

**City of Lincoln
Fire & Rescue
And
Lincoln Firefighters Association (IAFF) Local 644**

DRUG & ALCOHOL TESTING PROGRAM AND POLICY

Effective: September 1, 2008

**Program Manager: Patricia Kant, Personnel Coordinator
Designated Employer Representative (DER): Douglas Thorpe, Employment Technician**

**Third Party Administrator & M.R.O.: Western Pathology Consultants
Scottsbluff, NE 69363
Phone: 1-800-682-5176**

INDEX

RESOLUTION

A.	DRUG & ALCOHOL TESTING PROGRAM AND POLICY STATEMENT	1
B.	POLICY ON DRUGS & ALCOHOL	3
C.	DRUG & ALCOHOL TESTING PROCEDURES	4
D.	MEDICAL REVIEW OFFICER	8
E.	PRE-EMPLOYMENT	10
F.	RANDOM	11
G.	REASONABLE SUSPICION/CAUSE	13
H.	RETURN TO DUTY	15
I.	FOLLOW-UP	16
J.	EMPLOYEE RESPONSIBILITIES	17
K.	RESULT OF DRUG & ALCOHOL TEST	18
L.	EDUCATION & TRAINING	21
M.	CONFIDENTIALITY	22
N.	EMPLOYEE ASSISTANCE/BENEFITS PROGRAM	23
O.	INVESTIGATIONS OR SEARCHES	23
P.	DEFINITIONS	23
APPENDIX I	- LIST OF COVERED POSITIONS	27
APPENDIX II	- LIST OF SUPERVISORS	29
APPENDIX III	- FACT SHEETS	31
APPENDIX IV	- PROGRAM RESOURCES	39
APPENDIX V	- FORMS	41
APPENDIX VI	- AGREEMENT	48

City of Lincoln – Fire & Rescue

A. DRUG & ALCOHOL TESTING PROGRAM AND POLICY STATEMENT

The illegal use of drugs is a national problem that seriously affects every American. Drug abuse not only affects individual users and their families, but also presents new dangers for the workplace. Practical experience and research have proven even small quantities of narcotics, abused prescription drugs, or alcohol can impair judgment and reflexes. Though not readily apparent, this impairment can have serious and costly results, particularly for employees operating vehicles or potentially dangerous equipment, or for employees who are making important decisions, or handling sensitive information or valuables.

City of Lincoln, Fire & Rescue is committed to providing a safe work environment and to fostering the well being and health of its employees and the general public. That commitment is jeopardized when any City of Lincoln, Fire & Rescue employee illegally uses drugs, abuses prescription drugs, or uses alcohol on the job; comes to work under the influence; or possesses, distributes, or sells drugs in the workplace. For these reasons the City of Lincoln has decided to implement an City of Lincoln Fire & Rescue Drug & Alcohol Testing Program and Policy. Adherence with this policy is a condition of employment at City of Lincoln, NE, and all Fire & Rescue employees, and final applicants, will be required to execute the applicable consent forms. An employee whose conduct violates this policy will be subject to discipline, up to and including termination.

The City also intends to comply with the applicable requirements of the Drug-Free Workplace Act of 1988, the Americans With Disabilities Act and the Family and Medical Leave Act.

For purposes of this Policy and the City of Lincoln Fire & Rescue drug & alcohol testing program a list of positions of the above mentioned is provided in Appendix I

Prohibited Drugs includes the following: Amphetamines, Cocaine, Cannabinoids, Opiates, Phencyclidine (PCP) in conformity with the schedule of controlled substances referred to in the Nebraska Uniform Controlled Substances Act. As well as any drug not approved for medical use by the U. S. Drug Enforcement Administration or the U. S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, as which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy.

Beginning sixty (60) days after September 1, 2008, as a means of maintaining our drug & alcohol policy, we will implement active employee substance screening or testing as further described in this drug & alcohol testing program and policy. Any existing policy or practices of City of Lincoln, NE remain effective until implementation of this new Policy Statement. Pre-employment screening or testing is to begin immediately. Copies of this Policy Statement will be available to all employees and applicants for inspection. All announcements for job positions to be filled will include notice of the testing policy, and copies of the Policy Statement will be kept in the office of the Designated Employer Representative for City of Lincoln, NE and made available during regular business hours for review by all prospective job applicants or current employees. Continuing notice of this policy is posted in the office of the Designated Employer Representative.

City of Lincoln, NE has developed its drug-free workplace policy in substantial compliance with Neb. Rev. Stat. §§ 48-1901 to 1910, et seq., with three basic objectives in mind:

1. Employees deserve a work environment that is free from the effects of drugs and the problems associated with their use;
2. City of Lincoln, NE has a responsibility to maintain a healthy and safe workplace; and
3. Reduce risk of property damage or injury to the general public, co-workers or employees.

Workers' Compensation

Under Nebraska Law, Section 48-127 and 48-102, et seq., of the Neb. Rev. Stat., **workers who are injured at the workplace or in the course of employment may be tested for drugs and alcohol and, if verified positive, may not be paid benefits under the Nebraska Workers' Compensation Law if the injury is a result of an accident caused by drug and/or alcohol intoxication.** The statutes read:

48-127 – If the employee is injured by reason of his or her intentional willful negligence, or by reason of being in a state of intoxication, neither he or she nor his or her beneficiaries shall receive any compensation under the Nebraska Workers' Compensation Act.

48-102 – In all cases brought under sections 48-101 to 48-108, it shall not be a defense (a) that the employee was negligent, unless it shall also appear that such negligence was willful, or that the employee was in a state of intoxication; . . .

A verified positive drug or alcohol test conducted and evaluated pursuant to 49 CFR Part 40 of the Department of Transportation (DOT) Regulations shall be conclusive evidence of intoxication and willful misconduct so as to disqualify an employee from workers' compensation benefits.

Unemployment Compensation

Under Nebraska Law Section 48-628 of the Neb. Rev. Stat., Unemployment Compensation, provides that **no unemployment compensation will be paid to an employee dismissed after testing positive for drugs or alcohol, refusing to submit to a test for drugs or alcohol, or knowingly altering or adulterating any test sample.** Section 25-48-628(2) reads in part:

48-628 – An individual shall be disqualified for benefits:
. . .being under the influence of any intoxicating beverage or being under the influence of any controlled substance listed in section 28-405 not prescribed by a physician licensed to practice medicine or surgery when the individual is so under the influence on the worksite or while engaged in work for the employer; . . .

A verified positive drug or alcohol test conducted and evaluated pursuant to 49 CFR Part 40 of the Department of Transportation (DOT) Regulations shall be conclusive evidence of intoxication and willful misconduct so as to disqualify an employee from unemployment compensation benefits.

City of Lincoln, NE asks that every Fire & Rescue employee work together to make City of Lincoln, NE Fire & Rescue a drug free workplace, as well as a safe and rewarding place to work.

To further its objectives, City of Lincoln, NE announces the following policy:

B. CITY OF LINCOLN, NE'S POLICY ON DRUGS AND ALCOHOL

1. The use of alcohol or any illegal drugs, including narcotics or hallucinogenic drugs, marijuana, or other non-prescribed controlled substances is **prohibited** during work hours or while on City of Lincoln, NE property or work-site. That includes their use, possession, distribution, sale, purchase, trade, manufacture, offer for sale, offer to buy, or make arrangements to distribute, or reporting to work under the influence of, intoxicants or illegal drugs (including narcotic or hallucinogenic drugs, marijuana or other non-prescribed controlled substances). That also includes any equipment, products, and materials which are used, intended for use, or designed for use with non-prescribed controlled substances, while on City of Lincoln, NE's property, worksite or during work hours.

2. Reporting to or being at work where the presence of intoxicants, non-prescribed narcotics, hallucinogenic drugs, marijuana, alcohol or other non-prescribed controlled substances in blood or urine exceeds statutory limits **is prohibited**.

3. Reporting to or being at work where the presence of prescribed or over-the-counter narcotics or drugs exceeds statutory limits in blood or urine, or the use of prescribed or over-the-counter narcotics or drugs where, in the opinion of City of Lincoln, NE, such use prevents the employee from performing his or her job or poses a risk to the safety of the employee, other persons, the general public or property, **is prohibited**.

Any employee taking a prescribed or over-the-counter narcotic or drug must advise his or her supervisor of its use **if disclosure would be required by job-relatedness and consistent with business necessity**. Such prescriptions brought to work should remain in the original labeled container and show both the prescribing doctor's name and the prescription's expiration date. An employee using such prescribed or over-the counter substances may remain on his or her job or may be required to take a leave of absence or other appropriate action as determined by supervision based upon **job-relatedness and consistent with business necessity**. An employee or job applicant shall be allowed to provide confidential notice to the Medical Review Officer (MRO) of currently or recently used prescription or nonprescription drugs. Such information shall be placed in writing upon the employee's personal copy of the lab's drug testing records form as a reference should the MRO contact the employee.

Recent studies indicate that ingestion of hemp seed oil and hemp food products can result in a positive test for marijuana. Accordingly, ingestion of such products is prohibited and will not be accepted by the MRO as an excuse for a positive marijuana test.

4. Firefighters subject to recall or call back are prohibited from using alcohol for the specific recall or call back hours of that employee. City of Lincoln, NE will provide an opportunity for each such on-call employee to acknowledge the use of alcohol at the time he/she is called to report for duty, and it is the employee's responsibility to inform his/her supervisor at the earliest possible time of any potential impairment from alcohol with no consequence.

5. Adherence to City of Lincoln, NE's policy on drugs and alcohol is a condition of employment for all employees. All employees will be required to sign the applicable acknowledgment form and to consent to this policy.

6. Employees must notify City of Lincoln, NE of any conviction on drug-related charges within five (5) working days of such conviction in conformity with the Drug Free Workplace Act of 1988.

7. Violations of this policy, including (but not limited to) a positive confirmed laboratory test result for drugs; refusal to sign a consent or chain of custody form; refusal to submit to or cooperate with a substance screening by urine or breath as required in this policy; knowingly submitting an adulterated, diluted, or otherwise altered urine specimen; or submitting a specimen from another person, are subject to disciplinary action by City of Lincoln, NE, up to and including **termination and in accordance with Nebraska law, may subject the offender to a Class I misdemeanor conviction in the case of a substituted, adulterated or tampered with specimen.**

8. In all cases, one previous dilute will trigger that the employee's supervisor accompany the employee to the testing site for all future tests. The supervisor is to make sure the employee does not drink large amounts of liquids before the drug collection and can be observed by the supervisor at all times until the employee enters the collection site.

