AND TRAINING

A. Supervisory Personnel Who Will Determine Reasonable Suspicion Testing

Training supervisory personnel who will determine whether an employee must be tested based on reasonable suspicion will include the minimum "required" training on the specific, contemporaneous, physical, behavioral, and performance indicators of both probable drug use and alcohol use. Amount of training will be as per required.

The Town of Mount Carmel will sponsor a drug-free awareness program for all employees.

B. Distribution of Information

The minimal distribution of information for all employees will include the display and distribution of:

- a. informational material on the effects of drug and alcohol abuse;
- b. an existing community services hotline number, available drug counseling, rehabilitation, and employee assistance programs for employee assistance;
- c. the Town of Mount Carmel policy regarding the use of prohibited drugs and/or alcohol; and
- d. the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

9. CONSEQUENCES OF A CONFIRMED POSITIVE DRUG AND/OR ALCOHOL TEST RESULT AND/OR VERIFIED POSITIVE DRUG AND/OR ALCOHOL TEST RESULT

Job applicants will be denied employment with the Town of Mount Carmel if their initial positive pre-employment drug test results have been confirmed/verified.

If a current employee's positive drug and alcohol test result has been confirmed, the employee is subject to immediate removal from any safety-sensitive function and may be subject to disciplinary action up to and including termination. The Town may consider the following factors in determining the appropriate disciplinary response: the employee's work history, length of employment, current work assignment, current job performance, and existence of past disciplinary actions. However, the Town reserves the right to allow employees to participate in

an education and/or treatment program approved by the accredited program as an alternative to or in addition to disciplinary action. If such a program is offered and accepted by the employee, then the employee must satisfactorily participate in and complete the program as a condition of continued employment.

No disciplinary action may be taken pursuant to this drug policy against employees who voluntarily identify themselves as drug users, obtain counseling and rehabilitation through said program, thereafter refrain from violating the Town's policy on drug and alcohol abuse. However, voluntary identification will not prohibit disciplinary action for the violation of Town personnel policy and regulations, nor will it relieve the employee of any requirements for return to duty testing. Costs incurred during the rehabilitation is the responsibility of the employee

Refusing to submit to an alcohol or controlled substances test means that an employee: (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part; (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part; or (3) engages in conduct that clearly obstructs the testing process. In either case the physician or breath alcohol technician shall provide a written statement to the Town indicating a refusal to test.

10. VOLUNTARY DISCLOSURE OF DRUG AND/OR ALCOHOL USE

In the event that an employee of the Town of Mount Carmel is dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, that employee should voluntarily discuss his/her problem with the respective department head in private.

Such voluntary desire for help with a substance abuse problem will be honored by the Town of Mount Carmel. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment.

Affected employees of the Town of Mount Carmel may be allowed up to 30 consecutive calendar days for initial substance abuse treatment as follows:

1. The employee must use all vacation, sick, and compensatory time available.
2. In the event accumulated vacation, sick, and compensatory time is insufficient to provide the medically prescribed and needed treatment up to a maximum of 30 consecutive calendar days, the employee will be provided paid/unpaid leave for the difference between the amount of accumulated leave and the number of days prescribed and needed for treatment up to the maximum 30-day treatment period.

Voluntary disclosure must occur before an employee is notified of or otherwise becomes subject to a pending drug and/or alcohol test.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the substance abuse professional (SAP) of the Town of Mount Carmel. The SAP may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The respective department head and City Recorder, who is designated as the Keeper/Custodian of Medical & Confidential Records of the Town of Mount Carmel will consider each case individually and set forth final conditions of reinstatement to active duty. These conditions of reinstatement must be met by the employee. Failure of the employee to complete treatment or follow after-care conditions, or subsequent failure of any drug or alcohol test under this policy will result in administrative action up to and including termination of employment.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the Town of Mount Carmel. Voluntary disclosure provisions do not apply to applicants. Employees found positive during drug and/or alcohol testing under this policy are subject to administrative action up to and including termination of employment as specified elsewhere in this policy. (Costs incurred during the rehabilitation are the responsibility of the employee).

11. EXCEPTIONS

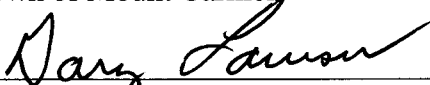
This policy does not apply to possession, use, or provision of alcohol and/or drugs by employees in the context of authorized work assignments (i.e., undercover police enforcement, intoxilyzer demonstrations). In all such cases, it is the individual employee's responsibility to ensure that job performance is not adversely affected by the possession, use, or provision of alcohol.

