

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 7 – SAFETY/HEALTH
7.01 – ON-THE-JOB INJURY

GENERAL POLICY

It is the policy of the City of Cedar Rapids to provide injury leave and related worker's compensation benefits in accordance with Chapters 85, 85A and 85B of the Iowa Code. The City will accommodate work related restrictions whenever possible in order to keep employees on the job.

SCOPE

All positions including Police and Fire Civil Service positions shall be follow this policy and subject to on the job injury policies as prescribed by the respective department, the pension board, and Chapter 411 of the Iowa Code.

SPECIFIC PROVISIONS

1. Reporting Procedures
 - a. Employees must report all injuries to their supervisor by the end of the shift when the injury occurs. An injury/illness report must be completed by the end of the shift. The report should be forwarded to the Safety and Wellness office no later than the next workday. Failure to make appropriate reports can jeopardize the employee's worker's compensation benefits and will result in discipline.
 - b. If an accident/injury is an emergency, the injured employee should be taken to either Mercy Medical Center or St. Luke's Hospital; or, when circumstances warrant, an ambulance should be called (911). An employee on assignment out of town should seek appropriate medical attention. After obtaining care, notify the Safety division at 286-5034 during business hours or at 521-5652 if after hours.
 - c. Employees needing non-emergency medical attention shall report to the Safety and Wellness division for medical treatment and referral. If it is a non-emergency outside of regular business hours, contact the Safety division at 521-5652. The City will not assume any liability for any non-emergency medical treatment that is not made at the direction of the Safety and Wellness staff.
 - d. The Injury/Illness Report is to be reviewed by the supervisor and employee on the day of injury to investigate the reasons for the injury and identify potential preventative measures. In the event the employee is incapacitated, the supervisor will file the appropriate forms.
 - e. Employees assigned temporarily to other departments are to report their injuries to the department to which they are assigned.

2. Claim Investigation
 - a. All injuries will be investigated immediately following the protocols implemented by the Safety division.

- b. All employees who have a work related injury that requires immediate care beyond first aid will take a drug and alcohol test if reasonable suspicion exists as documented by the Reasonable Suspicion Observed Behavior Report. A trained supervisor or manager must complete the Reasonable Suspicion Observed Behavior report within two hours of being notified of the injury. The drug and alcohol test will be coordinated through the City Safety and Wellness division or through the emergency room as applicable. If the results are positive, Policy 7.03 (A, B, or C) will apply.
- c. If a question exists as to the compensability of a worker's compensation claim, the claim will be investigated. If a dispute arises over any worker's compensation claim, then Chapters 85, 85A, and 85B of the Iowa code will be the sole source of satisfaction for said claim.

3. Lost Time Reporting

- a. Employees experiencing lost-time injuries will be paid in full for the day in which they were injured, reported as job injury leave.
- b. If it is necessary for an injured employee to be off work beyond the day of the injury, then that injury is considered to be a "lost time" injury. The treating physician must authorize all lost time prior to taking the time off.
- c. The next three (3) consecutive calendar days or three (3) cumulative days of lost time, (hereafter referred to as a waiting period) will be charged against the employee's regular benefit time (either sick leave or flex).
- d. If the injury is deemed to be work-related, job injury sick leave will be available to the employee from day four (4) on. Job injury sick leave or workers compensation pay is 2/3 of the employee's regular hourly wage.
- e. If the period of incapacity extends beyond the fourteenth (14) day following the day of injury, and if the treating physician certifies, the employee will be reimbursed the three-day waiting period to the extent that the pro-rated worker's compensation portion of the original sick leave days paid will be adjusted to a non-taxable status. However, sick leave days used during the waiting period will not be restored. If the three-day waiting period was unpaid, the employee will receive the pro-rated worker's compensation amount for that period.

4. Job Injury Monitoring

- a. Employees who have been hospitalized for job-related injuries must call or report their status to the Safety and Wellness staff upon discharge from the hospital.
- b. Employees are required to attend all scheduled follow-up visits unless other arrangements have been made and approved by a Safety and Wellness staff person.
- c. Each appointment for treatment or a return visit is to be considered the end of the employee's period of care unless otherwise stated on the medical certificate. The employee is expected to return to work on his/her next shift unless new instructions are given by the doctor and received by the Safety and Wellness staff within twenty-four (24) hours.
- d. Failure to keep appointments or to report to Safety and Wellness, as stated above, is the same as not reporting for work.

5. Medical Expenses/Documentation
 - a. All documents received that relate to the injury must be submitted to Safety and Wellness staff promptly.

6. Modified Duty
 - a. Modified job duties will be available if at all possible during the healing period enabling employees to return to work as soon as possible (see policy 7.02). When injured employees perform part-time work as a job modification, they will be compensated for lost time benefits according to Chapters 85, 85A and 85B of the Iowa Code.

7. Benefits Retention
 - a. Regular employees unable to return to their job duties nor able to perform modified duties beyond the end of the healing period will maintain benefit eligibility as covered in the FMLA Policy or 30 calendar days (whichever is greater) if the employee has not been separated from City service.

8. Disciplinary Action – OSHA Recordable Injury
 - a. Disciplinary action will be administered for failure to work safely, including failure to wear Personal Protective Equipment or horseplay, which results in an OSHA recordable injury to an employee or fellow worker.
 - b. Disciplinary action may be administered upon conclusion of the investigation of a work related injury where it is determined the employee did not perform all work duties and activities in accordance with City policies, procedures and safety practices.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL

SECTION 7 – SAFETY/HEALTH

7.02 – WORK RELATED INJURIES AND MODIFIED DUTY ASSIGNMENTS

GENERAL POLICY

The City of Cedar Rapids is committed to a safe work environment for its employees. However, in the event of a work-related injury or illness, immediate medical attention will be given to the employees through the City's injury & illness reporting guidelines, Safety & Wellness Worker's Compensation and Modified Duty Programs. This includes providing modified duty assignments to accommodate medical work restrictions of an employee as soon as possible. This will provide them time to heal and recover while continuing daily relationships with fellow employees, providing value added services to the organization and the community.

SPECIFIC PROVISIONS

1. It is the responsibility of the Employee to:
 - a) Report the work-related injury or illness to your supervisor immediately, on the day and shift that it occurs.
 - b) Report the work related injury to the Safety & Health Office, on the day and shift that the injury occurs, or the next business day if the injury occurred on a weekend.
 - c) Provide the completed Injury & Illness Report to Safety & Health on the day and shift of the injury.
 - d) If referred by the Safety & Health Office:
 - i. Go immediately to the occupational health doctor/clinic for treatment.
 - ii. Report back to the Safety & Health office immediately following the appointment for review of any medical work restrictions. (After normal Safety & Health office hours immediately report back to your Shift Supervisor or Manager).
 - iii. If your shift is over report immediately the next working day.
 - iv. Return to your job, or modified duty job that meets any doctor prescribed work restrictions.
 - v. Provide a copy of the Physicians Report to your Supervisor, or Manager.
 - vi. Follow all medical restrictions 24 hours a day (at home as well as at work).
2. It is the responsibility of the Supervisor/Manager of each department to:
 - a) Ensure that all employees report immediately to the Safety & Health Office for a non-emergency incident or to which ever agency is appropriate for the incident.
 - b) Discuss the incident with the injured employee and ensure that the completed Injury & Illness Report is submitted to the Safety & Health office on the day and shift of the injury.
 - c) Conduct a thorough investigation of the incident and identify what can be done to prevent a reoccurrence.
 - d) If possible, keep the employee within the basic functions of his/her job.

- e) Have modified duty positions designated within their department/departments to accommodate potential work-related medical restricted employees.
 - f) Provide modified duty for an affected employee.
3. It is the responsibility of the Safety & Wellness Office to:
- a) Review the Work-Related Injury/Incident Report to determine if the injury/illness appears to have arisen out of, and/or, in the course of employment.
 - b) Provide an Authorization Care Card and Prescription Card and schedule an appointment as quickly as possible with the occupational health doctor/clinic that will be treating the employee as necessary.
 - c) Remind the medical office that the City of Cedar Rapids has a Modified Duty Program and will provide a modified duty assignment within the doctors prescribed restrictions. The form will be faxed or sent with the employee to the doctor along with a copy of the employee's job description and photo of their work station, if possible.
 - d) Meet with the employee immediately following the doctor/clinic visit and any subsequent follow-up doctor visits with potential for revised medical restrictions. Review the doctor/clinic's prescribed work restrictions (if any), and determine if the employee can return to his/her normal job or whether a modified duty assignment is needed.
 - e) If needed, assure the employee that the city will continue to provide modified duty assignments that maintain the same standards of performances and work rules as all regular assignments, so long as the employee is showing progress towards recovery, value added work is available, or at which time it is determined that accommodations can no longer be made.
 - f) Coordinate with the department supervisor/manager for assignment to a modified duty position.
 - g) These modified duty procedures are applicable for all shifts.
 - h) Maintain on-going communication with the occupational doctor/clinic and specialists in order to ensure appropriate recovery.

Fraud:

The City's Workers Compensation and Modified Duty Program is made in good faith to our loyal and hard working employees, and may not be available for non-work related injuries.

It is a crime to lie, or give false information to receive workers compensation benefits. Commission of this crime will subject an individual to dismissal as well as legal prosecution for fraud. Information about workers compensation fraud should be directed to the City's HR department, the Safety & Wellness Office, or to your State Department of Workers Compensation Fraud of Investigation Unit.

Compliance:

The Safety & Wellness Office is responsible for governance of the City's Work Related Injuries and Modified Duty Programs. Any deviation or exception to this policy for an individual employee requires the advance approval of the City's Human Resource Director. Failure to comply with any part of this policy could result in disciplinary action.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 7 – SAFETY/HEALTH
7.03A – DRUG & ALCOHOL TESTING (ALL CITY EMPLOYEES)

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POLICY

1.0 Purpose

The purpose of this policy is to ensure worker fitness for duty and to protect our employees and the public from the risks posed by the misuse of drugs and alcohol. This policy is intended to comply with all applicable state and federal regulations governing workplace anti-drug and alcohol programs, including the provisions as outlined in Iowa Code 730.6 which governs public sector workplaces. In addition, the federal government published 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses (City Policy 7.06).

2.0 Applicability

This policy applies to all City employees and prospective employees for all city positions. Participation in this policy is a requirement and a condition of employment. This policy may take precedence over City Policy 7.03B and 7.03C.

3.0 Prohibited Substances

Prohibited substances addressed by this policy include the following:

3.1. Illegally Used Controlled Substances or Drugs

The use of any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C.). This includes, but is not limited to cannabinoids (THC), amphetamines, methamphetamines, opiates, phencyclidine (PCP), cocaine, barbiturates, benzodiazepines, and propoxyphene, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, or use of illegally obtained prescription drugs.

3.2. Legal Drugs

The misuse, abuse or non-medical use of legal drugs is prohibited if it causes a positive test that cannot be medically explained by the Medical Review Officer (MRO). A legally prescribed drug means that the individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. If an employee tests positive for drugs, they must provide a valid prescription that is acceptable to the MRO. A valid prescription includes the patient's name, the name of the substance, amount to be taken, and the time period of the authorization. Employees using prescription drugs must carry the medication in the original container, and the container must be labeled with the name of the employee, doctor and medication.

The use of any medication which carries a warning label that indicates that mental functions, motor skills, or judgment may be adversely affected must be discussed by the employee with their appropriate health care professional or the city nurse before performing work duties. Educational information and medical advice regarding prescription and over-the-counter medications should be obtained from either a health care professional or pharmacist. Employees should contact a supervisor, the city nurse or their health care professional if they experience any adverse effects from the use of medications that affects their fitness for duty.

3.3. **Alcohol**

The use of beverages containing alcohol or substances including any medication, mouthwash, food, candy or any other substance such that alcohol is present in the body while performing City business is prohibited. The concentration of alcohol is measured by a breath-testing device.

4.0 **Prohibited Conduct and Consequences**

The City of Cedar Rapids maintains a zero tolerance position for drugs and alcohol. The presence of any prohibited substance in an employee's system is forbidden when reporting for work, on the job, performing City business, or in an on-call status.

4.1. **Drug Use**

The use of illegal drugs is prohibited at all times. Employees will be tested for cannabinoids (THC), amphetamines, methamphetamines, opiates, phencyclidine (PCP), cocaine, barbiturates, benzodiazepines, and propoxyphene. The minimum threshold levels for testing these drugs are included in Appendix B of this policy and are consistent with industry standards. The misuse or abuse of legal drugs is prohibited if it causes a positive test that cannot be medically explained by the Medical Review Officer (MRO).

Positive Test

A positive test is a drug test with a verified presence of the identified drug or its metabolite at or above the minimum levels specified in Appendix B of this policy.

4.2. **Alcohol Use**

Employees are prohibited from reporting to work or remaining on duty when there is any measurable amount of alcohol present in the body. Employees are prohibited from consuming alcohol under the following conditions:

- while performing a work function;
- during the hours an employee is on-call; or
- for eight hours following an accident/injury unless the employee has already undergone a post-accident test.

Positive Test (0.04 or Greater)

A positive test is an alcohol test with a confirmed alcohol concentration of 0.04 or greater.

Non-Negative Test (0.001 – 0.039)

Under the City's authority, an employee with a confirmed alcohol concentration of 0.001 – 0.039 will be removed immediately from duty and placed in an unpaid status for at least 24 hours. The employee will remain in an unpaid status and will not be allowed to return to work until the 24 hour period has expired and a retest measures a confirmed alcohol concentration of 0.000.

Consequences of Any Non-Negative Test (0.001 – 0.039)

An employee with a non-negative test result will be subject to disciplinary action under the City's authority. For a first offense, the employee will serve a minimum of a one-day suspension without pay after they have been authorized by the Safety & Health Office to return to work. However, the employee may be subject to a varying penalty up to and including discharge based on the employee's overall work record. For a second offense, the employee will be discharged and will be ineligible for rehire.

Seasonal employees will be discharged for a first offense.

