



## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

### PROCEDURE(S): DRUG TESTING PROCEDURES

EFFECTIVE DATE: MAY 20, 2019

REVISION DATE(S):

## DRUG TESTING PROCEDURES

Any person offered employment with the City of New Braunfels for a position classified as “safety and/or security sensitive” is required to take a pre-employment drug screening as a condition of employment with the City.

### A. Pre-employment Drug Screening

#### Policy Definitions:

- A. **Alcohol** is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.
- B. **Controlled Substances (Drugs)** are defined as marijuana (THC), cocaine, opiates, amphetamines (including methamphetamines), and phencyclidine (PCP). For purposes of reasonable suspicion, random and post-accident testing, controlled substances testing may include testing for all of the above drugs in addition to barbiturates, benzodiazepines, methadone, tri-cyclic, and steroids.
- C. **City (Non-DOT/CDL) Safety and/or Security Sensitive** is defined as any of the following:
  - a. Operating machinery (i.e. heavy equipment, hazardous tools, etc.)
  - b. Maintenance of vehicles and equipment;
  - c. Transporting people;
  - d. Carrying a weapon in performance of essential job functions;
  - e. Insuring the direct safety and protection of others and property, such as functions performed by lifeguards, police officers, firefighters, etc.
- D. **DOT/CDL Safety-Sensitive** means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety sensitive functions shall include:
  - a. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;



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- b. All time inspecting equipment as required by §§392.7 and 392.8 of this subchapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- c. All time spent at the driving controls of a commercial motor vehicle in operation;
- d. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of §393.76 of this subchapter);
- e. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- f. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

#### **Types of Testing:**

- A. Pre-Employment: Applicants who are made a conditional job offer must submit to testing for controlled substances before a final job offer is made. Employees in DOT Safety Sensitive positions will be required to submit to a pre-employment screening in accordance to Federal Motor Carrier Safety Administration. Employees in a DOT Safety Sensitive position, who were not covered by a random drug testing program for more than 30 days, shall be required to submit to a DOT pre-employment test before return to a DOT Safety Sensitive position.
- B. Post-Accident: An employee is required to submit to drug and alcohol testing if he/she is involved in an accident while driving a city vehicle at any time, driving a personal vehicle on city business, or while operating city-owned motor driven equipment (see City Vehicle Use Policy). Post-accident alcohol testing should be performed within 4 hours; otherwise, attempts to test should cease and a written record stating the reasons the test was not performed should be prepared by the supervisor and sent to Human Resources within 24 hours of the accident. Post-accident drug testing should be performed within 24 hours or not at all. If a test cannot be performed within that time period, a written record stating the reasons the test was not performed should be prepared by the supervisor and sent to Human Resources within 36 hours of the accident. All DOT Qualifying Accidents will be tested



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according to procedures put forth in 49 CFR Part 40, as amended. Exemptions to this policy include vehicle accidents where a City vehicle unintentionally made contact with an animal which results in non-preventable damage e.g. bird strikes window or deer jumps into roadway.

- C. Reasonable Suspicion: All City employees are subject to reasonable suspicion testing for controlled substances and alcohol abuse based on objective facts and/or observable on-duty behavior sufficient to lead a Director/Manager/Supervisor to suspect that an employee is under the influence of controlled substances and/or alcohol.
- D. Random Testing: Employees in DOT Safety Sensitive positions that require a commercial driver's license are subject to random testing. The City of New Braunfels will conduct an unannounced drug test in accordance with Texas Department of Transportation regulations and guidelines of the Federal Motor Carrier Safety Administration for the annual minimum percentage rate for random drug and alcohol tests. Any driver refusing to submit to a random drug test at the time of the request will be presumed to have failed the test and will be terminated from employment. All USDOT testing will be conducted with the procedures put forth in 49 CFR Part 40, as amended. This regulation is available for review by employees when requested. DOT Drug and Alcohol educational material will be presented to every new employee requiring a CDL.
- E. Reasonable Suspicion Testing: A supervisor must require an employee to submit to an alcohol and/or controlled substance test when he/she has reasonable suspicion to believe the employee is under the influence of controlled substances and/or alcohol. Reasonable suspicion testing will be done based on specific, contemporaneous observations concerning the employee's speech, appearance, behavior or odor. A written record of the observations will be made and signed within 24 hours of the observation or before test results are released (whichever is earlier) by the supervisor who made the observation. The employee must not be permitted to perform city defined safety-sensitive functions until 24 hours have elapsed. The employee may be placed on paid administrative leave pending the results of the test. The Director of Human Resources or designee should be notified as soon as possible in cases of reasonable suspicion.
- F. Return-to-Duty and Follow-Up Testing: The city is not obligated to reinstate or rehire any employees who violate this policy.



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All drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the City of New Braunfels. There are some limited, legitimate medical uses which may explain a positive result. For this reason, any positive test results are discussed by the MRO and the employee. If use is legitimate, the result will be reported to the city as negative.

#### **Interdepartmental Promotions and Transfers:**

Department of Transportation (DOT) drug screening shall be administered for employees who are transferring into positions requiring DOT testing if their previous positions did not require that testing. No other employee applying for another job within the City shall be required to submit to drug screening, except as may be required by statute for certain civil service positions.

#### **B. Police Functions Exemption**

- A. This policy does not apply to the seizure and possession of alcohol or controlled substances and/or found property as a result of normal Police Department operations.
- B. This policy does not apply to a police officer that is assigned undercover operation by his/her Manager/Supervisor and must consume alcohol or possess controlled substances as part of the undercover operation.

#### **C. Confidentiality**

All information received by the City through the drug-free workplace program is confidential. Access to this information is limited to those who have a legitimate need to know in compliance with relevant law and management policies. All persons associated with the City's drug abuse and alcohol testing program are prohibited from willfully disclosing test results to City employees who do not have a need to know or persons not eligible to receive test results under applicable law. An employee required to take a drug or alcohol test will be given a copy of the test results upon written request.