C. DRUG AND ALCOHOL TESTING PROCEDURES

Upon notification that a drug and/or alcohol test is required, an employee will report immediately to the collection site. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a NON-DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a DHHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.

The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. The levels are as follows:

All cutoff concentrations are expressed in nanograms per milliliter (ng/mL). The table follows:

Type of Drug or Metabolite	Initial Test	Confirmation Test
Marijuana metabolites (I) Delta-9-tetrahydrocannabinol-9-carboxylic acid (THC)	50	15
(2) Cocaine metabolites (Benzoylecgonine)	300	150
(3) Phencyclidine (PCP)	25	25
(4) Amphetamines (I) Amphetamine (ii) Methamphetamine	1000	500 500 (Specimen must also contain amphetamine at a concentration of greater than or equal to 200 ng/mL.
(5) Opiate metabolites (I) Codeine (ii) Morphine (iii) 6-acetylmorphine	2000	2000 2000 10 Test for 6-AM in the specimen. Conduct this test only when specimen contains morphine at a concentration greater than or equal to 2000 ng/mL.

(b) On an initial drug test, you must report a result below the cutoff concentration as negative. If the result is at or above the cutoff concentration, you must conduct a confirmation test.

(c) On a confirmation drug test, you must report a result below the cutoff concentration as negative and a result at or above the cutoff concentration as confirmed positive.

(d) You must report quantitative values for morphine or codeine at 15,000 ng/mL or above.

The collection site will provide:

- An enclosure for urinating in private.
- A toilet or receptacle large enough to contain a complete void.
- A source for washing hands.
- A suitable surface for writing.

A Non-Regulated drug testing custody and control form will be used for collection and a split sample taken.

The collection site will be secure to prevent unauthorized access during the collection process. The specimen will be kept in sight of the donor and collection site person until sealed and ready for shipment. Employees are required to have individual privacy when providing a specimen except when:

- a. The employee presents a specimen that is outside the accepted temperature range.
- b. The collector observes the employee attempting to adulterate or substitute the specimen or detects an obvious smell, color, or any obvious form of adulteration.
- c. The employee previously had a verified positive.

Specific procedures will be followed during collection of the specimen, including:

- a. Positive ID of the donor.
- b. Removal of outer garments only (coat jackets) - employees will not be required to undress or wear a hospital or other examination gown.
- c. Wash hands prior to collection of specimen.
- d. Water sources in the collection site enclosure must be secured.
- e. Bluing agent must be added to the toilet tank and bowl.
- f. Select, or allow the employee to select, an individually wrapped or sealed collection container from collection kit materials. Either you or the employee, with both of you present, must unwrap or break the seal of the collection container. You must not unwrap or break the seal on any specimen bottle at this time.
- g. Collector remains outside the enclosure.
- h. Donor may flush toilet only after releasing specimen to collector.
- i. The specimen should contain at least 45ml of urine.

If the individual is unable to provide 45 milliliters of urine, the collection site person shall direct the individual to drink not more than 40 ounces of fluids for up to three hours and again attempt to provide a complete sample using a fresh specimen bottle. The original specimen shall be discarded.

If the employee cannot provide a complete sample within the up to 3-hour period, then the employer's MRO shall refer the individual for a medical evaluation to develop pertinent information concerning whether the individual's inability to provide a specimen is genuine or constitutes a refusal to provide a specimen. Upon completion of the examination, the MRO shall report his or her conclusions to the employer in writing.

The collector must measure the temperature of the specimen within four minutes after collection, and inspect the specimen for color and unusual signs of contamination.

Collector and donor must complete the collection process together, including:

- (1) Sealing and labeling of the specimen bottle.
- (2) Donor initialing the bottle label or seal.
- (3) Signing and dating of the Non-Regulated custody and control form. The inadvertent use of a DOT Drug Test custody and control form will not invalidate the process if the Medical Review Officer determines that the form meets the chain of custody requirements.

Collector must prepare specimens for shipment. The chain-of-custody form is sealed with the specimen bottle in a tamper evident bag when shipped to the laboratory. A split specimen is obtained when urine from a single void is divided into two bottles. The first or primary specimen must contain at least 30ml of urine; the second or split specimen contains the remainder of urine up to 15ml. All procedures and documentation must be carried out for the split specimen.

In the event that primary specimen is verified as positive, the employee will be notified by the City's MRO of the positive test and given the option to have the second bottle sent to a different DHHS approved laboratory for analysis. To exercise this option, the employee must advise the City's MRO within 72 hours of being told that the primary specimen was a confirmed positive. The employee will be required to submit a check to the appropriate City representative for the cost of the split retest. Pending the outcome of the additional analysis, the employee is considered to have tested positive to a drug test. The split specimen, if tested, is only tested by GC/MS to confirm the presence of the drug(s) found in the primary specimen.

Except for the use of methadone and medications containing alcohol, nothing in this policy prohibits a employee's use of a medication legally prescribed by a licensed physician: (I) who is familiar with the employee's medical history and specific duties, and (ii) who has advised the employee that the prescribed medication will not adversely affect the employee's ability to perform their duties. Medications prescribed for someone other than the employee, however, will not be considered lawfully used when taken by the employee under any circumstances.

Split specimens will be tested for adulterants any time the split specimen test is unable to reconfirm the positive result from the primary specimen's analysis. If adulterants are found in either specimen, the information must be documented on the Non-Regulated Custody and Control Form and reported as a "Refusal to Test" to the employer. If no adulterant is found in the split, and the second laboratory is unable to reconfirm the presence of the drug/metabolite in the split specimen, both the primary and the split tests must be canceled. If the split sample is clearly negative for the five drugs being tested, the employee will be reimbursed for the cost of the tests.

A confirmed positive lab test, conducted and evaluated in accordance with 49 CFR Part 40, for a controlled substance is a conclusive presumption of intoxication. A confirmed positive breath which shows a Breath Alcohol Content of 0.04 or higher is a conclusive presumption of intoxication. Employees will be subject to discipline, up to termination of employment for a breath alcohol content of 0.04.

The test results from the DHHS certified laboratory will be reported to a Medical Review Officer (MRO).

D. MEDICAL REVIEW OFFICER (MRO)

The MRO for the **City** is a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

According to the regulations the following is a list of the MRO's specific responsibilities:

- Receive negative and positive confirmed results from the laboratory.
- Request, if needed, a quantitative description of test results.
- Receive a certified copy of the original chain of custody.
- Review and interpret positive test results.
- Inform the tested individual and provide test results.
- Conduct a medical interview with the tested individual.
- Review the individual's medical history, or any other relevant biomedical factors.
- Give the individual an opportunity to discuss test results, to determine if there is a legitimate medical reason for a confirmed positive test result.
- If necessary, order a re-analysis of the original sample in a certified laboratory.
- Consult with others if questions of accuracy arise.
- Consult with laboratory officials.
- Reject urinalysis results that do not comply with the mandatory guidelines.
- Report presence of an adulterant in a primary specimen immediately to the employer, not the employee. The identification of an adulterant in the primary specimen constitutes a test refusal.
- Verify a confirmed positive test result for opiates only if there is clinical evidence, in addition to the urine test, of unauthorized use of any opium, opiate, or opium derivative (i.e. morphine, heroin, or co-dine).
- Determine whether a result is scientifically sufficient, if not, the test is concluded as a negative for that employee.
- Determine whether a result is consistent with legal drug use.
- Forward results of verified positive tests to the **City**

- If there is no legitimate medical reason for a confirmed positive test, the MRO reports the test as positive to the designated employee representative.
- As an employee, when the Medical Review Officer has notified you that you have a verified positive drug test or refusal to test because of adulteration or substitution, you have 72 hours from the time of notification to request a test of the split specimen. The request may be verbal or in writing. The expense for this test is solely the responsibility of the employee, unless the test is negative. At that time, the **City** will reimburse the employee for their expenses incurred in this test. The **City** may seek payment or reimbursement of all or part of the cost of the split specimen from the employee.
- Advise the **City** of any employee taking a drug or medication, whether or not prescribed by a physician, which may adversely affect the employee's ability to perform work in a safe or productive manner. The employee's department head after considering medical recommendations then will determine whether the employee can remain at work and whether any work restrictions will be necessary.

If the MRO is unable to contact the employee to confirm a positive test result, the MRO will take the following steps.

- If after making all reasonable efforts (up to 3 documented attempts within 24 hours) the MRO is unable to reach the individual directly, the MRO shall contact either the plan administrator (designated management official and/or designee of the **City**) who shall direct the individual to contact the MRO as soon as possible. If it becomes necessary to reach the individual through the designated management official, the designated management official shall employ procedures that ensure, to the maximum extent practicable, the requirement that the employee contact the MRO is held in confidence.
- If, after making all reasonable efforts, the designated management official is unable to contact the employee, the **City** may place the employee on leave without pay.
- The MRO may communicate a verification to the Plan Administrator of a test as positive without having communicated directly with the employee about the test, in four circumstances:
 - (1) The employee expressly declines the opportunity to discuss the test;
 - (2) The designated employer representative has provided documented notification to the employee and instructed the employee to contact the MRO and more than 72 hours have passed since the time the designated employee representative notified the employee;
 - (3) If neither the MRO or designated employee representative, after making and documenting all reasonable efforts, has been unable to contact the employee within 10 days of the date on which the MRO receives the laboratory result.

If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, or if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled and will direct the City to retest the employee under direct observation.

The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary is positive, the split will be retained for testing if so requested by the employee through the Medical Review Officer. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year.

Observed collections:

Collection under direct observation (by a person of the same gender) with no advance notice will occur if:

- The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to the City that there was not an adequate medical explanation for the result; or
- The MRO reports to the City that the original positive, adulterated, or substituted test result had to be canceled because the test of the split specimen could not be performed.
- The collector observes materials brought to the collection site or the employees conduct clearly indicates an attempt to tamper with a specimen or
- The temperature on the original specimen was out of range.

In addition, observed collections will be required for all return-to-duty and follow-up drug testing.

E. PRE-EMPLOYMENT

Pre-employment substance screening or testing will be performed on all final applicants as a condition of their employment at City of Lincoln, Fire & Rescue. Such screening or testing may be required on its own, or as part of a fitness-for-duty physical exam for positions that would require such an exam. Present employees who transfer may also be required to complete a pre-employment substance screen or test.

