

CITY OF FLAGSTAFF

City Employee Directives

No. 4-013

Title: ALCOHOL AND CONTROLLED SUBSTANCE TESTING POLICY FOR NON-CDL EMPLOYEES

Effective: February 10, 1997

Revision: May 10, 2019

Contact: Office of Human Resources (779-7698)

A. PURPOSE

The purpose of this policy is to deter and detect the use of alcohol and illegal use of controlled substances, to enforce the City's drug-free workplace policy, to ensure a safe working environment for employees, and to ensure that the employees who serve the community are drug and alcohol free. The deterrence and detection of alcohol and drug use are particularly important for public safety employees because they are routinely exposed to drugs and/or firearms, operate large vehicles, and work under hazardous conditions. The impairment of public safety employees can be particularly dangerous because these employees are responsible for ensuring the public's safety and the safety of their co-workers.

B. SCOPE

This policy covers all employees that are not subject to testing under the federal regulations for drug and alcohol testing for Commercial Drivers License (CDL).

C. EMPLOYEES WHO WILL BE SUBJECT TO TESTING

1. Tenured, tenure-eligible, exempt, or temporary employees while on duty performing their regular job duties.
2. Commissioned public safety employees (police officers, evidence technicians, and firefighters including aircraft rescue staff who are members of the Public Safety Personnel Retirement System) will be tested annually, meaning once per fiscal year, because they are routinely exposed to drugs and firearms, operate large vehicles, work under hazardous conditions, and because their performance may be adversely impacted by any impairment as a result of drug or alcohol use. Such impairment may result in an inability to protect the public and/or the safety of coworkers. (Safety sensitive employee)
3. Any person required to have an American Red Cross lifeguard certification as a job qualification or assigned to work in an aquatics position is subject to pre-employment

drug testing within one business day of acceptance of the job offer or assignment as a condition of employment, because lifeguards are assigned duties to monitor public swimming pools, rescue those in danger of drowning, perform cardiopulmonary resuscitation, and because their performance may be adversely impacted by any impairment as a result of drug or alcohol use. Such impairment may result in an inability to protect the public and/or the safety of coworkers. (Safety sensitive employee)

D. SUBSTANCES FOR WHICH EMPLOYEES WILL BE TESTED

1. Controlled substances for purposes of this Policy mean: cocaine, marijuana, opioids, amphetamines, barbiturates, benzodiazepines, methadone, MDA-analogues, phencyclidine (PCP) and chemical derivatives of these substances.
2. Blood Alcohol Concentration (BAC) for reasonable suspicion and post accident circumstances

E. PROHIBITIONS

1. No employee shall report for duty, or remain on duty, when doing so requires the operation of a City vehicle or equipment functions while having a Blood Alcohol Concentration (BAC) of 0.02 or greater.
2. No employee shall be on duty while possessing or consuming alcohol, and no employee shall report to duty within four (4) hours after consuming alcohol.
3. No employee shall be on duty while possessing, using, or while impaired by any controlled substance. In addition, no safety sensitive employee shall be at work with any trace of a controlled substance in his/her system.
4. No employee required to take a post-accident alcohol test shall consume alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
5. No employee shall use medicine containing alcohol or controlled substances while on duty operating a vehicle or equipment unless the medicine is prescribed and taken pursuant to the instructions of a licensed health care provider and either: (i) the employee has been advised by such licensed health care provider that the medicine will not adversely effect the employee’s ability for safe operation, or (ii) the employee has no reason to know (including label warnings, etc.) that such medicine may adversely effect his/her ability for safe operation.

F. CIRCUMSTANCES UNDER WHICH ALCOHOL AND CONTROLLED SUBSTANCE TESTING WILL BE CONDUCTED

1. **Reasonable suspicion** – An employee will be tested when a supervisor has reasonable,

