

City of Helena, Alabama, a Municipal Corporation

ALABAMA DRUG-FREE WORKPLACE POLICY

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

The City of Helena is committed to providing a safe work environment and to fostering the well being and health of its employees and the general public. That commitment is jeopardized when any City of Helena employee illegally uses drugs, abuses prescription drugs, or uses alcohol on the job; comes to work under the influence; or possesses, distributes, or sells drugs in the workplace. For these reasons the City of Helena has decided to implement an Alabama Drug-Free Workplace Policy. Adherence with this policy is a condition of employment at the City of Helena, and all employees, final applicants, and independent contractors/contractor employees working on the property of the City of Helena will be required to execute the applicable consent forms. An employee whose conduct violates this policy will be subject to discipline, up to and including termination. This policy is not contractual in any nature.

Elected and Appointed Officials of City of Helena, Alabama, a Municipal Corporation, who are not otherwise classified as employees of the City of Helena, are not subject to this policy.

Beginning sixty (60) days after Effective Date, as a means of maintaining our drug-free workplace policy, we will implement active employee substance screening or testing as further described in this Alabama Drug-Free Workplace Policy. Any existing policy or practices of the City of Helena remain effective until implementation of this new Policy Statement. Pre-employment screening or testing is to begin immediately as further described in Section 2.A. Copies of this Policy Statement will be available to all employees and applicants for inspection, and employees will participate in a semiannual education program on substance abuse and our policies on substance abuse. All announcements for job positions to be filled will include notice of the testing policy, and copies of the Policy Statement will be kept in the office of the contact person for the City of Helena and made available during regular business hours for review by all prospective job applicants or current employees. Continuing notice of this policy is posted in the

office of the contact person.

Employees of the City of Helena whose duties are regulated by or subject to regulations drug and alcohol testing regulations will comply with such regulatory requirements. Accordingly, certain regulatory requirements may result in different or conflicting drug and alcohol testing requirements to which the City of Helena must abide. If there is a conflict the regulations shall prevail.

The City of Helena has developed its drug-free workplace policy in substantial compliance with The Alabama Drug-Free Workplace Act of 1995, Ala. Code §§ 25-5-334 et seq., with three basic objectives in mind:

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

Workers' Compensation

Under Alabama Law, Section 25-5-51, et seq., of the Code of Alabama (1975), workers who are injured at the workplace or in the course of employment may be tested for drugs and alcohol and, if positive, may not be paid benefits under the Alabama Workers' Compensation Law if the injury is a result of an accident caused by drug and/or alcohol impairment. Section 25-5-51 reads in part:

"A positive drug test conducted and evaluated pursuant to standards adopted for drug testing by the U.S. Department of Transportation (DOT) in 49 C.F.R. Part 40 shall be a conclusive presumption of impairment resulting from the use of illegal drugs. No compensation shall be allowed if the employee refuses to submit to or cooperate with a blood or urine test as set forth above after the accident after being warned in writing by the employer that such refusal would forfeit the employee's right to recover benefits under this Chapter."

Further, a positive drug test conducted and evaluated pursuant to the above provisions is evidence of willful misconduct so as to disqualify an employee from workers' compensation benefits.

Unemployment Compensation

Under Section 25-4-78, et seq., as amended, of the Code of Alabama (1975), Unemployment Compensation, provides that no unemployment compensation will be paid to an employee dismissed after testing positive for drugs or alcohol, refusing to submit to a test for drugs or alcohol, or knowingly altering or adulterating any test sample. . Section 25-4-78 reads in part:

"A confirmed positive drug test that is conducted and evaluated according to standards set forth for the conduct and evaluation of such tests by the U.S. Department of Transportation in 49 C.F.R. Part 40 or standards shown by the employer to be otherwise reliable shall be a conclusive presumption of impairment by illegal drugs. No unemployment compensation benefits shall be allowed to an employee having a confirmed positive drug test if the employee had been warned that such a positive test could result in dismissal pursuant to a reasonable drug policy....Further, no unemployment compensation benefits shall be allowed if the employee refuses to submit to or cooperate with a blood or urine test as set forth above, or if the employee knowingly alters or adulterates the blood or urine specimen."

