

**CITY OF MILWAUKEE
BOARD OF CITY SERVICE COMMISSIONERS
PRE-EMPLOYMENT DRUG TESTING POLICY
Revised September 3, 2019**

I. PURPOSE

The City of Milwaukee is committed to maintaining a drug free workplace. This commitment requires all general city employees to perform their job duties and responsibilities unimpaired by the use of any legal or illegal substances. While on City premises and/or conducting business-related activities at any location, employees, may not use, possess, manufacture, distribute, sell or be under the influence of illegal drugs or controlled substances.

Recognizing that drug abuse in certain critical positions within the City service can seriously impact the effective, safe, and prompt delivery of City services and/or the health and safety of others, the Board of City Service Commissioners has declared that all candidates for employment for safety sensitive positions, or other positions for which the City has special needs, both defined below, must successfully pass a pre-employment drug test as a condition of employment.

II. APPLICABILITY

This policy applies to every otherwise qualified candidate for a position in the City service classified as special needs or safety sensitive position as defined below. This includes individuals who have been conditionally offered initial employment, reinstatement after resignation, or current employees offered a promotion, transfer or demotion to a safety sensitive position within the City service.

Special needs general city positions subject to pre-employment drug testing include positions where the City has a compelling interest, such as protection of the public's health, safety, welfare, and resources, in designating the position as subject to the pre-employment testing.

The most common type of special needs general city positions are those deemed safety sensitive, i.e., positions that involve significant responsibility for or impact on the health and safety of others such as positions where errors in judgement, inattentiveness or diminished coordination, dexterity or composure could result in mistakes that would substantially endanger the health and safety of others.

All positions required to attain and maintain a commercial driver's license are required to meet applicable federal requirements for drug/alcohol/controlled substance testing. Other positions in the City service that meet at least one of the following requirements are considered safety sensitive, or otherwise special needs, for purposes of this policy:

- a. Required to operate heavy machinery or equipment;
- b. Work with controlled substances, hazardous chemicals, or hazardous materials;
- c. Responsible for inspection duties relative to building safety infrastructure;
- d. Responsible for providing direct medical care and other public health interventions that ensure the health and safety of the community;
- e. Directly responsible for assessing and preventing environmental and other health hazards;
- f. Responsible for activities related to the quality, distribution, and safety of potable water;
- g. Required to work in any enclosed or confined space which, by virtue of its enclosed nature, creates conditions that give rise to a likelihood of an accident, harm or injury of such a nature as to require emergency action.

III. REFUSAL TO SUBMIT OR FAILED TEST

Refusal to submit to a pre-employment drug test by an otherwise qualified candidate means any of the following:

1. Refusal or failure to sign an informed consent authorization form;
2. Refusal or failure to appear at a designated collection site within 72 hours of the acceptance of an offer of conditional employment by the appointing authority;

3. Refusal or failure to provide an adequate sample;
4. Engaging in obstruction of or refusal to cooperate with the drug testing procedure;
5. Leaving the site during the collection period after checking-in;
6. Adulterating or substituting the sample; or
7. A confirmed positive result.

IV. CONSEQUENCE OF A CONFIRMED POSITIVE TEST RESULT OR FAILURE TO SUBMIT

Any person who refuses to submit or has a confirmed positive test result, as specified above, shall have his/her hiring process terminated and his/her conditional offer of employment withdrawn. The individual will also be removed from any list of eligibles for employment.

V. CONFIDENTIALITY

The records of all drug tests and their results shall be handled in accordance with all applicable federal laws and regulations. All information from an otherwise qualified candidate's drug test is confidential and only those with a need to know are to be informed of the results. Disclosure of test results to any other person, agency or organization is prohibited unless written authorization is obtained from the person tested. However, the City is not required to obtain written authorization from the person tested when drug testing becomes the subject of a judicial, quasi-judicial or other administrative proceeding.

VI. TESTING PROCEDURES

Candidates directed to undergo a controlled substances test shall proceed to a designated collection site as instructed within 72 hours of the acceptance of an offer of conditional employment by the appointing authority.

Candidates shall follow all procedures and instructions given at the collection site. Failure to do so shall be considered a refusal to test.

Testing shall be performed by a trained collector and sample is to be tested at a certified lab in a secured (DOT like) facility. Procedures for collection, distribution, analysis and reporting are to be determined by the City and the provider in compliance with applicable federal regulations.

The City reserves the right to authorize an observed collection when there is information that suggests the specimen has been altered, substituted, or tampered with.