articulable and individualized suspicion that an employee is under the influence of a controlled substances or alcohol while on duty, at any time when reporting to work or during the employee’s shift. Possible grounds upon which a supervisor’s reasonable suspicion may be based include factors such as, but not limited to, slurred speech, red eyes, dilated pupils, incoherence, unsteadiness, smell of alcohol or marijuana emanating from the employee’s body, inability to carry on a rational conversation, increased carelessness, erratic behavior, inability to perform the job, or other unexplained behavioral changes, characteristics, or events. There is a presumption that any employee who has a valid state issued registry identification card authorizing the use of marijuana for medical purposes is using a controlled substance; the employee has the burden of rebutting this presumption. Any factors upon which a supervisor relies in determining reasonable suspicion exists to test an employee shall be clearly set forth in the Reasonable Suspicion Observation Form, Appendix IV. In such circumstances, a trained supervisor may, but is not required to, seek the opinion of at least one additional trained supervisor, if practical, prior to ordering the employee to testing. After a reasonable suspicion controlled substance and blood alcohol concentration (BAC) tests, the employee will be sent home with pay, pending the outcome of the tests.

2. **Post-accident** - After every accident in which an employee is involved while operating a City vehicle or equipment, or, otherwise while on duty, which accident (i) results in a fatality, or (ii) in connection with which the employee receives a moving traffic citation, or (iii) which results in injury to any person that requires immediate medical attention away from the scene of the accident, or (iv) in which one or more motor vehicles incur disabling damage as a result of the accident requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle, testing shall be done as soon as possible following the accident, but in no event more than eight (8) hours following the accident. The test shall include a controlled substance and blood alcohol concentration (BAC). A driver/operator who cannot provide a breath or urine sample within such time period as a result of serious injury sustained in such an accident must subsequently authorize a release to the Workplace Compliance Officer of such medical records that would indicate BAC or the presence of controlled substances in his/her system.
3. **Public Safety Employees** - Commissioned Police Officers and Evidence Technicians because they routinely handle or come into contact with controlled substances and/or dangerous or deadly weapons will be tested annually, which shall mean once per fiscal year. Commissioned Police Officers and Evidence Technicians will be tested randomly within 90 days before or after their anniversary date. Commissioned Fire personnel will be tested once a year within a three-week period. The time for testing shall be established annually by the Fire Chief or designee. Commissioned Fire personnel shall have thirty (30) days advance notice of the three-week testing period. Any public safety employees unable to test during the designated time period because of illness, vacation, or other authorized absence on the testing date must take the test during the first shift upon return to duty.

4. Time spent traveling to and taking tests will be recorded as “time worked.” The City will pay for all testing.

G. CONSEQUENCES OF TESTING REFUSAL

1. Any employee refusing testing required hereunder will be terminated.
2. Behavior that constitutes refusal. An employee will be deemed to have refused testing when he/she:
 - a. Fails to provide adequate breath for testing without a valid medical explanation.
 - b. Fails to provide adequate urine for controlled substances testing without a valid medical explanation.
 - c. Engages in conduct that clearly obstructs the testing process, including, but not limited to, tampering with any sample.
 - d. Fails to arrive at the testing site for a pre-scheduled testing or fails to submit to testing within thirty (30) minutes of being notified to report for any post-accident or reasonable suspicion testing, absent adequate documentation of a medical or similar emergency that prevented submission to testing.

H. CONSEQUENCES OF A POSITIVE BLOOD ALCOHOL CONCENTRATION (BAC)

1. **First Offense** - Test results of 0.02 to 0.04 will result in suspension without pay for one day. For employees whose work week is measured in forty-hour increments, one day of suspension shall mean one single, continuous eight (8) hour shift. For those employees whose work week is measured in fifty-six hour increments, one day of suspension shall mean one single, continuous 11.2 hour shift. Suspensions for a positive test result shall commence on the day on which the positive result is reported to the Compliance Officer or, alternatively, on the employee’s next regularly scheduled day of work, whichever occurs sooner. Test results of 0.05 to 0.07 will require mandatory referral to a certified Substance Abuse Professional, twenty-four (24) hours suspension without pay, measured according to the appropriate shift increment for the subject employee, and may result in termination. Test results of 0.08 or greater will result in immediate termination since this blood alcohol content level is sufficient, pursuant to Arizona Revised Statutes, to presumptively establish that one is “under the influence.”
2. **Second Offense** – Within three (3) years of the first offense, an employee’s test results of 0.02 to 0.04 will result in an immediate three (3) day suspension without pay, starting from the time of the positive test, and will require mandatory referral to a certified Substance Abuse Professional. Test results of 0.05 to 0.07 will require mandatory

referral to a certified Substance Abuse Professional, an immediate four (4) day suspension without pay, and may result in termination. Test results of 0.08 or greater will result in immediate termination since this blood alcohol content level is sufficient, pursuant to Arizona Revised Statutes, to presumptively establish that one is “under the influence.”

