

## SUBSTANCE ABUSE

### I. PURPOSE

The citizens and taxpayers of the City of Harlingen expect that the City workplace will be free from the harmful influences of intoxicating beverages, illicit drugs and illegal inhalants. Likewise, it is the City's desire to provide a drug-free, healthful and safe workplace for its employees. Accordingly, the following is established as the City of Harlingen Substance Abuse Policy, which shall be applicable to all employees of the City of Harlingen, unless otherwise noted.

### II. POLICIES AND PROCEDURES

#### A. DEFINITIONS

1. **Performing safety sensitive functions, as used in subsection J of this policy (Random Testing of City Employees)**, shall mean:
  - a. Sworn police officers;
  - b. Employees required to carry a firearm as part of their job duties;
  - c. Fire fighters whose job duties include driving or operating a fire apparatus;
  - d. Employees in positions requiring a Commercial Drivers License (CDL) and/or functioning in a safety sensitive position covered by DOT/FMCSA drug and alcohol testing regulations, to include those employees driving, operating, being on-call or on standby to drive or operate a "commercial motor vehicle" which is a vehicle that is designed to carry 16 or more passengers and/or weighs 26,001 pounds or more, and includes those employees whose job duties include loading, unloading, inspecting, and/or working on such vehicle(s) in any way which would affect vehicular performance or safety; and
  - e. Any other employee as may be designated by the Manager or his/her designee.
2. **Illicit drugs** shall mean those substances deemed unlawful and/or illegal, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.
3. **On the job or on duty** is defined as follows:
  - a. Presence at any place or location during working hours or while on duty;
  - b. Presence in a City-owned or City-leased vehicle at any time;
  - c. Presence in a privately owned vehicle which is being used to conduct City business or perform City functions;
  - d. At any time when conducting City business or performing City functions;
  - e. While operating or using any City-owned or leased property or equipment; or
  - f. While wearing a City uniform.

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- 4. Under the influence of illicit drugs** shall mean having present in the body or urine a quantity of an illicit drug sufficient to register a positive test result.
- 5. Under the influence of alcoholic beverages** is defined as follows:
- Having an alcohol concentration equal to or greater than 0.04 grams of alcohol per 100 milliliters of blood; or
  - Having an alcohol concentration equal to or greater than 0.04 grams of alcohol per 210 liters of breath.
- 6. Alcoholic beverages** shall mean alcohol or any other substance containing more than 1/2 of 1 percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
- 7. Reasonable suspicion** shall mean a suspicion based upon facts which would lead a reasonably prudent person to believe it likely that the employee in question was under the influence of illicit drugs, inhalants or alcoholic beverages as defined herein.
- For purposes of this policy, reasonable suspicion is a belief based on articulable observations (*e.g.*, observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury or “near miss”, evidence of possession of substances or objects which appear to be illicit drugs, or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illicit drugs, inhalants or alcoholic beverages.
- 8. Employee Assistance Program (EAP)** shall mean a counseling service or agency currently under contract with or utilized by the City of Harlingen to provide counseling, assistance, referral or related support to City employees suffering from problems related to drug and/or alcohol abuse.
- 9. Under the influence of illegal inhalants** shall mean not having the normal use of mental or physical faculties by reason of the introduction of illegal inhalants into the body. Illegal inhalants includes abusable volatile chemicals as defined in Chapter 485 of the Texas Health and Safety Code.
- 10. Refusal to submit (to an alcohol or controlled substance test) shall mean:**
- Failure to provide adequate breath for testing without a valid medical explanation after receiving notice of the requirement;
  - Failure to provide adequate urine for controlled substances testing without a valid medical explanation after receiving notice of the requirement;
  - Engaging in conduct that obstructs or impairs the testing process.

### **B. PROHIBITED CONDUCT**

All employees of the City of Harlingen are hereby prohibited from engaging in the following conduct:

- 1. Illicit Drugs** – Using or possessing without a valid treating physician prescription,

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purchasing, selling or otherwise distributing illicit drugs while on the job or on City property.

Further, nothing contained herein is intended to authorize, permit or condone the possession, sale, distribution or use of any illegal or controlled substance, including, without limitation, any and all "designer drugs." The possession, sale, distribution or use of such illegal or controlled substances will likely result in disciplinary actions under any and all applicable policies and procedures of the City.

