EXECUTIVE ORDER NO. 2 -09

DRUG AND ALCOHOL POLICY

WHEREAS, City employees and all citizens have a right to expect a safe and drug-free work place; and

WHEREAS, the City of Philadelphia strives to provide a safe workplace that is free from recognized hazards, including employees who may be under the influence of alcohol or drugs, as such employees may be a hazard to themselves, their co-workers, and the general public; and

WHEREAS, all employees have the responsibility to report to work in a fit condition to perform their jobs without unnecessary risk to themselves or other individuals;

NOW THEREFORE, by the power vested in me as Mayor of the City of Philadelphia, it is hereby ordered:

SECTION 1. DRUG AND ALCOHOL POLICY

The attached Drug and Alcohol Policy negotiated between the City of Philadelphia and AFSCME District Councils 33 and 47 shall apply to all Civil Service Exempt and Non-represented employees.

SECTION 2. DISSEMINATION OF INFORMATION

The Director of Human Resources is requested to distribute a summary of the provisions of this Executive Order to all current officials and employees of the Administrative and Executive Branch, including all newly appointed officials and employees.

SECTION 3. EFFECTIVE DATE

This Order shall take effect immediately

1/14/09
Date

Michael A. Nutter, MAYOR

CITY OF PHILADELPHIA

DRUG AND ALCOHOL

POLICY

December 1, 2004

INTRODUCTION

Alcohol and drug abuse has become a very serious social, medical and economic problem in America pervading every area of life. More specifically, substance abuse can have an adverse effect on work performance, the quality and quantity of services provided to the citizens of the City of Philadelphia, and the health and welfare of employees. Further, substance abuse contributes to increasing the cost of medical benefits.

Therefore, in accordance with the Drug Free Workplace Act, and pursuant to negotiations with applicable bargaining units, the City of Philadelphia adopts the following Drug and Alcohol Abuse Policy, which shall apply to all non-uniformed employees in and applicants to positions in the City of Philadelphia, with the exception of employees covered by the Drug and Alcohol Testing Policy for Operators of Commercial Vehicles.

DRUG/ALCOHOL POLICY

I. PURPOSE

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

II. POLICY

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

Reporting to work under the influence of alcohol, or drugs is prohibited. All employees have the responsibility to report to work in a fit condition to perform their jobs without unnecessary risk to themselves or other individuals. Employees reporting or returning to work whose behavior reflects the consumption of alcoholic beverages or other drugs will be referred for reasonable suspicion drug and/or alcohol screening.

Employees who believe supervisors are in violation of this policy may report the violation to a DAEPP – trained supervisor, or to the ADA Officer, who will take further action consistent with the applicable drug and alcohol policy. The identity of the employee who made the report will

not be disclosed and will be kept confidential. The employee who makes the report will not be discriminated against or retaliated against in any way for making the report.

For purposes of this policy a blood alcohol level of .08 or greater constitutes being under the influence of alcohol. Unacceptable levels of drugs are defined at part 40.29 of Title 49 of the federal regulations. An alcohol level of more than .04 while not considered a positive test result, shall be considered a "prohibited alcohol level" for performing safety-sensitive functions.

The City of Philadelphia encourages the earliest possible diagnosis and treatment for alcohol or drug abuse. The City supports sound treatment efforts. Whenever feasible, the City of Philadelphia will assist and reasonably accommodate employees who are actively involved in overcoming a drug or alcohol abuse problem, and who are forthcoming with Management. The intent of this policy is to treat alcohol and drug dependency problems as other types of health problems. However, employees whose job performance, attendance and behavior continue to deteriorate as a result of ongoing alcohol and drug dependence problems may be subject to disciplinary action up to and including dismissal consistent with applicable bargaining unit agreements.