3. **Third Offense** – Any offense committed within three (3) years of the first offense in which test results of 0.02 or greater will result in immediate termination.

I. CONSEQUENCES OF A POSITIVE CONTROLLED SUBSTANCE TEST

Any confirmed positive controlled substance test will result in termination, unless the employee has availed him/herself of the prior reporting opportunity described in this Policy.

Nothing in this Policy shall preclude an employee’s right to appeal any adverse determination hereunder in accordance with the City’s personnel regulations.

By: Barbara Goodrich, City Manager

Dated: May 10, 2019

The following appendices outline the detailed implementation guidelines for this Policy.

Appendix I - Responsibilities of the parties (Human Resources Division, Employees, Supervisors)

Appendix II - Testing/collection sites
Confidentiality of testing results

Appendix III - Testing methods and collection procedures

Appendix IV - Reasonable Suspicion Observation Form

**Appendix I
RESPONSIBILITIES OF THE PARTIES**

RESPONSIBILITIES OF INVOLVED PARTIES

1. Human Resources Division

- A. Human Resources will be responsible for coordinating training associated with this Policy.
- B. The City’s Human Resources Director will serve as the Workplace Compliance Officer for purposes of this Policy.

2. Employees

- A. Employees who notify their supervisor, Department Head, or Human Resources that they have a drug or alcohol problem, or believe that they may test positive for drugs or alcohol prior to being directed to submit to a test prescribed under this Policy, will be provided assistance through the City’s Employee Assistance Program and/or any other means of rehabilitation, so long as such notification is made *prior* to the employee’s submission to a drug or alcohol test as required under this Policy. Any employee who avails him/herself of this prior reporting opportunity shall not be terminated for a positive test result.
- B. An employee having grounds to reasonably suspect a co-worker of drug or alcohol use or impairment while on duty shall bring such suspicion to the immediate attention of a supervisor. Failure to do so may result in disciplinary action.
- C. Employees must cooperate with test requests and release of information.
- D. In accordance with the City’s Accident Reporting Policy, employees must immediately notify the police regarding all motor vehicle accidents in which they are involved while driving a City vehicle. Employees must immediately notify their supervisor of any equipment accidents or on-the-job employee injury.
- E. Any employee involved in a motor vehicle accident while driving a City vehicle shall notify a supervisor as soon as practical following such accident. A driver of a City vehicle who leaves the scene of an accident before notifying a supervisor (or, when no phone or radio is available to the driver at the scene, who unduly

delays such notification) may be deemed to have refused to submit to testing. This does not mean that necessary treatment for injured people should be delayed or that a driver cannot leave the scene for the period necessary to obtain necessary assistance.

- F. Employees may not drive themselves to post-accident or reasonable suspicion testing. An employee of whom post-accident or reasonable suspicion testing is required will be driven by a supervisor, or designee.
- G. Any employee found to have a BAC of 0.02 or greater will not be allowed to drive himself/herself home from the testing site. The supervisor may, at his/her discretion, provide for transportation from the testing site, or may require the employee to arrange for such transportation.

3. Supervisors

- A. Any notification by an employee to his/her supervisor that he/she has a drug or alcohol problem prior to being directed to submit to a test will be provided assistance through the Employee Assistance Program and/or any other means of rehabilitation. Similarly, any employee who believes he or she may test positive in a test given pursuant to this Policy will likewise be provided assistance through the Employee Assistance Program and/or any other means of rehabilitation, so long as the employee gives notification *prior to* the administration of the test. Any employee who avails himself/herself of this prior reporting opportunity shall not be terminated for a positive test result. Instead, the employee’s immediate supervisor will facilitate assistance through Human Resources.
- B. Every supervisor (any employee who would normally evaluate other employees) is required to have a minimum of one (1) hour of training in recognizing drug and alcohol use within twelve (12) months of the adoption of this Policy, or of his/her employment by the City, if later.
- C. In order to require testing of an employee for reasonable suspicion of drug or alcohol use, a supervisor must have a reasonable, articulable and individualized suspicion that such employee is under the influence of controlled substances or alcohol while on duty. In such circumstances, a trained supervisor should, but is not required to, seek the opinion of at least one additional trained supervisor, if practical, prior to ordering the employee to testing. If a supervisor has not yet received the training in recognizing drug and alcohol use required by Paragraph

A, he/she *must* seek and obtain the opinion of another trained supervisor before requiring testing hereunder.