4.3. **Test Refusal**

Employees are required to comply with a request for testing. Refusal to comply with a request for testing will be considered a positive test.

The following behaviors constitute a test refusal for reasonable suspicion, post-accident, return-to-duty, follow-up, and random tests:

- Failure to appear for a test within 30 minutes after notification;
- Failure to remain at the testing site until the testing process is completed;
- Failure to provide a urine specimen, saliva, or breath specimen, as applicable;
- Failure to provide a sufficient volume of urine or breath without a valid medical explanation for the failure;
- Failure to undergo a medical examination to verify insufficient volume;
- Failure to cooperate with any part of the testing process;
- Failure to permit the observation or monitoring of the specimen donation when so required;
- Failure to take a second test required by the employer or collector;
- A drug test that is verified by the MRO as adulterated or substituted;
- Failure to sign the certification on Step 2 of the Alcohol Test Form; or
- Leaving the scene of an accident without just cause prior to testing.

For pre-employment tests only, the following are not test refusals:

- Failure to appear;
- Failure to remain at the testing site prior to commencement of the test;
and
- Aborting the collection before the test commences.

However, the applicant must contact the Safety & Health Office immediately with a legitimate explanation and be rescheduled for testing as soon as possible. Failure to do so will disqualify an applicant from employment at the City of Cedar Rapids for twelve months.

The applicant must complete the test once the collection has commenced. Failure to do so is a test refusal. The test commences once the applicant has been handed the collection cup.

4.4. **Consequences of a Positive Drug or Alcohol Test**

An employee with a positive drug or alcohol test will be removed immediately from their position and referred for evaluation by a Substance Abuse Professional (SAP).

A first positive drug or alcohol test will result in the employee being placed in an unpaid status until the Safety & Health Services Office receives documentation from the SAP that the evaluation has been conducted.

An employee with a positive test result will be subject to disciplinary action under the City's authority. For a first offense, the employee will serve a minimum of a one-week suspension without pay after the Safety & Health Services Office has been notified that the employee has completed the SAP evaluation. However, the employee may be subject to a varying penalty up to and including discharge based on the employee's overall work record. For a second offense, the employee will be discharged and will be ineligible for rehire.

Seasonal employees will be discharged for a first offense.

4.5. **Failure to Meet Treatment Requirements**

Employees are required to comply with the SAP's requirements for treatment, including after care or return-to-duty directives. Under the City's authority, an employee's failure to meet the treatment requirements will result in discharge.

5.0 **Testing Procedures**

Testing will be conducted in a manner to ensure a high degree of accuracy and reliability using techniques, equipment, and laboratory facilities that have been certified by the Iowa Department of Public Health. Testing will be consistent with the procedures put forth in 49 CFR Part 40, as amended. Testing will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug and alcohol testing process, and the validity of the test results.

5.1 **Notification**

Random drug tests can occur anytime an employee is on duty, and alcohol tests can occur just before, during, or just after performing work duties. Employees will not receive advance notice of random tests and must proceed immediately to the Safety & Health Services Office upon notification. Employees cannot be excused from testing, even for valid prior commitments, such as previously arranged family or medical obligations. Although employees cannot be excused from testing, random drug testing will be initiated prior to the end of the shift for employees that provide advance, verifiable written notice of scheduled medical or childcare commitments prior to notification of testing.

5.2 **Compensation**

Employees will be paid for the time associated with testing for random, reasonable suspicion, follow-up and post-accident tests. The time associated with pre-employment and return-to-duty tests will not be paid.

5.3 **Dilute Specimen**

A dilute specimen is a specimen with creatinine and specific gravity values that are lower than expected for human urine. A dilute test will be reported as positive or negative. A positive dilute test is treated as a positive drug test. For a negative dilute test, the employee will be retested immediately. The second test will be the test of record, even if the second test is also a negative dilute.

5.4 **Cancelled or Invalid Tests**

A cancelled test is neither positive nor negative. The cancelled test is to be treated as if the test never occurred. Cancelled tests include invalid tests and tests with fatal flaws or uncorrected correctable flaws. If a valid test result is required (pre-employment, return-to-duty or follow-up testing), another test must be scheduled as soon as possible. If a valid test result is not required (post-accident, random, reasonable suspicion), the test will be recorded as cancelled.

An invalid test is one where the specimen contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the lab from completing or obtaining a valid drug test result. An immediate collection under direct observation will be required.

5.5 **Testing and Consequences Not Delayed**

Testing and the consequences following the result of a non-negative or positive test result will not be delayed awaiting union representation.

6.0 **Types of Testing**

6.1 **Pre-employment Testing**

All prospective employees will be required to undergo drug testing prior to employment. The only exceptions shall be employees recalled or rehired within one year after layoff and those seasonal employees that are returning to employment within one year of their last working day with the City. Prospective employees may also be required to undergo alcohol testing if reasonable suspicion exists. The City must receive confirmation of a negative drug and/or alcohol test prior to employment or transfer. A positive pre-employment drug and/or alcohol test will disqualify an applicant from employment at the City of Cedar Rapids for twelve months.

6.2 **Random Testing**

The City may conduct random drug and alcohol testing on safety-sensitive employees that are not covered by other state or federal regulations. Safety-sensitive employees subject to random testing are listed in Appendix A of this policy.

6.3 **Post-accident Testing**

Employees will be required to undergo drug and alcohol testing if they are involved in an accident with a City vehicle that results in a fatality, an injury requiring immediate medical treatment away from the scene or an injury that results in lost time for the employee. In addition, testing will be required if the accident results in property damage that is reasonably estimated at the time of the accident to exceed \$1,000.

Post-accident testing will be done as soon as possible, and no later than eight hours after the accident for alcohol testing and 32 hours after the accident for drug testing. An employee involved in an accident must not use alcohol until they have an alcohol test or eight hours have elapsed, whichever comes first. An employee that completes the necessary testing may be allowed to continue to work, unless a reasonable suspicion determination has been made.

This policy does not prohibit an employee from leaving the scene of an accident for the time necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care. However, any employee who fails to remain available for drug and alcohol testing, including notifying a supervisor of their location, or who otherwise leaves the scene of the accident without appropriate authorization prior to drug and alcohol testing, will be considered to have refused testing.

If the City is unable to perform post-accident testing, such as if the employee is unconscious or detained by a law enforcement agency, the City may use test results administered by Federal, State or local law enforcement officials that have independent authority for the testing.

6.4 Reasonable Suspicion Testing

Employees are required to submit to drug and alcohol testing when a supervisor or other city official who is trained in detecting the signs and symptoms of drug and alcohol use has reasonable suspicion concerning the employee's fitness for duty. Only one trained supervisor or city official is required to make a reasonable suspicion determination. Reasonable suspicion testing will be based on specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech or body odors of the employee consistent with possible drug or alcohol use.

Once a reasonable suspicion determination has been made, the employee is required to be tested immediately. The employee will be transported by a supervisor or other city official to the Safety & Health Services Office and/or collection site for the required testing. The employee will remain off duty and will be placed on unpaid administrative leave while awaiting the test results. If the test results are negative, the employee will be reimbursed for their lost time.

6.5 Routine Physicals

The City may require a drug and/or alcohol test as part of a regularly scheduled physical for those employees who are required to undergo routine physicals. Employees will receive at least 30 days notice of such testing.

6.6 Return-to-duty Testing

Employees who test positive on any drug or alcohol test must be evaluated by a Substance Abuse Professional (SAP), complete the SAP recommended treatment program, and test negative for drugs and/or alcohol as determined by the SAP prior to returning to work. If an employee refuses the return-to-duty test, they will be considered as having a second positive test. If an employee has a non-negative alcohol test result on a return-to-duty test, they will be considered as having a second positive test.

6.7 Follow-up Testing

Employees that have successfully returned to duty following a positive test result will be required to participate in unannounced follow-up drug and/or alcohol testing. Follow-up testing will be performed for a period not to exceed two years based on the SAP's recommendations, with a minimum of six tests performed within the first year. The Safety & Health Services Office oversees the selection and notification process. Employees subject to follow-up testing will continue to be included in the random testing pool, if applicable.

6.8 Split Specimen Testing

Any employee who questions the results of a drug test may request that a test be conducted on the split sample of the original specimen that was provided by the employee. The employee's request for a split sample test must be made to the Medical Review Officer within 15 days of notification of a positive test result. The split specimen test must be conducted at a different laboratory certified by the United States Department of Health and Human Services' Substance Abuse and Mental Health Services Administration or approved by rules adopted by the Iowa Department of Public Health. The results of the split sample test will be the test of record.

The employee will remain off duty without pay while awaiting the split specimen test result. All costs for such testing will be paid by the employee and paid to the laboratory at the time of the request. The employee will be reimbursed for the testing expense and lost time only if the result of the split sample test invalidates the result of the original test.

6.9 Other Testing

An employee may be allowed the opportunity to have a blood sample drawn if they are unable to provide a urine sample.

7.0 Substance Abuse Assessment

Any employee who tests positive for drugs or alcohol will be referred for evaluation to a Substance Abuse Professional (SAP). A SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol or drug-related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug or alcohol use. The cost of any treatment or rehabilitation services will be the responsibility of the employee or their insurance provider.

8.0 Voluntary Treatment

Employees are encouraged to seek voluntary treatment to deal with problems associated with drugs or alcohol. An appropriate leave of absence may be granted for treatment and rehabilitation. The cost of any treatment or rehabilitation services will be the responsibility of the employee or their insurance provider.

Voluntary requests for treatment must be made prior to any pending drug or alcohol test or disciplinary action. Employees will not be disciplined for requesting treatment, but will be required to observe job performance standards and work rules as they apply to every employee, including disciplinary action for inadequate job performance or work rule violations.

9.0 Confidentiality

The City of Cedar Rapids affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process. Laboratory reports or test results will not appear in an employee's general personnel file. Information of this nature will be contained in a separate confidential medical file that will be kept under the control of the Safety & Health Services Office. The reports or test results will not be disclosed without an employee's written consent unless the information is required by law or by judicial or administrative process, or the information has been placed at issue in a formal dispute between the employee and employer.

10.0 Training

Supervisors responsible for reasonable suspicion determinations are required to attend 60 minutes of training on the physical, behavioral and performance indicators for drug use and an additional 60 minutes of training on alcohol misuse. On an annual basis thereafter, all supervisors must attend 60 minutes of subsequent training.

11.0 Proper Application of the Policy

Supervisors and managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor or manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, will be subject to disciplinary action up to and including termination.

12.0 Designated Contact Persons

Any questions regarding this policy should be addressed to the designated employer representatives or their successors as listed in Appendix C.

APPENDIX A

Safety-Sensitive Positions Subject to Random Testing

- *None*

APPENDIX B

Minimum Threshold Levels

Cannabinoids (THC)	50 ng/ml
Cocaine Metabolite	300 ng/ml
Amphetamines	1000 ng/ml
Methamphetamines	1000 ng/ml
Benzodiazepines	200 ng/ml
Opiates	2000 ng/ml
Propoxyphene	300 ng/ml
Barbiturates	200 ng/ml
Phencyclidine (PCP)	25 ng/ml

APPENDIX C

Contact Names and Numbers

Drug and Alcohol Program Manager and Designated Employer Representative

Name: Marilyn Fitzgerald
Title: Occupational Health Services Administrator
Address: 51 First Avenue Bridge
Cedar Rapids, IA 52401-1256
Telephone Number: (319) 286-5056
(319) 521-5652
FAX Number: (319) 286-5147

Assistant Drug and Alcohol Program Manager and Designated Employer Representative

Name: Elaina Feuerbach
Title: Occupational Health Specialist
Address: 51 First Avenue Bridge
Cedar Rapids, IA 52401-1256
Telephone Number: (319) 286-5059
(319) 521-5921
FAX Number: (319) 286-5147

Medical Review Officer

Name: Dr. Henry Carson
Title: Physician
Address: 1911 First Avenue SE
Cedar Rapids, IA 52403
Telephone Number: (319) 366-1503

Employee Assistance Program

Name: Mercy EAP Services
Address: Mercy Health Plaza
5264 Council St NE
Cedar Rapids, IA 52402
Telephone Number: (319) 398-6694

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SECTION 7 – SAFETY/WELLNESS
7.03B – DRUG & ALCOHOL TESTING (TRANSIT)

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POLICY

1.0 General Policy

The City of Cedar Rapids is dedicated to providing a safe and healthy work environment, and it is the City's policy to:

- Ensure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner;
- Create a workplace environment free from the adverse effects of drugs and alcohol;

Effective: 01/01/95

Revised: 01/09/01 (*Resolution 65-1-01*)

Revised: 05/22/02 (*Resolution 1043-05-02*)

Revised: 05/25/05 (*Resolution 1041-05-05*)

Revised: 06/24/09

Revised: 07/30/10

Revised: 04/01/15

- Prohibit the unlawful manufacture, distribution, dispensing, possession or use of controlled substances; and
- Encourage employees to seek professional assistance any time personal problems, including drug or alcohol dependency, adversely affect their ability to perform their assigned duties.

2.0 Purpose

The purpose of this policy is to ensure worker fitness for duty and to protect our employees and the public from the risks posed by the misuse of drugs and alcohol. This policy will comply with all applicable federal regulations governing workplace anti-drug and alcohol programs in the transit industry. The Federal Transit Administration (FTA) has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result. The U.S. Department of Transportation (DOT) has published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.

In addition, the federal government published 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses. City of Cedar Rapids Policy 7.03A incorporates those requirements and may take precedence over this policy for all employees.

3.0 Applicability

This policy applies to all safety-sensitive employees and/or volunteers that perform job duties related to the safe operation of mass transit service, which includes the following functions:

- Operating a revenue service vehicle, whether or not such vehicle is in revenue service;
- Operating a non-revenue service vehicle when required to be operated by a holder of a Commercial Driver's License (CDL);
- Controlling dispatch or movement of a revenue service vehicle;
- Maintaining a revenue service vehicle or equipment used in revenue service;
- Carrying a firearm for security purposes; and
- Supervising, where the supervisor performs any function listed above.

