

May 22, 2026

TO: City of Lincoln Personnel Board Members

SUBJECT: Personnel Board Meeting  
Thursday, May 28, 2026  
1:30 p.m., County-City Building  
555 S. 10<sup>th</sup> St., 3rd Floor  
303 Conference Room

## AGENDA

ITEM 1: Approval of Minutes of April 16, 2026, meeting.

ITEM 2: Request to create the following classification:

<u>Class Code</u>	<u>Class Title</u>	<u>Pay Range</u>
3025	Fire Marshal	W04 (\$113,464.00 - \$164,528.00)

ITEM 3: Request to amend Lincoln Municipal Code 2.76.390 Injury Leave with Pay and Recovery Period

ITEM 4: Request to amend Lincoln Municipal Code 2.76.395 Vacation Leave with Pay

ITEM 5: Request to create Drug and Substance Testing Resolution.

ITEM 6: Request to amend Lincoln Municipal Codes – 2.76.040 Definitions, 2.76.210 Recruitment and Examinations, 2.76.065 Unclassified Service; What Constitutes, 2.76.070 Classified Service; What Constitutes, 2.76.215 Application, 2.76.220 Age Requirements, 2.76.225 Medical Examination, 2.76.230 Disqualification, 2.76.235 Examinations; Selection by Examination, 2.76.240 Examinations; Eligibility Requirements, 2.76.245 Examinations; Character of Examinations, 2.76.250 Examinations; Examinations Administration, 2.76.255 Examinations; Postponement or Cancellation of Examinations, 2.76.260 Veterans' Preference, 2.76.265 Examinations; Consultants, 2.76.270 Examinations; Rating of Examinations, 2.76.275 Examinations; Notification of Status and Right to a Review, 2.76.300 Examinations; Penalty, 2.76.305 Reemployment Lists, 2.76.310 Order of Names on Eligible or Promotional Lists, 2.76.315 Duration of Eligible or Promotional Lists, 2.76.320 Removal of Names from Lists, 2.76.325 Eligible Lists for Classes for Which There is No Existing List, 2.76.330 Availability of Eligibles, 2.76.335 Appointments to Positions in the Classified Service, 2.76.340 Appointments, 2.76.341 Promotions, 2.76.345 Transfers, 2.76.350 Demotions, 2.76.355 Nepotism, 2.76.360 Qualifying for Status in a Position, 2.76.445 Cause for Disciplinary Action, 2.76.525 Reports to Human Resources Director, 2.76.555 Orientation of New Employees.

ITEM 7: Public Comment

ITEM 8: Miscellaneous Discussion

PC: City Directors  
Union Presidents  
City Clerk

### ACCOMMODATION NOTICE

*The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Lincoln Commission on Human Rights, at 402 441-7624, or the City Ombudsman at 402-441-7511 as soon as possible before the scheduled meeting date in order to make your request.*

# CITY PERSONNEL BOARD MEETING

## April 16, 2026

### MINUTES

The meeting was called to order at 1:30 p.m. Present: Chair Ryan Dale, Co-Chair Christy Abraham; Members: Zach Bogart; Maggie Schiefen; Absent: Susan Sapp; Human Resources department resource staff: Carmen Flynn.

Chair Ryan Dale announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door.

**AGENDA ITEM 1:** Approval of the minutes of the City Personnel Board Proceedings of February 19, 2026, moved by Christy Abraham, seconded by Zach Bogart & carried by the following vote: AYES: Bogart, Dale, Abraham, Schiefen; NAYS: None; ABSENT: Sapp. Motion passed.

**AGENDA ITEM 2:** Request to create the following classification: 1487 Cybersecurity Analyst A17 (\$88,171.20 - \$117,603.20). Jon Thober of the Human Resources Department came forward speaking on this topic. New classification requested by Information Services that the Network Administrator II personnel will be reclassified as Cybersecurity Analyst. Member of the Board asked “the cost of this” Jon Thober answered that the cost of this will be just over \$9,500 per year to reallocate them. Members asked, “is this in their budget”? Jon Thober answered yes, we ran it by Finance, and they informed us that it is within their budget. Following discussion, it was moved by Maggie Schiefen, seconded by Christy Abraham & carried by the following vote: AYES: Bogart, Dale, Abraham, Schiefen; NAYS: None; ABSENT: Sapp. Motion passed.

**AGENDA ITEM 3:** Request to revise the following classifications: 3206 Chief Building Inspector (A14), 3215 Electrical Inspector (N25), 3217 HVAC Inspector (N23), 3218 Chief HVAC Inspector (A14), 3225 Plumbing Inspector (N24). Jon Thober came forward to speak on this topic. We worked with them to clean up the classification language. Align with the certifications needed or not needed. There are personnel in these roles, and this will not affect them, they do meet the special requirements. Following discussion, it was moved by Zach Bogart, seconded by Christy Abraham & carried by the following vote: AYES: Bogart, Abraham, Dale, Schiefen; NAYS: None; ABSENT: Sapp. Motion passed.

**AGENDA ITEM 7:** Public Comment. None.

**AGENDA ITEM 8:** Miscellaneous Discussion. None.

ABRAHAM Moved to adjourn the City Personnel Board Meeting of April 16, 2026, at 1:42 p.m.

Seconded by Bogart & carried by the following vote: AYES: Dale, Bogart, Abraham; Schiefen; NAYS: None; ABSENT: Sapp.

The next regularly scheduled meeting will be May 21, 2026.

Carmen Flynn, Executive Secretary  
Human Resources

PC: City Directors  
City Clerk  
Union Presidents

## FIRE MARSHAL

## NATURE OF WORK

This is highly responsible administrative and supervisory work directing and administering the municipal fire prevention, code enforcement, and community risk reduction program.

Work involves providing strategic leadership and oversight of the Fire Prevention Division, including fire inspections, plan review, fire investigations, and public education efforts. Responsibilities include enforcement of municipal ordinances and state laws related to fire prevention and life safety, interpretation and application of fire and building codes, and development of policies and procedures to enhance community safety. The employee directs and evaluates division personnel, ensures compliance with applicable regulations, and collaborates with internal departments, external agencies, developers, and the public. Work also involves reviewing complex building plans and fire protection systems, directing fire investigations to determine origin and cause, supporting enforcement actions including prosecution when applicable, and implementing data-driven community risk reduction strategies. Duties include budget preparation and administration, program evaluation, and continuous improvement of division operations. Work is performed under the general direction of an administrative superior and is evaluated through reports, program outcomes, and overall effectiveness in reducing fire risk throughout the community. Supervision is exercised over professional, technical, and administrative staff.

## EXAMPLES OF WORK PERFORMED

Directs and manages the Fire Prevention Division, including assigning work, evaluating performance, and ensuring effective service delivery.

Develops, implements, and monitors division goals, policies, and procedures; ensures compliance with applicable codes, standards, and regulations.

Supervises and participates in inspections of commercial, industrial, institutional, and residential properties for fire and life safety compliance.

Reviews building plans, specifications, and fire protection systems to ensure compliance with applicable codes and standards.

Interprets and enforces fire and building codes; recommends updates to ordinances, policies, and procedures.

Directs or assists in fire investigations to determine origin and cause; collaborates with law enforcement and legal entities in support of enforcement or prosecution.

Oversees the investigation and resolution of complaints and code violations; ensures corrective actions are completed.

Develops and implements community risk reduction strategies, including public education programs and targeted safety initiatives based on data analysis.

Prepares and administers the division budget; manages personnel, equipment, and other resources efficiently.

Maintains records and reporting systems related to inspections, investigations, and compliance activities.

Provides technical guidance and training to staff and department personnel; ensures staff remain current with evolving codes and best practices.

Represents the department in meetings with city officials, developers, and community stakeholders; responds to public inquiries and concerns.

Responds to fire and emergency incidents as required.

#### DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Thorough knowledge of fire prevention principles, fire and building codes, and inspection and investigation techniques.

Thorough knowledge of modern fire protection systems, building construction practices, and emerging fire safety technologies.

Considerable knowledge of municipal ordinances and state laws related to fire prevention and life safety.

Ability to plan, organize, direct, and evaluate the work of professional, technical, and administrative personnel.

Ability to interpret complex technical documents, plans, and codes, and communicate requirements clearly to diverse audiences.

Ability to develop and implement strategic plans, policies, and community risk reduction initiatives.

Ability to manage budgets, allocate resources, and evaluate program effectiveness using data and performance measures.

Ability to establish and maintain effective working relationships with employees, other agencies, developers, and the public.

Ability to exercise sound judgment and make effective decisions in emergency and high-pressure situations.

Ability to enforce regulations firmly, fairly, and consistently.

Ability to communicate effectively both orally and in writing.

DESIRABLE QUALIFICATIONS

Possession of Fire Marshal Credential issued by the Center for Public Safety Excellence.

Possession of a valid Nebraska EMT or Paramedic license.

Possession of Certified Fire Plan Examiner certification.

Certification as a Hazardous Device Technician.

MINIMUM QUALIFICATIONS

Graduation from an accredited four-year college or university in fire science, fire protection engineering, public administration, or a related field; and at least five (5) years of experience in fire prevention, inspection, or life safety, including two (2) years of supervisory experience; or any equivalent combination of training and experience that provides the desirable knowledge, abilities, and skills.

Candidates also must meet such specific physical requirements as well as length and type of service requirements established by the City.

NECESSARY SPECIAL REQUIREMENT

Possession of a valid driver's license when operating a vehicle is necessary to the satisfactory performance of assigned duties.

Possession of Certified Fire Inspector (CFI) certification.

Possession of Certified Fire and Explosion Investigator (CFEI) certification.

Completion of Federal Emergency Management Agency National Incident Management System (NIMS) / Incident Command System (ICS) courses (ICS 100, 200, 300, 400, 700, and 800).

## Lincoln Municipal Code

### Title 2 OFFICERS, DEPARTMENTS AND PERSONNEL

#### Chapter 2.76 PERSONNEL SYSTEM

##### 2.76.390 Injury Leave ~~with Pay and Recovery Period.~~

~~(a) In case of temporary total disability of a firefighter or police officer received in the line of duty, there shall be such payment as otherwise provided by state statute. Whenever a~~ **Applicability.** ~~This section applies to probationary or regular employee, other than a police officer or firefighter whose injury leave benefits are determined by state statute, shall become temporarily totally disabled from an injury arising out of and in the course of the employee's employment, such employee shall be eligible to receive salary during the continuance of such temporary total disability for so long as such employee is temporarily totally disabled. However, in no event shall such period of eligibility exceed six months.~~ ~~and regular employees.~~

**(b) Lost Work Time.** ~~The period of eligibility for the first such injury in any fiscal year shall be deemed to commence~~ ~~time an employee is absent from work,~~

**(c) Recovery Period.** ~~An employee who sustains an approved compensable work-related injury may receive injury leave pay during a recovery period beginning on the initial date when the employee incurred such injury giving rise to said temporary total disability and shall end six consecutive calendar months thereafter. However, for any injury after the first such injury during any fiscal year, the~~ ~~of injury. The recovery period of eligibility shall be deemed to commence on the seventh day~~ ~~shall not exceed twelve (12) months from the initial date when the employee incurred such~~ ~~of injury giving rise to said temporary.~~ ~~Injury leave pay and recovery period shall not exceed six (6) months total disability, whether consecutive or cumulative, and shall end when the employee reaches six consecutive calendar~~ ~~(6) months of recovery time or the twelve-month recovery period expires, whichever occurs first.~~

~~The six-month injury leave pay entitlement is available only once during the twelve-month recovery period. A subsequent compensable work-related injury during the same recovery period does not create a new or additional injury leave pay entitlement or recovery period.~~

**Injury Leave Pay for Employees in Pay Range Prefixes A, C, M, E, W, or N** are eligible to receive injury leave pay of up to six (6) months for an approved compensable work-related injury.

Injury leave pay shall be provided as a bank of hours equal to six (6) months of the employee's regularly scheduled work hours and may be used only for lost work time directly resulting from the approved compensable injury.

Injury leave pay shall not exceed six (6) months of lost work time within the twelve-month recovery period, shall expire at the end of that period, shall not carry over to any subsequent injury, and shall not be paid out upon separation or at any other time.

**Injury Leave Pay for Employees in Pay Range Prefixes F and P** Employees in pay range prefixes F and P are eligible to receive up to six (6) months of injury leave pay for an approved compensable work-related injury.

Injury leave pay may be used during the first six (6) months from the date of injury, based on the employee's regularly scheduled work hours, and only for lost work time directly resulting from the approved compensable injury.

Employees with unused injury leave pay after the ~~date~~ first six (6) months from the date of injury may request to use remaining hours within the twelve-month recovery period.

Injury leave pay shall not exceed six (6) months of lost work time within the twelve-month recovery period, shall expire at the end of that period, shall not carry over to any subsequent injury, and shall not be paid out upon separation or at any other time.

**(e) Documentation Requirement.** Employees shall provide medical and other supporting documentation, when the employee incurred such injury. During this period of able, to establish or continue eligibility, payment of said salary for injury leave pay. Injury leave pay may be withheld or discontinued until the required documentation is provided.

**(f) Coordination With State Law**

Injury leave pay shall be deemed to be payment of all statutorily imposed benefits under the ~~workmen's compensation act~~ Nebraska Workers Compensation Act or other applicable pension laws of the State of Nebraska. The benefits provided for by this section are . The injury leave pay benefit is not intended to be in addition to any ~~benefits provided for by state law~~, temporary total disability or temporary partial disability benefits payable under the Nebraska Workers' Compensation Act but ~~are~~ is intended to be payment of such benefits when applicable. Injury leave pay shall be considered payment of such benefits when required by law or an applicable labor contract. In no case will any employee be allowed to receive statutory benefits in addition to the ~~benefits~~ injury leave benefit provided herein.

~~In order for such employee to be eligible for injury leave benefits, the employee shall furnish, when requested by the appointing authority, such medical or other supporting evidence regarding any injury or condition which such employee claims has rendered the employee temporarily totally disabled. Upon refusal to provide such requested information, such injury leave benefits may be withheld or discontinued until such evidence is provided.~~

(Ord. [17396](#) §6; August 10, 1998: prior Ord. [16448](#) §13; August 23, 1993: Ord. [15488](#) §77; March 12, 1990: P.C. §2.58.332: Ord. [14749](#) §1; September 8, 1987: Ord. 14178 §1; August 19, 1985: Ord. 13789 §1; March 19, 1984: Ord. 9900 §1; December 22, 1969: Ord. 8619 §53; December 21, 1964).

## 2.76.395 Vacation Leave with Pay.

This section shall apply to probationary and regular employees not represented by a bargaining unit.

- a. Amount. Each employee with a pay range prefixed by “A”, “C”, “E”, or “X” shall earn vacation leave credit annually as follows:

After [original appointment](#) - at the factored hourly equivalent of 88 hours per year.

After five years of service - at the factored hourly equivalent of 120 hours per year.

After ten years of service - at the factored hourly equivalent of 136 hours per year.

After twelve years of service - at the factored hourly equivalent of 148 hours per year.

After fifteen years of service - at the factored hourly equivalent of 168 hours per year.

After twenty years of service - at the factored hourly equivalent of 195 hours per year.

After twenty-five years of service - at the factored hourly equivalent of 200 hours per year.

Years of service vacation leave credit shall not accrue during an unprotected [leave of absence](#) without pay.

- b. Each employee with a pay range prefixed by “N” shall earn vacation leave credit at the factored hourly rate of .03846 or the equivalent of 80 hours annually, not to exceed the annual maximum based on forty (40) hours of paid time during a work week.
- c. Each employee with a pay range prefixed by “M” or “W” shall earn vacation leave credit as follows:

After original appointment - at the factored hourly equivalent of 160 hours per year.

After twenty years of service - at the factored hourly equivalent of 200 hours per year.

d. Each probationary Paramedic with a pay range prefixed by "F" shall earn vacation leave credit as follows:

At the factored hourly equivalent of ten (10) working days per year, or eighty (80) hours

e. Each employee with a pay range prefixed by "P" shall earn vacation leave credit at the factored hourly rate of .04230 or 88 hours annually.

d.

e.f. Employees may use vacation during their probationary period upon approval by their supervisor.

f.g. Vacation leave shall not accrue during a leave of absence without pay.

g.h. \_\_\_\_\_ Employees may request vacation leave up to the amount of the employee's available accrued balance, upon approval of their supervisor. Employee leave requests that would result in a negative leave balance will not be approved.

h.i. Accumulated leave. An employee may accumulate vacation leave to a maximum of eighty hours over and above the employee's maximum annual earning rate, for employees with a pay range prefixed by "A", "C", "E", "X", "M", or "W".

i.j. Vacation payout. Any employee who separates from the city service shall be compensated for vacation leave accrued and accumulated to the date of separation. The vacation payout shall occur with the pay date for the pay period in which the separation date occurs. In the event the separation is the result of retirement, as defined by the applicable retirement plan, an employee may elect to utilize vacation until all accrued vacation has been exhausted.

j.k. Vacation Buyout. When necessary, due to workload requirements, employees may request a vacation buyout of unused accrued vacation time no more than twice per calendar year. Such requests are subject to the approval of the department head and the Human Resources Director provided there are sufficient funds in the department's budget for salaries. Payment for requested hours will be paid at the employee's current base rate of pay. Employees must maintain a minimum of eighty hours available in their vacation balance after payment of the requested buyout hours. Payment shall be made the next available pay date following the completed approvals.

[K.L.](#) Vacation bank payout. For employees maintaining a vacation bank, the employee may request to sell all or part of their bank at any time. Such request for payment shall be made in writing and approved by the employee's department head and the Human Resources Director, provided there are sufficient funds in the department's budget for salaries. Payment for requested hours will be paid at the employee's current base rate of pay. Payment shall be made the next available pay date following the completed approvals.

(Ord. [21797](#) §6; October 27, 2025; Ord. [21437](#) §3; April 10, 2023; Ord. [20368](#) §10; August 22, 2016; Ord. [20068](#) §1; August 11, 2014; Ord. [19975](#) §3; January 6, 2014; Ord. [19600](#) §1; August 15, 2011; Ord. [19536](#) §1; May 16, 2011; Ord. [19366](#) §2; April 5, 2010; Ord. [19145](#) §2; September 22, 2008; Ord. [19122](#) §4; August 11, 2008; Ord. [18808](#) §2; September 25, 2006; Ord. [18595](#) §10; August 8, 2005; Ord. [18486](#) §3; December 20, 2004; Ord. [17812](#) §1; March 12, 2001; Ord. [17789](#) §2; February 5, 2001; Ord. [17708](#) §5; August 7, 2000; Ord. [17276](#) §1; December 15, 1997; Ord. [16661](#) §9; August 22, 1994; Ord. [16448](#) §14; August 23, 1993; Ord. [16210](#) §1; August 31, 1992; Ord. [15968](#) §6; September 16, 1991; Ord. [15705](#) §1; August 20, 1990; Ord. [15488](#) §78; March 12, 1990; P.C. §2.58.340; Ord. [15279](#) §1; August 28, 1989; Ord. [14750](#) §1; September 8, 1987; Ord. 14179 §1; August 19, 1985; Ord. 13971 §1; October 1, 1984; Ord. 12168 §19; December 27, 1977; Ord. 10633 §1; November 20, 1972; Ord. 10230 §1; August 16, 1971; Ord. 9619 §1; November 4, 1968; Ord. 8893 §1; December 27, 1965; Ord. 8619 §54; December 21, 1964; Ord. 8189 §1; September 16, 1963; Ord. 7896 §1; October 8, 1962; Ord. 7733 §1; May 7, 1962; Ord. 7208 §24; June 20, 1960).