1. Grounds for reasonable suspicion include, but are not limited to, such factors as slurred speech, red eyes, dilated pupils, incoherence, unsteadiness, smell of alcohol or marijuana emanating from the employee’s body, inability to carry on a rational conversation, increased carelessness, erratic behavior, inability to perform the job, or other unexplained behavioral changes, characteristics or events set forth in the Reasonable Suspicion Observation Form attached.
2. If such grounds for reasonable suspicion exist, the supervisor(s) shall document these observations immediately in writing, and, if possible, on the Reasonable Suspicion Observation Form attached. Following such documentation, the supervisor(s) shall notify the appropriate department head or designee that an employee is being sent for testing, if possible before the employee is sent for testing, or otherwise as soon as practicable. The supervisor shall then direct the employee to the appropriate testing site. A copy of the supervisor’s report(s) shall be forwarded to the Workplace Compliance Officer within twenty-four (24) hours, and will be provided to the employee upon request.

D. Supervisors shall arrange for the transportation of any employee to and from reasonable suspicion and post-accident testing. An employee of whom reasonable suspicion or post-accident testing is required shall be directed to accompany the supervisor, or designee, to the appropriate testing site (listed below) for a urinalysis and/or breath alcohol test. The supervisor shall inform the employee of the following:

1. The testing is part of his/her job responsibilities and that refusal to take the test, cooperate, or sign the release of information will result in termination.
2. The employee will be sent home with pay until results are received by the City.
3. The employee will be sent home without pay for twenty-four (24) from the time of the positive alcohol test. Further disciplinary action will be as per this Policy.

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4. The City will pay for the testing. Time spent going to and taking the test is counted as time worked.
- E. A supervisor shall require post-accident testing of an employee as required in Section F.2 Post-accident of this Policy. A copy of the supervisor’s report shall be forwarded to his/her department head, the Workplace Compliance Officer within twenty-four (24) hours and will be provided to the employee upon request. The supervisor’s report shall not be disclosed to any other party, unless required by law or City policy. Any City employee receiving a copy of the supervisor’s report shall maintain the confidentiality of the contents of that report, unless otherwise required by law.

APPENDIX II

1. TESTING/COLLECTION SITES AND PROCEDURES

Testing/collection site(s) are as follows:

Concentra Medical Center, Monday through Friday, 8 a.m. to 8 p.m., Saturday and Sunday, 8 a.m. to 4 p.m. Concentra Medical is located at 120 W. Fine Avenue, Flagstaff, AZ 86001.

Testing procedures are as follows:

- A. Employees shall tell the technician that this is a non-DOT collection. Commissioned Fire personnel shall inform the technician that a split sample is to be collected. Regardless of which test collection site the employee uses, the specimen will be sent to Southwest Labs for processing.
- B. The chain of custody form and the urine specimen will go to the following lab:

Southwest Lab
2727 West Baseline Road
Suite 1
Tempe, Arizona 85283

The chain of custody form needs the City of Flagstaff account number and address written in the employer section and the employer copy must be mailed to:

(9504N) City of Flagstaff
ATTN: Work Place Compliance Officer
211 West Aspen Avenue
Flagstaff, AZ 86001

- C. Procedures for after-hours are as follows:

Go to Flagstaff Medical Center’s Emergency Room. Register as an outpatient and put the City of Flagstaff as Guarantor. Tell emergency personnel this is for a drug a screen and alcohol testing and you need to go to the Lab. It is in the same building and is open 24 hours a day. Commissioned Fire personnel should advise the technician to collect a split-sample.

