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# City Policies

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SUBJECT: ALCOHOL & DRUG ABUSE

NO: HR 15.0

EFFECTIVE: 01/26/90 REVISED: 01/01/95

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REVISED: 10/17/19

APPROVED: \_\_\_\_\_

Peter Zanoni, City Manager

DATE: \_\_\_\_\_

10.17.19

## I. PURPOSE

The City of Corpus Christi has a responsibility to attempt to provide and maintain a safe and healthy workplace free from the influence of alcohol and drugs for its employees. The City will comply with the requirements of the Drug Free Workplace Act of 1988 and all drug testing regulations issued by the Department of Transportation (DOT). Drug and alcohol abuse by City employees endangers the health and safety of themselves, their fellow employees, and the citizens we serve. Eliminating such abuse will reduce accidents and injuries to persons and property and reduce absenteeism and tardiness. The City of Corpus Christi hereby establishes this policy with the intent to eliminate drug, alcohol, and/or inhalant abuse while on the job and hereby mandates a zero tolerance for such behavior.

## II. SCOPE

This policy applies to all City employees, including but not limited to full time, part time and temporary regardless of pay status or level in the organization, except for sworn Police Officers and Firefighters who are covered by another city policy or collective bargaining agreement. Applicants for employment are also subject to applicable provisions of this policy.

In addition, employees who are covered by this policy may be subject to provisions of the Department of Transportation's (DOT) federal drug and alcohol testing programs as set out in City Policies HR 15.3 and 15.4 which apply to employees who hold positions in the City's Gas Department and/or to employees who are required to drive, or may be called upon to drive, a vehicle which requires a Commercial Driver's License, or City Policy HR 15.5 Drug & Alcohol Use & Testing for Licensed Marina Personnel Subject to US Coast Guard Regulations, CFR Titles 33 & 46.

The City recognizes that some positions require the handling of substances, containers, and/or paraphernalia that is prohibited by this policy. Performance of such duties, in the course and scope of

employment, is not considered a violation of this policy.

### III. DEFINITIONS

**ACCIDENT** - a collision or incident involving a motor driven vehicle or motor driven equipment, resulting in any property damage or personal injury.

**ADULTERATION** - The addition of any substance to a sample that may mask or falsify test results. This includes, but is not limited to, substitution or dilution of urine with water or additives.

**ALCOHOL** - The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.

**ALCOHOL CONCENTRATION (OR CONTENT)** - The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under 49 CFR, Part 382.

**AUTHORIZED USE OF ALCOHOL** - limited to official City events which the City Manager has approved for alcohol service and consumption. Unless authorized by the City Manager, alcohol consumption is strictly prohibited for on-duty employees.

**BEING UNDER THE INFLUENCE OF ALCOHOL** - having a breath alcohol concentration of 0.04 or greater.

**DRUG PARAPHERNALIA** - The definition of "Drug Paraphernalia" contained in Section 481.002 of the Texas Health and Safety Code is hereby adopted for this policy. Examples of drug paraphernalia will include, but are not limited to, the following:

- A scale or balance used or intended for use in weighing or measuring a controlled substance.
- A capsule, balloon, envelope, or other container used or intended for use in packaging small quantities of a controlled substance.
- An object used or intended for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body.

**CITY INVESTIGATION** - a fact finding review, conducted by a representative of the Human Resources Department of the accident and/or accident site and the circumstances leading up to and resulting in the accident.

**CITY PREMISES OR WORKSITES** - includes all property, buildings, structures, job sites, parking lots, means of transportation, motor vehicles, equipment, and machinery owned, leased, or otherwise used for City business. An employee's personal vehicle is also included in this definition when being used to conduct City business or when parked on City premises or worksites during an employee's working hours, including lunch and break times.

**CONTROLLED SUBSTANCES** - includes all substances covered by the Federal Drug Abuse Prevention and Control Act (21 U.S.C. 801 et. seq.) or the Texas Controlled Substances Act (Chapter 481, Texas Health and Safety Code). Controlled substances include, but are not limited to, amphetamines, marijuana, barbiturates, methadone, benzodiazepines, methaqualone, morphine, codeine, and anabolic steroids. A controlled substance is "unauthorized" if the employee does not have a valid prescription for that substance at the time of its use or possession.

**DETECTABLE LEVEL** - a quantity of a drug or drug metabolite equal to or greater than the detection level for that substance as established by this policy.

