

DRUG-FREE WORK PLACE

Revised November 2001

SECTION: 17

A. PURPOSE

The purpose of this Section is to protect and enhance employee and public safety and performance efficiency by establishing Tooele City as a drug free work place, to establish drug- and alcohol-testing policies and procedures designed to implement and enforce the drug free work place concept, purpose, and standards.

B. DEFINITIONS

As used in this Section:

1. Applicant -

- a. any person who has made written or oral application to become an employee of Tooele City; or,
- b. any employee who applies for, and is subsequently selected to fill, an internal vacancy through a competitive selection process.

2. Abuse or Misuse -

- a. the possession or use of a controlled substance obtained without a prescription; or,
- b. the use of prescription drugs obtained without a prescription or contrary to the prescription indications; or,
- c. the use of alcohol products or non-prescription (“over-the-counter” medications) to a degree which renders the user unfit to operate a motor vehicle or perform safety sensitive functions or other job requirements.

3. Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol no matter how the alcohol is packaged or in what form the alcohol is stored, utilized, or found.

4. City Premises - Buildings, parking lots, grounds, equipment, and vehicles owned or leased by the City or personal vehicles being used for City business.

5. Commercial Driver License (CDL) - A license required by Utah Code § 53-3-404, as amended, to operate a commercial motor vehicle.

6. Commercial Motor Vehicle - A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property, if the motor vehicle:

- a. has a gross vehicle weight rating of more than 26,000 pounds (towed units

DRUG-FREE WORK PLACE

Revised November 2001

SECTION: 17

with a gross vehicle weight rating of more than 10,000 pounds are to be included in a vehicle's gross vehicle weight rating) or,

- b. is designed to transport sixteen (16) or more passengers, including the driver; or,
- c. is of any size, is used to transport hazardous materials, and is required by law to be placarded.

7. Confirmation Test -

- a. for alcohol testing, a second test that provides quantitative data of alcohol concentration in the test subject's body; and,
- b. for drug testing, a second analytical procedure to identify the presence of a controlled substance or controlled substance metabolites in the test subject's body, which procedure is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.

8. Consume/Consumption - To inhale, ingest, or otherwise take into the body.

9. Controlled Substance - Those substances defined by Utah Code § 58-37-4, as amended, and 21 United States Code § 802(6), as amended, including marijuana (THC), cocaine, phencyclidine (PC), opiates, and amphetamines (including methamphetamine) or any other substances or metabolites of substances which may only be legally obtained, possessed, or consumed pursuant to a lawful prescription. Also referred to herein as "drug" and "drugs."

10. DOT - The United States Department of Transportation and/or the Utah Department of Transportation.

11. Drug Paraphernalia - Objects commonly used for the consumption of controlled substances. Drug Paraphernalia is further defined to include the definitions in Utah Code § 58-37A-5, as amended.

DRUG-FREE WORK PLACE

Revised November 2001

SECTION: 17

12. Follow-up Testing - Testing performed as part of a program of rehabilitation, counseling, education, and/or treatment of an employee pursuant to this Section or Section 5 of the Tooele City Personnel Policies and Procedures Manual (hereinafter “this Manual”).
13. Medical Review Officer - A licensed physician who has knowledge of substance abuse disorders and the effects of controlled substance consumption on the human body and has the training to interpret and evaluate test results.
14. On-Call - An employee who is assigned for a specific time duration to remain within the Tooele Valley, carry a telephone, pager, or radio for immediate response to urgent or emergency situations, to respond to calls outside of regular work hours or is responsible for contacting another employee and having them respond.
15. Post-accident Testing - Testing of a surviving driver following an accident involving the death of any person or the issuance of a citation for a moving traffic violation to the driver.
16. Refusal - See Subsection J, herein.
17. Rehabilitation - A comprehensive program of controlled substance and/or alcohol abuse treatment, education, counseling, therapy, follow-up testing, and other components recommended by a substance abuse professional.
18. Sample - Any specimen of urine, breath, or hair to be used for drug and/or alcohol testing.
19. Split Sample Testing - A method of testing where the tested sample is divided into two similar quantities prior to testing. The first one-half (2) is tested while the second one-half (2) is preserved for confirmation or other testing purposes.
20. Test - The scientific analysis for the presence of drugs and/or alcohol or their metabolites in the human body. Also referred to as “alcohol test,” “drug test,” and “testing.”
21. Testing Notice - That written notice provided pursuant to Subsection I.1.a., herein.
22. Work Duties/On Duty - Performing those duties on behalf of Tooele City which are contained within an employee’s job description or which are specifically

