

CHAPTER 18

PERSONNEL*

Art. I. In General, §§ 18-1--- 18-20

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ARTICLE I. IN GENERAL

Section 18-1. Article Supplemental.

This article is not intended as an amendment to the Civil Service Laws of the State or the Civil Service Regulations of the City, but the provisions hereof are additional and supplemental thereto and shall apply to all employees of the City not covered by Civil Service and shall likewise apply to those employees of the City covered by Civil Service to the extent that this article is not in conflict with the Civil Service Laws and Regulations.

Source: Code 1969, § 2-63

State Law Reference --- Civil Service, Miss. Code 1972, § 21-31-1 et seq.

Section 18-2. Hiring, Transferring, Promotions, etc.

See Appendix III, *Personnel Rules and Regulations*.

Source: Personnel Rules and Regulations, 6-20-95

Section 18-3. Reserved.

Section 18-4. Compensation---Generally.

1. The Job Classification and Pay Schedule for the employees of the City of Laurel, as presented by the Mayor and revised by the Personnel Rules and

***Charter References** --- Personnel generally, § 3; bonds of officers and employees, § 4; reports of officers and employees, § 5; malfeasance in office, § 7; subjects of charter amendments by elections, § 10.

Cross References -- Administration, Ch. 2; airport board, § 6-16 et seq.; fire departments, § 9-16 et seq.; municipal court, Ch. 14; hiring by superintendent of waterworks, § 28-21.

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Regulations Committee of the Laurel City council on November 3, 1986, is hereby adopted for implementation on November 4, 1986 retroactive to October 1, 1986, with the following provisions:

- a. No present employee will be placed in Step 1 of a pay grade at this time unless the employee is a probationary or part time employee.
 - b. All permanent employees of the City will be placed in at least Step 2 of any pay grade.
 - c. Each fireman or policeman will receive incentive allowances as follows: for completion of 98 quarter hours (or equivalent) or earning a diploma from an accredited junior college, \$25.00; for completion of 128 semester hours (or equivalent) or earning a diploma from an accredited senior college, \$50.00; such education pay will be limited to studies designed to enhance the employees ability to perform his or her assigned duties.
 - d. All employees presently receiving private vehicle pay in their salary will continue to receive same, with a City vehicle provided in lieu of the private vehicle.
 - e. All "plain-clothes policemen" will receive a clothing allowance added to their annual salary, but if they are reclassified and wear regular uniforms, the clothing allowance will be discontinued as a part of their annual salary.
 - f. The longevity pay presently received by City employees be discontinued as such, but longevity pay shall be included in the grade and step for the employees.
2. All errors in placement of employees in job classification, grade, step and all errors in anniversary dates of all employees will be corrected by the administration, with the approval of the full Council, within the Job Classification and Pay Schedule.
 3. The City Council will pursue the demand for a study of job classifications for the City of Laurel; the Council will study the implementation of the Job Classification and Pay Schedule in January 1987.
 4. It is the intent of the City Council to eliminate all overtime pay to employees of the City of Laurel except where absolutely necessary.

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5. Future increases in pay for the employees of the City of Laurel can only be granted as follows:

- a. General pay increase.
- b. Probationary employee being elevated from Step 1 to Step 2.

Source: Resolution, 11-4-86

Sections 18-5 --- 18-20. Reserved.

ARTICLE II. CIVIL SERVICE COMMISSION

Section 18-21. Generally.

The Civil Service Commission is re-established and confirmed for the remainder of the respective terms of the several members thereof, and thereafter under successive appointments of the members of the Commission by the Mayor and confirmation of the City Council as provided by law.

Source: Code 1969, § 9-10

State Law Reference --- Civil Service Commission created, Miss. Code 1972, §21-31-1

Section 18-22. Adoption of Regulations.

The Civil Service Commission is hereby authorized to meet and adopt such rules and regulations as shall be deemed necessary and expedient in the carrying out of the additional duties imposed upon it by the Civil Service Act of the State, as amended, and to do all other things necessary thereunder.

Source: Code 1969, § 9-11

State Law Reference --- Duties of Civil Service Commission, Miss. Code 972, §21-31-9

Section 18-23. Increase of Members.

