

CITY OF FRISCO PERSONNEL POLICIES
SECTION: DRUG AND ALCOHOL TESTING

Subject: DRUG AND ALCOHOL TESTING: NON-D.O.T.

Effective Date: 01/01/94

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I. PURPOSE

The purpose of this policy is to establish procedures for drug and alcohol testing of employees and applicants for employment in order to promote a drug and alcohol free work environment. The City of Frisco will strictly enforce these procedures to reduce the accidents, fatalities, injuries and property damage that may result from employee use of controlled substances, except when the use of controlled substances is pursuant to the instructions of a physician who as advised the employee that the substance does not adversely affect the individual's ability to safely operate a City vehicle or perform other safety-sensitive job functions. This policy is intended to comply with Federal and State statutes, including but not limited to the Americans with Disabilities Act and the Family Medical Leave Act. If for any reason it is deemed that this policy is not consistent with applicable law, the policy shall be considered revised to the extent necessary to comply with the applicable law, but shall otherwise remain in full force and effect.

Drug and/or alcohol testing will be conducted prior to employment and during employment:

- A. Post job offer
- B. On a random basis for certain safety-sensitive positions.
- C. Due to reasonable suspicion.
- D. Following involvement in work-related accidents.
- E. Promotion or transfer to a safety-sensitive position from a non-safety-sensitive position.

The City of Frisco prohibits the use, possession, sale, purchase, transfer, or concealment of controlled substances or consumption of alcohol by City employees anywhere on City premises at any time. Employees should report to work when scheduled or "on call" neither impaired nor under the influence of a controlled substance or alcohol. Employees who test positive or who refuse (or fail to cooperate) to be tested for a controlled substance or alcohol as directed by this policy will be subject to discipline, including but not limited to termination. Job applicants who test positive for a controlled substance, or who refuse (or fail to cooperate) to be tested for controlled substances, will be ineligible for employment with the City and may not apply or be considered for any other City position for a minimum of six (6) months from testing date for non-safety-sensitive positions. Subject to the minimum six (6) months from testing date, the Police and Fire Departments will determine the moratorium on applications for those that fail a pre-employment test for public safety positions.

II. APPLICABILITY

This policy applies to all employees and pre-employment finalists who are not otherwise subject to the drug and alcohol testing regulations of the U. S. Department of Transportation (DOT).

For each incident or event, before drug or alcohol testing occurs, a determination will first be made as to whether the DOT regulations apply to the employee and the situation. If the DOT regulations apply, then the Drug and Alcohol Testing: Department of Transportation Administrative Directive takes precedence over this policy. If the DOT regulations do not apply, testing will be conducted according to this policy.

III. DEFINITIONS

A. Alcohol means ethyl alcohol. Alcohol, as used herein, includes any beverage, mixture or preparation containing ethyl alcohol.

B. City Premises or Facilities means all property of the City (owned or leased), including but not limited to the following:

- Offices
- Buildings
- Equipment
- Vehicles
- Parking lots/garages
- Storage areas

City premises also include any location where City employees may be performing contract services.

C. Controlled Substance means a drug or substance which the use, possession, sale, transfer, attempted sale or transfer, manufacture or storage of it is illegal under any federal, state or local law or regulation and includes, but is not limited to inhalants, marijuana, cocaine, narcotics, opiates, opium derivatives, hallucinogens and any other substances having either a stimulant or depressant effect on the central nervous system such as amphetamines or barbiturates. Also included in this definition are prescription drugs used for any reason other than a legitimate, prescribed medical reason and inhalants used illegally. All references to "drugs" throughout this policy mean the same as "controlled substance".

D. Impaired means an employee's diminished capacity to perform any duties of the employee's job.

E. Under the Influence means the ~~condition existing after voluntary introduction of any~~ amount of controlled substance into the employee's body or alcohol at/or above the blood alcohol concentration (BAC) limit of 0.02%.