12. MODIFICATION OF POLICY

This statement of policy may be revised by the Town of Mount Carmel at any time to comply with applicable federal and state regulations that may be implemented, to comply with judicial rulings, or to meet any changes in the work environment or changes in the drug and alcohol testing policy of the Town of Mount Carmel.

This employee drug and alcohol testing policy has been approved and adopted by the Town of Mount Carmel effective **August 24, 2010**.

The Town of Mount Carmel

By: 
Gary Lawson, Mayor

13. DEFINITIONS

For purposes of the drug and alcohol testing policy, the following definitions are adopted:

Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

Alcohol Concentration - The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test.

Alcohol Use - The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Applicant - Any person who has on file an application for employment or any person who is otherwise being considered for employment or transfer to the police department, fire department, or to a position requiring a commercial driver's license (CDL) being processed for employment. For the purposes of this policy, an applicant may also be: a uniformed employee who has applied for and is offered a promotion or who has been selected for a special assignment; a non-uniformed employee who is offered a position as a uniformed employee; or an employee transferring to or applying for a position requiring a CDL.

Breath Alcohol Technician (BAT) - An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

Chain of Custody - The method of tracking each urine specimen to maintain control from initial collection to final disposition for such samples and accountability at each stage of handling, testing, storing, and reporting.

City Recorder - The recorder shall perform all administrative duties for the board of Mayor and Alderman and for the town and also he/she is designated as the Keeper/Custodian of Medical & Confidential Records and responsible for maintaining all corporate bonds and records.

Collection Site - A place where applicants or employees present themselves to provide, under controlled conditions, a urine specimen that will be analyzed for the presence of alcohol and/or drugs. Collection site may also include a place for the administration of a breath analysis test.

Collection Site Personnel - A person who instructs donors at the collection site.

Commercial Driver's License (CDL) - A motor vehicle driver's license required to operate a commercial motor vehicle (CMV).

Commercial Motor Vehicle (CMV) - Any vehicle or combination of vehicles meeting the following criteria: weighing more than 26,000 pounds; designed to transport more than 15 passengers; transporting hazardous materials required by law to be placarded, regardless of weight; and/or classified as a school bus.

Confirmation Test - In drug testing, a second analytical procedure that is independent of the initial test to identify the presence of a specific drug or metabolite that uses a different chemical principle from that of the initial test to ensure reliability and accuracy. In breath alcohol testing, a second test following an initial test with a result of 0.02 or greater that provides quantitative data of alcohol concentration.

Confirmed Positive Result - The presence of an illicit substance in the pure form or its metabolites at or above the cutoff level specified by the National Institute of Drug Abuse identified in two consecutive tests that utilize different test methods and that was not determined by the appropriate medical, scientific, professional testing, or forensic authority to have been caused by an alternate medical explanation or technically insufficient data. An EBT result equal to or greater than 0.02 is considered a positive result.

Consortium - An entity, including a group or association of employers or contractors, which provides alcohol or controlled substances testing as required by this part or other DOT alcohol or drug testing rules and that acts on behalf of the employers.

Department Director - The director or chief of a city department or his/her designee. The designee may be an individual who acts on behalf of the director to implement and administer these procedures.

DHHS - The federal Department of Health and Human Services or any designee of the secretary, Department of Health and Human Services.

DOT Agency - An agency of the United States Department of Transportation administering regulations related to alcohol and/or drug testing. For the Town of Mount Carmel, the Federal Highway Administration (FHWA) is the DOT agency.

Driver - Any person who operates a commercial motor vehicle.

Drug Recognition Expert (DRE) – See City Recorder mentioned above

EAP - Employee Assistance Program.

Employee - An individual currently employed by the Town of Mount Carmel.

Evidential Breath Testing Device (EBT) - An instrument approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices."

FHWA - Federal Highway Administration.

Initial Test - In drug testing, an immunoassay test to eliminate negative urine specimens from further analysis. In alcohol testing, an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

Medical Review Officer (MRO) - A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information.

Negative Result - The absence of an illicit substance in the pure form or its metabolites in sufficient quantities to be identified by either an initial test or confirmation test.

NHTSA - National Highway and Traffic Safety Administration.