The present Commission continue to serve from their Wards until their terms expire and the number of members of the City of Laurel's Civil Service Commission is hereby increased to seven (7), including present three (3), from and after the date of this Order.

Source: Resolution, 9-24-93

Section 18-24. Appointment to Commission.

No person shall be appointed a member of the Laurel Civil Service Commission who is not a citizen of the United States, a resident of the City of Laurel for at least five (5) years immediately preceding such appointment, and an elector of Jones County.

Source: Resolution, 9-24-93

Section 18-25. Member Must Be Resident of Ward.

Any person appointed as a member of the Civil Service Commission shall be a resident of the Ward from which he or she is appointed and shall continue such residency throughout the tenure of their appointment.

Source: Resolution, 9-24-93

Section 18-26. Forfeiture of Membership.

Any person appointed as a member of the Civil Service Commission who shall cease to be a resident of the Ward from which they were appointed shall forfeit their office as a member of the Civil Service Commission and a successor shall be appointed to fill their unexpired term.

Source: Resolution, 9-24-93

Section 18-27. Initial Appointments.

Initial appointments shall be as follows: Ward 1, from the date of appointment to December 31, 1994; Ward 2, from the date of appointment to December 31, 1995; Ward 3, from the date of appointment to December 31, 1996; Ward 4, from the date of appointment to December 31, 1997; Ward 5, from the date of appointment to December 31, 1998; Ward 6, six (6) years from the date of appointment; and, Ward 7, six (6) years from the date of appointment. After the expiration of each initial appointment, all subsequent appointments shall be for terms of six (6) years.

Source: Resolution, 9-24-93

Section 18-28. Appointments Made by Mayor.

Appointment of members of the Commission shall be made by the Mayor with confirmation by the affirmative vote of a majority of the City Council present and voting at any meeting and the effective date of these appointments will be

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October 1, 1993.

Source: Resolution, 9-24-93

Sections 18-29 --- 18-35. Reserved.

ARTICLE III. RETIREMENT*

Section 18-36. State Retirement Program---Adopted.

It is hereby declared to be the policy and purpose of the City to extend the provision of Miss. Code 1972, §25-11-105, providing State retirement to eligible employees and officers of the City. For that purpose, the officers of the City shall take such action as may be required by applicable State or Federal laws or regulations effective March 1, 1953.

Source: Code 1969, § 29-10

Section 18-37. Same---Execution of Agreement.

The Mayor and the City Clerk are authorized and directed to execute an agreement with the Public Employees' Retirement System of Mississippi to secure coverage of eligible employees as provided in Section 18-36 of this article.

Source: Code 1969, § 29-11

Section 18-38. Records, Reports.

The City Clerk shall maintain such records and submit such reports pertaining to this article as may be required by applicable State and Federal laws or regulations.

Source: Code 1969, § 29-14

Section 18-39. Employer Contributions and Administrative Expense.

Employer contributions and administrative expense under this article shall be paid to the State agency in accordance with applicable State laws and regulations from amounts appropriated for such purpose.

Source: Code 1969, § 29-13

***State Law References** --- Social security coverage of municipal employees, Miss. Code 1972, §25-11-11; municipal employees' retirement and disability systems, Miss. Code 1972, §21-29-1 et seq.

Section 18-40. Withholdings.

Withholdings from salaries or wages of employees for the purpose provided in Section 18-36 of this article are hereby authorized to be made in the amounts and at such times as may be required by applicable State and Federal laws and regulations, and shall be paid over to the State agency in such amounts and at such times as are designated by State laws and regulations.

Source: Code 1969, § 29-12

Sections 18-41 --- 18-50. Reserved.

ARTICLE IV. DRUG POLICY, PROCEDURES AND ENFORCEMENT

Section 18-51. Definitions.

- (a) **“City” and “Municipality”** mean the City of Laurel, Mississippi.
- (b) **“Confirmation test”** means a drug/alcohol test on a specimen to substantiate an initial test result.
- (c) **“Covered positions”** include all positions filled by the City's employees, other than Elected Officials, and all independent contractors and their employees while engaged in performing work or services for the City.

The provisions of this Ordinance will adopt the “Federal Regulations Mandating Drug and Alcohol Testing by the Department of Transportation” effective January 1, 1996 for employers with fewer than fifty (50) employees who operate vehicles weighing 26,001 or more pounds, to include all independent contractors and their employees while engaged in performing work or services for the City.