~~10 NOW, THEREFORE. BE IT RESOLVED by the City Council of the City of Lincoln.~~

~~11 Nebraska:~~

~~12 That the City of Lincoln Federal Transit Administration Drug and Alcohol  
Testing~~

~~13 Program and Policy which is attached hereto as Exhibit A is hereby accepted and approved  
by the~~

~~14 City Council of the City of Lincoln, Nebraska as the governing body of the City of Lincoln  
as~~

~~15 required by the U.S. Department of Transportation Federal Transit Administration  
Regulations~~

~~16 applicable to the Drug and Alcohol Testing Program and Policy applicable to mass  
transit~~

~~17 employees working in safety sensitive functions:~~

3. BE IT FURTHER RESOLVED that That the Human Resources Department is authorized to  
administer, interpret, and update the Drug and Substance Testing Policy as necessary to  
ensure compliance with applicable laws and operational needs.

4. That departments may establish written procedures or supplemental guidelines to support  
implementation of the Drug and Substance Testing Policy based on operational needs and  
regulatory requirements specific to their functions. Any such departmental procedures must  
be consistent with, and may not conflict with, the City of Lincoln Drug and Substance Testing  
Policy or applicable federal and state law. In the event of a conflict, the City policy shall  
control. All departmental procedures are subject to review and approval by the Human  
Resources Department.

~~18 That a copy of this Resolution and the Federal Transit~~

~~19 Administration (FTA) Drug and Alcohol Testing Program and Policy attached hereto be  
submitted~~

~~f/g.~~

~~20 to Doug McDaniel and Doug Thorpe in the City/County Human Resources Department for  
notice~~

~~21 and dissemination to all affected employees as required by the federal regulations:~~

;

Introduced by:

*Carl Skridge*

Approved as to Form & Legality:

*Jeffery R. G. ...*

Approved	day of <u>Sept.</u> , 2018:
<u>e</u> <input type="checkbox"/> <u>?</u> <u>:</u> <u>&gt;</u> <input type="checkbox"/> <input type="checkbox"/>	

AYES: Camp, Christensen, Eskridee, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

ADOPTED

SEP 17 2018

BV CITY COUNCIL

City of Lincoln  
Federal Transit Administration (FTA)  
Drug/Alcohol Testing Program Policy

~~City of Lincoln~~  
~~Federal Transit Administration~~  
~~Drug and Alcohol Testing~~

~~Drug and Alcohol Testing~~

~~Program and Policy~~

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~~A. POLICY STATEMENT~~

~~Regular text = FTA requirements.~~

~~*italic text = City of Lincoln policy only.*~~

~~In accordance with the City of Lincoln's commitment for a safe workplace, the City of Lincoln (hereinafter called "City") will not hire or employ individuals who use illegal drugs or alcohol registering at defined concentration levels. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. It is recognized that use of alcohol and/or illegal drugs on and off the job eventually takes a toll on job performance and can put employees' and the public's safety at risk. The use, sale or possession of illegal narcotics, illegal drugs or controlled substances while on the job, on duty or on any City facility or property is a disqualifying or dischargeable offense.~~

~~Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol free workplace in compliance with the Drug Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety sensitive positions, and prohibits performance of safety sensitive functions when there is a positive test result. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.~~

~~It is the City's intention to comply fully with the DOT regulations governing drug and alcohol use and testing, and the requirements of the DOT regulations have been incorporated into this policy. In the event DOT regulations are amended, this Policy and the applicable term(s), condition(s) and/or requirement(s) of this Policy shall shall be deemed to have been amended automatically at that time, without the need for redrafting, in order to reflect and be consistent with DOT regulations. In such case, the City reserves the right to apply the amended requirements immediately, and without giving prior notice to safety sensitive employees and/or applicants, unless such notice is required by DOT or another applicable law. 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. It is also the City's intention to comply with any applicable state requirements governing drug and/or alcohol testing which are not preempted by DOT regulations. 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's drug and alcohol testing program, performing a "safety sensitive function" means operation of a revenue service vehicle (whether or not the vehicle is in revenue service). Maintenance of a revenue service vehicle or equipment used in revenue service, dispatchers or person controlling the movement of revenue service vehicles and any other transit employee who is required to hold a Commercial Driver's License (CDL). Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety sensitive positions who perform one or more of the above mentioned duties is provided in Appendix I.~~

~~Any job applicant applying for a position who refuses or fails a pre-employment drug test will not be hired for that position. Any employee covered by this policy who refuses or fails a drug and/or alcohol test will immediately be removed from performing safety sensitive duties.~~

~~*It is understood that a policy ct111no1 address every situation that may arise, and in those situations which are not covered in this policy as city-111a11 dated items, shall be handled on its individual merits by the Plan Administrator.*~~

~~All situations related to the FTA policy and DOT testing will be addressed by the policy.~~

### 13. DRUG/ALCOHOL TESTING PROCEDURES

The Omnibus Transportation Employee Testing Act of 1991 requires alcohol and drug testing of safety sensitive employees in the aviation, motor carrier, railroad and public transit vehicle industries. The Federal Transit Administration (FTA) requires alcohol and drug testing of employees who perform a safety sensitive function.

For purposes of this Policy and the City's drug and alcohol testing program, performing a "safety sensitive function" means any of the following for positions covered by Federal Transit Administration (FTA): Means any of the following duties, when performed by employees of recipients, sub-recipients, operators, or contractors: (1) Operating a revenue service vehicle, including when not in revenue service; (2) Operating a nonrevenue service vehicle, when required to be operated by a holder of a Commercial Driver's License; (3) Controlling dispatch or movement of a revenue service vehicle; (4) Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service. This section does not apply to the following: an employer who receives funding under 49 U.S.C. 5307 or 5309, is in an area less than 200,000 in population, and contracts out such services; or an employer who receives funding under 49 U.S.C. 5311 and contracts out such services; (5) Carrying a firearm for security purposes.

In addition, any employee contracted by the City filling any safety sensitive position, will be covered by and is expected to maintain a drug testing policy in accordance with federal regulations to continue this contractor relationship. The contractor must permit access to property and records by the City, the D.O.T. and any jurisdictional state agency for the purpose of monitoring compliance.

Temporary safety sensitive employees who are contracted by the City and who participate in the drug and alcohol testing program of that other company, need not be subject to drug testing by the City. However, the other company must certify that the safety sensitive employee is fully qualified to drive and will provide a written statement in compliance with D.O.T. regulations.

*Covered employees in the Mayor's Department, Aging Division, Handyman Section, are subject to the terms of the contract with the Nebraska Department of Transportation Public Transit Systems Public Transportation Drug and Alcohol Consortium Committee and where set forth the terms of the City of Lincoln 17A Drug and Alcohol Policy.*

~~C. TERMS AND DEFINITIONS~~

~~**Accident**—An occurrence associated with the operation of a revenue service vehicle even when not in revenue service or which requires a Commercial Driver's License to operate, if it results in:~~

- ~~• A fatality;~~
- ~~• An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or~~
- ~~• One or more vehicles incurs disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, disabling damage means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.~~

~~**Administrator**—The Administrator of the Federal Transit Administration or the Administrator's designee.~~

~~**Adulterated Specimen**—A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.~~

~~**Air Blank**—A reading by an EBT of ambient air containing no alcohol.~~

~~**Alcohol**—The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.~~

~~**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 evidential 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.~~

~~Urea th Alcohol Technician (BAT)—An individual who instructs and assists individuals in the alcohol testing process and operates an Evidential Breath Testing Device (EBT).~~

~~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.~~

~~Certification—A recipient's written statement, authorized by the organization's governing board or other authorizing official, that the recipient has complied with the provisions of this part.~~

~~Chain of Custody—Procedures to account for the integrity of each urine 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 performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite. 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.~~

~~Consortium—An entity, including a group or association of employers, operators, recipients, sub recipients, or contractors, that provides drug testing as required by this part, or other DOT drug testing rule, and that acts on behalf of the employer.~~

~~Contractor~~—A person or organization that provides a service for a recipient, sub-recipient, employer, or operator consistent with a specific understanding or arrangement. The understanding can be a written contract or an informal arrangement that reflects an ongoing relationship between the parties.

~~Controlled Substances~~—Those substances identified in 49 CFR Part 40.85.

~~Covered Employee~~—A person, including a volunteer, applicant, or transferee, who performs a safety-sensitive function for an entity subject to this part.

~~Designated Employer Representative (DER)~~—An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

~~UHHS~~—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.

~~Disabling Damage~~—Damage that prevents any of the vehicles involved from leaving the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

~~DOT Agency~~—An agency of the United States Department of Transportation administering regulations related to drug or alcohol testing, including the Federal Aviation Administration, the Federal Railroad Administration, the Federal Motor Carrier Safety Administration, the Federal Transit Administration, the Research and Special Programs Administration, and the Office of the Secretary.

~~Drug Metabolite~~—The specific substance produced when the human body metabolizes a given prohibited drug as it passes through the body and is excreted in urine.

~~Drug Test~~—The laboratory analysis of a urine specimen collected in accordance with 49 CFR Part 40 and analyzed in a DOT-licensed laboratory.

~~EBT or Evidential Breath Testing Device~~—A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on NHTSA's conforming products list.

~~Education~~—Efforts that include the display and distribution of informational materials, a community service hot line telephone number for employee assistance, and the transit entity policy regarding drug use in the workplace.

~~Employee~~—An individual designated in a DOT agency regulation as 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~~—A recipient or other entity that provides public transit vehicle transportation service or which performs a safety-sensitive function for such recipient or other entity. This term includes sub-recipients, operators, and contractors.

~~FTA~~—Federal Transit Administration

~~Initial Drug Test (Screening Drug Test)~~—The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

~~Initial Specimen Validity Test~~—The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid.

~~Invalid Drug Test~~—The result reported by an HHS-certified laboratory in accordance with the criteria established by HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

~~Laboratory~~—Any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

~~Large Operator~~—A recipient or sub-recipient primarily operating in an area of 200,000 or more in population.

~~Limit of Detection (LOD) — The lowest concentration at which an analyte can be reliably shown to be present under defined conditions.~~

~~Limit of Quantification — For quantitative assays, the lowest concentration at which the identity and concentration of the measured can be accurately established.~~

~~Medical Review Officer (MRO) — A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the 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 results, together with his/her medical history, and any other relevant bio-medical information.~~

~~Negative test result — The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen. An alcohol concentration of less than 0.02 BAC is a negative test result.~~

~~Operator — A transit entity that is a recipient, directly or indirectly, of Federal funds under Section 3, 9, or 18 of the UMT Act of 1964, as amended, or is a recipient of Federal assistance under Section 103(e)(4) of Title 23 of the United States Code.~~

~~Pass a Drug Test — An individual passes a drug test when a Medical Review Officer determines, in accordance with procedures in 49 CFR Part 40, that the results of the test:~~

- ~~• Showed no evidence or insufficient evidence of prohibited drug or drug metabolite~~
- ~~• Showed evidence of a prohibited drug or drug metabolite for which there was a legitimate medical explanation~~
- ~~• Were scientifically insufficient to warrant further action~~
- ~~• Were suspect because of irregularities in the administration of the test, or observation, or custody and control procedures.~~

~~Performing a Safety Sensitive Function — A covered employee is considered to be performing a safety sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.~~

~~Probationary Employee—An employee who has not completed his or her probationary period since original employment. The probationary period is a working test period during which an employee, newly appointed from a list, is required to demonstrate his or her fitness for a position to which said employee is appointed by actual performance of the duties of the position. The probationary period shall not exceed six months.~~

~~Positive result—The result reported by an HHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentration. A positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC or greater.~~

~~**Post Accident Test**—A drug test administered to an employee when an accident (as previously defined) has occurred and the employee performed a safety-sensitive function that either contributed to the accident, or cannot be completely discounted as a contributing factor in the accident.~~

~~**Pre-Employment Test**—A drug test given to an applicant or employee who is being considered for a safety-sensitive position. The applicant or employee must be informed of the purpose for the urine collection prior to actual collection.~~

~~Prohibited Drug—Marijuana, cocaine, opioids, amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.~~

~~Protocol—A procedure requiring strict adherence to achieve scientifically valid test results from specimen collection and laboratory testing of urine specimens.~~

~~Qualified Laboratory—A laboratory certified by the DOT to conduct urine drug testing and which permits unannounced inspections by the recipient, operator, or FTA Administrator.~~

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

~~Reason to Believe—Objective information indicating that a particular individual may alter or substitute a urine specimen.~~

~~Reasonable Suspicion Test—A drug test given to a current employee who performs in a safety-sensitive position and who is reasonably suspected by at least one trained supervisor or using a prohibited drug or misuse of alcohol.~~

~~**Recipient**—An entity receiving Federal financial assistance under 49 U.S.C. 5307, 5309, or 5311; directly from the Federal Government.~~

~~**Reconfirmed**—The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.~~

~~**Refuse to Submit**—Examples are listed in 49 CFR Parts 40.191 and 40.261 as amended.~~

~~**Regular Employee**—An employee who has been appointed to a position in the classified service in accordance with Lincoln Municipal Code after successful completion of a probationary period.~~

~~**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 or alcohol test and are returning to safety sensitive positions.~~

~~**Revenue Service Vehicle**—A vehicle used to transport passengers, including a bus, van, car, railcar, locomotive, trolley car, trolley bus, ferry boat, or a vehicle used on a fixed guideway or inclined plane.~~

~~**Safety-Sensitive Function**—Any of the following duties:~~

- ~~• Operation of a transit revenue service vehicle even when the vehicle is not in **revenue service**;~~
- ~~• Operating of a non-revenue service vehicle, by an employee when the operation of such a vehicle requires the driver to hold a Commercial Driver's License (CDL);~~
- ~~• Controlling dispatch or movement of a revenue service vehicle;~~
- ~~• Maintaining a revenue service vehicle or equipment used in revenue service, unless the recipient receives section 5311 funding and contracts out such services. In addition, recipients of Federal transit funds under 49 U.S.C. 5307 and 5309 in an area less than 200,000 in population and which contract out such services are no longer required to comply with 49 CFR Part 655. Also maintenance providers of safety-sensitive functions for a grantee on an ad hoc or one-time basis are not required to comply.~~
- ~~• Carrying a firearm for security purposes.~~

~~SAHISA—Substance Abuse Mental Health Services Administration.~~

~~Safety Sensitive Position—A duty position or job category that requires the performance of a safety sensitive function(s).~~

~~Screening Test (ur initial test)—In drug testing, an immunoassay screen to eliminate "negative" urine specimens from further analysis. In alcohol testing, an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.~~

~~Secretary—The Secretary of Transportation or the Secretary's designee. The Secretary's designee may be a contractor or other recognized organization that acts on behalf of the Secretary in implementing the DOT and FTA drug use control regulations.~~

~~Shipping Container—A container capable of being secured with a tamper evident seal that is used to transfer one or more urine specimen bottle(s) and associated documentation from the collection site to the laboratory.~~

~~Small Operator—A recipient or sub-recipient primarily operating in an area of less than 200,000 in population.~~

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

~~Split Specimen—A collection in which the urine collected is divided into two separate specimen bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).~~

~~Substance Abuse Professional (SAP)—See definition as outlined in 49 CFR Part 40.281.~~

~~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.~~

~~Temporary Employee—An employee appointed to a non-career service position in the unclassified service, or appointed to a career service position for a specific purpose and limited length of time not to exceed one year.~~

~~Training—Providing information about the effects and consequences of drug use on personal health, safety, and the work environment; about the work environment; and about the manifestations and behavioral cues that may indicate drug use and abuse.~~

~~**Vehicle**—A bus, electric bus, van, automobile, railcar, trolley car, trolley bus, or vessel. A "public transit vehicle" is a vehicle used for public transit transportation.~~

~~Verified Negative (drug test result)—A drug test result reviewed by a Medical Review Officer and determined to have *no* evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).~~

~~Verified Positive (drug test result)—A drug test result reviewed by a Medical Review Officer and determined to *have* evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.~~

~~**Volunteer**—Is deemed a covered employer when he or she receives remuneration in excess of their actual personal expenses incurred while performing the volunteer service.~~

~~D. ———~~ EDUCATION AND TRAINING

~~All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of 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.~~

- ~~5. Every covered employee will receive a copy of this policy and is listed on the City of Lincoln's web site under to the Human Resources Department and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use for dissemination and implementation.~~

~~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.~~

E. PROHIBITED SUBSTANCES

Prohibited substances addressed by this policy include the following:

- (1) This includes: marijuana, amphetamines, MDMA (Ecstasy), opioids, phenylpyridine (PCP), and cocaine, 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.

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all covered employees be tested for marijuana, cocaine, amphetamines, MDMA (Ecstasy), opioids, and phenylpyridine as described in this policy. Illegal use of these drugs is prohibited at all times, and thus covered employees may be tested for these drugs anytime that they are on duty.

- (2) Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicated that memory/functioning, motor skills, or judgment may be adversely affected must be reported to your supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.

- (3) Alcohol: The use of beverages containing alcohol (including any mouthwash, prescribed or non-prescribed medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited.

