APPENDIX B

YAKIMA POLICE DEPARTMENT DRUG AND ALCOHOL POLICY

This Policy has been agreed to by the parties and shall become part of the current labor agreement between the City of Yakima and the Yakima Police Patrolman's Association. All applicable articles of the contract shall apply to this Policy.

A. PURPOSE

This policy supersedes City of Yakima Substance Abuse Policy – Part I to the extent Part I applies to YPPA members.

The City of Yakima recognizes that employees are our most valued resource. The Department expects that all law enforcement officers are physically, mentally, and emotionally capable of fulfilling and carrying out their assigned duties, and has a responsibility for providing a safe working environment.

The City of Yakima and the Yakima Police Patrolman's Association have a mutual interest in ensuring that substance-impaired employees do not perform law enforcement duties. In order to protect the health, welfare, and safety of its employees and the citizens whom they serve, the following policy regarding substance abuse in the workplace is adopted.

B. POLICY

1. It is the policy of the City of Yakima to provide an alcohol- and drug-free workplace for its employees.

2. The City's philosophy on substance abuse is to emphasize prevention, training, rehabilitation, and recovery from substance abuse. Counseling and support will be made available through an Employee Assistance Program, and the employees' right to privacy will be respected at all times.

3. It is the responsibility of the City and the Association to preserve and protect public trust, public safety, and fitness for duty.

4. It is the responsibility of all employees to report for duty and be able to perform their jobs safely and effectively, unimpaired by drugs, alcohol, or any other intoxicating substance. Employees must remove themselves from service if they are unfit for duty.

5. The illegal possession, manufacture, use, distribution, or sale of, unlawful drugs, drug paraphernalia, or other prohibited substances is prohibited.

6. The possession, manufacture, use, distribution, or sale of alcohol on City

premises (including City vehicles) or while on duty at any time is prohibited. Alcoholic beverages that are properly stored, unopened, in the trunk of an employee's private vehicle on City property will not be considered a violation of this policy.

C. APPLICABILITY

This policy applies to all bargaining unit employees through the rank of Sergeant.

D. DEFINITIONS

For purposes of this policy, the following terms have the meanings indicated:

1. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

2. Confirmation Test. A confirmation test means a second analytical procedure to identify the presence of a specific prohibited substance or prohibited substance metabolite in urine which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

3. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of criminal drug statutes.

4. Counseling means participation in a substance abuse treatment or rehabilitation program.

5. Criminal drug statute means a criminal law involving the manufacture, distribution, dispensing, use, or possession of any controlled substance.

6. Drug Test. A method for determining the presence of controlled substances in a urine sample using a scientifically reliable method performed in accordance with procedures specified in 49 CFR part 40, as amended.

7. Employee means a YPPA bargaining unit member.

8. Failing a Drug and/or Alcohol Test. Failing a drug and/or alcohol test means that the test showed positive evidence of the presence of a prohibited substance in an employee's system that is at or above a determined threshold level. This determination is made by the MRO.

Failing a drug and/or alcohol test shall be referred to as "testing positive". Employees who refuse to take a drug and/or alcohol test when requested to do so shall be considered to have failed the substance test.

9. Medical Review Officer (MRO) is a licensed physician with knowledge of substance abuse disorders and familiarity with the characteristics of laboratory tests selected by joint agreement between the parties to receive positive drug test results from the laboratory, analyze and interpret the results, and report to the City those results as outlined in Section I of this policy.

10. Passing a Drug and/or Alcohol Test. An individual passes a drug and/or alcohol test when an MRO determines that the results of the test:

    a. Showed no evidence of a prohibited substance or prohibited substance metabolite;
    b. Showed evidence of a prohibited substance or prohibited substance metabolite for which the employee has a prescription;
    c. Showed evidence of a prohibited substance or prohibited substance metabolite below a determined threshold level; or
    d. Were suspect because of irregularities caused by persons other than the employee in the administration of the test, observation, or custody and control procedures.

    Passing a drug and/or alcohol test shall be referred to as "testing negative".