Employees covered under the Federal Highway Administration rules must:

- (1) Operate a commercial motor vehicle.
- (2) Be required to have a commercial driver’s license.

COMMERCIAL MOTOR VEHICLES:

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- * A vehicle that weights 26,001 or more pounds inclusion of a trailer.
- * A vehicle that weighs 26,001 or more pounds exclusive of a trailer.
- * A vehicle that carries 16 or more passengers including the driver.
- * A vehicle that is used to transport hazardous materials.

NOTE: Firefighters and ambulance drivers are exempt even though their vehicles weigh in excess of 26,001 pounds.

- (d) **“Drug”** means an illegal drug or prescription/non-prescription medication.
- (e) **“Drug/Alcohol Test”** means an initial chemical test of a specimen to determine the presence/absence of drugs or alcohol.
- (f) **“Employee Assistance Program”** means a City-provided program offering assessment, short-term counseling and referral services (including chemical dependency and mental health) to employees.
- (g) **“Governing Authority”** shall mean the action of the City Council subject to the approval or veto of the Mayor. A veto by the Mayor may be overridden by a two-thirds (2/3) vote of the City Council.
- (h) **“Medical Review Officer” (MRO)** means a licensed physician responsible for receiving, interpreting and evaluating laboratory results of drug/alcohol tests in light of medical history and other relevant information.
- (i) **“Neutral selection basis”** means a method of selection for testing that insures all employees in covered positions have an equal probability of being selected (random) and prohibits excusing any selected employee from testing.
- (j) **“Non-Prescription medication”** means a drug authorized for general distribution and use without a prescription to treat diseases, ailments or injuries.

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- (k) ***“Prescription medication”*** means a drug prescribed by a licensed medical practitioner and dispensed by a registered pharmacist to treat diseases, ailments or injuries.
- (l) ***“Post-offer test”*** means a drug test of a specimen after an individual has been offered employment, but before he/she begins work.
- (m) ***“Post-accident test”*** means any employee involved in an accident/ incident which results in property damage or injury must submit to a drug and alcohol test.
- (n) ***“Prohibited drugs”*** include alcohol, amphetamines, cannabinoids, cocaine metabolites, opiates, and phencyclidine (PCP) as defined and described in the Mississippi Uniform Controlled Substances Law, Title 41, Chapter 29, Article 3, Mississippi Code of 1972, and Code of Federal Registry, 49 CFR, Subpart B-Drug Testing, Section 40.21, Article (a).
- (o) ***“Reasonable Suspicion Test”*** means a test based on reasonable inferences drawn from observable actions that an employee is using or has used drugs or alcohol in violation of City policy.
- (p) The following categories of City employees are considered to be ***“Sensitive Positions”*** as well as ***“Covered Positions”***:
 - (1) Law Enforcement personnel required or authorized to carry firearms; and
 - (2) Non-clerical employees directly involved in the interdiction of drugs; and
 - (3) Any and all City employees responsible for the public safety and welfare including but not limited to all Fire Department personnel and personnel of other City departments who drive City vehicles and operate City equipment on a regular or temporary basis.
 - (4) Personnel employed as guards or security personnel.
- (q) ***“Specimen”*** means tissue or product of the human body capable of revealing the presence of drugs.

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- (r) “*Under the influence of any form of prohibited drug*” shall mean that any employee in a covered position shall test positive for the presence of any prohibited drug on any test given that employee pursuant to this Ordinance.
- (s) “*Under the influence of Alcohol*” shall mean the consumption of an intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
- (t) “*Working/Report to Work*” means the period of time and day an employee is subject to drug/alcohol testing and is required to be in compliance with the city’s program. This includes employees who are on-call are subject to be called to work.

Source: Ordinance No. 1193-1992, 7-7-92; Ordinance No. 1272-1996, 3-19-96; Ordinance No. 1485-2007, 1-16-07

Section 18-52. Prohibited Conduct/Behavior.