~~F. PROHIBITED CONDUCT~~

~~Prohibited substances addressed by this policy include the following:~~

- ~~(1) — Consistent with the Drug Free Workplace Act of 1988, all covered employees are prohibited to use, possess, manufacture, sell, trade, offer for sale, offer to buy, or make arrangements to distribute illegal drugs, or to otherwise engage in the illegal use of drugs while at work or on City/County property.~~
- ~~(2) — All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended. (40.87)~~
- ~~(3) — All covered employees are prohibited to report to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed. All covered employees are prohibited to be at work while having an alcohol concentration of 0.02 or greater.~~
- ~~(4) — All covered employees are prohibited to remain on duty that requires the performance of safety-sensitive functions, while under the influence of illegal drugs or alcohol.~~
- ~~(5) — The department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.~~
- ~~(6) — Each covered employee is prohibited from consuming alcohol within 4 hours prior to performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline.~~
- ~~(7) — Prohibited conduct for any covered employee to use prescription drugs illegally or fail to inform the City/County of the therapeutic drug use that might adversely affect the driver's ability to perform or continue to perform a safety-sensitive function. (However, nothing in this policy precludes the appropriate use of legally prescribed medications.) Such prescription drugs brought to work should remain in the original labeled container and show both the prescribing~~

~~doc/ors name and expiration date.~~

- ~~(8) — Prohibited conduct to ingest hemp food products or coca food products. (Recent studies indicate that ingestion of hemp seed oil and hemp food products can result in a positive test for marijuana.) In accordance with 49 CFR Part 40.151, a Medical Review Officer (MRO) may not accept consumption or other use of hemp products, or coca teas, or medical marijuana as an excuse for a positive drug test.~~
- ~~(9) — No covered employee shall consume alcohol within four (4) hours before performing any safety-sensitive activity. The City/County 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.~~
- ~~(10) — No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.~~
- ~~(11) — Receive a verified positive drug test.~~
- ~~(12) — Submit, or attempt to submit, an adulterated, dilute or otherwise altered specimen, or substituting a specimen from another person.~~
- ~~(13) — Receive an alcohol test result of 0.04 or higher, and/or refusing to submit to a post-accident, random, reasonable suspicion, follow-up or return to duty test.~~

#### G. — DRUG STATUTE CONVICTION

~~Consistent with the Drug Free Workplace Act of 1988, all employees are required to notify the transit management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section Q of this policy.~~

#### 1-1. TESTING REQUIREMENTS

Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR Part 40 as amended. All covered employees shall be subject to testing prior to employment, for random, following an accident and for reasonable suspicion as defined in Section K, L, and N of this policy. All covered employees who have tested positive for drugs or alcohol on a random, reasonable suspicion, or post accident will be tested prior to returning to duty after completion of the Substance Abuse Professionals recommended treatment program and subsequent release to duty. Follow up testing will also be conducted following return to duty for a period of one to five years, with at least six tests performed during the first year. The duration and frequency of the follow up testing above the minimum requirements will be at the discretion of the Substance Abuse Professional.

*Under the City's authority, an alcohol test can be performed any time a covered employee is on duty. All alcohol tests done under the City's authority will be a non-DOT test performed on non-DOT paperwork.*

If the MRO informs that a positive drug test was dilute, the test will be treated as a verified positive test.

If the MRO informs that a negative test was dilute, employee will immediately be scheduled for a recollection.

*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.*

All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment. Any safety sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q of this policy. Any covered employee who is suspected of falsifying test results through tampering, collusion, adulteration, or substitution will be required to undergo an observed collection. Verification of the above listed actions will be considered a test refusal and will result in the employee's removal from duty and disciplined as defined in Section Q of this policy.

## I. DRUG TESTING PROCEDURES

Upon notification that a drug and/or alcohol test is required, an employee will report immediately to the collection site. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U. S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result. Drug testing will be performed utilizing split urine sample collections.

The drugs that will be tested for is set forth in 49 CFR Part 40 as amended.

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 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 HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are initially 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 test results from the HHS certified laboratory will be reported to a Medical Review Officer (MRO). An MRO is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a laboratory confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to the employer Drug and Alcohol Program Manager (DAPM). If a legitimate explanation is found, the MRO will report the test result as negative to the DAPM and no further action will be taken. If the test is invalid without a medical explanation, a retest will be conducted under direct observation.

~~Any covered employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second 1115 certified laboratory with no affiliation with the laboratory that analyzed the primary specimen. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice or the original sample verified test result. Request after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. The City will ensure that the cost for the split specimen are covered in order for a timely analysis of the sample, however the City will seek reimbursement for the split sample test from the employee.~~

~~Split specimen testing will be done in accordance with 49 CFR Part 40 section H as amended.~~

~~Observed collections:~~

~~Will be performed consistent with 49 CFR Part 40, as amended.~~

J. ALCOHOL TESTING PROCEDURES

~~Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device which is also approved by NHTSA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted at least fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol test form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.~~

~~In the event that the safety sensitive employee provides an adequate breath specimen and the initial test registers an alcohol concentration level that is less than 0.02, the test result will be reported as a "negative" and no additional test will be required at that time.~~

~~An employee who has a confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section Q of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty until employee's alcohol concentration measures less than 0.02 or the start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test and will be subject to the consequences described in Section Q of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.~~

~~The transit department affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a canceled test.~~

~~The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing.~~

K. PRE-EMPLOYMENT TESTING

All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety sensitive function. Pre-employment alcohol tests are *not required* under federal regulations.

- (1) All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant shall not be hired into a covered position unless the applicant takes a drug test with verified negative result.
- (2) A non-covered employee shall not be placed, transferred or promoted into a covered position until the employee takes a drug test with verified negative results.
- (3) The designated employee representative will provide the necessary forms to the hiring supervisor to complete the drug testing process. 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.
- (4) If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded. *Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least two years.* When a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in 49 CFR Part 655.62 and have a negative pre-employment drug test prior to further consideration for employment. The cost of the assessment and any subsequent treatment will be the sole responsibility of the applicant.
- (5) *If an applicant who was previously employed by the City and terminated due to non-compliance of the drug and alcohol policy are not eligible for re-employment for a period of at least two years.* Evidence of the absence of drug dependency 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

1cs1 from the time of re-employment.

~~(G) When an employee being placed, transferred, or promoted from a non-covered position to a covered position submits a drug test with a verified positive result, the employee shall be evaluated for drug dependency, and will subject to disciplinary action in accordance with Section Q of this policy.~~

~~(7) If a pre-employment test is canceled, the City will require the applicant to take and pass another pre-employment test.~~

~~(8) Supervisors are required to check the applicant's past drug testing results for all previous DOT-covered jobs in the last 2 years where the applicant held a safety-sensitive position. Contact the designated employee representative to coordinate this investigation. The designated employee representative will notify the hiring supervisor regarding the results of this inquiry and advise if the individual is eligible for employment.~~

~~(9) 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 under 49 CFR Part 655 and have a negative test result prior to the conduct of safety-sensitive job functions.~~

~~(10) An applicant with a dilute negative test result will be required to retest.~~

~~(11) Applicants are required to report previous DOT-covered employer drug and alcohol test results. Failure to do so will result in the employment offer being rescinded.~~

L. ~~\_\_\_\_\_~~ RANDOM TESTING

All covered 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 safety sensitive 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 at all times of the day when safety-sensitive functions are performed.
  
- (2) ~~\_\_\_\_\_~~ The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates established by Federal regulations for those safety sensitive employees subject to random testing by Federal regulations.
  
- (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 transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of employees that are included solely under the City's **authority**.
  
- (5) ~~\_\_\_\_\_~~ Random tests can be conducted at any time during an employee's shift for drug testing. A covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety sensitive functions, just before the employee is to perform safety sensitive functions or just after the employee has ceased performing such functions.
  
- (6) ~~\_\_\_\_\_~~ Employees are required to proceed immediately after notification of their random selection to the collection site.
  
- (7) ~~\_\_\_\_\_~~ An employee with a dilute negative drug test result will be required to retest.

~~(8) — There is no discretion by management or operations on who is selected for testing.~~

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

~~Following a positive drug and/or alcohol test result, the supervisor should confidentially contact the employee and set up his/her pre-disciplinary meeting. If the employee notifies the supervisor before the designated employee representative calls, accept the information.~~

~~Following a positive drug and/or alcohol test, 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.~~

~~If the employee is alleged to have violated the City's Drug and Alcohol policy the employee will be advised of the requirement to:~~

- ~~(1) — Will be subjected to disciplinary action up to including termination for violation of the drug & alcohol policy.~~
- ~~(2) — Will be referred to a Substance Abuse Professional (SAP) for an assessment and evaluation. 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. And to set up a rehabilitation/treatment plan (the employee will be required to sign an acknowledgment of this plan), with the (SAP).~~

~~(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) — The employee will give the current Drug Test Administrator or appointed authority a check/or 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.~~

~~(5) — Be subject to follow-up testing. Note: a positive test result will~~

~~be cause for termination with the City.~~

~~(G) The employee will be required to sign release of information forms by Employee Assistance Program to specified individuals with the City of Lincoln and third party administrator.~~

~~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 on 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/Lancaster County and third party administrator.~~

M. ~~POST-ACCIDENT TESTING~~

~~All covered employees will be required to undergo urine and breath testing if they are involved in an accident with a transit revenue service vehicle regardless of whether or not the vehicle is in revenue service that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance cannot be completely discounted as a contributing factor to the accident.~~

~~In addition, a post-accident test will be conducted if an accident results in injuries requiring medical treatment away from the scene; or one or more vehicles incurs disabling damage, unless the operator's performance can be completely discounted as a contributing factor to the accident.~~

- ~~(1) As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision. The supervisor is required to complete a FTA Post Accident Documentation Form and the FTA Prescription and Over-the-Counter Medication Form.~~
- ~~(2) The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and within 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the supervisor must prepare and maintain a record on a Post Accident Documentation for stating the reason(s) for the delay and forward to the designated employee representative. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hour, attempts to conduct the test must cease and the reasons for the failure to test documented and forward to the designated employee representative.~~
- ~~(3) Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test.~~
- ~~(4) An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.~~

- ~~(5) — Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit and employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.~~
- ~~(6) — In the rare event that a safety sensitive employee is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency, the City may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.~~
- ~~(7) — A safety sensitive employee who is required to take a post-accident drug test will be considered by the City as unqualified to work and relieved from duty pending the results of his/her test. A safety sensitive employee may request vacation or personal holiday and in the expiration of vacation, request leave without pay for the time the employee is relieved from duty. A safety sensitive employee whose test results are negative, will be reimbursed for the time. A safety sensitive employee whose test results are positive will not be reimbursed for the time. If the employee is injured, the employee will be placed on injury leave. In accordance with State Worker's Compensation laws, employees who are injured and have a positive drug test or an alcohol test are not entitled to injury leave or other worker's compensation benefits.~~
- ~~(8) — In addition to the penalties imposed by DOT, a safety sensitive employee who tests positive for drugs and/or alcohol, who refuses or fails to submit to a post-accident drug and alcohol test as required, who unnecessarily delays reporting to the test site following an accident, or who otherwise fails to comply with the City's post-accident testing procedures, will be subject to disciplinary action, up to and including termination.~~

**Disqualification:**

~~Any employee refusing to submit to a urine sample shall be cause for discipline up to and including immediate dismissal.~~

~~Following the test, the supervisor should drive the employee home from the test site or work site, or contact a family member to take the employee home.~~

~~The designated employee representative will official(, no 1 i) v the employee's supervisor of the drug test results.~~

~~Following a positive drug result, 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.~~

~~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 Community Employee Assistance Program to specified individuals with the City of Lincoln and third party administrator.~~

N. REASONABLE SUSPICION TESTING

All safety sensitive covered employees will be subject to a reasonable suspicion 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 test shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the covered employee. These observations may include indications of the chronic and withdrawal effects of controlled substances. Reasonable suspicion testing is designed to provide you with a tool to identify affected drivers who, through alcohol or controlled substances misuse, may pose a danger to themselves and others in their performance of safety sensitive functions. Reasonable suspicion referrals must be made by one supervisor who is trained in the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. *The supervisor is required to complete a Reasonable Cause Observation Checklist, and refer forward to the designated employee representative. Failure on the part of the supervisor(s) to accurately document the specified behavior for reasonable suspicion will be subject to disciplinary action up to and including termination.* Reasonable suspicion alcohol testing is permissible only if the supervisor's observations are made during, just preceding, or just after the driver is performing safety sensitive functions or is attempting to perform safety sensitive functions. In contrast, you may test a driver for controlled substances under reasonable suspicion based on observations at any time the driver 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 administrative leave pending disciplinary action described in Section Q of this policy. 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 administrative leave pending disciplinary action as specified in Section Q of this policy.*

*A written record of the observations which led to a drug and alcohol test based on reasonable suspicion shall be prepared and signed by at least one trained supervisor making the observation on a Reasonable Suspicion Observation Checklist (see Appendix). This written record shall be submitted to the Designated Employer Representative in the Human Resources Department and shall be attached to the forms reporting the test results.*

~~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 remedial program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred for an assessment. The City shall place the employee on administrative leave in accordance with the provisions set forth under Section Q of this policy. 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 under Federal authority. However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Section Q.~~

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

~~If the safety sensitive 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 contracting appropriate law enforcement, or the designated employee representative and imposing disciplinary action, up to and including termination.~~

~~A safety sensitive employee who is required to take a reasonable suspicion drug test will be considered by the City as unqualified to work and removed from safety-sensitive duties pending the results of his/her drug and alcohol test. A safety sensitive employee may request vacation or personal holiday and at the expiration of vacation, request leave without pay for the time the employee is relieved from duty. A safety sensitive employee whose test results are negative will be reimbursed for the time. A safety sensitive 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 test, 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 penalties imposed by DOH, a safety-sensitive employee whose reasonable suspicion test is positive, or who fails or refuses to submit to a reasonable suspicion test when directed to do so by the City/County, will be subject to disciplinary action, up to and including termination. An employee with a false negative test result will be required to **retest**.~~

~~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 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.~~

## 0. RETURN TO DUTY TESTING

All Return To Duty testing will be conducted in accordance with 49 CFR Part 40 as amended. All covered 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. For an initial positive drug and/or alcohol test a Return to Duty drug and alcohol test is required. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAI 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 undue concerns for public safety. *An employee who fails a retest to duty test will be subject to termination. An employee with a dilute negative test result will be required to retest.*

When the employee is ready to take the return to duty drug and alcohol test the current Drug Test Administrator or appointed authority will make 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.*

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

*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 individual 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 provided the names, addresses, and telephone numbers of substance abuse professionals (SAI's).*

~~P. — FOLLOW-UP TESTING~~

~~Covered employees will be required to undergo frequent, unannounced drug and alcohol testing following their return to duty. The follow up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. 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, post accident, reasonable suspicion and return to duty testing. An employee with a dilute negative test result will be required to retest. An employee who fails a follow up drug anti/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 safety sensitive 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 safety sensitive function and call the current Drug Testing Administrator or Designated Employer Representative (DER).~~

~~A pre-disciplinary meeting will be arranged as soon as possible to discuss disciplinary action up to and including termination of the individual 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 provided the names, addresses, and telephone numbers of substance abuse professionals (SAP's).~~

~~Q. RESULT OF DRUG/ALCOHOL TEST~~

~~Any covered employee that has a verified a) positive drug test; b) adulterated or substituted drug test; c) receives an alcohol test result of 0.04 or higher will be immediately removed from his/her safety sensitive position.~~

~~For the first 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, post-accident, return to duty, or follow-up drug and/or alcohol test will have a pre-disciplinary meeting 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.~~

~~If the employee is alleged to have violated the, City's Drug and Alcohol policy the employee will be advised of the requirement to:~~

- ~~(1) Immediately after receiving notice of a verified positive drug test result, a confirmed alcohol test result of 0.04 or above; 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 safety-sensitive function.~~
- ~~(2) Will be subjected to disciplinary action up to including termination for violation of the drug & alcohol policy.~~
- ~~(3) Will be referred to a Substance Abuse Professional (SAP) for an assessment and evaluation. 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. And to set up a rehabilitation/treatment plan (the employee will be required to sign an acknowledgment of this plan), with the (SAP).~~
- ~~(4) 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.~~
- ~~(5) 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.~~

~~(G) — Be subject to follow-up testing. Note: a positive result will be cause for termination with the Civ.~~

~~(7) — The employee will be required to sign release of information forms by Employee Assistance Program to specified individuals with the City of Lincoln and third party administrator.~~

~~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 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.~~

~~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:~~

- ~~(1) — A covered employee who leaves the scene of an accident without a legitimate explanation prior to submission to drug/alcohol tests.~~
- ~~(2) — Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a CFFPA (see 49 CFR Part 40.61(a)).~~
- ~~(3) — Fail to remain at the testing site until the testing process is complete; Provided, That an employee who leaves the testing site before the testing process commences (see 49 CFR Part 40.63 (c)) for a pre-employment test is not deemed to have refused to test.~~
- ~~(4) — A covered 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.~~
- ~~(5) — A covered employee fails to remain at the testing site until the~~

~~Testing process is complete; Provided, that an employee who leaves the testing site before the testing process commences.~~

- ~~(6) — A covered employee fails to provide a sufficient amount of urine or breath specimen when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure; Provided, That an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences.~~
- ~~(7) — In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen (see 49 CFR Parts 40.67(1) and 40.69(g)).~~
- ~~(8) — Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see 49 CFR Part 40.193(d)(2)).~~
- ~~(9) — Fail or decline to take an additional drug test the employer or collector has directed you to take (as listed in 49 CFR Part 40.197(b)).~~
- ~~(10) — Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the certification process, or as directed by the DER under 49 CFR Part 40.193(d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test.~~
- ~~(11) — Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).~~
- ~~(12) — For an observed collection, fail to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.~~
- ~~(13) — Possess or wear a prosthetic or other device that could be used to interfere with the collection process.~~

- ~~(14) — Admit to the collector or iVIRO that you adulterated or substituted the specimen:~~
- ~~(a) — As an employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.~~
  - ~~(b) — As an employee, if you refuse to take a drug test, you incur the consequences specified under DOT agency regulations for a violation of those DOT agency regulations.~~
  - ~~(c) — As a collector or an iVIRO, when an employee refuses to participate in the part of the testing process in which you are involved, you must terminate the portion of the testing process in which you are involved, document the refusal on the CCF (including, in the case of the collector, printing the employee's name on Copy 2 of the CCF), immediately notify the DER by any means (e.g., telephone or secure fax machine) that ensures that the refusal notification is immediately received. As a referral physician (e.g., physician evaluating a "shy bladder" condition or a claim of a legitimate medical explanation in a validity testing situation), you must notify the iVIRO, who in turn will notify the DER:~~
    - ~~(1) — As the collector, you must note the refusal in the "Remarks" line (Step 2), and sign and date the CCF.~~
    - ~~(2) — As the iVIRO, you must note the refusal by checking the "Refusal to Test" box in Step 6 on Copy 2 of the CCF, checking whether the specimen was adulterated or substituted and, if adulterated, noting the adulterant/reason. If there was another reason for the refusal, check "Other" in Step 6 on Copy 2 of the CCF, and note the reason next to the "Other" box and on the "Remarks" lines, as needed. You must then sign and date the CCF.~~
- ~~(15) — As an employee, when you refuse to take a non-DOT test or to sign a non-DOT form, you have not refused to take a DOT test. There are no consequences under DOT agency regulations for refusing to take a~~

non-DOT test.

