

Jeanne R. Colvin  
Finance Director

Birthplace of the  
Council-Manager  
Form of Government



116 W. BEVERLEY STREET  
P.O. Box 58  
STAUNTON, VA 24402  
540.332.3809 (O)  
540.851.4017 (F)

**REQUEST FOR PROPOSALS  
FOR  
THE CITY OF STAUNTON, VIRGINIA**

**September 17, 2010**

**GENERAL INFORMATION**

The City of Staunton is seeking sealed proposals from qualified firms to provide random alcohol and drug testing as mandated by the Drug Free Workplace Act and the United States Department of Transportation. The number of employees subject to this program, at this time, is approximately 145. The attached scope of work is submitted for you review and proposal consideration. Offerers shall document successfully completed projects of this type for other municipal services.

All proposals must be delivered to:

Mail To:  
Cynthia A. Steed  
Supervisor of Purchasing  
P.O. Box 58  
Staunton, VA 24402-0058

Overnight To:  
Cynthia A. Steed  
Supervisor of Purchasing  
116 W Beverley St., 3<sup>rd</sup> Floor  
Staunton, VA 24401

(540) 332-3819

**ALL PROPOSALS MUST BE RECEIVED BY 5:00 P.M. LOCAL TIME, OCTOBER 14, 2010.**

The City of Staunton is not responsible for delays in the delivery of the mail by the U.S. Postal Service, private couriers, or the inter-office mail system. It is the sole responsibility of the Offeror to ensure that its proposal reaches the Supervisor of Purchasing by the designated date and hour. **Facsimile and e-mail submittals are not acceptable.**

All offerors shall abide by all applicable State and Federal laws. The City does not discriminate against small and minority businesses or faith-based organizations.

**INQUIRIES CONCERNING RFP**

Any questions or comments concerning this Request for Proposal should be directed to:

Nancy Bowman, Human Resources DIRECTOR  
City of Staunton  
P. O. Box 58  
Staunton, VA 24402-0058  
540-332-3825 - Fax (540) 851-4020  
[BowmanNL@ci.staunton.va.us](mailto:BowmanNL@ci.staunton.va.us)

---

**SPECIFICATIONS FOR REQUEST FOR PROPOSAL  
FOR  
CITY OF STAUNTON, VIRGINIA  
DRUG AND ALCOHOL TESTING**

---

**I. SCOPE OF PROJECT**

It is the intent of the City of Staunton to contract with a company who will provide full service alcohol and drug testing programs. The programs shall be in full compliance with The Drug Free Workplace Act and U.S. Department of Transportation (DOT) / Federal Highway Administration (FHWA) alcohol and drug testing program (49CFR Parts 40 and 382, 391, 395, and any subsequent amendments) including, but not limited to, employees required to have a Commercial Driver's License (CDL).

The City requires quarterly drug testing and alcohol testing be conducted from twenty-five percent (25%) of each classification group. A Breath Analyzer Technician (BAT) must be able to respond, when necessary, within two (2) hours and be easily accessible. Drug testing must be on a split sample basis. Chosen company must be able to offer services at a City of Staunton work site as well as at their facility in case of reasonable suspicion or vehicle accident.

It shall be noted that while the successful offeror will provide record retention, all records shall be the property of the City of Staunton.

A copy of the City's personnel policy covering this program is included as Attachment A, for your review.

**II. SPECIFIC REQUIREMENTS**

Proposals should be as thorough and detailed as possible so that the City may properly evaluate the capabilities of respective firms to provide the required services. Offerors are required to submit the following items for a complete proposal:

- A) Company history including references, certifications, professional liability insurance coverage, and medical malpractice insurance.
- B) Collection Site, establishment, training, supplies, fees, etc.
- C) Random Selection program description.
- D) Substance Abuse and Mental Health Services Administration (SAMHSA) (formerly NIDA) approved laboratory including proof of insurance.
- E) Medical Review Officer (MRO) services.
- F) Required records and reports retention.

- G) Employee education/ supervisor training.
- H) Individual Test Description - steps and administration.
- I) Total costs involved, to include per test cost and additional charges if there is an accident, if any.
- J) Summary of how the program would work.
- K) Listing of previous clients that may be contacted as reference, for whom similar services have been provided.