2. **Alcoholic Beverages** - Using, purchasing, possessing, serving, selling or otherwise distributing alcoholic beverages while on the job unless expressly authorized in writing by the City Manager. The term "on the job" includes lunch and all authorized breaks. The term "possessing" shall not apply to bottles or containers which are sealed and located in a nonpassenger compartment of a privately owned vehicle.

The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. At no time may an employee under the influence of alcohol drive a City-owned or leased vehicle or operate or use other City-owned or leased property or equipment. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol.

Absent specific approval by the City Manager, City employees may **not** bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may **not** store or transport alcohol in a City-owned or leased vehicle.

Certain City Police Department employees are required to be in possession of alcohol and/or illicit drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions; these employees will be advised in writing of the specific exemptions applicable to them. Additional guidelines will be established by Police Department operating procedures.

3. **Illegal Inhalants** - Using, purchasing, possessing, selling or otherwise distributing illegal inhalants in violation of Chapter 485 of the Texas Health and Safety Code.
4. **Reporting for work**, remaining on the job while under the influence, or testing positive for any of the following:
  - a. Illicit drugs,
  - b. Alcoholic beverages, or
  - c. Illegal inhalants
5. **Drug Related Paraphernalia** -This policy

also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises or while on duty. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, in-

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gesting, inhaling or otherwise introducing illicit drugs into the body.

- 6. On-Call Employees** - Employees scheduled to be on-call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on-call who is called out is governed by this policy. Sometimes an employee who is not scheduled to be on-call may nevertheless be called out. If this occurs and the employee called out is under the influence of illicit drugs and/or alcohol such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty; the employee will not be required to report to work.

- 7. Off-Duty Conduct**- The City may take dis-

ciplinary action, up to and including termination of employment, if an employee's off-duty use or involvement with illicit drugs, alcoholic beverages and/or inhalants is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance.

### C. PERMISSIVE USE

- 1. Permissive Use of Prescribed and Over-the-Counter Drugs** -The legal use of prescribed and over-the-counter drugs is permitted while on the job and while on City premises only if it does not impair an employee's ability to perform the essential functions of the job (or operation of a vehicle, property or other equipment) effec-

tively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or trembling.

- 2. Permissive Use of Alcohol** - Reasonable alcohol consumption is not objectionable at certain City-sponsored social events, certain City parties, business entertainment if appropriate (but not during business lunches) and as may otherwise be specifically approved in advance by the City Manager. However, **no employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol.**

### D. DRUG/ALCOHOL TESTING

Any time there exists a reasonable suspicion that an employee has violated the provisions of Paragraph II.B. hereof, the City may require the employee to submit to drug or alcohol testing. Likewise, the City may require testing after a workplace injury or accident or "near miss" or in connection with any required treatment or rehabilitation. Failure of the employee to submit to drug or alcohol testing will likely result in disciplinary action up to and including termination.

### E. SUBSTANCE ABUSE AMONG CURRENT EMPLOYEES

This section sets forth the procedures for enforcing the provisions of the City of Harlingen Substance Abuse Policy.

- 1. Testing** - Drug testing of an employee for illicit drugs, illegal inhalants or alcoholic beverages will be conducted only upon

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written authorization by the Manager or the Department Director, working together with the Human Resources Department. A written (Reasonable Suspicion Observation Form, Appendix D) form will be required from the person(s) who observed the employee, describing the specific behavior that supports testing (e.g., the who, what, when, where of the employee's behavior and other symptoms from other employees or third parties, and other evidence supporting the reasonable suspicion testing). In all cases, consultation with the Legal and/or Human Resources departments is required prior to testing.

To the extent possible, testing will normally be done during the employee's normal work time. Testing should be arranged as soon as possible after the articulable observations. If testing is required after normal business hours, the supervisor should call the Risk Manager ( the Safety Coordinator or Human Resources Director, if employed with HWWS) who will refer them to the appropriate testing facility.

2. **Observation** - Observable facts which may provide a basis for "reasonable suspicion," include, but are not limited to, one or more of the following: the odor of alcoholic beverages or other intoxicants, significant confusion or disorientation, slurred speech, erratic behavior, excessive or unexplained tardiness or absenteeism, or an on-the-job accident, or injury or "near miss".
3. **Awareness** - Any employee having knowledge that another employee is in

violation of the substance abuse policy is strongly encouraged to report such information to his/her supervisor, Department Director or to the Human Resources Director.