~~(16) — Failure to sign Step 2 of the Alcohol Testing form.~~

~~The second instance of a verified positive drug or alcohol (> or equal to 0.04 BAC) test including refusal to test because of a terminated or substituted sample result submitted under the random, reasonable suspicion, post-accident, return-to-duty, or follow-up drug/alcohol test provisions herein shall be subject to termination from City employment.~~

~~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 safety-sensitive duty until (1) The employee's alcohol concentration measures less than 0.02; or (2) The start of the employee's next regular scheduled duty period, but not less than eight hours following administration of the test. If the employee fails a 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 for assessment and treatment.~~

~~The cost of admission or rehabilitation services will be paid directly by the employee or their insurance provider. The employee will be permitted to use accrued sick leave or administrative 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.~~

~~In the instance of a self-referral or a management referral, for substance abuse, the following conditions of employment apply:~~

- ~~(1) — Mandated referral or an assessment, treatment plan, and execution of a return to work agreement;~~
- ~~(2) — 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 the 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  
annual/low-up testing as defined in this policy.~~

- ~~(3) — 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;~~
- ~~(4) — A self-referral or management referral for assessment and treatment 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.~~
- ~~(5) — Periodic unannounced follow-up drug/alcohol tests conducted as a result of a self-referral or management referral which reveals 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.~~
- ~~(6) — A voluntary Referral does not shield an employee from disciplinary action or guarantee employment with the City.~~
- ~~(7) — A voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.~~
- ~~(8) — 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.~~

#### R. — GRIEVANCE AND APPEAL

~~The consequences specified by 49 CFR Part 655 for a positive test or test refusal are not subject to arbitration.~~

#### S. — PROPER APPLICATION OF THE POLICY

~~The City is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.~~

## ~~T. RECORD KEEPING~~

~~Each individual's record of testing and results under this policy will be maintained private and confidential.~~

~~The City will keep the following records for the periods specified. The person responsible for maintaining the records kept within the City will be maintained in locked containers or in a secure location by the Program Administrator.~~

- ~~(1) — Records that demonstrate the collection process as listed in 49 CFR Part 655 will be kept for two years.~~
- ~~(2) — Records of employee drug and alcohol test results that show employees who failed or refused a drug and/or alcohol test, and the type of test failed, if any, will be kept for a minimum of 5 years, and include the following information:
  - ~~(a) — The functions performed by each employee who fails the drug test.~~
  - ~~(b) — The prohibited drugs which were used by each employee who fails the drug test.~~
  - ~~(c) — The disposition of each employee who fails the drug test (e.g. termination, rehabilitation, leave without pay, etc.).~~
  - ~~(d) — Documentation that supports the MRO's determinations.~~
  - ~~(e) — Records that demonstrate rehabilitation will also include the MRO's determination.~~~~
- ~~(3) — Records of employee drug and alcohol test results that show employees passed the test will be kept for a minimum of one year.~~
- ~~(4) — A record of the number of employees tested by type of test will be kept for a minimum of 5 years.~~
- ~~(5) — Records confirming that supervisors and employees have been trained as required by this policy will be kept for a minimum of 2 years. Training records will include copies of all training materials. These records will be maintained by the City Program Administrator.~~

~~(6) — Calibration documentation of evidentiary breath testing devices will be kept for a minimum of 2 years.~~

~~(7) — SAP evaluations and referrals of employees for drug abuse and/or alcohol misuse will be kept for a minimum of 5 years at Continuum Employee Assistance.~~

~~(8) — Employee compliance with recommendations of the SAP for drug use and/or alcohol misuse, including results of return to duty and follow-up testing will be kept for 5 years.~~

~~(9) — IVIS Reports will be kept for 5 years.~~

#### ~~U. — QUALITY ASSURANCE MONITORING PLAN~~

~~(1) — Third Party Administrator:~~

~~The City of Lincoln will perform a site visit to third party administrator once every two years, to monitor compliance with the drug and alcohol program requirements.~~

~~(2) — Contractors:~~

~~The City of Lincoln will maintain a copy of all contractors drug and alcohol program policies and will annually meet with all contractors to monitor compliance with the drug and alcohol program requirements.~~

#### ~~V. — SPECIMEN COLLECTION PROCEDURES~~

~~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.~~

~~1) Federal 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 will have individual privacy unless they are required to take a directly observed test.~~

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

- ~~(1) — Positive ID of the donor.~~
- ~~(2) — Removal of outer garments only (coat jackets)– employees will not be required to undress or wear a hospital or other examination gown.~~
- ~~(3) — Wash hands prior to collection of specimen.~~
- ~~(4) — Water sources in the collection site enclosure must be secured.~~
- ~~(5) — Bluing agent must be added to the toilet tank and bowl.~~
- ~~(6) — 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.~~
- ~~(7) — Collector remains outside the enclosure.~~
- ~~(8) — Donor may flush toilet only after releasing specimen to collector.~~
- ~~(9) — The specimen should contain at least 45ml of urine.~~

~~Upon receiving the specimen from the individual, the collection site person shall determine if it contains at least 45 milliliters of urine to be split in two containers, one with 30ml and one with 15ml. 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 ivtRO 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) Scoring and labeling of the specimen bottle.
- (2) Donor initiating the bottle label or seal.
- (3) Signing and dating of a DOT custody and control form. The use of a non-DOT drug test form does not invalidate a test if the proper steps as stated in 49 CFR Part 40.205(b) are taken to correct the flaw.

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 safety sensitive 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 DHI-IS approved laboratory for analysis. To exercise this option, the safety sensitive 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 test to pay for the split result. If payment is not received the City will proceed with the testing requirements as listed in 49 CFR Part 40.173. Pending the outcome of the additional analysis, the safety sensitive employee shall be removed from safety sensitive duties but they are not considered to have tested positive to a DOT 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 safety sensitive employee's use of a medication legally prescribed by a licensed physician: (i) who is familiar with the safety sensitive employee's medical history and specific safety sensitive duties, and (ii) who has advised the safety sensitive employee that the prescribed medication will not adversely affect the safety sensitive employee's ability to operate a motor vehicle. Medications prescribed for someone other than the safety sensitive employee, however, will not be considered lawfully used when taken by the safety sensitive employee under any circumstances.*

~~Before being tested for drugs, safety sensitive employees may list on their copy of the chain of custody form, any prescription and non-prescription medications being lawfully used by that safety sensitive employee at that time. This list will remind the safety sensitive employee of any medications being taken at the time of the collection, in the event of an MRO interview. A "positive" drug test may be declared "negative" by the City's MRO, if the safety sensitive employee can provide the MRO with clear and convincing evidence that the drug that was used was prescribed by a licensed physician. The determination of this will be made by the City's MRO.~~

~~If adulterants are found in either specimen, the information must be documented on the Federal 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 live drugs being tested, the employee will be reimbursed for the cost of the tests.~~

#### W. ~~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 DOT 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.~~
- ~~• Receives 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.
- You must verify a laboratory confirmed positive opioid result as described in 49 CFR Part 40.139.
- 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 /v!RO is unable to contact the employee to confirm a positive test result, the /v!RO will take the following steps:

- If after making all reasonable efforts with the specific steps the /v!RO is required to take to attempt to contact an employee as described in 49 CFR Part 40.131, 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 /v!RO 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 successfully made and documented a contact with the employee and instructed the employee to contact the MRO and more than 72 hours have passed since the time the designated employee representative contacted the employee;
  - (3) If neither the MRO or designated employer representative, after making and documenting all reasonable efforts, has been unable to contact the employee within 10 days of the date on which the /v!RO receives the laboratory result; or
  - (4) Other circumstances provided for in DOT agency drug testing regulations.

If a test is verified positive under the circumstances specified above, the employee may present the MRO information documenting that serious illness, injury, or other circumstances unavoidable, prevented the employee from timely contacting the /v!RO. The MRO, on the basis of such information, may reopen the verification, allowing the employee to present information concerning a legitimate medical explanation for the confirmed positive test result. If the /v!RO concludes that there is a legitimate medical

explanation, the i-vIRO declares the test to be negative.

City of Lincoln

Federal Transit Administration (FTA)

Drug/Alcohol Testing Program

## ~~APPENDIX I~~

### ~~LIST OF COVERED POSITIONS~~

## Appendix I

### List of Covered Positions

Within the following Job Classifications certain positions require possession of a Commercial Driver's License. For purposes of this Policy and the City's drug and alcohol testing program, performing a "safety sensitive function" means any of the following duties, when performed by employees of recipients, sub-recipients, operators, or contractors:

- (1) — Operation of a transit revenue service vehicle even when the vehicle is not in revenue service;
- (2) — Operating of a non-revenue service vehicle, by an employee when the operation of such a vehicle requires the driver to hold a Commercial Driver's License (CDL);
- (3) — Controlling dispatch or movement of a revenue service vehicle;
- (4) — Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service, unless the recipient receives section 5311 funding and contracts out such services;
- (5) — Carrying a firearm for security purposes.

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.

#### Public Works and Utilities, Transportation Division, StarTran Section

Assistant Transit Manager  
Bus Apprentice Mechanic  
Bus Cleaner  
Bus Journey Mechanic  
Bus Maintenance Superintendent  
Bus Operations Superintendent  
Bus Operator  
Bus Service Worker  
Garage Supervisor  
StarTran Field Supervisor  
StarTran Mandi Van Supervisor  
Transit Manager

Mayor's Department. Aging Division. Handyman Services Section  
Entry Level Worker

Revised

## APPENDIX 11

## LIST OF SUPERVISORS

## Appendix II

### List of Supervisory Positions Drug and Alcohol Testing Training

#### Public Works and Utilities, Transportation Division, StarTran Section

- Assistant Transit Manager
- Transit Manager
- Bus Maintenance Superintendent
- Bus Operations Superintendent
- Garage Supervisor
- StarTran Field Supervisor
- StarTran Handi Van Supervisor

#### Mayor's Department, Alling Division, Handyman Services Section

- Program Supervisor
- Maintenance Supervisor

## APPENDIX III

### FACT SHEETS ON DRUGS AND ALCOHOL

## Alcohol Fact Sheet

Alcohol is a 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.

### Description

• **Generic/Chemical Names (Representative):** Beer (about 4.5 percent alcohol), wine (about 14 to 20 percent alcohol), distilled spirits or liquor (about 50 percent alcohol).

• **Alternative Sources:** After-shave lotion, cough medicine, antiseptic mouthwash, vanilla extract, disinfectant, room deodorizer fluid, cologne, breath sprays, shaving creams, rubbing alcohol.

• **Common Street Names:** Booze, juice, brew, grain, shine, hooch.

• **Distinguishing Characteristics:** Pure ethanol (sold in some States as "grain alcohol") is a colorless liquid with a distinctive odor and taste. It has a cooling effect when rubbed on the skin. Most commonly, however, alcohol is consumed as the component of another beverage, and grain alcohol itself is normally diluted with juices or other soft drinks by the consumer. Depending upon the concentration of alcohol in the beverage, the aroma of alcohol may serve as an indicator of the presence of alcohol in a beverage. Since the sale and distribution of all products containing more than a trace amount of ethanol are regulated by Federal and State governments, the best guide to whether a specific beverage contains alcohol will be label information if the original container is available.

• **Paraphernalia:** Liquor, wine, after-shave, or cough medicine bottles; drinking glasses; cans of alcohol-containing beverages; can and bottle openers. Paper bags are sometimes used to conceal the container while the drink is being consumed.

• **Method of Intake:** Alcohol is consumed by mouth. It is infrequently consumed as pure (grain) alcohol. It is, however, frequently consumed in the form in which it is sold (e.g., cans of beer, "straight" liquor, glasses of wine). Alcohol is often consumed in combination with other beverages ("mixers"), either to make it more palatable or to disguise from others that alcohol is being consumed.

~~Duration of Single Dose Effect: Alcohol is fully absorbed into the bloodstream within 30 minutes to 2 hours, depending upon the beverage consumed and associated food intake. The body can metabolize about one quarter of an ounce (0.25 oz. roughly half the amount in a can of beer) of alcohol per hour.~~

~~The effects of alcohol on behavior (including driving behavior) vary with the individual and with the concentration of alcohol in the individual's blood. The level of alcohol achieved in the blood depends in large part (although not exclusively) upon the amount of alcohol consumed and the time period over which it was consumed. One rule of thumb says that in a 150-pound person, each drink adds 0.02% to blood alcohol concentration and each hour that passes removes 0.01 percent from it.~~

~~Generally speaking, alcohol is absorbed into the blood relatively quickly and metabolized more slowly. Therefore, the potential exists for alcohol concentrations to build steadily throughout a drinking session. The table below shows some general effects of varying levels of BAC:~~

~~Behavioral Effects~~

<del>0.02-0.09%</del>	<del>Loss of muscular coordination, impaired senses, changes in mood and personality</del>
<del>0.10-0.19%</del>	<del>Marked mental impairment, further loss of coordination, prolonged reaction time.</del>
<del>0.20-0.29%</del>	<del>Nausea, vomiting, double vision.</del>
<del>0.30-0.39%</del>	<del>Hypothermia, blackouts, anesthesia.</del>
<del>0.40-0.70%</del>	<del>Coma, respiratory failure, death.</del>

~~**Detection Time:** The detection time for alcohol depends upon the maximum level of BAC achieved and varies by individual. Since under FMCSA regulations alcohol concentrations as low as 0.02 percent (under DOT testing procedures, breath alcohol concentration is used as a proxy for BAC) require employer action, and current technology can reliably detect this level, a driver who had achieved a moderate level of intoxication (i.e., 0.08 percent BAC) would be detectable approximately 8 hours after achieving that level. (Note: this is detectability after achieving this level and not after commencing or stopping drinking.)~~

• **Dependency Level:** The chronic use of alcohol can produce dependence in some individuals manifested by craving, withdrawal, and tolerance. Despite the fact that many individuals consume alcoholic beverages (more than 90 percent of Americans at some point during their lives), relatively few of them (only about 10 percent of drinkers) develop psychological and physical dependency on it.

#### Signs and Symptoms of Use

• **Evidence of Presence of Alcohol:** Bottles, cans, and other containers which alcohol-containing beverages may have been purchased and/or consumed in; bottle caps from alcohol containers; bottle or can openers; drivers drinking from paper bags; odor of alcohol on containers or on driver's breath.

• **Physical Symptoms:** Reduction of reflexes, slurred speech, loss of coordination, unsteady gait.

• **Behavioral Symptoms:** Increased talkativeness, reduced emotional control, distorted judgment, impaired driving ability, gross effects on thinking and memory.

#### Effects of Alcohol on the Individual

##### *Physical Health Effects*

• The liver is the primary site of alcohol metabolism and can be severely affected by heavy alcohol use. The three primary dangers are fatty liver, alcoholic hepatitis, and cirrhosis.

• Heavy alcohol use can also severely affect the gastrointestinal tract, contributing to inflammation of the esophagus, exacerbating peptic ulcers, and causing acute and chronic pancreatitis. It interferes with the absorption of nutrients from food and contributes to malnutrition.

• Heavy alcohol use affects the heart and vascular system, contributing to heart attacks, hypertension, and strokes.

• Either because of direct action or indirectly through the malnutrition, liver disease, and other effects it causes, alcohol depresses immune system functioning and increases the likelihood of infection.

• There is considerable evidence that alcohol abuse is associated with the incidence of cancer, particularly cancers of the liver, esophagus, nasopharynx, and larynx.

• Heavy alcohol consumption causes brain damage, manifested through dementia, blackouts, seizures, hallucinations, and peripheral neuropathy.

### *Other /-lea/th Effec/s*

• In addition to having direct health effects through physiological changes in the drinker's body, alcohol contributes significantly to health problems indirectly. While most of the medical consequences of alcohol use listed above result from chronic use, these other effects can often result from a single episode of acute use:

One half of all traffic accident fatalities are alcohol related.

The risk of a traffic fatality per mile driven is at least eight times higher for a drunk driver than for a sober one.

Falls are the most common cause of nonfatal injuries in the U.S. and the second most common cause of fatal accidents. Estimates of the involvement of alcohol in these falls range from 20-80 percent. A BAC between 0.05 and 0.10 percent increases the likelihood of a fall by three times. Between 0.10 and 0.15 percent, it increases by a factor of 10, and above 0.16 percent it increases by a factor of 60.

Research indicates over 60 percent of those dying in non-vehicular fires (fourth leading cause of accidental death in the United States) have BACs over 0.10 percent.

Approximately 38 percent of those drowning (third leading cause of accidental death in the United States) have been exposed to alcohol at the time of their deaths.

Between 20 and 36 percent of suicide victims have a history of alcohol abuse or were drinking shortly before their suicides.

Alcohol also plays a significant role in crime and family violence, including spousal and child abuse.

### *Effects on Driver Performance*

The statistics reported above make it clear that alcohol can have a devastating effect on driver performance. By affecting vision, reflexes, coordination, emotions, aggressiveness, and judgment, alcohol deprives the professional driver of most of the tools he or she relies upon to perform safely.

Hangovers also present a risk to driving behavior, as would other illnesses. The sick feeling associated with hangovers, including headaches, nausea, and other symptoms, can distract a driver's attention and lead to accidents even though alcohol may no longer be detectable in the body.

### *Overdose Effects*

• Unconsciousness, coma, death.

### *Withdrawal Syndrome*

Repeated use of alcohol results in tolerance, with increasing consumption necessary to attain its characteristic effects. Alcohol at a given blood level produces less impairment in heavy drinkers than it does in lighter drinkers. Alcohol is toxic by itself and, coupled with the malnutrition common in alcoholics, can lead to kidney disease, deterioration of mental faculties, and psychotic episodes (the "DTs") if the alcohol is withdrawn. The DTs are characterized by hallucinations and extreme fear, and their presence are a clear indication of alcohol dependence. Withdrawal and the associated DTs can be fatal.

### *References*

131um, Kenneth, "Handbook of Abusable Drugs," NY, Gardner Press, 1984.

Department of Health and Human Services, "Alcohol and Health: 7th Special Report to the U.S. Congress," Washington, DC, 1990.

## 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 United States or clandestinely manufactured in crude laboratories.

### Description

- **Generic/Chemical Names:** Include amphetamine and methamphetamine. Trade names include: Desoxyn, Dexapex, Fastin, Vasotilin, Dexedrine, Detobese, Fetamine, Obetrol.
- **Common Street Names:** Uppers, speed, bennies, crystal, black beauties, Christmas trees, white crosses, mollies, bam, crank, meth, ice, LA ice.
- **Distinguishing Characteristics:** In their pure form, amphetamines are yellowish crystals. They are manufactured in a variety of forms, including pill, capsule, tablet, powder, and liquid. Amphetamine ("speed") is sold in counterfeit capsules or as white, flat, double-scored "mini-bennies." Methamphetamine is often sold as a creamy white, granular powder or in lumps wrapped in aluminum foil or sealable plastic bags.
- **Paraphernalia:** Needles, syringes, and rubber tubing for tourniquets, used for the injection method.
- **Method of Intake:** The most common forms of amphetamines are pills, tablets, or capsules, which are ingested. The less frequent forms, liquid and powder, are injected or snorted.
- **Duration of Single Dose Effect:** 2 to 4 hours.
- **Detection Time:** 1 to 2 days after use.
- **Dependency Level:** Psychological dependence on amphetamines is known to be high. Physical dependence is possible.

### Signs and Symptoms of Use

—Evidence of Presence of Amphetamines: most frequently pills, capsules, or tablets; envelopes, bags, vials for storing the drug; less frequently syringes, needles, tourniquets.