11. Prohibited Substances are those substances whose dissemination is regulated by law, including, but not limited to narcotics, depressants, stimulants, hallucinogens, cannabis, and alcohol. For the purpose of this policy, substances that require a prescription or other written approval from a licensed health care provider or dentist for their use shall also be included when used other than as prescribed. The drugs and/or their metabolites that are included in these categories are as follows:

    1. marijuana
    2. cocaine
    3. opium or opiates
    4. phencyclidine (PCP)
    5. amphetamines or methamphetamines

12. Reasonable suspicion means facts and circumstances sufficiently strong to lead a reasonable person to suspect that the employee is under the effects of drugs and/or alcohol.

13. Representation means union or legal representation.

14. Refusal to Submit means an employee fails to provide adequate urine or breath for testing without a valid medical explanation, the employee engages in conduct that obstructs the testing process, or the employee does not cooperate fully in the collection process. Examples of refusal to submit include the following:

    a. Failure to appear for a test.
    b. Failure to remain at the testing site until the testing process is complete.
    c. Failure to permit the monitoring of the provision of a specimen.
    d. Failure to take a second test as directed by the collector.
    e. Tampering with or attempting to tamper with a urine sample.
    f. Failure to provide necessary documentation to the MRO when requested.
    g. Failure to complete all required forms and documents.

15. Screening Test. A screening test means an immunoassay screen (or other Department of Health and Human Services (DHHS)-approved test) utilized to eliminate "negative" urine specimens from further consideration.

16. Substance abuse means the use of a substance, including medically authorized drugs other than as prescribed for the user, which impairs job performance or poses a hazard to the safety and welfare of the employee, the public, or other employees.

17. Substance Abuse Professional (SAP) is a licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders.

18. Unreasonable Delay means a delay of the testing procedure for a period of time, as defined by the collection site or laboratory personnel, which could render the test useless or inaccurate.

E. EDUCATION

Communicating this policy to employees is important to its success. Therefore, all covered employees shall receive one written copy of this policy upon its

implementation and all new covered employees will receive one copy during employee orientation.

In addition, pursuant to the provisions of the Drug-Free Workplace Act of 1988, the City will establish an education and training program to assist employees to understand and avoid the perils of drug and alcohol abuse. The City will use this program in an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace.

The City's program will inform employees about:

- The dangers of drug and alcohol abuse in the workplace;
- The City's policy of maintaining a drug- and alcohol-free workplace;
- The availability of drug and alcohol treatment, counseling and rehabilitation programs; and
- The penalties that may be imposed upon employees for drug and alcohol abuse violations.

As part of its program, the City shall provide educational materials concerning:

- This Policy;
- The effects of alcohol and drug use on an individual's health, work and personal life;
- Signs and symptoms of an alcohol or drug problem; and
- Available methods of intervening when an alcohol or drug problem is suspected, including confrontation and/or referral to management.

In addition to the training above, the City shall provide annual training to supervisors who may be asked to determine whether reasonable suspicion exists to require an employee to undergo drug and/or alcohol testing. The supervisory training shall include training on alcohol abuse and drug use. This training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol abuse and drug use. Supervisors who have not received the initial training described above will not be asked to determine whether reasonable suspicion exists to initiate drug/alcohol testing. However, these supervisors may request another supervisor who has undergone this training to make the determination.

F. EMPLOYEE RIGHTS AND RESPONSIBILITIES

1. The City shall not require an employee to undergo a reasonable suspicion drug and/or alcohol test unless there is reasonable suspicion to indicate the employee is under the influence of a substance which causes the employee to pose a hazard to the safety of the employee, the public, or other employees.

2. It is the employee's responsibility to report for duty, able to perform his/her job safely and effectively, unimpaired by drugs, alcohol, or any other intoxicating substance.

3. The appropriate use of legally prescribed drugs and over-the-counter medication is not prohibited. Employees are responsible for: obtaining from their health care provider adequate information about the effects of prescription medication on job performance and promptly notifying his/her supervisor of same; or promptly notifying his/her supervisor of the effects on job performance of over-the-counter medication being taken. It is, however, the employee's responsibility to inform health care providers of the employee's job duties, obtain from their health care provider adequate information about the effects of prescription and over-the-counter medications on job performance, and report to his/her supervisor the possible effects of any medication may have on job performance that may create a direct threat by impairing job performance of safety-sensitive functions.