- F. Medical Review Officer (MRO)** means a licensed doctor of medicine or osteopathy who has knowledge of substance abuse disorders and who has the appropriate medical training to interpret and evaluate an individual's positive test result together with his medical history and any other relevant biomedical information.
- G. Motor Vehicle Accident** means any incident involving a motor vehicle in which there is injury to a person or damage to a City vehicle, other vehicle, or property and includes:
- An accident in which a City employee was driving his personal vehicle in the course and scope of their employment.
 - Any accident involving a City vehicle where damage occurs to a City vehicle or any property that is greater than \$500.00 as determined by the Department Director. This does not include damage to a City Vehicle when parked.
- H. Positive Test Result** means the result reported by a laboratory indicating that an individual is under the influence of a controlled substance or alcohol.
- I. Reasonable Suspicion** means a belief that the actions, appearance or conduct of a person are indicative of the use of a controlled substance or alcohol. A reasonable suspicion situation is any situation in which an employee's job performance is in conflict with established job standards relating to safety and efficiency. This may include accidents, near-accidents, erratic conduct suggestive of drug or alcohol use, boasting on social media sites of drug use, any unsafe performance behaviors and unexplained deviation from productivity. Reasonable suspicion may also include postings via social media which indicate or suggest the use of a controlled substance within 32 hours of reporting to work.
- J. Safety-Sensitive Position** for purposes of this policy means a position in which impairment due to drugs or alcohol could constitute an immediate or direct threat to public health or safety, to the employee's health or safety, or a position in which a momentary lapse in attention or judgment could result in injury or death to another person. Examples of such positions include, but are not limited to, those which require driving of city vehicles, carrying of firearms, and operation of heavy equipment, responsibility for the safety or security of another person. Whether a position qualifies as a safety-sensitive shall be left to the reasonable discretion of the City.

IV. CONDITIONS REQUIRING TESTING

A. Post Job Offer

1. Policy

Pre-employment drug testing shall be required of application finalists who have otherwise completed the employment screening process and to whom a conditional job offer has been extended and accepted. Each offer of employment is contingent upon the applicant's passing a drug test, regardless of the position. Applicants who refuse to be tested, who fail to cooperate with the testing process, or who test positive for a controlled substance will be immediately disqualified and barred from employment for a minimum of the next six (6) months, depending on the applicable moratorium. Applicants shall be notified of this policy at the time of application.

2. Procedures

- **Timeline** - Job applicants (finalists) subject to pre-employment drug testing shall be required to report for drug testing within 48 hours of receiving and accepting a job offer unless the drug test is included in a pre-employment physical/test that cannot be scheduled within 48 hours; exceptions to this policy must be approved by the Human Resources Director.
- **Scheduling** - The hiring department shall contact the Human Resources Department as soon as the applicant has accepted the job offer in order for testing to be timely scheduled. The Human Resources Department will contact the applicant to arrange for the test. If the applicant is also subject to a pre-placement physical exam, the drug test may be scheduled to occur at the same visit as the pre-placement physical.

B. Post-Accident

1. Policy

Drug and alcohol testing shall be required after motor vehicle accidents involving a City vehicle when:

- An employee's personal vehicle (used in the course and scope of City employment) and a non-City vehicle.
- Any accident causing injury to any person involving a City Vehicle or City equipment.
- Any accident involving a City vehicle resulting in damage to the vehicle or other property that is greater than \$500, as determined by the employee's department director.

No drug or alcohol testing will be required if the employee's vehicle is lawfully parked at the time of the accident or unavoidably damaged by debris.