Physical Symptoms: Dilated pupils, sweating, increased blood pressure, palpitations, rapid heartbeat, dizziness, decreased appetite, dry mouth, headaches, blurred vision, insomnia, high fever (depending on the level of the dose):

**Behavioral Symptoms:** Confusion, panic, talkativeness, hallucinations, restlessness, anxiety, moodiness, false sense of confidence and power, "amphetamine psychosis" which might result from extended use (see health effects):

#### Effects of Amphetamine Use on the Individual

##### Physical/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.

Long-term heavy use can lead to malnutrition, skin disorders, ulcers, and various diseases that come from vitamin deficiencies.

Lack of sleep, weight loss, and depression also result from regular use.

Users who inject drugs intravenously can get serious and life-threatening infections (e.g., lung or heart disease, kidney damage) from nonsterile equipment or contaminated self-prepared solutions.

##### Effects of Methamphetamine

Anxiety, restlessness

Moodiness

False sense of power.

Large doses over long periods can result in

- Hallucinations
- Delusions
- Paranoia
- Brain damage.

#### *Effects on Driver Performance*

Amphetamines cause a false sense of alertness and potential hallucinations, which can result in risky driving behavior and increased accidents. Drivers who fail to get sufficient rest may use the drug to increase alertness. However, although low doses of amphetamines will cause a short-term improvement in mental and physical functioning, greater use impairs functioning. The hangover effect of amphetamines is characterized by physical fatigue and depression, which make operation of equipment or vehicles dangerous.

#### *Overdose Effects*

- Agitation
- Convulsions
- Increase in body temperature
- Death
- Hallucinations

#### *Withdrawal Syndrome*

- Apathy
- Depression
- Long-term periods of sleep

• Disorientation

• Irritability

### ~~Workph1cc-Issues~~

- ~~• Because amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness due to 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.~~

### ~~Reference~~

~~Federal Motor Carrier Safety Administration, Office of Motor Carriers, "Guidelines for Implementing the FMCSA Anti Drug Program," Publication No. FMCSA i•IC 91-014, March 1992.~~

## Ecstasy (MDMA) Fact Sheet

### What is Ecstasy?

Ecstasy is a toxic stimulant with hallucinogenic and psychedelic properties as well. It is illegal to manufacture, possess, or sell in the US; however, it is produced outside of the US and illegally in the US.

### What does it look like?

Ecstasy typically comes in small tablet or capsule form. Vendors or producers typically will have their own color or logo on the pill. Some investigators have also noted a powder form that is snorted or smoked as well as a liquid form.

### Ecstasy tablets

#### What does it do?

Ecstasy can produce confusion, nausea, chills, hallucinations, sweating, tremors, blurred vision, loss of consciousness, seizures, strokes, paranoia, and anxiety in as little as 20-60 minutes after ingestion. However, another major issue arises with Ecstasy. People who have circulatory or heart problems are at increased risk of heart attack, stroke, and death because Ecstasy speeds up heart rate and increases blood pressure. This is also why it is a popular "club drug." It suppresses the need to sleep, eat, or drink. Therefore, people can dance all night long without stopping for a break, which is also problematic. Not stopping for a break can lead to dehydration, heart failure, and kidney failure due to excessive body heat. As a "rape drug," Ecstasy reduces anxiety, produces a feeling of extreme relaxation, enhances the sense of touch, and may create positive feelings about others regardless of who they are. Typically, the effects of Ecstasy can last 4-6 hours.

Where do people get it?

Since it is illegal in the US, it is smuggled into the country from Western Europe, primarily Belgium and the Netherlands where it is secretly manufactured. These Western European countries produce about 80% of the Ecstasy consumed worldwide. It is trafficked into the US via express mail services, commercial airlines, and airfreight shipments. In the US, secret homemade labs are used to manufacture Ecstasy. Recently, the US has made it more difficult to obtain the ingredients used to make Ecstasy. It is classed as a Schedule I controlled substance under the Controlled Substances Act.

How do people use it?

The most common place for the use of this drug is at parties called raves. Most commonly, the user willingly takes the drug. However, others who are present may take advantage of the intoxication or the user. As a "rape drug," Ecstasy reduces anxiety and produces a feeling of extreme relaxation. It enhances the sense of touch and may create positive feelings about others regardless of who they are. This means that your ability to sense danger is diminished and could put you in a very dangerous situation.

What are some of Ecstasy's street names?

Ecstasy, E, X, X-TC, Hug Drug, Adam, CK, Clarity, Lover's Speed, M&M's, Morning Show, Pollutants, B bombs, Bens, Essence, Scooby Snacks, Eve, Speed for Lovers, Cristal, Go, Sweeties, Decadence, Wheels, Dex, Iboga, Disco Biscuit, and Love Drug.

Is it detectable and how long does it stay in your system?

YES. A urine test can detect the presence of Ecstasy up to 3-5 days after ingestion, but most tests say that 72 hours maximum can yield better results. This test must be ordered by a health professional because it is not part of a normal "tox screen."

Is there anything else I should know about Ecstasy?

Research shows that Ecstasy causes damage to areas of the brain critical to thought and memory. Brain activity increases while on the drug which decreases the amount of neurotransmitters available for other necessary brain activities. Users are also at risk of being given a substitute drug. A "weaker" drug called PIVIA is often substituted for Ecstasy. In turn, more PIVIA is ingested to maintain the high, which often leads to overdose and increased risk of death. Additionally, other drugs or impurities can be added to the formulation of Ecstasy. Since these impurities are not standard or regulated, adverse reactions can be fatal.

**What do I do if I think I have been drugged at a party!**

Get to a safe place and call someone you trust with your life. Have your trusted friend get you to a hospital emergency room immediately. Remember, when mixed with alcohol, Ecstasy can be fatal for some people. Try to keep some of the beverage for testing if possible. Notify appropriate law enforcement (campus or community police). If you think you have been raped or sexually assaulted after ingesting a drug laced beverage, call a rape crisis center. The NWA Rape Crisis center hotline is 1-800-794-4175 and the Benton County Rape Crisis Center hotline is 1-800-775-9011. [If you decide to file a police report, do not shower, bathe, douche, change clothes, or brush your teeth until medical and legal evidence can be collected. Get to a hospital or clinic to receive treatment for any internal/external injuries (whether or not you see any—they may be undetectable to you), testing for pregnancy or STD's, treatment for pregnancy or STD's, and to receive support. Request a urine test to detect the presence of drugs as soon as possible.

## 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

- ~~Generic/Chemical Names: Cocaine hydrochloride or cocaine base.~~
- ~~Common Street Names: Coke, crack, snow, blow, nake, "C", toot, rock, base, nose candy, snort, white horse.~~
- ~~Distinguishing Characteristics: Cocaine is an alkaloid (organic base) derived from the coca plant. In its more common form, cocaine hydrochloride or "snorting coke" is a white to creamy granular or lumpy powder chopped fine before use. Cocaine base, rock, or crack is a crystalline rock about the size of a small pebble.~~
- ~~Paraphernalia: Cocaine hydrochloride single-edged razor blade, a small mirror or piece of smooth metal; a half straw or metal tube, and a small screw-cap vial or folded paper packet containing the cocaine (used for snorting); needles, tourniquets (used for injecting). Cocaine base a "crack pipe" (small glass smoking device for vaporizing the crack crystals); a lighter, alcohol lamp, or small butane torch for heating the substance.~~
- ~~Method of Intake: Cocaine hydrochloride is snorted into the nose, rubbed on the gums, or injected into the veins. Cocaine base is heated in a glass pipe and the vapor is inhaled.~~
- ~~Duration of Single Dose Effect: 1 to 2 hours.~~
- ~~Detection Time: Up to 2 to 3 days after last use.~~
- ~~Dependency Level: Research indicates possible physical dependence. Although there is insufficient evidence for humans, animal studies indicate "reverse tolerance," in which certain behavioral effects become stronger with repeated use of cocaine. Psychological dependence on cocaine is known to be high.~~

### Signs and Symptoms of Use

• Evidence of Presence of Cocaine: Small folded envelopes, plastic bags, or vials used to store cocaine; razor blades; cut-off drinking straws or rolled bills for snorting; small spoons; heating apparatus.

~~• **Physical Symptoms:** Dilated pupils, runny or irritated nose, profuse sweating, dry mouth, tremors, needle tracks, loss of appetite, hyperexcitability, restlessness, high blood pressure, heart palpitations, insomnia, talkativeness, formication (sensation of bugs crawling on skin).~~

~~• **Behavioral Symptoms:** Increased physical activity, depression, isolation and secretive behavior, unusual defensiveness, frequent absences wide mood swings, difficulty in concentration, paranoia, hallucinations, confusion, false sense of power and control.~~

#### ~~Effects of Cocaine Use on the Individual~~

##### ~~Physical 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 of using crack or within several months of snorting coke. Cocaine causes the strongest mental dependency of any known drug.~~

~~• Treatment success rates are lower than those of 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 in the United States has tripled in the last four years.~~

##### ~~Effects on Mental Performance~~

~~• Paranoia and hallucinations~~

- ~~1-lyprexcitability and overreaction to stimulus~~
- ~~Difficulty in concentration~~
- ~~Wide mood swings~~
- ~~Withdrawal leads to depression and disorientation~~

### *Effects on Driver Performance*

Cocaine use results in an artificial sense of power and control, which leads to a sense of invincibility. Lapses in attention and the ignoring of warning signals brought on by cocaine use greatly increase the potential for accidents. Paranoia, hallucinations, and extreme mood swings make for erratic and unpredictable reactions while driving.

The high cost of cocaine frequently leads to workplace theft and/or dealing. Forgetfulness, absenteeism, tardiness, and missed assignments can translate into lost business.

### *Overdose Effects*

- Agitation
- Convulsions
- Increase in body temperature
- Death
- Hallucinations

### *Withdrawal Syndrome*

- Apathy
- Depression
- Long periods of sleep
- Disorientation
- Irritability

### *Reference*

Federal Motor Carrier Safety Administration, Office of Motor Carriers, "Guidelines for Implementing the FMCSA Anti-Drug Program," Publication No. FMCSA MC 91-014, March 1992.

## *Cannabinnids (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

- **Generic/Chemical Name:** Dronabinol, marinol, nabilone.
- **Common Street Names:** Pot, dope, grass, hemp, weed, hooch, herb, hash, joint, Acapulco gold, reefer, sinsemilla, Thai sticks.
- **Distinguishing Characteristics:** Like tobacco, marijuana consists of dried, chopped leaves that are green to light tan in color. The seeds are oval with one slightly pointed end. Marijuana has a distinctly pungent aroma resembling a combination of sweet alfalfa and incense. 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.
- **Paraphernalia:** 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.
- **Method of Intake:** Marijuana is usually inhaled in cigarette or pipe smoke. Occasionally, it is added to baking ingredients (e.g., brownies) and ingested. Tetrahydrocannabinol (THC), the active chemical detected in urinalysis, is released by exposure to heat.
- **Duration of Single Dose Effect:** The most obvious effects are felt for 4 to 6 hours. Preliminary studies suggest that performance impairment lasts longer. The active chemical, THC, is stored in body fat and slowly metabolized over time.
- **Detection Time:** Traces of marijuana will remain in the urine of an occasional user for up to 1 week, and, in the case of a chronic user, for 3 to 4 weeks.
- **Dependency Level:** Evidence indicates moderate psychological dependence.

### Signs and Symptoms of Use

- **Evidence of Presence of Marijuana:** Plastic bags (commonly used to sell marijuana); smoking papers; roach clip holders; small pipes of bone, brass, or glass; smoking bongs; distinctive odor.

• **Physical Symptoms:** Reddened eyes (often masked by eye drops); stained fingertips from holding "joints," particularly for nonsmokers; chronic fatigue; irritating cough; chronic sore throat; accelerated heartbeat; slowed speech; impaired motor coordination; altered perception; increased appetite.

• **Behavioral Symptoms:** Impaired memory, time-space distortions, feeling of euphoria; panic reactions, paranoia, "I don't care" attitude, false sense of power.

#### Effects of Marijuana Use on the Individual

##### General Health Effects

• 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, THC, and 60 other related chemicals in marijuana concentrate in the ovaries and testes.

• Chronic smoking of marijuana in males causes a decrease in the male 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 that 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 cannabinoid exposure is underweight newborn babies.

• Fetal exposure may decrease visual functioning and cause 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.

### *Effects on Driver Performance*

• The mental impairments resulting from the use of marijuana produce reactions that can lead to unsafe and erratic driving behavior. Distortions in visual perceptions, impaired signal detection, and altered reality can make driving a vehicle very dangerous.

### ~~Overdose Effects~~

- ~~• Aggressive urges~~
- ~~• Immobility~~
- ~~• Anxiety~~
- ~~• Emotional dependency~~
- ~~• Confusion~~
- ~~• Panic~~
- ~~• Fearfulness~~
- ~~• Paranoid reaction~~
- ~~• Hallucinations~~
- ~~• Unpleasant distortions in body image~~
- ~~• Heavy sedation~~

### ~~Withdrawal Syndrome~~

- ~~• Sleep disturbance~~
- ~~• Irritability~~
- ~~• Hyperactivity~~
- ~~• Gastrointestinal distress~~
- ~~• Decreased appetite~~
- ~~• Salivation, sweating, and tremors~~

### ~~Workplace Issues~~

- ~~• The active chemical, TH-C, is stored 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.

#### Reference

Federal Motor Carrier Safety Administration, Office of Motor Carriers, "Guidelines for Implementing the FMCSA Anti-Drug Program," Publication No. FMCSA MC-91-014, March 1992.

## *Opioids (Narcotics) Fact Sheet*

~~Opioids (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~~

~~• Generic/Chemical Names: Natural and natural derivatives include opium, morphine, codeine, and heroin (semi-synthetic).~~

~~Synthetics include meperidine (Demerol), oxycodone (Numorphan), and oxycodone (Percodan).~~

~~• Common Street Names: Big M, micro, dots, horse, "1-1", junk, smack, scag, iVliss Emma, dope, China white.~~

~~• Distinguishing Characteristics: Because of the variety of compounds and forms, opioids are more difficult to clearly describe in terms of form, color, odor, and other physical characteristics. Opium and its derivatives can range from dark brown chunks to white crystals or powders. Depending on the method of intake, they may be in powder, pill, or liquid form.~~

~~• Paraphernalia: Needles, syringe caps, eyedroppers, bent spoons, bottle caps, and rubber tubing (used in the preparation for and injection of the drug).~~

~~• Method of Intake: Opioids may be taken in pill form, smoked, or injected, depending upon the type of narcotic used.~~

~~• Duration of Single Dose Effect: 3 to 6 hours.~~

~~• Detection Time: Usually up to 2 days.~~

~~• Dependency Level: Both physical and psychological dependence on opioids are known to be high. Dependence on codeine is moderate.~~

### ~~Signs and Symptoms of Use~~

~~• Evidence of Presence of Drug: In addition to paraphernalia enumerated above, the following items may be present: foil, glassine envelopes, or paper "bindles" (packets for holding drugs); balloons or paraphernalia used to hold heroin; bloody tissues used to wipe the injection site; a pile of burned matches used to heat the drug prior to injection.~~

• ~~Physical Symptoms: Constricted pupils, sweating, nausea and vomiting, diarrhea, needle marks or "tracks," wearing long sleeves to cover "tracks", loss of appetite, slurred speech, slowed reflexes, depressed breathing and heartbeat, and drowsiness and fatigue.~~

• ~~Behavioral Symptoms: Mood swings, impaired coordination, depression and apathy, stupor, euphoria.~~

#### ~~Effects of Narcotics Use on the Individual~~

• ~~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 the lack of pain sensitivity.~~

• ~~Narcotics' effects are multiplied when used in combination with other depressant drugs and alcohol, causing increased risk for an overdose.~~

#### ~~Effects on Mental Performance~~

• ~~Depression and apathy~~

• ~~Wide mood swings~~

• ~~Slowed movement and reflexes~~

~~In addition, the high physical and psychological dependence level of opioids compounds the impaired functioning.~~

#### ~~Effects on Driver Performance~~

~~The apathy caused by opioids can translate into an "I don't really care" attitude toward performance. The physical effects as well as the depression, fatigue, and slowed reflexes impede the reaction time of the driver, raising the potential for accidents. Although opioids have a legitimate medical use in alleviating pain, workplace use may cause impairment of physical and mental functions.~~

#### ~~Social Issues~~

There are more than 500,000 heroin addicts in the United States, 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.

#### *Reference*

Federal Motor Carrier Safety Administration, Office of Motor Carriers, "Guidelines for Implementing the FMCSA Anti-Drug Program," Publication No. FMCSA MC 91-014, March 1992.

## 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 comalike 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

• **Generic/Chemical Names:** Phencyclidine.

• **Common Street Names:** Angel dust, dust, peace pills, hog, killer weed, mint, monkey dust, supergrass, Tran Q, weed.

• **Distinguishing Characteristics:** PCP is commonly sold as a creamy, granular powder. It is either brown or white and often packaged in one-inch-square aluminum foil or folded paper packets. Occasionally, it is sold in capsule, tablet, or liquid form. It is sometimes combined with procaine, a local anesthetic, and sold as imitation cocaine.

• **Paraphernalia:** Foil or paper packets; stamps (off which PCP is licked); needles, syringes, and tourniquets (for injection); leafy herbs (for smoking).

• **Method of Intake:** In pill, capsule, or tablet form, PCP may be ingested. It is commonly injected as "angel dust." It may be smoked or snorted when applied to leafy materials or combined with marijuana or tobacco.

• **Duration of Single Dose Effect:** Days.

• **Detection Time:** Up to 8 days.

• **Dependence Level:** Psychological dependence on PCP is known to be high. Physical dependence is unknown.

### Signs and Symptoms of Use

• Evidence of Presence of PCP: ~~Packets, stamps, injection paraphernalia, herbs.~~

▲ **Physical Symptoms:** Dilated or floating pupils, blurred vision, nystagmus (jerky eye movement), drooling, muscle rigidity, profuse sweating, decreased sensitivity to pain, dizziness, drowsiness, impaired physical coordination (e.g., drunken-like walk, staggering), severe disorientation, rapid heartbeat.

▲ **Behavioral Symptoms:** Anxiety, panic/fear/terror, aggressive/violent behavior, distorted perception, severe confusion and agitation, disorganization, mood swings, poor perception of time and distance, poor judgment, auditory hallucinations.

### 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.

### Effects on Hematological Performance

▲ Irreversible memory loss

▲ Personality changes

▲ Thought disorders

• Hallucinations

### *Effects on Driver Performance*

The distortions in perception and potential visual and auditory delusions make driver performance unpredictable and dangerous. PCP use can cause drowsiness, convulsions, paranoia, agitation, or coma, all obviously dangerous to driving.

### *Overdose Effects*

- Longer, more intense "trip" episodes
- Psychosis
- Coma
- Possible death.