As to all employees, the following conduct is prohibited:

1. Use of illegal or unauthorized drugs (including excessive quantities of prescription or over-the-counter drugs) and any other chemical substances, including alcohol, which may affect an employee’s mood, senses, responses, motor functions, or alter or affect a person’s perception, performance, judgment, reactions or senses, or present a threat of harm to anyone while working on City business.
2. All City employees working or reporting to work under the influence of alcohol, with the present of detectable amounts of illegal drugs in the body or in possession of alcohol or illegal drugs.
3. Use of prescription or over-the-counter drugs which may adversely influence performance or behavior or present a threat or harm to anyone when taken in prescribed quantities, except under the following conditions:
 - a. When the employee has informed his/her supervisor(s) prior to working under the influence of or using such drugs or medication on the job.
 - b. The prescription drugs are in the original vials, are labeled with the employee’s name, physician’s name, prescription number and

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date of issuance, which should be within one (1) year of the current date and the physician has indicated that the employee may work under the influence of such drugs or medications.

4. Possession of illegal drugs or drug-related paraphernalia, any material or equipment used or designed for use in manufacturing, compounding, converting, processing, preparing, testing, packaging, storing, injecting, ingesting, inhaling or otherwise introduction into the human body any illegal or unauthorized controlled or dangerous substances covered by this policy.
5. No employee shall remain in a place where he/she has knowledge of a drug or alcohol being illegally possessed, consumed, sold, delivered, or distributed by others.
6. Failure to provide immediate notification to the Human Resources Department and the employee's Director if convicted of a drug statute violation occurring in the workplace.

Source: Ordinance No. 1193-1992, 7-7-92; Ordinance No. 1272-1996, 3-19-96; Ordinance 148 5-2007, § 3, 1-16-07

Section 18-53. Employee Testing.

- (a) When there is reasonable cause to believe an employee is under the influence of a prohibited drug, or alcohol the employee will be required to submit to a drug or alcohol test.
- (b) Reasonable cause must be based on observable actions that can be specifically described. Examples of factors examined in finding reasonable cause to test include repeated errors on the job, violations of regulatory or City rules or unsatisfactory time and attendance patterns in combination with other specific contemporaneous events that indicate probable drug or alcohol use.
- (c) Supervisory personnel who have reasonable cause to believe that an employee may be under the influence of a prohibited drug or alcohol will have the reasonable cause confirmed by another member of management when possible.
- (d) Prior authorization for any drug or alcohol test based on reasonable cause must be received from one (1) of the following:

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- (1) Mayor
- (2) Any member of the City Council
- (3) Chief Administrative Officer
- (4) Drug Program Coordinator

If one (1) of the above individuals is also the supervisor who makes the initial reasonable cause determination, prior authorization for any drug or alcohol test must be received from another person listed.

- (e) The employee to be tested shall be transported to the collection or testing site and returned to the work site after the sample has been collected or the test conducted. The employee will also be provided with transportation to his or her residence or a destination of his or her choosing within reasonable distance of the employee's work site.
- (f) An employee will be terminated after obtaining the results of a positive confirmed test of prohibited drugs or alcohol as defined by Section 18-51.
- (g) Employees who adulterate (ingest fluids) or dilute a specimen in order to mask drug usage with a Creatinine Value of less than 20 mg/dl and/or a Specific Gravity of less than 1.003, will be treated as though they tested positive and will be terminated from employment.
- (h) The cut-off levels for alcohol and all substance abuse drugs listed in this policy, shall be the cut-off levels established by the Department of Health and Human Services for the Department of Transportation, and shall apply to all employees.

Source: Ordinance No. 1193-1992, 7-7-92; Ordinance No. 1272-1996, 3-19-96

Section 18-54. Job Applicants.

- (a) Applicants for covered positions will be informed of the City's drug policy and the policy will be posted in areas where applications are received.
- (b) All applicants to be made a job offer for any position will be tested for prohibited drugs and alcohol. Final selection for any position is contingent upon successful completion of the drug test.
- (c) An applicant who tests positive, as confirmed by the MRO, may, at

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the option of the City, have his or her sample re-tested. The applicant may designate re-testing by the original laboratory or another comparable certified laboratory. The applicant may be required to pay the cost of re-analysis in advance, subject to reimbursement, if the re-test is negative. An applicant whose original sample tested positive and who does not request re-testing or whose sample is confirmed positive upon re-testing, will not be hired.

