

City of Philadelphia

Department of Health



Drug & Alcohol Policy

Employee Education Program



SECTION I

Drug & Alcohol Policy

DRUG & ALCOHOL POLICY

PURPOSE

(Drug & Alcohol Policy - Section I)

- To establish that **all premises, and motor vehicles** used by the City of Philadelphia, whether owned or leased, for any program of activity **of the City of Philadelphia shall be maintained as drug and alcohol free workplaces**
- To provide a framework that will enable departments and agencies in City government to establish and **maintain a safe, drug free work environment**
- To provide consistent and relevant guidelines for all non-uniformed City employees covered by this policy regarding alcohol and drug use situations
- To encourage employees with substance abuse problems to attend rehabilitation, and to give those employees the opportunity to remain employed

DRUG & ALCOHOL POLICY

PRIMARY CONCERNS

- **SAFETY:**
 - of the employee
 - other employees
 - and the general public

Any employee under the influence of a prohibited substance is an immediate hazard to themselves and others.

- **SAVE A LIFE:**
 - of the employee

Intervening now may be the only opportunity to help an employee.

SELF-REFERRAL PROCESS

(Drug & Alcohol Policy - Section III, A, 15)

- An employee who recognizes that a substance problem is causing distress in his/her life, and/or impacting his or her job performance, should call the Employee Assistance office or a health provider
- Employees who comply with the self-referral process ***will not be penalized*** for voluntarily seeking treatment

DRUG & ALCOHOL POLICY

(Drug & Alcohol Policy – Section II)

- The possession, manufacture, transfer, distribution, dispensing, sale, or use of prohibited substances or alcohol beverages is strictly prohibited
 - while on City premises
 - During any work hours
 - While driving City-owned, leased, or personal vehicles while conducting City business
- This includes during lunch and break periods

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SECTION II

Effects of Drug & Alcohol Abuse

EFFECTS of DRUG & ALCOHOL ABUSE

- Alcohol abuse and the use of illegal drugs are serious workplace problems. Employees don't check their substance abuse problems at the door when they enter the workplace
- Employees who abuse alcohol and drugs affect everyone around them

EFFECTS of DRUG & ALCOHOL ABUSE

Employee Health

Substance abuse users tend to neglect their nutrition, sleep, and other health needs, and substance abuse depresses the immune system.

IMPACT:

- Higher health benefit usage
- Increased use of sick time
- More absenteeism and tardiness

EFFECTS of DRUG & ALCOHOL ABUSE

Safety

Common effects of the use of alcohol and drugs are impairments in vision, hearing, attention span, muscle coordination, alertness and mental acuity.

IMPACT:

- More accidents
- More workers compensation claims

EFFECTS of DRUG & ALCOHOL ABUSE

Decision Making

Employees who use alcohol and/or drugs often make poor decisions and have a distorted perception of their ability.

IMPACT:

- Reduced innovation
- Reduced creativity
- Reduced ability to focus
- Poor strategic decision making

EFFECTS of DRUG & ALCOHOL ABUSE

Morale

The presence of an employee with drug and/or alcohol problems places a strain on relationships between coworkers.

IMPACT:

- Higher turnover
- Reduced team effort
- Negative effect on non-drug using coworkers

EFFECTS of DRUG & ALCOHOL ABUSE

Security

Employees with alcohol and/or drug problems often have financial difficulties, and employees using illegal drugs may conduct illegal activities in the workplace.

IMPACT:

- Theft
- Law enforcement involvement

SAFE WORK ENVIRONMENT

WHO IS RESPONSIBLE?