DRUG-FREE WORK PLACE

Revised November 2001

SECTION: 17

assigned to an employee.

C. GENERAL POLICY - PROHIBITIONS & POLICY ENFORCEMENT

1. Controlled Substance -

- a. No employee shall unlawfully manufacture, distribute, or possess a controlled substance or paraphernalia while on duty, while on City premises, or while in a City vehicle, except that authorized police department employees (e.g. police chief, patrol officers, detectives, evidence technician) may possess drugs in the performance of official police business.
- b. No employee shall consume, be under the influence of, or be in such a condition as to test positive for a controlled substances while on duty, while on City premises, or while in a City vehicle.
- c. No employee shall commit a violation of Utah Code § 58-37-8 (laws concerning controlled substance crimes) or § 58-37a-5 (laws concerning drug paraphernalia crimes), as amended, while on duty, while on City premises, or while in a City vehicle. A detailed copy of such codes may be obtained from the City Attorney's office.

2. Alcohol - No employee shall distribute, consume, possess, or be under the influence of alcohol while on duty, while on City premises, or while in a City vehicle, except that authorized police department employees (e.g., police chief, patrol officers, detectives, evidence technician) may possess alcohol in the performance of official police business. An employee shall be deemed to be under the influence of alcohol where a test reveals the presence of 0.08 or more grams of alcohol per 100 milliliters of blood or per 210 liters of breath. Any employee required to possess a CDL shall be deemed to be under the influence of alcohol where a test reveals the presence of 0.04 or more grams of alcohol per 100 milliliters of blood or per 210 liters of breath.

3. Prescription Drugs - No employee shall perform safety sensitive functions while under the influence of any drug, including a prescribed drug, which adversely affects the proper and/or safe performance of the employee's work duties. An employee may perform work duties while lawfully using a prescribed medication containing a controlled substance if a physician advises in writing that the substance will not adversely affect the employee's ability to properly and/or

DRUG-FREE WORK PLACE

Revised November 2001

SECTION: 17

safely perform work duties.

4. Policy Enforcement - In order to achieve a drug-free work place, the City reserves the right to conduct unannounced inspections of City-owned or leased property, work stations, equipment, desks, cabinets, etc., and to utilize detection methods necessary for the enforcement of this Section, including testing, electronic detection equipment, and trained animals. As a condition of employment, all employees accept that such inspections are reasonable searches not requiring a search warrant. Testing shall be applicable as follows:
 - a. Pre-employment testing of the following:
 - (1) all external applicants who have been extended a conditional offer of employment; and,
 - (2) all current City employees who apply for and are selected to fill an internal vacancy through a competitive selection process;
 - b. Random testing of employees in CDL required positions and safety sensitive positions;
 - c. Reasonable suspicion testing of employees in CDL required positions and safety sensitive positions;
 - d. Post-accident testing of employees in CDL required positions and safety sensitive positions;
 - e. Follow-up testing as part of a rehabilitation program.

D. PRE-EMPLOYMENT & PRE-COMPETITIVE SELECTION TESTING

1. Any applicant who has been extended a conditional offer of employment, or any current Tooele City employee who has applied for and has been competitively selected for a new position, shall submit to a drug test.