- (d) Applicants who refuse to be tested for prohibited drugs or alcohol will be removed from consideration for employment in any position.
- (e) An employee who transfers into a sensitive position requiring drug and alcohol testing and whose test is confirmed positive has the right to have his sample re-tested. An employee whose re-test is confirmed positive will be terminated.
- (f) Applicants who adulterate (ingest fluids) or dilute a specimen in order to mask drug usage with a Creatinine Value of less than 20 mg/dl and/or a Specific Gravity of less than 1.003, will be removed from consideration for employment in any position.
- (g) The City is required to obtain information regarding the employee's testing status from the employee's previous employer, if that employer was covered under the Department of Transportation Regulations. In that regard, within fourteen (14) days of hiring or using a driver, the City must request and received from the driver's employer for the previous two (2) years with respect to the employee's testing status. If the City does not receive this information within a fourteen (14) day period from the ate of hire, it may no longer use that driver to operate a motor vehicle or equipment. Exceptions are, none response, or the employer has gone out of business, or was unable to be contacted. In this regard, a notation is made in the employee's records and retained in the records the City is required to obtain under the Department of Transportation Act. The City must require an authorization from the employee regarding his/her specific previous employers in order to retrieve this information. Refusal to supply this authorization will result in not hiring this applicant.

Source: Ordinance No. 1193-1992, 7-7-92; Ordinance No. 1272-1996, 3-19-96

Section 18-55. Random Testing (Neutral Selection)

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All employees and their supervisors will be randomly tested and all employees who are required to possess a Mississippi Commercial Drivers License (C.D.L.) will be randomly tested throughout the year. This is a requirement of the Federal Omnibus Transportation Testing Act of 1991 and is enforced by the Department of Transportation. All Public Safety certified employees and employees in safety sensitive positions in the Police and Fire-Rescue departments, operators of City vehicles or equipment, and supervisors of such employees, will also be subject to random testing. **All employees in the Mass Transit Division (including but not limited to drivers, mechanics, office assistants, division manager).** Tests may be given without advance notice, weekly, monthly or quarterly. Selections are done by a computer generated list and are done without bias or prejudice.

Source: Ordinance No. 1193-1992, 7-7-92; Ordinance No. 1272-1996, 3-19-96; Ordinance No. 1485-2007, § 5, 1-16-07

Section 18-56. Re-Testing.

- (a) An employee has a right to have the original sample re-tested. Within five (5) working days after receipt of a positive confirmed test result report from the testing laboratory, an employer shall in writing, inform an employee of such positive test result and inform the employee of the consequences of such a report and the options available to him. The City's Medical Review Officer will serve as liaison between the laboratory and the City. The employee may designate re-testing by the original laboratory or another comparable certified laboratory. The employee may be required to pay the cost of re-analysis in advance, subject to reimbursement.
- (b) Subject to employee rights under Civil Service Laws, termination pursuant to this policy is final and will not be affected by a request to re-test made after the effective date of termination.
- (c) An employee who is to be terminated pursuant to this policy and who requests a re-test prior to the effective date of termination will be put on leave without pay pending the results of the re-test. If the re-test confirms the presence of a prohibited drug or alcohol, the employee will be terminated. If the re-test does not confirm the presence of a prohibited drug or alcohol, the employee will be reinstated with full pay and benefits.

Source: Ordinance No. 1193-1992, 7-7-92; Ordinance No. 1272-1996, 3-19-96

Section 18-57. Rehabilitation and Discipline.

- (a) An employee who tests positive for prohibited drugs or alcohol, or refuses to be tested as required by the policy will be terminated from his employment. Termination shall be implemented by the Chief Administrative Officer. In the absence of the Chief Administrative Officer, the Mayor shall take such action. If proper action is not taken by the Administration within the ten (10) days as required by the State Law, it may become necessary for the City Council to intervene.
- (b) An employee who admits in writing to the Drug Program Coordinator, the use of a prohibited drug or alcohol thirty (30) days prior to being called for testing, will not be terminated as a result of prior drug or alcohol abuse. The employee will be required to take rehabilitative leave pursuant to the City's Drug Ordinance. This protection from dismissal applies only to the first time an employee admits use of prohibited drugs or alcohol.
- (c) An employee who returns to work from rehabilitative leave and tests positive for a prohibited drug or alcohol or refuses to be tested as required by this policy will be terminated.
- (d) Any administrative decision made by or action taken by the Chief Administrative Officer, in conjunction with the Drug Program Coordinator, shall be final.
- (e) All rehabilitation and disciplinary actions of this section shall apply equally to employees who are tested under the Department of Transportation Regulations.