Applicants must sign a Pre-Employment Substance Testing Consent form. City of Lincoln, NE shall inform final applicants that any offer of employment is conditioned upon passing a substance screen or test. The applicant will be informed that the specimen is subject to being tested for the presence of any or all of the following substances: Amphetamines, Cocaine, Cannabinoids, Opiates, Phencyclidine (PCP) in conformity with the schedule of controlled substances referred to in the Nebraska Uniform Controlled Substances Act.

Any job offer will be withdrawn if the applicant tests positive; refuses to submit to a test; refuses to execute the required consent form; or if the applicant withdraws his/her application.

If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded and the applicant will be referred to a substance abuse professional. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least two years. Evidence of the absence of drug dependency from a Substance Abuse Professional that meets with 49 CFR Part 40 as amended and a negative pre-employment drug test will be required prior to further consideration for employment. The cost of the assessment and any subsequent treatment will be the sole responsibility of the applicant.

An applicant who was previously employed by the City and terminated due to non-compliance of the drug and alcohol policy is not eligible for re-employment for a period of at least two years. Evidence of the absence of drug dependency from a Substance Abuse Professional that meets with 49 CFR Part 40 as amended and a negative pre-employment drug test will be required prior to further consideration for employment. The cost of the assessment and any subsequent treatment will be the sole responsibility of the applicant. The employee will be subject to termination upon any other failed drug or alcohol test from the time of re-employment.

Applicants will also be provided with access to a copy of City of Lincoln's Fire & Rescue Drug & Alcohol Testing Program and Policy. An applicant who decides not to cooperate in the pre-employment testing or who is unwilling to acknowledge City of Lincoln's policy on drug and alcohol testing may withdraw his/her application, and will not be considered for employment.

The designated employee representative will provide the necessary forms to the hiring supervisor to complete the drug testing process with the certificate of eligibles. The supervisor will arrange an appointment with the collection site for the applicant and inform the designated employee representative. The supervisor will provide to the applicant a form to give to the collection site and an information sheet describing testing procedures. The designated employee representative will notify the hiring supervisor regarding the test results.

If a City of Lincoln, NE representative, collector, MRO, or lab personnel has reasonable suspicion to believe that the applicant has tampered with the specimen, the applicant will not be considered for employment.

If a pre-employment test is canceled, the City will require the applicant to take and pass another pre-employment test.

An applicant with a dilute negative test result will be required to retest immediately or upon employee next available work schedule.

F. RANDOM TESTING

All employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of fire suppression employees.

1. The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year. Random testing must be conducted anytime during the hours of 7:00am – 5:00pm for drug & alcohol testing.

2. The number of employees randomly selected for drug/alcohol testing during the calendar year shall be 50 percent of covered employees. The City of Lincoln, NE shall lower this rate to 25 percent of all covered employees if for the two preceding consecutive calendar years indicate that the positive rate is less than 1.0 percent. If the positive rate is equal to or exceeds 1% for the preceding calendar year, the city shall raise the percent of employees tested to 50%. The random testing rate for alcohol is ten percent of the number of covered employees in the pool.
3. Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection of the individuals who are to be tested.
4. Covered employees that fall under this policy will be included in one random pool maintained separately from the testing pool of other city employees.
5. In instances where a covered employee is on extended leave for a period of 90 days or more regardless of reason, and the employee has not been in the random testing pool, the employee will be required to take a drug test and have negative test result prior to the conduct of job functions.
6. Employees are required to proceed to the collection site within one (1) hour of being ordered to report by their supervisor unless there is a documented emergency situation that delays the employee from reporting.
7. An employee with a dilute negative drug test result will be required to retest immediately or upon employee's next available work schedule.

The designated employee representative will officially notify the employee's supervisor of all positive drug and/or alcohol test result.

Following a positive drug test result, the supervisor should confidentially contact the employee and assign work not involving a fire suppression functions until his/her pre-disciplinary meeting. If the employee notifies the supervisor before the designated employee representative calls, accept the information and assign the employee to work not requiring fire suppression functions and call the current Drug Test Administrator or appointed authority.

Prior to any disciplinary action, a pre-disciplinary meeting will be held in accordance with Article 22 of the IAFF contract. A pre-disciplinary meeting will be arranged as soon as possible. The employee should be advised by the supervisor the purpose of the meeting and that he/she is entitled to have union representation present. In addition to the punishment specified in Article 23 of the IAFF contract, the City will require the employee to:

1. Go to Continuum Employee Assistance Program for evaluation and to set up a rehabilitation/treatment plan (the employee will be required to sign an acknowledgment of this plan), with the Substance Abuse Professional (SAP).

2. The employee will give the current Drug Test Administrator or appointed authority a check for the cost of the drug and/or alcohol test made payable to the third party administrator to cover the expense of the return to duty test.
3. Upon recommendation of the SAP, pass the "return to duty" drug and/or alcohol test. Note: a positive test result will be cause for termination with the City.
4. Be subject to follow-up testing. Note: a positive test result will be cause for termination with the City.
5. The employee will be required to sign EAP release forms.
6. Be subject to disciplinary action for violation of the drug and alcohol policy.

The designated employee representative will contact the supervisor when the employee has passed the return to duty test, to set the date the employee can return to work.

Leave Policy: At the conclusion of any disciplinary suspension the employee will request vacation and personal holiday, and at the expiration of his/her vacation, request leave without pay until such time that he/she is released to return to work following a negative drug and/or alcohol test. Should he/she be required to undergo inpatient substance abuse treatment, he/she will be allowed to utilize accrued sick leave until the completion of inpatient treatment.

Release forms: The employee will be required to sign release of information forms by Continuum Employee Assistance Program to specified individuals with the City of Lincoln and third party administrator.

G. REASONABLE SUSPICION/CAUSE

All employees will be subject to a reasonable suspicion/cause drug and alcohol test when there are reasons to believe that the covered employee has used prohibited drug and/or engaged in alcohol misuse. An employer's determination that reasonable suspicion/cause shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the covered employee. Reasonable suspicion/cause referrals must be made by one supervisor who is trained to detect the signs and symptoms of drug use and alcohol misuse. The supervisor is required to complete a Reasonable Suspicion/Cause Observation Checklist, (see Appendix V) and then forward to the designated employee representative in the Personnel department and shall be attached to the forms reporting the test results. Failure on the part of the supervisor(s) to accurately document the specified behavior for reasonable suspicion/cause will be subject to disciplinary action up to and including termination. Under the City's authority, a reasonable suspicion/cause drug and alcohol test may be performed any time the employee is on duty.

The supervisor shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on approved leave status pending disciplinary action. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on approved leave status pending disciplinary action.

When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor the employee shall be referred to the SAP for an assessment. The City shall place the employee on approved leave status. Testing in this circumstance would be performed under the direct authority of the City. Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result. However, self-referral does not exempt the employee from testing under Sections F through I of this policy.

The City will also attempt to contact the employee's spouse, another member of the family, or another person designated by the employee, in order to make arrangements for transporting the employee to his/her home after the test is completed. In the event that the City is unable to contact the employee's spouse, family member or another designated person, the City will make arrangements for transporting the employee home.

If the employee rejects the City's efforts in this regard and instead insists on driving his/her personal vehicle, the City reserves the right to take whatever means are appropriate to prevent this, including contacting appropriate law enforcement, or the designated employee representative and imposing disciplinary action, up to and including termination.

An employee who is required to take a reasonable suspicion/cause drug test will be considered by the City as unqualified to work and removed from duties pending the results of his/her drug and alcohol test. A employee must utilize vacation or personal holidays (and at the expiration of vacation and personal holidays request leave without pay) for the time the employee is relieved from duty. A employee whose test results are negative will be reimbursed for the time. A employee whose test results are positive will not be reimbursed for the time. The employee is not eligible to use sick leave while he/she is relieved from duty, awaiting test results.

Following a positive drug and/or alcohol test result, a pre-disciplinary meeting will be held in accordance with Article 22 of the IAFF contract. A pre-disciplinary meeting will be arranged as soon as possible. The employee, who is off duty at home, should be advised by the supervisor the purpose of the meeting and that he/she is entitled to have union representation present. In addition to the punishment specified in Article 23 of the IAFF contract, the City will require the employee to:

1. Go to Continuum Employee Assistance Program for evaluation and to set up a rehabilitation/treatment plan (the employee will be required to sign an acknowledgment of this plan), with the Substance Abuse Professional (SAP).
2. The employee will give the current Drug Test Administrator or appointed authority a check for the cost of the drug and/or alcohol test made payable to the third party administrator to cover the expense of the return to duty test.
3. Upon recommendation of the SAP, pass the return to duty drug and/or alcohol test. Note: a positive test result will be cause for termination with the City.
4. Be subject to follow-up testing. Note: a positive test result will be cause for termination with the City.
5. The employee will be required to sign EAP release forms.

6. Be subject to disciplinary action for violation of the drug and alcohol policy.

A employee whose reasonable suspicion/cause test is positive, or who fails or refuses to submit to a reasonable suspicion/cause test when directed to do so by the City, will be subject to disciplinary action, up to and including termination. An employee with a dilute negative test result will be required to retest immediately or next available work schedule.

The designated employee representative will contact the supervisor when the employee has passed the return to duty drug and alcohol test, to set the date the employee can return to work.

Leave Policy: At the conclusion of any disciplinary suspension the employee will request vacation and/or personal holiday, and at the expiration of his/her vacation, request leave without pay until such time that he/she is released to return to work following a negative drug and alcohol test. Should he/she be required to undergo inpatient substance abuse treatment, he/she will be allowed to utilize accrued sick leave until the completion of inpatient treatment.

Release forms: The employee will be required to sign release of information forms by Continuum Employee Assistance Program to specified individuals with the City of Lincoln and third party administrator.

H. RETURN TO DUTY TESTING

All employees who previously tested positive on a drug and/or alcohol test or refused a test, must test negative for drugs, and alcohol (below 0.02 for alcohol), and be evaluated and released by the Substance Abuse Professional before returning to work. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol free and there is no undo concerns for public safety. An employee who fails a return to duty test will be subject to termination. An employee with a dilute negative test result will be required to retest immediately or upon next available work schedule.

When the employee is ready to take the return to duty drug and/or alcohol test the individual will call the current Drug Test Administrator or appointed authority to arrange the appointment with the collection service. The designated employee representative will then talk to the Substance Abuse Professional to verify that the individual is in compliance with the policy. The employee will write a check payable to third party administrator in the amount of the cost of the drug and alcohol test and take it to the current Drug Test Administrator or appointed authority.

The designated employee representative will give the employee an appointment form to take to the collection site. The designated employee representative will call the supervisor after notification of the passed test and determine when and where the employee should report to work. An employee with a dilute negative test result will be required to retest immediately or upon next available work schedule.

