

# City of Moab

## Pre-Employment Drug/Alcohol Testing Consent Form

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As a condition of employment, applicants must agree to submit to and understand a drug/alcohol test. The City of Moab will pay for the cost of a pre-employment drug/alcohol test. Any additional treatment or cost relating to the results of the testing is the applicant's responsibility. Please read the City of Moab's Drug and Alcohol Policy attached to this form.

I, \_\_\_\_\_, have been fully informed of the reason for a drug screen. I have received and read the City of Moab's Drug and Alcohol Policy. I understand what I am being tested for, the procedure involved, and freely give my consent. I also understand that the results of a drug screen are considered as part of my employment, including being rejected as a candidate for employment or promotion.

Further, I freely and willingly consent to the disclosure of the screen results to the management of the City of Moab for use in internal communications. I herein, voluntarily release fully and forever discharge the City of Moab, any of its representatives, any laboratory or any facility and their representatives, which performs analyses, from any claim or liability arising from such tests, including but not limited to the testing procedure, the analysis, the accuracy of the analysis or the disclosure of the results. I understand that the test results will become part of my employment record.

I understand the above conditions and hereby agree to comply with them. I hereby give my full consent to undergo a drug/alcohol test as a condition of employment with the City of Moab.

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Applicant's Signature

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Date

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Phone Number

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### Applicants Under Age 18 Additional Parental Consent Required

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I affirm that I am the parent/legal guardian of the above named applicant who is under the age of 18. I understand the above conditions and authorize the City of Moab to conduct a pre-employment drug/alcohol test on my minor child or dependent.

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Print Parent/Guardian's Name

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Date

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Parent/Guardian's Signature

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Phone Number

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Parent/Guardian's Address

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City, State, Zip

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Witness Name

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Witness Signature



**217 East Center Street  
Moab, Utah 84532  
(435) 259-5121**

# City of Moab Personnel Policies and Procedures Manual Section 6.10

## Drug and Alcohol Policy

### 6.10 Drug and Alcohol Policy

(A) Pursuant to the Federal Drug Free Workplace Act, 41 U.S.C. 701 et seq., the Omnibus Transportation Employees Testing Act, and the Utah Local Governmental Entity Drug-Free Workplace Policies Act, U.C.A. 34-41-101 et seq., it is the policy of the City of Moab that the unlawful manufacture, distribution, possession or use of alcoholic beverages, controlled substances, and other substances which may impair work performance is expressly prohibited. It is the policy of the City that City employees, being servants of the public, and warranting respect from the public, must maintain a high standard of integrity and trustworthiness. It is the policy of the City to have a drug-free workplace. In order to achieve a drug-free workplace, all employees shall be required to participate in alcohol and controlled substances education and testing, as follows:

- (1) An alcohol and drug education program, as provided by the City, shall be completed by all new employees within the first year of employment.
- (2) An alcohol and drug test shall be performed on all job applicants who have been extended an offer of employment. Any offer of employment is expressly conditioned upon the successful completion of a pre-employment drug/alcohol screening.
- (3) All employees will be subject to alcohol and drug testing upon reasonable suspicion by the employer that the employee is impaired by drugs or alcohol while on duty.
- (4) All employees will be subject to alcohol and drug testing when the employee has been involved in an on-duty accident involving a motor vehicle or motorized equipment and with regard to police department personnel, when the employee has been involved in any incident in which a firearm is discharged in the line of duty.

B) Scope

This policy covers all City employees and new applicants for City employment.

C) Definitions

- (1) "Alcohol" is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol no matter how packaged or in what form the alcohol is stored, utilized or found.
- (2) "Controlled Substances" (also referred to as "drugs") shall be defined as any substance controlled or regulated pursuant to the Utah Controlled Substances Act, U.C.A. 58-37-2, as amended, federal law, and including controlled substances or medications which, though legal, have not been prescribed to the employee by a treating physician for a bona fide medical condition or ailment. For purposes of example only, and without limitation, controlled substances or drugs include substances such as cocaine, heroin, marijuana, hashish, amphetamines, opium, LSD, and similar illegal drugs. Controlled substances shall also include legal substances which are used for intoxicating effect, including inhalants such as paints, thinners, solvents, or over-the-counter drugs where used as an intoxicant in doses in excess of recommended levels. Controlled substances shall also mean the metabolite of any of the substances covered by this policy.
- (3) "Impaired work performance" is defined as any performance of normal job duties that could jeopardize the health, safety or welfare of the employee, other employees, or any other individual.
- (4) "Positive Test" is defined as follows:
  - a. for Commercial Driver's License operators, any test result showing a blood or breath alcohol content of .04 or greater, as defined by law, or the presence of any quantity of a controlled substance in the test subject;
  - b. for non-C.D.L. drivers age 21 and over any test result showing a blood or breath alcohol content of .04 or greater, as defined by law, or the presence of any quantity of a

controlled substances in the test subject;

c. for all employees under age 21 any test result showing a blood or breath alcohol content of .001 or greater, as defined by law, or the presence of any quantity of a controlled substances in the test subject.