2. CONFIDENTIALITY OF TESTING RESULTS

Release of controlled substances and alcohol tests will be governed by the following rules:

- A. Testing results shall be placed in the workplace compliance file and will be kept confidential, except as otherwise provided herein. Such results will not be placed in the employee’s 201 file, any department files, or reported to any other agency, except as specifically required by law.
- B. Employees are entitled, upon written request, to obtain copies of any records pertaining to their use of alcohol or controlled substances, including any records pertaining to any testing conducted pursuant to this Policy. Human Resources shall promptly provide such records requested by an employee.
- C. Except as otherwise provided herein, test results and/or records made or maintained hereunder shall be made available to a third party only upon receipt of a signed, written request from the employee to whom they pertain, unless otherwise compelled by law.
- D. The City may disclose test results and/or records made or maintained hereunder to the employee to whom they pertain. Disclosure may also be made to the decision-maker in a lawsuit, grievance, or any other administrative proceeding initiated by or on behalf of such employee, and arising from the results of an alcohol and/or controlled substance test administered under this Policy, or from the City’s determination that the employee engaged in conduct prohibited by this Policy (including, but not limited to seeking unemployment compensation, or engaging in any other proceeding relating to termination or a benefit sought by such employee). In any of these instances, the employee will be treated as having waived his/her right to confidentiality of any records and/or test results by putting such records or result in issue.

**APPENDIX III
TESTING METHODS AND COLLECTION PROCEDURES**

TESTING METHODS AND COLLECTION PROCEDURES

I. Controlled Substances

The screening will utilize the Enzyme Immunoassay Test (EMIT). Initial positive drug screens will initiate a confirmation test. A confirmation test for controlled substances means a second analytical procedure to identify the presence of a specific drug or metabolite, which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry (GC/MS) is the secondary technique that will be used. Urine samples will be collected and recorded in accordance with procedures outlined in 49 Code of Federal Regulations, Part 40. Urine samples will be processed in accordance with chain of custody procedures within this title.

A. Reporting and Review of Results

1. The Medical Review Officer (MRO) shall be a licensed physician (medical doctor or doctor of osteopathy) with knowledge of substance abuse disorders and appropriate training in interpretation and evaluation of drug and alcohol test results in conjunction with a subject’s medical history and other relevant biomedical information.
2. The role of the MRO is to review and interpret confirmed positive test results obtained through the City’s testing program. In carrying out this responsibility, the MRO shall examine alternative medical explanations for any positive test result. This action shall include conducting a medical interview with the individual employee, unless the MRO is unable to make contact with the employee (as described in sections 3a. and 3b. below) and may include review of the individual’s medical history, as well as review of any other relevant biomedical factor(s). The MRO’s review shall include review of the chain of custody to ensure that it is complete and sufficient on its face. The MRO will only report test results in a manner consistent with this Policy. In the event of a confirmed positive test result, no information shall be given to the employer other than the type of substance for which the employee tested positively. No information regarding the amount of that substance (or substances) contained in the employee’s urine shall be given.

3. Prior to making a final decision to verify a positive test result for an individual, the MRO shall give the individual an opportunity to discuss the test result with them. The MRO shall contact the individual directly, on a confidential basis, to determine whether the employee wishes to discuss the test result.

Upon an initial positive test, the employee will be sent home as soon as the City is notified by the MRO. Should the test be later determined negative, the employee will be paid for any work time.

- a. If, after making all reasonable efforts and documenting them the MRO is unable to reach the individual directly, the MRO shall contact a designated City management official who shall direct the individual to contact the MRO as soon as possible. If, after making all reasonable efforts the designated management official (Human Resources Manager or designee) is unable to contact the employee, the City may place the employee on temporary medically-unqualified status or medical leave without pay.
 - b. The MRO may verify a test as positive without having communicated directly with the employee about the test in two circumstances:
 - i. The employee expressly declines the opportunity to discuss the test; or
 - ii. The designated employer representative has successfully made and documented a contact with the employee and instructed the employee to contact the MRO and more than five (5) days have passed since the date the employee was successfully contacted by the designated employer representative.
4. Following verification of a positive test result, the MRO will refer the case to the City’s management official empowered to recommend or take administrative action. The MRO shall only report a positive test result to the City’s Compliance Officer, and/or the Compliance Officer’s designee, by phone. In all instances of a positive result a signed, written notification

must be forwarded within three (3) business days of completion of the MRO review. The MRO shall report to the City clearly:

- a. That the controlled substances test being reported was detected in accordance with this Policy;
- b. The name of the individual for whom the test results are being reported;
- c. The type of test indicated on the custody and control form (i.e., annual, post-accident, etc.).
- d. The date and location of the test;
- e. The identities of the persons or entities performing the collection, analysis of the specimens and serving as the Medical Review Officer (MRO) for the specific test; and
- f. The verified results of a controlled substance(s) test, either positive or negative, and if positive, the identity of the controlled substance(s) for which the test was verified positive.