Source: Ordinance No. 1193-1992, 7-7-92; Ordinance No. 1272-1996, 3-19-96

Section 18-58. Rehabilitative Leave.

- (a) All rehabilitative leave is without pay and must be approved in writing by the governing authority. No rehabilitative leave will be granted in excess of six (6) weeks and any extensions must be renewed in writing. All rehabilitative leave, must be approved by the governing authority.
- (b) An employee, at his own expense, must enroll in a City approved

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rehabilitation program. When requested by the City, the employee must provide sufficient evidence of his participation and progress in the rehabilitation program. The decision will then be made by the City as to whether the employee will continue in the rehabilitation program, return to work or have his employment with the City terminated.

- (c) The employee will not be allowed to return to work until the rehabilitation program provides a release directly to the governing authority. The release must certify that the employee has successfully completed the drug program.
- (d) Upon returning from rehabilitative leave, an employee will remain drug and alcohol free and, if necessary, continue to participate in the rehabilitation program.
- (e) All articles of this section shall apply equally to all employees covered under the Department of Transportation Regulations.

Source: Ordinance No. 1193-1992, 7-7-92; Ordinance No. 1272-1996, 3-19-96

Section 18-59. Testing Standards/Procedures.

1. Current employees will be notified thirty (30) days before the first testing occurs or upon adoption of this policy. Applicants for employment will be notified (at the time of application) in writing that they may be required to be tested for drugs/alcohol.
2. The City shall contract with a certified laboratory to conduct initial and confirmation drug and alcohol tests. The laboratory shall be responsible for:
 - a. developing the pool of covered employees by use of a “blind” identifying system and for generating the list of individuals to be tested (for random testing). The laboratory shall also develop a separate pool of transit safety sensitive personnel to be tested in accordance with FTA testing rates.
 - b. providing qualified individuals to secure the sample and assure its custody (on-site, if the test is neutral selection; at the laboratory, if post-offer or reasonable suspicion testing).
 - c. releasing positive and negative results to the City’s Medical Review Officer and/or Human Resources Manager as required

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under applicable laws and regulations.

- d. storing samples and chain of custody paperwork as prescribed by applicable state and/or federal laws and regulations.
3. The laboratory shall report test results to the City's Medical Review Officer within five (5) working days of the tested specimen receipt by the laboratory. Reports shall identify the drugs/metabolites tested for, if the specimen tested positive or negative, and the laboratory's specification identification number. All specimens positive on initial testing and negative on confirmation testing shall be reported negative. The laboratory will, before reporting test results, certify their validity.
4. The City's Medical Review Officer shall review the test results, individual's known medical history and other relevant information to determine if there is any other reasonable explanation for the positive drug test results before notifying the City Human Resources Manager of a positive result. The Human Resources Manager will notify the Department Director/Chief and Chief Administrative Officer of positive test results.
5. The following specimens are appropriate for testing: for drugs, initial and confirmation: urine; for alcohol test: breath.
6. Initial Test – Alcohol. An alcohol level of .02 in the breath specimen of an individual will be cause for confirmation test. This is one consequence for this type of alcohol concentration test result.
7. Confirmation Test – Alcohol. To be considered positive and in absolute violation, an employee's confirmed alcohol level must be .04 or greater. Results between .02 and .04 are not absolute violations, but require that the employee be relieved of his/her duties until the longer of 24 hours or the start of his/her next shift. This is one consequence for this type of alcohol concentration test result.
8. Initial Test – Drugs. The City's drug testing protocols shall include marijuana, cocaine, opiates, amphetamines, and phencyclidine. (Additional controlled substances may be included as applicable federal and/or state laws and regulations allow.) Initial testing shall meet United States Food and Drug Administration requirements. Cut-off levels established by applicable federal or state laws and regulations will be used to determine if an initial test is positive or negative.