**ILLEGAL DRUGS** - any unauthorized controlled substances including, but not limited to, heroin, cocaine, crack cocaine, cannabinoids (Marijuana, hashish, THC), PCP (phencyclidine), and LSD (lysergic acid diethylamide).



**NEGATIVE DRUG RESULT**– The result reported by the certified laboratory to the 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.

**POSTITIVE DRUG RESULT** – the result reported by the certified laboratory to the MRO when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations.

**SPLIT SPECIMEN** – a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

**SUBSTANCE ABUSE PROFESSIONAL** - A person who evaluates employees who have violated a drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

**SUBSTITUTED SPECIMEN** – a urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

**VERIFIED POSITIVE DRUG TEST** – a drug test result or validity testing result from an HHS certified laboratory that has undergone review and final determination by the MRO.

#### **IV. CONDITION OF EMPLOYMENT**

##### **1. APPLICANTS**

During pre-employment screening, applicants will be advised that they are subject to drug testing. Any job offer will be contingent on passing a drug test. Applicants will be required to sign a consent form acknowledging this policy as a condition of employment. Consent is indicated by signing any form required by the City's Specimen Collection and Alcohol Testing Service Provider for laboratory collection of the specimen for testing.

Applicants who fail the drug test will not be allowed to reapply for twelve (12) months **after** the date of the test. However, he/she can be eligible to reapply during this twelve (12) month period, if he/she presents evidence of his or her completion of a physician-approved rehabilitation program and consents to random testing for twelve (12) months after the effective date of his/her employment.

##### **2. EMPLOYEES**

Employees who fail a drug test as confirmed by the MRO and subsequently terminated as a result of the verified positive drug test, will not be considered for rehire for twelve (12) months **after** the date of the verified positive drug test. However, as an applicant, he/she can be eligible for rehire during this twelve (12) month period, if he/she presents proof of a SAP's evaluation, and evidence of his or her completion of a physician-approved rehabilitation program, if required by the evaluation, and consents to random testing for twelve (12) months after the effective date of his/her employment.

#### **V. ACKNOWLEDGEMENT OF COMPLIANCE WITH POLICY**

Compliance with the City of Corpus Christi's Alcohol and Drug Policy is a condition of employment for all employees covered by this policy. Covered employees will be required to sign an acknowledgement of understanding which will become part of each employee's Human Resources file.

## VI. TESTING ADMINISTRATOR

The Director of Human Resources, or designee, is the Testing Administrator of this policy, with full authority to order that employees comply with its provisions, to oversee the integrity of the drug testing, procedures, and general administration of this policy.

## VII. DRUG AND/OR ALCOHOL TESTING

The following drug and/or alcohol testing will be conducted under this policy:

**Pre-employment** - All job offers are contingent upon selected applicant passing a drug test. Applicants cannot begin employment until a verified negative drug test has been received by the City.

**Reasonable Suspicion** - If individualized reasonable suspicion exists that an employee is under the influence of alcohol or has used or possessed any illegal drug or controlled substance, absent a valid prescription, in violation of this policy, the employee will be required to submit a urine specimen for drug testing and/or breath sample for alcohol testing ***immediately or as soon as practicable***.

**Post-Accident** - Whenever a City investigation determines that a driver/operator employed by the City, while on City business, was involved in an accident/incident, involving a motor driven vehicle or motor driven equipment, regardless of fault, which involves a fatality, bodily injury which requires emergency medical care in a clinic or emergency room, or damage to property, an employee will be required to submit a urine specimen for drug and a breath sample for alcohol testing ***immediately after the accident or as soon as practicable***.

However, if a driver/operator, while operating a motor driven vehicle or motor driven equipment, damages an underground cable or pipeline the operator will be required to submit a urine specimen for drug testing and a breath sample for alcohol testing only if the Director of Human Resources, or designee, determines that it meets the criteria for testing, based upon the facts presented by the department representative following his/her investigation of the event

Specific to damaging an underground cable or pipeline, the following will apply:

1. If work was commenced without the guidance of a line locator and the employee damages the underground cable or pipeline, testing will be mandatory, unless the service provider refused a request for a line locator.
2. If a line locator accurately identifies the line location and the operator damages the underground cable or pipeline, testing will be mandatory.
3. If the operator accurately avoids the location identified by the line locator and damages the line, finding that the line was not accurately marked by the line locator, the employee will not be tested.