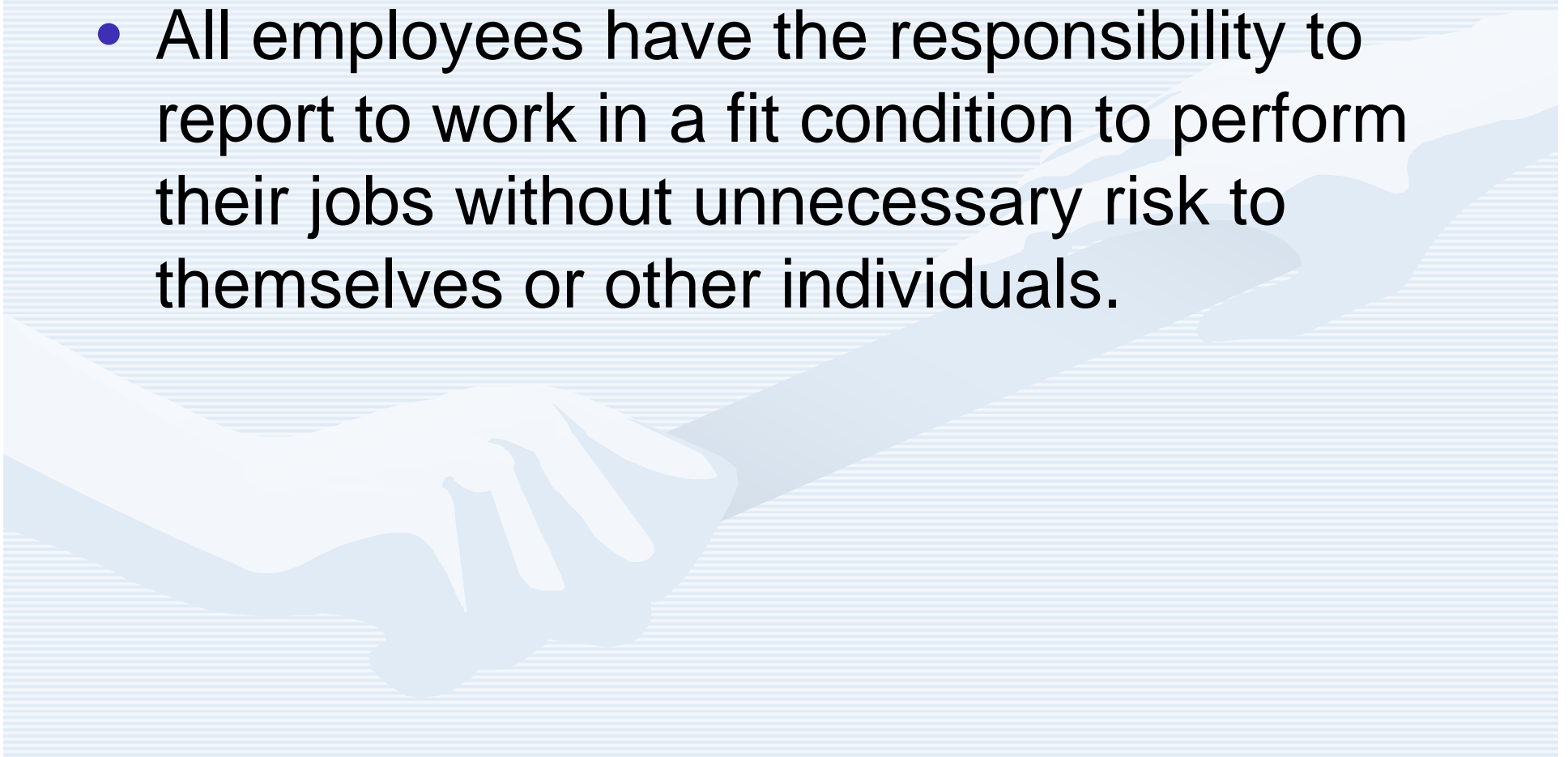
- The City of Philadelphia
(Employer)
- City Managers and Supervisors
- Employees

SAFE WORK ENVIRONMENT *RESPONSIBILITY – EMPLOYER*

Employers have a legal and moral obligation to provide a safe and healthful place that is free from all recognizable hazards including employees who are under the influence of alcohol or drugs because they pose a hazard to themselves, their co-workers, and the

SAFE WORK ENVIRONMENT RESPONSIBILITY - EMPLOYEE

- All employees have the responsibility to report to work in a fit condition to perform their jobs without unnecessary risk to themselves or other individuals.