DRUG-FREE WORK PLACE

Revised November 2001

SECTION: 17

2. The conditional offer of employment or new job shall be withdrawn if an applicant tests positive for a controlled substance or refuses to take the required drug test. Additionally, any current employee who tests positive may be subject to disciplinary action under Section 5, Discipline and Separation, of this Manual.
3. Any applicant who has taken a pre-employment drug test may, upon written request to the Director of Human Resources, obtain a confirmation test as described in Subsection I, Testing Procedure, herein.

E. RANDOM TESTING

1. Employees in CDL required positions and safety sensitive positions shall be subject to random drug and alcohol testing any time the employee is on duty. The Human Resources Director shall submit a list of all such employees to an external testing agency (hereinafter “the agency”) with which the City has contracted to perform testing. To ensure that employees are selected on a random basis, the agency shall be responsible for selecting employees to be tested.
2. Random testing shall follow the procedure described in Subsection I, Testing Procedure, herein.

F. REASONABLE SUSPICION TESTING

1. Employees in CDL required positions and safety sensitive positions shall be subject to reasonable suspicion testing any time the employee is on duty, following the procedure described in this Subsection F and in Subsection I, herein.
2. Supervisor Determination -
 - a. When a supervisor determines that there is reasonable suspicion to believe that an employee in a CDL required position or safety sensitive position is using, is under the influence of, or is in possession of alcohol or a controlled substance, the employee shall be subject to drug and alcohol testing.
 - b. The supervisor making the determination shall document the specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech, body odors, or other aspects of the employee which resulted in the reasonable suspicion determination. Reasonable suspicion may also be based on observation of indications of the chronic and

DRUG-FREE WORK PLACE

Revised November 2001

SECTION: 17

withdrawal effects of controlled substances.

- c. Observations leading to a determination of reasonable suspicion must be made by a supervisor, department head, Mayor, or Mayor's designee with supervisory functions. Such individuals must have received at least two (2) hours of training on the physical, behavioral, speech, performance, and other indicators of alcohol and drug use.
- d. Observations leading to a determination of reasonable suspicion must be documented in writing and signed within twenty-four (24) hours of testing or before the results of the test are provided to the Human Resources Director, whichever is later.
- e. Reasonable suspicion testing may not be conducted by the same person who makes the reasonable suspicion determination.
- f. Where reasonable suspicion exists, the employee's supervisor or department head shall take reasonable measures to arrange for transportation to a designated testing site or to another appropriate location if a designated testing site is then unavailable.
- g. After submitting to reasonable suspicion testing, the employee tested shall not engage in the operation of any City equipment or engage in any employment related duties which the employee's supervisor or department head deems dangerous to the employee or others until the negative results of the test are received.

3. Reasonable Suspicion Testing Procedure

Upon a determination that reasonable suspicion exists, the following procedure shall be followed:

- a. the suspected employee shall immediately be relieved from performing all work duties and shall be informed of the reasonable suspicion;
- b. the suspected employee shall be given an opportunity to explain to the supervisor or department head the evidence, information, or behavior

DRUG-FREE WORK PLACE

Revised November 2001

SECTION: 17

giving rise to the reasonable suspicion, and may voluntarily request that testing be conducted to determine whether drugs or alcohol are present in the employee's body;

- c. if the supervisor or department head is unsatisfied with the employee's explanation, the supervisor or department head shall direct the employee to submit a test. The testing procedure described in Subsection I, Testing Procedure, herein, shall be followed.

4. Special requirements associated with reasonable suspicion alcohol testing -

- a. Alcohol testing is authorized only if the observations set forth above are made during, just preceding, or just after the performance of CDL required or safety sensitive functions.
- b. If an alcohol test is not administered within two (2) hours following the determination of reasonable suspicion, the supervisor or department head shall prepare documentation stating why the test was not administered within two (2) hours. Such documentation shall be maintained by the Human Resources Director. Tests administered two (2) or more hours after the identification of reasonable suspicions remain presumptively valid.
- c. If an alcohol test is not administered within eight (8) hours following the identification of reasonable suspicion, the supervisor or department head shall cease attempts to administer an alcohol test and shall prepare documentation stating why the test was not administered within eight (8) hours. Such documentation shall be maintained by the Human Resources Director.