Performing a safety-sensitive function is defined as any time the employee is actually performing, ready to perform, or immediately available to perform such functions.

The following safety-sensitive positions are covered by this policy:

- Transit Driver
- Transit Service Worker
- Transit Operations Supervisor
- Transit Manager
- Fleet Mechanics, Laborers, and Supervisors responsible for maintaining Transit Division equipment (50% of time or more)

The Transit Division and Safety and Wellness Office have reviewed the actual duties performed by employees in transit-related job classifications to determine which employees perform safety-sensitive functions, and have determined which job functions may require the performance of

safety-sensitive duties. An analysis will be performed if any new job classifications are developed to determine if the new job classifications should be considered safety-sensitive.

Participation in this policy is a requirement and a condition of employment. This policy also applies to contractors when they are performing any transit-related safety-sensitive business. Contract employees will not be permitted to conduct transit business if found to be in violation of this policy.

This policy does not apply to non-safety-sensitive employees. All non-safety-sensitive employees are subject to the provisions of City of Cedar Rapids Policy 7.03A.

4.0 **Prohibited Substances**

Prohibited substances addressed by this policy include the following:

4.1. **Illegally Used Controlled Substances or Drugs**

The use of any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times unless a legal prescription has been written for the substance. This includes, but is not limited to: cannabinoids (THC), amphetamines, opiates, phencyclidine (PCP), cocaine, and MDMA (Ecstasy), as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, or use of illegally obtained prescription drugs.

4.2. **Legal Drugs**

The misuse, abuse or non-medical use of legal drugs is prohibited if it causes a positive test that cannot be medically explained by the Medical Review Officer (MRO). A legally prescribed drug means that the individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. If an employee tests positive for drugs, they must provide a valid prescription that is acceptable to the MRO. A valid prescription includes the patient's name, the name of the substance, amount to be taken, and the time period of the authorization. Employees using prescription drugs must carry the medication in the original container, and the container must be labeled with the name of the employee, doctor and medication.

The appropriate use of legally-prescribed and non-prescription medications is not prohibited, as long as the medication does not adversely affect the performance of safety-sensitive duties. The use of any medication which carries a warning label that indicates that mental functions, motor skills, or judgment may be adversely affected must be discussed by the employee with their appropriate health care professional or the city nurse before performing safety-sensitive duties. Educational information and medical advice regarding prescription and over-the-counter medications should be obtained from either a health care professional or pharmacist. Employees should contact a supervisor, the city nurse or their health care professional if they experience any adverse effects from the use of any medications.

4.3. **Alcohol**

The use of beverages containing alcohol or substances including any medication, mouthwash, food, candy or any other substance such that alcohol is present in the body while performing transit business is prohibited. The concentration of alcohol is measured by a breath-testing device.

5.0 **Prohibited Conduct and Consequences**

The presence of any prohibited substance in an employee's system is forbidden when reporting for work, on the job, or in an on-call status.

5.1. **Drug Use**

The use of illegal drugs is prohibited at all times. Safety-sensitive employees will be tested for cannabinoids (THC), cocaine, amphetamines, opiates, phencyclidine, and MDMA (Ecstasy) as described in this policy at the minimum threshold levels established by the DOT. The misuse or abuse of legal drugs is prohibited if it causes a positive test that cannot be medically explained by the Medical Review Officer (MRO).

Positive Test

A positive test is a drug test with a verified presence of the identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, as amended.

5.2. **Alcohol Use**

Employees are prohibited from reporting to work or remaining on duty when they are under the influence of alcohol. Employees are prohibited from consuming alcohol under the following conditions:

- while performing a safety-sensitive function;
- within four hours prior to performing a safety-sensitive function;
- during the hours an employee is on-call; or
- for eight hours following an accident unless the employee has already undergone a post-accident test.

Positive Test (0.04 or Greater)

A positive test is an alcohol test with a confirmed alcohol concentration of 0.04 or greater.

Non-Negative Test (0.02 – 0.039)

FTA regulations require that an employee with a confirmed alcohol concentration of 0.02 – 0.039 be removed immediately from duty and prohibited from performing safety-sensitive functions until a subsequent test measures less than 0.02 or the employee has been removed from duty for at least 8 hours.

5.3. **Test Refusals**

Employees are required to comply with a request for testing. Refusal to comply with a request for testing will be considered a positive test. The following behaviors constitute a test refusal:

- Failure to appear to the collection site at all or in a timely manner after notification from the employer (except for pre-employment testing);

- Failure to remain at the testing site until the testing process is complete;
- Failure to provide a breath or urine sample;
- Failure to permit the observation or monitoring of the specimen collection when required to do so;
- Failure to provide a sufficient specimen without a valid medical explanation;
- Failure to take a second test when required to do so by the employer or collector;
- Failure to undergo a medical examination when directed to do so by the MRO or employer;
- Failure to cooperate with any part of the testing process (e.g. refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector, etc.)
- Failure to comply with the observation protocols during an observed collection (raise, drop, and turn);
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process;
- Admit to the collector or MRO that you adulterated or substituted the specimen;
- Verified adulterated or substituted specimen;
- Failure to sign Step 2 of the Alcohol Test Form; or
- Leaving the scene of an accident without just cause prior to testing.

For pre-employment tests only, the following are not test refusals:

- Failure to appear;
- Failure to remain at the testing site prior to commencement of the test; and
- Aborting the collection before the test commences.

The applicant must complete the test once the collection has commenced. Failure to do so is a test refusal. The test commences once the applicant has been handed the collection cup.

5.4. **Consequences of a Positive or Non-Negative Test Result**

Positive Test Result

An employee with a positive drug or alcohol test will be removed immediately from their position and transported by a supervisor to the Safety & Wellness Office. A referral for evaluation by a Substance Abuse Professional (SAP) will be made at that time. Arrangements will be made to transport the employee home.

A first positive drug or alcohol test will result in the employee being placed in an unpaid status until the Safety & Wellness Office receives documentation from the SAP that the evaluation has been conducted. At that time the employee will be required to use any available paid leave until a return-to-duty date has been determined by the SAP.

An employee with a positive test result will be subject to disciplinary action under the City's authority. For a first offense, the employee will serve a minimum of a one-week suspension without pay after they have been authorized to return to work. However, the employee may be subject to a varying penalty up to and including discharge based on the employee's overall work record.

The employee will be discharged following a second positive test result.

Non-Negative Test Result (0.001 – 0.039)

The City of Cedar Rapids maintains a zero tolerance position for alcohol use. Under the City's authority, an employee with a confirmed alcohol concentration of 0.001 – 0.039 will be removed immediately from duty and placed in an unpaid status. Arrangements will be made to transport the employee home. The employee will remain in an unpaid status and will not be allowed to return to work until the 24 hour period has expired and a retest measures a confirmed alcohol concentration of 0.000.

An employee with a non-negative test result will be subject to disciplinary action under the City's authority. For a first offense, the employee will serve a minimum of a one-day suspension without pay after they have been authorized by the Safety & Wellness Office to return to work. However, the employee may be subject to a varying penalty up to and including discharge based on the employee's overall work record.

The employee will be discharged following a second non-negative test result.

5.5. Failure to Meet Treatment Requirements

Employees are required to comply with the SAP's requirements for treatment, including after care or return-to-duty directives. Under the City's authority, an employee's failure to meet the treatment requirements will result in discharge.

6.0 Testing Procedures

Testing will be conducted in a manner to ensure a high degree of accuracy and reliability using techniques, equipment, and laboratory facilities that have been approved by the U.S. Department of Health and Human Services (DHHS). The testing procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug and alcohol testing process, and the validity of the test results. All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended. A complete copy of 49 CFR Part 40, as amended, is available for review in the Safety & Wellness Office.

Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. Specimen validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

6.1 Notification

Drug tests can occur anytime an employee is on duty, and alcohol tests can occur just before, during, or just after performing safety-sensitive duties. Employees will not receive advance notice of random tests and must proceed immediately to the

collection site upon notification. Employees cannot be excused from testing, even for valid prior commitments, such as previously arranged family or medical obligations. Although employees cannot be excused from testing, random drug testing will be initiated prior to the end of the shift for employees that provide advance, verifiable written notice of scheduled medical or childcare commitments prior to notification of testing.

6.2 Compensation

Employees will be paid for the time associated with testing for random, reasonable suspicion and post-accident tests. The time associated with pre-employment, return-to-duty and follow-up tests will not be paid.

6.3 Dilute Specimens

Dilute specimens have creatinine and specific gravity values that are lower than expected for human urine. A dilute test will be reported as positive or negative. A positive dilute test is treated as a positive drug test. For a negative dilute test, the employee will be retested immediately. The retest may be under direct observation based on the MRO's determination. The second test will be the test of record, even if the second test is also a negative dilute.

6.4 Cancelled or Invalid Tests

A cancelled test is neither positive nor negative. The cancelled test is to be treated as if the test never occurred. Cancelled tests include invalid tests and tests with fatal flaws or uncorrected correctable flaws. If a valid test result is required (pre-employment, return-to-duty or follow-up testing), another test must be scheduled as soon as possible. If a valid test result is not required (post-accident, random, reasonable suspicion), the test will be recorded as cancelled.

An invalid test is one where the specimen contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the lab from completing or obtaining a valid drug test result. An immediate collection under direct observation will be required.

6.5 Testing and Consequences Not Delayed

Testing and the consequences following the result of a non-negative or positive test result will not be delayed awaiting union representation.

6.6 Observed Collections

Observed collections are required in the following circumstances:

- All return-to-duty tests;
- All follow-up tests;
- Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90 to 100 degrees Fahrenheit;
- Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with;

- Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with the specimen;
- Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen is invalid and the MRO determined that there was not an adequate medical explanation for the result;
- Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.

The employee who is being observed will be required to raise his or her clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the employee has any type of prosthetic or other device that could be used to interfere with the collection process.

7.0 **Types of Testing**

7.1 **Pre-employment Testing**

All prospective employees will be required to undergo drug testing prior to employment or transfer into a safety-sensitive position. The City must receive confirmation of a negative drug and/or alcohol test prior to employment or transfer. A positive pre-employment drug and/or alcohol test will disqualify an applicant from employment at the City of Cedar Rapids for twelve months.

If a prospective employee has previously failed a DOT drug test, the City must receive evidence of the successful completion of a rehabilitation program before being hired into a safety-sensitive position.

If a safety-sensitive employee is unavailable to perform job duties for any reason and removed from the testing pool for a period of 90 days or more, the employee will be required to submit to a pre-employment drug screen with a verified negative result prior to returning to their safety-sensitive job duties.

7.2 **Random Testing**

Safety-sensitive employees will be required to participate in random, unannounced, unpredictable testing spread throughout the year. The selection of safety-sensitive employees for random drug and alcohol testing will be made using a scientifically-valid method that ensures each covered employee will have an equal chance of being selected each time selections are made. The FTA determines the testing percentages annually. All safety-sensitive employees will remain in the random selection pool at all times throughout the year regardless of whether or not they have been previously selected. The Safety & Wellness Office oversees the selection and notification process.

7.3 **Post-accident Testing**

Effective: 01/01/95
 Revised: 01/09/01 (*Resolution 65-1-01*)
 Revised: 05/22/02 (*Resolution 1043-05-02*)
 Revised: 05/25/05 (*Resolution 1041-05-05*)
 Revised: 06/24/09
 Revised: 07/30/10
 Revised: 04/01/15

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 7.03B Drug Alcohol Testing (Transit)
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Safety-sensitive employees will be required to undergo drug and alcohol testing if they are involved in an accident with a Transit Division vehicle that results in a fatality, regardless of whether or not the vehicle is in revenue service. This includes the employee that operated the vehicle and any other safety-sensitive employees, such as mechanics or dispatchers that may have contributed to the accident as determined by the employer using the best information available at the time of the accident. In addition, post-accident testing will be conducted if an accident results in any injury requiring immediate medical attention away from the scene of the accident or disabling damage to any vehicle that requires towing from the site unless a supervisor determines that the employee's performance can be "completely discounted" as contributing to the accident. The term "completely discounted" does not address preventability, chargeability, or accident fault, but rather assesses if the employee in any way contributed to the accident.

An accident does not necessarily mean a vehicle collision. If a passenger falls on a vehicle or lift and needs immediate medical attention away from the scene of the accident, then an accident has occurred and post-accident testing is required unless the employee can be "completely discounted" as a contributing factor to the accident.

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

Post-accident testing will be done as soon as possible, and no later than eight hours after the accident for alcohol testing and 32 hours after the accident for drug testing. An employee involved in an accident must not use alcohol until they have an alcohol test or eight hours have elapsed, whichever comes first. An employee that completes the necessary testing may be allowed to continue to work, unless a reasonable suspicion determination has been made.

This policy does not prohibit an employee from leaving the scene of an accident for the time necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care. However, any employee who fails to remain available for drug and alcohol testing, including notifying a supervisor of their location, or who otherwise leaves the scene of the accident without appropriate authorization prior to drug and alcohol testing, will be considered to have refused testing.

If the City is unable to perform post-accident testing, such as if the employee is unconscious or detained by a law enforcement agency, the City may use test results administered by Federal, State or local law enforcement officials that have independent authority for the testing. The test results will be considered to meet the FTA requirements provided such tests conform to the applicable Federal, State or

local testing requirements and the test results are released to the Safety & Wellness Office.

7.4 Reasonable Suspicion Testing

Safety-sensitive employees are required to submit to drug and alcohol testing when a supervisor or other city official who is trained in detecting the signs and symptoms of drug and alcohol use has reasonable suspicion concerning the employee's fitness for duty. Only one trained supervisor or city official is required to make a reasonable suspicion determination. Reasonable suspicion testing will be based on specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech or body odors of the employee consistent with possible drug or alcohol use.

Once a reasonable determination has been made, the employee is required to be tested immediately. The employee will be removed from duty and transported by a supervisor to the Safety & Wellness Office and/or collection site for the required testing. Following testing, arrangements will be made to transport the employee home. The employee will remain off duty and will be placed on unpaid administrative leave while awaiting the test results. If the test results are negative, the employee will be reimbursed for their lost time.