The “Whys”

- Why do we concern ourselves with employees who drink to much on their days off?
- Why should we become suspicious of behaviors that occur outside the “workplace” ?
- **We don't & shouldn't until it impacts their job, their safety, the safety of others.**

City Mandated Drug and Alcohol Testing

- The Federal Drug Free Workplace Act (1988)
- Omnibus Transportation Employee Testing Act of 1991 (Commercial Driver's License for CDL required positions (1991))
- FOP Negotiated Policy (Updated 2000)
- IAFF Negotiated Policy (Updated 2000)
- **AFSCME 2004 Negotiated Policy**

AFSCME 2004 negotiated
***WHO IS COVERED UNDER THE
POLICY?***

- The policy applies to:
- Represented members of District Council 33
- Represented members of District Council 47
- Non-represented and exempt employees

SECTION II

Employment Situations That Authorize Drug & Alcohol Testing

TYPES OF REQUIRED DRUG & ALCOHOL TESTS

1. Pre-Employment
2. Random
3. Post-Accident
4. Reasonable Suspicion
5. Return to Duty & Follow-Up

RANDOM TESTING

Safety-Sensitive Positions

(Drug & Alcohol Policy – Section V, B)

- Based on job duties
- Subject to random alcohol/drug screening
- Which positions are to be designated as “safety-sensitive” will be determined through negotiations with the union
- Employees in a safety-sensitive position will be provided notice of the status of his/her positions
- The MEU shall administer the random program

POST ACCIDENT TESTING

(Drug & Alcohol Policy – Section III, A, 1 & 2)
(Drug & Alcohol Policy – Section V, C)

What is an “accident”?

Any occurrence involving the operation of a City owned vehicle or personal vehicle while conducting City of Philadelphia business which results in:

1. The loss of human life or bodily injury requiring hospitalization for medical treatment
2. Property damage of more than \$500.00
3. An accident that requires towing of any vehicle
or
4. A citation for driving under the influence

REASONABLE SUSPICION TESTING

(Drug & Alcohol Policy – Section V, A)

- Reasonable suspicion testing is conducted when **two trained** managers/supervisors have reasonable cause to believe that an employee may be impaired as a result of alcohol or drug use
- The determination is based on specific, currently-observed, detailed observations concerning the appearance, behavior and speech of the employee and must be documented
- There must be at least **two** observable **signs/indicators** to justify reasonable suspicion testing
- If there is corroboration by the second trained manager/supervisor the employee is to be escorted to the **MEU** for drug and alcohol testing
- Between the hours of 5 PM and 8:30 AM, and on weekends and holidays, testing will be done **on-site** by an independent company

TRAINING REQUIREMENT

(Drug & Alcohol Policy - Section IV, A)

Supervisors who are designated to make reasonable suspicion determinations, and Union Representatives who participate in the consultation process must undergo at least four (4) hours of training on alcohol misuse and use of controlled substances.

The Role of the Union

(Drug & Alcohol Policy - Section IV, B,)

- Represented employees may consult with and obtain the assistance of a trained union representative concerning reasonable suspicion testing, provided such consultation or assistance does not prevent the employee from being administered the drug and alcohol tests within a timely fashion
- Any Union representative participating in the consultation process must be certified through the training course

RESPONSIBILITY **TO MAKE** **REASONABLE SUSPICION** **DETERMINATIONS**

- The **primary concern is safety:**
 - of the employee
 - other employees
 - and the general public
- Any employee under the influence of a prohibited substance is an immediate hazard to themselves and others

RETURN TO DUTY & FOLLOW-UP TESTS

(Drug & Alcohol Policy - Section V, D)

- Employees returning to work following a leave of absence under the Drug and Alcohol Policy must successfully pass a return to duty drug and alcohol test
- The MEU retains the right to do follow-up testing at its discretion during the After Care rehabilitation period for one (1) year

DRUG USE

WHAT IS PROHIBITED?

What Substances Are Tested ?

- Marijuana
- Cocaine
- Opiates morphine & (6-MAM) & codeine
- Phencyclidine (PCP)
- Amphetamines / Methamphetamines
- Ecstasy

EXCEPTION

Permissible Use Prescription Drugs

- The use of drugs prescribed by a medical practitioner for the employee or the use of over-the-counter drugs are permissible at the work site provided they are used in strict accordance with medical and/or label directives

DUTY to REPORT

Prescription or Over-the-Counter Drugs

- Employees who operate machinery or a motor vehicle must not take prescribed or over-the-counter drugs that will impair their functioning and/or psychomotor skills
- Employees must notify their ADA and/or HR Manager of medications that may affect their performance and behavior adversely
- The employee is not required to disclose the medical reason for which the drug is prescribed