**Return-to-Duty** - A City employee who returns from leave taken for any reason for longer than thirty (30) calendar days, who is covered by this policy, is required to undergo a drug and alcohol test before the employee may return to work.

An employee absent due to leave associated with self-referral under the policy will be required to pass return-to-work drug and alcohol testing, and a fitness for duty test by the City's designated physician, before returning to duty

In addition to other drug testing required by this policy, upon returning to duty from alcohol and/or drug rehabilitation treatment which was entered into as a result of an employee's self-disclosure of a prohibited drug or alcohol related problem, an employee will be subject to follow-up drug and alcohol testing without prior notice



for up to twelve (12) months from the date of return.

**Random Testing** -As of January, 2006, employees in safety sensitive positions are subject to random testing. A safety sensitive position means an employment position involving job duties which if performed with inattentiveness, errors in judgment, or diminished coordination, dexterity, or composure may result in mistakes that could present a real and/or imminent threat to the personal health and safety of the employee, co-workers, and/or the public. This applies to safety sensitive positions at the time an employee reports to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety sensitive positions subject to random testing under this policy are identified by title in the attached addendum. Employees in safety sensitive positions will be selected for testing on a random basis in a manner to ensure that each covered employee has a substantially equal chance of selection.

1. Regular, full-time employees - a minimum of thirty percent (30%) of regular, full-time employees in safety sensitive positions will be drug tested every twelve (12) months.
2. Part-time and/or Temporary employees - a minimum of five percent (5%) of part-time and/or temporary employees in safety sensitive positions will be drug tested every twelve (12) months.

In addition, employees who are covered by this policy may be subject to provisions of the Department of Transportation's (DOT) federal drug and alcohol testing programs as set out in City Policies HR 15.3 and 15.4 which apply to employees who hold positions in the City's Gas Department and/or to employees who are required to drive, or may be called upon to drive, a vehicle which requires a Commercial Driver's License, or City Policy HR 15.5 Drug & Alcohol Use & Testing for Licensed Marina Personnel Subject to US Coast Guard Regulations, CFR Titles 33 & 46.

Employees to be tested will be selected by a computer based random number generator. Each employee shall have an equal chance of being tested each time a random drug testing list is generated. Random tests will be unannounced and the dates for administering random tests will be spread reasonably throughout the calendar year

Upon notification, a randomly selected employee must proceed to the testing site immediately, or, if the employee is performing a safety sensitive function at the time of notification, the employee shall be directed by the Department Director or designee, to cease the performance of the function and proceed to the testing site as soon as possible.

**Alcohol Testing** - An employee who has a breath alcohol content of 0.04% or greater during working hours, including lunch and break times will be presumed to be under the influence of alcohol and in violation of this policy. Alcohol testing will be conducted in the event of reasonable suspicion, return to work or post-accident.

An employee who was tested and had an alcohol concentration of 0.02 or greater, but less than 0.04, or used alcohol within 8 hours of an accident, or consumed alcohol within four hours prior to duty, shall not be permitted to return to duty requiring the performance of a safety sensitive function until the employee has undergone a return to duty alcohol test with a result which indicates an alcohol concentration of less than 0.00.

## VIII. TESTING PROCEDURES

Drug testing will be conducted using a laboratory certified by the United States Department of Health and Human Services (SAMHSA/CAP FUDTP). Chain-of-custody procedures will be followed to account for



the integrity of each urine sample by tracking its handling and storage from point of specimen collection to final disposition of the specimen.

Each specimen submitted for testing under the testing provision of this policy, will be analyzed for the presence of the following compounds which include, but are not limited to.

<u>DRUG CLASS</u>	EMIT SCREEN DETECTION LEVEL <u>*ng/ml</u>	GC-MS CONFIRMATION DETECTION LEVEL** <u>*ng/ml</u>
6-Acetylmorphine	10	10
Amphetamines/Methamphetamine	300	250
Barbiturates	300	100
Benzodiazepines	300	100
Benzoyllecgonine Cocaine Metabolites	150	100
Hydrocodone/Hydromorphone	300	100
MDMA/MDA	300	250
Methaqualone	300	200
Methadone	300	100
Codeine/Morphine	2000	2000
Oxycodone/Oxymorphone	100	100
Phencyclidine	25	25
Propoxyphene	300	200
Marijuana Metabolite (including THC found in Cannabidiol)***	20	10

\*nanograms/milliliter

\*\*confirmation detection levels are subject to change

\*\*\*Cannabidiol derived from the Hemp plant can contain up to 0.3% THC. If an employee is currently taking or is thinking about taking a Cannabidiol product, it is possible that if screened, they can test positive for THC. Under this Policy, THC is prohibited. A positive drug screen for any prohibited substance will result in automatic termination.