2. Procedures

- **Timeline** - An employee subject to post-accident drug and alcohol testing should be tested as soon as possible following an accident, at least within two (2) hours of the accident if possible. Testing may be delayed for the employee to call for emergency assistance, render aid to others involved in the accident, or to receive medical attention for injuries resulting from the accident.
- **Documentation/Authorization Consent** Prior to the employee reporting to the medical facility the supervisor shall call Human Resources for test authorization. The medical facility(ies) as identified in Exhibit A as of the time of the accident shall maintain a list of City personnel who can authorize a drug and/or alcohol test and who can receive test results.
- **Scheduling** -
 1. **Timely Testing and Failure to Test Timely** - In the event that an alcohol test (if authorized) is administered, it should be conducted within 8 hours of the accident. A drug test shall be administered within 32 hours of the accident. In the event that an alcohol test (if authorized) is not administered within 8 hours of the accident, the supervisor shall document the reasons why the test was not administered within 8 hours; there will be no further attempt to test for alcohol due to that particular accident. In the event that a drug test is not administered within 32 hours of the accident, the supervisor shall document the reasons why the test was not administered; there will be no further attempt to test for drugs due to that particular accident.
 2. **Transportation to and from Test Collection Site** - The employee should be transported to the collection site and back to the City of Frisco's premises by his supervisor or by other means arranged by his supervisor. Following the test(s), if the employee's supervisor believes that the employee is under the influence of drugs or alcohol and unfit to drive or return to work, the supervisor shall arrange alternate transportation for the employee to get home, by calling a family member, friend, taxi, etc. If the reasonable suspicion test result is negative, the City will reimburse the employee for the cost of the taxi ride home.
 3. **Compensation and Leave** - Time that the employee spends at the accident site, traveling to the test collection site, and submitting to the test(s) is compensable as regular time worked. If physically able and medically released, if appropriate, following the test they will return to work but will be

prohibited from any driving assignments in a city or personal vehicle until final results are received.

4. **City Vehicle** – The driver of the city vehicle will be required to consent to post-accident drug/alcohol testing if the accident results in a fatality, outside medical attention is required for any party involved in the accident, if there is damage to the vehicle or property involved in the accident that is great than \$500, as determined by the director; and/or employee received a citation.
5. **Personal Vehicle** - If the employee was driving his own vehicle while on City business, he will be required to consent to post-accident drug/alcohol testing if an accident results: (a) in a fatality; (b) outside medical attention is required for any party involved in the accident; (c) in damage to the vehicle or property involved in the accident that is greater than \$500, as determined in the sole discretion of the director; and/or (d) the employee received a citation. The employee should, if possible, park and lock the vehicle in the nearest public parking lot or City Lot for pick-up at a later time or arrange to have a friend or family member drive the vehicle away from the scene of the accident.
6. **Use of Law Enforcement Tests** - In post-accident situations, the City of Frisco reserves the option to substitute a blood or breath alcohol test and a urine drug test performed by local law enforcement officials, using procedures required by their jurisdictions, providing such test results are received directly from the local jurisdiction or the driver. If the City substitutes a blood or breath alcohol test and a urine drug test performed by law enforcement in lieu of other procedures described herein for a post-accident test, it may rely on and take appropriate action based on the results.
7. **After Hours Testing** – If testing is necessary after regular business hours or on the weekend, the employee should be taken to the approved/contracted City testing site listed in Appendix A. Additionally, the supervisor should send an e-mail to benefits@friscotexas.gov informing Human Resources of the name of the employee tested, date, and time.

C. Reasonable Suspicion

1. Policy

Drug and/or alcohol testing shall be conducted whenever there is reasonable suspicion that an employee has engaged in any conduct prohibited under this policy. Reasonable suspicion shall be based on the specific, contemporaneous, articulated observations of the employee's supervisor concerning the appearance, behavior, speech or body odors of the employee, which may include indications of the chronic and withdrawal effects of controlled substances or alcohol. Reasonable suspicion, as

determined by the employee's supervisor, must be corroborated by the direct observations of another supervisor, prior to a request that the employee be tested. Testing must be authorized by the employee's department director (or designee), with the concurrence of the Human Resources Director or the City Manager (or designee).