The use of drugs prescribed by a medical practitioner for an employee or the use of over-the-counter drugs are permissible at the work site provided they are used in strict accordance with medical and/or label directives. Employees who operate machinery or a motor vehicle must not take prescribed or over-the-counter drugs that will impair their functioning and/or psychomotor skills. It is incumbent on the employee to notify his/her ADA Officer or Personnel Officer of medications that may affect one's performance and behavior adversely. **The employee is not required to disclose the medical reason for which the drug has been prescribed.**

The ADA/Personnel Officer will notify the employee's supervisor only of the limitations placed on the employee's work assignment, but not the nature of the employee's condition or the types of medications. If the ADA/Personnel Officer determines that the safety of the employee or others may be affected, a medical evaluation by the Medical Evaluation Unit may be required. A trained medical professional will make the determination of the employee's ability to function in his/her position. The Medical Evaluation Unit will advise the Departmental ADA/Personnel Officer of outcome of the evaluation. If the employee is unable to function is his/her position as a result of taking prescribed medications, the employee may be temporarily transferred to a different position or shift, if one is available, until able to resume his/her regular job duties.

III. DEFINITIONS:

A. For the purposes of this policy, the following definitions shall apply:

1. The term "accident" shall mean any occurrence involving the operation of a motor vehicle, which results in the loss of human life or bodily injury requiring hospitalization for medical treatment or observation, or resulting in property damage of more than $500.00. The term shall also mean any occurrence involving the operation of a motor vehicle that results in an employee's citation for driving under the influence. Any such incident or accident must occur while on duty.

2. "Operation of Motor Vehicle" shall mean the operation of a City owned or leased vehicle or the operation of a personal vehicle being used while performing job duties.

3. The term "alternative assignment" shall mean assignment to a non-safety-sensitive position of an employee who has been appointed to a safety-sensitive position, when he or she has been removed from that position as a result of a positive drug or alcohol test and has not been cleared by the Medical Review Officer to return to the safety-sensitive position.

4. The terms "being under the influence" and "having work performance impaired" shall mean having a positive test result on any drug or alcohol test administered under the terms of this policy.

5. The term "drug free workplace" shall mean the absence of alcoholic beverages and illegal drug or prescription drugs, which impair the employee's ability to perform duties.

6. The term "employee" includes every person employed by the City of Philadelphia in a non-uniformed classification. Uniformed classifications are those in the Police Department and District Attorney's Office represented by the Fraternal Order of Police Lodge #5 and those in the Fire Department represented by the International Association of Fire Fighters, Local 22. Also excluded are employees whose job duties are regulated by the Department of Transportation CDL policy.

7. The term "positive" when used in connection with a drug test, shall mean that based on a GC/MS (Gas Chromatography/Mass Spectrometry) analysis, the test specimen contains drug metabolites at or above the levels established by the Federal Department of Transportation's Testing Guidelines. When used in connection with an alcohol test administered to safety-sensitive employees, the term shall mean a blood alcohol level as measured in breath alcohol concentration at or above .04. When used in connection with an alcohol test administered to non-safety-sensitive employees, the terms shall mean a breath alcohol concentration at or above .08.

8. The term "prohibited substance" shall mean marijuana, cocaine, and opiates such as morphine and codeine, phencyclidine, amphetamines and methamphetamine and barbiturates. Please see definitions of a controlled substance as contained within Schedules I, II and III of the "Controlled Substance, Drug, Device and Cosmetic Act."

9. The term "refused to submit" shall mean the employee is engaging in conduct that clearly obstructs the testing process, including but not limited to efforts to adulterate a testing sample or refusal to sign any consent or waiver required by this policy or refuses to make oneself available for testing.

10. The term "Substance Abuse Professional" (SAP) shall mean a licensed professional (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, licensed clinical social worker, employee assistance professional, or certified

addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

11. The Medical Review Officer (MRO) is a licensed medical doctor who is also certified as a MRO. Any medical review officer shall re-certify every three years.

12. ADA Officer shall mean a person in the department designated to handle ADA issues. A list of the ADA/Personnel Officers will be provided to the Union each year. The ADA Officer in each department should be identified each year by notice to the employees.

13. "Reasonable Suspicion" means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of, or impaired to any degree by drugs and/or alcohol.

14. DAEPP: Drug and Alcohol Education Prevention Program – shall educate employees about the effects and consequences of drug and alcohol abuse. Designated Supervisors and Union representatives are required to attend this training.

15. The term "self-referral" shall mean an employee who has achieved permanent employee status voluntarily identifying himself or herself (including through his or her applicable Union representative, if represented) as requiring assistance in dealing with alcohol or drug dependency.