5. Special requirements associated with reasonable suspicion drug testing -

If a drug test is not administered within thirty-two (32) hours following the determination of reasonable suspicion, the supervisor or department head shall cease attempts to administer a drug test, and shall prepare documentation stating why the test was not administered within thirty two (32) hours. Such documentation shall be maintained by the Human Resources Director.

DRUG-FREE WORK PLACE

Revised November 2001

SECTION: 17

G. POST-ACCIDENT TESTING

1. Any employee in a CDL required position or safety sensitive position involved in and surviving a work-related accident resulting in a citation for a moving traffic violation or loss of human life, shall be tested as soon as practicable for the presence of alcohol and controlled substances in the driver's body.
2. Any employee who is subject to post-accident testing shall remain readily available for such testing or shall be deemed to have refused to submit to testing.
3. Time frames for post-accident testing and consequences of failure or refusal to test are as follows:
 - a. Alcohol
 - (1) If the test is not administered within two (2) hours following the accident, the department head or supervisor shall prepare documentation stating why the test was not administered within two (2) hours. Such documentation shall be maintained by the Human Resources Director. Tests administered two (2) or more hours after the identification of reasonable suspicions remain presumptively valid.
 - (2) If the test is not administered within eight (8) hours following the accident, the department head or supervisor shall cease attempts to administer an alcohol test and shall prepare documentation stating why the test was not administered within eight (8) hours. Such documentation shall be maintained by the Human Resources Director.
 - b. Controlled Substance

If the test is not administered within thirty-two (32) hours following the accident, the department head or supervisor shall cease attempts to administer a drug test, and shall prepare documentation stating why the test was not administered within thirty-two (32) hours. Such documentation shall be maintained by the Human Resources Director.

DRUG-FREE WORK PLACE

Revised November 2001

SECTION: 17

4. Employees tested pursuant to this Subsection G shall not engage in the operation of any City equipment or engage in any employment-related duties which the department head or supervisor deems dangerous to the employee or others until the negative results of the test are received.
5. The testing procedure described in Subsection I, Testing Procedure, herein, shall be followed.

H. FOLLOW-UP TESTING

Follow-up drug and alcohol testing may be administered in conjunction with rehabilitation as described herein. Employees under a rehabilitation corrective action program shall be subject to random testing for a period of not less than twelve (12) months and not to exceed sixty (60) months.

1. Employees subject to follow-up testing shall be tested a minimum of six (6) times in the first twelve (12) months following their return to duty.
2. Follow-up testing beyond one (1) year shall be based on a needs assessment provided by a substance abuse professional.
3. Follow-up testing shall be at the employee's expense.

I. TESTING PROCEDURE

1. Testing Notice

- a. Before performing any alcohol or drug test, the City, through its designated representative, shall notify the employee being tested, orally or in writing, whether the test being administered is required by the Omnibus Transportation Employees Testing Act of 1991, or whether it is required by this Section.

- (1) CDL Employees - employees in CDL required positions are required under rules established by the Federal Highway Administration to be subject to pre-employment, random, reasonable suspicion, post-accident, return-to-duty, and follow-up

DRUG-FREE WORK PLACE
Revised November 2001

SECTION: 17

drug and alcohol testing. Such employees shall be provided with, and shall sign an acknowledgment of having received (Form #10, herein), the following written notice prior to testing:

"The drug and/or alcohol test you are being required to take is required under rules established by the Federal Highway Administration pursuant to the Federal Omnibus Transportation Employees Testing Act of 1991. If you refuse to submit to the required testing, you may be subject to disciplinary action, up to and including dismissal."