4. **Authorization** - If drug and/or alcohol testing is authorized, the employee will be required to sign a consent form. After giving his/her consent, the employee will be transported immediately to an appropriate facility and required to provide a blood, breath or urine sample as appropriate.
5. **Analysis** – All urine is collected as a split specimen and will be analyzed by a licensed toxicology laboratory or other appropriate facility designated by the City. If such analysis yields a positive result, a confirmatory analysis will be performed. If the employee challenges the validity of the test, the employee has the option of a second test at the employee's expense. All breath samples will be analyzed by a trained breath alcohol technician. An alcohol concentration of 0.04 or greater is considered a positive test result, and will likely result in dismissal. An alcohol concentration of 0.02 or greater, but less than 0.04, may result in dismissal; however, at the Department Director's discretion and based on the individual circumstances, the employee may receive a lesser disciplinary action.
6. **Administrative Leave** – Any employee required to provide a specimen or sample under "Reasonable Suspicion", may be placed on administrative leave with or without pay pending receipt by the City of written results of the drug and/or alcohol

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testing. If the results indicate violation of Paragraph II.B. of the policy, a dismissal action will be initiated.

- 7. Disciplinary Action Procedure** - Violation of Paragraph II.B., II.D., II. K., or any other section of this policy will likely result in dismissal.

Nothing contained herein shall be construed to limit, restrict, modify or condition the investigation by appropriate law enforcement officers of any alleged criminal activity.

### F. PRE-EMPLOYMENT TESTING

All applicants for employment with the City of Harlingen will be required to submit to pre-employment drug testing prior to hiring. The City of Harlingen will post public notices that pre-employment drug testing will be required. Only applicants who have completed the interviewing and selection process and are still being considered for employment will be required to submit to drug testing. Any job offer that is extended to an applicant will be contingent upon test results that do not indicate a positive result.

The applicant will be requested to sign a Controlled Substances and/or Alcohol Test Authorization/Consent Release Form. If the applicant is a minor, he/she and his/her parent or legal guardian must also sign a Parental Consent and Release Form. Any applicant who refuses to sign a consent form or who refuses to undergo the drug testing will be ineligible for future employment consideration with the City of Harlingen.

If the analysis indicates the presence of illicit drugs as defined in the City of Harlingen's Substance Abuse Policy, a confirmatory test will be performed. If this second test confirms the positive test result, the applicant will be given the opportunity to provide written proof within 24 hours that the applicant has a current, valid prescription for the substance in question, failing which, the applicant will be denied employment and disqualified for further consideration.

### G. INTERDEPARTMENTAL PROMOTIONS AND TRANSFERS

Drug testing shall be administered for employees who are transferring into positions requiring Department of Transportation testing if the previous position did not require that testing.

### H. EMPLOYEE ASSISTANCE PROGRAM

An Employee Assistance Program is available to employees who voluntarily seek assistance or are referred under this policy for substance abuse problems.

- 1. EAP Availability** - Prior to a suspected violation under Sections II.B., II.D., II.K., or any other section of this policy, any employee may avail himself/herself of the Employee Assistance Program. In order to do so, the employee must do the following:
  - a. Communicate to his/her Department Director, or Human Resources that he/she is, or may be, suffering from illicit drug, illegal inhalant, or alcohol abuse or addiction;

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- b. Agree and commit in writing to undergo or participate in a program of counseling, treatment or therapy prescribed or recommended by the Employee Assistance Program;
- c. Execute a release which will authorize any and all doctors, counselors, therapists or other care providers to provide to Human Resources, upon written request, a statement as to whether the employee is fulfilling all the requirements or obligations of his/her Program, whether the Program has been successfully completed, and whether the employee is released to continue work with the City; and
- d. Agree in writing, upon successful completion of the Program, to pass an initial test for illicit drugs and/or alcohol before returning to work and to submit to periodic and/or random drug and alcohol testing for a period of at least six months following completion of the Program. This agreement is a condition of continued employment.
- e. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a one-time leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The one-time leave of absence may be granted in the City's sole discretion and as may otherwise be required under the Family Medical Leave Act.