4. Employees are prohibited from possessing, manufacturing, using, distributing or selling alcohol, controlled substances or drug paraphernalia on City premises (including City vehicles) or while on duty. For purposes of this policy, "on duty" time includes meal and break periods during the work day. Alcoholic beverages that are properly stored, unopened in the trunk of an employee's private vehicle on City property will not be considered a violation of this policy.

5. Employees are encouraged to request assistance with drug use and/or alcohol abuse problem(s), with the understanding that a voluntary request for assistance will not be used as the basis for disciplinary action. However, a request for assistance shall not be used to exempt employees from job performance requirements.

6. In accordance with the Drug-Free Workplace Act of 1988, an employee who is convicted of a violation of a criminal drug statute shall notify the City's Human Resources Manager no later than 5 days after such conviction.

7. Employees have the right to challenge any discipline imposed in accordance with the Grievance procedure of this contract.

8. Positive drug tests will automatically trigger a test of a second specimen. The test of the second specimen must be processed at a different Department of Health and Human Services certified laboratory than the

laboratory that tested the primary specimen. The City will pay the cost of the split specimen test.

9. Employees having knowledge of another employee's condition/behavior that poses a potential threat to the safety of employees and/or the public shall immediately advise their immediate supervisor.

10. Employees may have an Association representative or legal counsel present at the collection facility. However, the lack of Association representation or legal counsel shall not cause unreasonable delays in the collection process.

11. Employees shall fully cooperate in the collection process.

G. DETECTION

1. Reasonable Suspicion. An employee may be required to undergo a reasonable suspicion drug and/or alcohol test when reasonable suspicion exists to indicate that the employee is under the influence of drugs or alcohol.

2. The decision to conduct a reasonable suspicion drug and/or alcohol test shall be made by a reporting supervisor and the next highest-ranking supervisor on duty. For purposes of this policy, acting officers are considered supervisors. The higher of the two supervisors will make timely notification of the situation to the department head or the department head's management level designee and the Human Resources Manager or his/her designee. Refusal to submit a drug and/or alcohol test authorized by this policy shall be grounds for discipline, up to and including discharge.

3. Searches.

   (a) The Department has the right to search, without employee consent, City-owned property to which the employee has no reasonable expectation of privacy. These areas may include office space, desks, file cabinets and the like, that several different individuals may use or access. A reasonable expectation of privacy shall exist for personal containers marked and locked inside an Officer's desk drawer.

   (b) If an employee's consent to search is first obtained, the Department shall have the right to search private property belonging to the employee, such as a personal equipment bag,

brief case, or private vehicle. If such consent is given, the employee shall have the right to Association representation during the search.

(c) If the Department requests the employee's consent to search, the Department shall first inform the employee that:

(1) The Department has reasonable suspicion to suspect that evidence exists within the area or item to be searched which could be used in disciplinary and/or legal proceedings against the employee; and

(2) The employee has the right to Association representation during the search if consent is given; and

(3) Refusal to give consent to search will not be considered by the Department to be an admission of guilt or cause for disciplinary or retaliatory action.

(d) An employee's refusal to give consent to search shall not preclude the Department from conducting a search according to and in the manner authorized by law.

H. TESTING PROCEDURES

1. Drug and alcohol testing shall be conducted in a manner designed to protect employees' privacy, protect the integrity of the testing process, safeguard the validity of test results, and ensure that those results are attributed to the correct employee. The City and Association agree that if the security of a urine, breath, or blood sample is compromised in any way, any positive test resulting from that sample shall be invalid and may not be used for any purpose except to the extent the employer can prove the employee spoiled the test.

2. Employees who are required to undergo a reasonable suspicion drug and/or alcohol test will be provided transportation to the collection facility and shall also be offered transportation home by the Department representative.

3. Employees may have an Association representative present at the collection facility for a reasonable suspicion drug and/or alcohol test. However, the lack of Association representation shall not unreasonably delay the collection process.

4. Employees required to undergo a drug and/or alcohol test shall cooperate fully in the collection process and complete all required forms and documents. These forms may include a Consent/Release form and an Interview Form.