16. FMLA: The federal Family and Medical Leave Act.

17. Normal Work Hours: Monday through Friday, 8:30 AM – 5:00 PM

18. After Normal Work Hours: Monday through Friday 5:30 PM – 8:30 AM, Weekends, Holidays

IV. DRUG & ALCOHOL EDUCATION PREVENTION PROGRAM: IDENTIFYING TROUBLED EMPLOYEES

A. The Supervisor's/ Trained DAEPP Employee's Role

Supervisors are required to attend the Drug and Alcohol Education Prevention Program (DAEPP). DAEPP-trained employees shall receive at least four (4) hours of training on alcohol misuse and use of controlled substances. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

B. The Union Representative's Role

Represented employees may consult with and obtain the assistance of a union representative concerning reasonable suspicion testing, provided such consultation or assistance does not prevent the employee from being administered the drug and/or

alcohol test within a timely fashion. Any Union representative participating in the consultation process must be certified through the DAEPP training course. Management should consult the employee's Union representative when attempting to determine whether the employee may have a substance abuse problem.

C. Drug and Alcohol Abuse Education for Employees

The Drug and Alcohol Policy Committee described in Section V.B.1 below shall discuss the creation of an employee education program aimed at making employees aware of the negative effects of drug and alcohol abuse and the availability of treatment options.

V. TYPES OF REQUIRED DRUG & ALCOHOL TESTS

A. REASONABLE SUSPICION

There are certain circumstances which constitute a basis for determining "reasonable suspicion". Only those trained in identifying the possible use of drugs and/or alcohol will make the determination to send an employee for reasonable suspicion testing. If a DAEPP –trained employee is not available on site, one will be contacted to make the determination.

(See Appendix V for Reasonable Suspicion Testing Form)

1. REASONABLE SUSPICION TESTING PROCEDURE

   a. A DAEPP -trained supervisor may require an employee to submit to a drug and/or alcohol test when there is reasonable suspicion to believe that the employee has violated the prohibitions of this policy.

   b. Before the testing is done, a written record of the observations leading to a reasonable suspicion test shall be made and signed by the DAEPP-trained supervisor who made the observations and corroborated by a DAEPP-trained supervisor or DAEPP –trained employee who is not a member of the employee's bargaining unit.

   c. If requested by the employee, the appropriate DAEPP –trained Union representative will be notified.

   d. A DAEPP-trained supervisor's determination that reasonable suspicion exists to require the employee to undergo a drug and/or alcohol test must be based on specific, currently-observed, detailed observations concerning the appearance, behavior and speech of the employee and must be documented. The observations may include indications of the chronic and withdrawal effects of controlled substances. (See Appendix V.)

   e. Reasonable suspicion testing will be performed only if the required observations are made while on City property, or while the employee is actively engaged in

City business, or during the period of the workday, or if the employee is on City property and ready to perform or immediately available to perform work.

f. Reasonable suspicion alcohol testing should be conducted within two (2) hours of the supervisor's initial referral for testing and must be conducted within four (4) hours of the initial referral. If a test cannot be administered within (4) hours attempts to administer the test shall cease, and the reasons for not administering the test will be recorded and maintained at the Medical Evaluation Unit only as part of the employee's confidential medical file.

g. DAEPP-trained supervisors will not permit any employee demonstrating impairment to perform or continue to perform safety-sensitive functions if there is reasonable suspicion. If any employee's physical condition permits, the employee may be reassigned to non-safety-sensitive functions pending receipt of the final test results. Employees will remain in pay status until such is fully confirmed by testing procedures completed as outlined in this procedure.

h. During normal working hours -- Monday through Friday between the hours of 8:30 a.m. and 5:00 p.m. -- screening will be performed at the MEU. The employee will be transported to the MEU.

i. Between the hours of 5:00 p.m. and 8:30 a.m., and on weekends and Holidays, screening will be performed by an independent on-site testing company to be designated by the City. The supervisor or DAEPP-trained employee will notify the after hour on-site testing company to report to the facility to collect a sample from the employee. All necessary precautions will be taken to protect the privacy and confidentiality of the employee during this process. When possible, a private bathroom will be provided for the collection of the sample.