Employee's consent for testing is indicated by signing any form required by the Specimen Collection and Alcohol Testing Service Provider or laboratory collecting the specimen for testing.

An employee reasonably suspected of the use or possession of illegal drugs, and/or being under the influence of alcohol, or in the event post-accident testing is required, or in the event of self-referral for a drug or alcohol related problem, will be taken to the City Specimen Collection and Alcohol Testing Service Provider for testing. **For safety purposes, the employee will not be allowed to drive him/herself for specimen collection or alcohol and/or drug testing or to drive him/herself home or back to work.** The Department Director, at his/her discretion, may have the employee taken home and paid for the time required to get test results or may assign the employee to safe duty pending the test results. If the employee is subject to the DOT-CDL HR 15.4, DOT-Gas Department Drug Policy HR 15.3 or the Licensed Marina Personnel Drug Policy HR 15.5, the return-to-work provisions of those policies will control when the employee may be allowed to resume his/her job duties.

The Medical Review Officer (MRO) for the City of Corpus Christi will be the designated City Medical Advisor or any physician designated by the City's Director of Human Resources, or designee, who is a licensed physician with knowledge of drug abuse disorders.



The MRO shall review the results of drug testing before they are reported to the Director of Human Resources and will interpret confirmed positive test results to determine if there is an alternative medical explanation for the confirmed positive result. After review, the MRO shall deliver test results directly to the Director of Human Resources, or designee.

If the test result of the primary specimen is positive, the applicant or employee may request that the MRO direct that the split sample be tested in a different certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. The MRO shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive test result. Upon receipt of the test result of the split specimen which reaffirms the test results of the primary specimen, the employee and the Director of Human Resources, or designee shall be notified within one business day. Upon receipt of the test result of a split specimen which fails to reconfirm the presence of the drug(s) or drug metabolites found in the primary specimen, the MRO shall cancel the test, and report the cancellation and the reasons for it to the City and the employee. The fee for transferring and retesting a split specimen by another certified laboratory is to be prepaid by credit/debit card, by the requesting applicant or employee, directly to Alliance Health Resources, 5277 Old Brownsville Road, Suite 201, Corpus Christi, Texas 78405. The laboratory used for split specimen testing is Quest Diagnostics- Employer Solutions, 10101 Renner Boulevard, Lenexa, Kansas 66219. The fee for retesting and transferring a split specimen is determined by the collection facility.

Upon a confirmed positive drug test result, or a breath alcohol concentration of 0.04 or greater, the employee shall be placed on administrative leave with pay and taken home, pending disciplinary review.

Upon a test result of an alcohol concentration of 0.02 or greater, but less than 0.04, an employee shall be removed from duty, and, if it is the first occurrence, will be allowed to use leave under existing leave policies, if applicable, (Family and Medical Leave Act, sick leave, personal leave, vacation, or special leave requests without pay}. In the event of a second occurrence of an alcohol concentration of 0.02 or greater, but less than 0.04, the employee shall be placed on administrative leave with pay, pending disciplinary review.

If the MRO's review indicates a legitimate medical explanation for the confirmed positive test result, no further action will be taken against the employee and an applicant will be eligible for hire.

If the MRO's review determines there is no legitimate medical explanation for the positive test result, the employee tested will be subject to disciplinary action up to and including termination upon the first offense or if an applicant for employment, the applicant will not be eligible for hire for the position applied for.

## **IX. DRUG-FREE AWARENESS PROGRAM**

A Drug-Free Awareness Program will provide an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace. This program will inform employees about:

- The dangers of alcohol and drug abuse in the workplace,
- This City's Alcohol and Drug Policy;
- The availability of treatment and counseling for employees who voluntarily seek such assistance through the Employee Assistance Program; and
- The discipline which will be imposed for violations of this policy.

## **X. EMPLOYEE ASSISTANCE PROGRAM (EAP)**

It is recognized that drug and alcohol problems can be treated. The City of Corpus Christi believes it has a responsibility to offer assistance to City employees through the Employee Assistance program, (EAP) but that the initiative in asking for and obtaining such help is the responsibility of the employee.