"An individual shall be disqualified for total or partial unemployment ...if he was discharged or removed from his work for ...the use of illegal drugs after previous warning or for the refusal to submit to or cooperate with a blood or urine test after previous warning ... 'warning' shall mean that the employee has been advised in writing of the provisions of the employer's drug policy and that either testing positive pursuant to the standards referenced above or the refusal to submit to or cooperate with a blood or urine test as set out in the above referenced standards could result in termination of employment. This written notification as herein described shall constitute a 'warning'...." Alabama Code § 25-4-78(3) (Supp. 1996).

The City of Helena asks that every employee work together to make City of Helena, Alabama, a Municipal Corporation a drug free workplace, as well as a safe and rewarding place to work.

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

1. **The City of Helena's Policy on Drugs and Alcohol**

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

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

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

Any employee taking a prescribed or over-the-counter narcotic or drug must advise his or her supervisor of its use **if disclosure would be required by job-relatedness and consistent with business necessity**. Such prescriptions brought to work should remain in the original labeled container and show both the prescribing doctor's name and the prescription's expiration date. An employee using such prescribed or over-the counter

substances may remain on his or her job or may be required to take a leave of absence or other appropriate action as determined by supervision based upon **job-relatedness and consistent with business necessity**. An employee or job applicant shall be allowed to provide confidential notice to the Medical Review Officer (MRO) of currently or recently used prescription or nonprescription drugs. Such information shall be placed in writing upon the employee's personal copy of the lab's drug testing records form as a reference should the MRO contact the employee.

Recent studies indicate that ingestion of hemp seed oil and hemp food products can result in a positive test for marijuana. Accordingly, ingestion of such products is prohibited.

D. On-call employees are prohibited from using alcohol for the specific on-call hours of that employee. The City of Helena 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.

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

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

G. Violations of this policy, including (but not limited to) a positive confirmed laboratory test result for drugs or alcohol; refusal to sign a consent or chain of custody form; refusal to submit to or cooperate with a substance screening by blood, urine, hair, or saliva, including an employer's initial screening, as required in this policy; knowingly submitting an adulterated, diluted, or otherwise altered blood or urine specimen; or submitting a specimen from another person, are subject to disciplinary action by the City of Helena as allowed by law, up to and including termination. Refusals will be classified as a positive test.

H. The City of Helena reserves the sole right to interpret all provisions of this policy and take all appropriate actions within its sole discretion and judgement.

Off-the-job use of drugs, alcohol, or any other prohibited substances which results in impaired work performance, such as absenteeism, tardiness, poor work product, or harm to the City of Helena's image, is prohibited. Employees should realize that these regulations prohibit all illicit drug use--on and off duty.

I. Additionally, these rules may apply to any contractor used by the City of Helena and to any employee of that contractor working on the premises of the City of Helena.

J. The City of Helena reserves the right to alter, amend, or supplement the terms and conditions of this Alabama Drug-Free Workplace Policy Statement to accommodate changes in current state and Federal regulations, insurance requirements, testing technologies, or circumstances which impact City of Helena practices and policies or industry standards.

2. Drug/Alcohol Screening and Testing

Under the City of Helena's Alabama Drug-Free Workplace Policy, any final applicant or employee in a safety sensitive position (see Section "G" below for definitions and listing of safety-sensitive positions) may be requested to undergo an initial screen, urinalysis, blood, saliva, or other diagnostic test performed by a certified laboratory, to detect the presence of drugs. In addition, employees will be subject to screening and/or testing for alcohol. The following are the five circumstances when the City of Helena will screen or test for drugs or alcohol:

A. Pre-employment

Pre-employment substance screening or testing will be performed on all final applicants seeking safety-sensitive positions as a condition of their employment at the City of Helena. Such screening or testing may be required on its own, or as part of a fitness-for-duty physical exam for those safety sensitive job positions that would require such an exam. Present employees who transfer into another safety sensitive position with the City of Helena may also be required to complete a pre-employment substance screen or test.