7.5 Return-to-duty Testing

Return-to-duty testing will be conducted in accordance with Part 40, subpart O. Safety-sensitive employees who test positive on any drug or alcohol test must be evaluated by a Substance Abuse Professional (SAP), complete the SAP recommended treatment program, and test negative for drugs and/or alcohol as determined by the SAP prior to returning to work. If an employee refuses the return-to-duty test or has a non-negative alcohol test result, they will be considered as having a second positive test.

All costs for return-to-duty testing will be paid by the employee and must be paid to the laboratory at the time of the test.

7.6 Follow-up Testing

Follow-up testing will be conducted in accordance with Part 40, subpart O. Safety-sensitive employees that have successfully returned to duty following a positive test result will be required to participate in unannounced follow-up drug and/or alcohol testing. This testing will be collected under direct observation. Follow-up testing will be performed for a period of one to five years based on the SAP's recommendations, with a minimum of six tests performed within the first year. The Safety & Wellness Office oversees the selection and notification process. Employees subject to follow-up testing will continue to be included in the random testing pool.

All costs for follow-up testing will be paid by the employee and must be paid to the laboratory at the time of the test. Time associated with follow-up testing will be unpaid or deducted from the employee's flex leave account.

7.7 Split Specimen Testing

Employees that have a verified positive drug test result or a test refusal due to adulteration or substitution may request a test of their split specimen. However,

employees do not have access to a test of their split specimen following an invalid result.

The employee's request for a split specimen test must be made to the Medical Review Officer within 72 hours of notification of a positive test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee. The split specimen test must be conducted at a different DHHS-certified laboratory. The results of the split specimen test will be the test of record.

The employee will remain off duty without pay while awaiting the split specimen test result. All costs for such testing must be paid by the employee and paid to the laboratory at the time of the request. The employee will be reimbursed for the testing expense and lost time only if the result of the split sample test invalidates the result of the original test.

7.8 **Other Testing**

If there is reason to believe an employee is abusing a substance other than the prohibited drugs listed in this policy, the City reserves the right to test for additional drugs under City of Cedar Rapids Policy 7.03A.

8.0 **Substance Abuse Assessment**

Any safety-sensitive employee who tests positive for drugs or alcohol will be referred for evaluation to a Substance Abuse Professional (SAP). A SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol or drug-related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug or alcohol use. The cost of any treatment or rehabilitation services will be the responsibility of the employee or their insurance provider.

9.0 **Voluntary Treatment**

The City of Cedar Rapids encourages employees to seek voluntary treatment to deal with problems associated with drugs or alcohol. Any employee who comes forth and notifies the Transit Division or the Safety & Wellness Office of an alcohol or drug problem will be provided assistance. This assistance will include a voluntary referral to the Substance Abuse Professional. Employees are encouraged but not mandated to follow the SAP's recommended treatment plan. An appropriate leave of absence may be granted for treatment and rehabilitation. The cost of any treatment or rehabilitation services will be the responsibility of the employee or their insurance provider.

Voluntary requests for treatment must be made prior to any pending drug or alcohol test or disciplinary action. Employees will not be disciplined for requesting treatment, but will be required to observe job performance standards and work rules as they apply to every employee, including disciplinary action for inadequate job performance or work rule violations. Any decision to seek help will not interfere with an employee's eligibility for promotional opportunities.

10.0 Confidentiality

The City of Cedar Rapids affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process. Laboratory reports or test results will not appear in an employee's general personnel file. Information of this nature will be contained in a separate confidential medical file that will be kept under the control of the Safety & Wellness Office. The reports or test results will not be disclosed without an employee's written consent unless the information is required by law or by judicial or administrative process, or the information has been placed at issue in a formal dispute between the employee and employer.

The employee must sign a separate release every time drug or alcohol testing information is to be released to the employee, union representatives, subsequent employers, or any other third party designated by the employee.

11.0 Training

All safety-sensitive employees are required to attend at least 60 minutes of training on the effects of prohibited drug use and alcohol misuse. In addition, all supervisors responsible for reasonable suspicion determinations are required to attend 60 minutes of training on the physical, behavioral and performance indicators for drug use and 60 minutes of training on the physical, behavioral and performance indicators for alcohol misuse.

12.0 Proper Application of the Policy

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

13.0 Designated Contact Persons

Any questions regarding this policy should be addressed to the designated employer representatives or their successors as listed below:

Drug & Alcohol Program Manager and Designated Employer Representative

Marilyn Fitzgerald
Occupational Health Nurse
500 15th Ave SW
Cedar Rapids, Iowa 52404
319-286-5056
888-611-1370 (fax)

Designated Employer Representative

Brad DeBrower
Transit Manager
427 8th St NW
Cedar Rapids, Iowa 52405
319-286-5560

Medical Review Officer (MRO)

Designated MRO at Weland Clinical Laboratories
1911 1st Ave SE
Cedar Rapids, Iowa 52403
319-366-1503

Employee Assistance Program (EAP)

Mercy EAP Services
1340 Blairs Ferry Rd
Suite A
Hiawatha, Iowa 52233
319-398-6694

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Revised: 05/22/02 (*Resolution 1043-05-02*)
Revised: 05/25/05 (*Resolution 1041-05-05*)
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Revised: 04/01/15

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 7 – SAFETY/WELLNESS
7.03C – DRUG & ALCOHOL TESTING (FMCSA)

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POLICY

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- Ensure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner;
- Create a workplace environment free from the adverse effects of drugs and alcohol;

- Prohibit the unlawful manufacture, distribution, dispensing, possession or use of controlled substances; and
- Encourage employees to seek professional assistance any time personal problems, including drug or alcohol dependency, adversely affect their ability to perform their assigned duties.

2.0 **Purpose**

The purpose of this policy is to ensure worker fitness for duty and to protect our employees and the public from the risks posed by the misuse of drugs and alcohol. This policy will comply with all applicable federal regulations governing workplace anti-drug and alcohol programs in the industry. The Federal Motor Carrier Safety Administration (FMCSA) has published 49 CFR Part 382, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result. The U.S. Department of Transportation (DOT) has published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.

In addition, the federal government published 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses. City of Cedar Rapids Policy 7.03A incorporates those requirements and may take precedence over this policy for all employees.

3.0 **Applicability**

This policy applies to all employees and/or volunteers who hold a Commercial Driver's License (CDL) and operate a commercial motor vehicle (CMV) on public roads and perform safety-sensitive functions as defined by FMCSA. Performing a safety-sensitive function is defined as any time the employee is actually driving or required to be ready to drive, waiting to be dispatched, inspecting, repairing, securing, loading, or unloading the commercial motor vehicle .

The following safety-sensitive positions are covered by this policy:

- All CMV drivers
- All CMV mechanics, dispatchers, etc. if they may be required to drive a CMV at any time.

An analysis will be performed if any new job classifications are developed to determine if the new job classifications should be considered safety-sensitive.

Participation in this policy is a requirement and a condition of employment. This policy also applies to contractors when they are performing any FMCSA safety-sensitive business. Contract employees will not be permitted to conduct business if found to be in violation of this policy.

This policy does not apply to non-safety-sensitive employees. All non-safety-sensitive employees are subject to the provisions of City of Cedar Rapids Policy 7.03A.

4.0 **Prohibited Substances**

Prohibited substances addressed by this policy include the following:

4.1. **Illegally Used Controlled Substances or Drugs**

The use of any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined

by 21 CFR 1300.11 through 1300.15 is prohibited at all times unless a legal prescription has been written for the substance. This includes, but is not limited to: cannabinoids (THC), amphetamines, opiates, phencyclidine (PCP), cocaine, and MDMA (Ecstasy), as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, or use of illegally obtained prescription drugs.

4.2. **Legal Drugs**

The misuse, abuse or non-medical use of legal drugs is prohibited if it causes a positive test that cannot be medically explained by the Medical Review Officer (MRO). A legally prescribed drug means that the individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. If an employee tests positive for drugs, they must provide a valid prescription that is acceptable to the MRO. A valid prescription includes the patient's name, the name of the substance, amount to be taken, and the time period of the authorization. Employees using prescription drugs must carry the medication in the original container, and the container must be labeled with the name of the employee, doctor and medication.

Drivers cannot operate a CMV unless advised by a licensed medical practitioner that the prescription or over-the-counter medication will not impact their ability to safely operate the CMV.

The appropriate use of legally-prescribed and non-prescription medications is not prohibited, as long as the medication does not adversely affect the performance of safety-sensitive duties. The use of any medication which carries a warning label that indicates that mental functions, motor skills, or judgment may be adversely affected must be discussed by the employee with their appropriate health care professional or the city nurse before performing safety-sensitive duties. Educational information and medical advice regarding prescription and over-the-counter medications should be obtained from either a health care professional or pharmacist. Employees should contact a supervisor, the city nurse or their health care professional if they experience any adverse effects from the use of any medications.

4.3. **Alcohol**

The use of beverages containing alcohol or substances including any medication, mouthwash, food, candy or any other substance such that alcohol is present in the body while performing business is prohibited. The concentration of alcohol is measured by a breath-testing device.

5.0 **Prohibited Conduct and Consequences**

The presence of any prohibited substance in an employee's system is forbidden when reporting for work or on the job.

5.1. **Drug Use**

The use of illegal drugs is prohibited at all times. Safety-sensitive employees will be tested for cannabinoids (THC), cocaine, amphetamines, opiates, phencyclidine (PCP), and MDMA (Ecstasy), as described in this policy at the minimum threshold

levels established by the DOT. The misuse or abuse of legal drugs is prohibited if it causes a positive test that cannot be medically explained by the Medical Review Officer (MRO).

Positive Test

A positive test is a drug test with a verified presence of the identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, as amended.

5.2. **Alcohol Use**

Employees are prohibited from reporting to work or remaining on duty when they are under the influence of alcohol. Employees are prohibited from consuming alcohol under the following conditions:

- while performing a safety-sensitive function;
- within four hours prior to performing a safety-sensitive function;
- for eight hours following an accident unless the employee has already undergone a post-accident test.

Positive Test (0.04 or Greater)

A positive test is an alcohol test with a confirmed alcohol concentration of 0.04 or greater.

Non-Negative Test (0.02 – 0.039)

FMCSA regulations require that an employee with a confirmed alcohol concentration of 0.02 – 0.039 be removed immediately from duty and prohibited from performing safety-sensitive functions until a subsequent test measures less than 0.02 or the employee has been removed from duty for at least 24 hours.

5.3. **Test Refusals**

Employees are required to comply with a request for testing. Refusal to comply with a request for testing will be considered a positive test. The following behaviors constitute a test refusal:

- Failure to appear to the collection site at all or in a timely manner for any test after notification from the employer (except for pre-employment testing);
- Failure to remain at the testing site until the testing process is complete;
- Failure to provide a urine specimen, saliva, or breath specimen, as applicable, for any required test;
- Failure to permit the observation or monitoring of the specimen collection when required to do so;
- Failure to provide a sufficient volume of urine or breath without a valid medical explanation for the failure;
- Failure to take a second test when required to do so by the employer or collector;
- Failure to undergo a medical examination when directed to do so by the MRO or employer;
- Failure to cooperate with any part of the testing process (e.g. refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector, etc.)

- Failure to follow the observer’s instructions during an observed collection (raise, drop, and turn);
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process;
- Admit to the collector or MRO that you adulterated or substituted the specimen;
- Verified adulterated or substituted a specimen;
- Failure to sign Step 2 of the Alcohol Test Form; or
- Leaving the scene of an accident without just cause prior to testing.

For pre-employment tests only, the following are not test refusals:

- Failure to appear;
- Failure to remain at the testing site prior to commencement of the test; and
- Aborting the collection before the test commences.

The applicant must complete the test once the collection has commenced. Failure to do so is a test refusal. The test commences once the applicant has been handed the collection cup.

5.4. **Consequences of a Positive or Non-Negative Test Result**

Positive Test Result

An employee with a positive drug or alcohol test will be removed immediately from their position and transported by a supervisor to the Safety & Wellness Office. A referral for evaluation by a Substance Abuse Professional (SAP) will be made at that time. Arrangements will be made to transport the employee home.

A first positive drug or alcohol test will result in the employee being placed in an unpaid status until the Safety & Wellness Office receives documentation from the SAP that the evaluation has been conducted. At that time the employee will be required to use any available paid leave until a return-to-duty date has been determined by the SAP.

An employee with a positive test result will be subject to disciplinary action under the City’s authority. For a first infraction, the employee will serve a minimum of a one-week suspension without pay after they have been authorized to return to work. However, the employee may be subject to a varying penalty up to and including discharge based on the employee’s overall work record.

Non-Negative Test Result (0.001 – 0.039)

The City of Cedar Rapids maintains a zero tolerance position for alcohol use. Under the City’s authority, an employee with a confirmed alcohol concentration of 0.001 – 0.039 will be removed immediately from duty and placed in an unpaid status. Arrangements will be made to transport the employee home. The employee will remain in an unpaid status and will not be allowed to return to work until the 24 hour period has expired and a retest measures a confirmed alcohol concentration of 0.000.

An employee with a non-negative test result will be subject to disciplinary action under the City's authority. For a first infraction, the employee will serve a minimum of a one-day suspension without pay after they have been authorized by the Safety & Wellness Office to return to work. However, the employee may be subject to a varying penalty up to and including discharge based on the employee's overall work record.

Termination Following Two Infractions

The employee will be discharged following two infractions (two positives, two non-negatives, or a combination of).

5.5. Failure to Meet Treatment Requirements

Employees are required to comply with the SAP's requirements for treatment, including after care or return-to-duty directives. Under the City's authority, an employee's failure to meet the treatment requirements will result in discharge.

6.0 Testing Procedures

Testing will be conducted in a manner to ensure a high degree of accuracy and reliability using techniques, equipment, and laboratory facilities that have been approved by the U.S. Department of Health and Human Services (DHHS). The testing procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug and alcohol testing process, and the validity of the test results. All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended. A complete copy of 49 CFR Part 40, as amended, is available for review in the Safety & Wellness Office.

Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. Specimen validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

6.1 Notification

Drug tests can occur anytime an employee is on duty, and alcohol tests can occur just before, during, or just after performing safety-sensitive duties. Employees will not receive advance notice of random tests and must proceed immediately to the collection site upon notification. Employees cannot be excused from testing, even for valid prior commitments, such as previously arranged family or medical obligations. Although employees cannot be excused from testing, random drug testing will be initiated prior to the end of the shift for employees that provide advance, verifiable written notice of scheduled medical or childcare commitments prior to notification of testing.

6.2 Compensation

Employees will be paid for the time associated with testing for random, reasonable suspicion and post-accident tests. The time associated with pre-employment, return-to-duty and follow-up tests will be unpaid or deducted from the employee's personal paid leave accounts.

6.3 **Dilute Specimens**

Dilute specimens have creatinine and specific gravity values that are lower than expected for human urine. A dilute test will be reported as positive or negative. A positive dilute test is treated as a positive drug test. For a negative dilute test, the employee will be retested immediately. The retest may be under direct observation based on the MRO's determination. The second test will be the test of record, even if the second test is also a negative dilute.

6.4 **Cancelled or Invalid Tests**

A cancelled test is neither positive nor negative. The cancelled test is to be treated as if the test never occurred. Cancelled tests include invalid tests and tests with fatal flaws or uncorrected correctable flaws. If a valid test result is required (pre-employment, return-to-duty or follow-up testing), another test must be scheduled as soon as possible. If a valid test result is not required (post-accident, random, reasonable suspicion), the test will be recorded as cancelled.

An invalid test is one where the specimen contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the lab from completing or obtaining a valid drug test result. The MRO will determine if the employee has a valid medical explanation and determine if an immediate collection under direct observation will be required.

6.5 **Testing and Consequences Not Delayed**

Testing and the consequences following the result of a non-negative or positive test result will not be delayed awaiting union representation.

6.6 **Observed Collections**

Observed collections are required in the following circumstances:

- All return-to-duty tests;
- All follow-up tests;
- Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90 to 100 degrees Fahrenheit;
- Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with;
- Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with the specimen;
- Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen is invalid and the MRO determined that there was not an adequate medical explanation for the result;
- Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.

The employee who is being observed will be required to raise his or her clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the employee has any type of prosthetic or other device that could be used to interfere with the collection process.

7.0 **Types of Testing**

7.1 **Pre-employment Testing**

All prospective employees will be required to undergo drug testing prior to employment or transfer into a safety-sensitive position. The City must receive confirmation of a negative drug and/or alcohol test prior to employment or transfer. A positive pre-employment drug and/or alcohol test will disqualify an applicant from employment at the City of Cedar Rapids for twelve months.

If a prospective employee has previously failed a DOT drug or alcohol test, the City must receive evidence of the successful completion of a rehabilitation program before being hired into a safety sensitive position.

If a safety-sensitive employee is unavailable to perform job duties for any reason for a period of 30 days or more, and was removed from the testing pool, the employee will be required to submit to a pre-employment drug screen with a verified negative result prior to returning to their safety-sensitive job duties.

7.2 **Random Testing**

Safety-sensitive employees will be required to participate in random, unannounced, unpredictable testing spread throughout the year. The selection of safety-sensitive employees for random drug and alcohol testing will be made using a scientifically-valid method that ensures each covered employee will have an equal chance of being selected each time selections are made. The FMCSA determines the testing percentages annually. All safety-sensitive employees will remain in the random selection pool at all times throughout the year regardless of whether or not they have been previously selected. The Safety & Wellness Office oversees the selection and notification process.

7.3 **Post-accident Testing**

Safety-sensitive employees will be required to undergo drug and alcohol testing if they are involved in an accident with a CMV on a public road that results in a fatality. In addition, post-accident testing will be conducted if an accident results in any injury requiring immediate medical attention away from the scene of the accident or disabling damage to any vehicle that requires towing from the site, AND, the operator of the CMV receives a moving traffic citation.

The term accident does not include an occurrence involving boarding, loading or unloading.

Disabling damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs or damage to any vehicle that could have been operated, but would have been further

damaged if so operated. Disabling damage does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors, or windshield wipers that makes them inoperative.

Post-accident testing will be done as soon as practical following an occurrence and after medical attention has been provided AND a citation was issued. If no citation issued in 8 hours, or 8 hours has elapsed, no alcohol testing will occur. If no citation issued in 32 hours, or 32 hours has elapsed, no drug testing will occur. An employee involved in an accident must not use alcohol until they have an alcohol test or eight hours have elapsed, whichever comes first. An employee that completes the necessary testing may be allowed to continue to work, unless a reasonable suspicion determination has been made.

This policy does not prohibit an employee from leaving the scene of an accident for the time necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care. However, any employee who fails to remain available for drug and alcohol testing, including notifying a supervisor of their location, or who otherwise leaves the scene of the accident without appropriate authorization prior to drug and alcohol testing, will be considered to have refused testing.

If the City is unable to perform post-accident testing, such as if the employee is unconscious or detained by a law enforcement agency, the City may use test results administered by Federal, State or local law enforcement officials that have independent authority for the testing. The test results will be considered to meet the FMCSA requirements provided such tests conform to the applicable Federal, State or local testing requirements and the test results are released to the Safety & Wellness Office.

Post-accident testing does not apply to an occurrence involving only boarding or alighting from a stationary vehicle or loading and unloading of cargo.

7.4 **Reasonable Suspicion Testing**

Safety-sensitive employees are required to submit to drug and alcohol testing when a supervisor or other city official who is trained in detecting the signs and symptoms of drug and alcohol use has reasonable suspicion concerning the employee's fitness for duty. Only one trained supervisor or city official is required to make a reasonable suspicion determination. Reasonable suspicion testing will be based on specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech, or body odors of the employee consistent with possible drug or alcohol use.

Once a reasonable determination has been made, the employee is required to be tested immediately. The employee will be removed from duty and transported by a supervisor to the Safety & Wellness Office and/or collection site for the required testing. Following testing, arrangements will be made to transport the employee home. The employee will remain off duty and will be placed on unpaid

administrative leave while awaiting the test results. If the test results are negative, the employee will be reimbursed for their lost time.

7.5 **Return-to-duty Testing**

Return-to-duty testing will be conducted in accordance with Part 40, subpart O. Safety-sensitive employees who test positive on any drug or alcohol test must be evaluated by a Substance Abuse Professional (SAP), complete the SAP recommended treatment program, and test negative for drugs and/or alcohol as determined by the SAP prior to returning to work. The return-to-duty drug test is collected under direct observation. If an employee refuses the return-to-duty test or has a non-negative alcohol test result, they will be considered as having a second positive test.

All costs for return-to-duty testing will be paid by the employee and must be paid to the laboratory at the time of the test. All time associated with return-to-duty testing will be unpaid.

7.6 **Follow-up Testing**

Follow-up testing will be conducted in accordance with Part 40, subpart O. Safety-sensitive employees that have successfully returned to duty following a positive test result will be required to participate in unannounced follow-up drug and/or alcohol testing. This testing will be collected under direct observation. Follow-up testing will be performed for a period of one to five years based on the SAP's recommendations, with a minimum of six tests performed within the first year. The Safety & Wellness Office oversees the selection and notification process. Employees subject to follow-up testing will continue to be included in the random testing pool.

All costs for follow-up testing will be paid by the employee and must be paid to the laboratory at the time of the test. All time associated with follow-up testing will be unpaid or deducted from the employee's personal leave accounts.

7.7 **Split Specimen Testing**

Employees that have a verified positive drug test result or a test refusal due to adulteration or substitution may request a test of their split specimen. However, employees do not have access to a test of their split specimen following an invalid result.

The employee's request for a split specimen test must be made to the Medical Review Officer within 72 hours of notification of a positive test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee. The split specimen test must be conducted at a different DHHS-certified laboratory. The results of the split specimen test will be the test of record.

The employee will remain off duty without pay while awaiting the split specimen test result. All costs for such testing will be paid by the employee and paid to the laboratory at the time of the request. The employee will be reimbursed for the testing expense and lost time only if the result of the split sample test invalidates the result of the original test.

7.8 **Other Testing**

If there is reason to believe an employee is abusing a substance other than the prohibited drugs listed in this policy, the City reserves the right to test for additional drugs under City of Cedar Rapids Policy 7.03A.

8.0 **Substance Abuse Assessment**

Any safety-sensitive employee who tests positive for drugs or alcohol will be referred for evaluation to a Substance Abuse Professional (SAP). A SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol or drug-related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug or alcohol use. The cost of any treatment or rehabilitation services will be the responsibility of the employee or their insurance provider.

9.0 **Voluntary Treatment**

The City of Cedar Rapids encourages employees to seek voluntary treatment to deal with problems associated with drugs or alcohol. Any employee who comes forth and notifies their department manager or the Safety & Wellness Office of an alcohol or drug problem will be provided assistance. This assistance will include referral to the Substance Abuse Professional. An appropriate leave of absence may be granted for treatment and rehabilitation. The cost of any treatment or rehabilitation services will be the responsibility of the employee or their insurance provider. The employee will not be allowed to perform safety sensitive functions until the Safety and Wellness Office has received results from the SAP that indicates successful completion of the education and treatment requirements and a negative FMCSA DOT return-to-duty (drug and/or alcohol) test must be received. The return-to-duty drug test is collected under direct observation. The employee must also participate in non-DOT follow-up testing as recommended by the SAP.

All costs associated with return-to duty and follow-up testing will be paid by the employee and must be paid to the laboratory at the time of the test. All time associated with return-to-duty and follow-up testing will be unpaid or deducted from the employee's personal leave accounts.

Voluntary requests for treatment must be made prior to going on duty and not an attempt to avoid testing. Employees will not be disciplined for requesting treatment, but will be required to observe job performance standards and work rules as they apply to every employee, including disciplinary action for inadequate job performance or work rule violations. Any decision to seek help will not interfere with an employee's eligibility for promotional opportunities. Confidentiality of information will be maintained at all times.

10.0 **Confidentiality**

The City of Cedar Rapids affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process. Laboratory reports or test results will not appear in an employee's general personnel file. Information of this nature will be contained in a separate confidential medical file that will be kept under the control of the Safety & Wellness Office. The reports or test results will not be disclosed without an employee's written consent unless the

information is required by law or by judicial or administrative process, or the information has been placed at issue in a formal dispute between the employee and employer.

The employee must sign a separate release every time drug or alcohol testing information is to be released to the employee, union representatives, subsequent employers, or any other third party designated by the employee.

11.0 Training

All safety-sensitive employees are required to attend at least 60 minutes of training on the effects of prohibited drug use and alcohol misuse. In addition, all supervisors responsible for reasonable suspicion determinations are required to attend 60 minutes of training on the physical, behavioral and performance indicators for drug use and 60 minutes of training on the physical, behavioral and performance indicators for alcohol misuse.

12.0 Proper Application of the Policy

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

13.0 Designated Contact Persons

Any questions regarding this policy should be addressed to the designated employer representatives or their successors as listed below:

Drug & Alcohol Program Manager and Designated Employer Representative

Marilyn Fitzgerald
Occupational Health Nurse
500 15th Ave SW
Cedar Rapids, Iowa 52404
319-286-5056
888-611-1370 (fax)

Medical Review Officer (MRO)

Designated MRO at Weland Clinical Laboratories
1911 1st Ave SE
Cedar Rapids, Iowa 52403
319-366-1503

Employee Assistance Program (EAP)

Mercy EAP Services
1340 Blairs Ferry Rd
Suite A
Hiawatha, Iowa 52233
319-398-6694

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 7 – SAFETY/HEALTH
7.04 – EMPLOYEE ASSISTANCE PROGRAM (EAP)

GENERAL POLICY

The City of Cedar Rapids recognizes that an employee's mental and physical health may affect job performance. The City provides an Employee Assistance Program as an important part of our commitment to providing resources to enhance employees' mental and physical health.

SPECIFIC PROVISIONS

1. The EAP is available to regular full-time and regular part-time employees eligible for coverage under the City's health insurance program. Coverage is also extended to dependents of employees.
2. Employees are assured that records of client services are considered to be EAP property and will not be available to the City without a release of information form signed by the client.
3. The Employee Assistance Program provides the counseling and guidance services. All referrals, either self-referred or employer-referred, will be through the Employee Assistance Program.
4. An employee or dependent may receive five counseling/guidance sessions with an EAP counselor without charge. During these counseling sessions, the counselor will evaluate the situation and may outline alternative solutions and community resources available to help the person with their problem. If the person agrees to use such a resource, the counselor will make the necessary arrangements.
5. Referrals to an alternative treatment source may incur a cost to the employee which may or may not be covered by the City medical insurance program. To ensure that the individual is receiving the required help, the counselor will follow up with the treatment resource and the client.
6. The City encourages employees to seek assistance on their own initiative before job performance is adversely affected. The first step is to call the EAP phone number.
7. The City may refer an employee to the EAP if it is observed that the employee has a deterioration in work performance or attendance or other incidents indicate a presence of a personal problem.
 - a. The supervisor will discuss the performance problem that has been observed. This account should be as detailed as possible, including the dates, times and descriptions of behaviors that have become part of a pattern of deterioration, or particular incidents that warrant supervisory action.