2. Procedures

- **Timeline** - An employee subject to reasonable suspicion drug and alcohol testing should be tested within 2 hours from the time that authorization is obtained.
- **Documentation/Authorization/Consent** – A request for testing due to reasonable suspicion must be initiated by the employee's supervisor, who shall complete the Reasonable Suspicion Report form to document the reasons for testing. Such form should be signed and dated (with time) by both the employee's supervisor and department director (or designee). Testing must be authorized by the employee's department director (or designee), with the concurrence of the Human Resources Director.
- **Scheduling**
 1. The manager or supervisor will immediately notify the Department Director when reasonable suspicion occurs. The manager or supervisor shall document in writing the facts constituting reasonable suspicion that the employee in question is under the influence of drugs or alcohol. This information shall be stated on the Reasonable Suspicion Report Form. Once this form has been completed the Department Director will notify the Director of Human Resources for approval to proceed.
 2. The manager or supervisor shall hold a confidential meeting with the employee to discuss the reasonable suspicion and carefully note any explanations offered. The manager or supervisor shall also note any additional observations that may confirm the reasonable suspicion.
 3. Managers and supervisors shall also notify the Department Director when they have reasonable suspicion that an employee may have illegal drugs in his or her possession or in an area jointly or fully controlled by the City. After obtaining the Department Director's approval, managers and supervisors may provide information to the Police Department regarding the possible possession.
- **Transportation to and from Test Collection Site-** The employee should be transported to the collection site and back to the City of Frisco's premises by his supervisor or by other means arranged by his supervisor. Following the test(s), if the employee's supervisor believes that the employee is under the influence of drugs or alcohol and unfit to drive or return to work, the supervisor shall arrange alternate transportation for the employee to get home, by calling a family member, friend, taxi,

etc. If the alternative transportation arranged causes the employee to expend funds and the test result is negative, the City will reimburse the employee for the cost of the alternative transportation.

- **Compensation and Leave** - Time that the employee spends at the accident site, traveling to the test collection site, and submitting to the test(s) is compensable as regular time worked. If physically able and medically released, if appropriate, and if not otherwise engaging in disruptive or insubordinate conduct, following the test they will return to complete the work day in a non-sensitive position.
- **Failure to Test Timely** - In the event that an alcohol test (if authorized) is not administered within 8 hours of the authorization to test, the supervisor shall document the reasons why the test was not administered within 8 hours; there will be no further attempt to test for alcohol based on that particular event that created reasonable suspicion. In the event that a drug test is not administered within 32 hours of the event, the supervisor shall document the reasons why the test was not administered; there will be no further attempt to test for drugs based on that particular event that created reasonable suspicion.

D. Random Testing

1. Policy

All employees occupying safety-sensitive positions will be subject to random testing for drugs and/or alcohol. Testing for drugs and alcohol shall be conducted on a minimum annual percentage rate of 25% of all safety-sensitive positions. The Human Resources Department will maintain a list of safety-sensitive positions subject to testing and will manage the random testing process.

2. Procedures

The random selection process will be completely objective and anonymous and will utilize a scientifically valid method such as random number table or computer-based random number generator matched with employees' social security numbers, payroll identification numbers, facility number or other comparable identifying numbers. The test will be unannounced, and the dates for testing will be reasonably spread throughout the year. All employees in roles which may include safety-sensitive functions will have an equal chance of being tested at any time, regardless of the number of his/her previous selections.

Any employee notified of his/her selection for random alcohol and/controlled substances testing will be expected to proceed to the test site immediately. If an employee is performing a safety-sensitive function at the time of his/her notification of the random test requirements, he/she will be required to cease performing the safety-sensitive function and proceed to the testing site as soon as possible. However, an employee will only be required to submit to a random alcohol test if the employee is

performing a safety-sensitive function, is about to perform a safety-sensitive function, just ceased performing a safety-sensitive function or is immediately available to perform a safety-sensitive function

E. Self-Disclosure

Employees may voluntarily self-disclose their need to seek medical attention for alcohol and/or drug dependence. At the time of self-disclosure, in accordance with the City's leave policies, the employee will be relieved of his or her duties and placed on leave until the employee has completed the necessary treatment and provides the City with a note from the employee's treating physician that includes a return-to-work date and restrictions, if any. Employees who self-disclose alcohol and/or drug dependence will be referred to HR and the Employee Assistance Program ("EAP").

The City complies with the Americans with Disabilities Act Amendments Act ("ADAAA") and, upon the employee's return to work, the City will assist the employee in fulfilling his or her job duties, with or without reasonable accommodations. As a reasonable accommodation and in accordance with the ADAAA, employees in safety-sensitive positions who return to work after self-disclosure of alcohol and/or drug dependence will be required to undergo periodic drug and/or alcohol testing for the subsequent six (6) month period. Employees in safety-sensitive positions are also subject to ongoing random testing for drugs and/or alcohol as provided by this policy.

