

SH 600 Responsibilities of Employees

SH 671 Fleet Safety-Drug and Alcohol Testing

Draft 12/17

Purpose

The Metropolitan Library System ("Library System") is committed to providing a safe working environment that protects our employees and the citizens of the communities we serve. The purpose of the Fleet Safety-Drug and Alcohol Testing policy is to promote a heightened level of safety awareness and responsible driving behavior entrusted to those operating Library System owned vehicles.

Policy

The Library System is committed to providing its employees with a safe workplace and an atmosphere which allows them to protect property and other assets placed in their care. Employees are expected to be in a suitable mental and physical condition while at work, allowing them to perform their jobs effectively and safely.

Whenever use or abuse of any mood altering substance (such as alcohol or other drugs) interferes with a safe workplace, appropriate action must be taken. The Library System has no desire to intrude into its employees' personal lives. However, both on-the-job and off-the-job involvement with any mood altering substances can have an impact on the workplace, the Library System's interests and reputation, and on the Library System's ability to achieve its objectives of safety and security. Employees are expected to report to the Library System's premises, work sites, vehicles, or locations with no substances in their body that can impair cognitive, psychological or physical capacities. Further, the possession, sale, dispensing or use of such substances at work, or coming to work under the influence of such substances will be a violation of safe work practices and may result in disciplinary action, including possible termination of employment.

All employees are prohibited from the unlawful use, sale, dispensing, distribution, possession, or manufacture of illegal drugs or alcoholic beverages on the Library System's premises, work sites, vehicles, or locations. In addition, employees are prohibited from the off-premises use of alcohol and possession, use, or sale of illegal drugs, when such activities adversely affect job performance, job safety, or the Library System's reputation. All employees will be subject to disciplinary action, up to and including termination of employment, for violations of this Policy.

Any employee who is charged and/or convicted under any federal or state criminal drug and/or alcohol statute must notify their supervisor or Human Resources within five (5) days of the charge and/or conviction and may receive some form of disciplinary action, up to and including termination of employment.

The proper use of controlled medications or over-the-counter drugs as part of a prescribed medical treatment program of the individual does not constitute, by that fact

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alone, a violation of this Policy. Such use may provide a basis for reassignment, a leave of absence or dismissal because of medical reasons. Therefore, an employee undergoing prescribed medical treatment with a controlled medication that could impair his/her physical, mental or emotional capacity must immediately (1) discuss the matter with his or her physician in order to assess potential risks, and (2) if the medication poses a risk to safety, must report the use of the medication to Human Resources. Failure to disclose the use of controlled medications in such a circumstance may result in disciplinary action, up to and including termination of employment.

The Library System may also search Employer owned property or premises used by the employees, as well as the personal effects of employees (to include clothing, vehicles, containers, tool boxes, lunch pails, lockers and the like) present on the Library System's property. The Library System may take into custody any illegal, unauthorized or prohibited items and may turn them over to the proper law enforcement agencies. Refusal to allow a search or interference with a search may result in disciplinary action, up to and including termination of employment.

Individuals Subject to Drug or Alcohol Testing

All employees and applicants who have received a conditional offer of employment and who also are required to drive a Library System owned vehicle as a condition of employment are subject to drug or alcohol testing.

Circumstances for Testing

The circumstances under which the Library System may request or require drug or alcohol testing are:

1. Applicant Testing: Applicants who have received a conditional offer of employment will be required to submit to drug and/or alcohol testing. A positive test or a refusal to undergo testing may result in a refusal to hire.
2. For-Cause Testing: Any time the Library System reasonably believes an individual is under the influence of drugs or alcohol, the Library System may require a drug or alcohol test. Circumstances causing the Library System to require testing of an individual may include, but are not limited to:
 - a. Drugs or alcohol on or about the individual's person or an individual's vicinity;
 - b. Conduct on the individual's part that suggests impairment or influence of drugs or alcohol;
 - c. A report of drug or alcohol use while at work or on duty;
 - d. Information that an individual has tampered with drug or alcohol testing at any time;
 - e. Negative performance patterns; or
 - f. Excessive or unexplained absenteeism or tardiness.

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3. Post-Accident Testing: If an employee's conduct could have contributed to an accident while at work which results in an injury to the employee or another person or damage to property, including damage to equipment, the employee may be required to undergo drug and or alcohol testing. If the Library System conducts a post-accident test, the Library System will require employees whose conduct could have contributed to the accident to undergo a drug or alcohol test, whether or not they reported an injury.
4. Random Testing: The Library System may require an individual or all members of a classification or group to undergo drug or alcohol testing at random and may limit its random testing to particular employment classifications or groups.
5. Scheduled Periodic Testing: The Library System may require individuals to undergo drug or alcohol testing if the testing is conducted as a part of a routinely scheduled fitness for duty medical examination or is scheduled routinely as part of the Library System's written policy.
6. Post-Rehabilitation Testing: In those instances in which the Library System offers or requires an employee the opportunity to successfully complete a drug and/or alcohol rehabilitation program in lieu of termination of employment or following a positive test that did not result in termination, the employee may be required to undergo drug or alcohol testing for a period of up to two (2) years commencing with the employee's return to work.
7. Transfer/Reassignment: If an employee transfers to a new position or job, or if an employee is reassigned to a different position or job.
8. Return From Leave: In an employee returns to duty from a leave of absence.