### **III. TERMS AND CONDITIONS**

The City will enter into a one (1) year contract with the successful offeror beginning immediately and running through June 30, 2011. The City reserves the right to extend the contract on an annual basis for four (4) additional one (1) year periods providing both parties agree on reasonable amount of compensation. The City reserves the right to re-solicit proposals from other offerors after each one (1) year period.

The contractor may not assign any interest in the contract and shall not transfer any interest in the same without the prior written consent of the City.

### **IV. REVIEW AND AWARD**

To be considered for selection, offerors must submit a complete response to the Request for Proposal. Failure to submit all information requested may result in the rejection of the incomplete proposal. Proposals will be reviewed by a committee consisting of the Human Resource Director and representatives of a minimum of two (2) City departments. The committee may invite a maximum of the three (3) most qualified firms for further interviews.

Proposals shall be signed by and authorized representative of the offeror. Four (4) copies of the proposal must be submitted to the City of Staunton. Each copy of the proposal should be bound in a single volume where practical. All documentation submitted with the proposal should be bound in that single volume.

The following criteria, not necessarily listed in the order of importance, will be used to evaluate the responses to this RFP with weighting as determined in the sole discretion of the City:

1. Program services to be provided, as described in the proposal.
2. Cost.
3. Previous experience and references.
4. Credentials of project team proposed to perform work.

---

---

## PROCUREMENT GUIDELINES

---

---

### **I. COMPETITIVE NEGOTIATION**

The procurement method is competitive negotiation of other than professional services, as defined in Section 2.2-4301 of the Code of Virginia (1950) as amended. This Request for Proposal indicates, in general terms, the nature of the program and services being sought. Each offeror is to submit the proposal(s) that best suits the needs of the City.

The specific requirements for the contents of the proposals are contained in the RFP. Offerors are encouraged to provide additional information not specifically identified as a requirement if that additional information enables the proposal to better suit the needs of the City. In order to procure the program that best suits the needs of the City, the competitive negotiation process and evaluation criteria consider factors in addition to cost.

### **II. AWARDING THE CONTRACT**

The award of a contract shall be determined in the sole discretion of the City based upon evaluation of all information as the City may request. The City reserves the right to waive any informality in proposals submitted in response to this RFP when such waiver is in the best interest of the City.

The evaluation process shall be based upon the criteria set forth in Section IV of this request for proposals. Price will be considered but will not be the sole determining factor. Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. After negotiations have been conducted with each offeror so selected, the City shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the City determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.

The City of Staunton shall endeavor to award the contract within sixty (60) days from receipt of proposals. Notice of award will be posted on the City Web Site. (<http://www.staunton.va.us/solicitation-results>)

### **III. PUBLIC INSPECTION OF PROCUREMENT RECORDS**

Proposals submitted shall be subject to public inspection only in accordance with Section 2.2-4342 of the Code of Virginia, which reads, in essence, as follows:

Except as provided in this section, all proceedings, records, contracts, and other public records relating to procurement transactions shall be open to the inspection of any citizen, or any

interested person, firm or corporation, in accordance with the Virginia Freedom of Information Act.

Cost estimates relating to a proposed procurement transaction prepared by or for a public body shall not be open to public inspection.

Any competitive negotiation offeror, upon request, shall be afforded the opportunity to inspect proposal records within a reasonable time after the evaluation and negotiations of proposals are completed but prior to award, except in the event that the City decides not to accept any of the proposals and to reopen the contract. Otherwise, proposal records shall be open to public inspection only after award of the contract.

Any inspection of procurement transaction records under this section shall be subject to reasonable restrictions to ensure the security and integrity of the records.

Trade secrets or proprietary information submitted by a bidder, offeror or contractor in connection with a procurement transaction shall not be subject to the Virginia Freedom of Information Act; however, the bidder, offeror or contractor shall (i) invoke the protections of this section prior to or upon submission of the data or other materials, (ii) identify the data or other materials to be protected, and (iii) state the reasons why protection is necessary.