Refuse to Submit - Refusing to submit to an alcohol or controlled substances test means that a driver: (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part; (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part; or (3) engages in conduct that clearly obstructs the testing process.

Safety-Sensitive Positions - Safety Sensitive positions include police officers, firefighters, positions requiring a commercial drivers' license, public works equipment operators, water/wastewater plant operators, all positions involving the construction and maintenance of pipelines, teachers and other positions having responsibility for the safety and care of children.

Split Specimen - Urine drug test sample will be divided into two parts. One part will be tested initially, the other will remain sealed in case a retest is required or requested.

Substance Abuse Professional - A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

APPENDICES

APPENDIX A

S. 1994 DRUG AND ALCOHOL TEST STANDARDS

<u>Drug</u>	<u>Cutoff Level Screen (ng/ml)</u>	<u>Cutoff Level Confirmation (ng/ml)</u>
Amphetamine (speed)	1000.00	
Amphetamine		500.00
Methamphetamine		500.00
Cannabinoid (marijuana)	50.00	15.00
Cocaine (benzoylecgonine)	300.00	150.00
Opiate	300.00	
Codeine		300.00
Morphine		300.00
Phencyclidine (PCP)	25.00	25.00
Alcohol	.02 percent BAL	.04 percent BAL

(Note - Additional substances listed under the Tennessee Drug Control Act of 1989 may be tested at the cutoff level customarily used by the selected laboratory. Cutoff levels are subject to change as DOT rules change.)

APPENDIX B

T. DESIGNATED DRUG TESTING COLLECTION FACILITY

Possible Option:

Aegis Analytical Laboratories, Inc.
624 Grassmere Park, Suite 21
Nashville, Tenn. 37211
(615) 323-0250

America School Management Corporation (ASMC)
P.O. Box 571
Selmer, Tenn. 38375-0571

AMS Distributors, Inc.
P.O. Box 457
Roswell, Ga. 30077

Attest National Drug Testing, Inc.
1600 W. Seventh St., Suite 505
Fort Worth, Texas 76102

Baptist Occupational Medicine Centers
342 21st Ave. N.
Nashville, Tenn. 37203
(615) 321-4800

Collins & Company
928 McCallie Ave.
Chattanooga, Tenn. 37403
Attn: Joe Horne

Drug Free, Inc.
P.O. Box 8520
Little Rock, Ark. 72215-8520
1-800-762-3623

Drug Intervention Services of America (DISA)
11200 Westheimer, Suite 630
Houston, Texas 77042

Employers Drug Program Management, Inc.
616 S. Ninth St.
Birmingham, Ala. 35233

Examination Management Services, Inc.
11 W. Mockingbird Lane, Fourth Floor
Dallas, Texas 75247

Fidelity Search, Inc.
P.O. Box 3571
Jackson, Tenn. 38303

Grabek Resource Management
615 Lindsay St., Suite 330
Chattanooga, Tenn. 37403

Health Trans
3250 Dickerson Road, Suite 25
Nashville, Tenn. 37207

National MRO
12600 W. Colfax, Suite A500
Lakewood, Colorado. 80215

National Health Laboratories Incorporated
2540 Empire Drive
Winston-Salem, N.C. 27103
(800) 334-8627 / (919) 760-4620

National Safety Alliance
446 Metroplex Drive, Suite A 226
Nashville, Tenn. 37215
(615) 832-0046

National Safety Council
1121 Spring Lake Drive
Itasca, Ill. 60143-3201

National Transportation Screening Alliance
P.O. Box 249
Signal Mountain, Tenn. 37377

Nationwide Truckers Association, Inc. (NTA, Inc.)
P.O. Box 1380
201 Huntersville-Concord Road
Huntersville, N.C. 28078
1-800-452-0030

Occupational Medicine Works
Subsidiary of Lacy & Associates, Inc.
1919 Charlotte Ave., Suite 205
Nashville, Tenn. 37203
(615) 320-0250

Occupational Rehabilitation of Chattanooga (ORC)
6500 Eastgate Center, Suite 8600
Chattanooga, Tenn. 37411
(615) 899-7253

Pembroke Occupational Health
2307 N. Parham Road
Richmond, Va. 23229
(804) 346-1010

Roche Biomedical Laboratories, Inc.
CompuChem Division
3308 Chapel Hill/Nelson Highway
Research Triangle Park, N.C. 27709
Attn: Lisa Darby
1-800-833-3984, Ext. 3009