Applicants must sign a Pre-Employment Substance Testing Consent and Release form, which releases the City of Helena from liability, before voluntarily submitting to initial screening or testing conducted by a City of Helena representative, or at a certified lab chosen by the City of Helena. The City of Helena shall inform final applicants safety sensitive positions that any offer of employment is conditioned upon passing a substance screen or test. The applicant will be informed that the specimen is subject to being tested for the presence of any or all of the following substances: Amphetamines, Cocaine, Cannabinoids, Opiates, Phencyclidine (PCP), Methadone, Methaqualone, Barbiturates, Benzodiazepines, or Propoxyphene in conformity with the Alabama Drug-Free Workplace Act.

Any job offer will be withdrawn if the applicant tests positive in a confirmed lab test; refuses to submit to a test, including any initial screening performed by a City of Helena representative; refuses to execute the required consent/release form; or if the initial screening is not negative and the applicant withdraws his/her application.

Applicants will also be provided with access to a copy of the City of Helena's Alabama Drug-Free Workplace Policy Statement. An applicant who decides not to cooperate in the pre-employment screening or testing or who is unwilling to acknowledge this City of Helena's policy on drug and alcohol screening or testing may withdraw his/her application, and will not be considered for employment.

If the City of Helena representative, physician, official, or lab personnel has reasonable suspicion to believe that the applicant has tampered with the specimen, the applicant will not be considered for employment.

B. Upon "reasonable suspicion"

All employees will be screened or tested when there is good reason for a City of Helena manager, supervisor, or personnel officer to suspect that an employee has reported to work or is on City of Helena property under the influence of intoxicants, drugs or narcotics ("reasonable suspicion" screening or testing). Reasonable suspicion may be based on a supervisor's observation of an employee's drug or alcohol use, an employee showing either physical or mental symptoms of drug or alcohol use, or an employee's personal behaviors that may indicate drug or alcohol use. Supervisors must immediately detail in writing on the "Reasonable Suspicion Checklist" their specific reasons and observations for requiring an employee to undergo reasonable suspicion testing or screening. Any employee who reports to work visibly impaired by drugs or alcohol will not be allowed to work. If indicators of the need for a reasonable suspicion test are present, the employee will be screened or tested immediately, either in an initial screening performed by a City of Helena representative at the job site, or using a lab test.

C. Post-accident

Safety-sensitive employees will be screened or tested after any work-related injury or accident where:

1. an employee is injured beyond the need for simple first aid, or
2. property or vehicles are damaged (over \$200.00 estimated), or

3. an employee has caused or contributed to an on-the-job injury which results in loss of work time, or
4. an injury that is a workers' compensation injury, or
5. if there is reasonable suspicion of drug or alcohol use.

Non-safety sensitive employees will be screened or tested after any work related injury or accident (as defined above) where a supervisor has a reasonable belief based on specific facts that the employee's acts or omissions contributed to the occurrence or severity of the accident as may be detailed on the "Confidential Work-Related Accident Report."

Employees are prohibited from using alcohol within eight (8) hours following an accident, until testing or initial screening is completed. Any test or screen for alcohol should be completed within two (2) hours of a work-related accident, or as soon thereafter as is practicable.

All employees are put on notice that a positive confirmed laboratory drug test following an on the job accident is evidence of "willful misconduct" under this policy and disqualifies the employee from receipt of workers' compensation benefits.

D. Fitness-for-duty physical exam

Any safety-sensitive employee whose job position requires him or her to undergo regular physical examinations will be screened as part of any such routine examination.