5. Urine samples for drug testing shall be collected at a collection site in the City of Yakima mutually selected by the City and Association. The urine sample is produced by the employee alone in a restroom. The medical technologist will examine the restroom before and after to ensure that no other samples were present and that no substances were available for tampering. Each sample shall be subjected to a laboratory testing protocol to detect tampering. The medical technologist will take the sample, seal it, label it with the employee's identification, and sign a document that begins a formal chain-of-possession procedure. Each person who handles the sample, including the person who performs the tests, will sign the document. When not being handled, samples are stored in a locked refrigerator. The purpose of this procedure is to ensure that samples do not get switched during testing. Any specimen that tests positive for drugs shall be retained in long-term frozen storage by the laboratory conducting the analysis for one year.

6. If medical personnel at the collection site have reason to believe that an adulterated or substituted sample has been provided (or that the employee may alter or substitute the sample), the employee will be required to submit a second sample (or an original sample, in the case of an employee providing a substituted sample). This collection shall be under the direct observation of a same gender collection site staff person. The employee will be required to provide the additional or original sample during an observed collection prior to leaving the collection site.

7. Urinalysis will be performed at a test laboratory certified by the U.S. Department of Health and Human Services (DHHS) and mutually selected by the City and the Association. Drug testing by urinalysis involves an initial screening performed by the enzyme multiplied immunoassay test (EMIT). Any positives test is then confirmed by a second test of the same sample by Gas Chromatography/Mass Spectrometry (GC/MS). Prescription information will not be requested from an employee prior to laboratory testing. The City's designated MRO shall receive and interpret test results. Laboratory urinalysis of urine specimens shall be restricted to those test authorized by this policy to detect drug use. They shall not be used for other purposes such as the analysis of physiological states or diseases. The laboratory shall test for only the substances and within the limits as follows for the initial and confirmation tests:

Initial Tests

Alcohol.02 g/210 ml expired air	
Marijuana metabolites	50 ng/ml
Cocaine metabolites	300 ng/ml
Opiate metabolites (1)	300 ng/ml
Phencyclidine	25 ng/ml
Amphetamines	1000 ng/ml

(1) If immunoassay is specific for free morphine the initial test level is 25 ng/ml.

Confirmation Test

Alcohol.02 g/210 ml expired air	
Marijuana metabolites	15 ng/ml
Cocaine metabolites	150 ng/ml
Opiates	
Morphine	300 ng/ml
Codeine	300 ng/ml
6-acetylmorphine	10 ng/ml
Phencyclidine	25 ng/ml
Amphetamines	
Amphetamine	500 ng/ml
Methamphetamine	500 ng/ml

8. Alcohol shall be tested by means of a Breathalyzer machine currently in use (B.A.C.) or future equipment which may supersede the B.A.C. machine (but excludes the P.B.T. device). Breathalyzer alcohol tests shall be conducted in private at the collection site mutually selected by the City and the Association. The testing shall require two breath samples within the proper variance. If the initial test (comprised of the two breath samples) indicates an alcohol concentration of .02 or greater, the employee may choose to allow a second test to confirm the results. The second confirmatory test shall be by means of a blood draw using a .02 blood alcohol concentration level to measure a positive test. If the employee chooses not to take the second confirmatory test, the first test will be used to determine alcohol concentration.

9. Upon written request to the Human Resource Manager by the employee, the City shall make one legible copy of the results of his/her drug and/or alcohol tests available to the employee.

10. All information collected in the process of conducting a drug and/or alcohol test shall be treated as confidential information. These files shall be separate from the personnel file, sealed, and maintained in a secure medical file. Except as required by law or authorized by the employee, the City shall not release such records. Test results obtained pursuant to this policy shall not be used as the basis for criminal investigation.

11. Employees who refuse or fail to fully cooperate in the collection process may be subject to discipline up to and including discharge. Examples of a failure to fully cooperate include such actions as refusing to sign the necessary consent/release forms; delaying and/or obstructing the collection process; failing to provide the specimen for testing; and attempting to substitute or adulterate a specimen. The foregoing list is not intended to be an all-inclusive list. City management shall, in all circumstances, have the final right to determine the appropriate level of discipline depending on the specific circumstances, the employee's performance record, and any other pertinent facts.

I. REPORTING OF RESULTS

1. Alcohol Test Results.

   a. Negative Test Results. If the test result is below 0.02 g/210 ml expired air, the laboratory or collection site personnel will report to the Chief or his/her designee that the employee tested negative for alcohol.

   b. Positive Test Results. If the test meets or exceeds 0.02 g/210 ml expired air, the laboratory or collection site personnel shall report to the Human Resources Manager that the employee tested positive for alcohol. The Human Resources Manager will report the results to the appropriate City personnel.