Roche Diagnostic Systems
1080 U.S. Highway 202
Branchburg, N.J. 08876-1760

Safety and Compliance Management, Inc.
P.O. Box 69, 104 Howard St.
Rossville, Ga. 30741
Tennessee Consortium
1320 W. Main St., Suite 418
Franklin, Tenn. 37064

United Labs
P.O. Box 1208
Evans City, Pa. 16033

St. Mary's Medical Services Center
1725 Triangle Park Drive
Maryville, Tenn. 37801
(615) 982-9532

APPENDIX C

U. DESIGNATED DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS) CERTIFIED LABORATORIES

Aegis Analytical Laboratories, Inc.,
624 Grassmere Park Rd., Suite 21,
Nashville, TN 37211,
615-331-5300

Alabama Reference Laboratories, Inc.,
543 South Hull St.,
Montgomery, AL 36103,
800-541-4931/205-263-5745

American Medical Laboratories, Inc.,
14225 Newbrook Dr.,
Chantilly, VA 22021,
703-802-6900

Associated Pathologists Laboratories, Inc.,
4230 South Burnham Ave., Suite 250,
Las Vegas, NV 89119-5412,
702-733-7866

Associated Regional and University Pathologists, Inc.
(ARUP),
500 Chipeta Way,
Salt Lake City, UT 84108,
801-583-2787

Baptist Medical Center--
Toxicology Laboratory,
9601 I-630, Exit 7,
Little Rock, AR 72205-7299,
501-227-2783
(formerly: Forensic Toxicology Laboratory Baptist Medical
Center)

Bayshore Clinical Laboratory,
4555 W. Schroeder Dr.,
Brown Deer, WI 53223,
414-355-4444/800-877-7016

Cedars Medical Center, Department of Pathology,
1400 Northwest 12th Ave.,
Miami, FL 33136,
305-325-5810

Centinela Hospital Airport Toxicology Laboratory,
9601 S. Sepulveda Blvd.,
Los Angeles, CA 90045,
310-215-6020

Clinical Reference Lab,
11850 West 85th St.,
Lenexa, KS 66214,
800-445-6917

CompuChem Laboratories, Inc.,
3308 Chapel Hill, Nelson Hwy.,
Research Triangle Park, NC 27709,
919-549-8263/800-833-3984
(formerly: CompuChem Laboratories, Inc., A Subsidiary of
Roche Biomedical Laboratory, Roche CompuChem
Laboratories, Inc., A Member of the Roche Group)

CompuChem Laboratories, Inc.,
Special Division
3308 Chapel Hill Nelson Hwy.,
Research Triangle Park, NC 27709,
919-549-8263
(formerly: Roche CompuChem Laboratories, Inc., Special
Division, A Member of the Roche Group, CompuChem
Laboratories, Inc.-Special Division)

CORNING Clinical Laboratories,
South Central Division,
2320 Schuetz Rd.,
St. Louis, MO 63146,
800-288-7293

CORNING Clinical Laboratories,
8300 Esters Blvd., Suite 900,
Irving, TX 75063,
800-526-0947
(formerly: Damon Clinical Labs, Damon/MetPath)

CORNING Clinical Laboratories Inc.,
1355 Miftel Blvd.,
Wood Dale, IL 60191,
708-595-3888
(formerly: MetPath, Inc., CORNING MetPath Clinical
Laboratories)

CORNING MetPath Clinical Laboratories,
One Malcolm Ave.,
Teterboro, NJ 07608,
201-393-5000
(formerly: MetPath, Inc.)

CORNING National Center for Forensic Science,
1901 Sulphur Spring Rd.,
Baltimore, MD 21227,
410-536-1485
(formerly: Maryland Medical Laboratory, Inc., National
Center for Forensic Science)

CORNING Nichols Institute,
7470-A Mission Valley Rd.,
San Diego, CA 92108-4406,
800-446-4728/619-686-3200
(formerly: Nichols Institute Substance Abuse Testing
(NISAT))

Cox Medical Centers,
Department of Toxicology,
1423 North Jefferson Ave.,
Springfield, MO 65802,
800-876-3652/417-836-3093

Dept. of the Navy, Navy Drug Screening Laboratory,
Building 38-H,
Great Lakes, IL 60088-5223,
708-688-2045/708-688-4171