- b. The supervisor will meet with the employee to discuss the performance problem and communicate as clearly as possible, the consequences of failure to resolve the problem. Should a particularly unusual pattern of performance deterioration or particular incidents be present, the supervisor may consult with the EAP Counselor prior to his/her meeting with the employee.
 - c. After the employee has been confronted with the performance problem, the supervisor must review the Employee Assistance Program Policy with the employee, advise him/her of the availability of confidential professional assistance for any work-hampering personal problem, and strongly encourage the employee to allow the supervisor to arrange an appointment with the EAP Counselor. Though the final decision to use the EAP must be left up to the employee, the supervisor should emphasize the importance of the EAP.
 - d. If the employee agrees to accept assistance, the supervisor should call the EAP Counselor and arrange for a meeting between the employee and the EAP Counselor. The Counselor will advise the supervisor on any further action which might be necessary.
 - e. The supervisor should make available to the EAP Counselor, all information relevant to the performance problem of the employee prior to the arranged meeting. If necessary, the EAP Counselor will request a conference with the supervisor to further discuss the situation.
 - f. If the employee chooses not to accept assistance at this time, the supervisor should reinforce the City's expectation for improved performance and the consequences for failure to improve. The supervisor should also point out that the EAP will be available should the employee change his/her mind in the future.
 - g. All information pertaining to the employee's referral to the EAP and information provided by the EAP Counselor to the supervisor will be accorded the same high standards of confidentiality as applied to other disciplinary procedures and personal records.
 - h. The supervisor will participate, as needed, in the continuing recovery plan.
8. The department head may at his/her discretion allow the use of sick leave or other available leave to cover the time away from work for counseling. It is the responsibility of the employee to advise his/her department immediately of the need to be absent from work and the need for leave.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 7 – SAFETY/HEALTH
7.05 – SUBSTANCE ABUSE TREATMENT

GENERAL POLICY

It is the policy of the City of Cedar Rapids to afford treatment and benefits for substance abuse.

SPECIFIC PROVISIONS

1. Self Referral
 - a. An employee may directly contact the EAP Counselor through the City's Employee Assistance Program for evaluation and substance abuse treatment program recommendations.
 - b. The department head may at his/her discretion allow the employee to use sick leave or other available leave to cover time away from work for counseling and/or treatment. Scheduling of appointments must be approved twenty-four (24) hours in advance by the department head. The employee is expected to schedule appointments during off hours if counseling times are available.
 - c. If no notice is given within the time prescribed in the governing bargaining agreement or in accordance with Policy 2.11, the absence will be unauthorized and may be considered a resignation.
 - d. Substance abuse treatment is intended to allow an employee the opportunity to seek medical attention and restore the employee's ability to perform the job on a long-term basis. Recurrent self-referral requests will be examined closely to evaluate the employee's long-term ability to perform the job.

2. Employer Referral
 - a. The City may refer an employee whose job performance is impaired to the EAP for evaluation and recommendation. Such referrals will be coordinated through the Safety and Health Services office.
 - b. Following evaluation, the employee is expected to follow the treatment source recommendations. The EAP Counselor will consult the Safety & Health Services office regarding the employee's treatment program, both for in-patient and outpatient treatment.
 - c. Failure to go to the EAP Counselor and/or follow the recommended treatment will subject the employee to disciplinary action.

3. Health insurance benefits will be available for substance abuse treatment in accordance with health plan provisions.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 7 – SAFETY/HEALTH
7.06 – DRUG-FREE WORKPLACE

GENERAL POLICY

It is the policy of the City of Cedar Rapids to maintain a work place free from the influence of drugs and alcohol.

SPECIFIC PROVISIONS

1. The City recognizes that:
 - a. Its employees are a valuable resource.
 - b. The use of illegal drugs or abuse of controlled substances or alcohol in the work place is detrimental to City employees.
 - c. Employees have a right to work in a drug free environment and to work with persons free from the effects of drugs and alcohol.
 - d. Drug/alcohol abuse in the workplace interferes with and reduces the operational efficiency of city government and undermines the public's trust in its functions.
2. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is the City of Cedar Rapids intent and obligation to provide a drug free work environment.
3. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on the employer's premises or while in a City vehicle, vessel, aircraft, or while conducting the employer's business is prohibited. Violations of this policy will result in termination.
4. The City of Cedar Rapids recognizes drug and alcohol dependency as illnesses and a major health problem. The City also recognizes drug and alcohol abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to use the Employee Assistance Program (EAP).
5. In order to comply with the Drug Free Workplace Act of 1988, employees are required to report any conviction under a criminal drug statute for violations occurring on the employer's premises or off the employer's premises while conducting City business. A report of a conviction must be made to the employee's supervisor and to the Safety and Health Services office within five (5) days after the conviction.
6. Compliance with the terms and reporting requirements of this policy is required as a condition of employment for all employees.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 7 – SAFETY/HEALTH
7.07 – SMOKING

GENERAL POLICY

It is the policy of the City of Cedar Rapids to provide a smoke-free environment that fosters the health and safety of all City employees, contractors and members of the public while conducting City business in City-owned buildings or City vehicles.

SPECIFIC PROVISIONS

A. SCOPE

The Smoking and Tobacco Use Policy (which includes E-cigarettes) applies to all City of Cedar Rapids employees, city contractors, and private citizens while on city owned properties.

B. POLICY

1. Smoking is prohibited within all City operated/owned building and vehicles.
2. Smoking is prohibited on the grounds of any public building
 - a. Grounds are an outdoor area of a public building that is used in connection with the building, including but not limited to a sidewalk or driveway immediately adjacent to the building, or any other outdoor area as designated by the person having custody or control of a public building.
3. Smoking is prohibited on work time except during meal or rest breaks.
4. Smoking is not allowed in any existing huts or enclosed areas formally used as smoking areas.
5. Smoking is allowed within the confines of privately owned vehicles.
6. Smoking is allowed on sidewalks in the public right-of-way.
7. Smoking is allowed in parking lots adjacent to public buildings but must be at least 25 feet from any building entrance.
8. Smoking is allowed on the course of play of golf, or other outdoor areas designated by the person having custody and control of the public building.
9. Smoking is allowed on hiking trails, locations of individual campsites, or campfires and on a lake, river or other body of water.
10. No Smoking signs must be posted in all vehicles, building and grounds where smoking is prohibited.

Smoking cessation resources:

- Safety and Wellness office at 319-286-5034 or 319-286-5059
- The confidential EMPLOYEE ASSISTANCE PROGRAM (EAP). You may contact EAP at 319-398-6695 or www.mercycare.org/EAP
- Quitline Iowa provides free smoking cessation services to all Iowans. Call 1-800-QUIT-Now (1-800-784-8669) or visit www.quitlineiowa.org for more information

References:

- A. Iowa Administrative Code Public Health 641 Chapter 153 SMOKEFREE AIR ACT, House File 2212
- B. Iowa Smoke Free Air Website – Iowa Department of Public Health’s website, WWW.IOWASMOKEFREEAIR.GOV

Effective: 07/01/94
Revised: 6/24/09
Revised: 2/25/15

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City of Cedar Rapids Personnel Policy Manual

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 7 – SAFETY/HEALTH
7.08 – AIDS

GENERAL POLICY

The City of Cedar Rapids recognizes its obligation and reaffirms its long standing commitment to provide a safe and healthful work environment for all employees. The employer further recognizes the rights and concerns of employees who may have AIDS or an AIDS-related condition, or who may have tested positive for the HIV/AIDS virus, as well as the rights and concerns of co-workers, customers, and clients about their own health and safety.

SPECIFIC PROVISIONS

Background

Acquired Immune Deficiency Syndrome (AIDS) is caused by a virus most commonly known as Human-Immunodeficiency Virus (HIV). The HIV/AIDS virus is transmitted through sexual contact and exposure to infected human blood or body fluids. HIV/AIDS is not transmitted by ordinary workplace or social contact, nor has there been any evidence of airborne transmission of HIV/AIDS. Persons who are occupationally exposed to blood and body fluids can be protected effectively from the recognized risks of HIV/AIDS infection by the use of appropriate protective equipment and work practices.

Policy

Consistent with federal and state disability discrimination laws applicable to services and to employment opportunities of disabled individuals, and consistent with our commitment to provide a safe and healthful environment for our employees and the persons we serve, it shall be the policy of the City of Cedar Rapids not to unlawfully discriminate against any individual applicant, employee, customer or client because he or she may have AIDS or an AIDS-related condition, or may have tested positive for the HIV/AIDS virus.

In order to prevent the transmission of HIV/AIDS at the City of Cedar Rapids, we hereby adopt the U.S. Centers for Disease Control (CDC) recommendations designed to protect employees from exposure to the blood and body fluids of all persons, regardless of whether the person is or is suspected of being infected with HIV/AIDS, Hepatitis B, or any other blood borne infectious disease. This policy is based on the widespread nature of these viruses and the consequent risk to employees, and also recognizes testing limitations and the need to maintain confidentiality.

No employee shall be required to submit to any test to determine whether he or she is infected with HIV/AIDS, as a condition of initial or continued employment or service, unless the State Epidemiologist determines that a person with an AIDS-related condition poses a significant risk of transmitting the virus in a specific occupation.

It is the policy of the City that, as long as the employee's health or medical condition does not constitute a threat to the health or safety of the employee or to others, the employee will not be denied continued employment solely based on his or her medical condition. Determinations shall be made on a case-by-case basis.

The City further recognizes that medical information about an employee's or client's health or medical condition is personal and confidential. Information about an employee's or client's HIV/AIDS status shall be subject to the same confidentiality requirements that apply to any other sensitive medical condition.

Affected employees are eligible for medical leave under the Family and Medical Leave Act.

Training

To assure that appropriate protective measures are being taken and to alleviate concerns and fears, the City will provide all employees engaged in tasks involving exposure to blood and body fluids with appropriate orientation, training, and continuing education opportunities on a regularly scheduled basis and as the need arises. The orientation and educational efforts are designed to ensure that all employees understand the epidemiology of HIV/AIDS, the modes of transmission, universal blood and body fluid precautions, the types of protective clothing, equipment and work practices appropriate to the tasks they will perform, where appropriate clothing and equipment are kept, how to properly use, handle, and dispose of contaminated articles, corrective actions to be taken in the event of spills or personal exposure to blood or body fluids, and the appropriate confidentiality and reporting requirements.

CONFIDENTIALITY

Any and all information obtained by the City of Cedar Rapids about the HIV/AIDS diagnosis, treatment, health, or testing and antibody status of employees or clients is sensitive medical information that must be and will be maintained on a confidential basis, as required by law, for all medical information pertaining to employees and clients. Within the City, information on a person's HIV/AIDS status will be made available only to those individuals directly involved in the person's care or management who need the information to assist the person, and shall not be disclosed or reported to any other persons within or outside the City, except as may be required or permitted by law.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL

SECTION 7 – SAFETY/HEALTH

7.09 – DRIVING PRIVILEGES – CANCELED, SUSPENDED, REVOKED, BARRED, OR DISQUALIFIED

GENERAL POLICY

The City of Cedar Rapids recognizes that driving on Iowa's streets and roads is a privilege that, on occasion, may be canceled, suspended, revoked, barred or disqualified. This policy is established to address situations that affect an employee of the City of Cedar Rapids who, by nature of their job, is required to possess a valid driver's license.

SPECIFIC PROVISIONS

Definitions

For the purpose of this policy, vehicles shall be defined as every device in, upon, or by which any person or property is, or may be transported, or drawn upon a highway. This includes, but is not limited to: mopeds, motorcycles, vans, automobiles, pickups, trucks, tractors, sidewalk snow plows, buses, light and heavy construction equipment, fire vehicles, etc.

Policy

1. Providing the appropriate driver's license in good standing is the responsibility of the employee, failure to maintain such license may result in disciplinary action including termination.
2. A City employee shall not operate any vehicle on City business without a current valid driver's license (i.e., motorcycle license, or commercial driver's license with the respective applicable endorsements, etc.).
3. If an employee, required by the nature of his/her job duties to possess a current valid driver's license, but it has been canceled, suspended, revoked, barred or disqualified, then he/she must report such action within 24 hours to his/her supervisor. Employees unable to get a work permit to drive may be subject to termination.
4. Employees required to maintain a commercial driver's license (CDL) and convicted of any traffic violation (except parking) must notify his/her supervisor within 24 hours of conviction. This policy applies to any type of vehicle being driven.
5. Employees eligible to apply for a work permit and requesting an authorized signature must make that request in writing to their respective department head. The respective department head is the official City designee authorized to review all employee records and other facts, and make the decision in regard to providing an authorized signature. Each request will be handled on a case-by-case basis.
6. Effective July, 2016, employees who operate CDL equipment will be required to provide a DOT physical certification within 90 days of their anniversary date with the City of Cedar Rapids. A temporary suspension, restriction, or failure of the DOT physical resulting in a suspension placed upon the employees driving privileges may result in the employee being unable to perform an essential function of their position and subject to disciplinary action. Each case will be assessed individually and resources such as sick leave or flex, wellness coaching and/or EAP may be made available.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 7 – SAFETY/HEALTH
7.10 – FIT FOR DUTY

GENERAL POLICY

It is the policy of the City of Cedar Rapids to ensure that employees are medically fit to perform their job function.

SPECIFIC PROVISIONS

1. MEDICAL EVALUATION FOR JOB FITNESS

- a. If there is a question about an employee's medical fitness for continued employment in his/her current job, an employee may be required to be examined by a physician of the City's choosing and at the City's expense. Only the initial examination for evaluation purposes will be at the City's expense. Any follow-up care is the employee's responsibilities.

2. RETURN-TO-WORK STATEMENTS

- a. The department head may require a doctor's return to work statement from an employee who has been off sick before the employee is allowed to return to work.
- b. For a medical leave period beyond five (5) work days, a doctor's return to work statement will be required and the department head may require the employee to report to the City Occupational Health Nurse.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 7 – SAFETY/HEALTH
7.11 – WORKPLACE VIOLENCE

GENERAL POLICY

It is the intent of the City of Cedar Rapids that threats, threatening behavior, and acts of violence against employees, or by employees, or other individuals, will not be tolerated. The City will take all threats seriously. It is the City's goal to eliminate violent behavior or the threat of such behavior involving our employees. The prevention, reporting, and management of critical incidents are shared responsibilities which we all need to work towards in eliminating violence in the workplace. NOTE: This is a zero-tolerance policy, meaning that The City disciplines or terminates every employee found to have violated this policy.

Violence or the threat of violence, by or against any employee of the City, or any other person, is strictly prohibited. The prohibited action will subject the perpetrator, if an employee, to serious disciplinary action up to and including termination of employment, and in all cases, possible criminal prosecution.