### *Withdrawal Syndrome*

- None reported

### **Workplace Issues**

- PCP abuse is less common today than in the recent past. It is 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: March 2012

Title/Provider	Name/Address/Phone
Program Administrator	Director of Human Resources wk (402) 441-7888
Program Manager	Human Resources Coordinator wk (402) 441-7880 hm (402)
Designated Employer Representative	Douglas Thorpe wk (402) 441-7531 hm (402) 540-0121
Drug and Alcohol Collection Service	<p>Company Care (Breath Alcohol/Drug) 7 days/week 5000 North 26th Street, 1st Fl. excluding holidays Lincoln, NE 68521 7:00am - 5:00pm (402) 475-6656</p> <p><b>After hours testing only</b></p> <p>Heartland Toxicology (Breath Alcohol/Drug) Hours</p> <p>Technicians to call in order for after hours testing only:</p> <p>Kami Eiler 489-8786(Office) 890-6610(Cell) <b>For after hours only</b></p> <p>Todd Haverkamp 465-0770(Office) 580-2791(Cell) <b>For after hours only</b></p> <p>Barb Skiles 467-1301(Office) 304-7343(Cell) <b>For after hours only</b></p>
Drug and Alcohol Counseling Services and Substance Abuse Professionals (SAP)	Continuum 1135 1st Street, Suite 400 Lincoln, NE 68508 (402) 476-0186
Medical Review Officers	Western Pathology Consultants P.O. Box 1936 Scousbluff, NE 69363 800-682-5176
Testing Laboratory	Medtox

City of Lincoln

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-r;l,..mr,\ider	Name/Address/Phone
	St. Paul, IvIN

## APPENDIX V

## AGREEMENT

Appendix V

Agreement

A.T.U. 1293 and the City of Lincoln agree that the Drug and Alcohol testing policy attached hereto shall be effective \_\_\_\_\_ 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.

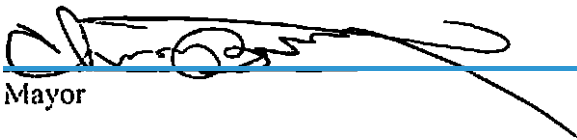
WITNESS WHEREOF, the parties hereto have set their hands this 20th day of

ft. \_\_\_\_\_ 2011<sup>1</sup>

CITY OF LINCOLN, NEBRASKA  
a municipal corporation,

LOCAL 1293 OF THE  
1 MALGAMATED TRANSIT UNION

\_\_\_\_\_

  
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
President, Local 1293

#  
\_\_\_\_\_  
City Clerk



\_\_\_\_\_  
Financial Secretary

9/17118 – per City Attorney –

~~ATU does not need to sign.~~

## 2.28.010 Director; Appointment; Duties Generally.

The Mayor shall appoint, with approval of the City Council, the Human Resources Director. The Human Resources Director shall be the secretary of the Personnel Board and the administrative head of the Human Resources Department. The Human Resources Director shall be responsible for the proper conduct of all administrative affairs of the Human Resources Department and for the execution of the personnel program prescribed in the charter and in the ordinances and resolutions consistent therewith. The Human Resources Director shall be responsible for administrative supervision of all divisions of the executive branch assigned or attached to the Human Resources Department.

The Human Resources Director shall:

- a. Maintain the classification plan so that it reflects the current duties, responsibilities, and nature of work of positions of the city service.
- b. Administer the compensation plan in accordance with the provisions of the charter and these rules.
- c. Develop and administer such recruiting and examination programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the city service.
- d. Encourage and exercise leadership in the development of effective personnel administration within the several departments of the city government and make available the facilities of the Human Resources Department to this end.
- e. Foster and develop, in cooperation with department heads and others, programs for the improvement of employee effectiveness, including training, safety, health, counseling and welfare.
- f. Provide for the establishment and maintenance of a roster of all employees in the city service.

~~g.—Provide a system of checking payrolls, so as to determine that all persons in the city service have been appointed and are being paid in accordance with these rules.~~

~~h.g.~~ Prepare and adopt such forms and procedures as may be necessary or desirable to carry out the city's personnel program.

~~i.h.~~ Apply and carry out the provisions of the charter and the rules adopted thereunder.

~~j.i.~~ Attend meetings of the Personnel Board and provide secretarial services for the Board and for the keeping of minutes of its meetings.

~~k.j.~~ Investigate, from time to time, the operations and effects of the charter and rules adopted thereunder and report findings and recommendations to the Personnel Board.

Perform any other lawful acts which may be necessary and desirable to carry out the purposes and provisions of the charter and these rules.

### Chapter 2.76 PERSONNEL SYSTEM

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## 2.76.040 Definitions

Whenever in this chapter the following terms are used, they shall have the meanings respectively ascribed to them in this section.

Allocation ~~shall mean means~~ the assignment of a position to a class on the basis of the ~~kind, difficulty, and nature of the work performed, responsibility of work, required qualifications, and complexity~~ of the position.

~~Appointing authority shall mean the officer or any person having the power by virtue of the charter or other lawfully delegated authority to make appointment to positions in the city service.~~

~~Applicant is any individual who has submitted an application for employment with the City.~~

Appointment ~~shall mean means~~ the ~~designation to placement of an individual into a position in the classified service~~ ~~offollowing a person who has qualified for the appointment through appropriate examination or determination of fitness.~~, through a merit based assessment, that the individual meets the qualification and requirements of the ~~position.~~

Board ~~shall mean means~~ Personnel Board:

~~Career service positions shall mean budgeted, full- and part-time positions in established pursuant to the classified service. Employees who occupy career service positions~~ ~~Charter and have status are eligible for benefits~~ ~~applicable ordinances.~~

~~Certification shall mean the act of the Human Resources Director in supplying an appointing authority with the names of applicants who are eligible, in accordance with the provisions of these rules, for appointment to a position for which certification is requested.~~

~~Candidate means an individual who has been determined, through a merit-based assessment, to meet the qualification for a classification and who may be referred to the hiring department for consideration to fill a vacancy.~~

Charter ~~shall mean means~~ the Home Rule Charter of the City of Lincoln.

Class or classification ~~shall mean means~~ a position or group of positions that involve similar duties and responsibilities, require similar qualifications, and designated by a single title ~~indicative~~ ~~descriptive~~ of the ~~kind of work~~ ~~performed.~~

Class specification ~~shall mean means~~ the written description of a ~~class classification~~, including the ~~class~~ title, ~~statements~~ ~~general statement~~ of the duties and responsibilities, and the minimum ~~requirements~~ ~~qualifications~~ of education, ~~training~~, and experience ~~appropriate upon entrancerequired~~ for ~~satisfactory performance in~~ a position ~~of.~~

Classified service means all employment positions in the class:City subject to the merit system and not excluded from coverage by the City Charter, ordinance or state law and that are governed by Lincoln Municipal Code Chapter 2.76 or the Personnel Bulletins adopted pursuant thereto.

Demotion ~~shall mean means~~ the movement of an employee from a position in one class to a position in another class having a lower maximum salary rate.

Department ~~shall mean means~~ a major operating functional unit of the executive branch of the ~~city~~City government established in or pursuant to the charter.

Department head ~~shall mean means~~ the officially appointed head of ~~any~~ department or their designee.

Director ~~shall mean means~~ the Human Resources Director, or their designee.

~~Eligible shall mean a person whose name is on an active reemployment, promotion, or eligible list and who may, under these rules, be certified for appointment to a position in the classified service.~~

~~Eligible list shall mean a list of persons arranged in descending order of their ratings on examinations for classes of positions and to which they are qualified for appointment.~~

#### **Excluded**

Employee Position Description or EPD means the written description that outlines specific examples of the duties, functions and responsibilities of a position that are necessary for satisfactory performance.

Unrepresented employee shall mean means an employee who is not represented by a bargaining unit due to the confidential nature of work performed. Employees assigned to a pay range prefixed by ~~the letter~~ “E”, “X”, or “W” are considered ~~to be~~ “~~excluded~~”-unrepresented employees.

Full-time employment ~~shall mean means~~ employment in a position which ~~does not normally require less than~~ is regularly scheduled to work for forty hours ~~work or more~~ per ~~work~~ week.

Hiring department means the department with the authority to fill a vacancy.

Immediate family ~~is defined to be means~~ spouse, child, parent, sibling, grandparent, or grandchild. Immediate family also includes other family members ~~living in the employee's household.~~ Immediate family includes family members by blood, marriage, adoption, foster, or persons under the employee's legal guardianship.

Leave of absence ~~shall mean an approved~~ means a period of time during which the employee is not physically present for work.

**Non-career service positions** ~~shall mean a temporary, seasonal, intermittent, full- or part-time position in the unclassified service. The term of employment in these positions will either be of a specific duration of time or for a specific purpose or on an as-needed basis. Remuneration for employees in this category will be limited to pay for time actually worked with no eligibility for other employee benefits, except for police trainees and fire trainees who shall be eligible to participate in the group health, vision, dental, Health Flexible Spending, Dependent Care Flexible Spending, Basic Life, and Employee, Spouse, Children Supplemental Life plans.~~

Merit-based assessment means a process to measure applicants, candidates, or employees against predefined criteria related to the applicable classification.

Original appointment ~~shall mean~~ means appointment to a position in the ~~city~~City service of ~~a person an individual~~ who is not a ~~present~~current employee of the ~~city~~City and who is not being reinstated ~~from a reemployment list following separation from City service due to a reduction in force.~~ .

~~Overtime shall mean authorized time worked in excess of the individual's regular work day and/or regular work week, or at a time other than the normally scheduled work hours.~~

Overtime means time worked while engaged in City business, which exceeds forty (40) hours in a work week, or the applicable threshold established by a public safety work period, or as otherwise authorized by policy.

~~Part-time employment shall mean~~ means employment in a position regularly scheduled for fewer than forty (40) hours work per week.

Pay period means a fourteen-day period consisting of two consecutive work weeks, an eighty (80) hour period, or a twenty-one (21) day work period.

~~Pre-employment in a Assessment~~ means a merit based assessment method used to evaluate a candidate's ability to perform the essential duties of a position which normally requires less than forty hours work per week through review of demonstrated work activities or outcomes.

**Pay period** ~~shall mean payroll payments normally made to employees on a bi-weekly basis.~~

**Performance test** ~~shall mean a test that measures the applicant's skill in performing a specified type of work by evaluating the actual performance of such work.~~

Personnel Department ~~shall also mean~~ means the Human Resources Department.

Probationary employee ~~shall mean~~ means an employee ~~who has not completed his/her probationary period after original employment serving an initial assessment period following an appointment who is not in the classified service.~~

Probationary period ~~shall mean~~ a working test period means the initial employment period ~~following appointment~~ during which an employee, ~~newly appointed from a list,~~ is required to demonstrate ~~his/her fitness for a position to which said employee is appointed by,~~ through actual job performance ~~of, the ability to satisfactorily perform~~ the duties of the position ~~to attain status in the classified service.~~ The probationary period shall normally be six months.

Promotion ~~shall mean~~ means the movement of an employee from ~~a position of one class~~ classification to ~~a position of another class~~ having classification with a higher maximum salary rate ~~for which a vacancy exists and is filled through a competitive process.~~

**Promotion list** ~~shall mean~~

Promotional hiring process means a ~~list of persons arranged in descending order of their final ratings on examinations for classes of positions for which they have competed in promotional examinations and to which they are qualified for appointment.~~

**Promotional examination** ~~shall mean~~ an examination for positions in a particular class, ~~admission to which is~~ merit-based assessment process limited to current employees in the classified or unclassified service who meet the classification qualifications ~~set forth in the announcement of the examination.~~

**Provisional appointment** ~~shall mean~~ an appointment not to exceed ninety calendar days to a classified position pending the establishment of an appropriate list or the return of a ~~classified employee from an extended leave of absence.~~

Reallocation ~~shall mean~~ means the official determination of the Human Resources Director that a position be assigned to a class different ~~from the one to which it was previously assigned~~ classification based on a material change in the duties or responsibilities.

Reduction in Force ~~shall mean~~ means the involuntary ~~separation of an employee from the classified service due to a~~ reduction in work hours or elimination of a position in the classified service ~~made necessary by~~ due to organizational, operational, or budgetary needs, ~~or other reasons not related to employee job conduct.~~

Reemployment ~~list shall mean~~ a list status means the eligibility of ~~persons~~ an individual who ~~have been but are no longer was a~~ regular ~~employees~~ employee in a particular class specific classification that was separated due to a reduction in force and ~~who are is~~ entitled ~~to have their names certified for appointment for reappointment~~ to a position in that class classification without ~~examination~~ a merit based assessment.

Regular employee ~~shall mean~~ means an employee who has been appointed to a position in the classified service, “classified employee”, in accordance with these rules ~~after successful completion of a~~ who has successfully completed the probationary period.

**Reprimand** ~~shall mean a formal written notice to an employee informing the employee of the specific manner in which the employee's conduct or work performance does not meet prescribed standards.~~

Seasonal employment ~~shall mean~~ means appointment of ~~persons whose employment is expected to be of an individual in a temporary position occurring during a seasonal nature and when it is expected that the services of such persons will be no longer necessary at the close of the particular season for which they have been appointed or portion of the year typically limited to six (6) months and not to exceed seven (7) months.~~

Supervisor ~~shall mean any person~~ means an individual who is responsible ~~to a superior for directing, overseeing, and evaluating the work performance of others~~ other employees.

Temporary employment ~~shall mean:~~

1. ~~Employment in non-career service positions in the~~ means employment in a classified or unclassified service, or
2. ~~Employment in career service positions~~ position for a specific purpose and limited ~~length~~ duration of time not to exceed one (1) year.

Transfer ~~shall mean~~ means the movement of an employee from one position to another position ~~of the same class or of another class~~ having the same maximum salary rate involving the performance of similar duties and ~~requiring essentially the same basic qualifications.~~

**Unassembled examination** ~~shall mean an examination which does not require all candidates to assemble at the same place.~~

**Vacancy** ~~shall mean a duty created position which is not occupied and for which funds have been provided.~~

**Veteran** ~~shall mean a citizen of the United States who has been a member of the Armed Forces of the United States of America and in active service for more than ninety consecutive days in time of any war in which this country has been or shall hereafter be engaged; including the periods between April 6, 1917 and November 11, 1918; between December 7, 1941 and December 31, 1946; between June 25, 1950 and January 31, 1955; and between August 5, 1964 and May 7, 1975, (and any other legally designated periods); and who has been discharged or released therefrom under honorable conditions; provided, however, that attendance at a school under military orders, except schooling incident to an~~

~~active enlistment or regular tour of duty, or normal military training as a reserve officer or member of an organized reserve or national guard unit shall not be considered active service within the meaning of this definition; and provided, further, that any such citizen otherwise eligible, who was discharged or released under honorable conditions on account of service-connected injury or illness prior to completion of such ninety-day service shall nevertheless be deemed to be a veteran.~~

### **Work**

Unclassified Service means a position excluded from the classified service by the Charter, ordinance, or state law and not subject to the merit-based assessment requirements.

Vacancy means an approved position that is unoccupied.

Veteran means an individual who meets the definition of veteran under applicable state or federal law and who is entitled to employment preferences, protections, or benefits afforded to veterans in public employment.

Workday or working day ~~or working day~~ shall mean any one shift during which a department is open for business or on which an employee is scheduled to work.

Work period: Eighty (80) hours in a fourteen (14) day period (12:00 a.m. Thursday to 11:59 p.m. Wednesday) for law enforcement and one hundred fifty-nine (159) hours per a twenty-one (21) day tour of duty (12:00 a.m. Wednesday to 11:59 p.m. Thursday) for fire suppression.

~~Work week shall mean the number of hours regularly scheduled to be worked during any seven consecutive days commencing at 12:00 a.m. on a Thursday and ending on the following Wednesday by an individual employee. at 11:59 p.m. (Ord. 21822 §4; January 05, 2026; Ord. 21507 §1; August 14, 2023; Ord. 21437 §1; April 10, 2023; Ord. 21381 §1; November 21, 2022; Ord. 20874 §1; January 13, 2020; Ord. 20534 §1; August 28, 2017; Ord. 20368 §1; August 22, 2016; Ord. 19969 §10; December 16, 2013; Ord. 19317 §1; October 12, 2009; Ord. 18595 §1; August 8, 2005; Ord. 18319 §1; March 15, 2004; Ord. 16301 §1; February 1, 1993; Ord. 15696 §1; August 20, 1990; Ord. 15662 §1; July 16, 1990; Ord. 15488 §8; March 12, 1990; P.C. §2.58.070; Ord. 15407; January 22, 1990; Ord. 15124 §1; March 13, 1989; Ord. 14738 §1; September 8, 1987; Ord. 14173 §1; August 19, 1985; Ord. 12338 §§1, 2, 3, 4, 5; July 17, 1978; Ord. 12168 §1; December 27, 1977; Ord. 10559 §1; September 11, 1972; Ord. 7208 §9; June 20, 1960).~~

## 2.76.210 Recruitment 065 Unclassified Service; What Constitutes.

The unclassified service shall consist of:

a. All probationary and **Examinations** temporary employees.

a.—Purpose. It is the purpose of recruitment to provide an equitable and effective means for bringing competent employees into the service. This involves:

- 1.—Announcement of vacancies in the classified service to be filled by appointment so that all who are interested may make application;
- 2.—Establishment and administration of tests or other measures designed to determine the ability of applicants to perform the work satisfactorily;
- 3.—The certification of qualified applicants to fill vacancies.

b.—Public announcement of vacancies. The Human Resources Director shall make announcement of all vacancies in the classified service which are to be filled by appointment by means of announcements posted on the official bulletin board of the Human Resources Department. Length of posting shall be based on type of position being recruited and number of qualified candidates. Announcements of vacancies shall be given such other publicity as the director deems warranted in the interest of attracting adequate numbers of qualified applicants. The announcements shall specify the title and salary range of the class for which the vacancy is announced; the nature of the work to be performed; the minimum qualifications required for the performance of the work of the class; the time, place, and manner of making application; the closing date for receiving applications; and other pertinent information. For those classes for which there is to be continuous recruitment, a statement shall be included in the announcement to the effect that applications will be received until further notice. (Ord. 19969 §25; December 16, 2013; prior Ord. 15488 §41; March 12, 1990: P.C. §2.58.260; Ord. 12168 §9; December 27, 1977: Ord. 8619 §23; December 21, 1964: Ord. 7208 §26; June 20, 1960).

b. All officers elected by the people.

c. All Officer, Department and Personnel governed by 2.78.

## 2.76.070 Classified Service; What Constitutes.

That section 2.76.070 of the Lincoln Municipal Code be amended and the same is hereby repealed.