#### **IV. ETHICS IN PUBLIC CONTRACTING**

By submitting their proposal, all offerors certify that their proposal is made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other offeror, supplier, manufacturer or sub-contractor in connection with their proposal, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised unless consideration of substantially equal or greater value was exchanged.

#### **V. ANTI-DISCRIMINATION**

By submitting their proposal, offerors certify to the City of Staunton that they will conform to the provisions of the Federal Civil Rights Act of 1964, as amended, the Virginia Fair Employment Act of 1975, as amended, where applicable and Section 2.2-4311 of the Virginia Public Procurement Act.

1. During the performance of this contract, the offeror agrees as follows:
  - a. The offeror will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the offeror. The offeror agrees to post in conspicuous places, available to employees and the applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

- b. The offeror, in all solicitations or advertisements for employees placed by or on behalf of the offeror will state that such offeror is an equal opportunity employer.
  - c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
2. The offeror will include the provisions of the foregoing paragraphs a, b and c in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

#### **VI. DRUG-FREE WORKPLACE**

By submitting their proposal, offerors certify to the City of Staunton that they will conform to the provisions of Section 2.2-4312 of the Virginia Public Procurement Act. offerors agree to (i) provide a drug-free workplace for the offeror's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the offeror's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the offeror that the offeror maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

#### **VII. IMMIGRATION REFORM**

By submitting a proposal, offerors certify that, they will not, and shall not knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

#### **VIII. PROMPT PAYMENT ACT**

Any contract awarded as a result of this Request for Proposal shall incorporate the terms and conditions of Article 4 of the Virginia Public Procurement Act with respect to Prompt Payment.

#### **IX. REJECTION OF PROPOSALS**

The City reserves the right, at any time prior to award of the contract, to reject any and all proposals, or any part thereof, to make no award, and/or to issue a new Request for Proposal, or make modifications, corrections or additions to the information contained herein.

Offerors are cautioned this is a Request for Proposal, NOT a request to contract.

#### **X. COSTS FOR PROPOSAL PREPARATION**

Any costs incurred by offerors in preparing or submitting proposals are the offeror's sole responsibility; the City will not reimburse any offeror for any costs incurred as a result of the preparation of this Request for Proposal.

**XI. APPROPRIATIONS**

The obligations of the City of Staunton are subject to and contingent upon annual appropriation by City Council of sufficient funds for the purposes of this contract. In the absence of such annual appropriation, either the City of Staunton or offeror may terminate the contract by giving not less than ten (10) days prior notice to the other, specifying this reason for the termination, and upon effective termination pursuant to this provision, any compensation due shall be equitably adjusted by mutual agreement.

**XII. FORUM SELECTION**

Any action, proceeding, or claim in any way related to this agreement or the relationship between the parties shall be filed and maintained solely in the General District Court or the Circuit Court of the City of Staunton, Virginia.

### **3.4 DRUG AND ALCOHOL FREE WORKPLACE**

#### **A. Policy Statement:**

The City of Staunton is committed to providing a safe work environment for its employees and the prompt, safe and efficient delivery of services to the public. It is the City's belief that this commitment is jeopardized when any City employee illegally uses controlled substances/drugs ("drugs") or alcohol as set forth in this policy.

#### **B. Prohibited Conduct:**

Consistent with the City's commitment in maintaining a workplace free of drugs and alcohol, the following conduct is prohibited.

1. Except for law enforcement personnel in the official performance of their duties, it is a violation of City policy for any employee to manufacture, distribute, possess, sell, offer to sell, trade, buy, or offer to buy, drugs or alcohol, or otherwise engage in the illegal use of drugs or alcohol on the job.
2. It is a violation of City policy for anyone to report to work or actually work under the influence of drugs or alcohol. Except as otherwise provided by law, under the influence means any influence which, in the City's judgment, impairs the employee's ability to perform his/her duties safely or satisfactorily or which may endanger the health, safety or well being of other City employees and the public.
3. It is a violation of City policy for anyone to use prescription drugs illegally. The legal use of prescribed drugs is permitted on the job only if it does not impair the employee's ability to perform his/her job effectively and safely and does not endanger other individuals (other employees and the public). In order not to be in violation of the City's policy, the employee should consult with their physician concerning the effect of prescription drugs and the employee's ability to safely and satisfactorily perform his/her job as set forth above, and the employee has a duty to inform his or her supervisor where the use of prescription drugs will pose a safety risk for the employee or others as set forth above. Failure to notify the supervisor is a violation of this policy which can lead to discipline, including discharge.
4. It is a violation of City policy for any employee who is required to drive a vehicle requiring a Commercial Driver's License ("CDL") to use alcohol within four (4) hours of the start of their scheduled shift.