(5) “Refusal to Submit to Testing” shall be defined as the failure to provide an adequate breath, urine, hair, or blood sample without a valid verified medical explanation, after the employee has received notice of testing, conduct that clearly obstructs the testing process, or failure to make oneself available for testing.

(6) “Reasonable Suspicion” is knowledge sufficient to induce a person trained in drug and alcohol abuse recognition and the City of Moab Drug and Alcohol Policy and Procedures to believe that a violation of the Drug and Alcohol Policy has occurred.

D) Pre-Employment Screening

(1) Upon extension of an offer of employment the applicant shall undergo a drug and alcohol screening at a facility designated by the City. Refusal to complete the pre-employment screening shall result in rescission of the offer of employment. Testing should be completed not later than three calendar days from the extension of an offer of employment. Testing shall be completed at no cost to the applicant.

(2) A positive test result for either drugs or alcohol shall result in rescission of any offer of employment, except that an applicant who tests positive may request an additional analysis of the second split of any urine sample collected, as provided under Section 5(G), below. The request shall be made not later than 72 hours from the time the applicant is notified of the test result. Any second test shall be undertaken at the facility designated by the City and the costs of the second test shall be split equally between the City and the applicant.

(3) The City may, but shall not be required to, renew an offer of employment should the second test yield a negative result.

(4) Temporary or seasonal employees who are hired and rehired within a one-year time period shall be required to undergo a pre-employment screening only once during any one-year period.

E) Testing Procedures

(1) Testing shall be accomplished via urine, breath, blood or hair sampling methods at a location designated by the City. No sampling or testing shall be carried out by City employees. In all situations the collection and analysis of specimens shall be performed by qualified medical personnel trained in the applicable method. Where applicable, tests should be performed using gas chromatography/mass spectroscopy, certified breath-testing equipment, or similarly reliable methods.

(2) Employees directed to report for testing under this policy shall do so immediately upon request of the supervisor. Failure to timely report for testing shall be regarded as a “refusal”, except where the failure is a result of circumstances beyond the control of the employee. All employees subject to testing may be required to present proof of identity to the testing agent. Employees shall be compensated at their regular wage rate for time spent complying with this policy, and all testing shall be completed during the employee’s regular work shift, if possible.

(3) Urine sampling shall be conducted in a manner that preserves the privacy and dignity of the individual. All sampling shall be conducted under sanitary conditions and the City may institute procedures to prevent substitution, adulteration, or tampering with samples.

(4) Prior to testing an employee or applicant shall disclose in writing to the medical officer performing the test, information concerning any medical condition or medications consumed by

the employee or applicant which might affect test results.

- (5) The City shall employ testing procedures that maintain the chain of custody from the collection of any sample through the chemical analysis of the sample and receipt of the test results. Analysis of samples shall be accomplished through laboratories accredited either by the Substance Abuse and Mental Health Services Administration or the College of American Pathology.
- (6) Testing shall be conducted only for the presence of alcohol or controlled substances defined by this policy and state law. In no instance shall samples be tested for the existence of any other medical condition, disease, or defect.
- 7) Following testing the Supervisor shall provide the employee or applicant a copy of the written test results, and shall discuss the results with the employee/applicant. Employees or applicants testing positive may elect, within 72 hours of receipt of notice of a positive result, to have a second analysis of a split urine sample. Regardless of whether the employee requests a second analysis, prior to instituting any disciplinary action based upon test results the City shall confirm the results via a second analysis of the split urine sample. If requested by the employee/applicant, the costs of such second test shall be split equally between the employee/applicant and the City.
- (8) It is against City policy for any employee or prospective employee to tamper with or adulterate a specimen. Any adulterated or tampered specimen will be treated as a positive test.

F) Random Testing

- (1) All employees holding Commercial Drivers Licenses shall be nominated in a pool testing consortium. Each employee within that pool shall have an equal chance at being tested each time the consortium conducts a random test. At least 50% of the City's safety sensitive position population shall be tested in a given year.
- (2) Random tests shall be announced on the date the test is to be completed. Persons selected from the testing pool will be notified personally by their supervisor.
- (3) The City shall maintain records as to the random pool, pool selections, and how employees are selected for testing.

G) Testing Upon Suspicion of Impairment.

- (1) Any employee may be subject to testing where his/her supervisor or other superior has a reasonable suspicion that the employee is impaired or under the influence of alcohol or a controlled substance covered by this policy, and where such reasonable suspicion is substantiated by an on-staff expert trained and certified in the recognition of drug and alcohol impairment pursuant to this policy.
- (2) For purposes of illustration only, and without limitation, "reasonable suspicion" of impairment may include the following: direct observation of behavior consistent with impairment such as slurred speech, stumbling, or lack of coordination; the direct observation of the consumption of alcohol or controlled substances; erratic or abnormal behavior; arrest or conviction for a drug or alcohol related offense when coupled with other indicia; identification of an employee as a suspect or focus of a drug related criminal investigation based upon credible and corroborated information; evidence of tampering with samples or adulteration of a previous test. The preceding list is for purposes of example only, and shall not be construed to describe all of the possible grounds which may support a finding of reasonable suspicion.
- (3) An employee directed to perform a suspicion based test shall receive written notice to that effect from his/her supervisor. The notice shall describe the conduct or behavior giving rise to a suspicion of impairment and shall provide documentation from the on-staff expert described in Section 6.10 (G) that the reasonable suspicion is substantiated.