The designated employee representative will officially notify the employee's supervisor and the employee of a failed drug test.

Prior to any disciplinary action, a pre-disciplinary meeting will be held in accordance with Article 22 of the IAFF contract. A pre-disciplinary meeting will be arranged as soon as possible with the department head to discuss disciplinary action up to and including termination of the employee from City employment. The employee should be advised by the supervisor the purpose of the meeting and that he/she is entitled to have union representation present.

The employee will report to the meeting where he/she will discuss possible termination from his/her City position. The employee will be advised about resources to treat substance abuse.

I. FOLLOW-UP TESTING

Any employee who is referred to a drug or alcohol rehabilitation program through work, after testing positive in a confirmed lab test for drugs and/or alcohol while at work, or who has been suspended from work for any other violation of the drug and alcohol policy, must complete follow-up testing after he/she returns to work. The employee will be subject to unannounced testing for a period of one to five years with a minimum of six tests to be performed the first year after his/her return to work. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, reasonable suspicion and return-to-duty testing. An employee with a dilute negative test result will be required to retest immediately or upon employee next available work schedule. An employee who fails a follow up drug and/or alcohol test is subject to termination.

Following a positive drug and/or alcohol test result, the supervisor should confidentially contact the employee and assign work not involving a fire suppression function until his/her pre-disciplinary meeting. If the employee notifies the supervisor before the designated employee representative calls, accept the information and assign the employee to work not requiring a fire suppression function and call the current Drug Testing Administrator or Designated Employer Representative (DER).

Prior to any disciplinary action, a pre-disciplinary meeting will be held in accordance with Article 22 of the IAFF contract. A pre-disciplinary meeting will be arranged as soon as possible with the department head to discuss disciplinary action up to and including termination of the employee from City employment. The employee should be advised by the supervisor the purpose of the meeting and that he/she is entitled to have union representation present.

The employee will report to the meeting where he/she will discuss possible termination from his/her City position. The employee will be advised about resources to treat substance abuse.

J. EMPLOYEE RESPONSIBILITIES

For any drug and alcohol testing, an employee is responsible for the following:

1. **Reporting to the collection site within one (1) hour of being ordered to report there by a supervisor unless there is a documented emergency situation that delays the employee from reporting.** If the employee fails to report in the time specified, he/she must document a serious illness, injury, or other verifiable circumstance which prevented his or her arrival at the test location. If an employee is unable to document such a circumstance, he/she will be considered to have refused to take the test, and will be subject to termination of employment.
2. **Providing a specimen for testing, whether it be breath, or urine, as the specific test to be given may require.** If the employee refuses the test, adulterates or dilutes the specimen, substitutes the specimen of another person, sends an imposter, tampers with the specimen, or will not sign the required forms, the employee will be subject to termination from employment as if they refused to be tested.
3. **Cooperating with the MRO in providing specimen or medical information.** The job of the MRO is to decide whether the employee has passed the laboratory drug test. As part of the verification process, the MRO will:
 - a. Conduct a medical interview with the employee by telephone;
 - b. Review the employee's medical history and any relevant biomedical factors, if the employee consents to the review and cooperates with the MRO during the interview;
 - c. Review all medical records made available by the employee tested to determine if a confirmed laboratory positive test resulted from legally prescribed medications;
 - d. If necessary, re-analyze the original specimen taken at the lab to determine the accuracy of the test results;
 - e. Verify that the lab report and assessment are correct. Based on available data, including other test results, the MRO may conclude that a particular drug test is scientifically insufficient for further action and would conclude that the test for that individual is negative.

At screening or testing, the applicant shall be given the opportunity to list on the employee's personal copy of the lab drug testing records form information he/she considers relevant to any test results, including identification of currently or recently-used prescription or nonprescription medication or other relevant medical information. The providing of information shall not prevent testing, but may be considered by the MRO in interpreting any positive confirmed lab test result if the MRO should contact the employee.

An employee who receives a positive confirmed test result may contest or explain the result to the employer after notification of the positive test result. The MRO will provide the employee with an opportunity to discuss the results of any apparently positive confirmed lab test. If the employee expressly declines the opportunity to discuss the test results with the MRO, the MRO may verify the test as confirmed positive without further discussion with the employee. If, in the sole judgement of the MRO, there is a legitimate medical reason for a confirmed positive lab test, the MRO will verify the test as negative. If there is no legitimate medical reason for a confirmed positive lab test, the MRO will verify the test as positive and report the finding to City of Lincoln, NE. **It is the employee's responsibility to return any phone calls from the MRO within a reasonable period of time and not less than 24 hours.** If the employee does not contact the MRO within 10 days of notification to call the MRO, or if the employee refuses to talk to the MRO then the MRO may report the result of the test to City of Lincoln, NE.

An employee who tests positive for drugs or alcohol in a positive confirmed lab test will be subject to disciplinary action, up to and including termination of employment.

K. RESULT OF DRUG/ALCOHOL TEST

Any employee that has a verified positive drug or alcohol test will be immediately removed from his/her position, informed of educational and rehabilitation programs available, and referred to a Substance Abuse Professional (SAP) for assessment. No employee will be allowed to return to duty requiring the performance of fire suppression functions without the approval of the SAP.

A positive drug and/or alcohol test will also result in disciplinary action in accordance with Article 23 of the IAFF contract and the following items listed below.

1. Immediately after receiving notice of a verified positive drug test result, a confirmed alcohol test result; or a test refusal, the City's Drug and Alcohol Program Manager or Designated Employee Representative will contact the employee's supervisor to have the employee cease performing any fire suppression.
2. The employee will be referred to a Substance Abuse Professional (SAP) for an assessment. The SAP will evaluate each employee to determine what assistance, the employee needs in resolving problems associated with prohibited drug use and/or alcohol misuse.
3. Refusal to submit to a drug and/or alcohol test carries the same consequences as a positive test result, but it is considered and reported as a refusal test and is a direct act of insubordination and could result in termination. A test refusal includes the following circumstances.
 - (a) A covered employee who is suspected of providing false information in connection with a drug and/or test.
 - (b) A covered employee who provides an insufficient volume of urine specimen or breath sample without a valid medical explanation. The medical evaluation shall take place within 5 days of the initial test attempt.

- (c) A verbal or written declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test within the specified time frame.
 - (d) A employee whose urine sample has been verified by the MRO as substitute or adulterated.
 - (e) A employee fails to appear for any test within a reasonable time, as determined by the employer, after being directed to do so by the employer.
 - (f) A employee fails to remain at the testing site until the testing process is complete.
 - (g) A employee fails to provide a urine specimen for any drug test required by 49 CFR Part 40.
 - (h) A employee fails to permit the observation of monitoring of a specimen collection.
 - (i) A employee fails or declines to take a second test the employer or collector has directed you to take.
 - (j) A employee fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the shy bladder or shy lung procedures.
 - (k) A employee fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).
 - (l) Failure to sign Step 2 of the Alcohol Testing form.
4. For the first instance of a verified positive test from a sample submitted as the result of a random, drug/alcohol test (>0.04 BAC), the employee will be advised of:
- (a) Go to Continuum Employee Assistance Program for evaluation and to set up a rehabilitation/treatment plan (the employee will be required to sign an acknowledgment of this plan), with the Substance Abuse Professional (SAP).
 - (b) The employee will give the current Drug Test Administrator or appointed authority a check for the cost of the drug and alcohol test made payable to the third party administrator to cover the expense of the return to duty test.
 - (c) Upon recommendation of the SAP, pass the return to duty drug and alcohol test. Note: a positive test result will be cause for termination with the City.
 - (d) Be subject to follow-up testing. Note: a positive test result will be cause for termination with the City.

- (e) The employee will be required to sign EAP release forms.
 - (f) Be subject to disciplinary action for violation of the drug and alcohol policy.
 - (g) Mandatory referral to Substance Abuse Professional for assessment, formulation of a treatment plan, and execution of a return to work agreement.
5. The second instance of a verified positive drug and/or alcohol (>or equal to 0.04 BAC) test including a refusal to test because of an adulterated or substituted sample result submitted under the random, reasonable suspicion, return-to-duty, or follow-up drug/alcohol test provisions herein shall be subject to termination from City employment.
6. An alcohol test result of 0.02 to 0.039 BAC shall result in the removal of the employee from duty for eight hours or the remainder of the work day whichever is longer. The employee will not be allowed to return to fire suppression duty until
- (a) The employee's alcohol concentration measures less than 0.02; or
 - (b) The start of the employee's next regular scheduled duty period, but not less than eight hours following administration of the test.
7. If the employee has an alcohol test result of 0.02 to 0.039 two or more times within a six month period, the employee will be removed from duty and referred to the SAP for assessment and treatment consistent with this policy.
8. The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. The employee will be permitted to take accrued sick leave to participate in the SAP prescribed inpatient treatment program. If the employee has insufficient accrued leave, the employee shall be placed on leave without pay until the SAP has determined that the employee has successfully completed the required treatment program and released him/her to return-to-duty. Any leave taken, may be considered leave taken under the Family and Medical Leave Act.
9. In the instance of a self-referral or a management referral, for substance abuse, the following conditions of employment apply:
- a. Mandatory referral to a Substance Abuse Professional for assessment, formulation of a treatment plan, and execution of a return to work agreement;

- b. Failure to execute, or remain compliant with the return-to-work agreement, the employee is subject to termination from City employment.
* Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; in the judgment of the SAP the employee is cooperating with his/her SAP recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as defined in this policy.
 - c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall be subject to termination;
 - d. A self-referral or management referral to the SAP that was not precipitated by a positive test result does not constitute a violation of the Federal regulations. However, employee is subject to the Non-Dot policies.
 - e. Periodic unannounced follow-up drug/alcohol test conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in the Non-DOT Drug and Alcohol policy.
 - f. A voluntary Referral does not shield an employee from disciplinary action or guarantee employment with the City.
 - g. A voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.
10. Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall be subject to termination.

L. EDUCATION & TRAINING

All supervisory personnel with Fire & Rescue who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion/cause training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion/cause training on the physical, behavioral, speech, and performance indicators or probable alcohol misuse. Information on the signs, symptoms, health effects, and consequences of alcohol misuse is presented in the appendix.

A list of supervisory positions covered by this policy is found in Appendix II.

This policy is listed on the City of Lincoln's web site under Personnel Department and will have ready access to the corresponding federal regulations including 49 CFR Parts 40, as amended.

Information on the signs, symptoms, health effects and consequences of alcohol misuse is presented in Appendix III of this policy.