#### **C. Violations of Policy:**

1. Any employee in violation of the City's Drug and Alcohol Free Workplace policy is subject to disciplinary action up to and including termination.

2. Instead of discipline and/or termination, an employee may be allowed, at the City's sole discretion, to seek counseling and rehabilitation through a program which is appropriately licensed and approved by the City. In order for an employee to be considered for reinstatement to his/her position, the employee must comply with all the requirements of the counseling or rehabilitation program and the employee must complete the program within the time limits specified by the program and approved by the City.
3. Employees who are legally using alcohol or prescribed drugs, i.e., off-duty and not "on call", or off-duty subject to call back," and who are called back to work because of an unanticipated emergency must notify their supervisor prior to performing any work if they believe, or they are, in fact, in violation of the City's Drug and Alcohol Free Workplace policy. Any employee who was legally using alcohol or prescribed drugs under such circumstances will not be held in violation of the City's Drug and Alcohol Free Workplace policy only as long as they notify their supervisor prior to performing any work as set forth above. Employees who are "on call," however, are expected to be able to report to work when called back without being under the influence and in a manner which is not in violation of the City's Drug and Alcohol Free Workplace policy.
4. On rare occasions, alcohol may be available at certain City functions (retirement dinners, Christmas parties, etc.) or may be served at business or conference settings. In these situations, employees are cautioned to limit their consumption of alcohol so as to not endanger the safety of the employee and the public and to abide by the legal prohibitions against being under the influence. Employees who are not responsible in this regard will be considered in violation of the City's Drug and Alcohol Free Workplace policy. The City will provide alternate methods of transportation as necessary in these situations.

**D. Testing:**

Consistent with the City's commitment to maintaining a drug and alcohol free environment, City employees may be subject to drug and alcohol testing as follows. Certain tests are required under Department of Transportation/Federal Highway Administration's ("DOT/FHWA") regulations and those tests will be conducted in conformance with those regulations. A copy of those regulations are available for review at the office of the Human Resources Director.

NOTE: Except as otherwise required by law, neither testing or a positive test is a prerequisite prior to discipline, including termination, for violation of the City's Drug and Alcohol Free Workplace policy.

1. Types of Testing:

- 
- a. Pre-employment Testing: Except as otherwise provided by law, a drug and alcohol test shall be conducted for all persons to be hired, promoted or transferred to the positions of employment as set forth in Appendix A. A positive test result will disqualify an individual from consideration for the positions set forth in Appendix A.
  - b. Testing After Absence: Employees in the positions set forth in Appendix A may be subject to drug and alcohol testing if the employee has been on a leave of absence from that position for a period of three consecutive (3) months or more. A positive test result will disqualify an employee from reinstatement to the positions set forth in Appendix A.
  - c. Post-accident Testing:
    - (1) All employees may be tested for drugs and alcohol after a compensable injury, if reasonable suspicion exists, as determined by the City. A compensable injury is any injury as a result of which an employee is eligible for worker's compensation and which requires medical treatment or where there is significant property damage as determined by the City.
    - (2) Employees who operate a commercial motor vehicle will also be subject to drug and alcohol testing as mandated by the DOT/FHWA. Testing will be conducted as soon as practicable after an accident involving a vehicle requiring a CDL license if:
      - (i) the accident involved the loss of a human life; or
      - (ii) if the accident requires any person to receive medical treatment away from the scene and the employee receives a citation under local or state law for a moving traffic violation arising from the accident; or
      - (iii) if the accident requires any vehicle involved to be towed away from the scene and the employee receives a citation under local or state law for a moving traffic violation arising from the accident.
    - (3) General guidelines for all post-accident testing:
      - (i) Alcohol testing should be conducted within 2 hours of the accident and a test will not be administered after 8 hours from the time of the accident. Drug testing must be conducted within 32 hours of the accident. If testing cannot be performed within any of the limits set forth above, supervisors are required to state in writing why such

tests could not be performed so that appropriate reports can be maintained and filed as necessary.