Diagnostic Services Inc., dba DSI,
4048 Evans Ave., Suite 301,
Fort Myers, FL 33901,
813-936-5446/800-735-5416

Doctors Laboratory, Inc.
P.O. Box 2658,
2906 Julia Dr.,
Valdosta, GA 31604,
912-244 4468

Drug Labs of Texas,
15201 I-10 East, Suite 125,
Channeiview, TX 77530,
713-457-3784

DrugProof,
Division of Dynacare/Laboratory of Pathology, LLC,
1229 Madison St., Suite 500,
Nordstrom Medical Tower,
Seattle, WA 98104,
800-898-0180/206-386-2672
(formerly: Laboratory of Pathology of Seattle, Inc.,
DrugProof, Division of Laboratory of Pathology of Seattle,
Inc.)

DrugScan, Inc.,
P.O. Box 2969,
1119 Meams Rd.,
Warminster, PA 18974,
215-674-9310

ElSohly Laboratories, Inc.,
5 Industrial Park Dr.,
Oxford, MS 38655.
601-236-2609

General Medical Laboratories,
36 South Brooks St.,
Madison, WI 53715,
608-267-6267

Harrison Laboratories, Inc.,
9930 W. Highway 80,
Midland, TX 79706,
800-725-3784/915-563-3300
(formerly: Harrison & Ass Forensic Laboratories)

HealthCare/MetPath,
24451 Telegraph Rd.,
Southfield, MI 48034,
800-444 0106 ext. 650
(formerly: HealthCare/Preferred Laboratories)

Holmes Regional Medical Center Toxicology Laboratory,
5200 Babcock St., N.E., Suite 107,
Palm Bay, FL 32905,
407-726-9920

Jewish Hospital of Cincinnati, Inc.,
3200 Burnet Ave.,
Cincinnati, OH 45229,
513-569-2051

LabOne, Inc.,
8915 Lenexa Dr.,
Overland Park, Kansas 66214,
913-888-3927
(formerly: Center for Lab Services)

Laboratory Corporation of America,
13900 Park Center Rd.,
Herndon, VA 22071,
703-742-3100
(formerly: National Health Laboratories Incorporated)

Laboratory Corporation of America,
d.b.a. LabCorp Reference Laboratory,
Substance Abuse Division,
1400 Donelson Pike, Suite A-15,
Nashville, TN 37217,
615-360-3992/800-800-4522
(formerly: National Health Laboratories Incorporated, d.b.a.)

National Reference Laboratory,
Substance Abuse Division Laboratory Corporation of
America,
21903 68th Ave. South, Kent, WA 98032,
206-395-4000
(formerly: Regional Toxicology Services)

Laboratory Corporation of America,
2540 Empire Dr.,
Winston-Salem, NC 27103-6710,
Outside NC: 919-760-4620/800-334-8627 /
Inside NC: 800-642-0894
(formerly: National Health Laboratories Incorporated)

Laboratory Corporation of America Holdings,
1120 Stateline Rd.,
Southaven, MS 38671,
601-342-1286
(formerly: Roche Biomedical Laboratories, Inc.)

Laboratory Corporation of America Holdings,
69 First Ave.,
Raritan, NJ 08869,
800-437-4986
(formerly: Roche Biomedical Laboratories, Inc.)

Laboratory Specialists, Inc.,
113 Jarrell Dr.,
Belle Chasse, LA 70037,
504-392-7961

Marshfield Laboratories,
1000 North Oak Ave.,
Marshfield, WI 54449,
715-389-3734/800-222-5835

MedExpress
National Laboratory Center,
4022 Willow Lake Blvd.,
Memphis, TN 38175,
901-795-1515

Medical College Hospitals Toxicology Laboratory,
Department of Pathology,
3000 Addington Ave.,
Toledo, OH 43699-0008,
419-381-5213

Medlab Clinical Testing, Inc.,
212 Cherry Lane,
New Castle, DE 19720,
302-655-5227

MedTox Laboratories, Inc.,
402 W. County Rd. D,
St. Paul, MN 55112,
800-832-3244/612-636-7466

Methodist Hospital of Indiana, Inc.,
Department of Pathology and Laboratory Medicine,
1701 N. Senate Blvd.,
Indianapolis, IN 46202,
317-929-3587

Methodist Medical Center Toxicology Laboratory,
221 N.E. Glen Oak Ave.,
Peoria, IL 61636,
800-752-1835/309-671-5199

MetPath Laboratories,
875 Greentree Rd.,
4 Parkway Ctr.,
Pittsburgh, PA 15220-3610,
412-931-7200
(formerly: Med-Chek Labs, Inc.)