Applicants are required to execute a certification regarding requirements of the City Drug Testing Program as a condition of being hired. An applicant who refuses to do so will not be hired.

All drug and alcohol testing and training will be paid City time.

M. CONFIDENTIALITY

City of Lincoln, NE is committed to a safe, productive workplace that is free of substance abuse. City of Lincoln, NE is also concerned about employees' privacy. All information received by City of Lincoln, NE, its managers and supervisors, testing lab, or MRO, concerning employee drug and alcohol testing, lab test results, and related medical information is *confidential*. Such information shall be released only upon the written consent of the employee, except:

- a. As required by law;
- b. To its workers' compensation carrier, or other third-party administrator of workers' compensation or insurance claims, employees of City of Lincoln, NE who have a "need to know", MRO, SAP, as well as the Third Party Administrator of the City of Lincoln, NE program;
- c. To be used as evidence, obtainable discovery, or disclosure in any public or private proceedings, which the employee initiates;
- d. By subpoena by a court of competent jurisdiction;
- e. To subsequent employers, upon receipt of a written request from the former employee.

Records relating to drug and alcohol testing, lab reports showing test results, or other documents relating to City of Lincoln, NE's drug and alcohol testing program shall be kept in a separate location from employees' individual personnel files. Records shall be kept in a secure location, and only authorized personnel shall have access to the records. Release of information to parties other than City of Lincoln, NE, its MRO, third-party administrator, those falling within the categories as set forth above, or related entity shall be solely pursuant to a written consent form signed voluntarily by the person tested, unless the release is compelled by an agency of the state or a court of competent jurisdiction. The consent form shall contain at a minimum all of the following information:

- a. Name of the person who is authorized to obtain the information
- b. Purpose of the disclosure
- c. Precise information to be disclosed
- d. Duration of the consent
- e. Signature of the person authorizing release of the information

N. EMPLOYEE ASSISTANCE/BENEFITS PROGRAM

Counseling and rehabilitation for alcohol or substance abuse is available through the employee assistance program for employees, *only to the extent of the current benefits package*. City of Lincoln, NE will assume no direct financial responsibility for counseling or rehabilitation costs of an employee. Any costs in addition to or in excess of any available health benefits are the employee's responsibility.

An eligible employee may make a voluntary self-referral for assistance with a drug and alcohol problem prior to being chosen for testing without jeopardizing his/her continued employment, provided the employee immediately discontinues the substance abuse. However, employees may not make a voluntary self-referral to avoid taking a required drug or alcohol test.

Employees who are referred through administrative channels for a rehabilitation program or who are suspended from work for failure of a drug or alcohol test pending the completion of such a program may use the extent of any paid vacation time they have accrued during such times as they are in attendance at the rehabilitation program. If the employee has accrued no paid vacation time at the time he/she enters the rehabilitation program, such attendance will be without pay to the employee.

O. INVESTIGATIONS OR SEARCHES

Where there is reasonable suspicion/cause to suspect an employee has violated this policy, City of Lincoln, NE reserves the right for a supervisor to inspect lockers, work areas, desks, cabinets, purses, bags, briefcases, tool boxes, or other belongings, and vehicles (including personal vehicles which an employee brings onto City of Lincoln, NE's property), on City of Lincoln, NE's property or at locations where work-related activities are being conducted, without prior notice. "Cause to suspect" shall be solely in the judgement and discretion of City of Lincoln, NE. City of Lincoln, NE may release any illegal, or controlled drugs, or paraphernalia to law enforcement authorities in accordance with appropriate procedures.

P. DEFINITIONS

As used in this policy, terms referred to shall have the following definitions:

Adulterated Specimen - A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

Air Blank - A reading by an EBT of ambient air containing no alcohol.

Alcohol—any product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, synthetic ethyl alcohol, the four varieties of liquor defined in subdivisions (1) through (4) of Section 53-103 of the Neb. Rev. Stat., alcohol, spirits, wine, and beer, every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and alcohol used in the manufacture of denatured alcohol, flavoring extracts, syrups, or medicinal, mechanical, scientific, culinary, and toilet preparations.

Alcohol Concentration (or Breath Alcohol Concentration)--The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath, as indicated by a breath testing device.

Alcohol Use - The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Aliquot - A portion of a specimen used for testing.

Applicant or Final Applicant--A person who has applied for a position with City of Lincoln, NE Fire & Rescue and has been offered employment conditioned upon successfully passing a substance abuse test. A final applicant may begin work pending the results of substance abuse testing if the employer elects to do so.

Breath-Testing Device – Intoxilyzer model 4011AS or other scientific testing equivalent as approved by and operated in accordance with the rules and regulations of the State of Nebraska.

Breath Alcohol Technician (BAT) – A person who has obtained or been issued a permit pursuant to the Nebraska department rules and regulations.

Canceled or Invalid Test - In drug testing, a drug test that has been declared invalid by a Medical Review Officer. A canceled test is neither a positive nor a negative.

Chain of Custody - Procedures to account for the integrity of each urine or blood specimen by tracking its handling and storage from point of specimen collection to final disposition. With respect to drug testing, these procedures shall require that an appropriate drug testing custody form be used from time of collection to receipt by the laboratory and that upon receipt by the laboratory (an) appropriate chain of custody form(s) account(s) for the sample aliquots within the laboratory.

Collection Container - A container into which the employee urinates to provide the urine sample used for a drug test.

Collection Site - A place designated by the employer where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

Collection Site Person - A person who instructs and assists individuals at a collection site and who receives and makes a screening examination of the urine specimen provided by those individuals.

Confirmation (or Confirmatory) Test - In drug testing, a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of the screening test to ensure reliability and accuracy. (Gas chromatography/mass spectrometry [GC/MS] is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.) In alcohol testing, a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.

Designated employer representative (DER). An employee authorized by the employer to take immediate action(s) to remove employees from fire suppression duties and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Part 40. The DER is responsible for verifying that Service Agents used by the City of Lincoln, NE are not subject to a PIE (public interest exclusion as the term is used in connection with the procedures of Subpart R of 49 CFR Part 40) and have Qualification Training Certificates.

DHHS - The Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

Dilute Specimen - A specimen with creatinine and specific gravity values that are lower than expected for human urine.

Drug--Includes but is not limited to: Amphetamines, cannabinoids, cocaine, phencyclidine (PCP), and opiates. Drug shall mean any substance, chemical, or compound as described, defined, or delineated in Sections 28-405 and 28-419 of the Neb. Rev. Stat. or any metabolite or conjugated form thereof, except that any substance, chemical, or compound containing any product as defined in subdivision (1) of this section may also be defined as alcohol.

Drug-Free Workplace Policy Statement--This document, as set out in writing, maintained, and followed by City of Lincoln, NE, that conforms to the testing procedures specified in 49 C.F.R. Part 40, or otherwise reliable standards.

Drug Test - The laboratory analysis of a urine specimen collected in accordance with 49 CFR part 40 and analyzed in a DHHS-approved laboratory.

Employee - An individual subject to drug testing and/or alcohol testing. As used in this part, "employee" includes an applicant for employment. "Employee" and "individual" or "individual to be tested" have the same meaning for purposes of this part.

Employee Assistance Program (EAP) - A program provided directly by an employer, or through a contracted service provider, to assist employees in dealing with drug or alcohol dependency and other personal problems. Rehabilitation and reentry to the work force are usually arranged through an EAP.

Employer—City of Lincoln, NE Fire & Rescue

Laboratory ("Lab")--A laboratory certified for drug testing by the Department of Health and Human Services (DHHS), according to standards published in the DOT regulations 49 C.F.R. Part 40: Procedures for Workplace Drug Testing Programs, Final Rule; or a laboratory approved by the College of American Pathologists; or which meets the collection standards set forth in Neb. Rev. Stat. § 48-1903.

Medical Review Officer (MRO)--A licensed physician (medical doctor or doctor of osteopathy), certified by either the American College of Occupational and Environmental Medicine or The American Association of Medical Review Officers, responsible for receiving laboratory results generated by an employer's drug-testing program. The MRO shall have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test, medical history, and other relevant biomedical information. The MRO shall be responsible for compliance with the applicable statutory and regulatory requirements.

Negative test result - A drug test means a verified presence of the identified drug or its metabolite below the minimum levels specified in 49 CFR Part 40, as amended. An alcohol concentration of less than 0.02 BAC is a negative test result.

Non-Prescription Medication--A drug or medication authorized pursuant to the Federal or state law for general distribution and use without a prescription in the treatment of human disease, ailments, or injuries.

Observed Collection - Will afford less privacy in order to guard against employee use of items designed specifically to beat the testing process.

- a. Directly observed collections will continue to occur only when there is a specific reason to believe that an employee may be attempting, or have sufficient reason, to evade the testing process.
- b. Items such as prosthetic devices designed to carry clean urine will be checked for by observers with both male and female donors. The observer will have the employee raise and lower clothing, and then put it back into place for the observed collection.
- c. Observed collections will now be required, rather than optional, for all return -to-duty and follow-up drug testing.

Pass a Drug Test--A drug test reported by the laboratory that the MRO finds:

1. Showed no evidence or insufficient evidence of a prohibited drug; OR
2. Showed evidence of a prohibited drug but there was a legitimate medical explanation for the result; OR
3. Was scientifically insufficient to warrant further action.

Pass an Alcohol Test--A screening or confirmation breath alcohol test which indicates a concentration of alcohol of less than 0.04. Employees who have a concentration of alcohol of between 0.02 and 0.039 will be subject to discipline and removed from any fire suppression related duties for a period of 24 hours.

Positive Drug Test--A drug test reported positive by the laboratory and subsequently verified after review by the Medical Review Officer (MRO) as evidence of the illegal or illicit use of a prohibited drug.

Positive Alcohol Test--A confirmed breath alcohol test conducted by a properly trained Breath Alcohol Technician (BAT) using a properly calibrated Evidential Breath Testing (EBT) device, or gas chromatography with a flame ionization detector which indicates an alcohol concentration of 0.04 or greater.

Prescription Medication--A drug or medication lawfully prescribed by a physician for an individual and taken by that individual in accordance with the prescription.

Random Test - A drug test annually to a predetermined percentage of employees who perform in safety-sensitive functions and who are selected on a scientifically defensible random and unannounced basis.