### ~~Title 2 OFFICERS, DEPARTMENTS AND PERSONNEL~~

## ~~Chapter 2.76 PERSONNEL SYSTEM.210 Hiring~~

### ~~2.76.215 Application.~~

- ~~a. Application form. All appointments to positions in the classified service shall be made on forms prescribed by the Human Resources Director and shall be filed with the director on or prior to the closing date specified in the announcement according to merit and fitness. Merit and fitness, in reference to classification qualifications, shall be assessed through a fair and impartial hiring process.~~

## 2.76.215 Hiring: Applications may require information concerning.

- ~~a. Applications for posted vacancies shall be sent to Human Resources. Applications may include the applicant's background of training and, experience, education, references, residence, physical fitness, and other pertinent information. All applications shall be electronically signed and the truth of the statements contained therein certified by such signature. The director shall require such proof of age, education, experience, and other claims as may be appropriate.~~
- ~~b. Freedom from bias. No question in any application form or in any examination shall be so framed as to elicit any information concerning the political or religious opinions or affiliations or race of any applicant, nor shall inquiry be made concerning such opinions or affiliations and all such disclosures thereof shall be discountenanced, except that the city may inquire whether any person employed or retained in the city service advocates or belongs to an organization advocating the overthrow or change of our government by force or violence.~~
- ~~c. Admission to examinations. Persons who submit applications on or before the last date for filing, and whose applications clearly show that the applicants meet the requirements for admission to the examination as specified in the official announcement, shall be admitted to compete in the examination for which they are applying. Where doubt exists as to whether an applicant meets the requirements for admission to an examination, the Human Resources Director may authorize~~

~~conditional admission to the examination, but such action shall not be construed as entitling the applicant to become eligible for certification or appointment until the circumstances leading to the conditional acceptance are clarified to the director's satisfaction. Each applicant whose application has been accepted for any examination shall be notified of the date, time, and place of the examination. No person shall be permitted to take any examination without an authorization or other satisfactory evidence of acceptance or conditional acceptance of their application by the director. (Ord. 20409 §1; December 19, 2016; prior Ord. 19969 §26; December 16, 2013; Ord. 15488 §42; March 12, 1990; P.C. §2.58.261; Ord. 8619 §24; December 21, 1964).~~

- ~~b. No application questions shall prompt the candidate to reveal their political ideology, or their race, color, religion, sex, disability, national origin, age, marital status, familial status, pregnancy status, or veteran status except as required for compliance with veteran's preference laws.~~

## 2.76.220 Age Hiring: Applicant Eligibility Requirements.

- ~~a. Civilian positions. Applications will be open to anyone who is authorized to work in the United States.~~
- ~~b. All applicants for positions in the civilian classified and unclassified service shall not be less than a minimum of fifteen (15) years of age or as unless otherwise required by state or federal regulation for the classification.~~
- ~~a.c. Promotions may be open to any classified or unclassified employee who meets the classification qualifications. Eligibility for promotions may be restricted by Human Resources to employees of a certain group of positions, a specific positions division, or department, when it is in the best interest of the City.~~
- ~~b. Uniform positions. All applicants for entrance level commissioned positions in the police department shall not be less than twenty-one years of age; and in the Fire and Rescue Department shall not be less than nineteen years of age. (Ord. 21580 §1; March 18, 2024; Ord. 20409 §2; December 19, 2016; Ord. 18170 §15; April 28, 2003; Ord. 15488 §43; March 12, 1990; P.C. §2.58.262; Ord. 15362 §1; December 11, 1989; Ord. 15262 §1; August 21, 1989; Ord. 15056 §1; November 28, 1988; Ord. 14246 §1; October 14, 1985; Ord. 12338 §6; July 17, 1978; Ord. 12168 §10; December 27, 1977; Ord. 9778 §1; May 19, 1969; Ord. 9538 §1; July 8, 1968; Ord. 9452; April 8, 1968; Ord. 8619 §25; December 21, 1964).~~
- ~~d. All reasonable precautions shall be taken to preserve the anonymity of applicants through the application screening and hiring process.~~

## 2.76.225 Hiring: Veterans' Preference.

Human Resources shall grant veterans' preference in accordance with the State of Nebraska and Federal regulations.

## 2.76.225 Hiring: Medical Examination.

Applicants for positions may be required to undergo a medical examination by a physician medical provider to determine physical and mental fitness to perform work in the position for which application is made. (Ord. 15488 §44; March 12, 1990; P.C. §2.58.263; Ord. 8619 §26; December 21, 1964).

### **2.76.230 Disqualification.**

The Human Resources Director may refuse to examine an applicant, or after examination, may disqualify such applicant or remove the applicant's name for an eligible list or refuse to certify the applicant or may consult with the appointing authority in taking steps to remove such person already appointed if the applicant:

- a. Is found to lack any of the established qualification requirements for the position.

## Is physically 2.76.245 Hiring: Referring Applications to Hiring Department.

- a. Human Resources shall confirm which applicants meet the minimum qualifications of the classification and refer qualified candidates to the hiring department.
- b. The screening of referred applicants shall be done collaboratively between Human Resources and the hiring department, and relate to matters which equitably assess the capacity, merit, and fitness of all applicants. Screenings may include a review of the application, resume, cover letters, application questions, screening matrixes, phone or virtual screenings, skills assessments, or any other materials submitted by applicant.
- c. For unclassified positions, the Director may authorize the use of simplified procedures to meet the needs of the position while assuring the selection of such employees meets minimum employment standards.

## 2.76.230 Hiring: Removal of Applicants or Candidates.

The Director may remove an applicant or candidate from a selection process or mentally disabled as to be rendered unfit disqualify from appointment if they;

- a. Do not meet the minimum qualifications for the position.
- b. Are determined unequipped for the performance of the duties of the class.

~~c. —Is addicted to the habitual or excessive use of drugs or intoxicating beverages.~~

~~c. Has made a false statement of material fact in this Do not successfully complete preemployment screenings.~~

~~d. Materially falsify their application.~~

~~e. Secure an advantage in the hiring process through political pressure, or bribery, by obtaining information regarding the hiring process to which they were not entitled.~~

~~d.—Do not submit the application:~~

~~e.—Has used or attempted to use political pressure or bribery to secure an advantage in the examination:~~

~~f.—Has directly or indirectly obtained information regarding the examination to which, as an applicant, he was not entitled:~~

~~g.f. Has failed to submit the application correctly or within the prescribed time limits.~~

~~h.g. Has takenTake part in the compilation, administration, or correction of the examinationselection process for which such person is an applicant.~~

~~i.h. HasHave previously been dismissed from a position in the cityCity service for cause or hashave resigned while charges for dismissal for cause were pending.~~

~~j.i. HasHave been convicted of a crime or of disgraceful conduct related to the position in which they are being considered for.~~

~~k.j. HasHave willfully violated the provisions of these rules and regulations.~~

~~t.k. Has establishedHave an unsatisfactory employment or personnel record as evidenced by or reference check of such nature as to demonstrate unsuitabilitywhich may result in disqualification for employment:up to two (2) years.~~

~~m.—Is not within the age limits prescribed in the class specifications:~~

~~l. Or for such other reasonsWithdraw from consideration or decline an offer for the current position in which they applied.~~

~~m. Do not respond within two (2) business days to multiple inquiries regarding coordination of the hiring process.~~

~~n. Have interviewed twice and not been selected for; the same position, the same division, or the same department within the past two (2) years from date of application.~~

~~o. Did not show up for a scheduled interview or start date with the City within the past two (2) years.~~

~~p. Separate from City service while participating in a promotional process.~~

~~n.g. Are considered by the director that employment of the individual would be detrimental to the best interests of the cityCity.~~

~~Whenever an application is rejected, notice of such rejection shall be given to the applicant by the director. Applications, whether accepted or rejected, shall remain on file and shall not be returned. (Ord. 19969 §27; December 16, 2013; prior Ord. 15488 §45; March 12, 1990; P.C. §2.58.264; Ord. 8619 §27; December 21, 1964).~~

### **2.76.235 Examinations; Selection by Examination.**

~~All appointments to positions in the classified service shall be made according to merit and fitness. Merit and fitness shall be ascertained insofar as practicable by examinations which shall be prepared by or under the direction of the Human Resources Director and shall relate to those matters which will test fairly the capacity and fitness of candidates to discharge efficiently the duties of the positions for which examinations are held. Admittance to such examinations may be limited to regular employees in the city service when the Human Resources Director, after consultation with the department head concerned, determines that there are a sufficient number of qualified candidates within the classified service to provide competition. (Ord. 19969 §28; December 16, 2013; prior Ord. 15488 §46; March 12, 1990: P.C. §2.58.265; Ord. 8619 §28; December 21, 1964).~~

### **2.76.240 Examinations; Eligibility Requirements.**

- ~~a.—Open competitive examinations. Examinations designed to establish eligible lists shall be open to all citizens of the United States, regardless of residence, registered aliens, and persons who have obtained working papers from the federal government who may be lawfully appointed to a position in the class concerned, and who appear to meet the qualifications and other requirements for the class as set forth in the vacancy announcement.~~
- ~~b.—Promotional examinations. Promotional examinations shall be open to any employee who appears to meet the qualifications. Admission to promotional examinations may be restricted by the Human Resources Director to employees of a specific division or department when such action is in the best interest of the city. (Ord. 19969 §29; December 16, 2013; prior Ord. 15488 §47; March 12, 1990: P.C. §2.58.266; Ord. 12168 §11; December 27, 1977: Ord. 8619 §29; December 21, 1964).~~

### **2.76.245 Examinations; Character of Examinations.**

- ~~a.—Competitive examinations. Examinations shall relate to those matters which fairly test the capacity, merit, and fitness of the persons examined to discharge the duties of the position sought by them. Examinations may be assembled or unassembled and may include written, oral, physical, or performance tests, or any combination of these. They may take into consideration such factors as education, experience, aptitude, knowledge, character, personality, physical fitness as determined by physical and/or medical examination, or any other qualifications or attributes which in the judgment of the director enter into the determination of the relative fitness of applicants.~~

~~b.—Promotional examinations. Promotional examinations shall be of like kind and character to those for original appointment to the service. In addition to other factors, promotional examinations shall take into consideration the quality and length of service where records are available to provide the basis for such rating.~~

~~c.—Noncompetitive examinations. The director may conduct a noncompetitive promotional examination to establish eligibility for appointment to a higher class in the case of a regular employee whose position is reallocated in recognition of a gradual change in the employee's duties and responsibilities.~~

~~d.—Open continuous examinations. When necessary to meet continued requirements for filling positions and there is not available a sufficient number of applicants for a class, the closing date for any examination may be indefinite and applicants may be tested continuously in such manner and at such times and places as the director may provide.~~

~~e.—Simplified examination procedure. For positions involving unskilled labor, attendant, or custodial work, when the character or conditions of employment make it impracticable to supply the needs of the service by appointments made in accordance with the procedures prescribed above, the director may adopt or authorize the use of such other procedures as the director determines to be appropriate in order to meet the needs of the service while assuring the selection of such employees on the basis of merit and fitness. Examinations so given shall conform with and utilize such methods, forms, and techniques as the director may require.~~

~~(Ord. 21507 §6; August 14, 2023: Ord. 15488 §48; March 12, 1990: P.C. §2.58.267; Ord. 12168 §12; December 27, 1977: Ord. 8619 §30; December 21, 1964).~~

#### **2.76.250 Examinations; Examinations Administration.**

~~a.—Conduct of examinations. Examinations shall be announced and held at such times and places as, in the judgment of the director, most nearly meet the needs of the service. The tests shall be conducted either by the Human Resources Director or by persons designated by the director.~~

~~b.—Anonymity of applicants. All reasonable precautions shall be taken to preserve the anonymity of applicants in the conduct and scoring of written examinations.  
(Ord. 19969 §30; December 16, 2013: prior Ord. 15488 §49; March 12, 1990: P.C. §2.58.268; Ord. 8619 §31; December 21, 1964).~~

### 2.76.255 Examinations; Postponement or Cancellation of Examinations:

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~~In the event a sufficient number of qualified applicants has not made application for any examination, the director may postpone the last filing date and the date of examination and shall in such cases give written notice to the applicant and department heads concerned. (Ord. 15488 §50; March 12, 1990; P.C. §2.58.269; Ord. 8619 §32; December 21, 1964):~~

### **2.76.260 Veterans' Preference:**

~~Veterans who obtain passing scores on all parts or phases of an examination or numerical scoring shall have five (5) percent added to their passing score if a claim for such preference is made on the application. An additional five (5) percent shall be added to the passing score or numerical scoring of any disabled veteran. A veteran desiring to use a veteran's preference shall provide the hiring authority with a copy of the veteran's Department of Defense Form 214, also known as the DD Form 214. A spouse of a veteran desiring to use a veteran's preference shall provide the hiring authority with a copy of the veteran's Department of Defense Form 214, a copy of the veteran's disability verification from the United States Department of Veterans Affairs demonstrating a one hundred percent permanent disability rating, and proof of marriage to the veteran. (Ord. 20409 §3; December 19, 2016; prior Ord. 15488 §51; March 12, 1990; P.C. §2.58.270; Ord. 7208 §27; June 20, 1960):~~

### **2.76.265 Examinations; Consultants:**

~~In the development of examinations, the Human Resources Director may confer with the department heads concerned and with others skilled in or familiar with work requirements of the class to be tested. Any special test or skill requirements shall be published in the examination notice. The director may also select individuals to serve as examiners. Final test material shall be known only to the director, the Personnel Board, and to employees of the Human Resources Department. Every precaution shall be exercised by all persons participating in the development of tests to maintain the highest integrity in examination. (Ord. 19969 §31; December 16, 2013; prior Ord. 15488 §52; March 12, 1990; P.C. §2.58.271; Ord. 11489 §3; October 20, 1975; Ord. 8619 §33; December 21, 1964):~~

### **2.76.270 Examinations; Rating of Examinations:**

- ~~a.—Sound measurement techniques and procedures shall be used in rating the results of examinations and determining the relative standards of the competitors. In all examinations, the minimum ratings by which eligibility may be achieved shall be set by the director. The final examination grade may be based on all factors of the examination, including educational requirements, experience, and other pertinent information. The final earned rating of each competitor shall be determined by~~

averaging the earned ratings on each part of the examination in accordance with the weights established for each part prior to the date of the examination. All competitors may be required to obtain at least a minimum rating in each or any part of the examination in order to receive a final passing grade or to be allowed to participate in the remaining parts of the examination.

- b.—The results of examinations of competitors who fail to qualify as eligibles for the class for which the examinations were taken may, with the approval of the director, be rated with reference to their eligibility for a lower class for which an examination is in process, if the competitors have signified their willingness to accept appointments to positions in such lower class.
- c.—When a rating of experience and training forms a part of the examination, the director shall develop such procedures for the evaluation of these factors as will serve to assist in the selection of the best qualified candidates. These procedures shall take into consideration the quality, recency and amount of experience, and the pertinence, quality and amount of training. (Ord. 15488 §53; March 12, 1990: P.C. §2.58.272; Ord. 8619 §34; December 21, 1964).

Whenever an applicant or candidate is removed from the selection process, they will receive a declination notice.

## 2.76.315 Hiring: Duration of Candidate Eligibility.

A. A candidate may be considered for vacancies in the same, or similar classifications for one year from the date of an application. This period may be reduced or extended by the director for up to two years from the date of application.

B. It is the candidate's responsibility to notify the Human Resources Department of any change affecting availability for employment.

## 2.76.275 Examinations Hiring; Notification of Status and Right to a Review.

Applicants participating in a hiring process may request their application status at any time during the process. All applicants will receive a notification of their final status upon completion of the hiring process. Within ten (10) calendar days after receiving notice of their final status, an applicant may submit a request to have the director review a hiring process in which the applicant participated. The director will review the hiring process for any

discrepancies related to applicable laws, ordinances, policies, or practices. If warranted, the director will take appropriate steps to remedy the discrepancy and communicate the findings to the applicant within thirty (30) days, or as soon as possible thereafter.

~~(Ord. 21822 §9; January 05, 2026: Ord. 20409 §4; December 19, 2016: Ord. 15488 §54; March 12, 1990: P.C. §2.58.273; Ord. 11489 §4; October 20, 1975: Ord. 8619 §35; December 21, 1964).~~

## 2.76.280 Nondiscrimination.

~~a.~~ **a.** Employment actions affecting an employee or applicant for a position in the City service, including, but not limited to, appointment, promotion, demotion, disciplinary action, suspension, dismissal, or reduction in force shall be based on merit, qualifications, and job requirements. The City shall not discriminate based on any protected characteristic, including, but not limited to, race, color, religion, sex, disability, national origin, age, marital status, pregnancy, military status, veteran status, or political opinions or affiliations. No person shall be employed or retained in the City service if they advocate for or belong to an organization that supports the overthrow or violent change of the government by force.

~~b.~~ **b.** Any reference made in this Chapter 2.76 of the Lincoln Municipal Code to the terms he, she, his, her, or any similar term shall be interpreted as gender neutral and shall imply no restriction or other action because of the sex of the employee or applicant.

~~(Ord. 21822 §10; January 05, 2026: Ord. 15488 §55; March 12, 1990: P.C. §2.58.280; Ord. 12168 §13; December 27, 1977: Ord. 11489 §5; October 20, 1975: Ord. 9618 §1; November 4, 1968: Ord. 7208 §28; June 20, 1960).~~

## 2.76.300 Examinations; Penalty.

~~That section 2.76.305 **Reemployment Lists.**~~

~~Regular employees with a satisfactory employment record who are involuntarily separated from 300 of the city service through no fault of their own shall Lincoln Municipal Code be placed on appropriate class reemployment lists in the order of their years of continuous service with the city regardless of class. Employees with the same total years of service shall be placed on the list for the class in question in order of their final performance evaluation. The eligibility of all candidates on class reemployment lists shall expire two years from the date of their separation from the city service. (Ord. 15488 §60; March 12, 1990: P.C. §2.58.305; Ord. 8619 §37; December 21, 1964).~~

~~**2.76.310 Order of Names on Eligible or Promotional Lists.**~~

Candidates obtaining a passing score in any competitive or promotional examination shall have their names placed on the list for the class for which they are examined in order of their final earned rating plus veteran's preference where applicable. In the case of a tie in final ratings, names shall be placed on the list in order of the rating earned in the part of the examination given the greatest weight. Any remaining ties shall be broken by arranging names in the order of seniority within the classification for promotional examinations, amended and the order in which the applications were received for initial appointment. (Ord. 15488 §61; March 12, 1990; P.C. §2.58.306; Ord. 11489 §6; October 20, 1975; Ord. 8619 §38; December 21, 1964).

#### **2.76.315 Duration of Eligible or Promotional Lists:**

The life of each list shall normally be one year from the date of its establishment; but this period may be reduced or extended by the director when it same is deemed to be in the best interest of the city. However, in no case shall the name of an eligible remain on any list for a period greater than two years. (Ord. 15488 §62; March 12, 1990; P.C. §2.58.307; Ord. 8699 §39; December 21, 1964). ~~hereby repealed~~ ~~repealed~~.