MetroLab-Legacy Laboratory Services,
235 N. Graham St.,
Portland, OR 97227,
503-413-4512, 800-237-7808(x4512)

National Psychopharmacology Laboratory, Inc.,
9320 Park W. Blvd.,
Knoxville, TN 37923,
800-251-9492

National Toxicology Laboratories, Inc.,
1100 California Ave.,
Bakersfield, CA 93304,
805-322-4250

Northwest Toxicology, Inc.,
1141 E. 3900 South,
Salt Lake City, UT 84124,
800-322-3361

Oregon Medical Laboratories,
P.O. Box 972,
722 East 11th Ave.,
Eugene, OR 97440-0972,
503-687-2134

Pathology Associates Medical Laboratories, East
11604 Indiana,
Spokane, WA 99206,
509-926-2400

PDLA, Inc. (Princeton),
100 Corporate Court,
So. Plainfield, NJ 07080,
908-769-8500/800-237-7352

PharmChem Laboratories, Inc.,
1505-A O'Brien Dr.,
Menlo Park, CA 94025,
415-328-6200/800-446-5177

PharmChem Laboratories, Inc., Texas Division,
7606 Pebble Dr.,
Fort Worth, TX 76118,
817-595-0294
(formerly: Harris Medical Laboratory)

Physicians Reference Laboratory,
7800 West 110th St.,
Overland Park, KS 66210,
913-338-4070/800-821-3627
(formerly: Physicians Ref Lab Toxicology Lab)

Poisonlab, Inc.,
7272 Clairemont Mesa Rd.,
San Diego, CA 92111,
619-279-2600/800-882-7272

Presbyterian Laboratory Services,
1851 East Third Street,
Charlotte, NC 28204,
800-473-6640

Puckett Laboratory,
4200 Mamie St.,
Hattiesburgh, MS 39402,
601-264-3856/800-844-8378

Scientific Testing Laboratories, Inc.,
463 Southlake Blvd.,
Richmond, VA 23236,
804-378-9130

Scott & White Drug Testing Laboratory,
600 S. 25th St.,
Temple, TX 76504,
800-749-3788

S.E.D. Medical Laboratories,
500 Walter NE, Suite 500,
Albuquerque, NM 87102,
505-244-8800

Sierra Nevada Laboratories, Inc.,
888 Willow St.,
Reno, NV 89502,
800-648-5472

SmithKline Beecham Clinical Laboratories,
7600 Tyrone Ave.,
Van Nuys, CA 91045,
818-376-2520

SmithKline Beecham Clinical Laboratories,
801 East Dixie Ave.,
Leesburg, FL 34748,
904-787-9006

SmithKline Beecham Clinical Laboratories,
3175 Presidential Dr.,
Atlanta, GA 30340,
404-934-9205
(formerly: SmithKline Bio-Science Laboratories)

SmithKline Beecham Clinical Laboratories,
506 E. State Pkwy.,
Schaumburg, IL 60173,
708-885-2010
(formerly: International Toxicology Laboratories)

SmithKline Beecham Clinical Laboratories,
400 Egypt Rd.,
Nordstown, PA 19403,
800-523-5447
(formerly: SmithKline Bio-Science Laboratories)

SmithKline Beecham Clinical Laboratories,
8000 Sovereign Row,
Dallas, TX 75247,
214-638-1301
(formerly: SmithKline Bio-Science Laboratories)

SmithKline Beecham Clinical Laboratories,
1737 Airport Way South, Suite 200,
Seattle, WA 98134,
206-623-8100

South Bend Medical Foundation, Inc.,
530 N. Lafayette Blvd.,
South Bend, IN 46601,
219-234-4176

Southwest Laboratories,
2727 W. Baseline Rd., Suite 6,
Tempe, AZ 85283,
602-438-8507

St. Anthony Hospital (Toxicology Laboratory),
P.O. Box 205,
1000 N. Lee St.,
Oklahoma City, OK 73102,
405-272-7052

Toxicology & Drug Monitoring Laboratory,
University of Missouri Hospital & Clinics,
301 Business Loop 70 West Suite 208,
Columbia, MO 65203,
314-882-1273

Toxicology Testing Service, Inc.,
5426 N.W. 79th Ave.,
Miami, FL 33166,
305-593-2260

TOXWORX Laboratories, Inc.,
61 60 Vadel Ave.,
Woodland Hills, CA 91367,
818-226-4373
(formerly: Laboratory Specialists, Inc.; Abused Drug
Laboratories; MedTox Bio-Analytical, a Division of MedTox
Laboratories, Inc.)