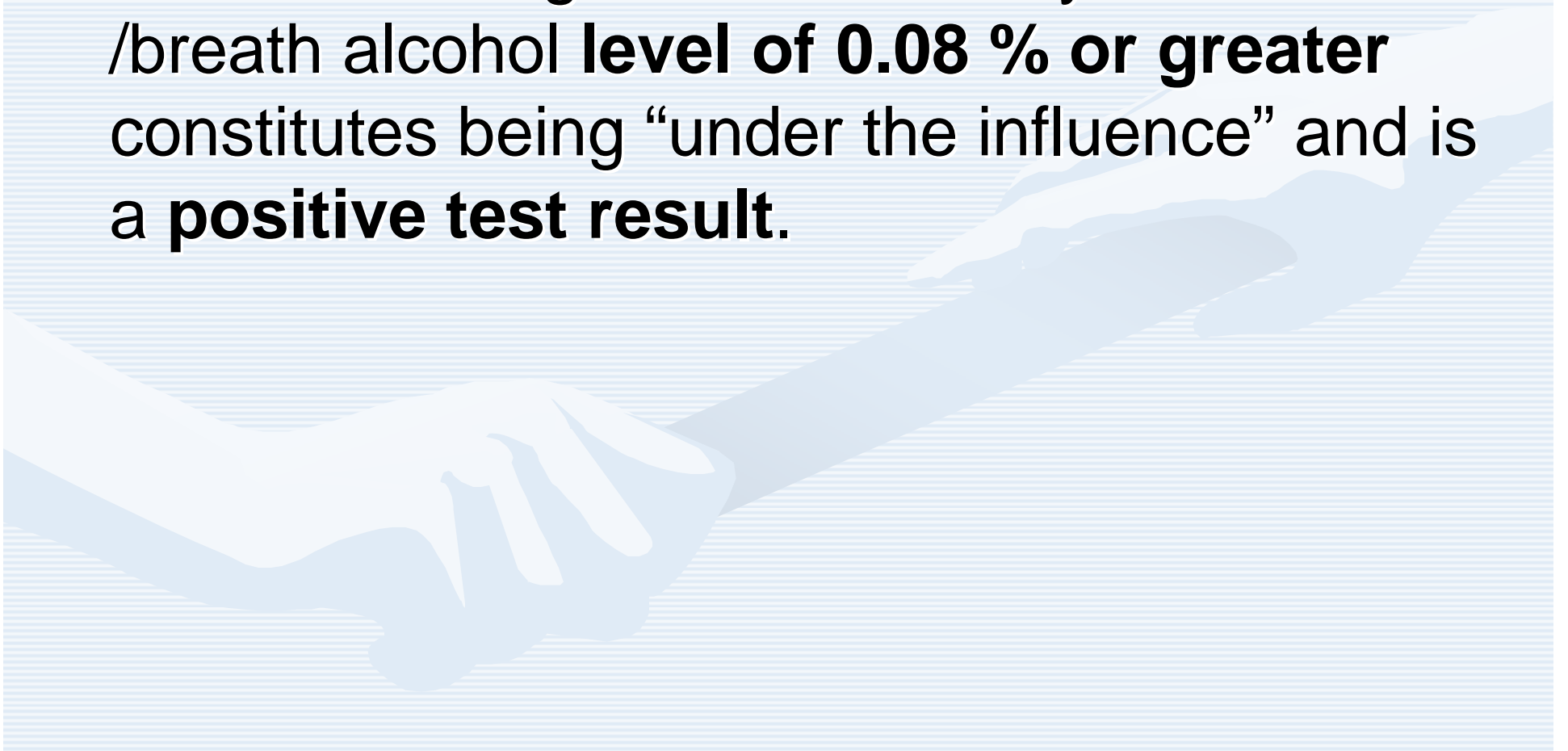
ALCOHOL USE

WHAT IS PROHIBITED?