2. Alcohol

Blood Alcohol Concentration (BAC) testing will be done by an Evidential Breath Testing Device (EBT) approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA’s Conforming Products List (CPL) of Evidential Breath Measurement Devices. BAC breath testing shall be administered by a Breath Alcohol Technician (BAT), an individual trained in alcohol testing procedures and the operation of an EBT, which meets or exceeds the guidelines outlined in 49 Code of Federal Regulations, Part 40.51 of DOT regulations.

A. Procedures for Screening Tests

1. When the employee enters the alcohol testing location, the BAT will require him/her to provide positive identification (e.g., through use of a photo I.D. card or identification by an employer representative).
2. The BAT shall explain the testing procedure to the employee.

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3. The BAT shall complete Step 1 on the Breath Alcohol Testing Form. The employee shall then complete Step 2 on the form, signing the certification. Refusal by the employee to sign this certification shall be regarded as a refusal to take the test.
4. An individually sealed mouthpiece shall be opened in view of the employee and BAT and attached to the Evidence Breath Testing (EBT) in accordance with the manufacturer’s instructions.
5. The BAT shall instruct the employee to blow forcefully into the mouthpiece until the Evidential Breath Testing Device (EBT) indicates that an adequate amount of breath has been obtained to enable the BAT to collect a valid sample.
6. In any case in which the result of the screening test is a breath alcohol concentration of less than 0.02, the BAT shall date the form and sign the certification in Step 3 of the form. The employee shall sign the certification and fill in the date in Step 4 of the form.
7. If the employee does not sign the certification in Step 4 of the form or does not initial the log book entry for a test, it shall not be considered a refusal to be tested. In this event, the BAT shall note the employee’s failure to sign or initial in the “Remarks” section of the form.
8. If a test result printed by the EBT does not match the displayed result, the Breath Alcohol Technician (BAT) shall note the disparity in the “Remarks” section. Both the employee and the BAT shall initial or sign the notation. In accordance with Department of Transportation 49 Code of Federal Regulations Part 40.79, the test is invalid and the employer and employee shall be so advised.
9. If test results are 0.02 or greater, the BAT shall transmit the results to the employer in a confidential manner, and the employer shall receive and store the information so as to ensure that confidentiality is maintained.
10. If the result of the screening test is an alcohol concentration of 0.02 or greater, an additional Blood Alcohol Concentration test will be performed as a confirmation test as provided in 49 Code of Federal Regulations, Part 40.65.

11. If the confirmation test will be conducted by a different BAT, the BAT who conducts the screening test shall complete and sign the form and log book.
12. All Breath Alcohol Testing shall be conducted in a location which affords visual and audible privacy to the individual being tested sufficient to prevent unauthorized persons from seeing or hearing the results.
13. Unauthorized persons shall not be permitted access to the testing location when the EBT remains unsecured or, in order to prevent such persons from seeing or hearing a testing result, at any time when testing is being conducted.
14. In unusual circumstances (e.g., when it is essential to conduct a test outdoors at the scene of an accident), a test may be conducted at a location that does not fully meet the requirements of Paragraph A of this section. In such a case, the employer or BAT shall provide visual and aural privacy to the employee to the greatest extent practicable.
15. Under the following unusual circumstances, a blood test for blood alcohol levels may be used: (1) when an evidential breath testing device is not available; or (2) upon the determination of a physician that a medical condition has, or with a high degree of probability could have, precluded the employee from having an adequate amount of breath to provide a testable breath sample. As it relates to this section, the term “medical condition” includes, for instance, injuries sustained in an accident. In the event a physician determines blood testing is appropriate, he or she shall provide the City with a written statement of the basis for that conclusion.