Factors considered by the City in deciding whether to grant leave include the length of the employee's employment with the City, the employee's prior work and disciplinary history, the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program, the reputation of the program and the likelihood of a successful outcome, the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace, and the resulting hardship on the City due to the employee's absence.

2. **Employee Protection** - So long as the employee is fulfilling all requirements and obligations of the Program, he/she will not be subject to discipline for prior violation(s) of the Substance Abuse Policy, unless there is a subsequent violation of this policy.

### I. TREATMENT PROGRAM AVAILABILITY

An employee who seeks services by a treatment program other than the City's Employee Assistance Program is encouraged to check with his/her medical carrier to determine the availability and level of insurance coverage for such services. There are a number of drug/alcohol treatment programs available. An employee who wants to know more about the Employee Assistance Program and its services may contact Human Resources or may call the Employee Assistance Program directly.

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### J. RANDOM TESTING OF CERTAIN CITY EMPLOYEES

The City, at its discretion, will conduct separate random drug and/or alcohol testing for all employees performing safety sensitive functions.

1. Testing will be conducted on a random, unannounced basis. Individuals will be randomly selected via computer by the clinic under contract with the City of Harlingen for the testing services.
2. Prior to the implementation of random drug testing for newly designated safety sensitive positions, all affected employees will be given a 30 days notice that the program will be implemented.

### K. REFUSAL TO COMPLY

Any conduct resulting in obstruction of the testing policy is considered a violation of this policy. It includes but is not limited to the following:

1. Refusal to submit to any type of required drug testing and/or alcohol testing covered by this policy;
2. Refusal to report to the testing facility on the day and time the employee was told to report;
3. Refusal to sign or complete any documents required by the City of Harlingen or by the testing facility;
4. Tampering with a specimen or attempting any form of adulteration of a specimen;

5. Failing to remain readily available for testing after an accident, injury or "near miss" (when applicable under this policy); or
6. Failing to provide adequate breath or urine for testing purposes without a valid medical explanation.

An applicant violating this section will not be hired and will be ineligible for employment. An employee violating this section will likely be terminated and will also be ineligible for future employment with the City of Harlingen.

### L. RECORDS RELATING TO DRUG AND ALCOHOL TESTING

All records relating to drug or alcohol testing results, or relating to participation in the City's Employee Assistance Program, will be maintained separately from the general personnel files of the City. Any medical-related information will be confidential and only accessible by designated City representatives on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City. These records will be accessible only with prior approval of the Human Resources Director, and will be given only after consultation with the City Attorney. If a representative of any other governmental entity or any member of the public requests access to such records, whether pursuant to

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the Texas Public Information Act or otherwise, the request shall be referred to the office of the City Attorney for further consideration.

### M. CONDITION OF EMPLOYMENT

Each employee of the City of Harlingen will be informed of the Substance Abuse Policy set forth in this section and may be required to sign a statement acknowledging the acceptance of the requirements and terms thereof as a condition of continued employment with the City. An employee is however, subject to this policy even if he/she has not, for whatever reason, signed such a statement.

### N. ALCOHOL AND DRUG TESTING PURSUANT TO DEPARTMENT OF TRANSPORTATION REGULATIONS

The Department of Transportation and the Federal Motor Carrier Safety Administration require alcohol and drug testing of employees in safety sensitive positions, including those requiring commercial driver's licenses by the State of Texas or a higher authority. The City will abide by applicable federal regulations governing drug and alcohol testing of employees in such safety sensitive positions. In addition to the other sections of this policy, City employees governed by DOT and FMCSA regulations are also subject to this subsection N of the City's Substance Abuse Policy as well as applicable DOT and FHA rules and regulations. Below is a summary of DOT/FMCSA testing regulations. The City will comply with all applicable DOT/FMCSA regulations.

#### 1. Prohibited Alcohol and Drug Use

- a. Performance of safety-sensitive functions is prohibited under the following conditions:
  - While having a breath alcohol concentration of 0.04 or more as indicated via breath test;
  - While using alcohol; or
  - Within four hours after using alcohol.
- b. Illicit use of drugs by safety-sensitive drivers is prohibited both on and off duty.