- (ii) The potentially affected employee should not be allowed to proceed alone (i.e., without an appropriate supervisor) to or from the collection/test site. Transportation to and from the collection/test site should, if at all possible, be provided by the City. An employee

who refuses transportation may be considered in violation of City policy and appropriate law enforcement personnel may be notified if the employee attempts to drive.

- (iii) An employee will not be allowed to perform City functions pending the results of the drug and alcohol test. Such employee will be placed on leave with pay status until the test results are received.
- (iv) Employees subject to post accident testing should make themselves readily available for testing. Failure to do so will result in the employee being considered to have refused to take the test.
- (v) Any employee involved in a compensable injury or accident as set forth in c(1) and (2) above are required to notify their supervisor immediately after any accident or compensable injury. Failure to notify the supervisor as soon as practicable following the accident/compensable injury is a violation of City policy and will lead to appropriate discipline, including termination of employment. The City reserves the right to determine if timely notice was provided under the specific circumstance of each case.
- (vi) All employees are prohibited from using alcohol for at least eight hours after an accident or compensable injury, or until the employee undergoes a post-accident alcohol test, whichever occurs first.

d. Random Testing:

- (1) All employees listed on Appendix A shall be subject to drug and alcohol testing on an unannounced and random basis. The City shall conduct a number of tests equal to at least twenty-five (25) percent of all such employees each calendar year, except that the percentage tested for DOT/FHWA employees will be those as set

forth by the DOT/FHWA.

(2) Random testing will be conducted as follows:

- (i) Employees shall be selected for testing by a computer-based or equivalent random method using an employee's social security number or employee identification number.
- (ii) Employees remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing.
- (iii) Employees will be notified that they have been selected for testing after they have reported for duty on the day of collection. Those not on duty will be notified by the Department/Division Manager or Supervisor within two (2) hours within the first seven days after returning to duty to report to the testing center. Within the two hour notification, the employee is to report to the AMC Wellness Center during the day or AMC Hospital Lab in the evening with an authorization form signed by the Department.

e. Reasonable suspicion:

- (1) All employees may be required to undergo drug or alcohol testing if there is "reasonable suspicion" that the employee is under the influence of drugs or alcohol.
- (2) "Reasonable suspicion" must be based on specific observations from at least one supervisor trained in objective behavior that indicates the employee is under the influence of drugs or alcohol. "Reasonable suspicion" may include, but is not limited to: a pattern of abnormal or erratic behavior (e.g., hyperactivity, unexplained mood or personality change, paranoia, hallucinations); physical symptoms of drug or alcohol use (e.g., dilated pupils, alcohol odor or breath, slurred speech, lack of coordination, onset of unusual perspiration or shakes, unusual drowsiness or sluggishness); direct observation of alcohol and drug use; information of such use provided by a reliable source; and possession of drugs, drug paraphernalia or alcohol.
- (3) The supervisor making the determination that "reasonable suspicion" exists must document in writing the facts, circumstances, observations and symptoms justifying the determination of "reasonable suspicion" within twenty-four (24) hours of the observed behavior.

- (4) Alcohol testing should be conducted within 2 hours of the time where a supervisor has observed facts to require testing for “reasonable suspicion” and such testing will not be administered after 8 hours from the time of observed behavior. Drug testing must be conducted within 32 hours of the observed behavior. If testing cannot be performed within the limits set forth above, supervisors are required to state in writing why such tests could not be performed so that appropriate reports can be maintained and filed as necessary. If testing cannot be performed with the time limits set forth above, those employees listed in Appendix A will not be allowed to perform their job until at least 24 hours have passed from the time there was a determination that there was “reasonable suspicion.”
- (5) An employee who is under “reasonable suspicion” should not be allowed to proceed alone (i.e., without an appropriate supervisor) to or from the collection/testing site. Transportation to and from the collection/testing site should, if at all possible, be provided by the City. An employee who refuses transportation may be considered in violation of City policy and appropriate law enforcement personnel may be notified if the employee attempts to drive.
- (6) An employee will not be allowed to perform City functions pending the results of the test. Such employee will be on leave with pay until the test results are received.
- (7) Employees subject to “reasonable suspicion” testing should make themselves readily available for testing. Failure to do so will result in the employee being considered to have refused to take the test.

