

APPENDIX B: DRUG TESTING

The Village believes that the use of illegal drugs is a threat to the public welfare and to the safety of its employees. The primary goals of this policy are:

- A. To prevent illegal drug usage, and
- B. Assist in the rehabilitation of employees who use illegal drugs.

No employee of the Village shall be discharged following the first illegal use of drugs confirmed by the testing procedure set out below without first having been offered the opportunity to discontinue the use of drugs and complete a bona fide drug rehabilitation program as set forth below, provided, however, if such use occurred when an employee caused an accident while working or otherwise was determined to be affected by such use while on duty, that employee may be disciplined up to and including discharge for the first offense. If the employee's job requirements include a CDL, and the employee is not terminated, their pay will reflect that of the lowest equivalent position in the department.

These provisions shall not apply to probationary employees who may be tested or disciplined at any time.

Informing Employees about Drug Testing

The Village will use educational meetings to:

- A. Inform all employees of the Village's drug testing policy;
- B. Provide all employees with information concerning the unacceptability of drug use and the impact of the use of drugs on job performance; and
- C. Inform all employees of how the Village's drug tests will be conducted, the circumstances under which they will be conducted, what the tests can determine, and the consequences of testing positive.

All newly hired employees will be provided with this information during their initial orientation period. No employee shall be tested until such information is provided to him/her.

Employee Testing

Post Offer of Employment

Once a prospective employee has been offered a position with the Village of Bayside, that prospective employee must be tested. In the event the Village is considering hiring an individual who has been working at your facilities, but is actually an employee of another company (such as a temporary help agency), such employee must be drug tested before coming on the Village's payroll. Note that seasonal employees will be treated as direct hires and re-tested upon returning to employment.

Reasonable Cause/Suspicion

When there is reasonable suspicion that an employee may be under the influence of alcohol or drugs, following a serious or potentially serious incident in which safety precautions were violated or unusually careless acts were performed;

Where there is reasonable cause to believe the employee is impaired. Reasonable cause shall be defined as those circumstances, based on objective evidence about the employee's conduct in the workplace that would cause a reasonable person to believe that the employee is demonstrating signs of impairment. Examples of objective evidence include, when an employee shows signs of impairment such as difficulty in maintaining balance, slurred speech, erratic or atypical behavior, or any other appearance of impairment.

Post-Injury or Accident

Any employee injured on the job who requires outside medical treatment must be tested as a matter of course. This includes any employee who may have been involved but was not necessarily injured in an accident involving any Village owned piece of equipment or vehicle causing more than \$500 in damages.

Leave of Absence - Alcohol and Drug Use

An employee shall be permitted to take a leave of absence for the purpose of undergoing treatment pursuant to an approved program of alcoholism or drug use. The leave of absence must be requested prior to the commission of any act subject to disciplinary action.

Such leaves of absence shall be granted on a one-time basis and shall be for a maximum of sixty (60) days unless extended by mutual agreement. While on such leave, the employee shall not receive any of the benefits provided by the Village except the continued accrual of seniority, and any other rights under state or federal law. This provision does not amend or alter the disciplinary provisions.

Return from Leave of Absence - Testing

Drug tests may be required of employees requesting to return to work from a leave of absence for drug use. Failure to take the test or to meet the standards adopted by the Village may be cause for discharge without a prior warning letter.

Urine Collection

Urine collection shall be conducted in a manner prescribed by Smith Kline Beecham Laboratories (or a comparable testing program utilizing nationally reorganized standards and procedures), which guarantees a secure chain of custody. Administrative procedures and biologic testing shall be conducted to prevent the submission of fraudulent tests. If acceptable to the collecting entity, a split sample of the employee's urine shall be made at the collection site. One portion of the split sample of the tested portion shall be preserved at a Village designated location. In all events, if a test result is positive, a split sample shall be preserved for independent analysis.

Testing Procedure

All samples shall be tested for chemical adulteration, narcotics, cannabis, PCP, cocaine, amphetamines, sedatives, and all other controlled substances as defined in Section 161.04(1), Wisconsin Statutes.

Any sample, which has been adulterated or is shown to be a substance other than urine shall be reported as such and may result in disciplinary action. All samples which test positive on a screening test shall be confirmed using gas chromatography-mass spectrophotometer testing procedures. No records of unconfirmed positive tests shall be released or retained by the laboratory.

Testing shall be conducted in a manner to ensure that an employee's legal drug use does not affect the test results. All results shall be evaluated by a licensed specialist in occupational medicine knowledgeable about drug testing.

Test results from random testing shall be treated with the same confidentiality as other employee medical records. The test results and any related treatment shall not be reported outside the Management of the Village without the express written permission of the employee tested, except as necessary in connection with a grievance or judicial proceeding, or as required by applicable law.

Chemical Dependency Program

The first time an employee tests positive for illegal drug use, he/she shall be medically evaluated, counseled, and treated for rehabilitation, if required, unless the reason for such test was misconduct or damage as set forth above. The Village Manager or his designee shall be informed once per week of the employee's status in the rehabilitation program. The Village provides a group health insurance plan, which includes coverage for rehabilitation costs. Employees may utilize any accumulated paid sick leave while absent from work due to participation in such programs.

Self-Referral to Chemical Dependency Programs

An employee who chooses to enter a chemical dependency program voluntarily shall not be subject to disciplinary action. This protection shall only be available to any employee who has been directed to undergo drug testing if the employee requests a leave of absence before being tested as set forth herein.

Duty Assignment after Treatment

If an employee successfully completes rehabilitation, he/she shall return to work for assignment. Employee reassignment during treatment shall be based on each individual's circumstances. Follow up care may be a condition of employment, if prescribed after treatment by the employee's treating agency.

Discipline

Any employee who refuses to submit to a drug test under this program, is the cause of an accident while working, or causes personal injury or property damage while working, is unable to perform normal duties while at work, or engages in any conduct which jeopardizes the integrity of a sample or the accuracy of a test result, may be subject to discipline up to and including termination.