If an employee self-discloses his or her need to seek medical attention for an alcohol and/or drug dependence after the employee has been (1) randomly selected to submit to a drug and alcohol test; (2) directed to submit to a post-accident drug and alcohol test; or (3) directed to submit to a drug and alcohol test after the City determines it has reasonable suspicion that an employee is under the influence of drugs and/or alcohol, the employee is required to submit to the drug and alcohol testing. Refusal to submit to drug and alcohol testing as directed under this policy is conduct subject to termination, as provided in Section VI, Subsection A of this policy. **Testing positive for alcohol or controlled substances will result in an adverse employment action, up to and including termination, as specified in section VI, subsection A of this policy, subject to the provisions of the ADAAA.**

Further, in accordance with the ADAAA, if at any time the City considers an employee to be a "current" drug user, after the employee has self-disclosed once, the City may take adverse employment action up to and including termination.

V. PRESCRIBED MEDICATIONS

Exceptions to this policy may be made for employees that appear to be impaired by medication taken according to a prescription legal in the State of Texas in the employee's name, obtained from a licensed physician and used in the manner prescribed. The City of Frisco reserves the right at all times to judge the effect that a legal drug, including medications not requiring a prescription, may have upon an employee's work performance and to restrict the employee's work activity or presence at the workplace accordingly. The City also reserves the right to have a physician of its choice determine whether a medication at the prescribed or recommended dosage produces impairs or adversely affects the employee's work activity.

VI. PROHIBITED ACTIVITIES

A. Conduct Subject to Termination

Employees, except Police Officers performing authorized law enforcement activity, will be subject to immediate termination of employment for any violation of this policy, including but not limited to:

- Being impaired by or under the influence of alcohol or controlled substances when reporting to work, while on duty, while operating a City vehicle/equipment or personal vehicle while conducting City business.
- Testing positive for alcohol or controlled substances when subjected to testing under this policy.
- Using, possessing, selling, purchasing, transferring, concealing, or transporting controlled substances anywhere on City premises at any time, whether on or off duty.
- Using, possessing, selling, purchasing, transferring, concealing, or transporting alcohol in a City vehicle at any time.
- Using or selling alcohol on City premises at any time, whether on or off duty.
- Using controlled substances or consuming alcohol during the employee's scheduled work hours, including meal breaks and on-call assignments.
- Refusing to submit to a reasonable request for drug and/or alcohol testing as directed by this policy.

B. Conduct Subject to Disciplinary Action

Employees will be subject to disciplinary action up to and including termination of employment for any of the following reasons, including but not limited to:

- Using controlled substances or consuming alcohol outside of work hours while wearing City of Frisco uniforms or any apparel that would identify the individual as a City employee.
- Being involved with drugs or alcohol off duty in a way that is damaging to the City's reputation, or in a way that is inconsistent with or in conflict with the performance of the employee's job duties.
- Failing to report, as soon as possible, a job-related motor vehicle accident to the employee's supervisor.

VII. RESPONSIBILITIES

A. Managers/Supervisors

- **Consistent Enforcement**

Managers and supervisors are responsible for consistent enforcement of this policy. Any supervisor who knowingly permits a violation of this policy by employees under his direct supervision will be subject to disciplinary action including but not limited to dismissal.

- **Investigation of Reasonable Suspicion**

Managers and supervisors will request that an employee submits to a drug and/or alcohol analysis when a manager or supervisor has a reasonable suspicion, (see reasonable suspicion definition), that an employee is impaired by or under the influence of drugs or alcohol.

When reasonable suspicion exists, managers and supervisors may request, as part of an investigation, that an employee removes any and all controlled substances from his/her being or in his/her possession. If an employee refuses to do so, the employee is refusing to participate in the investigation. Anytime an investigation reaches this stage, both the Department Director and Human Resources Director or City Manager must be involved. Refusal by an employee to cooperate in an investigation is considered serious misconduct and may subject the employee to immediate dismissal from employment.

Managers and supervisors will not confiscate, without consent, prescription drugs or medications from an employee as long as the prescription is in the employee's name.

B. Employees

Every City of Frisco employee is to do the following:

- Report to work during regularly scheduled hours or "on call" not impaired by or

under the influence of alcohol or controlled substances.