Reasonable Suspicion Testing--Substance abuse testing based on a belief that an employee is using or has used drugs or alcohol in violation of the policy of the employer drawn from specific objective and articulable facts and reasonable inferences drawn from the facts in light of experience and/or training. As enumerated on the Reasonable Suspicion/Cause Contemporaneous Observation Checklist and the Reasonable Suspicion/Cause Long-Term Observation Checklist, the facts and inferences used in this determination may be based upon, but not limited to, the following criteria:

- a. Observable phenomena while at work, such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse.
- b. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- c. A report of substance abuse provided by a reliable and credible source.
- d. Evidence that an individual has tampered with any substance abuse test during his or her employment with the current employer.
- e. Information that an employee has caused or contributed to an accident at work.
- f. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the premises of the employer or while operating the employer's vehicle, machinery, or equipment.

Refuse an Alcohol Test--A verbal or written refusal by an employee to provide a breath specimen, or to sign the breath alcohol testing form (Step 2) or otherwise to cooperate with the testing process in a way that prevents the completion of the test for an alcohol test required under this policy. Also, a written conclusion by a licensed physician acceptable to City of Lincoln, NE that the employee's apparent inability to provide an adequate amount of breath for the alcohol test was not, with a high degree of probability, caused by a medical condition that precluded the employee from providing an adequate amount of breath. Failure to report for screening or testing in one (1) hour is also a refusal to test and classified as a positive test.

Refuse a Drug Test--A verbal or written refusal by an employee to provide a urine specimen for a drug test or screen authorized under this policy. Also, a written conclusion by the Medical Review Officer (MRO) that the employee's apparent inability to provide a complete specimen for a drug test constitutes a refusal to provide a specimen. Failure to report for screening or testing in one (1) hour is also a refusal to test and classified as a positive test.

Return to Duty Test - An initial drug and alcohol test prior to return to duty given to employees performing in safety-sensitive functions who previously tested positive, refused to test or provided an adulterated/substituted sample to a drug test and are returning to safety-sensitive positions.

SAMHSA - Substance Abuse Mental Health Services Administration.

Specimen—Breath or urine revealing the presence of drugs or of alcohol.

Specimen Bottle - The bottle that, after being labeled and sealed, is used to transmit a urine sample to the laboratory.

Split Specimen - An additional specimen collected with the original specimen, to be tested in the event the original specimen tests positive.

Substance Abuse Professional (SAP) - A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse) with knowledge of and clinical experience in the diagnosis and treatment of drug- and alcohol-related disorders.

Substituted Specimen - To replace one's urine with another's or with a different substance. A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

APPENDIX I

LIST OF COVERED POSITIONS

Appendix I

List of Covered Positions

The City reserves the right to amend the list of positions covered by this policy and the supervisory positions required to attend training without redrafting the entire policy.

Lincoln Fire & Rescue

Fire Apparatus Operator

Fire Captain

Captain - EMS Training

Fire Apparatus Operator

Fire Equipment Mechanic

Fire Prevention Inspector I

Fire Prevention Inspector II

Firefighter

APPENDIX II

LIST OF SUPERVISORS

Appendix II

List of Supervisory Positions Drug and Alcohol Testing Training

Lincoln Fire & Rescue

- Assistant Fire Chief
- Chief Fire Prevention Inspector
- Deputy Fire Chief
- Deputy Fire Chief of Maintenance
- Deputy Fire Chief of Training
- Fire Chief

APPENDIX III

FACT SHEETS ON DRUGS & ALCOHOL

Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass] over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed "alcoholic")
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related).

Social Issues

- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
- Forty percent of family court cases are alcohol problem related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

The Annual Toll

- 24,000 people will die on the highway due to the legally impaired driver.
- 12,000 more will die on the highway due to the alcohol-affected driver.
- 15,800 will die in non-highway accidents.
- 30,000 will die due to alcohol-caused liver disease.
- 10,000 will die due to alcohol-induced brain disease or suicide.
- Up to another 125,000 will die due to alcohol-related conditions or accidents.

Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

Amphetamine Fact Sheet

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy at lower doses and the mental exhilaration at higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. Most amphetamines that are abused are illegally manufactured in foreign countries and smuggled into the U.S. or clandestinely manufactured in crude laboratories.

Description

- Amphetamine is sold in counterfeit capsules or as white, flat, double-scored "mini-bennies." It is usually taken by mouth.
- Methamphetamine is often sold as a creamy white and granular powder or in lumps and is packaged in aluminum foil wraps or sealable plastic bags. Methamphetamine may be taken orally, injected, or snorted into the nose.
- Trade/street names include Biphphetamine, Delcobese, Desotyn, Detedrine, Chetrol, Ritalin, Speed, Meth, Crank, Crystal, Monster, Black Beauties, and Rits.

Signs and Symptoms of Use

- Hyperexcitability, restlessness
- Dilated pupils
- Increased heart rate and blood pressure
- Heart palpitations and irregular beats
- Profuse sweating
- Rapid respiration
- Confusion
- Panic
- Talkativeness
- Inability to concentrate
- Heightened aggressive behavior.

Health Effects

- Regular use produces strong psychological dependence and increasing tolerance to drug.
- High doses may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce a heart attack or stroke due to spiking of blood pressure.
- Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels.
- The euphoric stimulation increases impulsive and risk-taking behaviors, including bizarre and violent acts.
- Withdrawal from the drug may result in severe physical and mental depression.

Workplace Issues

- Since amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness because of unusual overtime demands or failure to get rest.
- Low-dose amphetamine use will cause a short-term improvement in mental and physical functioning. With greater use or increasing fatigue, the effect reverses and has an impairing effect. Hangover effect is characterized by physical fatigue and depression, which may make operation of equipment or vehicles dangerous.

Cocaine Fact Sheet

Cocaine is used medically as a local anesthetic. It is abused as a powerful physical and mental stimulant. The entire central nervous system is energized. Muscles are more tense, the heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

Description

- The source of cocaine is the coca bush, grown almost exclusively in the mountainous regions of northern South America.
- Cocaine Hydrochloride — "snorting coke" is a white to creamy granular or lumpy powder that is chopped into a fine powder before use. It is snorted into the nose, rubbed on the gums, or injected in veins. The effect is felt within minutes and lasts 40 to 50 minutes per "line" (about 60 to 90 milligrams). Common paraphernalia includes a "crack pipe" (a small glass smoking device for vaporizing the crack crystal) and a lighter, alcohol lamp, or small butane torch for heating.
- Trade/street names include Coke, Rock, Crack, Free Base, Flake, Snow, Smoke, and Blow.

Signs and Symptoms of Use

- Financial problems
- Frequent and extended absences from meetings or work assignment
- Increased physical activity and fatigue
- Isolation and withdrawal from friends and normal activities
- Secretive behaviors, frequent nonbusiness visitors, delivered packages, phone calls
- Unusual defensiveness, anxiety, agitation
- Wide mood swings
- Runny or irritated nose
- Difficulty in concentration
- Dilated pupils and visual impairment
- Restlessness
- Fornication (sensation of bugs crawling on skin)
- High blood pressure, heart palpitations, and irregular rhythm
- Hallucinations
- Hyperexcitability and overreaction to stimulus
- Insomnia
- Paranoia and hallucinations
- Profuse sweating and dry mouth
- Talkativeness.

Health Effects

- Research suggests that regular cocaine use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing irreparable damage to critical nerve cells. The onset of nervous system illnesses such as Parkinson's disease could also occur.
- Cocaine use causes the heart to beat faster and harder and rapidly increases blood pressure. In addition, cocaine causes spasms of blood vessels in the brain and heart. Both effects lead to ruptured vessels causing strokes or heart attacks.
- Strong psychological dependency can occur with one "hit" of crack. Usually, mental dependency occurs within days (crack) or within several months (snorting coke). Cocaine causes the strongest mental dependency of any known drug.
- Treatment success rates are lower than for other chemical dependencies.
- Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid. The fatal effects of an overdose are not usually reversible by medical intervention. The number of cocaine overdose deaths has tripled in the last four years.
- Cocaine overdose was the second most common drug emergency in 1986 — up from 11th place in 1980.

Workplace Issues

- Extreme mood and energy swings create instability. Sudden noises can cause a violent reaction.
- Lapses in attention and ignoring warning signals greatly increase the potential for accidents.
- The high cost of cocaine frequently leads to workplace theft and/or dealing.
- A developing paranoia and withdrawal create unpredictable and sometimes violent behavior.
- Work performance is characterized by forgetfulness, absenteeism, tardiness, and missed assignments.

Cannabinoids (Marijuana) Fact Sheet

Marijuana is one of the most misunderstood and underestimated drugs of abuse. People use marijuana for the mildly tranquilizing and mood- and perception-altering effects it produces.

Description

- Usually sold in plastic sandwich bags, leaf marijuana will range in color from green to light tan. The leaves are usually dry and broken into small pieces. The seeds are oval with one slightly pointed end. Less prevalent, hashish is a compressed, sometimes tarlike substance ranging in color from pale yellow to black. It is usually sold in small chunks wrapped in aluminum foil. It may also be sold in an oily liquid.
- Marijuana has a distinctly pungent aroma resembling a combination of sweet alfalfa and incense.
- Cigarette papers, roach clip holders, and small pipes made of bone, brass, or glass are commonly found. Smoking "bongs" (large bore pipes for inhaling large volumes of smoke) can easily be made from soft drink cans and toilet paper rolls.
- Trade/street names include Marinol, THC, Pot, Grass, Joint, Reefer, Acapulco Gold, Sinsemilla, Thai Sticks, Hash, and Hash Oil.

Signs and Symptoms of Use

- Reddened eyes (often masked by eye drops)
- Slowed speech
- Distinctive odor on clothing
- Lackadaisical "I don't care" attitude
- Chronic fatigue and lack of motivation
- Irritating cough, chronic sore throat.

Health Effects

General

- When marijuana is smoked, it is irritating to the lungs. Chronic smoking causes emphysema-like conditions.
- One joint causes the heart to race and be overworked. People with undiagnosed heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus *Aspergillus*, which can cause serious respiratory tract and sinus infections.
- Marijuana smoking lowers the body's immune system response, making users more susceptible to infection. The U.S. government is actively researching a possible connection between marijuana smoking and the activation of AIDS in positive human immunodeficiency virus (HIV) carriers.