B. RANDOM TESTING

Employees in safety-sensitive positions, which are defined based on job classification, shall be subject to random alcohol/drug screening. Job classifications considered safety-sensitive will be designated on a department by department basis.

SELECTION OF SAFETY-SENSITIVE POSITIONS

1. The City will propose "safety-sensitive" positions for inclusion in the Random Testing Program. A Drug and Alcohol Policy Committee, consisting of three members appointed by the Union and three members appointed by the City, will discuss these proposed positions and, if no agreement is reached, the positions will be presented to a neutral arbitrator for an expedited determination of whether the designation is appropriate. The arbitrator shall review such designation based solely on the duties of the position.

2. Each employee in a safety-sensitive position at the time this policy is adopted shall be provided with notice of the status of his/her positions. Such notice will indicate that the employee will be subject to a program of random testing.

3. Each employee who is transferred into a safety-sensitive position will be provided with notice of the status of his/her position. Such notice will indicate that the employee will be subject to a program of random testing.

4. Each employee hired into a safety-sensitive position will be advised of such designation prior to appointment. He/She shall be tested prior to employment and will not be appointed if the presence of drugs or alcohol is indicated. He/She will be notified that he/she is subject to random testing.

5. The Medical Evaluation Unit (MEU) shall administer the random program, by assigning numbers to positions designated as safety-sensitive. The MEU will use the random program to test a minimum of 10% and a maximum of 25% of the employees assigned to positions designated as safety-sensitive each year. The number of employees who are subject to testing and the number of employees who have been tested will be forwarded to the Union annually.

C. POST-ACCIDENT DRUG AND ALCOHOL SCREENING

1. A non-uniformed employee who is involved in an accident as defined in Section III.A.1. while operating a City of Philadelphia motor vehicle or a personally owned vehicle operated while conducting City of Philadelphia business shall inform his or her supervisor of the accident as soon as practicable and shall remain readily available for drug and alcohol testing, if required by the appointing authority or designee. Failure to notify a supervisor of an accident may result in discipline.

2. All post-accident alcohol testing should be administered within four (4) hours following the accident and must be administered within eight (8) hours following the accident. All post-accident testing for controlled substances must be administered within 32 hours following the accident.

3. No tested employee shall be permitted to return to work in a safety-sensitive function until the post-accident test results are finalized. If the post-accident test results are negative, the employee will remain in pay status. If the test result is positive, time will be administratively charged to the employee's accrued leave time or a non-pay approved leave status.

4. Nothing in this section shall:

    a. Require the delay of necessary medical attention for injured people following an accident; or

    b. Prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain necessary emergency assistance or medical care; or

    c. Require an IOD care provider to administer an alcohol or drug test merely because the employee has an accident.

D. RETURN TO WORK

Employees returning to work following a leave of absence pursuant to this policy must successfully pass a drug and alcohol test.

VI. TREATMENT OPTIONS/AFTER CARE

A. MEDICAL LEAVE OF ABSENCE

1. An employee seeking treatment for substance abuse may take leave under the FMLA, if eligible, or may request a medical leave of absence under Civil Service Regulation 22, or may use accrued paid leave.

   a. Employees who are eligible for FMLA leave will have their absence charged against their FMLA leave entitlement.

   b. Leave requests made by employees not eligible for FMLA leave, or who have exhausted that leave, will be approved on a case by case basis. Except in exceptional circumstances, the request will be approved the first time an employee requests leave for treatment.

   c. Employees who comply with this policy will not be penalized for voluntarily seeking treatment.

2. Employees seeking treatment under this policy must sign a Substance Abuse Agreement (Appendix III) agreeing to seek treatment and to undergo periodic drug tests, including drug testing upon return to work. Completion of this form and compliance with its terms shall be a prerequisite to consideration for reinstatement by the Medical Evaluation Unit.

B. CONFIDENTIALITY

1. All information on an employee undergoing treatment shall be strictly confidential in accordance with applicable laws.

2. All records related to an employee's use of an Employee Assistance Program or use of mental health benefits will be maintained with the strictest confidentiality in accordance with the medical, legal, and ethical standards. All such records will be located at the Employee Assistance Office or the mental health provider's office.