- (2) Safety Sensitive non-CDL employees - employees in safety sensitive positions, while not subject to testing under federal statute, are subject to pre-employment, random, reasonable suspicion, post-accident, return-to-duty, and follow-up drug and alcohol testing under this Section of this Manual. Such employees shall be provided with, and shall sign an acknowledgment of having received (Form #10, herein), the following written notice prior to testing:

"The drug and/or alcohol test you are being required to take is required by the policies and procedures of Tooele City. If you refuse to submit to the required testing, you may be subject to disciplinary action, up to and including dismissal."

- (3) Non-Safety Sensitive Non-CDL employees - Non-safety sensitive and non-CDL employees, while not subject to testing under federal statute, are subject to pre-employment and pre-competitive selection testing. Such employees shall be provided with, and shall sign an acknowledgment of having received (Form #10, herein), the following oral or written notice prior to testing:

"The drug and/or alcohol test you are being required to take is required by the policies and procedures of Tooele City. If you refuse to submit to the required testing, you may be subject to disciplinary action, up to and including dismissal."

2. Drug Testing

- a. Drug testing shall be performed using a urine collection method as the preferred method. However, a hair test may be required, through the hair follicle collection method, if deemed necessary by the tested employee's department head or by the Medical Review Officer.

DRUG-FREE WORK PLACE

Revised November 2001

SECTION: 17

- b. The employee's department head shall be responsible for providing the testing notice (see Section I.1., above) and shall notify the employee that he/she is being required to submit to a test. The notification shall include the time and place of the test. If the department head is unavailable, the Director of Human Resources or designee shall notify the employee of the time and place of the test. If the employee is unavailable because of a pre-scheduled medical appointment, pre-scheduled vacation, or other legitimate reasons (e.g., a police officer being off-duty during regular business hours of 8:00 a.m. to 5:00 p.m.), the department head shall notify the employee upon the employee's returning to work.
- c. Immediately following receipt of the testing notice, the employee shall report to a designated facility, where collection of a sample shall be made by a qualified medical technician. In most instances, a mobile lab unit will be summoned for collection of the sample at City Hall or other location designated by the department head. If reasonable suspicion is the purpose for testing, the suspected employee's department head or supervisor shall take reasonable measures to arrange for transportation to the designated testing site.
- d. The employee shall sign a consent form and chain of custody form prior to providing a sample. The forms shall be provided by the medical technician and shall authorize the test and the release of the test results to Medical Review Officer, the Director of Human Resources, the City Attorney, and the employee's department head and supervisor. Failure to sign both forms shall be considered a refusal to submit to the test.
- e. Any attempt to tamper with or alter the testing process, results, or sample shall be deemed a refusal to submit to required testing and shall be cause for dismissal from employment;
- f. Employees shall submit to all reasonable requests of the medical technician. Employees shall provide the sample under reasonable and sanitary conditions and in such a manner as to provide privacy to the employee being tested.
- g. The sample shall be sent to a certified drug testing laboratory for analysis, where split-sample testing will be conducted.
- h. A Medical Review Officer shall review and verify all positive drug tests.

DRUG-FREE WORK PLACE

Revised November 2001

SECTION: 17

The verification process may include contacting the employee to inquire regarding medications taken under a prescription. The Medical Review Officer shall notify the Director of Human Resources of all test results, positive and negative. The Director of Human Resources shall contact the employee's department head regarding positive test results, who shall in turn notify the employee. The Director of Human Resources may also notify the employee's department head of negative results. If the department head is unavailable, the Mayor, Director of Human Resources, or City Attorney may also notify the employee of the test result.

- i. An employee, whose test result is positive, may submit a written request within ten (10) days from notification, to the Medical Review Officer for further, independent testing of the original sample. Any subsequent independent testing shall be conducted at a certified laboratory, and shall be at the employee's expense. If the second test is negative, the employee shall be reimbursed for the test expense.