Employees who **first** seek help through their Department Director, or designee, or Director of Human Resources or designee, for a prohibited drug and/or alcohol related problem **before it is discovered through reasonable suspicion, employee conduct, or testing authorized under this policy**, shall be allowed to participate in a rehabilitation program as recommended by the Employee Assistance Program counselor who is a Substance Abuse Professional, and as otherwise agreed to in writing by the Department Director, or designee, or Director of Human Resources, or designee, and the employee.

*Note: The employee must have sought help before the employee's city identification number is pulled in the process of generating the random test list and/or before being directed to submit to testing in the event of a reasonable suspicion.*

The employee will consent to disclosure of medical or other information related to treatment to the Director of Human Resources or designee, and other city management personnel as deemed necessary by the Director of Human Resources or designee, or the city's designated physician. Failure to authorize such release of information will result in the denial of the employee's request for assistance, and subsequent termination of employment. It is the employee's responsibility to provide to the Director of Human Resources or designee proof of a substance abuse professional's evaluation, treatment plan, and evidence of completion of the rehabilitation program.

The Director of Human Resources or designee will:

1. Ensure the SAP, in writing, has released the employee to return to work after completing required rehabilitation set forth by the SAP.
2. ensure that an employee, upon completing rehabilitation, passes a return-to-work drug and alcohol test, and,
3. determine a schedule of unannounced follow-up drug/alcohol testing for an employee who had returned to duty after rehabilitation to confirm his/her continuing drug free status.

Upon returning to duty from alcohol and/or drug rehabilitation treatment which was entered into as a result of an employee's self-disclosure of a prohibited drug-related problem or alcohol problem, an employee will be subject to follow-up drug testing without prior notice for up to twelve (12) months from the date of return, with the frequency being determined by the Director of Human Resources or designee.

An employee who is returned to work under the above provisions must fully comply with all provisions of this policy and the terms of any follow-up or related self-referral agreements with the City and/or any support the SAP identified in the rehabilitation and/or treatment plan.

While medical costs of rehabilitation are the sole responsibility of the employee, medical plan insurance may be used to the extent provided under the individual's health insurance coverage. Existing leave policies (Family and Medical Leave Act, sick leave, personal leave, vacation, or special leave requests without pay) may be requested for use during rehabilitation periods.

An employee on leave under this policy shall be required to report biweekly on his/her status and intent to return to work by contacting the employee's Department Director, or designee.

## **XI. PROHIBITED ACTIVITIES**

The following activities are prohibited for covered employees:



1. Use, possession, manufacture, distribution, or sale of illegal drugs or drug paraphernalia, at any time.
2. Distribution or sale of authorized controlled substances, at any time.
3. Having an illegal drug present in his/her body, at any time.
4. Unauthorized use or possession of alcohol while on any City premises or worksite and/or during working hours, including lunch, break times and while scheduled on-call.
5. Being under the influence of alcohol while on any City premises or worksite and/or during working hours, including lunch, break times and while scheduled on-call.
6. Unauthorized storing of any illegal drug, drug paraphernalia, or alcohol in a locker, desk, vehicle, equipment, or any other City premises or worksites.
7. Use of alcohol off City premises or worksites during off duty hours which affects the employee's ability to safely and fully perform assigned job duties, renders the employee a danger to self or others at work, or which brings discredit upon the City or the public service.
8. Switching or adulterating any breath or urine specimen submitted for testing.
9. Failing to submit or refusing to submit a specimen for testing when required under this policy. Consent is indicated by signing any form required by the City's designated Specimen Collection and Alcohol Testing Service Provider, or laboratory collecting the specimen for testing.
10. Refusal to submit to an inspection of any desk, locker, or other City property, premises, or worksites under an employee's control when asked to do so by a supervisor, department Director, or designee, or City investigator.
11. Failure to meet requirements of any mandatory drug and/or alcohol treatment or counseling program in which an employee is enrolled.
12. Conviction under any criminal drug statute.
13. Public conduct at any time involving alcohol or illegal drugs under circumstances which bring discredit upon the City or the public service.
14. Failure to notify the Department Director or Director of Human Resources in writing of any arrest, conviction, probation, deferred adjudication or pre-trial diversion under any criminal drug statute at the beginning of the next work shift after such event or finding.
15. Failure to report to the supervisor the use of a prescription drug or over the counter medication which may impair the employee's behavior or physical ability to safely and fully perform assigned duties, and failure to provide written pharmaceutical information on the prescription drug or over the counter medications used, or failure to provide a written statement by the employee's physician that the prescription drug or over the counter medication is safe to use while performing his/her assigned job functions.
16. Failure to keep prescribed medicine in its original container or to provide other proof of identification of drug prescription and prescribing physician.
17. Taking, using or being under the influence of a prescribed medication in a manner or dosage other than as prescribed.
18. Refusing to sign a statement agreeing to comply with the City's Alcohol and Drug Policy.
19. Failure of a City employee to report the use or possession on City premises or worksites, and/or during working hours, including lunch and break times, of an illegal drug or unauthorized alcoholic beverage by another City employee
20. Failure of a City employee to report the existence of an unauthorized alcoholic beverage or illegal drug on City premises or worksites.
21. Reporting for duty while on "on call" status under the influence of alcohol or with an illegal drug present in his/her body and/or the inability to report to work as required in a condition to safely and fully perform assigned duties due to alcohol or drug use.
22. Failing to adhere to provisions of any agreement executed by the employee which requires treatment or counseling for alcohol or drug abuse.
23. Having a verified positive drug test administered under this or any other City policy.
24. Knowingly or intentionally use or possess any substance or device designed to mask or falsify a controlled substance test.
25. Use, possess or have within their control a controlled substance, absent a valid, personal prescription.