E. Follow-up testing after returning to work

Any employee who is referred to a drug or alcohol rehabilitation program through work, who was referred to a rehab program after testing positive in a confirmed lab test for drugs or alcohol while at work, or who has been suspended from work for any other violation of the drug and alcohol policy, must complete follow-up screening or testing when he/she returns to work. The employee will also be subject to random and unannounced screening or testing once a year for a minimum of two (2) years after his or her return to work.

F. Random screening or testing of safety-sensitive employees, without notice.

The frequency and safety sensitive employee classifications subject to such screening and testing, to be determined by the City of Helena in accordance with safety-sensitive duty classifications and applicable regulatory mandatory drug and alcohol testing requirements.

G. Safety sensitive job classifications

Safety-sensitive employees are those employees who discharge duties fraught with risks of injury to others that even a momentary lapse of attention can have disastrous consequences. Factors which have been considered in determining whether a position is safety sensitive include handling of potentially dangerous machinery, mostly unsupervised responsibility for children, and handling of hazardous substances in an environment where others could be injured. Positions which have been found to be safety sensitive include firefighters, emergency medical technicians, law enforcement officials who carry firearms, fire and police dispatchers, 911 operators, heavy machinery operators, bus drivers, some (but not all) transportation workers, pipeline operators, gas meter repairmen, jail officers, and airline industry personnel. Some employees which come under federal laws and regulations, such as those under the Department of Transportation regulations, natural gas pipeline industry, and aviation, are determined to be safety sensitive by those regulations. Unless an employee comes under drug-testing regulations of some federal agency, each position must be individually evaluated to determine whether it is safety sensitive. The City of Helena has performed a review of the job duties for each job classification and determined that the following are classified as safety sensitive for purposes of its Alabama Drug-Free Workplace Program: Job classifications.

3. Employee responsibilities

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

- A. Reporting to the collection site within one (1) hour of being ordered to report there by a supervisor, or to report to a designated City of Helena representative for initial screening within one (1) hour. If the employee fails to report in the time specified, he/she must document a serious illness, injury, or other verifiable circumstance which prevented his or her arrival at the test location. If an employee is unable to document such a circumstance, he/she will be considered to have refused to take the test (classified as a positive result), and will be subject to termination of employment.**

- B. **Providing a specimen for screening or testing, whether it be breath, urine, hair, blood, or saliva, as the specific screen or test to be given may require.** If the employee refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen of another person, sends an imposter, or will not sign the required forms, the employee will be subject to termination from employment as if the test were positive.
- C. **Cooperating with the MRO in providing specimen or medical information.** The job of the MRO is to decide whether the employee has passed the laboratory drug or alcohol test. As part of the verification process, the MRO will:
- (i) Conduct a medical interview with the individual, if the individual consents to such an interview (this interview may be in person or by telephone);
 - (ii) Review the individual's medical history and any relevant biomedical factors, if the individual consents to the review and cooperates with the MRO during the interview;
 - (iii) Review all medical records made available by the individual tested to determine if a confirmed laboratory positive test resulted from legally prescribed medications;
 - (iv) If necessary, reanalyze the original specimen taken at the lab to determine the accuracy of the test results;
 - (v) Verify that the lab report and assessment are correct. Based on available data, including other test results, the MRO may conclude that a particular drug test is scientifically insufficient for further action and would conclude that the test for that individual is negative.

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

An employee who receives a positive confirmed test result may contest or explain the result to the employer within five (5) working days after notification of the positive test results. The MRO will provide the employee with an opportunity to discuss the results of any apparently positive confirmed lab test. If the employee expressly declines the opportunity to discuss the test results with the MRO, the MRO may verify the test as confirmed positive without further discussion with the employee. If, in the sole judgement of the MRO, there is a legitimate medical reason for a confirmed positive lab test, the MRO will verify the test as negative. If there is no legitimate medical reason for a confirmed positive lab test, the MRO will verify the test as positive and report the finding to the City of Helena. It is the employee's responsibility to return any phone calls from the MRO within a reasonable period of time and not less than 24 hours. If the employee does not contact the MRO within 5 days of notification to call the MRO, or if the employee refuses to talk to the MRO then the MRO may report the result of the test to the City of Helena.