#### 2. Alcohol and Drug Tests Required

- a. Pre-employment – Drug and alcohol tests will be conducted after an offer of employment is made, but before actually performing safety-sensitive functions for the first time. These tests are also required when employees are promoted or transferred into safety sensitive driver positions.
- b. Post-accident testing– Drug and alcohol tests will be conducted on employees performing “safety sensitive functions” when any of the following occur: (i) if the employee is issued a moving violation; (ii) if one or more of the vehicles involved is disabled to the extent that it must be towed from the scene; (iii) if any person involved in the accident is injured to the extent that he/she requires and receives immediate medical treatment away from the scene of the accident; or (iv) an accident that involved a fatality.
- c. Reasonable suspicion testing is conducted when a trained supervisor de-

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termines that an employee-driver may be in violation of this policy. The reasonable suspicion must be based on specific, contemporaneous, articulable factors concerning the appearance, behavior, speech, or body odors of the suspected employee-driver.

The following requirements must also be followed:

- (i) The supervisor must consult with the Department Director and affirm the bases of his or her suspicion; if the Department Director concurs, he or she may order the employee-driver to undergo testing;
- (ii) If alcohol testing cannot be administered within two hours after the observation, a written statement must be promptly prepared and retained that explains why the alcohol test was not promptly administered;
- (iii) If alcohol testing cannot be administered within eight hours after the observation, the City will cease attempts to administer an alcohol test, and state the reasons that the alcohol test was not administered.

Note: On reasonable-suspicion testing, the Department Director must consult with the Legal and/or Human Resources departments prior to making the final decision to test.

- d. Random - Alcohol tests will be conducted on an unannounced basis just before, during or just after performance of safety-sensitive functions. Individuals will be randomly selected via

computer by the clinic under contract with the City of Harlingen for the testing services.

Drug tests will be conducted at any time regardless of what task is being performed.

- e. Return-to-duty and follow-up - Conducted when an individual who has violated the prohibited alcohol conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced, and at least six tests must be conducted in the first 12 months after a driver returns to duty. Follow-up testing may be extended for up to 60 months following return to duty. Return-to-duty and follow-up tests are applicable only for those seeking assistance and, based on individual circumstances, for those who may have had an alcohol concentration of 0.01 or greater, but less than 0.04.
- f. Refusal to test – Refusal to be tested in any of the above circumstances will result in nonselection for an applicant or dismissal for an employee.

### 3. Consequences of Positive Alcohol Test

An employee-driver who is tested and has an alcohol concentration of 0.04 or greater will be terminated. An employee-driver who is tested and has an alcohol concentration of .02-.39 will not be permitted to perform his/her duties for a minimum of 24 hours and will face discipline up to and including termination. If the employee-driver is not terminated, then he or she

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will receive a mandatory referral to a substance abuse professional through the City of Harlingen's Employee Assistance Program, and any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination. (The employee-driver will be placed on administrative leave without pay during the treatment period. That employee may utilize any accrued sick leave.)

### 4. Alcohol Testing Procedure

Tests will be conducted by a trained breath alcohol technician. If the alcohol concentration is 0.01 or greater, a second confirmation test will be conducted, the results of which will determine any actions taken.

### 5. Drug Testing Procedure

Drug testing is conducted by analyzing a driver's urine at a certified laboratory. "Split" urine specimens provide employee-drivers with an opportunity for a second opinion, if needed.

If the employee-driver challenges the validity of the test, the he/she may seek a second test at an approved location at his/her own expense.

### 6. Drugs Tested For

Department of Transportation requires testing for the following drugs:

- Marijuana
- Cocaine
- Amphetamines

- Opiates
- Phencyclidine (PCP)

A screening test is performed first. If it is positive for one or more of the drugs listed, then a confirmation test is performed.

### 7. Results Interpretation

All drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the City of Harlingen.

### 8. Consequences of a Positive Drug Test

A positive drug result will result in termination.

### 9. Confidentiality

Test results may be released only to the driver, employer, substance abuse professional, laboratory officials and medical review officer. They cannot be released to others without the written consent of the driver. All test results will be kept in a confidential file under the employee's name.

Note: For new hires, promotions and transferred employee-drivers, the City of Harlingen is required, with the driver's written consent, to obtain information from previous employers regarding alcohol test results of 0.04 or greater, positive drug test results and refusals to test within the preceding two years.