3. A request for employee assistance may be directed to the Employee Assistance Program Office or to the Mental Health provider according to the benefit plan of the employee. (See Appendix I for the list of Employee Assistance Programs offered to City employees)

4. An employee returning to work after he/she is approved by the MEU to return to duty will be required to sign an After Care Contract. (See Appendix IV). In signing the After Care Contract, the employee agrees to attend counseling meetings and

submit to a program of follow-up testing that at the department's option may include random testing for up to one year. The employee also agrees to remain totally drug and alcohol free. Refusal to sign the After Care Contract or to adhere to its requirements may result in the employee being placed on non-pay status until the contract is signed. If the employee still has not signed the After Care Contract thirty (30) days following his/her test results report, he/she will be separated from City employment. The City will attempt to accommodate an employee during rehabilitation following their return to work, as necessary, within the operational requirements of the department and in accordance with ADA and FMLA laws. Such accommodations may include paid or unpaid leave for rehabilitation, flextime, revised hours, etc., and shall be determined on a case by case basis.

VII. ROLE OF THE MEU, DEPARTMENT OF PUBLIC HEALTH

A. Medical Evaluation Unit Responsibilities

1. The Medical Evaluation Unit (MEU) provides evaluations of employees and applicants for employment to determine their ability to perform the essential functions of a position. The MEU is responsible for the collection of the specimen for drug and alcohol testing during normal work hours. The MEU will maintain the safety-sensitive position roster and randomly select employees for random testing.

2. All urine specimens will be sent to a drug analysis laboratory to be tested. The MEU expects to receive the results within 72 hours.

3. A Medical Review Officer (MRO) designated by the MEU will review the positive results of all drug tests in conjunction with the employee's medical disclosure to determine if the results are "true positives" for controlled substances. The MRO will monitor an employee's compliance with the EAP/Counseling selected by the employee. The Medical Evaluation Unit does not act in a Substance Abuse Professional capacity.

4. The MEU will maintain confidential records and report test results to the Department of Human Resources Unit or the ADA/Personnel Officer.

5. In the course of medical evaluations of employees, the MEU may identify an employee with a substance abuse problem, and determine that the employee is not fit for duty. The MEU will notify the Appointing Authority, Departmental Human Resources Unit or the ADA/Personnel Officer that the applicant or employee is not fit for duty.

6. If the MRO or trained medical professional determines that an employee is unfit for duty, the employee may be sent home and put on a paid leave status, if the employee has accrued leave time, pending the determination of appropriate action.

B. Reporting and Review of Results

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

2. Negative Results:

   a. The MEU will inform the Human Resources office immediately upon receipt of knowledge of an employee's negative test results.

   b. The employee will then be returned to full duty status and all references to this issue will be expunged from all departmental and Personnel Department files.

3. Positive Results:

   a. The MRO will examine all positive confirmed test results to determine if there is an alternative medical explanation for the positive test result. Before making a final decision as to whether a positive test is valid, the MRO will provide the employee with the opportunity to discuss the test result. If the MRO determines there is a legitimate medical explanation for the positive test result, the MEU will inform the Human Resources office/ADA Officer that the test is negative. The MRO will report all true positives to the SAP.

   b. After receiving written notification of a positive test result, the employee has 72 hours to request a second test. The employee will be advised of his/her right to challenge the test results. The employee will be required to pay for the second test. If the results of the second test are negative, the City will reimburse the employee the cost of the second test. The specimen must be tested in one of three federally certified labs other than those currently used by MEU.

   c. An employee testing positive for drugs or alcohol abuse may request a Medical Leave of Absence as described in subsection VI(A), above.

C. DRUG SCREENING

Drug screening will be done by urinalysis. All tests will be done in order to detect the presence of marijuana metabolites,[1] cocaine metabolites,[2] opiate metabolites, phencyclidine, and amphetamines. Positive threshold levels can be found at part 40.29 of title 49 of the federal regulations. As "drugs of choice" change, the City may include additional items in the testing list.