- Not possess or use, or have the odor of alcohol or drugs on his breath during working hours, breaks, meal periods, while on City property in an official capacity or while operating any City vehicle/equipment.
- Report any motor vehicle/equipment accident immediately to the supervisor.
- Not directly or through a third party sell or provide drugs or alcohol to any person or any other employee while either employee or both employees are on duty, or on-call.
- Submit immediately to reasonable requests for alcohol and/or drug analysis when requested by a supervisor.
- At the beginning of the work shift, declare to the supervisor the use of any over-the-counter or prescription medication which may interfere with the safe and effective performance of his/her duties or the operation of City equipment.
- Provide within twenty-four (24) hours of the request by the employer a current, valid prescription for any drug or medication identified when a drug screen/analysis is positive. If the prescription is not in the employee's name, the employee will be subject to discipline.
- Report any suspicious behavior which may be indicative of the use of alcohol or controlled substances to their Supervisor.

VIII. TESTING METHODOLOGY

A. Alcohol

Tests will be conducted by a trained breath alcohol technician (BAT), using an evidential breath-testing device (EBT). A screening test is conducted first. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted, the results of which will determine any actions taken. A confirmed alcohol concentration of 0.04 or more will be considered a positive test result. Tests will generally be conducted by a contract medical services provider. Results of alcohol testing will usually be available immediately after the test.

B. Controlled Substances (Drugs)

A screening test may first be conducted before a urine test is administered. Urine specimens will be initially tested for the use of controlled substances by an immunoassay screen, which will eliminate negative urine specimens from further consideration. Any urine specimen identified as positive on the initial screen will be confirmed by a second analytical procedure independent from the initial test and which will use gas

chromatography/mass spectrometry (GC-MS) or other legally admissible methodology to confirm initial positive results.

IX. INABILITY TO PROVIDE SPECIMEN

Inability To Provide An Adequate Urine Specimen

In the event an employee is unable, or claims to be unable to provide an amount of urine sufficient to permit a valid drug test because of a medical condition, the collector will instruct the employee to drink not more than 24 ounces of fluids and, after a period of up to two hours, again attempt to provide a complete sample using a fresh collection container. The original insufficient specimen shall be discarded. If the employee is still unable to provide an adequate specimen, the insufficient specimen shall be discarded, testing discontinued, and the City of Frisco so notified. The MRO shall refer the individual for a medical evaluation to develop pertinent information concerning whether the individual's inability to provide a specimen is genuine or constitutes a refusal to test. (In pre-employment testing, if the City of Frisco does not wish to hire the individual, the MRO is not required to make such a referral.) Upon completion of the examination, the MRO shall report his/her conclusion to the City of Frisco in writing.

Until a written evaluation by a City of Frisco approved physician is received, the employee will be removed from his/her safety-sensitive functions.

Failure To Cooperate

Any employee required to provide a urine sample will be expected to sign a consent or release form authorizing the collection of the specimen, analysis of the specimen for designated controlled substances, and release of the results to the City of Frisco. The employee will not be required to waive liability with respect to negligence on the part of any person participating in the collection, handling or analysis of the specimen or to indemnify any person for the negligence of others.

If an employee refuses to cooperate during the collection process (e.g., refusal to provide a complete specimen, complete paperwork, initial specimen), the collection site person will inform the City of Frisco representatives and document the employee's conduct on the Urine Custody and Control Form. Employees are expected to exercise good faith and cooperate during the collection process and failure to do so will subject the employee to immediate dismissal.

Any manager or supervisor encountering an employee who refuses to submit to a drug and /or alcohol analysis upon reasonable request shall remind the employee that the refusal to take the test will be considered "insubordination/serious misconduct" and will result in termination of employment. Then the supervisor should again request the employee to take the test. If the employee still refuses, the supervisor should complete a Refusal to Provide Specimen Form. The supervisor should notify the Director of Human Resources and the employee will be placed on administrative leave as termination is evaluated.

X. MEDICAL REVIEW OF TEST RESULTS

The City of Frisco will ensure that each positive or negative test results are reviewed by an MRO. The purpose of the review will be to rule out the possibility of any alternative medical explanation for the confirmed positive test result. The MRO will also review the chain of custody to ensure that it is sufficient and complete and on its face.