Substances Which May Be Tested

Under this Procedure, the Library System shall test for drugs and alcohol.

Testing Methods and Collection Procedures

1. Samples shall be collected and tested only by individuals deemed qualified by the State Department of Health and may be collected on the premises of the Library System;
2. Only samples deemed appropriate by the State Department of Health for drug and alcohol testing shall be collected;
3. The collection of samples shall be performed under reasonable and sanitary conditions;
4. A sample shall be collected in sufficient quantity for splitting into two separate specimens, pursuant to rules of the State Board of Health, to provide for any subsequent independent analysis in the event of challenge of the test results of the main specimen;
5. Samples shall be collected and tested with due regard to the privacy of the individual being tested. In the instances of urinalysis, no Library System representative, agent or designee shall directly observe an applicant or employee

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in the process of producing a urine sample; provided, however, collection shall be in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples;

6. Sample collection shall be documented, and the documentation procedures shall include:
 - a. labeling of samples so as reasonably to preclude the probability of erroneous identification of test results, and
 - b. an opportunity for the applicant or employee to provide notification of any information which the applicant or employee considers relevant to the test, including identification of currently or recently used prescription or nonprescription drugs, or other relevant information;
7. Sample collection, storage, and transportation to the testing facility shall be performed so as reasonably to preclude the probability of sample contamination or adulteration;
8. Sample testing shall conform to scientifically accepted analytical methods and procedures. Testing shall include confirmation of any positive test result by gas chromatography, gas chromatography-mass spectroscopy, or an equivalent scientifically accepted method of equal or greater accuracy as approved by Board rule, at the cutoff levels as determined by Board rule, before the result of any test may be used as a basis for refusal to hire a job applicant or any action by the Library System pursuant to 40 O.S. § 562 of the Oklahoma Standards for Workplace Drug Testing Act; and
9. A written record of the chain of custody of the sample shall be maintained from the time of the collection of the sample until the sample is no longer required.
10. The Library System will use testing services and facilities which have been licensed by the State Department of Health to test for the presence of or abuse of drugs or alcohol.

Consequences for Violating the Testing Policy

1. Refusal to be Tested: Any individual who refuses to submit to the Library System's request for drug and/or alcohol testing, or refuses to complete the required forms will be subject to termination of employment, or will not be eligible for employment, as the case may be. Interfering with and/or failing to cooperate with the testing process will be treated as refusal to be tested.
2. Adulteration, Tampering or Manipulation of Samples: The actual or attempted tampering, adulteration and/or manipulation of drug and alcohol testing samples is prohibited. Any individual who attempts to alter, tamper or manipulate any testing samples will be subject to termination of employment, or will not be eligible for employment, as the case may be.

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3. Personnel Action Which May Be Taken as a Result of Policy Violation or a Positive Test Result:

- a. Any individual who violates the Drug and Alcohol Testing Policy regarding consumption, use, transfer, solicitation or sale of illegal drugs, illegal possession or inappropriate or moderate use of alcohol, or the abuse of prescription or over-the-counter drugs will be subject to disciplinary action, up to and including termination of employment.
- b. Any employee who tests positive will be subject to discipline up to and including termination. However, the Library System may, in its sole discretion, suspend disciplinary action or impose discipline less than termination, on the condition that the employee successfully completes a program of rehabilitation or treatment satisfactory to the Library System. An employee who refuses such an opportunity or who has been afforded this opportunity, but who does not successfully complete their rehabilitation or treatment of the program will be subject to termination from employment.

Confidential Explanation by Individual

Any individual who receives a positive drug test result or has otherwise violated the Drug and Alcohol Testing Policy will be given an opportunity to offer an explanation, in confidence, to a representative of the Library System.

Records

Records of all drug and alcohol test results and related information are the property of the Library System. However, upon written request, those test results and related information will be made available for inspection and copying to the individual tested. The drug and alcohol test results and related information will be treated as confidential and will be maintained separate from other personnel records. Testing records may be provided to the Library System employees, agents or representatives who need access to such records in the administration of the Standards for Workplace Drug and Alcohol Testing Act.

The employee grants permission to the Library System to release testing records and/or results for purposes of unemployment, Workers' Compensation and other employment-related legal actions. Additionally, testing records are admissible as evidence in a case or proceeding before a court of record or administrative agency if either the Library System or the individual tested are named parties in the case or proceeding. Further, testing records shall be released in order to comply with a valid judicial or administrative order.

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The testing facility, or any agent, representative or designee of the facility, or any review officer, will not disclose to the Library System, based on the analysis of a sample collected from an individual under the Drug and Alcohol Testing Policy, any information relating to the general health, pregnancy or other physical or mental condition of the individual. The testing facility will release the results of the drug or alcohol test, and any analysis and information related thereto, to the individual testing upon request.

Appeal Procedures

Within 24 hours of receiving notice of a positive test, an individual may request a subsequent confirmation test of a sample. The individual shall pay all costs of the subsequent confirmation test, unless the subsequent confirmation test reverses the findings of the challenged positive test. In those cases where the confirmed test reverses the initial findings, the Library System will reimburse the individual for the cost of the subsequent confirmation test.

An individual who is aggrieved by an alleged violation of the Oklahoma Standards for Workplace Drug and Alcohol Testing Act may file a civil action within one year of the alleged willful violation.

Changes to this Policy

Any part of this Policy can be changed by the System with ten (10) days written notice.