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[1] Delta-9-tetrahydrocannabinol-9-carboxylic acid

[2] Benzoylecgonine

VIII. VOLUNTARY REQUESTS FOR ASSISTANCE FOR SUBSTANCE ABUSE PROBLEMS

The City of Philadelphia encourages employees with substance abuse problems to obtain assistance and appropriate treatment to help resolve these problems. All records related to the employee's use of an EAP will be maintained with the strictest confidentiality in accordance with medical, legal and ethical standards.

An employee who recognizes that a substance problem is causing distress in his/her life, and/or impacting his or her job performance, should call the Employee Assistance office or a health provider.

1. An employee who self-refers shall be referred to a substance abuse professional for evaluation.

2. An employee subject to probationary or post-accident testing may not make a self-referral.

3. An employee who voluntarily identifies him- or herself as requiring assistance in dealing with an alcohol or drug problem after providing the results of a breath or urine testing sample shall not be considered a self-referral.

4. Employees who comply with this policy will not be penalized for voluntarily seeking treatment.

IX. DISCIPLINE

An employee found in violation of this policy, or found to have engaged in criminal drug conduct in the workplace, may be subject to appropriate discipline for just cause. In non-discharge cases, the City may require, as a condition of employment, participation in a treatment or counseling program for drug or alcohol abuse, including an After Care agreement.

APPENDIX I

THE AVAILABILITY OF EMPLOYEE ASSISTANCE PROGRAMS OR MENTAL HEALTH ASSISTANCE

District Council 47: All D.C. 47 members have counseling and referral services currently available through the Union's Health and Welfare Fund for behavioral services, psychological and addictive counseling services. The telephone number is 215.546.9880. Call 215-546-9880 to speak to a benefits counselor for assistance. You may also access information on the internet by going to www.DC47AFSCME.org. Click on Health and Welfare, click on member assistance, click on EAP.

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

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

Water Department: The Water Department has contracted with Info Now, an Employee Assistance Provider which offers counseling and referral services to all Water Department employees.

Streets Department EAP: The Streets Department has its own Employee Assistance Program. Streets Department employees should contact their ADA or Human Resources Officers for additional information.

Veterans Administration
215-382-2401 this number is for veterans who have their discharge papers (DD214)
1-800-827-1000 if the veteran does not have their DD214

Alcoholics Anonymous
215-923-7900
Toll Free 1-877- 9-Dial AA
Web Site www.sepennaa.org to find a location or meeting convenient to you.

APPENDIX II

CONSENT FORM
Substance Abuse Testing
City of Philadelphia

I _____, _____
NAME TITLE

Consent to a Breathalyzer test, Urinalysis and/or Toxic Screen as deemed necessary by the Medical Review Officer (MRO), Health Department and/or my Appointing Authority.

I further authorize the Medical Evaluation Unit, Health Department, or contracted testing facility to release the results from these tests to my ADA Officer.

I have disclosed any recent prescriptions and/or "over the counter" drug use for medical reasons prior to this testing. Upon request, I will promptly provide any necessary documentation to the ADA Officer.

I understand that all records regarding this test will be held in confidential files and will not be made available to anyone other than the departmental ADA officer or the Health Department's MRO without my express consent.

_____ _____
Employee Signature Date

_____ _____
Testing Facility Witness Date

_____ _____
Testing Facility Witness Date

NOTE:

Refusal to cooperate in a drug or alcohol test will result in a positive test result.

APPENDIX III

SUBSTANCE ABUSE AGREEMENT
City of Philadelphia

Because I have been involved in an on-the-job incident related to drug and/or alcohol abuse and I have tested positive for substance abuse, the following are conditions of my continued employment with the City of Philadelphia:

1. I will satisfactorily complete rehabilitation and After Care treatment as determined by my Employee Assistance Program or Mental Health Provider.

2. I must successfully complete an appropriate course of testing established by the Medical Evaluation Unit, Health Department, prior to returning to work.

3. I understand that the Medical Evaluation Unit (MEU) retains the right to institute follow-up testing at its discretion during the After Care period for one (1) year. If I test positive, I may be subject to disciplinary action up to and including discharge.

4. I understand that any further substance abuse incident, either on or off the job, which affects my ability to perform my job safely and effectively may lead to disciplinary action up to and including discharge.