2. Drug Test Results.

   a. Negative Test Results. Laboratory personnel will advise the Police Chief or his/her designee directly of all negative drug test results.

   b. Positive Test Results. The City shall have a designated Medical Review Officer (MRO), to review and interpret any positive drug test results. The laboratory will advise only the MRO of any positive drug test results. The MRO must examine alternate medical explanations for any positive test results. This process

shall include a request for an interview with the affected employee and review of the employee's medical history and any other relevant biomedical factors. The MRO must review all medical records made available by the tested employee when a confirmed positive test could have resulted from legally prescribed medication. Employees involved in this step of the examination shall make themselves and any relevant records they wish to present available to the MRO within 48 hours after request.

After reviewing the incident file and interviewing the employee, the MRO shall report to the Human Resources Manager the name of the employee and whether a positive test of a prohibited substance has been verified. The Human Resources Manager shall report the results to the appropriate City personnel. The employee shall be placed on administrative leave status pending completion of the investigation and/or disciplinary action, and/or return to duty.

3. Rehabilitation Program. If the tested employee is referred on to rehabilitation or treatment, the MRO is authorized to communicate specific results to the Substance Abuse Professional (SAP) or counselor overseeing the employee's treatment program.

4. Grievance. The laboratory and/or the MRO will be authorized to release specific test results to the City and the Association in cases of a grievance and/or legal challenge.

J. DISCIPLINE AND TERMINATION

1. Employees who violate the drug and alcohol policy will be subject to a range of disciplinary consequences depending upon the severity of the violation, the employee's past performance record, and other relevant facts and circumstances. In all cases, the City reserves the right to determine the appropriate disciplinary and/or rehabilitation response subject to the collective bargaining agreement, Police Civil Service Rules and Regulations, and all other applicable rules and regulations.

2. Employees are subject to disciplinary action, up to and including discharge, for any of the following:

   a. Refusal to submit to a drug and/or alcohol test.

   b. Drinking alcoholic beverages or using prohibited substances while

on duty (including breaks and meal periods), on City property, or in City vehicles.

c. Unlawful manufacture, distribution, dispensation, possession, concealment or sale of any prohibited substance, while on duty (including breaks and meal periods), on City property, or in City vehicles.

d. Any criminal drug statute conviction and/or failure to notify the City within 5 days of such conviction.

e. Failure to complete a counseling, treatment, or rehabilitation program as prescribed by the SAP.

f. Testing positive in a drug and/or alcohol test.

g. Failure to report to a collection site as directed.

h. Disclosing the identity of an officer selected for unannounced testing or the fact that un unannounced selection is scheduled to take place prior to the collection of urine specimens.

i. Any other violation of this policy.

K. REHABILITATION AND RETURN TO DUTY

1. As required by the Federal Drug-Free Work Place Act of 1988 (Pub. L. 100-690, Title V, Subtitle D), within 30 days of the City's receiving notice that an employee has been convicted of violating a criminal drug statute in the workplace, the City will take appropriate personnel action up to and including termination or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency.

2. The City recognizes that substance abuse can be successfully treated, enabling an employee to return to satisfactory job performance. The City offers employees the use of counseling and rehabilitative services in accordance with the terms of its benefit programs, including the City EAP. Employees are personally responsible for seeking treatment for substance abuse and are responsible for all costs not covered by insurance or otherwise paid for by the City. Employees who are concerned about their own drug use and/or alcohol abuse are encouraged to voluntarily seek assistance through the City's EAP. All such voluntary requests for

assistance will remain confidential.