- While alcohol is a legal substance, the policy identifies prohibited alcohol-related conduct on the job, and delineates specific levels of blood alcohol concentration to define “***under the influence***”
- The use of alcoholic beverages is prohibited while on City premises, during work hours, when driving City-owned, leased, or personal motor vehicles while conducting City business
- Includes lunch and break periods

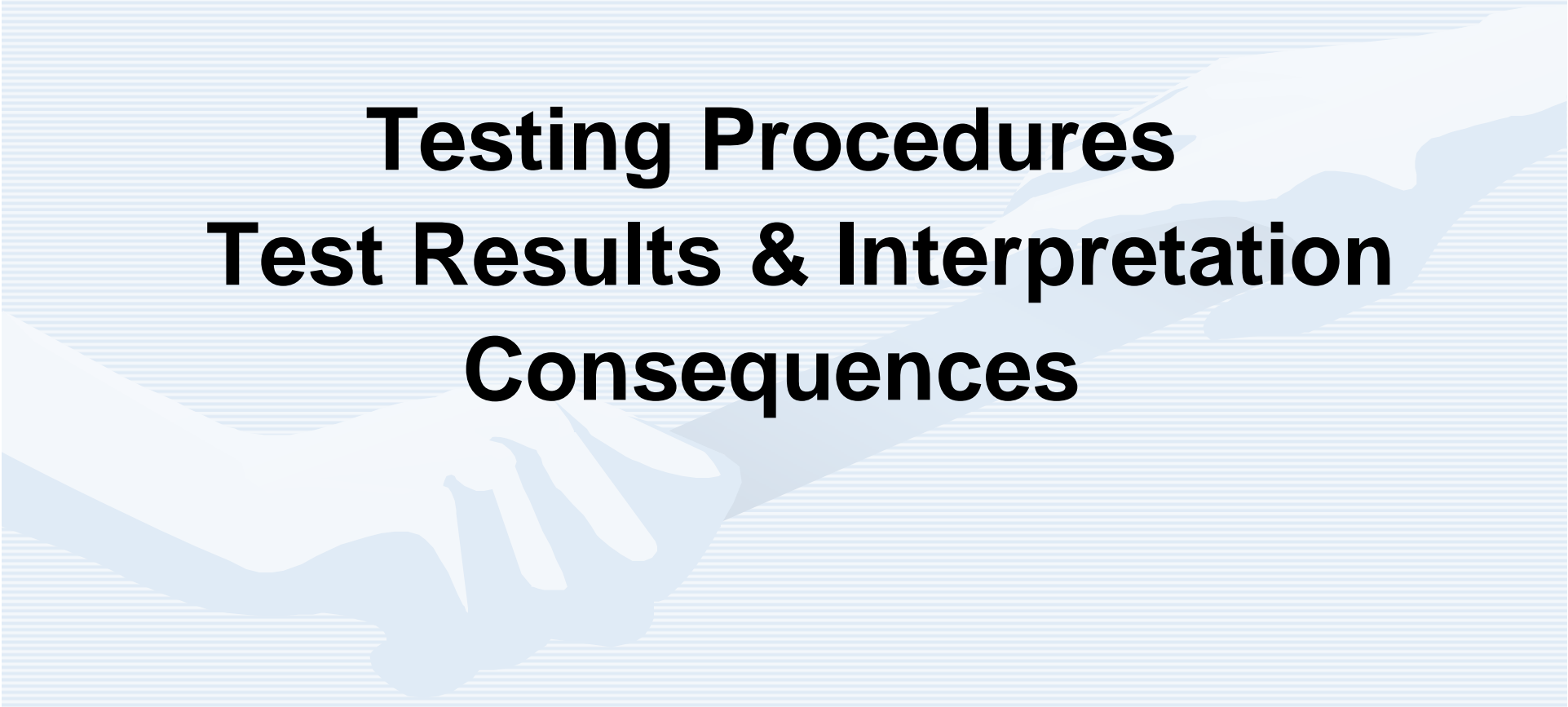
What is “under the influence of alcohol”??

- Under the Drug & Alcohol Policy a blood /breath alcohol **level of 0.08 % or greater** constitutes being “under the influence” and is a **positive test result**.



SECTION III

Testing Procedures
Test Results & Interpretation
Consequences

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THE TESTING PROCESS

The Role of the Medical Review Officer (MRO)

(Drug & Alcohol Policy – Section VII, A)

- Serves as the gate keeper for the testing program
- Reviews laboratory reported findings for both negative and positive specimens
- If a positive finding is due to legitimate prescribed medication the MRO will report a negative ruling to the department manager
- After reviewing the test results, the MRO dialogs with the donor, and reports the test results to the departmental HR manager

TESTING PROCESS - *DRUGS*

- **Urine Collection**
- The test is done to detect:
 - Marijuana, Cocaine, Opiates, Phencyclidine, Amphetamines, Ecstasy
- The specimen testing is conducted at a laboratory that is certified by the U.S. Department of Health & Human Services
- The specimen is split for second confirmatory test – if requested by donor