3. Alcohol Testing

- a. Alcohol testing shall generally be done via the Intoxolyzer 5000 or similar, equally reliable technology. However, a urine test may be required for non-DOT testing, if necessary.
- b. The employee's department head shall be responsible for providing the testing notice (see Section I.1.a. above) and shall notify the employee that he/she is being required to submit to a test. The notification shall include the time and place of the test. If the department head is unavailable, the Director of Human Resources or designee shall notify the employee of the time and place of the test. If the employee is unavailable, the department head shall document the specific circumstances of the unavailability, and provide the documentation to the Human Resources Director.
- c. Immediately following receipt of the testing notice, the employee shall report to a designated facility, where collection of a sample shall be made by a qualified medical technician. In most instances, a mobile lab will be summoned to conduct the test at City Hall or other location designated by the department head.
- d. Employees shall sign a consent form and chain of custody form prior to providing a sample. The forms will be provided by the medical technician

DRUG-FREE WORK PLACE

Revised November 2001

SECTION: 17

and shall authorize the test and release of the test results to Medical Review, the Director of Human Resources, the City Attorney, and the employee's department head and supervisor. Failure to sign both forms shall be considered a refusal to submit to the test.

- e. Any attempt to tamper with or alter the testing process, results, or sample shall be deemed a refusal to submit to required testing and shall be cause for dismissal from employment.
- f. The employee shall provide the sample under reasonable and sanitary conditions and in such a manner as to provide privacy to the employee being tested.
- g. The sample shall be sent to a drug testing laboratory for analysis where split-sample testing will be conducted.
- h. A Medical Review Officer shall review and verify all positive test results. The verification process may include contacting the employee to inquire regarding medications taken under a prescription. The Medical Review Officer shall also notify the Director of Human Resources of all test results, positive and negative. The Director of Human Resources shall contact the employee's department head of positive results, who shall in turn notify the employee. If the department head is unavailable, the Mayor, Director of Human Resources, or City Attorney may also notify the employee of the positive test result.
- i. An employee whose test result is positive may submit a written request within ten (10) days of notification, to the contracted testing facility for further, independent testing of the original sample. The second test shall also be done at a certified laboratory and shall be at the employee's expense. If the second test is negative, the employee shall be reimbursed for the test expense.

DRUG-FREE WORK PLACE

Revised November 2001

SECTION: 17

4. An employee's time spent participating in drug or alcohol testing pursuant to this Section shall be considered compensable time, whether the employee is on or off duty. Applicants shall be required to submit to a test on their own time, and such time shall not be considered compensable time. Participation in rehabilitation and follow-up testing, whether or not related to a corrective action program, shall not be compensable time.
5. All sample collection, handling, transportation, and testing under this Section shall be conducted in accordance with local, state, and federal laws and regulations.
6. All information relating to drug and alcohol testing shall be treated as confidential except as otherwise indicated herein.

J. REFUSAL TO SUBMIT TO A TEST

The following shall be deemed a refusal to submit to required testing, shall constitute insubordination, and shall be used as a basis for imposing disciplinary action up to and including dismissal from employment:

1. Refusal to cooperate with the testing procedures described in this Section; or,
2. Refusal to sign a consent form provided by the medical technician,
3. Refusal to sign a chain of custody form provided by the medical technician or,
4. Refusal to complete other necessary documentation as requested by the medical technician or,
5. Refusal to submit a sample; or,
6. Failure to remain readily available for post-accident testing following an accident; or,
7. Any attempt to tamper with or alter the testing process, results, or sample; or,
8. Refusal to submit to a test.