f. Return-to-Duty Testing:

As set forth in C2 above, employees may, in the City’s discretion, be allowed the opportunity to seek counseling and rehabilitation if they are in violation of the City’s Drug and Alcohol Free Workplace policy. An employee who is allowed to return to duty after completing such counseling or rehabilitation program shall be subject to a reasonable program of follow-up drug and alcohol testing as determined by the City for up to sixty (60) months after his or her return to duty.

2. Positive Test/Failure to Take Test:

- a. Except as otherwise provided by law, any employee testing positive will be subject to discipline including immediate discharge unless the City, in its sole discretion, believes that counseling or rehabilitation program

may be a viable option. Refusal to take the test, voluntary refusal to provide the necessary amount of sample required, or refusal to sign the necessary consent and release forms prior to testing is a violation of City policy which may lead to discipline, including discharge. Adultering, switching or tampering with a sample, or knowingly allowing such to occur is also violation of the City policy which may lead to discipline, including discharge.

- b. Any employee who conclusively establishes by competent medical evidence that a positive test result was caused by presence of a prescription drug which the employee was taking, in accordance with a valid prescription, or as a result of the use of a nonprescription drug which the employee was taking, properly for a bona fide medical purpose, shall not be deemed to have a positive test. Employees are cautioned, however, to remember the requirements of B3 above regarding prescription medication.
- 3. Testing Procedures:
  - a. Specimens for testing shall be obtained within the guidelines set forth under applicable law, including DOT/FHWA regulations, and forwarded to a laboratory certified in accordance with applicable law to perform such tests.
  - b. Strict chain-of-custody procedures be followed as to the samples taken for testing and forwarded to the testing agency; and all procedures for the testing, analysis, labeling, handling, retention and storage of the test samples shall be in accordance with standards established by applicable law, including DOT/FHWA regulations.
  - c. Except as otherwise provided by law, the specimens for testing shall be split. A confirmatory test will be performed when the initial test is positive.
- 4. Cost of Testing/Re-Test:
  - a. The cost of testing will be borne by the City. An employee or applicant may, at his/her own expense, request a re-test; however, the City reserves the right to make all final employment decisions regardless of test or re-test results as provided by law.
  - b. Any request for re-test must be made within seventy-two (72) hours of receiving notification of a positive test. The employee will be required to prepay for any re-test within five calendar days of the employee's request. If the employee fails to prepay in such time, the employee shall forfeit his right to obtain such an additional test. Payment shall be made at the office

of the Personnel Manager. The City will reimburse the employee if the original test result was inaccurate.

5. Confidentiality:

Except as otherwise provided by law, the results of any test performed pursuant to this policy shall be confidential and shall be made known only to those City employees who are directly involved in any administrative/management decision pursuant to such test results.

**E. Notification and Training:**

1. All employees will be provided a copy of this policy and will be required to sign a statement certifying receipt of the same which shall be maintained in the employee's personnel file. (Appendix C)
2. The Personnel Department shall be responsible for the development of a Substance Abuse Awareness Program which will provide information on the dangers of substance abuse in the workplace, available community resources, and substance abuse detection. All employees covered by this Policy are also required to participate in training on alcohol misuse and controlled substance abuse.

**F. Searches:**

Where there is reasonable cause to do so, including a belief that there is a violation of the City's Drug and Alcohol Free Workplace policy, the City reserves the right to search, without employee consent, all City property. As such, employees should have no expectation of privacy in City property and employees are warned not to put in such property any item which the employee may not want the City to see upon search. City property includes any property which the City has provided to the employee, including but not limited to desks, closets, bookcases, lockers, file cabinets, and/or City vehicles. Warrants will be obtained, if necessary, to search personal property or property over which the City has no control.