### 10. Use of Law Enforcement Tests

In post-accident situations, the City of Harlingen reserves the option to substitute a blood or breath alcohol test and a urine

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drug test performed by local law enforcement officials, using procedures required by their jurisdictions, providing such test results are received directly from the local jurisdiction or the driver. If the City substitutes a law enforcement based post-accident test, it will take the actions appropriate to the result (as outlined in Subsection N.3. and 8. above).

### **O. DRUG-FREE WORKPLACE**

Under the Drug-Free Workplace Act, employees must, as a condition of employment, do the following:

1. Abide by the terms of this Substance Abuse Policy; and
2. Notify their immediate supervisor or department director in writing of any citation received, arrest for or conviction under any criminal drug statute or Driving While Intoxicated statute no later than five (5) calendar days from such receipt, arrest or conviction. Violations of this reporting policy will subject an employee to disciplinary actions up to and including termination.

The Human Resources Department will notify the applicable federal agencies in writing within ten (10) calendar days after receiving written notice from an employee of his/her conviction for a violation of a criminal drug statute occurring in the workplace.

### **III. APPENDICES**

- A. Controlled Substance and/or Alcohol Test Authorization/ Consent Release Form
- B. Request/Consent Form for Information from Previous Employer for Substance Abuse Testing Records
- C. Parental Consent and Release Form
- D. Reasonable Suspicion Observation Form

CITY OF HARLINGEN  
SUBSTANCES AND/OR ALCOHOL TEST  
AUTHORIZATION/CONSENT RELEASE FORM

I, \_\_\_\_\_, give my permission to the City of Harlingen, Texas, and the licensed testing facility it has selected to conduct the tests required for drug and alcohol testing for reasons described in the City of Harlingen Substance Abuse Policy.

I understand that if the drug test is positive, the laboratory will conduct a second test using a different and more sensitive analytical method to confirm the original result.

I understand that if the positive results of the tests are caused by medications prescribed by an accredited treating physician for treatment of a current condition, the testing facility (or it's designee) will attempt to verify the circumstances with the physician before taking any actions affecting my employment or job.

I understand that if the positive results of the tests are caused by drugs or alcohol that are not part of a currently prescribed medical treatment program, I will be subject to termination or I will not be hired by the City of Harlingen and will not be eligible to reapply.

I understand that if I refuse to participate in this drug/alcohol test and/or do not authorize the City and my personal physician to discuss any medications that I may be taking, I will be subject to termination or will not be offered employment. I understand that if I do not report to the licensed testing facility on the day and time I am told to report, I will be subject to termination or will not be hired by the City of Harlingen and will not be eligible to reapply.

I further understand and agree to the release of the test results to the City of Harlingen and that the results may result in discipline up to and including termination.

I have read and understand this form.

\_\_\_\_\_  
Applicant Signature                      Date                      Witness Signature                      Date

\_\_\_ Check this space if the employee/applicant refuses to sign the form. Explain the ramifications of his/her refusal to sign the form. Have another employee witness his/her verbal refusal. Both employees should sign and date form in the spaces below.

\_\_\_\_\_  
Witness Signature                      Date                      Witness Signature                      Date

**CITY OF HARLINGEN**  
**REQUEST/CONSENT FORM FOR INFORMATION FROM PREVIOUS EMPLOYERS FOR**  
**SUBSTANCE ABUSE TESTING RECORDS**

I, \_\_\_\_\_, give my consent to the City of Harlingen, Texas, to request the release of information concerning alcohol and controlled substance test results on myself, from any previous employer(s) within the past two (2) years pursuant to the Omnibus Transportation Employee Testing Act of 1991, and the DOT Federal Regulations (49 CFR part 382.413).

Specifically, I give my consent to my previous employer(s) to provide to the City of Harlingen, Texas any test results that show a driver alcohol test with a concentration of 0.04 or greater, positive controlled substance test results, refusals to be tested, follow-up testing, and return to duty testing, within the preceding two (2) years.

I understand that if I refuse to sign this form I will not be eligible for employment, promotion, or transfer to a CDL Driver or other safety sensitive position with the City of Harlingen.

\_\_\_\_\_  
Applicant/Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date

\*\*\*\*\*

\_\_\_ Check this space if the applicant/employee refuses to sign. Have another employee witness his/her verbal refusal. Both employees should sign and date the form in the space below.