B. Confirmation Test Procedures

- a. The BAT shall instruct the employee not to eat, drink, put any object or substance in their mouth, and to the extent possible, not belch or vomit during a waiting period before the confirmation test. This time period begins with the completion of the screening test and shall not be less than fifteen (15) minutes. The confirmation test shall be conducted within twenty (20) minutes of the completion of the screening test. The BAT shall explain to the employee the reason for this requirement (i.e., to prevent any accumulation of mouth alcohol from leading to an artificially high reading) and the fact that it is for the employee’s benefit. The BAT shall also explain that the test will be conducted at the end of the waiting period, even if the

employee has disregarded the instruction. If the BAT becomes aware that the employee has not complied with this instruction, the BAT shall so note in the “Remarks” section of the form.

- b. Before the confirmation test is administered for each employee, the BAT shall ensure that the EBT registers 0.00 on the air blank.
- c. Testing as outlined under “Procedures for Screening Tests,” as defined in this Appendix, will be conducted in the event that the screening and confirmation test results are not identical. In the event a confirmation test is required, the result of that test is deemed to be the final result upon which any action under operating administration rules shall be based.
- d. Following the completion of the test, the BAT shall date the form and sign the certification in Step 3 of the form. The employee shall sign the certification and fill in the date in Step 4 of the form.

APPENDIX IV

**REASONABLE SUSPICION OBSERVATION FORM
(STRICTLY CONFIDENTIAL)**

EMPLOYEE NAME:

DATE/TIME OF INCIDENT:

SUPERVISOR #1 NAME:

SUPERVISOR #2 NAME:

This checklist is to be completed when an incident has occurred which provides reasonable suspicion that an employee may be under the influence of a prohibited drug substance or alcohol. Supervisor(s) note all pertinent behavior and physical signs or symptoms which lead you to reasonably believe that the employee has recently used or is under the influence of a prohibited substance and/or alcohol. Mark each applicable item on this form and any additional facts or circumstances which you have noted.

A. NATURE OF THE INCIDENT/CAUSE FOR SUSPICION

- 1. Observed/reported possession or use of a prohibited substance
- 2. Apparent drug or alcohol intoxication
- 3. Observed abnormal or erratic behavior
- 4. Arrest or conviction for drug-related offense
- 5. Evidence of tampering on a previous drug test
- 6. Other (e.g., flagrant violation of safety regulations, serious misconduct, fighting or argumentative/abusive language, refusal of supervisor instruction, unauthorized absence on the job) (please specify)

B. UNUSUAL BEHAVIOR

- 1. Verbal abusiveness
 - 2. Physical abusiveness

 - 3. Extreme aggressiveness or agitation
 - 4. Withdrawal, depression, mood changes, or unresponsiveness
 - 5. Inappropriate verbal response to questioning or instructions
 - 6. Other erratic or inappropriate behavior (e.g., hallucinations, disorientation, excessive euphoria, confusion) (please specify)
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**REASONABLE SUSPICION OBSERVATION FORM
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C. PHYSICAL SIGNS OR SYMPTOMS

- 1. Possessing, dispensing, or using controlled substances
- 2. Slurred or incoherent speech
- 3. Unsteady gait or other loss of physical control; poor coordination
- 4. Dilated or constricted pupils or unusual eye movement
- 5. Bloodshot or water eyes
- 6. Extreme fatigue or sleeping on the job
- 7. Excessive sweating or clamminess to the skin
- 8. Flushed or very pale face
- 9. Highly excited or nervous
- 10. Nausea or vomiting
- 11. Odor of alcohol
- 12. Odor of marijuana
- 13. Dry mouth (frequent swallowing/lip wetting)
- 14. Dizziness or fainting
- 15. Shaking hands or body tremors/twitching
- 16. Irregular or difficult breathing
- 17. Runny sores or sores around nostrils
- 18. Inappropriate wearing of sunglasses
- 19. Puncture marks or “tracks”

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- 20. Possession of a valid state registry i.d. card for medical marijuana
- Other (please specify)

D. WRITTEN SUMMARY

Please summarize the facts and circumstances of the incident, employee response, supervisor actions, and any other pertinent information not previously noted. Please note the date, times, and location of reasonable cause testing or note if employee refused test. Attach additional sheets as needed.