The possession of firearms or dangerous weapons (as defined below) while on City property, in a City facility, vehicle, vessel, or aircraft is strictly prohibited. Employees violating this policy will be terminated.

This policy does not apply to Police Officers or other employees that may be operating within the normal scope of their official duties, and using such weapons as tools of their profession.

Departments will establish procedures and receive training on methods of defusing hostile situations and departments will establish Safe Rooms (see definitions).

DEFINITIONS

1. *Dangerous Weapons*: As defined in Section 702.7 of the Code of Iowa, include, but are not limited to, any offensive weapon, pistol, revolver, or other firearm, dagger, razor, stiletto, switchblade knife, or knife having a blade exceeding five inches in length.
2. *Safe Room*: A safe room is a place that provides resources to get help; it is not meant to be impenetrable. This room should contain a telephone, first aid kit and a fire extinguisher. The room should also have a lockable door, a "peep hole," and easy access for employees.
3. Violence in the workplace may include the following:
 - a. The use of physical force with the intent to cause harm.
 - b. Acts or threats in any form or manner which are intended to intimidate, cause fear, or cause harm.
 - c. The act of creating a hostile or intimidating work environment by means of words, actions, or physical contact which have the purpose or effect of alarming, insulting, or provoking another person.
 - d. The intentional damage of City-owned property, or acts intended to cause such property to fail to operate, or to operate improperly.

SPECIFIC PROVISIONS

1. Guidelines For Violent Incident Response

- a. In an emergency situation involving actual or potential violence, the first priority is to protect the safety and well being of persons involved. Because each situation involves unique factors, the following guidelines are intended to provide general guidance. The key elements are safety, reporting, coordination and control. The following procedures should be followed when dealing with an angry customer.
 - i) Attempt to de-escalate the situation as soon as the customer shows signs of anxiety. Through our verbal and non-verbal skills, we need to be supporting and helpful.
 - ii) If the situation does not de-escalate, then firm but respectful direction must be given.
 - (1) Take away the customer's audience by removing the individual. Oftentimes, having an audience will "egg" the person on.
 - (2) Allow the person to vent some anger. Be helpful and supportive. Trying to "out-shout" the person will only escalate the situation. Do not presume the customer is at fault.
 - (3) Set limits for the customer. Provide the customer with direction by giving clear choices and consequences.
- b. If the situation continues to escalate and violence or threat of violence occurs, immediately call the emergency number (911 or 9-911) and report as many details as possible.
- c. An employee who is involved in, or who witnesses a violent incident, shall immediately notify a supervisor, manager or Department Head.
- d. The Department Head or another department management representative shall contact the Human Resource Director or the Human Resource Manager who shall provide guidance in matters such as investigation, discipline, and the Employee Assistance Program.
- e. If a person enters your place of work using a weapon to carry out a physical attack, escape if possible, go to a Safe Room, or take cover immediately.

2. Guidelines For Managing Workplace Altercations

- a. These guidelines are intended to aid supervisors in dealing with violent or potentially violent situations at work where the supervisor is in a position to intervene and control the situation.
- b. In circumstances deemed by the supervisor to be an emergency, call 911 or 9-911, then contact the Department Head and the Human Resource Director or a Human Resource Manager. It is understood that the actions of a supervisor or other employee will depend on the seriousness and nature of the incident. However, consistent with personal safety, supervisors are to make a good faith effort to diffuse violent or potentially violent behavior as quickly as possible in order to prevent escalation. The term "altercation," as used in these guidelines, includes actual or threatened violence including verbal or physical confrontation, or assault, or attempts at such assault.

3. General Comments

- a. Separate the individuals involved. Do not allow a minor altercation to escalate into something more serious. If the individuals cannot be separated, dial 911 or 9-911.
- b. All City employees are responsible for notifying management of any threats that they have witnessed or received. If it is not practical to notify management, the employee

should contact the Human Resource Director or a Human Resource Manager at 286-5000. City employees who obtain restraining orders against individuals are strongly encouraged to report the presence of a restraining order to their Department Head and the Human Resource Director.

- c. Once the situation is under control, management shall interview all persons involved, including any witnesses, in order to obtain an accurate account of the incident. Written statements shall be taken from all witnesses.
- d. The Department Head shall contact the Human Resource Director or Human Resource Manager to receive help in making a decision on the appropriate action to take.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 7 – SAFETY/HEALTH
7.12 – PERSONAL PROTECTIVE EQUIPMENT

GENERAL POLICY

It is the policy of the City of Cedar Rapids to perform a hazard assessment of all City positions and to provide personal protective equipment commensurate with the hazards associated with the job.

SPECIFIC PROVISIONS

1. **Protective Equipment:** Protective equipment, including personal protective equipment (PPE) for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition. Personal protective equipment shall be used wherever it is necessary by reason of hazards of processes, environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.
2. **Employee-owned Equipment:** Where employees provide their own protective equipment, the employee's supervisor shall be responsible to assure adequacy, including proper maintenance and sanitation of such equipment.
3. **Design:** All personal protective equipment shall be of safe design and construction for the work to be performed.
4. **Hazard Assessment and Equipment Selection:**
 - a. Department supervisors shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present, the supervisor in consult with the Safety and Health Division shall:
 - i) Select and have each affected employee use the type of PPE that will protect the affected employee from the hazards identified in the hazard assessment;
 - ii) Communicate selection decisions to each affected employee; and,
 - iii) Select PPE that properly fits each affected employee.
 - b. The Safety and Health Services Division shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.
5. **Defective and Damaged Equipment:** Defective or damaged personal protective equipment shall not be used.

6. Training:

- a. The City shall provide training to each employee who is required by this section to use PPE. Each such employee shall be trained to know at least the following:
 - i) When PPE is necessary;
 - ii) What PPE is necessary;
 - iii) How to properly don, doff, adjust and wear PPE;
 - iv) The limitation of PPE; and,
 - v) The proper care, maintenance, useful life and disposal of PPE.
- b. The City shall verify that each affected employee shall demonstrate an understanding of the training specified in paragraph 6.1 of this policy, and the ability to use PPE properly, before being allowed to perform work requiring the use of PPE.
- c. When the City has reason to believe that any effected employee who has already been trained does not have the understanding and skill required by this paragraph, the City shall retrain each such employee. Circumstances where retraining is required include, but are not limited to, situations where:
 - i) Changes in the workplace render previous training obsolete; or,
 - ii) Changes in the type of PPE to be used render previous training obsolete; or,
 - iii) Inadequacies in an affected employee's knowledge or use of assigned PPE indicate that the employee has not retained the understanding or skill.
- d. The City shall verify that each affected employee has received and understood the required training through a written certification that contains the name of each employee trained, the date(s) of training, and that identifies the subject of the certification.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 7 – SAFETY/HEALTH
7.13 – PUBLIC ACCESS DEFIBRILLATOR POLICY

GENERAL POLICY

The purpose of this policy is to allow non-emergency trained and certified personnel to use automatic external defibrillators and to provide AED coverage when appropriately trained personnel are available. This policy is extended to enhance and supplement the local EMS system with non-traditional early defibrillation.

DEFINITIONS

- "AED" means automated external defibrillator.
- "PAD liaison" means the individual identified by the non-emergency response agency,
- "PAD service program" means a non-emergency response business agency, public or
- "Public access defibrillation (PAD)" means the operation of an automated external defibrillator by a nontraditional provider of emergency medical care.
- "Public access defibrillation provider" means someone who has current course completion in a nationally recognized public access defibrillation provider course approved by the department and who also holds a current course completion in CPR, public or private, who is responsible for supervision of the agency's PAD program, private that has registered with the department to provide automated external defibrillator (AED) coverage.

SCOPE

This policy covers all City departments except Police, Fire, and Eastern Iowa Airport, who operate an AED as part of their emergency response services.

CERTIFICATION

1. City employees authorized to use the AED must be trained and certified through successful completion of a nationally recognized AED course.
2. Departments desiring to provide AED services must designate a PAD liaison to serve as the PAD service provider. The PAD service provider shall be responsible for:
 - a. Registering with the Department of Public Health, Bureau of Emergency Medical Services (*PAD Service Program Registration form is attached*).
 - b. Re-register with the above agency every five (5) years.
 - c. Assure that City employees authorized to use the AED are trained and certified in AED and CPR skills and competencies. (*Keep copies of CPR and AED certification on file.*)
 - d. Perform a quarterly review of employees authorized to use the AED equipment of their skills and competencies and document review in the Quarterly AED Performance Reverification Evaluation form (*attached*).
 - e. Implement a policy and program for periodic maintenance of the AED and maintain service records of the AED equipment.
 - f. Complete and maintain a Cardiac Arrest Report each time an AED is used.
3. Identify the Area Ambulance Service for patient transportation.

4. After using the AED for any cardiac arrest event, the operator of the device must download the hard copy of the event or electronically transmit the event to the Area Ambulance Service Education Coordinator and complete a cardiac arrest research form within 48 hrs of the event and mail it to:

Education Coordinator
Cedar Rapids Area Ambulance Service
701 10th Street SE.
Cedar Rapids, IA. 52403
Fax: 319-896-7045
Email: dwilson@area-ambulance.org

ADDITIONAL PROVISIONS

The PAD provider is providing AED coverage as a volunteer and not as a job requirement.

As an exception to this policy are the lifeguards at the City pools who may perform lifesaving duties as an essential function of their employment.

Name: _____ Date: _____

PAD Liaison: _____

Quarterly AED Performance Reverification Evaluation Form

Check Certification Level: CPR AED

YES	NO	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Establishes scene safety.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Establishes need for CPR.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Delegates airway management, cardiac compressions.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Applies pads/cables correctly.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Clears all machine visual/audio prompts.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stops CPR. Assures no one touch patient prior to analyzing.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Clears area and assures safety prior to delivering shocks.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Checks pulses after each set of three shocks.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Checks pulses prior to one minute of CPR after each no shock.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Deals with airway problems as they arise.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Recognizes the end of protocol and considers medical control.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pulse returns, checks breathing, maintains airway.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Deals with problems involving standard protocol as they arise.

PPE: Pocket Mask Gloves

Prompts: Electrodes Pads Battery

Comments: _____

Device Type: _____

Scenario: _____

~ Maintain This Form in Your Records ~

PAD Service Program Registration

This registration must be completed by all non-traditional EMS agencies, e.g., retail stores, malls, sports arenas, police departments, etc., seeking initial or renewal registration to provide Automatic External Defibrillation (AED) coverage.

1. Print or type all information.
2. Make a "working" copy of this registration before you start.
3. Re-registrants should refer to the previous registration for necessary information.
4. Make a copy of the completed registration before returning the **original** to the EMS Bureau.
5. Contact the Bureau of EMS if you need assistance in filling out this registration. (800) 728-3367

SECTION A. PAD Service Program Type and Affiliation

Registration: Initial Renewal

Registration Type: Law Enforcement Business Other _____

SECTION B. General Information

Name of requesting business, agency, police department, etc.

Address

City

State

Zip Code

Mailing Address (If different from above)

City

State

Zip Code

Agency Contact Person

Job Title

Daytime Telephone

Evening Telephone

E-Mail Address

Business Hours

SECTION C. PAD Liaison (Person responsible for supervision of the agency's PAD program)

Name

Address

City

State

Zip

Daytime Phone Number

SECTION D. Personnel

1. How many agency personnel have successfully completed both AED and adult CPR training? _____

2. Do personnel provide AED coverage as volunteers or part of their job requirement?

- Volunteer Job requirement

SECTION E. Continuing Education AED and CPR

The PAD service program shall take responsibility for ensuring personnel maintain skill proficiency in the use of the AED and in CPR. Who will be responsible for skill maintenance?

- PAD Liaison
 Other _____

SECTION F. Automatic External Defibrillator(s) and Maintenance

Make and Model of AED

Where is the AED located?

1.	1.
2.	2.

The PAD service program shall take responsibility for ensuring AED maintenance. Who will be responsible for AED maintenance?

- PAD Liaison
 Other _____

SECTION G. Authorized Ambulance Service

Identify the authorized Iowa ambulance service(s) that will provide patient transportation when necessary.

Ambulance Service Program Name

1.
2.

SECTION H. Statement of Affirmation and Signatures

I affirm and declare that the answers and statements in this application are true and correct. I understand that any falsification of this information may result in denial, citation and warning, probation, suspension, or revocation of the PAD service program registration.

SIGNATURES:

PAD Service Program Representative

Date

Print Name

PAD Liaison

Date

Print Name

Iowa Administrative Code governing PAD is found in IAC 641—131.4, 641—132.16 and 641—139.6. For more information or assistance in completing this registration, contact the EMS Bureau at (515) 725-0325 or write to: Bureau of EMS, 401 SW 7th Street, Suite D, Des Moines, Iowa 50309. You may also contact the EMS Bureau on the web at www.idph.state.ia.us/EMS.

FOR BUREAU OF EMS USE ONLY

Date Registration Received: _____

Ambulance Service Contacted & Date: _____

Ambulance Representative: _____

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL

SECTION 7 – SAFETY/HEALTH

7.14 – HEALTHY WORKPLACE/NUTRITION

GENERAL POLICY

The City of Cedar Rapids is dedicated to providing a work environment that supports employee health. Nutrition has an impact on our health, and that the provision of healthy foods will contribute to better health for all.

The City of Cedar Rapids will ensure that a variety of healthy food choices are available for all organization activities. This applies to all meetings, functions, and events for employees and guests.