UNILAB,
18408 Oxnard St.,
Tarzana, CA 91356,
800-492-0800/818-3438191
(formerly: MetWest-BPL Toxicology Laboratory)

APPENDIX D

V. EMPLOYEE ACKNOWLEDGMENT FORM (CDL Required)

Town of Mount Carmel

EMPLOYEE ACKNOWLEDGMENT

As an applicant or an employee, I have carefully read the Town of Mount Carmel drug and alcohol testing policy. I have received a copy of the Town of Mount Carmel drug and alcohol testing policy, understands its requirements, and agrees without reservation to follow this policy. As an applicant, I am aware that my offer of employment is conditional upon the results of a drug and/or alcohol test. As an employee, I am aware that I may be required to undergo drug and/or alcohol tests, that I will be informed prior to the drug and/or alcohol test, and that I may be subject to immediate dismissal if I refuse to take the test.

Name of Applicant or Employee

Social Security Number

Department

Supervisor

(Signature of Applicant or Employee)

Date

(Signature of Witness)

Date

APPENDIX E

W. CONSENT AND ACKNOWLEDGMENT FORM

Town of Mount Carmel

DRUG/ALCOHOL TESTING PROCEDURES

CONSENT AND ACKNOWLEDGMENT FORM

As an applicant or an employee with the Town of Mount Carmel, I hereby consent to and acknowledge that I am scheduled to undergo drug and/or alcohol testing. The test for alcohol will be a breath analysis test. The drug test will involve an analysis of a urine sample, which I will provide at a designated site. The purpose of the test will be to test for the presence of the following substances: amphetamines, marijuana, cocaine, opiates, PCP, alcohol, and/or any additional drugs listed in the Tennessee Drug Control Act. I authorize qualified personnel to take and have analyzed appropriate specimens to determine if drugs and/or alcohol are present in my system. I acknowledge that the drug/alcohol screen test results will be made available to the testing laboratory, medical review officer (MRO), the (City Recorder), or his/her designee. As an applicant, I am aware that a confirmed and verified positive drug/alcohol test result will rescind my conditional offer of employment. As an employee, I am aware that a confirmed and verified positive test result may lead to disciplinary action up to and including immediate dismissal. I will present a copy of this form to the collection site when I report for my scheduled drug/alcohol test. I also understand that failure to provide adequate breath for testing without a valid medical explanation, failure to provide adequate urine for controlled substances testing without a valid medical explanation, and engaging in conduct that clearly obstructs the testing process are the same as refusing to test.

Name of Applicant or Employee: _____

Department Name: _____

Social Security Number: _____

(Signature of Applicant or Employee)

Date

(Signature of Witness)

Date

APPENDIX F

ANTI-DRUG AND ALCOHOL POLICY TESTING REQUIREMENTS

TYPE OF TEST	EMPLOYEE GROUP			
	CDL REQUIRED	SAFETY SENSITIVE	ALL EMPLOYEES	
DRUG TESTING:				
1. Pre-Employment	Required	Required	Required	
2. Transfer *	Required	Required		
3. Post-Accident/Incident	Required	Required	Required	
4. Reasonable Suspicion	Required	Required	Required	
5. Random	Required	Required		
6. Return-to-Duty/Follow-up	Required	Required		
ALCOHOL TESTING:				
1. Transfer *	Required	Required		
2. Post-Accident/Incident	Required	Required	Required	
3. Reasonable Suspicion	Required	Required	Required	
4. Random	Required	Required		
5. Return-to-Duty/Follow-up	Required	Required		
* Applies to existing employees transferring into a new position within the respective employee group.				