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date

CITY OF HARLINGEN  
PARENTAL CONSENT AND RELEASE FORM

NAME OF APPLICANT: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

SOCIAL SECURITY #: \_\_\_\_\_

I, \_\_\_\_\_, hereby authorize Well Care Occupational Medicine  
(Name of Parent, Guardian)

Clinic to perform tests and procedures, under the City of Harlingen's Substance Abuse Policy, for controlled substances on my son/daughter \_\_\_\_\_. I hereby release the City of Harlingen, its officials, employees, and representatives, and Well Care Occupational Medicine Clinic, its personnel, physicians, and other personnel affiliated or involved in administering the tests and procedures from any and all liability which results from the tests being performed, communication of test results, or any employment action taken as a result of such tests.

\_\_\_\_\_  
NAME OF PARENT OR GUARDIAN

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF PARENT OR GUARDIAN

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
DATE

**APPENDIX C**

**CITY OF HARLINGEN  
REASONABLE SUSPICION OBSERVATION FORM  
(STRICTLY CONFIDENTIAL)**

EMPLOYEE NAME:

DATE/TIME OF INCIDENT

\_\_\_\_\_  
SUPERVISOR #1 NAME:

\_\_\_\_\_  
SUPERVISOR #2 NAME:

This checklist is to be completed when an incident has occurred or when a supervisor has been given information which provides reasonable suspicion that an employee is under the influence of an illicit drug(s) or alcohol. The Supervisor(s) shall note all pertinent behavior and physical signs or symptoms which lead you to reasonably believe that the employee has recently used or is under the influence of an illicit drug(s) or alcohol. Mark each applicable item on this form and detail any additional facts or circumstances which you have noted.

**A. NATURE OF THE INCIDENT/CAUSE FOR SUSPICION**

- 1. Observed/reported possession or use of a prohibited substance.
- 2. Apparent drug or alcohol intoxication
- 3. Observed abnormal or erratic behavior
- 4. Arrest or conviction for drug-related offense
- 5. Evidence of tampering on a previous drug test
- 6. A work related injury or accident or "near miss"
- 7. Deteriorating work performance that is not attributable to other factors
- 8. Other (e.g., violation of safety regulations, serious misconduct, fighting or argumentative/abusive language, refusal of supervisor instruction, unauthorized absence on the job) (please specify)

**B. UNUSUAL BEHAVIOR**

- 1. Verbal abusiveness
- 2. Physical abusiveness
- 3. Extreme aggressiveness or agitation
- 4. Withdrawal, depression, mood changes, or unresponsiveness
- 5. Inappropriate verbal response to questioning or instructions
- 6. Other erratic or inappropriate behavior (e.g., hallucinations, disorientation, excessive euphoria, confusion) (please specify)

**APPENDIX D**

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C. PHYSICAL SIGNS OR SYMPTOMS

- 1. Possessing, dispensing, or using what appears to be an illicit drug, or alcohol
- 2. Slurred or incoherent speech
- 3. Unsteady gait or other loss of physical control; poor coordination
- 4. Dilated or constricted pupils or unusual eye movement
- 5. Bloodshot or watery eyes
- 6. Extreme fatigue or sleeping on the job
- 7. Excessive sweating or clamminess to the skin
- 8. Flushed or very pale face
- 9. Highly excited or nervous
- 10. Nausea or vomiting
- 11. Odor of alcohol
- 12. Odor of marijuana
- 13. Dry mouth (frequent swallowing/lip wetting)
- 14. Dizziness or fainting
- 15. Shaking hands or body tremors/twitching
- 16. Irregular or difficult breathing
- 17. Runny sores or sores around nostrils
- 18. Inappropriate wearing of sunglasses
- 19. Puncture marks or "tracks"
- 20. Other (please specify)

D. WRITTEN SUMMARY

**Must summarize in detail and explain the items checked above and the facts and circumstances of the incident, employee response, supervisor actions, and any other pertinent information not previously noted. You must note the date, times, and location of reasonable suspicion testing or note if employee refused test. Attach additional sheets as needed.**

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Signature of Supervisor      Date/Time      Signature of Department Director      Date/Time

**APPENDIX D**