Pregnancy Problems and Birth Defects

- The active chemical, tetrahydrocannabinol (THC), and 60 other related chemicals in marijuana concentrate in the ovaries and testes.
- Chronic smoking of marijuana in males causes a decrease in sex hormone, testosterone, and an increase in estrogen, the female sex hormone. The result is a decrease in sperm count, which can lead to temporary sterility. Occasionally, the onset of female sex characteristics including breast development occurs in heavy users.
- Chronic smoking of marijuana in females causes a decrease in fertility and an increase in testosterone.
- Pregnant women who are chronic marijuana smokers have a higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life.
- In test animals, THC causes birth defects, including malformations of the brain, spinal cord, forelimbs, and liver and water on the brain and spine.
- Offspring of test animals who were exposed to marijuana have fewer chromosomes than normal, causing gross birth defects or death of the fetus. Pediatricians and surgeons are concluding that the use of marijuana by either or both parents, especially during pregnancy, leads to specific birth defects of the infant's feet and hands.
- One of the most common effects of prenatal Cannabinoids exposure is underweight newborn babies.
- Fetal exposure may decrease visual functioning and causes other ophthalmic problems.

Mental Function

Regular use can cause the following effects:

- Delayed decision-making
- Diminished concentration
- Impaired short-term memory, interfering with learning
- Impaired signal detection (ability to detect a brief flash of light), a risk for users who are operating machinery
- Impaired tracking (the ability to follow a moving object with the eyes) and visual distance measurements
- Erratic cognitive function
- Distortions in time estimation
- Long-term negative effects on mental function known as "acute brain syndrome," which is characterized by disorders in memory, cognitive function, sleep patterns, and physical condition.

Acute Effects

- Aggressive urges
- Anxiety
- Confusion
- Fearfulness
- Hallucinations
- Heavy sedation
- Immobility
- Mental dependency
- Panic
- Paranoid reaction
- Unpleasant distortions in body image.

Workplace Issues

- The active chemical, THC, stores in body fat and slowly releases over time. Marijuana smoking has a long-term effect on performance.
- A 500 to 800 percent increase in THC concentration in the past several years makes smoking three to five joints a week today equivalent to 15 to 40 joints a week in 1978.
- Combining alcohol or other depressant drugs and marijuana can produce a multiplied effect, increasing the impairing effect of both the depressant and marijuana.

Opiates (Narcotics) Fact Sheet

Opiates (also called narcotics) are drugs that alleviate pain, depress body functions and reactions, and, when taken in large doses, cause a strong euphoric feeling.

Description

- Natural and natural derivatives — opium, morphine, codeine, and heroin
- Synthetics — meperidine (Demerol), oxymorphone (Numorphan), and oxycodone (Percodan)
- May be taken in pill form, smoked, or injected, depending upon the type of narcotic used.
- Trade/street names include Smack, Horse, Emma, Big D, Dollies, Juice, Syrup, and China White.

Signs and Symptoms of Use

- Mood changes
- Impaired mental functioning and alertness
- Constricted pupils
- Depression and apathy
- Impaired coordination
- Physical fatigue and drowsiness
- Nausea, vomiting, and constipation
- Impaired respiration.

Health Effects

- IV needle users have a high risk for contracting hepatitis and AIDS due to the sharing of needles.
- Narcotics increase pain tolerance. As a result, people could more severely injure themselves or fail to seek medical attention after an accident due to lack of pain sensitivity.
- Narcotics' effects are multiplied when used in combination with other depressant drugs and alcohol, causing increased risk for an overdose.

Social Issues

- There are over 500,000 heroin addicts in the U.S., most of whom are IV needle users.
- An even greater number of medicinal narcotic-dependent persons obtain their narcotics through prescriptions.
- Because of tolerance, there is an ever-increasing need for more narcotic to produce the same effect.
- Strong mental and physical dependency occurs.
- The combination of tolerance and dependency creates an increasing financial burden for the user. Costs for heroin can reach hundreds of dollars a day.

Workplace Issues

- Unwanted side effects such as nausea, vomiting, dizziness, mental clouding, and drowsiness place the legitimate user and abuser at higher risk for an accident.
- Narcotics have a legitimate medical use in alleviating pain. Workplace use may cause impairment of physical and mental functions.

Phencyclidine (PCP) Fact Sheet

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. Phencyclidine acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is abused primarily for its variety of mood-altering effects. Low doses produce sedation and euphoric mood changes. The mood can change rapidly from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare with the eyelids half closed. Sudden noises or physical shocks may cause a "freak out" in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication.

Description

- PCP is sold as a creamy, granular powder and is often packaged in one-inch square aluminum foil or folded paper "packets."
- It may be mixed with marijuana or tobacco and smoked. It is sometimes combined with procaine, a local anesthetic, and sold as imitation cocaine.
- Trade/street names include Angel Dust, Dust, and Hog.

Signs and Symptoms of Use

- Impaired coordination
- Severe confusion and agitation
- Extreme mood shifts
- Muscle rigidity
- Nystagmus (jerky eye movements)
- Dilated pupils
- Profuse sweating
- Rapid heart beat
- Dizziness.

Health Effects

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- PCP is potentiated by other depressant drugs, including alcohol, increasing the likelihood of an overdose reaction.
- Misdiagnosing the hallucinations as LSD induced, and then treating with Thorazine, can cause a fatal reaction.
- Use can cause irreversible memory loss, personality changes, and thought disorders.
- There are four phases to PCP abuse. The first phase is acute toxicity. It can last up to three days and can include combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distance perception are common. The second phase, which does not always follow the first, is a toxic psychosis. Users may experience visual and auditory delusions, paranoia, and agitation. The third phase is a drug-induced schizophrenia that may last a month or longer. The fourth phase is PCP-induced depression. Suicidal tendencies and mental dysfunction can last for months.

Workplace Issues

- PCP abuse is less common today than in recent years. It is also not generally used in a workplace setting because of the severe disorientation that occurs.

APPENDIX IV
PROGRAM RESOURCES

Appendix IV

City of Lincoln
Drug and Alcohol Program Resources
Effective August 2008

Title/Provider	Name/Address/Phone												
Program Administrator	Director of Personnel wk (402) 441-7888												
Program Manager	Personnel Coordinator - Pat Kant wk (402) 441-7880 hm (402) 464-9649												
Designated Employer Representative	Employment Technician - Douglas Thorpe wk (402) 441-7531 hm (402) 420-2806												
Drug and Alcohol Collection Service	<p style="text-align: center;">(Breath Alcohol/Drug) 7 days/week</p> <p style="text-align: center;">M-F excluding holidays 7:00am - 5:00pm</p> <p style="text-align: center;">After hours testing only</p> <p style="text-align: center;">Nicholson & Associates (Breath Alcohol & Drug) <u>Hours</u></p> <p>Technicians to call in order for after hours testing only:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">Kami Eiler</td> <td style="width: 30%;">489-8786(Office) 890-6610(Cell)</td> <td style="width: 40%; text-align: right;">For after hours only</td> </tr> <tr> <td>Todd Haverkamp</td> <td>465-0770(Office) 580-2791(Cell)</td> <td style="text-align: right;">For after hours only</td> </tr> <tr> <td>Gloria Middenforf</td> <td>489-6282(Office) 429-9945(Cell)</td> <td style="text-align: right;">For after hours only</td> </tr> <tr> <td>David Nicholson</td> <td>484-7281(Office) 223-0077(Cell)</td> <td style="text-align: right;">For after hours only</td> </tr> </table>	Kami Eiler	489-8786(Office) 890-6610(Cell)	For after hours only	Todd Haverkamp	465-0770(Office) 580-2791(Cell)	For after hours only	Gloria Middenforf	489-6282(Office) 429-9945(Cell)	For after hours only	David Nicholson	484-7281(Office) 223-0077(Cell)	For after hours only
Kami Eiler	489-8786(Office) 890-6610(Cell)	For after hours only											
Todd Haverkamp	465-0770(Office) 580-2791(Cell)	For after hours only											
Gloria Middenforf	489-6282(Office) 429-9945(Cell)	For after hours only											
David Nicholson	484-7281(Office) 223-0077(Cell)	For after hours only											
Drug and Alcohol Counseling Services and Substance Abuse Professional (SAP)	Continuum 1135 M Street, Suite 400 Lincoln, NE 68508 (402) 476-0186												
Medical Review Officers	Western Pathology Consultants P.O. Box 1936 Scottsbluff, NE 69363 800-682-5176												
Testing Laboratory	Medtox St. Paul, MN												

APPENDIX V

FORMS

**City of Lincoln, NE
Fire & Rescue
Active Employee Certificate of Agreement,
Receipt of Employee Policy Statement
Consent Form**

I do hereby certify that I have received and read City of Lincoln, NE Fire & Rescue Drug and Alcohol Testing Program and Policy. I have had the terms and conditions of City of Lincoln, NE's drug and alcohol testing program and policy explained to me and freely and voluntarily consent to submit to drug and alcohol screening or testing as set forth in City of Lincoln, NE's program. I understand and acknowledge that under Sections 48-127 and 48-102, Neb. Rev. Stat., no workers' compensation benefits will be paid to me if I receive a verified positive test for drugs or alcohol at the time of a work-related injury or death, or if I refuse to submit to either a drug or alcohol test or screening at the time of a work accident. Sections 48-127 and 48-102, Neb. Rev. Stat., read, in part:

48-127 – If the employee is injured by reason of his or her intentional willful negligence, or by reason of being in a state of intoxication, neither he or she nor his or her beneficiaries shall receive any compensation under the Nebraska Workers' Compensation Act.

48-102 – In all cases brought under sections 48-101 to 48-108, it shall not be a defense (a) that the employee was negligent, unless it shall also appear that such negligence was willful, or that the employee was in a state of intoxication;

Further, I also understand and acknowledge that under Section 48-628(2), of the Neb. Rev. Stat., no unemployment benefits will be paid to me if I am dismissed as the result of a verified positive test for drugs or alcohol; or if I refuse to submit to a laboratory test for drugs or alcohol; or if I knowingly alter or adulterate any test sample. Section 28-628(2) reads, in part:

48-628 – An individual shall be disqualified for benefits:
. . .being under the influence of any intoxicating beverage or being under the influence of any controlled substance listed in section 28-405 not prescribed by a physician licensed to practice medicine or surgery when the individual is so under the influence on the worksite or while engaged in work for the employer; . . .

I understand that the refusal to submit to testing, or a positive confirmed laboratory test result will affect my continued employment and result in disciplinary action as described in City of Lincoln, NE's Fire & Rescue, Drug and Alcohol Testing Program and Policy, up to and including discharge. I also understand that it is not the purpose of this test to identify any disability I may have and that all activities will be conducted in accordance with ADA regulations.