APPENDIX G

REQUIREMENTS FOR ALCOHOL AND DRUG TESTING POLICY STATEMENTS

Local governments are required to develop a policy statement for the alcohol and drug testing programs. This policy statement must be distributed to every safety-sensitive employee prior to the start of the testing program, to representatives of employee organizations, and to new employees as they are hired or transferred into safety-sensitive positions. The FHWA rules require that the following information be included in the policy:

- 1) The name of the person designated by the employer to answer questions about the alcohol and drug testing program;
- 2) The employees who are covered by the DOT and FHWA rules and consequently the local government's alcohol and drug testing policy;
- 3) Information about the safety-sensitive functions performed by the covered employees;
- 4) Information concerning safety-sensitive employee conduct that is prohibited under the DOT/FHWA rules;
- 5) The circumstances under which a driver will be tested for alcohol and drugs;
- 6) The procedures that will be followed to:
 - a) test for the presence of alcohol and drugs;
 - b) protect the covered employee and the integrity of the testing processes;
 - c) safeguard the validity of the test results;
 - d) ensure that those results are attributed to the correct employee;
- 7) The requirement that a covered employee submit to alcohol and drug tests administered in accordance with the DOT/FHWA rules;
- 8) An explanation of what constitutes a refusal to submit to an alcohol or drug test and the resulting consequences;
- 9) The consequences resulting from positive alcohol and/or drug tests;
- 10) Information concerning-
 - a) the effects of alcohol and drug use on an individual's health, work, and personal life

- b) signs and symptoms of an alcohol or drug problem (the driver's or coworkers')
- c) available methods of intervening when an alcohol or drug problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management.

The policy may also include information on additional local government policies regarding the use or possession of alcohol or drugs that the local government has implemented under its own authority. For example, local governments may want to explain whether the local government will pay for all alcohol and drug tests, if the employees will pay for all the tests, or if the costs will be shared. Although these rules preempt any inconsistent state or local laws, state or local governments may have adopted policies that require funding of alcohol and drug tests and such policies would not be considered as inconsistent with these rules. A thorough, legal review of all state and local laws regarding alcohol and drug testing should be conducted before implementation of these rules begins.

The local government must ensure that each covered employee is required to sign a statement that he/she has received a copy of the policy described above. The local government keeps the original of the signed statement and may also provide a copy to the employee.

DRUG AND ALCOHOL TESTING POLICY

(Note - The MTAS model Drug and Alcohol Testing Policy was prepared by MTAS Consultants for use by Tennessee municipalities implementing drug testing programs for municipal employees. This policy is an alternative to the Drug Free Workplace Program developed by the Tennessee Department of Labor, under the Drug Free Workplace Act. Municipalities seeking the “drug free workplace” designation from the state must adopt the program developed by the Department of Labor. MTAS Management Consultants can assist your city in obtaining a copy of the state regulations for the Drug Free Workplace Program.

The Tennessee Drug Free Workplace Program is broader than the MTAS policy in that it requires the testing of applicants for all employment positions, after a conditional offer of employment. MTAS Consultants have concerns about the legality of the state program as applied to government employees. Drug testing by a government employer is considered to be a search under the United States Constitution, and some courts have found that government employees have greater rights to contest drug testing policies than employees in the private sector. The Tennessee Drug Free Workplace Act has not been tested in court, so there is no guidance concerning the outcome of potential constitutional challenges which public employees may raise under the state law. MTAS Consultants are further concerned that cities adopting the state program may inadvertently alter the at-will status of employees. The adoption of the state program also results in the employer’s loss of control over drug testing, as the General Assembly and the Department of Labor have authority over the requirements of the law and the implementation of the statute.

One benefit of adopting the state program is that the city may be designated as a “drug free workplace” by the Workers’ Compensation Division of the Department of Labor. Such designation may entitle the employer to a discount on workers’ compensation insurance premiums. The TML Risk Management Pool, which provides workers’ compensation insurance for many Tennessee municipalities, views the drug free workplace designation as one of many factors considered when setting premium amounts charged to municipal employers.

The MTAS model Drug and Alcohol Testing Policy permits pre-employment testing and random testing of employees in “safety sensitive” positions only. This policy further provides for reasonable suspicion testing and post accident testing for all employment positions. The more limited scope and application of the MTAS policy, as compared to the state program, is based upon legal research and analysis by MTAS Consultants. It is the opinion of MTAS Consultants that drug and alcohol testing of municipal employees when implemented in accordance with this model policy is a practice which may be defended successfully in the event of litigation.

If you have questions concerning the MTAS model Drug and Alcohol Testing Policy please contact your MTAS Management Consultant for further information.)