H) Post Accident Testing

- (1) Employees involved in an on-duty vehicular accident shall be evaluated at the accident site by an

on-staff expert trained and certified in the recognition of drug impairment as pursuant to this policy. If said on-staff expert establishes that there is reasonable suspicion that the employee is impaired, the employee may be subject to testing as a result of the on-site evaluation. Additionally, police department personnel shall undergo testing following any incident in which a firearm is discharged in the line of duty, exclusive of firearms training.

- (2) Results of testing conducted by other law enforcement agencies pursuant to independent legal authority may be utilized by the City for purposes of compliance with this policy. All employees consent to the release of such results to the City for the purposes of this policy.
- (3) Alcohol testing shall be completed not later than two hours from the time of any incident covered by this policy, except for good cause shown. Drug testing shall be completed not later than eight hours from the time of any incident covered by policy, except upon good cause shown.

I) Disciplinary Policy

- (1) Employees shall not test positive for any alcohol, in excess of the limits imposed by this policy, or test positive for any controlled substance when subject to testing pursuant to this policy. Violation of this policy may result in disciplinary action including: mandatory rehabilitation education, treatment, or counseling; suspension without pay for a determinate period; other disciplinary sanction; or termination. In the case of termination, an employee shall be entitled to the applicable termination procedures outlined in the personnel policies and procedures manual and the state code.
- (2) Commercial Driver's License Operators who produce a blood or breath alcohol test result of .02-.039 grams per liter will be removed from service for 24 hours, and will be subject to a follow-up test prior to returning to work.
- (3) It is the policy of the City that drug and alcohol test results shall be used for internal hiring, employee discipline, and personnel decisions, and not for the collection of evidence in any criminal proceeding or investigation. Test results shall not be used by the City for any criminal investigation.
- (4) Drug and alcohol test results, and all accompanying medical information, shall be maintained in the employee or applicant's personnel file. The information is a protected document under the Government Records Access and Management Act, U.C.A. 63-2-101 et seq., and shall not be released by the City, except upon consent by the employee or applicant, upon court order or similar legal process, or as required by federal law.
- (5) Pursuant to the Americans with Disabilities Act and the Utah Anti-discrimination Act employees or applicants testing positive under this policy are not, by virtue of the test result, regarded as disabled.
- (6) Upon confirmation of a violation of the policy, the level of discipline shall be committed to the discretion of the supervisor, acting in consultation with the City Manager. Factors which may apply to discipline decisions include the type of substance involved, the employee's length of service, the employee's overall work history, whether or not an injury or property damage occurred, the risk or potential of an injury, the level of impairment, any history of past violations or previous treatment, and the extent to which the public trust or official duties are compromised by the impairment. Other factors may be considered. EMPLOYEES ARE NOTIFIED THAT ANY VIOLATION OF THIS POLICY MAY CONSTITUTE GROUNDS FOR TERMINATION.
- (7) Where an employee is found to have violated this policy he/she will not be permitted to return to work until such time as a re-test reveals the absence of any violation. Where a supervisor suspects that an employee is impaired in violation of this policy the supervisor may suspend the employee, with pay, pending receipt of the test results.

J) General Policies with Respect to Alcohol and Controlled Substances and Administrative Matters

- (1) Possession, consumption, distribution, or manufacture of controlled substances by all employees, whether on duty or off, is expressly forbidden. Violation of this policy, which need not include a

criminal conviction, is grounds for termination or disciplinary action. This policy excludes the possession of controlled substances collected by law enforcement personnel as evidence pursuant to normal law enforcement activity.

- (2) Possession, consumption, distribution, or manufacture of alcohol by any employees while on duty, or on City property, or in City vehicles is forbidden, except that off-duty employees may consume alcohol on City property as a social guest where permitted by City ordinance, e.g. Moab Arts and Recreation Center events.
- (3) All employees are advised that the City reserves the right to conduct inspections of city owned property, including vehicles, work stations, tool boxes, desks, lockers, cabinets, and the like. Employees shall have no expectation of privacy with regard to personal items stored in such locations. Contraband or other evidence of illegal conduct discovered in such locations will be turned over to appropriate law enforcement agencies for possible criminal investigation or prosecution.
- (4) Evidence of criminal conduct, other than positive test results obtained under this policy, will be turned over to appropriate law enforcement agencies for investigation and prosecution. By way of example only, should a supervisor observe the distribution of a controlled substance by any employee, that evidence shall be turned over to the appropriate police agency.
- (5) All employees and new appointees shall participate in a drug-free workplace training program as soon as practicable following adoption of this policy or upon commencement of employment. This training will address the specifics of this policy as well as drug and alcohol abuse issues in the work place.