DRUG-FREE WORK PLACE

Revised November 2001

SECTION: 17

K. CONSEQUENCES OF POSITIVE DRUG/ALCOHOL TESTS OR VIOLATION

1. Disciplinary action, up to and including dismissal, may be taken against employees who violate any provision of this Section. Where a positive drug or alcohol test result indicates a violation of this Section, such violation may be used as a basis for requiring disciplinary action, up to and including dismissal.
2. Subject to DOT laws and regulation, CDL holders may also be referred to a substance abuse professional for evaluation and rehabilitation recommendation at the City's expense. Such referral shall be made regardless of the disciplinary action imposed. Recommended rehabilitation as a result of the City-paid evaluation shall be at the employee's expense and shall not be considered compensable time.
3. An employee's refusal or failure to successfully complete rehabilitation recommendation by a substance abuse professional pursuant to this Section shall result in disciplinary action, up to and including dismissal.
4. Tooele City recognizes that drug or alcohol consumption which results in an addiction may trigger the requirements and/or protections of the Americans with Disabilities Act.

L. REHABILITATION

1. Employees shall have no expectation that rehabilitation shall be an approved disciplinary action, unless, prior to being identified as candidates for testing, they voluntarily identify themselves to their supervisor, department head, or the Director of Human Resources as having controlled substance or alcohol problems and volunteer to participate in City-approved rehabilitation. Such employees shall not be subject to dismissal as a result of such notification. Such employees, however, shall not be exempt from other disciplinary action addressing the nature and severity of their drug or alcohol use, and shall not be exempt from dismissal for further violations of this Section, for violations of other policies in this Manual, or for performance problems.
2. Any rehabilitation shall be undertaken in accordance with the terms of a written memorandum of agreement between the supervisor, the department head, and the employee, with review and approval from the City Attorney and Human Resources Director. The memorandum of agreement shall set forth the expectations and conditions the employee must satisfy including, but not limited

DRUG-FREE WORK PLACE
Revised November 2001

SECTION: 17

to, the following:

- a. An evaluation by a substance abuse professional at the City's expense; and,
 - b. Approved rehabilitation at the employee's expense; and,
 - c. The determination of a substance abuse professional that the employee has successfully completed the approved rehabilitation; and,
 - d. A waiver of confidentiality to permit communication between the Director of Human Resources, the City Attorney, the Mayor, the employee's department head and supervisor, and rehabilitation service providers, as needed; and,
 - e. The employee's consent to follow-up testing, for a period of not less than twelve (12) months and not to exceed sixty (60) months, at the employee's expense; and,
 - f. An acknowledgment that the employee's failure to successfully complete rehabilitation or follow-up testing may result in the employee's immediate dismissal from employment.
3. The employee's supervisor and department head shall carefully evaluate the status of an employee's position in order to determine whether any rehabilitation activities or requirements may have a potential adverse effect on the employee's ability to perform job duties. Tooele City shall maintain the right to reassign, suspend, or re-classify any employee subject to rehabilitation.
 4. Employees shall be removed from CDL required positions and safety sensitive positions until a substance abuse professional determines that the employee has successfully complied with any required rehabilitation, including follow-up testing.
 5. Time spent in rehabilitation, City-approved or otherwise, is not compensable time, except that an employee undergoing such rehabilitation may use any accrued compensatory-time, annual leave, or sick leave.

DRUG-FREE WORK PLACE

Revised November 2001

SECTION: 17

6. Upon successful completion of rehabilitation, the employee shall be reinstated to work in the employee's pre-testing position. The employee shall be required to continue follow-up rehabilitation recommended by a substance abuse professional on the employee's own time.
7. Any employee who refuses or fails to enroll in, or who fails to complete the City-approved rehabilitation, including follow-up rehabilitation, for any reason shall be dismissed from employment.
8. Any employee, who agrees to rehabilitation and at any time thereafter commits a further violation of this Section, may be immediately dismissed from employment.

M. DISCLAIMER

Nothing in this Section shall be construed as granting to a City employee immunity from disciplinary action under other Tooele City Personnel Policies. Information obtained pursuant to this Section shall not be used for arrest or prosecution for possession or consumption of a controlled substance.