

TOWN OF RICHMOND'S
Drug & Alcohol Testing Policy

Approved on the 19th day of May 2014.

Taylor Yeates, Chair



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Town of Richmond
Drug and Alcohol Testing Policy

Title 21, Chapter 5, Subchapter 11. Drug Testing sets out strict procedures for drug and alcohol testing of applicants and employees. Accordingly, the Town will interpret and follow these procedures as prescribed by law.

Definitions:

Drug A drug listed or classified by the U.S. Drug Enforcement Administration as a Schedule I drug, or its metabolites, and alcohol. It shall also mean other drugs or their metabolites which are likely to cause impairment of the individual on the job, which are: amitriptyline, amphetamines, barbiturates, benzodiazepines, cannabinoids, cocaine, doxepin, glutethimide, hydromorphone, imipramine, meperidine, methadone, methaqualone, opiates, oxycodone, pentazocine, phenytoin, phencyclidine, phenothiazines, and propoxyphene.

Reasonable Suspicion Reasonable suspicion means the employer believes the actions, appearance, or conduct of an employee are indicative of the use of a chemical substance(s), including alcohol. Such beliefs are based on the actions, appearance, odor or conduct of an employee while performing, immediately prior to performing, or immediately after performing his or her job for the Town.

Pursuant to the statutes, the Town will not conduct random drug or alcohol testing unless (1) the testing is required by federal law or regulation, as is the case with CDL drivers, or (2) if there is reasonable suspicion that an employee is under the influence of illegal drugs or alcohol while at work. CDL drivers will follow a manual that has been specifically developed for municipalities that have employees operating commercial motor vehicles (CMV's) and must comply with DOT drug and alcohol testing requirements. (See the Town of Richmond's Drug and Alcohol Policy for CMV Operators adopted on May 19, 2014 and the Town of Richmond's Personnel Guidelines amended on 2/21/2005)

If the Town has reasonable suspicion that the employee is using or is under the influence of illegal drugs or alcohol while on the job, the Town may direct the employee to be tested at a laboratory that is approved by the Department of Health and chosen by the Town as their testing facility. Concentra Burlington is currently the Town's designated testing facility.

Several factors must be met before an employee can be drug and/or alcohol tested for reasonable suspicion:

1. Directing an employee to be tested for reasonable suspicion must be done only by a supervisor, designated individual and/or an agent of the Town who has been

trained to make such determinations. Training will be provided to these individuals by the Town to ensure reasonable suspicion can be determined. Reasonable suspicion arises from direct observation or based on specific, simultaneous and definable observations concerning the appearance, behavior, speech or body odors of the employee.

It should be noted that all of Richmond Police Officers are fully trained to detect reasonable suspicion as part of the certification process and are therefore exempt from having to attend additional training provided to other supervisors, designated individuals or agents of the Town.

2. Once the Town has determined reasonable suspicion, the employee will be taken to the Town's testing facility or to the hospital, if such facility is closed or not accessible. A urinalysis will be conducted. Blood samples can be taken only if the employee agrees to this procedure. Over-the-counter medications and other substances may result in a positive test. Employees testing positive will be given an opportunity to provide evidence from a certified doctor that said over-the-counter medication and/or other substances were medically necessary and/or properly used. All evidence must be provided in writing.
3. The Town must have available an employee assistance program (EAP) that can provide rehabilitation for alcohol or drug abuse for an employee who has tested positive. This program must be provided by the Town or covered by a health insurance policy that the Town provides.
4. If an employee has tested positive, the employee may not be disciplined if the employee agrees to participate in and then successfully completes the EAP; however, the employee may be suspended only for the period of time necessary to complete the program, but in no event longer than three months. The employee may be disciplined if, after completion of an employee assistance program, the employee again tests positive on a drug test that is both administered in compliance with (1) above and administered in accordance with Title 21, chapter 5, subchapter 11, section 514 Administration of tests.
5. If an employee refuses testing or refuses to attend the employee assistance program after a positive test, that employee can be considered to be acting with insubordination and therefore, subject to disciplinary action in accordance with the Town of Richmond's Personnel Guidelines, including termination.