**G. Criminal Convictions/Notifications:**

1. An employee is required to notify the employee's department head, in writing, of any criminal drug or alcohol statute conviction (including a plea of nolo contendere) no later than five (5) calendar days after such conviction.
2. Any department head who receives notification of a criminal drug statute conviction for a violation occurring in the workplace is required to immediately report the same to the Personnel Manager who shall determine whether the employee involved was directly engaged in the performance of work pursuant to the provisions of a Federal grant. In such event, the Personnel Manager shall

notify the Federal agency administering the grant of the conviction. Such notification must be made within ten (10) days after receiving such notice or otherwise becoming aware of such conviction.

3. An employee convicted as set forth above may be subject to appropriate discipline, including the termination of employment. Any employee failing to report a conviction as set forth above is also subject to discipline, including the termination of employment.

#### **H. Correlation with Administrative Policy:**

The provisions hereof are in addition to those provisions set forth in the City's Administrative Policy. In case of a conflict between the two, the more strict provision will apply.

#### **I. Severability:**

The provisions of this Policy are severable and, if any of its provisions shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

### **APPENDIX A**

- All employees of the Police Department and Uniform Fire Personnel.
- All employees subject to Department of Transportation (DOT) regulations.
- All employees required to maintain a commercial driver's license and/or employees who operate heavy equipment and machinery.
- All employees who regularly work with or test chemicals (or other substances) that have a significant potential to cause harm to other employees or the general public, including those who handle or store medications or controlled substances.
- All employees who transport the general public.

### **DEFINITIONS**

Alcohol – The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol Use – The consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

Controlled Substances/Illegal Drug – All Substances listed on Schedules I through V of the

Controlled Substances Act (21 U.S.C. 812), as they may be revised from time to time. This term includes but is not limited to amphetamines, cocaine, heroin, marijuana, opiates, and phencyclidine (PCP).

Positive Test – For all employees listed in Appendix A, an alcohol concentration of 0.02 or more. For all other employees an alcohol concentration of 0.04 or more. Cut off levels for controlled substances/ illegal drugs will be those specified by the Department of Health and Human Services or any other federal agency mandated to set such cut-off levels.

Under the Influence – Any influence of alcohol/controlled substances/illegal drug/prescribed medication which, in the city's judgment, impairs the employee's ability to perform his/her duties safely or satisfactorily or which may endanger the health, safety or well being of other City employees and the public.

Work – Anytime spent performing duties for the City, whether for pay or as a volunteer. This includes, but is not limited to, all hours during an employee's shift including break times during the shift.

MEMORANDUM

TO: All Employees  
FROM: City Manager's Office  
SUBJECT: Drug and Alcohol Free Workplace

=====

The City of Staunton is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any City employee illegally uses drugs or alcohol on the job, comes to work under their influence, or possesses, distributes or sells drugs or alcohol in the workplace. Therefore, the City of Staunton has established the following policy:

1. It is a violation of City policy for any employee to possess, sell, trade, or offer for sale illegal drugs or alcohol or otherwise engage in the illegal use of drugs or alcohol on the job.
2. It is a violation of City policy for anyone to report to work under the influence of illegal drugs or alcohol.
3. It is a violation of the City policy for anyone to use prescription drugs illegally. (However, nothing in this policy precludes the appropriate use of legally prescribed medications.)
4. Violations of this policy are subject to disciplinary action up to and including termination.

It is the responsibility of the City's supervisors to counsel employees whenever they see changes in performance or behavior that suggest an employee has a drug or alcohol problem. Although it is not the supervisor's job to diagnose personal problems, the supervisor should encourage such employees to seek help and advise them about available resources for getting help. Everyone shares responsibility for maintaining a safe work environment, and co-workers should encourage anyone who may have a drug or alcohol problem to seek help.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and drug-free and alcohol-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs or alcohol is incompatible with employment by the City of Staunton.

As a condition of employment, employees must abide by the terms of this policy and must notify the City in writing of any conviction of a criminal drug or alcohol statute occurring in the workplace no later than five calendar days after such conviction.

The complete policy is available to any employee on request and also placed in its entirety in the City's Personnel Policy Manual.

I have received instructions and understand the provisions of the policy.

\_\_\_\_\_  
Print Full Name

\_\_\_\_\_  
Department

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date