#### **2.76.320 Removal of Names from Lists:**

The director may remove or withhold from certification the name of an eligible on a list for any of the following reasons:

- a.— ~~Appointment to fill a vacancy in the same class or another class having the same or a higher minimum salary;~~
- b.— ~~Filing of a statement by the eligible that such eligible is not willing to accept appointment;~~
- c.— ~~Declination of an appointment under such conditions as an eligible previously had indicated such eligible would accept;~~
- d.— ~~Failure to respond by a specific date to any written inquiry of the director relative to availability for appointment;~~
- e.— ~~Consideration for a permanent appointment from one list by three different department heads or three times by one department head and not appointed;~~
- f.— ~~Any cause specified in Section 2.76.230 of this code;~~
- g.— ~~Failure to report for duty within the times prescribed by the department head;~~
- h.— ~~Expiration of the term of eligibility on the eligible list;~~

i.—~~Failure to maintain a record of current address at the Human Resources Department. For this purpose, an e-mail returned as “undeliverable” or the return of a letter by the postal authorities, if properly addressed to the last address on record, shall be deemed sufficient grounds for such action; and~~

j.—~~In the case of promotion lists, upon termination of city service.~~

~~Whenever the director removes or withholds from certification the name of an eligible on a list, the director shall inform such person of the reasons therefor. (Ord. 20409 §5; December 19, 2016; prior Ord. 19969 §32; December 16, 2013; Ord. 15663 §1; July 16, 1990; Ord. 15488 §63; March 12, 1990; P.C. §2.58.308; Ord. 8619 §40; December 21, 1964).~~

### **2.76.325 Eligible Lists for Classes for Which There is No Existing List.**

~~If a vacancy exists in a class for which there is no existing list, the director may prepare an appropriate list for the class from one or more existing related lists. For this purpose, the director shall select lists from classes for which the examinations, qualifications, and the salary ranges are similar to those required for the class in which the vacancy exists. (Ord. 15488 §64; March 12, 1990; P.C. §2.58.309; Ord. 8619 §41; December 21, 1964).~~

### **2.76.330 Availability of Eligibles.**

~~It shall be the responsibility of eligibles to notify the Human Resources Department in writing of any change in address or other change affecting availability for employment. However, the director may circularize lists or use other methods to determine at any time the availability of eligibles. Whenever an eligible submits a written statement restricting the conditions under which such eligible will be available for employment, such eligible’s name shall be withheld from all certifications which do not meet the conditions such eligible has specified. An eligible may file a new written statement at any time within the duration of an eligible list modifying any prior statement as to conditions under which the eligible will be available for employment. (Ord. 19969 §33; December 16, 2013; prior Ord. 15488 §65; March 12, 1990; P.C. §2.58.310; Ord. 8619 §42; December 21, 1964).~~

## **2.76.335 Appointments to Positions Hiring: Filling Vacancies in the Classified Service.**

- a. ~~Vacancies. All vacancies~~**Vacancies** in the classified service shall be filled by: reemployment, promotion, original appointment, transfer, or demotion as provided in these rules. Appointments to vacant positions ~~wittshall~~ be made in the order indicated: (1)by reemployment lists; (2) promotion lists; (3) referred applicant lists. ~~When there are no eligible candidates on reemployment or promotion lists, a~~

~~competitive selection process will be used to create a referred applicant list. first if available.~~

- b. ~~Requisition Submittal.~~ When a vacancy in the classified service is to be filled, the ~~Department Head, or designee,~~ hiring department shall submit a requisition to the Human Resources Department to initiate a merit-based, competitive selection process. ~~This requisition shall state the class title, working title, the number of positions to be filled, hours, location, essential qualifications, desirable special qualifications, and other appropriate information.~~
- c. ~~Competitive Selection Process.~~ Department Head, or designee, Hiring department is responsible for developing legally compliant selection criteria, in consultation with the Human Resources Department, ~~prior to beginning the selection process for a new requisition, and providing the documentation to the~~ Human Resources Department. ~~The Human Resources Department~~ is responsible for confirming all selection activities involved in the competitive selection process before applicants are referred to the Department Head, or designee.
- d. ~~Referred Applicant List.~~ The Human Resources Department will ensure that all applicants/candidates referred to departments possess the necessary competencies (i.e., knowledge, skills, abilities, education, training, licenses/certifications, etc.), to meet minimum requirements of the job classification as well as the pre-established criteria to ensure a competitive selection process/qualifications.
- e. ~~Department Head, or designee, must~~ Hiring department shall notify the Human Resources Department prior to extending an offer of employment with the City of Lincoln, except for a temporary appointment.
- f. ~~The Department Head, or designee,~~ Hiring department shall return all selection documentation to the Human Resources Department upon completion of the hiring process.

~~(Ord. 21431 §1; April 03, 2023; Ord. 16476 §1; September 20, 1993; Ord. 16302 §1; February 1, 1993; Ord. 15664 §1; July 16, 1990; Ord. 15488 §66; March 12, 1990; P.C. §2.58.311; Ord. 8619 §43; December 21, 1964).~~

## 2.76.340 Appointments: Probationary

- a. Probationary appointments.
  1. ~~There is hereby established a~~ A probationary ~~or (working test) period which shall normally be of is typically~~ six (6) months' duration after original appointment. ~~months following an employee's original appointment.~~ During this period, the probationary appointment, which is within employee serves in the unclassified service, a probationary employee and may be dismissed by the appointing authority Department Head at any time, without the right of the employee to appeal or review of any kind. ~~Notification of any.~~

1.2. ~~Any~~ dismissal of a probationary employee ~~shall~~ must be ~~made~~ communicated in writing by the ~~appointing authority~~ Department Head to ~~both~~ the employee and the ~~Human Resources~~ ~~Director~~. Director.

3. Prior to the ~~expiration end~~ of an employee's probationary period, the ~~appointing authority~~ Department Head shall ~~notify~~ evaluate the ~~employee in writing whether the services performance~~ of the employee ~~have been satisfactory and whether the employee will be continued in the position. A copy of this notice shall be placed in the employees personnel file by the appointing authority.~~ Upon receipt of a ~~favorable reports~~ satisfactory ~~evaluation~~, the employee will be appointed to ~~a permanent status~~ the ~~classified service~~ at the ~~expiration end~~ of the probationary period ~~with an effective date of pay increase the beginning of the pay period following the eligibility date. Failure of the appointing authority to accomplish such notice prior to the last day of, unless the employee is promoted within the probationary period will result in the employee establishing permanent status.~~

i. ~~If an employee has not received a performance evaluation by the end of their probationary period, the employee will be appointed to the classified service~~ automatically.

2.

3-b. ~~Probationary Extensions.~~ An employee's probationary period may be extended up to a maximum of one year from the employee's date of hire with the approval of the ~~department head.~~ Department Head. A performance evaluation and reasons for the extension shall be submitted in writing to the employee prior to the expiration of the employee's probationary period.

- i. The reasons shall include the length of time requested for the extension of the probationary period.
- ii. A new eligibility date for review will be set to the extension date.
- iii. Prior to the new eligibility date, a performance evaluation will be completed.

a. Upon completion of a satisfactory performance evaluation, the employee ~~shall~~ will be removed from probation ~~with an effective date of and receive a~~ pay increase ~~effective at~~ the beginning of the pay period following the ~~new~~ eligibility date. - A new eligibility date ~~shall~~ will be established one year from the ~~current eligibility date.~~ ~~end of the probationary period.~~

A-b. ~~If a department head chooses~~ Department Head elects to remove an employee from probation prior to the ~~new~~ extended eligibility date, ~~the effective date of any approved pay increase, if granted,~~ will be ~~effective at~~ the beginning of the pay period following the ~~new~~ evaluation date. ~~A In such cases,~~

a new eligibility date ~~shall~~ will be ~~stablished~~ established one year from the ~~new~~ evaluation date.

~~B.c.~~ If the results of the performance evaluation are unsatisfactory, the employee will be dismissed in accordance with 2.76.340 a.-1.

c. Minimum probationary period. An employee may hold a classified position upon successful completion of at least a three months probationary period consistent with the evaluation process described above in 2.76.340 a3.

## 2.76.X Appointments: Temporary appointments:

~~Whenever there are urgent reasons for temporary employment in any of the departments, and it is not practicable to secure the needed person or persons by certification from an eligible list, the~~

~~2. The appointing authority may make temporary appointments for a period not to exceed one year. Successive Unless there has been a break in service, successive temporary appointments to the same position shall not be made. An employee under a temporary appointment which is within the unclassified service may be dismissed by the appointing authority without the right of the employee to review of any kind. Any person under temporary appointment must meet the minimum qualifications for the position:~~

~~3.—Full-time, seasonal, and part-time appointments. Appointments to fill vacancies in full-time, seasonal, and part-time positions shall be made only following certification from an eligible, reemployment, or promotional list. The director shall be notified in writing of the selection made by the appointing authority as provided in Section 2.76.335(b) of this code. If the eligible selected declines the appointment, evidence of such refusal shall be transmitted to the director; and the director shall certify an additional eligible in place thereof.~~

~~4.—Provisional appointments. When there is no appropriate list available, when there is not a sufficient number of persons on appropriate lists who are willing to accept appointment, or for the purpose of filling the position of an employee in the classified service who is on extended leave of absence, the director may authorize the provisional appointment of a person meeting the prerequisites for the class to which the position is allocated. Any such provisional appointment shall terminate not later than ten working days after the establishment by the director of an appropriate list and the certification of available eligibles for the position from this~~

~~list. Any time served by an employee under a provisional appointment shall not constitute a part of or be deducted from the probationary period if the employee is subsequently appointed from a list to the same or another position. Provisional appointments shall be limited to ninety calendar days in duration.~~

~~(Ord. 21580 §2; March 18, 2024; Ord. 21553 §5; December 18, 2023; Ord. 21381 §3; November 21, 2022; Ord. 19969 §34; December 16, 2013; Ord. 15488 §67; March 12, 1990; P.C. §2.58.312; Ord. 15124 §2; March 13, 1989; Ord. 12168 §14; December 27, 1977; Ord. 8619 §44; December 21, 1964).~~

## **2.76.341 Promotions:**

### **2.76.341 Appointments: Promotions**

1. A promotion for an employee to a pay range prefixed by “A”, “C”, “E”, “G”, “M” “F”, “N”, “P”, “W”, or “X” shall start ~~an original~~ promotion probationary period of six (6) months in the higher classification. Prior to the completion of the original promotion probationary period, a performance appraisal evaluation shall be completed ~~on for~~ the promoted employee.

~~1.—The reasons shall include the length of time requested for the extension of the promotion probationary period.~~

~~2.—Prior to the new eligibility date, a performance evaluation will be completed.~~

1.a. Upon completion of a satisfactory performance evaluation, the employee shall be removed from promotion probation with an effective date of pay increase the beginning of the pay period following the new eligibility date. A new eligibility date shall be established one year from the current eligibility date.

2.b. If an employee fails to successfully complete the original promotion probationary period, the employee may be separated from employment at the discretion of the employee’s current Department Head.

2.c. An employee’s promotion probationary period may be extended up to a maximum of one year from the employee’s date of promotion with the approval of the Department Head. A performance evaluation and reasons for the extension shall be submitted in writing to the employee prior to the expiration of the employee’s probationary period.

1.d. A new eligibility date for review will be set to the extension date.

~~(Ord. 21822 §11; January 05, 2026; Ord. 21553 §6; December 18, 2023).~~

2. Candidates obtaining a passing score in any competitive or hiring process shall be considered in order of their final earned rating plus veteran's preference where applicable. Any ties shall be broken by arranging names in the order of seniority within the classification for promotional selection processes, and the order in which the applications were received for initial appointment.
3. When an employee's position is reallocated, the promotion probation does not apply.

## 2.76.345 Appointments: Transfers:

A position may be filled by transferring an employee from another position of the same class or similar class with essentially the same basic qualifications and having the same maximum salary. Interdepartmental transfers may shall be approved by both department heads affected, the employee concerned, and the director, and shall be executed on a prescribed form. (Ord. 15488 §68; March 12, 1990; P.C. §2.58.313; Ord. 8619 §45; December 21, 1964).

## 2.76.350 Appointments: Demotions:

A position may be filled by the demotion of an employee in accordance with the procedures for demotion as set forth in Section 2.76.460 of these rules. (Ord. 15488 §69; March 12, 1990; P.C. §2.58.314; Ord. 8619 §46; December 21, 1964). either Section 2.76.460, or Section 2.76.175 of these rules as applicable.

### **2.76.355 Nepotism:**

## 2.76.355 Appointments: Employment of Relatives

No member of the immediate family of any supervisor will be employed in that supervisor's department or division, except with the written approval of the Mayor. (Ord. 15488 §70; March 12, 1990; P.C. §2.58.315; Ord. 8619 §47; December 21, 1964).

### **2.76.360 Qualifying for Status in a Position:**

No employee shall be given status in a position until such employee shall have completed a qualifying period of three months duration. During such qualifying period such employee may be removed from such position by the appointing authority when, in the judgment of the appointing authority, the employee has not demonstrated fitness for the position. At least ten days prior to the expiration of an employee's qualifying period, the appointing authority shall notify the director in writing whether the services of the employee have been satisfactory and whether the employee will be continued in the position. A copy of this

~~notice shall be given to the employee by the appointing authority. Upon receipt by the director of a favorable report, the employee shall establish status at the expiration of the qualifying period. Failure of the appointing authority to accomplish such notice prior to the last day of the qualifying period will result in the employee establishing permanent status automatically. (Ord. 15488 §71; March 12, 1990: P.C. §2.58.316: Ord. 11489 §7; October 20, 1975: Ord. 8619 §48; December 21, 1964).~~

## 2.76.525 Reports to Human Resources Director:

Every appointment, transfer, promotion, demotion, dismissal, sick leave, leave of absence without pay, change of salary rate, and other temporary or permanent change in status of employees in both the classified and unclassified service shall be reported to the director in writing. The director is authorized to prescribe the time, manner, form, and method of making any ~~written~~ report as may be stipulated in any of these rules.

~~(Ord. 15488 §104; March 12, 1990: P.C. §2.58.460: Ord. 12168 §36; December 27, 1977: Ord. 8619 §72; December 21, 1964).~~

## 2.76.305 Reemployment Lists

Regular employees with a satisfactory employment record who are involuntarily separated from the City service through no fault of their own may elect in writing to be placed on a Citywide reemployment lists in the order of their years of continuous service with the City regardless of classification. Employees with the same total years of service shall be placed on the list for the classification in question in order of their final performance evaluation rating. The eligibility of all candidates on classification reemployment lists shall expire two years from the date of their separation from the City service.

## 2.76.445 Cause for Disciplinary Action

Any action which reflects discredit upon the city service or is a direct hindrance to the effective performance of the municipal government functions shall be considered good cause for disciplinary action against any officer or employee of the City of Lincoln, though charges may be based upon causes and complaints other than those listed.

- ~~a.a)~~ \_\_\_\_\_ Habitual use of intoxicating beverages to excess or the use of narcotics.
- ~~b.b)~~ \_\_\_\_\_ Has been adjudged guilty of a felony or of a misdemeanor involving moral turpitude.
- ~~c.c)~~ \_\_\_\_\_ The taking of intoxicating beverages or intoxication while on duty.

- d-d) \_\_\_\_\_ That the employee is guilty of improper political activity as defined in the charter.
- e-e) \_\_\_\_\_ Offensive conduct or language toward the public or toward city officers or employees.
- f-f) \_\_\_\_\_ Has been guilty of insubordination or any conduct unbecoming to an officer or employee of the city, either on or off duty.
- g-g) \_\_\_\_\_ Incompetence to perform the duties of the position.
- h-h) \_\_\_\_\_ Damage to or negligence in the care and handling of city property.
- i-i) \_\_\_\_\_ Violation of any lawful and reasonable regulation made or given by the employee's superior, where such violation or failure to obey amounts to an act of insubordination or a serious breach of proper discipline; or results, or might reasonably have been expected to result, in loss or injury to the city, to prisoners of the city, or to the public.
- j-j) \_\_\_\_\_ Commission of acts or omissions unbecoming an incumbent of the particular office or position held, which render a reprimand, suspension, demotion, or dismissal necessary or desirable for the economical or efficient conduct of the business of the city or for the best interest of the municipal government.
- k-k) \_\_\_\_\_ Willful violation of any of the provisions of the charter or of these rules.
- l-l) \_\_\_\_\_ Has induced or attempted to induce any officer or employee in the city service to commit an illegal act or to act in violation of any lawful and reasonable departmental or official regulation or order or has participated therein.
- m-m) \_\_\_\_\_ Solicitation or receipt from any person, participation in any fee, gift, or other valuable thing that is given in the hope or expectation of receiving a favor or better treatment than that afforded other persons.
- n-n) \_\_\_\_\_ Use or attempted use of personal or political influence or bribery to secure an advantage in an examination or promotion, leave of absence, transfer, change of grade, pay, or character of work.
- o-o) \_\_\_\_\_ Failure to pay just debts, thereby causing embarrassment to the city.
- p) \_\_\_\_\_ Absence from duty without leave contrary to these rules, or failure to report after leave of absence has expired, or after such leave of absence has been disapproved or revoked and cancelled by the proper authority.
- p-q) \_\_\_\_\_ [Any person who willfully or corruptly violates any of the provisions of Sections 2.76.280 through 2.76.295 shall be subject to dismissal and such other punishment as may be provided by law.](#)

Violations of the provisions of this section shall be punishable by reprimand, suspension, demotion, or dismissal.

An employee may be placed on disciplinary probation not to exceed ninety calendar days. The placement on disciplinary probation as provided herein shall not preclude the imposition of other or additional disciplinary action.

Upon being informed that an employee has been accused of behavior which, if substantiated, would be cause for dismissal, the Department Head shall have the option of suspending an employee without pay for a period not to exceed thirty calendar days for the purpose of investigation of the accusation, provided that if after investigation the Department Head determines to dismiss the employee, they shall give written notice of the dismissal and, if after investigation, the Department determines that the accusation cannot be substantiated or does not constitute cause for dismissal, the employee shall be reinstated and awarded back pay for any portion of the suspension time not imposed as disciplinary action.

A copy of this section, with any amendments thereto, shall be submitted to each department head to be posted in such manner as will bring it to the attention of all employees of such department.

## 2.76.555 Orientation of New Employees.

~~The director may provide the oral, written, visual, or other training aids to familiarize new employees with their obligations and rights in the city service and the general function of the city government. With the advice and assistance of department heads, the director may also provide for orientation as to specific services of the department to which individuals are assigned and training courses have reference to work assignments. The purpose of any such orientation training programs shall be to familiarize employees with their working conditions and duties. (Ord. 15488 §110; March 12, 1990; P.C. §2.58.510; Ord. 8619 §77; December 21, 1964).~~

~~A. New employees shall attend new employee orientation with Human Resources to become familiarized with the City service, benefit information, departmental information, organizational values, pay period information, and the general function of the City government.~~

~~B. It shall be the responsibility of the hiring department to ensure new employees are knowledgeable on; what to bring on their first day, report times and work schedule, departmental meetings, expectations, attire, timecard entry, departmental policies, and for ongoing support and training.~~