TESTING PROCESS - ALCOHOL

- **Evidential Breath Testing**
 - Performed by a certified Breath Alcohol Technician
- **Blood Alcohol Concentration Levels**
 - **0.08% and Greater – Positive Test Result**
 - *0.04 to 0.079% – Positive (Safety Sensitive Positions)*
 - **0.00 to 0.039% – Negative Test Result**

REFUSAL TO BE TESTED

- If an employee refuses to be tested the outcome will be the same as a positive test result.
- The employee will be required to comply with all procedural requirements of a positive test result before returning to work.

THE TESTING PROCESS

Classification of Time

(Drug & Alcohol Policy – Section VII, B, 1)

- The employee will be carried in paid status during the testing process until such time as the impairment is confirmed or the employee is returned to duty

TEST RESULTS

NEGATIVE

(Drug and Alcohol Policy - Section VII, B, 2)

- If the test result is negative the MRO will inform the HR office
- The employee will be returned to full duty status and all references to this issue will be expunged from all departmental and the Office of Human Resources files.
- The time used will be classified as “E” time

TEST RESULTS

POSITIVE

(Drug and Alcohol Policy - Section VII, B, 3)

- The Medical Review Officer (MRO) will review all positive test results to see if there is an alternative explanation
- Provides opportunity for donor to discuss with the MRO the laboratory positive, adulterated, or substituted findings prior to issuing a ruling
- Issues written notification of a positive result to employee
- Donor has 72 hours to request the split specimen be tested, at the donor's expense.
 - If result is negative the donor is reimbursed the cost

TEST RESULTS

INTERPRETATION BY

MEDICAL REVIEW OFFICER (MRO)

If the MRO determines there is a **legitimate medical explanation** for the positive test result, the MRO will inform the HR/ADA Officer that the **test is negative**.

TEST RESULTS *POSITIVE*

Procedure to Seek Treatment

- Employees seeking treatment must sign a **Substance Abuse Agreement** agreeing to:
 - seek treatment and comply with prescribed treatment plan as a requirement for reinstatement by the MEU
 - undergo periodic drug screens, including return to work drug tests
 - Completion of the **Substance Abuse Agreement** and compliance with the treatment plan is a prerequisite to be considered for reinstatement by the MEU
 - All information on an employee undergoing treatment shall be strictly confidential

TEST RESULTS POSITIVE

Medical Leave of Absence

- An employee seeking treatment may take leave under FMLA, if eligible, or may request a medical leave of absence under Civil Service Regulation 22, or may use accrued time
- Employees eligible for FMLA will have their absence charged against their FMLA leave entitlement
- Employees not eligible for FMLA will have their leave request approved on a case by case basis. Except in exceptional circumstances, first time requests for treatment will be approved