I HAVE CAREFULLY READ AND I UNDERSTAND ALL THE TERMS OF THIS AGREEMENT, AND I VOLUNTARILY ACCEPT ALL OF ITS PROVISIONS.

_____ _____
Consenting Employee Signature Date

_____ _____
Appointing Authority Witness Date

APPENDIX IV

AFTER CARE CONTRACT
City of Philadelphia

As a result of disciplinary action taken against me for violation of the City's Drug and Alcohol Abuse Policy, participation in an After Care Treatment Program, as outlined below, is a condition of my continued employment with the City of Philadelphia:

1. During the first 90 days following my return to work, I am required to attend outside Alcoholics Anonymous/Narcotics Anonymous meetings, or other After Care treatment, and to continue treatment by a Substance Abuse Professional (SAP).

2. I must attend After Care meetings according to the schedule outlined by the After Care SAP.

3. I must provide proof of attendance at the above to a department ADA Officer.

4. During the duration of this After Care period, I must remain totally drug and alcohol free.

5. **I agree to waive any confidentiality regarding my After Care attendance.**

I have read this After Care Contract and I understand all of its provisions. As a condition of my continued employment, I voluntarily agree to comply with all requirements of this contract.

_____ _____
Consenting Employee Date

_____ _____
Department Witness Date

APPENDIX V

ALCOHOL AND CONTROLLED SUBSTANCE TESTING

Specific, timely and describable observations concerning appearance, behavior, speech of the employee that indicates that the employee has violated prohibitions under this program requires the City to conduct an alcohol or controlled substance test. These observations must be made by a DAEPP-trained supervisor or employee in accordance with this policy. The employee may consult with a union representative concerning reasonable suspicion testing, provided that such consultation does not prevent the employee from being tested in a timely fashion, in accordance with the policy. If the test cannot be performed within two hours after the observation, the Supervisor must document the reason the test was not properly administered. If the alcohol test is delayed for more than 4 hours, it shall not be conducted and the reason for that delay shall be specifically documented.

Location of Incident _____
Safety-Sensitive Functions Involved _____
Status when observed ____Performing Function ____About to perform Function _____Just Finished Function
Date/Time Observed__/___/__ From:_____am/pm To:_____am/pm
Time employee notified/relieved: _____am/pm
Site escorted to: **During City business days 8:00 am – 5:00 pm employee must be escorted to:**
Employee Medical Services Unit 1901 Fairmount Ave. 685-2900 _____
After 5:00 PM and before 8:00 a.m., on weekends or City testing will be done on site by DrugScan. Call Collection Supervisor at 215.850.8496
Employee Escorted by _____ EMPLOYEE MUST BE ESCORTED TO THE SITE.
Date/Time of Arrival at Test Site _____am/pm Test Administered _____am / pm
Employee to be tested for Both Alcohol &Controlled Substances

Appearance: normal_____ sleepy_____ cleanliness_____
tremors_____ Other Description_____

Behavior: normal_____ erratic_____ irritable_____
lethargic_____ Other Description_____

Speech: normal_____ slurred_____ unintelligible_____
Other Description_____

Other Observations: _____

Witnessing Supervisor _____Payroll Number _____ Date of Supervisor Training _____

Witnessing Employee _____ Payroll Number _____ Date of Training _____

Was a Union Representative Present: Yes( ) No( ) Name of Union Representative _____

ONLY complete the following section if the employee was NOT tested for alcohol within two hours of the determination. Do not complete if testing was done within two hours. Describe the reasons why testing was delayed in excess of two hours (2) following the reasonable suspicion determination. If testing was not done within four (4) hours also describe the reasons testing was delayed in excess of four hours (4) following the reasonable suspicion determination:

_____
_____
_____
_____

Sign_____ Print Name_____
Title_____ _____ Payroll Number _____

ATTACHMENT VI

THIS FORM IS TO BE USED TO TRACK ATTENDANCE OF EMPLOYEES WHO MUST ATTEND AFTERCARE MEETINGS.

Meeting verification form for (First Name)		(Last Initial)		
Meeting Leader Signature	**Address of Meeting**	**Type (AA, NA, GA)**	**Date**	**Time**