## **XII. CONSEQUENCES FOR VIOLATION OF THIS POLICY**

### **A. The following violations of this policy will result in automatic and mandatory termination upon first offense:**

1. Use, possession, manufacture, distribution, or sale of any illegal drug, or drug paraphernalia, while on city premises or worksites and/or during working hours, including lunch and break times.
2. Knowingly or intentionally use or possess any substance or device designed to mask or falsify a controlled substance test.
3. Use, possess or have within their control a controlled substance, absent a valid, personal prescription.
4. Distribution or sale of any authorized controlled substance while on City premises or worksites and/or during working hours, including lunch and break times
5. Driving or operating a personal vehicle while on City business, or any City motor driven vehicle, motor driven equipment at any time while having an illegal drug present in his/her body.
6. Unauthorized use or possession of alcohol during working hours on any City premises or worksites including lunch or other break periods.
7. Driving or operating any City motor driven vehicle, motor driven equipment, or a personal vehicle while on city business, including lunch and break times, while under the influence of alcohol.
8. Failing to take a test or refusing to take a test and/or refusal to submit a specimen for alcohol and/or drug testing when required under this policy.
9. Having a verified positive drug test administered under this or any other City policy.
10. Having a breath alcohol content of 0.04% or greater during working hours, including lunch and break times, as determined by a breath alcohol test administered under this policy.
11. Failing to participate in and/or to comply with any alcohol or drug rehabilitation and/or follow- up testing program, whether mandatory or self-referral.
12. Having a second occurrence of a test result of an alcohol concentration of at least 0.02, but less than 0.04.

### **B. Violations of other provisions of this policy will result in discipline up to and including termination.**

1. Failure to report to the supervisor, or designee the use of a prescription drug or over the counter medication which may impair the employee's behavior or physical ability to safely and fully perform assigned duties, or failure to provide a written statement by the employee's physician that the prescription drug or over the counter medication is safe to use while performing his/her assigned job function.
2. On the first occurrence of a test result of an alcohol concentration of at least 0.02, but less than 0.04, a letter of reprimand will be placed in the employee's official personnel file and the employee will not be allowed to resume job duties until:
  - i. the Substance Abuse Professional has evaluated and released the employee to return to duty; and
  - ii. the employee has taken an alcohol test with a resulting alcohol concentration of less than 0.02; and
  - iii. the employee has passed a drug test, if determined by the Substance Abuse Professional that a drug test is necessary for the employee; and
  - iv. the employee has complied with any recommended rehabilitation based on the Substance Abuse Professional's assessment or the provisions of any disciplinary



agreement between the department Director and the employee regarding rehabilitation

Failure of the employee to participate in and/or comply with the procedures outlined in items one through four (1-4) outlined in Section XII.2 will result in automatic and mandatory termination.

### **XIII. RECORDS PROCEDURES**

**RELEASE OF INFORMATION** - Requests for employment verification or references for an individual terminated under this policy shall be forwarded to the Human Resources Department for response.