3. Rehabilitation

a. Any employee who tests positive for a prohibited substance, and is not terminated from employment, shall be referred to an SAP for a medical evaluation, counseling and/or rehabilitation treatment. If the employee is required to participate in such a program, his/her reinstatement or continued employment shall be contingent upon:

1) Successful completion of the program and remaining drug- and/or alcohol-free for its duration; and
2) Passing a return to duty drug and/or alcohol test as recommended by the SAP; and
3) Obtaining a final release for duty by the SAP (the final release for duty may be preceded by a temporary release for duty).
4) Nothing in this section prohibits the City from disciplining or terminating an employee who tests positive for a prohibited substance.

b. Employees who successfully complete a rehabilitation program and are released for duty, in addition to being subject to reasonable suspicion testing at any time pursuant to this policy, will be subject to follow up testing, which involves unannounced drug and/or alcohol testing at least 6 times during the following 12 months. The SAP will determine the dates for these drug and/or alcohol tests. The SAP will communicate these dates to the Human Resources Manager, who will inform the appropriate Police Department supervisory personnel to schedule these dates with the employee. The appointment for the collection will be made in advance and maintained in a confidential manner by the Department until the day of collection. The Department shall provide the supervisor with adequate notice of the test dates. The employee will not be notified until just prior to the testing. The employee may request an Association representative to accompany him/her to the collection site, provided the sample is collected without unreasonable delay.

c. Upon notification of selection for the follow up tests, the employee must proceed directly to the collection site for testing.

d. Refusing to submit to a return to duty or a follow-up test will be considered grounds for discharge. If the selected employee fails

to report to the collection site without unreasonable delay this will also be considered grounds for disciplinary action up to and including discharge.

4. Employee Self-Referral Rehabilitation

a. If an employee voluntarily enters a drug/alcohol rehabilitation program, it shall not be considered an offense under this policy. Such employees are, however, still subject to this policy and may be required to undergo drug and/or alcohol test if reasonable suspicion exists. Employees who voluntarily enter a drug or alcohol rehabilitation program shall be required to use sick leave, vacation, holiday leave bank, compensatory time, or leave without pay. All appointments with the SAP may be scheduled as vacation, sick leave, or leave without pay pursuant to City policies.

b. The employee will be responsible for all costs, not covered by insurance, which arise from such treatment.

5. Return to Duty

The employee will not return to work until the employee has a release for duty from the SAP and has passed a return to duty drug and/or alcohol test as recommended by the SAP. The release for duty may be a temporary or final release as described below, depending on the circumstances.

a. Temporary Release for Duty. The SAP may sign a temporary release for duty indicating that the employee can satisfactorily return to regular work assignment and continue treatment on an outpatient basis. The temporary release for duty shall indicate the length of time such release is valid not to exceed 4 months. The employee must present a final release for duty on or before the expiration date of the temporary release. A temporary release shall include follow up testing. The employee must present both the temporary and final release for duty to his/her supervisor.

b. Final Release for Duty. A final release for duty may be signed by the SAP indicating that the employee has:

1. Satisfactorily completed treatment and follow up testing; or
2. Does not require treatment at this time, and the employee

may return to regular work assignment without restrictions. Failure to provide a final release for duty to the supervisor may result in disciplinary action up to and including discharge.

6. Other Conditions Upon Return to Work

a. Once an employee provides the supervisor with a final release for duty, the employee may be returned to his/her regular duty assignment. Any records in the employee's personnel file regarding the incident will be retained and purged in accordance with the collective bargaining agreement.

b. If an employee tests positive during the 24 month period following rehabilitation, the employee will be subject to discipline, up to and including discharge.

L. OTHER

1. The City shall pay for drug and alcohol testing including the expenses of the Medical Review Officer.

2. This policy was initiated at the request of the City and the Employer shall assume sole responsibility for the administration of this policy. The City agrees to indemnify and hold the Association and its officers harmless from any and all claims of any nature (except those arising from the negligence of the Association and/or its officers) arising from the Employer's laboratories, or Medical Review Officer's implementation of this policy.

3. The parties recognize that there may be improvements in the technology of testing procedures which provide more accurate testing for on-the-job impairment or which constitute less invasive procedures for the employees. In that event, the parties, upon request of one to the other, will bargain in good faith whether to amend this procedure to include such improvements. If the parties are unable to agree, the issue will be submitted to impasse procedures under RCW 41.56.

4. If any provision of this policy shall be held invalid by operation of law or any Tribunal of competent jurisdiction, of if compliance or enforcement of any provision should be restrained by such Tribunal pending final determination as to its validity, the remainder of this policy shall not be held to be invalid, and will remain in full force and effect, and the parties, upon request of one to the other shall initiate immediate negotiations for

the purpose of arriving at a mutually satisfactory replacement of such provision.