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

4. Testing Procedure

At the option of the City of Helena, employees may be given an initial screening at the work site by a designated City of Helena representative or at a designated collection site. All lab testing will be performed by a laboratory certified by the National Institute on Drug Abuse/Substance Abuse and Mental Health Services Administration (NIDA/SAMHSA) or Department of Health and Human Services (DHHS) as qualified to perform drug and alcohol testing under Federal workplace testing programs. Procedures may include an initial screen or lab test for any or all of the following: Amphetamines, Cocaine, Cannabinoids, Opiates, Phencyclidine (PCP), Methadone, Methaqualone, Barbiturates, Benzodiazepines, Propoxyphene, or Alcohol. All positive lab test results will be subject to confirmation testing and verification by a certified Medical Review Officer (MRO). All laboratory drug tests are to be conducted and evaluated pursuant to standards adopted for drug testing by the U.S. Department of Transportation (DOT) in 49 C.F.R. Part 40.

Any employee who receives a non-negative result on an initial screening for drugs or alcohol may choose to have their Specimen submitted to a certified lab chosen by the City of Helena for laboratory testing. An applicant who receives a non-negative result on an initial screening for drugs may choose to have a test done by a certified lab chosen by the employer. Applicants will be responsible for the costs of any lab test, and will be reimbursed at hire by the City of Helena if such lab test proves negative.

A confirmed positive lab test, conducted and evaluated in accordance with DOT 49 C.F.R. Part 40, for a controlled substance is a conclusive presumption of impairment.

A confirmed positive breath, or saliva, or blood alcohol test result which shows a Breath Alcohol Content of 0.04 or higher is a conclusive presumption of impairment for safety sensitive employees and for non-safety sensitive employees a breath alcohol content of .08 or higher is a conclusive presumption of impairment. Non safety-sensitive employees will be subject to discipline, short of discharge for the first offense, for a breath alcohol content of 0.04 or higher and subject to additional discipline, including termination, for a subsequent breath alcohol content of 0.04 or higher.

5. **Optional Initial Screening Procedures**

(The City of Helena may use FDA approved rapid screening devices for initial screening.)

6. **Employee Drug and Alcohol Education Program**

The City of Helena will conduct semi-annual educational programs each year to educate employees about the dangers of drug and alcohol abuse, the indicators of drug and alcohol abuse, its policy of maintaining a drug-free workplace, and the penalties that may be imposed for violation of the policy. Supervisors will participate in such educational programs and will also receive semi-annual training on how to recognize signs of substance abuse, how to document signs of employee substance abuse, and how to refer employees to the proper treatment providers. In addition, the City of Helena will keep available in the office of the contact person, for employees' confidential use, a resource file of information on drugs and alcohol, and information on community treatment resources.

7. **Confidentiality**

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

1. To local, state, or Federal agencies with investigative or regulatory jurisdiction
2. To its workers' compensation carrier, or other third-party administrator of workers' compensation or insurance claims, employees of the City of Helena who have a "need to know" as well as any retained consultant or counselor of the City of Helena related to its Drug and Alcohol testing program.
3. To be used as evidence, obtainable discovery, or disclosure in any public or private proceedings, with the exception of any criminal proceeding

against the employee

4. By subpoena by a court of competent jurisdiction
5. To subsequent employers, upon receipt of a written request from the former employee

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

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

8. **Employee assistance/benefits program**

Counseling and rehabilitation for alcohol or substance abuse is available through the health and welfare benefit program for employees, *only to the extent of the current benefits package*. The City of Helena will assume no direct financial responsibility for counseling or rehabilitation costs of an employee. Any costs in addition to or in excess of any available health benefits are the employee's responsibility. A list of state and national resources is a part of this Policy Statement.