**REPORTING CONVICTIONS TO FEDERAL AGENCY** - In compliance with the Drug Free Workplace Act, the Human Resources Department will notify the appropriate federal agency within ten (10) days after receiving notice from the employee of a conviction under criminal drug statutes.

Employees are required to notify their Department Director or Director of Human Resources **in writing** of any arrest, conviction, probation, deferred adjudication or pre-trial diversion under any criminal drug statute at the beginning of the next work shift after such event or finding.

### **XIV. QUESTIONS REGARDING THIS POLICY**

Questions regarding this policy shall be directed to the Director of Human Resources, or designee, who may be contacted at 361-826-3300.



**EMPLOYEEACKNOWLEDGEMENT FORM**

**HR 15.0 ALCOHOL AND DRUG ABUSE POLICY**

I have received a copy of the City of Corpus Christi's HR 15.0 Alcohol and Drug Abuse Policy, as revised September 1, 2019. I understand that compliance with this policy is a condition of employment.

I have carefully heard and/or read this policy and understand its content. I have been given an opportunity to ask questions about this policy and to receive explanations.

I agree to comply with this policy. I understand that failure to do so will result in my being in violation of this policy and will subject me to disciplinary action up to and including termination on the first offense.

I understand that employees who first seek help through their Department Director, or designee, or Director of Human Resources or designee, for a prohibited drug and/or alcohol related problem **before it is discovered through reasonable suspicion, employee conduct, or testing authorized under this policy**, shall be allowed to participate in a rehabilitation program as recommended by the Employee Assistance Program counselor who is a Substance Abuse Professional, and as otherwise agreed to in writing by the Department Director, or designee, or Director of Human Resources, or designee, and the employee. I acknowledge that *I must seek help before my city employee identification number is pulled in the process of generating the random test list and/or before being directed to submit to testing in the event of a reasonable suspicion.*

I understand that in addition to the Citywide Alcohol and Drug Abuse Policy, HR 15.0, that I may also be subject to the provisions of Department of Transportation's (DOT) federal drug and alcohol testing programs as set out in City Policies HR 15.3 and 15.4 which apply to employees who hold positions in the City's Gas Department and/or to employees who are required to drive, or may be called upon to drive, a City commercial vehicle which requires a Commercial Driver's License (CDL), or City Policy HR 15.5 Drug & Alcohol Use & Testing for Licensed Marina Personnel Subject to US Coast Guard Regulations, CFR Titles 33 & 46. If I am covered by more than one City Alcohol and Drug Abuse Policy, I understand that I must remain in compliance with each policy which applies to the position I hold as a condition of employment.