5. The following attachments shall be a part of this Policy: Sergeant's Guidelines for Reasonable Suspicion Testing, and City of Yakima Police Department Drug and Alcohol Policy Reasonable Suspicion Test Form.

CITY OF YAKIMA POLICE DEPARTMENT
DRUG AND ALCOHOL POLICY
SERGEANTS' GUIDELINES FOR REASONABLE SUSPICION TESTING

The primary goal of the Drug and Alcohol Policy is to provide a working and service delivery environment free from the effects of alcohol/drug abuse. The Sergeant's role is to identify employees who may be a threat to the safety and welfare of the employee, other employees, and the public by being under the influence of drugs and/or alcohol while on-duty. Such employees *must* be removed from the workplace.

1. Once you become aware that an employee is or may be impaired by drugs or alcohol, contact your appropriate command staff and explain the situation.

2. If your command staff decides that the test is appropriate, relieve the employee of duty with pay during the course of the exam and MRO review.

3. Complete a report describing the basis for the test including observable behavior. You may use the Yakima Police Department Drug and Alcohol Policy Reasonable Suspicion Test Form as a guide to help you complete your report.

CITY OF YAKIMA POLICE DEPARTMENT
DRUG AND ALCOHOL POLICY
REASONABLE SUSPICION TEST FORM

(CONFIDENTIAL)

Employee Name:_____Date/Time of Incident:_____
Supervisor #1 Name:_____
Supervisor #2 Name:_____

The following information should be provided when facts and circumstances provide reasonable suspicion that an employee is under the influence of drugs or alcohol. The supervisor(s) should document all pertinent facts and circumstances. Check each appropriate box and make any additional notes or comments in the spaces provided.

A. CONTRIBUTING EVENT/CAUSE FOR SUSPICION

- ☐ Employee appears to be impaired by alcohol or drugs.
- ☐ Employee used an unlawful prohibited substance in the work place.
- ☐ Supervisor observed abnormal or erratic behavior (list below.)
- ☐ Employee refused to submit to or willfully interfered with drug or alcohol testing required in accordance with this policy.
- ☐ Other (Example: flagrant safety violations, accidents, incidents, fighting or argumentative/abusive language.)

B. BEHAVIORS OF CONCERN

- ☐ Verbal abusiveness/explosive angry behavior
- ☐ Physical abusiveness/fighting
- ☐ Impaired memory/perception/judgment
- ☐ Mood swings or unpredictable behavior
- ☐ Avoiding others/withdrawal
- ☐ Other behaviors of concern (Example: hyperactivity, hallucinations, disorientation, etc.) _____
  _____
  _____

C. OBSERVED SIGNS AND SYMPTOMS

Erratic or drunken behavior
Mood swings
Verbal abusiveness
Odor of alcohol/marijuana
Disoriented or Impaired
Shallow breathing
Shaking or tremors
Slowed responses/lethargic
Secretive behaviors
Physical abusiveness/fighting
Dilated pupils/constricted pupils
Weak rapid pulse
Memory/perception/judgment
Explosive/angry behaviors
Clammy skin
Nausea/vomiting

Drowsiness/fatigue	Dizziness
Red/bloodshot or watery eyes	Psychosis
Runny nose, sores around nostrils	Illusions/hallucinations
Increased pulse or blood pressure	Anxiety/anxiousness
Loss of appetite/insatiable appetite	Dry mouth
Drug paraphernalia	Euphoria
Insomnia/sleeping disorders	Nervousness
Needle "tracks"	Slurred speech
Lack of concentration	Increased body temperatures
Poor muscle control/coordination	Convulsions
Increased alertness/hypersensitive	Flashbacks
Social detachment or isolation	Unpredictable behavior
Psychological dependency	Preoccupation
Illogical speech and thought process	Overreaction to criticism
Irritability	Anxiousness
Sudden increase in absenteeism	

D. WRITTEN SUMMARY

Please summarize the facts and circumstances. Include any observations, comments, questions or employee responses made through direct observations, details of incidents, or third party reports. Be specific. Please note the date, times and locations of all pertinent information. Attach additional sheets if necessary.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____ _____

Signature of Supervisor #1 Date and Time

_____ _____

Signature of Supervisor #2 Date and Time