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

Employees who are referred through administrative channels for a rehabilitation program or who are suspended from work for failure of a drug or alcohol test pending the completion of such a program may use the extent of any paid vacation time they have accrued during such times as they are in attendance at the rehabilitation program.

If the employee has accrued no paid vacation time at the time he/she enters the rehabilitation program, such attendance will be without pay to the employee.

9. Investigations or Searches

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

10. Consequences of policy violation

An employee who refuses to submit immediately upon request to an initial screening, a blood test, urinalysis, "breathalyzer" test or other diagnostic test for the purpose of detecting drug or alcohol use; refuses to sign a consent form; or refuses to cooperate with the testing process in such a way that prevents completion of the test; or adulterates or dilutes the specimen; or who is otherwise in violation of this policy, is subject to disciplinary action *up to and including immediate termination*. An employee who refuses to submit to or cooperate with a blood, saliva, breath or urine test after an accident forfeits his or her right to recover Workers' Compensation benefits under Alabama Code § 25-5-51 and is subject to disciplinary action up to and including termination. An employee who is terminated for refusing to submit to a screening or testing procedure, for testing positive in a confirmed lab test for either drugs or alcohol, or for other violation of this drug and alcohol policy, forfeits his or her unemployment benefits under Alabama Code § 25-4-78.

An employee subject to discipline or termination for the violation of this policy shall have the same rights of hearing or appeal as set forth for any other violation of City of Helena policy.

11. Definitions

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

Accident--Any mishap or occurrence resulting in injury to people, product, or equipment, which results in loss of work time or necessitates to an employee, or other person, medical attention or assistance in excess of simple first aid procedures, or any injury that results in a workers' compensation injury, or damage to property in excess of \$200.00.

Alcohol--The intoxicating agent in beverage alcohol, spirits of wine, ethyl alcohol, hydrated oxide of ethyl, or other low molecular weight alcohols, including methyl or isopropyl alcohol, from whatever source or by whatever process produced.

Alcohol Concentration (or Breath Alcohol Concentration)--The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath, as indicated by a breath test required by The City of Helena's, Drug-Free Workplace Policy Statement.

Applicant or Final Applicant--A person who has applied for a safety-sensitive position with the City of Helena and has been offered employment conditioned upon successfully passing a substance abuse screen or test. A final applicant may begin work pending the results of substance abuse screening or testing if the employer elects to do so.

Contact Person--Employee authorized to accept screening and testing results and administer the City of Helena Drug and Alcohol Testing program. The contact person shall designate the MRO and the Laboratory.

Confirmation Test or Confirmed Test--A second analytical procedure used to identify the presence of a specific drug in a specimen. The confirmation test shall be different in scientific principle from that of the initial test procedure. The confirmation method shall be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

Controlled Substance--Has the meaning assigned by 21 U.S.C. 55.802, including substances listed on Schedules I through V as they may be revised from time to time.

Department of Health and Human Services ("DHHS")--Federal administrative body which oversees, among other things, the certification of drug and alcohol testing laboratories and technicians, and research in connection with drug use and alcohol abuse in the workplace; current successor to the National Institute for Drug Abuse (NIDA).

Drug--Includes but is not limited to: Amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, or propoxyphene.

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

Effective Date--This Alabama Drug-Free Workplace Policy Statement of the City of Helena is effective as of Effective Date.

Employee--Any person who works for salary, wages, or other remuneration for City of Helena, Alabama, a Municipal Corporation.

Employer--City of Helena, Alabama, a Municipal Corporation

Initial Screen --An analytical procedure performed at the worksite or offsite by a collector, using a simple kit to screen saliva or urine for the possible presence of drugs or alcohol. An initial screening result is either negative, or "non-negative". All initial screening kits shall use an immunoassay procedure or an equivalent procedure, or shall use a more scientifically-accepted method approved by NIDA/SAMHSA/DHHS, as more accurate technology becomes available in a cost-effective form. All employees who demonstrate "non-negative" screening results may be referred for confirmatory testing by