\_\_\_\_\_  
(PRINT) Employee's Name

\_\_\_\_\_  
Employee's ID #

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Name

**Please return to:** Human Resources Department, Employee Personnel File

## SAFETY SENSITIVE POSITIONS BY JOB TITLE

Airport Public Safety Captain	Hydrant Painter	Kitchen Lead
Deputy City Marshal	Airport Terminal Grounds Supv.	Dispatch Supervisor
Airport Public Sfty Officr I	Terminal Grounds Lead	Airfield & Grounds Supervisor
Airport Public Sfty Officer II	Sanitation Foreman	Police Property Room Lead
Airport Public Sfty Train Cord	Parking Enforcement Lead	Print Shop Lead
City Marshal	Garage Service Foreman	Police Trainee
Airport Dispatcher	Vehicle and Equip Adminis Insp	Police Officer
Lead Airport Dispatcher	Utility Field Oper Foreman	Senior Officer
Airport Lead Badging Specialist	Senior Vehicle Pool Attendant	Police Lieutenant
Crime Analyst	Utility Field Operations Supv	Police Captain
Drug Evidence Custodian	Park Maintenance Coordinator	Concrete Technician
Parts Foreman	Asst Fire Chief	Concrete Finisher
Veterinarian	Water Quality Manager	Sr Maintenance Mechanic
Laboratory Technician III	Wastewater Collectns Sys Supnt	Air Conditioning Maint Mech
Health Dist. Microbiologist	Water Plant Manager	Air Conditioning Maint Mech II
Health Dist. Microbiologist II	Wastewater Treatment Plant Manager	Parking Meter Technician
Chemist II	Utilities Systems Manager	Carpenter and Joiner
Equip Maint Superintendent	Wastewater Facilities Supntdnt	Maintenance Painter
HD Envirnm Consmr Hlth Srv Mgr	Water Dist. Superintendent	Building Operations Technician
Police Identification Supervsr	Water Resource Manager	Electrician Trainee
Deputy Fire Chief	Utilities Compliance Superintendent	Journeyman Electrician
Fire Chief	Facilities Maint Superintendent	Instrument Technician
Police Chief	Chief Landfill Foreman	Instrument & Electrical Techn
Assistant Police Chief	Gas Maint & Oper Superintendent	Service Technician
Firefighter Cadet	Gas Ops & Measurement Supt.	Airport Equipment Operator
Firefighter I	Police Commander	Signs & Markings Equipment Op.
Firefighter II	Deputy Police Chief	Journeyman Plumber
Fire Captain	Airport Public Safety Chief	Sign Fabricator
Battalion Chief	Laboratory Manager	Water Production Technician
Custodial Worker	Park & Recreation Supt.	Wastewater Treatment Tech
Cook	Beach & Spec. Events Superint.	Wastewater Collection Tech
Bldg. & Grounds Custodian	Public Health Administrator	Water Distribution Technician
Bldg. & Grounds Custodian Lead	Water Supply Specialist	Water Supply Technician
Field Service Technician	Fleet Operations Supervisor	Gas Construction Technician
Signs & Markings Tech	Public Health Nurse	Gas Service & Maintenance Tech
Utility Line Locator	Petroleum Superintendent	Gas Operations & Measure Tech
Methane Gas Technician	Park Operations Supervisor	Storm Water M & O Technician
Equipment Operator	Building Maint Supervisor	Corrosion/Line Locator Tech
Gardener	Sr Nurse Practitioner	Park Operations Technician
Senior Pump Operator	Lifeguard I	Park Construction Technician
Garage Serviceperson	Aquatics Instructor	Horticulture Technician
Sr Garage Serviceperson	Health Dist. Medical Assistant	Park Irrigation Technician
Trades Helper	Landfill Operator	Senior Pool Mechanic
Refuse Collector	Aquatics Lead	Parks Technician I
Laborer	Aquatics Area Supervisor	Parks Technician II
Parks Technician III	Vehicle Pool Supervisor	Veterinary Assistant
Utility Technician I	Master Electrician	Veterinary Clinic Lead
Utility Technician II	Master Technician	Licensed Vocational Nurse



Utility Technician III	Graffiti Removal Hvy Equip Opr	Pharmacy Assistant
Utility Technician IV	Graffiti Removal Sr Eqpt Oper	Assistant Parts Foreman
Utility Technician V	Heavy Equipment Mechanic	Fire Protection Specialist
Marina Field Supervisor	Heavy Equipment Mechanic Lead	Crime Scene Investigator
Marina Dock Master	Lead Vehicle Pool Attendant	Crime Scene Investigator II
Gas Foreman	Utility Field Operations Mgr	Firearms Examiner
Maintenance Mechanic Foreman	General Foreman	Envrnmntl Quality Specialist I
Master Bulding Maint. Supervis	Water Quality Specialist	Wastewater Compliance Specialist
Equipment Mechanic Foreman	Police Vehicle Supervisor	Marina Maintenance Technician
Storm Water Operations Foreman	Vehicle/Equipment Specialist	Airport Operations Specialist
Street Maintenance Crew Leader	Building Maint Technician	Lead Airport Operations Specialist
Heavy Machinery Operator	Maintenance Technician	Technical Specialist
Sr Equipment Operator	Health Dist. Bldg Maint. Techn	Master Building Maint Tech
Heavy Equipment Operator	Construction Inspector	Gulf Beach Lifeguard
Sr. Heavy Equipment Operator	Water Quality Field Technician	Animal Control Officer
Sr Equipment Mechanic	Medical Lab Techn	Animal Control Officer II
Sr. Equipment Mechanic Lead	Laboratory Technician II	Vehicle Impound Control Offcr
Marina Specialist III	Detention Officer	Prisoner Transporter
Marina Dockhand II	Gulf Beach Senior Lifeguard	Marina Specialist I
Asst Vehicle Impound Supervisr	Animal Control Officer Lead	Marina Specialist II
Beach Operations Supervisor	Senior Marina Specialist	Marina Dockhand I
Detention Officer Lead	Detention Center Manager	

**\*\*\* As of 10/7/19 - Subject to change.**