TEST RESULTS POSITIVE

Return to Work

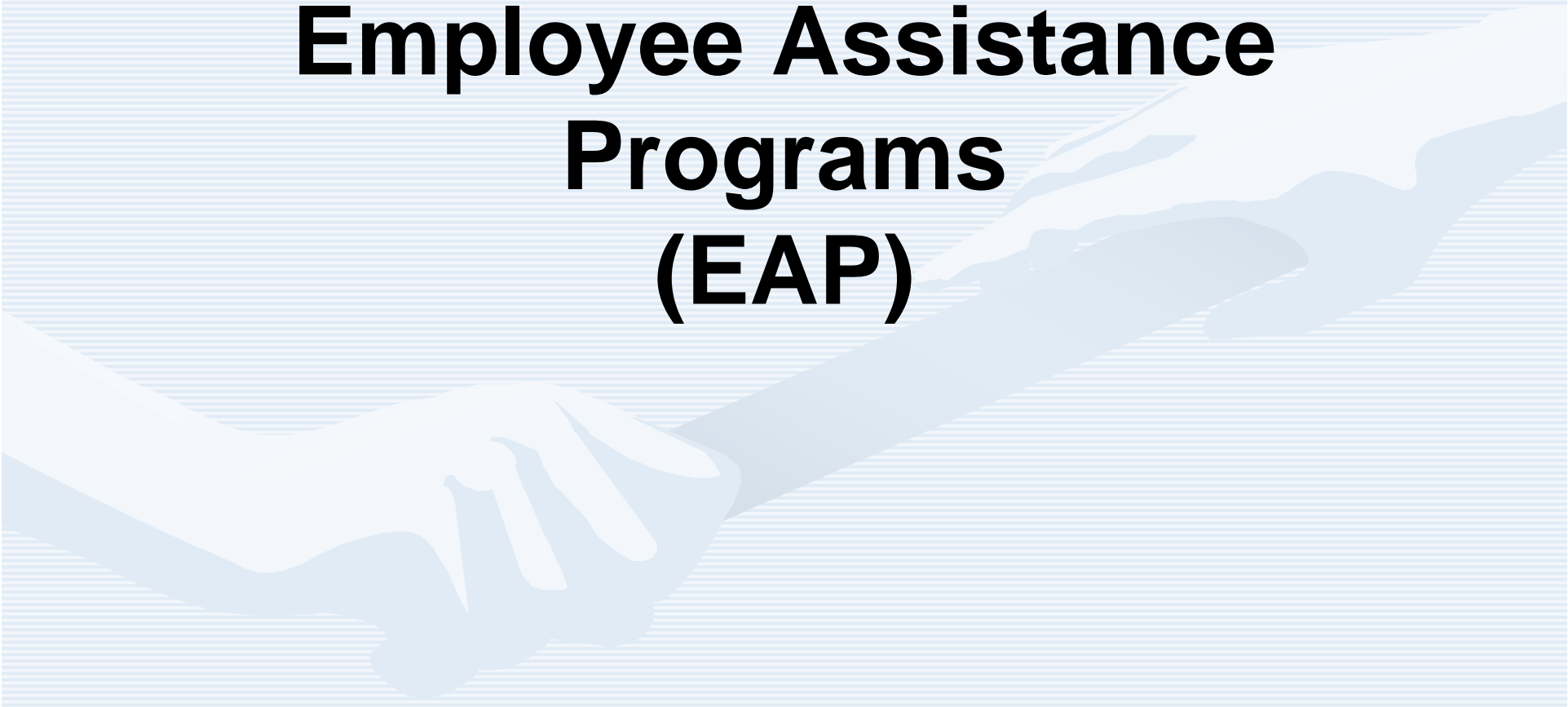
- If the MRO approves the employee as fit to return, the employee must sign an **After Care Contract** agreeing to:
 - attend counseling meetings
 - submit to a program of follow-up testing that may include random testing
 - remain totally drug and alcohol free.
- The City will attempt to accommodate an employee during rehabilitation following their return to work within the operational requirements of the department and in accordance with ADA and FMLA laws

AFTER CARE CONTRACT

Refusal To Sign

(Drug & Alcohol Policy – Appendix IV)

- An employee returning to work after he/she is approved by the MEU to return to work will be **required to sign** an *After Care Contract*
- Refusal to sign the After Care Agreement may result in an employee being placed on **non-pay status** until the contract is signed
- If employee still has not signed the After Care Contract thirty days following his/her test results report he/she will be separated from City employment

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SECTION IV
Employee Assistance
Programs
(EAP)

EMPLOYEE ASSISTANCE PROGRAMS (EAP)