SPECIFIC PROVISIONS

Effective 1/1/2012 it is the policy of the City of Cedar Rapids that all meal, snack, and beverage choices offered by the City of Cedar Rapids will always include items that meet the following standards:

One or more of all items available for purchase or being served within City of Cedar Rapids departments must include:

- **Fruits and/or vegetables** – Examples include fresh, frozen, canned or dried fruits (such as grapefruit, oranges, apples, raisins, or 100% fruit juices), and fresh, frozen, or canned vegetables
- **Low-fat milk and dairy products** – Examples include skim/nonfat or 1% milk (also lactose-free); low-fat or fat-free yogurt, cheese, ice cream, and calcium-fortified soy beverages
- **Foods made from grains (like rice, wheat, and oats), especially whole grains** – Examples include whole-wheat crackers, bread and pasta, whole-grain cereal, and low-fat baked chips
- **Water**

NUTRITION STANDARDS

At least 50% of foods provided by the City and served within City of Cedar Rapids departments (including vending machines) should meet these standards:

- Have no more than 35% of its calories from total fat (not including nuts and seeds)
- Have no more than 10% of its calories from saturated fat
- Contain no trans fats
- Have no more than 35% sugar by weight (not including dried fruits, NO candy)

In addition, all efforts will be made to include the following:

- Items that have no more than 360 mg of sodium per serving
- Items that contain at least 2 grams of dietary fiber per serving

BEVERAGE STANDARDS

At least 50% of beverages served within City of Cedar Rapids departments (including vending machines) should meet these standards:

- 100% fruit or vegetable juice with no added sweeteners
- Water
- Nonfat or 1% low fat milk
- Portion size no greater than 12 ounces (no limit on water). Juices available in smaller-sized portions (6 ounces) are preferred.

PRICING/PLACEMENT STANDARDS

- Food and beverage items meeting the mandatory standards must be sold at a price that is equivalent to or lower than the price of items that do not meet these nutrition standards.
- Items meeting the mandatory standards must be placed in the top third of the storage container or vending machine so that they are visible at eye level.

COMPLIANCE

The City of Cedar Rapids Wellness Ambassadors Committee in partnership with City leadership is responsible for governance of the City's Healthy Workplace/Nutrition Policy.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 7 – SAFETY/HEALTH
7.15 – DISTRACTED DRIVING

GENERAL POLICY

All employees driving city vehicles on roadways are prohibited from writing, reading, sending text messages, or otherwise engaging in a call by means of a hand-held electronic communication device unless the motor vehicle is at a complete stop and off the travelled portion of the roadway.

PURPOSE

1. To improve roadway safety for all motor vehicle operators, passengers, bicyclists, pedestrians and other road users.
2. To prevent accidents related to the act of using *hand-held electronic communication devices* while driving a motor vehicle.
3. Reduce death, property damage and health care costs and health and motor vehicle insurance rates.

SCOPE

This policy applies to all City of Cedar Rapids employees except:

- The provision related to “reading” a text message does not pertain to a member of a public safety agency performing official duties;
- A health care professional in the course of an emergency situation; or
- A person receiving safety related information, including safety, traffic, or weather alerts.

DEFINITIONS

Engage in a call – talking or listening to a telephone call on a hand-held electronic communication device.

Hand-held electronic communication device – A mobile telephone or other portable electronic communication device used to make or receive a telephone call or is capable of being used to write, send, or read a text message. This includes a device which is temporarily mounted inside the motor vehicle, unless the device is a voice-operated or hand-free device. A hand-held electronic communication device does not include a voice-operated or hand-free device which allows the user to write, send or read a text message without the use of either hand except to activate or deactivate a feature or function. It also does not include a wireless communication device used to transmit or receive data a part of a digital dispatch system or the use of two-way voice radio communication.

Operating a motor vehicle on the travel portion of the roadway – In addition to operating a motor vehicle on the travel portion of the roadway, this includes activities such as being temporarily stationary because of traffic congestion, a traffic signal, a stop sign, another traffic control device or similar situation. It does not include being in the motor vehicle (with or without the motor running) in a location off the travelled portion of the roadway where it is safe and legal to remain stationary.

ADDITIONAL SPECIFIC PROVISIONS

1. This restriction does not apply to the use of electronic equipment which is permanently installed in a motor vehicle or to a portable device which is operated through permanently installed equipment. This does not prohibit the use of global positioning, or navigation systems.
2. Any violation of this policy may result in disciplinary action up to and including termination.
3. Further provisions must be approved by the Human Resources director.

THE CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 7 – SAFETY/HEALTH
7.16 REQUIRED OSHA PHYSICAL TESTING COMPLIANCE

GENERAL POLICY

It is the policy of the City of Cedar Rapids to have OSHA required physical testing completed within a specified time limit in accordance with federal regulations. This is specific to respiratory, audiometric and TB (tuberculosis) testing for various departments.

SCOPE

All employees

SPECIFIC PROVISIONS

All employees subject to annual respiratory testing, TB (tuberculosis) testing or who are in the Hearing Conservation program are required to have required testing completed in the scheduled times specified by the Safety/Health office. If an employee is unavailable during the specified times the employee must contact the Safety/Health office to be scheduled within two weeks following the allotted times. Employees that are required to have a respiratory clearance physical are required to have their physical exam completed within 30 days of their annual testing in the Safety/Health office.

Employees having annual respirator mask fit testing must be clean shaven and bring their mask to their testing appointment.

All employees that are subject to retesting (i.e. hearing, pulmonary function, vision, FIT, TB) due to City policy or by physician's request are required to have this scheduled and completed in times specified by the Safety/Health office.

COMPLIANCE

Failure to comply with any part of this policy could result in disciplinary action and/or removal from job duties until such compliance is met.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 7 – EMPLOYEE SAFETY AND HEALTH
7.17 – EMPLOYEE WELLBEING

GENERAL POLICY

It is the policy of the City of Cedar Rapids to support our employees' wellbeing through a variety of programs designed to promote health and wellness of the employee, his/her family, and the community. Benefits of worksite wellness programs include an increase in work performance, reduced absenteeism and on-the-job injuries, containment of health care costs as well as improved morale and quality of life for employees.

GENERAL PROVISIONS

The City of Cedar Rapids supports:

- Partnering with an independent wellness vendor to provide:
 - Annual health screening, health coaching, and disease management programs
 - Information and education for risk prevention and risk reduction
 - Annual reporting of aggregate results to management for strategic planning
 - Annual reporting of aggregate results to employees
- Development of an employee-led wellness committee

SPECIFIC PROVISIONS

I. Wellness Committee (Wellness Ambassadors)

- A. The wellness committee (Wellness Ambassadors) mission is to: Plan and organize Wellness topics, events, and activities throughout the year, and to promote and engage all employees in wellness initiatives.

The Wellness Committee plans events based on the following five Pillars of Wellness:

- i. Am I within 5 pounds of my ideal body weight?
 - ii. Do I exercise at least 30 minutes most days of the week (4 days)?
 - iii. Do I eat a healthy diet with five fruits/vegetables most days?
 - iv. Do I use tobacco?
 - v. Do I consume 2 or fewer alcoholic drinks per day?
- B. The Committee consists of employees from various departments and is open to any employee that would like to join and has management approval. The Committee meets once per month for approximately an hour unless more time is needed to work on a larger event (Ex: Wellness Fair). Director approval is obtained for events that may involve time during the work day; this is kept to a minimum so as not to disrupt day-to-day business.

- C. Examples of Wellness initiatives include:
- i. Monthly wellness events/activities
 - ii. Monthly wellness champions and/or testimonials
 - iii. Wellness information in the employee newsletter
 - iv. Healthy vending machine choices
 - v. Periodic health/wellness fair
 - vi. Flu shot clinics
 - vii. Smoking cessation program (periodic)
 - viii. Weight loss program (periodic)

D. Wellness Logo

The Wellness Committee has created a logo that is placed on all Wellness Committee endorsed events, activities, and educational materials. Wellness Events and activities encompass Education, Nutrition, Fitness and Spirit.



II. Exercise & Health

- A. The City of Cedar Rapids encourages all of its employees to engage in a regular program of exercise (unless existing medical conditions make such a program advisable).
- i. Exercise time should not conflict with the peak work schedule, other work related responsibilities, create a need for overtime, or cause conflicts with other employees' schedules.
 - ii. Time away from work for exercise purposes may occur during break-time, lunch-time, before work, after work, or on the weekends depending upon the type exercise program with which the employee is involved.
 - iii. The time away from work policy allows that time away from work to exercise would not exceed normal time allowed for lunch and breaks. For time above and beyond normal lunch and breaks, flex/vacation leave time must be used.
 - iv. The use of flex or vacation time must be approved using the same procedure as other time off requests.
- B. Off Site Fitness Centers - The City of Cedar Rapids offers discounted fitness center options for all City Employees and their families. For a current list of vendors and discounts please refer to CR@Work
<http://cratwork/EmployeeResources/wellness/EmployeeFitnessOption/Pages/default.aspx>

- C. On Site Fitness Centers - The City of Cedar Rapids provides on-site fitness centers for City Staff and their families. For a current list of facilities, pricing, and rules, please refer to CR@Work
<http://cratwork/EmployeeResources/wellness/EmployeeFitnessOption/Pages/default.aspx>
- D. Stretching – The City of Cedar Rapids strongly encourages daily stretching because a consistent flexibility training program is vital for maintenance of range of motion and increases the likeliness of benefits. Stretching is allowed to be performed during work time, but please do so in a manner that does not leave your area unstaffed. Please refer to CR@Work for stretching diagrams and instructions
<http://cratwork/FormsLibrary/Ergonomic%20Exercises%20-%20Stretches.pdf>
- E. Alcohol at City Sponsored Events – alcohol is not allowed at City of Cedar Rapids sponsored events. For further information regarding the City of Cedar Rapids Drug and Alcohol Policy in the Personnel Manual, please refer to CR@Work
<http://www.cedar-rapids.org/government/departments/hr/PolicyManual/Documents/Section7-SafetyandWellness.pdf>

III. Worksite Breastfeeding Policy

- A. Employees shall be provided a place to breastfeed or express their milk. An employee room is provided as a private and sanitary place for breastfeeding employees to express their milk during work hours. This room provides an electrical outlet and nearby access to running water. Employees may use their private office for breastfeeding or milk expression, if they prefer. In facilities where there is not a designated “private room” accommodations will be made.
- B. A refrigerator will be made available for safe storage of expressed breast milk. Employees may use their own cooler packs to store expressed breast milk, or may store milk in a designated refrigerator/freezer. Employees should provide their own containers, clearly labeled with name and date. Those using the refrigerator are responsible for keeping it clean.
- C. Employees shall be provided flexible breaks to accommodate breastfeeding or milk expression. A breastfeeding employee shall be provided a flexible schedule for breastfeeding or pumping to provide breast milk for her child. The time would not exceed normal time allowed for lunch and breaks. For time above and beyond normal lunch and breaks, sick/flex leave time must be used. Reasonable break time for breastfeeding will be provided for up to 1 year, per pregnancy.

- D. Staff is expected to provide support for breastfeeding employees.
Realizing the importance of breastfeeding to the infant and the mother, the City and employees should provide an atmosphere of support.
- E. Breastfeeding policy information will be provided.
The City will provide information on the breastfeeding policy to all employees via the City Policy Manual. New employees will be informed about the City policy in the new employee orientation training.

IV. Employee Volunteer Policy

- A. The City of Cedar Rapids recognizes it is our responsibility as a good corporate citizen to help strengthen our community. Consequently, we encourage our employees to become involved the community, lending their voluntary support to programs that enrich the quality of life and opportunities for all citizens.
- B. In support of our community involvement, the City of Cedar Rapids has developed the CR Care Committee consisting of employees from various departments. This committee reviews and selects charities to support throughout the year. Director approval is obtained for events that may involve volunteer time during the day. This is kept to a minimum as to not disrupt day to day business.
- C. CR Care Committee
 - i. Mission – Evaluate and recommend charitable causes to promote to City of Cedar Rapids employees. Provide staff support for those causes as necessary to achieve employee participation.
 - ii. Participation – The CR Care Committee is open to anyone that would like to join and has management approval. The committee meets once a month for approximately one hour.
 - iii. Leadership – The leader of the committee shall be selected by the Human Resources Director. A co-chair will be asked to assist the leader.
 - iv. Wellness – The CR Care Committee will share its annual calendar of events with the Cedar Rapids Wellness committee, as volunteering is part of the wellness initiative.

CITY OF CEDAR RAPIDS PERSONNEL POLICY MANUAL
SECTION 7 – SAFETY/HEALTH
7.18 – SAFE LIFTING

GENERAL POLICY

It is the policy of the City of Cedar Rapids to prevent back injuries. Keeping your back healthy and keeping you on the job requires a team effort. Management is committed to helping reduce back injuries at work by limiting the load any one person lifts and by teaching good lifting and material handling techniques.

SPECIFIC PROVISIONS

1. City of Cedar Rapids employees are not to lift more than 60 pounds by themselves. This does not mean you are required to lift this much weight, but you are not to lift more than this amount.
2. If you are not sure of the weight of the object you're lifting, and you think it might be too heavy for you, get someone to help or move it by mechanical means.
3. Safe lifting means keeping your back aligned while you lift, maintaining your center of balance and letting the strong muscles in your legs do the actual lifting. By using the following techniques, you can learn how to lift safely and save your back from accidental strain and injury:
 - a. Do a few warm up lifting exercises to prepare your back muscles for heavier loads.
 - b. Know how heavy something is before you try to lift it; get help if there is even a REMOTE possibility that the lift will put a strain on your back.
 - c. If the item is too heavy or bulky (such as an awkward item more than 4 feet in length), use mechanical help and/or team lifting.
 - d. Lift everything twice! First, lift the load mentally. Plan every step before you do it physically. Do you know where you are taking this item? Is the pathway clear? Are there any doors that need to be opened prior to carrying?
 - e. Tuck your pelvis and tighten your stomach muscles to keep your back aligned. Keep your feet shoulder width apart and slightly staggered.
 - f. Bend your knees not your waist. Let your legs do the lifting. This helps protect your back while lifting.
 - g. Hug the load and keep it as close to you as possible. Be sure to grasp the load at opposite corners.
 - h. Avoid twisting by pointing your feet, knees and chest in the same direction. Lift the object and then turn your whole body using your feet.
 - i. Watch your footing.
 - j. Keep your eyes open and on the pathway.
 - k. Set the object down like you picked it up.

If something needs to be moved or lifted and it weighs over the maximum lift amount it should be moved using carts, dollies, pallet jacks, forklifts, hoists, or team lifts.