The Duties of the MRO will be:

1. Review the results of all drug testing prior to being reported to the City of Frisco.
2. Review and interpret each confirmed positive test result as follows to determine if there is an alternative medical explanation for the confirmed positive test result:
 - a. Conduct a medical interview with the individual tested. If the individual cannot be reached, the MRO will contact the City of Frisco and the City of Frisco will contact the individual and instruct him/her to contact and discuss the results of the drug test with the MRO. If, after making reasonable efforts the City of Frisco is still unable to contact the individual, the City of Frisco will dismiss the individual.
 - b. Review the individual's medical history and any relevant biomedical factors. Review all medical records made available by the individual tested to determine if a confirmed positive test resulted from legally prescribed medication.
 - c. Upon request of the employee, require the split sample to be analyzed to determine the accuracy of the reported test result.
 - d. Verify that the laboratory report and assessment are correct.

The following rules will govern MRO determination:

1. If the MRO determined after the appropriate review that there is a legitimate medical explanation for the confirmed positive test result, the MRO will take no further action.
2. If the MRO determines after appropriate review that there is no legitimate explanation for the confirmed positive test result, the MRO will so inform the designated City of Frisco officials.
3. Based on a review of the laboratory inspection reports, chain-of-custody, quality assurance and quality control data, the MRO may conclude that a particular drug test result is scientifically insufficient for further action. Under these circumstances, the MRO will conclude that the test is negative.
4. For opiate positives, the City of Frisco will also require the MRO to determine if there is clinical evidence in addition to the drug test of unauthorized use of any opium, opiate, or opium derivative. The clinical evidence may include a medical history and a physical examination.

XI. NOTIFICATION

The City of Frisco will notify each covered employee of this policy through New Hire Orientation where they will be provided with information that will guide them to the location of this policy. Each employee will acknowledge in writing the receipt and understanding of this policy.

The City of Frisco will notify each employee of the results of random, reasonable cause and post-accident drug and alcohol tests when the test results are positive. The employee will also be advised what drug class was discovered and be removed from performing a safety-sensitive function.

XII. CONFIDENTIALITY

Laboratory reports or test results will be maintained in the Human Resources Department in a confidential medical file separate from the employees' official personnel file. The reports or test results may be disclosed to City management on a strictly need-to-know basis and to the tested employee/applicant upon request. Disclosures, without patient consent, may also occur when:

- The information is compelled by law or by the judicial or administrative process.
- The information has been placed at issue in a formal dispute between the City and the employee.
- The information is to be used in administering an employee benefit plan.
- The information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize disclosure.

XIII. CONTINUOUS CALL-BACK EMPLOYEES

Employees subject to continuous emergency call back are required to declare to their supervisors at the time they are called in the use of alcohol or controlled substances, including prescribed or over-the-counter medications that might affect their ability to perform under the emergency. The supervisor will determine if the employee is fit to work and in what capacity. However, if an accident occurs the employee will be tested. If the test indicates they were under the influence or impaired by a controlled substance or alcohol dismissal will occur.

XIV. SOCIAL FUNCTIONS

Employees attending training and conferences may participate in social functions associated with the conference. This includes the consumption of alcohol, so long as the employee's conduct does not reflect adversely upon the City. Employees who consume alcohol at these functions are encouraged not to drive; they will not operate a city owned or rented vehicle.

XV. RECREATION AREAS

The use or possession of alcohol outside of work hours at City recreation facilities is regulated by City Ordinance and policies.

XVI. BAR FROM EMPLOYMENT

An applicant or employee who violates this policy or resigns in lieu of separation from employment due to a violation or suspected violation of this policy will be barred from employment with the City for a minimum period of six months, depending on applicable departmental policy and employee's position at the time of the violation or alleged violation.

XVII. DISCLAIMER

The City of Frisco reserves the right to modify, alter, delete, suspend or discontinue all or any part of this policy at any time, with or without prior notice to employees. Nothing in this Policy constitutes a contract of employment, implied or express, and nothing in this policy alters the at-will employment status of employees.