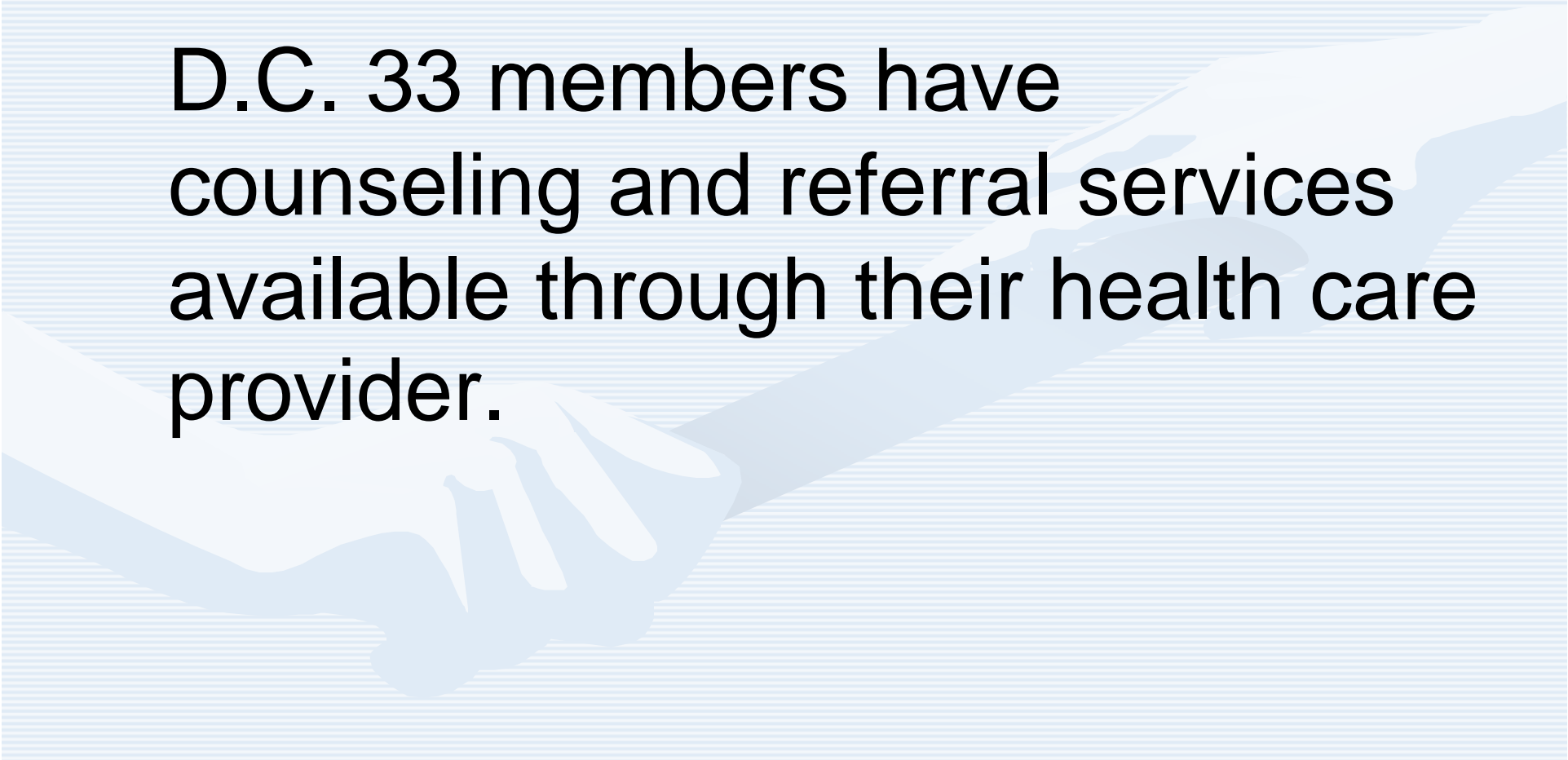
The City of Philadelphia encourages employees with substance abuse problems to obtain assistance and appropriate treatment to help resolve these problems.

All records related to the employee's use of an Employee Assistance Program (EAP) will be maintained with the strictest confidentiality in accordance with medical, legal and ethical standards.

EMPLOYEE ASSISTANCE PROGRAM

District Council 33

D.C. 33 members have counseling and referral services available through their health care provider.



EMPLOYEE ASSISTANCE PROGRAM

District Council 47

All D.C. 47 members have counseling and referral services currently available through the Union's Health and Welfare Fund for behavioral services, psychological and addictive counseling services.

The Union's EAP provider: Preferential Care Network (PCN) 800-366-0129. You may also access information on the internet by going to www.DC47AFSCME.org. Click on "**Health and Welfare**", click on "**Member Assistance**", click on "**EAP**".

Mental Health Care is also provided through District Council 47 health care providers.

EMPLOYEE ASSISTANCE PROGRAM

Alcoholics Anonymous

215-923-7900

Toll Free 1-877-9-Dial AA

Web Site www.sepennaa.org to find a location or meeting convenient to you.

ADDITIONAL INFORMATION

For additional information and/or assistance contact the Department of Health, HR Office:

- **Karla Hill**, HR Manager: 685-5208
- ***Doua Xiong***, Health & Opportunity Safety Administrator: 685-5680
- ***Terrance Adkinson***, Safety Manager: 685-5205

To obtain a copy of the Drug & Alcohol Policy go to:

www.phila.gov/personnel and click on *EEO/AA Unit*.