

# CITY OF WAUKESHA

## HUMAN RESOURCES POLICY/PROCEDURE

### POLICY E-14 – Drug Testing

A. **Purpose.** The City of Waukesha recognizes that the use and/or abuse of illegal drugs and/or alcohol can have a significant impact on the workplace in terms of safety, workers compensation claims, sick pay benefits, absenteeism, and productivity. Therefore, it is the City of Waukesha's policy that employee use, possession or sale of illegal drugs at any time and on the job and use or impairment by alcohol **or drugs** is prohibited.

B. **Policy.** The City of Waukesha will subject all pre-employment post offer applicants who would be scheduled to work 20 hours per week or more, to drug and/or alcohol testing as set forth herein. As well, reasonable suspicion testing will occur if an employee is suspected of being under the influence of drugs or being impaired by alcohol at the workplace. Any returning seasonal or re-hired worker who has previously taken a pre-employment drug test in a prior year's employment with the City, while consecutively employed from season to season, will be exempt from the drug test as a post offer condition of re-employment. This exception is deemed warranted due to logistical and financial concerns that would occur. Re-testing of this many is not only financially burdensome, but poses logistical problems of not knowing far enough in advance if you have a cleared employee resulting in a scheduling logjam. The City's "drug free" concern to this group can equally be conveyed via orientation procedures and emphasis on drug testing upon reasonable suspicion.

C. **Application.**

**Pre-employment testing** - Every applicant (except as noted above under seasonal or re-hired workers) that is offered a position will be required to undergo and pass a drug test before commencing employment at the City of Waukesha. Each applicant will be advised that a drug test will be required as a part of a pre-placement examination and that any job offer is contingent upon, among other things, successful passage of the drug test.

**Seasonal workers** – Any returning seasonal worker who has previously taken a pre-employment drug test in a prior year's employment with the City, will be exempt from the drug test as a post offer condition of re-employment, if consecutively employed from season to season. The City's "drug free" concern regarding this group will be conveyed via orientation procedures and emphasis on drug testing upon reasonable suspicion.

**Reasonable suspicion** - If, at any time, there is a reasonable suspicion that an employee is under the influence of drugs and/or alcohol, the employee will be required to submit to a drug and/or alcohol test. Reasonable suspicion will be determined by two supervisors, if available, however, one supervisor may determine whether there is reasonable suspicion if no other supervisor is available at the time and under particular circumstances. Reasonable suspicion will be based upon observable actions, alone or in conjunction with, other factors including but not limited to:

1. dangerous accident prone conduct;
2. decreased job performance which is unexplained;
3. unexplained increased absenteeism;

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4. complaints from co-employees and other problems with interpersonal relations;
5. drug related signs such as paraphernalia;
6. reduced short-term memory
7. physical symptoms such as bloodshot eyes;
8. dilated pupils; stuffy or runny nose;
9. anxiety; and
10. inability to concentrate.

**Disciplinary Procedures** - Any employee who tests positive as a result of a reasonable suspicion drug and/or alcohol test or refuses to be tested will be immediately removed from active duty until such time as the medical review officer is able to provide a final result. If the positive test is confirmed, the employee will be subjected to discipline up to and including termination.

**Negative but Dilute Test Results** - Test results reported as negative but dilute, (<1.003 sg & <20mg/dl creatinine) are inconclusive and will require re-collection and testing immediately upon receiving initial test results. Re-collection will not be observed. The second test result will be final. If a negative but dilute result is reported for the second test and the test was required for a pre-employment exam, the offer of employment will be rescinded. If the second test result is negative but dilute for a random test, reasonable suspicion, or post-accident test, the employee will be subjected to discipline up to and including termination.

**Collection of Specimens** - Specimens to be tested will be urine in the case of a drug test and breath in the case of a test for alcohol where there is reasonable suspicion of alcohol misuse or impairment on the job. All testing will take place at the City's contracted testing facility.

Drug and breath alcohol testing will be conducted by a laboratory certified by DHHS (Department of Health and Human Services) according to DHHS protocol at the City's expense.

**Drug Testing Procedure** - All post offer applicants and employees requested to take a test because of reasonable suspicion will proceed to the City's contracted testing facility and will cooperate fully.

Specimens will be screened for ~~six~~ five classes of drugs - amphetamines, benzoyllecognine (cocaine metabolites), opiates, ~~semi-synthetic opioids~~ (hydrocodone, hydromorphone, oxymorphone and oxycodone) PCP and THC (marijuana metabolites; and confirmation by Gas Chromatography/Mass Spectrometry (GC/MS). However, the City reserves the right to perform tests for other illegal substances as well.

**Reporting results** - All test results will be reported to the Personnel Department. If the test is positive, the medical review officer will contact the applicant or employee. If, when the medical review officer contacts the employee, the employee can provide substantiation of legitimate use, the positive test will be reported to the City as "negative". If no legitimate reason for the positive is found, that positive result will be provided to the City.

**Prescription Medication** - Nothing in this policy prohibits the appropriate use of prescription medication legally prescribed by a licensed medical provider. It is the employee's responsibility to

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discuss with the supervisor any effects that a medication may have on their ability to safely perform the duties required of their position. Failure to do so may result in discipline up to and including termination.

**Confidentiality** - Results of all drug/alcohol tests will be kept separate from personnel files and treated as confidential information and access to such results shall be limited.

Passed this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk/Treasurer