I give my consent to City of Lincoln, NE and/or its designated representative to collect specimens for testing for the purpose of determining the presence of, and content of, drug and alcohol substances, as well as to obtain results from any alcohol or drug test administered by any law enforcement officer or other collector, as set out in the Policy Statement. I further agree to and hereby authorize the release of the results of said tests to City of Lincoln, NE, to City of Lincoln, NE's Medical Review Officer, in any administrative or judicial proceeding I might initiate, and as set forth in the Policy Statement.

I further agree that a reproduced copy of this consent form shall have the same force and effect as the original. I have carefully read the foregoing and fully understand its contents. I acknowledge that my signing of this consent form is a voluntary act on my part and that I have not been coerced into signing this document by anyone. I understand that this agreement in no way limits my right to terminate my employment or be terminated.

Employee Printed Name: _____ SS#: _____

Employee Signature: _____ Date: _____

Witness Printed Name: _____ Witness Signature: _____

(This form is to be signed by employee and retained in personnel file.)

City of Lincoln, NE
Fire & Rescue
Pre-Employment Substance Testing
Consent and Release Form

I do hereby certify that I have been given notice of City of Lincoln, NE's pre-employment substance testing policy; that I have been provided with access to a copy of City of Lincoln, NE's Fire & Rescue, Drug & Alcohol Testing Program and Policy; and that I have read or waived my right to read it. I hereby freely and voluntarily consent to submit to urinalysis and/or other screening or tests as shall be determined by City of Lincoln, NE in the selection process of final applicants for employment, for the purpose of determining the presence of, and content of, any or all of the following substances:

1. Amphetamines
2. Cannabinoids
3. Cocaine
4. Phencyclidine (PCP)
5. Opiates

I agree that the employer representative, collection site, physician, or clinic may collect these specimens for testing and forward them to a testing laboratory designated by City of Lincoln, NE for analysis.

I further agree to and hereby authorize the release of the results of said tests to City of Lincoln, NE and to City of Lincoln, NE's Medical Review Officer and its agents as provided in the Policy Statement. I further agree to release and hold harmless City of Lincoln, NE and its agents individually and collectively, including each person or business entity involved in the sample request, collecting, testing, evaluation, and reporting; and for any decisions, adverse or otherwise, made concerning my application for employment based on the screening or test results.

I understand that a negative test is a pre-condition of employment with City of Lincoln, NE, Fire & Rescue and that the refusal to submit to testing, or a positive screen or test result will result in the rejection of my application, or the rescinding of a conditional offer of employment, as described in City of Lincoln, NE's Fire & Rescue, Drug and Alcohol Testing Program and Policy. I also understand that it is not the purpose of this test to identify any disability I may have and that pre-employment screening and testing activities are conducted in compliance with ADA requirements.

During the past 24 months, have you tested positive, or refused to test, on any drug or alcohol test administered by an employer or law enforcement officer? YES _____ or NO _____

If yes, please explain. _____

I further agree that a reproduced copy of this pre-employment consent and release form shall have the same force and effect as the original. I have carefully read the foregoing and fully understand its contents. I acknowledge that my signing of this consent and release form is a voluntary act on my part and that I have not been coerced into signing this document by anyone.

Applicant: Print name: _____ SS# _____

Applicant Signature: _____ Date _____

Witness Printed Name: _____ Witness Signature: _____

City of Lincoln, NE – Fire & Rescue
REASONABLE SUSPICION/CAUSE CONTEMPORANEOUS OBSERVATION CHECKLIST
(Strictly Confidential)

Employee Name	Function	Incident Date	Time
---------------	----------	---------------	------

Name Supervisor 1	Title	Location Incident Observed
-------------------	-------	----------------------------

Name Supervisor 2	Title	Concurrence (In person/phone/other)
-------------------	-------	-------------------------------------

This checklist is to be completed when an incident has occurred which provides reasonable suspicion that an employee is under the influence of a prohibited drug or alcohol. You should note all contemporaneous 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. Mark each applicable item on this form and add any additional facts or circumstances which you have noted. (NOTE: If there are long-term behavioral indicators of substance abuse which support this checklist, please also include the Reasonable Suspicion Long-Term Observation Checklist).

A. NATURE OF INCIDENT/CAUSE FOR SUSPICION

- () 1. Observed possession or use of an unknown substance
- () 2. Apparent drug or alcohol intoxication
- () 3. Observed abnormal or erratic behavior consistent with drugs or alcohol
- () 4. Arrest or conviction for drug-related offense
- () 5. Other observations consistent with prohibited drug use or alcohol misuse (e.g., reports by passenger or reliable/credible third party, flagrant violation of safety or serious misconduct, fighting or argumentative/abusive language, refusal of supervisor instruction, unauthorized absence on the job). NOTE: PLEASE DESCRIBE BELOW

B. BEHAVIORAL INDICATORS NOTED

- () 1. Verbal abusiveness
- () 2. Physical abusiveness
- () 3. Extreme aggressiveness or agitation
- () 4. Withdrawal, depression, tearfulness, or unresponsiveness
- () 5. Other erratic or inappropriate behavior (e.g., hallucinations, disoriented, excessive euphoria, talkativeness, confused) NOTE: PLEASE DESCRIBE BELOW

REASONABLE SUSPICION/CAUSE CONTEMPORANEOUS OBSERVATION CHECKLIST-P2

C. PHYSICAL SIGNS OR SYMPTOMS

- () 1. Possessing, dispensing or using prohibited substances
- () 2. Slurred or incoherent speech
- () 3. Unsteady gait or loss of physical control, poor coordination
- () 4. Dilated or constricted pupils or unusual eye movement
- () 5. Bloodshot or watery eyes
- () 6. Extreme fatigue or sleeping on the job
- () 7. Excessive sweating or clamminess of skin
- () 8. Flushed or very pale face
- () 9. Highly excited or nervous
- () 10. Nausea or vomiting
- () 11. Odor of an alcoholic beverage
- () 12. Odor of marijuana
- () 13. Disheveled appearance or out of uniform
- () 14. Dry mouth (frequent swallowing/lip wetting)
- () 15. Dizziness or fainting
- () 16. Shaking hands or body tremors/twitching
- () 17. Rapid breathing/breathing irregularly/difficulty breathing/slow breathing
- () 18. Runny nose or sores around the nose
- () 19. Inappropriate wearing of sunglasses
- () 20. Puncture marks or "tracks" over veins
- () 21. Other. PLEASE DESCRIBE BELOW:

D. WRITTEN SUMMARY

Please summarize the facts and circumstances of the incident, employee response, supervisor actions taken, and any other pertinent information not previously noted. Please note the date, time, and location(s) of the Reasonable Cause observation(s). Note if the employee REFUSED the test. Attach additional sheets as needed.

Signature of
Supervisor

Date/Time

Signature of
Supervisor 2

Date/Time

**City of Lincoln, NE – Fire & Rescue
Reasonable Suspicion/Cause Guidelines And Tips
For Supervisory Intervention**

Supervisor Guideline Steps:

- Eye Witness Event or Behavior
- Document on Reasonable Suspicion/Cause Checklist Behavior/Situation as it relates to job performance and sign bottom of form
- Contact employee’s supervisors to inform of situation and ask for assistance
- Read script to employee with another supervisor present
- Drive employee to collection site

Supervisor Intervention Tips:

Do Not.....

- Diagnose
- Moralize
- Be overly sympathetic
- Cover up
- Talk about with others

Do.....

- Know the policy
- Focus on job performance
- Be specific
- Be respectful
- Document

Reasonable Suspicion/Cause Script:

(_____) (employee name), as you know City of Lincoln, NE, Fire & Rescue has a Drug and Alcohol Testing Program and Policy and as an employee of City of Lincoln, NE, Fire & Rescue you have agreed to abide by its policy to prevent drug and alcohol abuse in the workplace.

At this time, as your supervisor I am instructing you that a reasonable suspicion/cause determination of drug or alcohol use has been made and you must submit to a drug test and breath alcohol test at this time.

A supervisor is required to accompany you to the collection facility.

Suspected employee is not allowed to drive himself/herself in a City of Lincoln, NE vehicle to the collection site location. If an employee leaves the premises in a private vehicle against the supervisor’s instruction, the Designated Employer Representative or Supervisor may consider notifying local authorities.

Time is Critical: A reasonable suspicion alcohol test should be performed within 2 hours of the determination and no later than 8 hours. Documentation should exist of efforts to complete this requirement after the first 2 hours. Urine collection for a drug test must be performed within 32 hours from the determination or document the reason for no collection.

**CITY OF LINCOLN, NE – FIRE & RESCUE
ACKNOWLEDGMENT OF CONSEQUENCES OF
REFUSAL TO PARTICIPATE IN DRUG TESTING**

I, _____, an employee of City of Lincoln, NE – Fire & Rescue, acknowledge that I am refusing to report for Drug and Alcohol test in accordance with the requirements of City of Lincoln, NE – Fire & Rescue Drug and Alcohol Testing Program and Policy. I am aware that I am in violation of the Program in which I consented to participate. I am aware that I am subject to certain adverse consequences as a result of my choice.

REFUSAL CONSEQUENCES:

- 1) **Classified as a refusal to submit to testing**
- 2) **Discharge from employment**
- 3) **Disqualification from Workers' Compensation Benefits**
- 4) **Disqualification from Unemployment Compensation Benefits**

I have read this Acknowledgment of Consequences of Refusal to Participate in Drug and Alcohol Testing and understand it.

Employee Signature: _____ Date _____

Signature Supervisor _____ Date _____

___ Check if employee refused to sign.

APPENDIX VI

AGREEMENT

Appendix VI

Agreement

Lincoln Fire & Rescue and Lincoln Firefighter Association (IAFF) Local 644 and the City of Lincoln agree that the Drug and Alcohol testing policy attached hereto shall be effective September 1, 2008 and shall remain in effect thereafter unless either party notifies the other in writing that it desires to modify this agreement. The Policy and Agreement will remain in full force and effect during the period of negotiations.

Both parties acknowledge that the City has the responsibility to amend this policy for those practices mandated by the Federal Department of Transportation, without negotiations.

IN WITNESS WHEREOF, the parties hereto have set their hands this 13th day of April, 2009.

CITY OF LINCOLN, NEBRASKA
a municipal corporation,

LINCOLN FIREFIGHTER ASSOCIATION
(IAFF) LOCAL 644



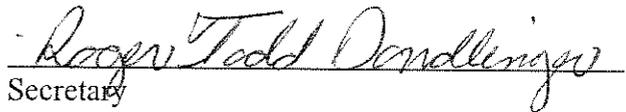
Mayor



President, Lincoln Firefighters Association
Local No.644



Teresa J. Meier, Deputy
City Clerk



Roger Todd Dondlinger
Secretary