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9. Confirmation Test – Drugs. Positive initial tests shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques at appropriate cut-off levels established by applicable Federal or State laws and regulations for tested drugs.
10. If an employee is informed by the Medical Review Officer/Human Resources that the result of the laboratory’s analysis of his primary specimen is positive, the employee has 72 hours from the time he is informed of the verified positive result to request an analysis of the split specimen being held by the laboratory. Any request for analysis of the split specimen made after this 72 hour period will not be honored unless the MRO, in his discretion, determines after discussion with the employee that there were unusual circumstances that caused an excusable delay in requesting the test. Any test of the split specimen pursuant to an employee’s request will be at the expense of the employee.
11. Any employee to be tested, under whatever circumstances (post accident/incident, reasonable suspicion, or neutral selection) will be provided transportation to the collection site and, as appropriate, to the workplace or to his/her residence or another desired location that is within a reasonable distance of the work site.
12. Prior to testing, an individual shall be allowed to list on the laboratory’s Chain of Custody and Control Form any prescription or non-prescription medication currently being taken. That information will accompany the specimen through to final testing and storage.
13. Individuals to be tested will, prior to testing, be informed at what levels the test will be considered positive. The information will indicate the cut-off levels for initial and confirmation testing.
14. Any employee who refuses to submit to a drug/alcohol test will be considered insubordinate and subject to immediate termination.
15. An employee who tests positive shall be terminated. In all situations, the employee will be apprised of his/her rights to grievance and appeal.
16. **Employees required to submit to testing will be “observed” by the certified technician to ensure the integrity of the test.**
17. **If a sample submitted is determined to be “diluted” by the MRO, upon notification the employee must immediately submit another**

sample. Failure to do so will be considered insubordinate and the employee will be subject to immediate termination. If the second sample is still considered “diluted” by the MRO, the test will be considered posited and the employee will be subject to immediate termination.

18. A submitted sample which is confirmed by the MRO to have been altered or tampered will be considered the same as a “positive” test result and the employee will be subject to immediate termination.

Source: Ordinance No. 1193-1992, 7-7-92; Ordinance No. 1272-1996, 3-19-96; Ordinance No. 1485-2007, § 6, 1-16-07

Section 18-60. Reporting Criminal Convictions.

- (a) An employee must notify the governing authority of any criminal drug conviction, including misdemeanor convictions, and/or conviction of driving under the influence of alcohol not later than five (5) days after the conviction becomes final.
- (b) A covered employee who is convicted of a violation of a criminal drug or alcohol statute as described in (a) above will be terminated from his employment when such conviction becomes final.

Source: Ordinance No. 1193-1992, 7-7-92; Ordinance No. 1272-1996, 3-19-96

Section 18-61. Confidentiality.

- 1. All information received by the City through its drug and alcohol testing program is property of the City and is classified, as provided in these procedures and in accordance with state/federal law.
- 2. Such information shall not be released to anyone other than the employee/applicant, City Medical Review Officer or supervisory personnel designated as “need-to-know”; unless:
 - (a) the applicant/employee has, in writing, granted permission for its release;
 - (b) (1) it is necessary to introduce a positive confirmed test in an administrative/judicial proceeding because of its relevancy to the hearing/proceeding; (2) its release is necessary under state/federal law regulations or orders; (3) it must be released to comply with government contract; or, (4) it is necessary that it be

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disclosed to a drug abuse rehabilitation program for the employee's evaluation/
treatment; or,

- (c) there is an immediate risk to public health or safety that can be minimized or eliminated by the disclosure.

Source: Ordinance No. 1193-1992, 7-7-92; Ordinance No. 1272-1996, 3-19-96; Ordinance No. 1485-2007, § 7, 1-16-07

Section 18-62. Construction and Severability.

- (a) The provisions of this Article are subject to modification by the City of Laurel by proper Ordinance.
- (b) Nothing in this Article should be construed as granting anyone a right to specific benefits or continued employment.
- (c) If any part or parts of this Ordinance shall be construed to be unconstitutional, void or of no effect by a Court of competent jurisdiction, it is expressly intended that all other parts herein are to remain in full force and effect.

Source: Ordinance No. 1193-1992, 7-7-92; Ordinance No. 1272-1996, 3-19-96

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