



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpgr.net

#23

Kerri Callais
Councilmember
at Large

Richard "Richie" Lewis
Councilmember
at Large

Gillis McCloskey
Councilmember
District A

Nathan Gorbaty
Councilmember
District B

Howard Luna
Councilmember
District C

Wanda Alcon
Councilmember
District D

Manuel "Monty" Montelongo III
Councilmember
District E

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, SEPTEMBER 19, 2017 AT THREE O'CLOCK P.M.

On motion of Mr. McCloskey, seconded by Mr. Lewis, it was moved to adopt the following ordinance:

ORDINANCE SBPC #2006-09-17

Summary No. 3526

Introduced by: Administration on 9/5/17
Public hearing held on 9/19/17

AN ORDINANCE TO AMEND THE ST. BERNARD PARISH GOVERNMENT PERSONNEL PLAN.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Government Personnel Plan is hereby amended as per attached in Exhibits.

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.



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Extract #23 continued
September 19, 2017

Richard "Richie" Lewis
Councilmember
at Large

Gillis McCloskey
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District A

Nathan Gorbaty
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Howard Luna
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Montelongo III**
Councilmember
District E

Roxanne Adams
Clerk of Council

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

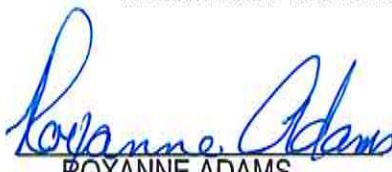
YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as YEA.

And the motion was declared adopted on the 19th day of September, 2017.



ROXANNE ADAMS
CLERK OF COUNCIL



RICHARD LEWIS
COUNCIL CHAIR

Delivered to the Parish President

9/22/2017 2:27pm
Date and Time

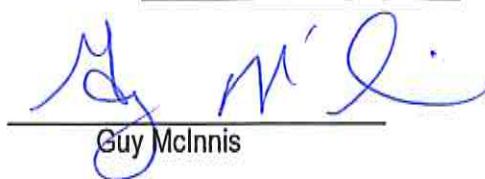
Received by

Magen Camp

Approved ✓

Vetoed _____

Parish President

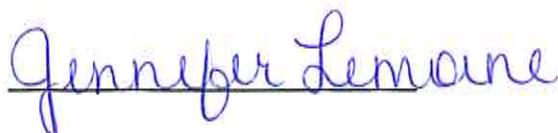


Guy McInnis

Returned to Clerk of the Council

9/26/2017 9:30am
Date and Time

Received by



Jennifer Lemaine

Division II, Pay Plan

Section 17-75 – Applicability.

(b)

(3) When an employee is changed from one class of work to another having a lower pay range, he/she shall be paid at the *same step* for the lower classification or up to the maximum rate for the lower class, whichever is lesser, subject to downward adjustment by separate and specific appropriate action;

DRUG TESTING CONSORTIUM
FTA Drug and Alcohol Testing Program

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Attachment A: Negative Dilute Results

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Attachment C: Drugs Tested

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DRUG AND ALCOHOL TESTING POLICY
ST. BERNARD TRANSIT
AUGUST 2017

A. PURPOSE

St. Bernard Transit provides public transit services for the residents of the parish and visitors to our community. Part of St. Bernard Transit's mission is to ensure that this transit service is delivered safely, efficiently, and effectively. To that end, the Transit's goal is to establish a drug and alcohol-free work environment and to ensure that the workplace remains free from the effects of drugs and alcohol so as to promote the health and safety of employees and the general public. In keeping with this mission, **the policy of St. Bernard Transit is that the "unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees."**

This policy statement is adopted to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, St. Bernard Transit policy is in compliance with the Federal Transit Administration (FTA) of the U.S. Department of Transportation, 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result. The St. Bernard Transit policy is also in compliance with U. S. Department of Transportation (USDOT) guideline 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.

B. APPLICABILITY

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing any transit-related business, including driving, maintenance, and dispatch. A safety-sensitive function is any duty related to the safe operation of mass transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or person controlling the movement of revenue service vehicles and any other transit employee who is required to hold a Commercial Drivers License. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service.

C. DEFINITIONS

Accident means an occurrence associated with the operation of a revenue service vehicle even when not in revenue service if resulting in:

- 1) The death of a person;
- 2) An individual suffering a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- 3) One or more vehicles incurs disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

Adulterated specimen. A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

Alcohol Concentration is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing device.

Canceled Test is a drug test that has been declared invalid by a Medical Review Officer. A canceled test is neither positive nor negative.

Covered Employee means an employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function.

Designated Employer Representative (DER) An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

Department of Transportation (DOT) Department of the federal government which includes the US Coast Guard, Federal Transit Administration, Federal Railroad Administration, Federal Highway Administration, Federal Motor Carrier Safety Administration, Research and Special Programs, and the Office of the Secretary of Transportation.

Dilute specimen. A specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling damage means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so

operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Evidentiary Breath Testing Device (EBT) A Device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on the National Highway Traffic Safety Administration (NHTSA) conforming products list.

Medical Review Officer (MRO) means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

Negative Dilute A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

Negative test result for a drug test means a verified presence of the identified drug or its metabolite below the minimum levels specified in 49 CFR Part 40, as amended. An alcohol concentration of less than 0.02 BAC is a negative test result.

Non-negative test result is a test result found to be adulterated, substitute, invalid, or positive for drug/drug metabolites.

Performing (a safety-sensitive function) means a covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive test result for a drug test means a verified presence of the identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, as amended. A positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC or greater.

Prohibited drug means marijuana, cocaine, opiates, amphetamines, phencyclidine, 6-acetylmorphine and mdma at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

Revenue Service Vehicles include all transit vehicles that are used for passenger transportation service or that require a CDL to operate.

Safety-sensitive functions include (a) the operation of a transit revenue service vehicle even when the vehicle is not in revenue service; (b) the operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL); (c) maintaining a revenue service vehicle or equipment used in revenue service; (d) controlling the movement of a revenue service vehicle; and (e) carrying a firearm for security purposes.

Substance Abuse Professional (SAP) means a licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted specimen. A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with normal human urine.

Test Refusal The following are considered a refusal to test if the employee:

- Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer
- Fails to remain at the testing site until the testing process is complete;
- Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations;
- In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of providing a specimen
- Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- Fails or declines to take a second test the employer or collector has directed you to take;
- Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures
- Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector). An employee that refuses to take an alcohol test incurs the same consequences specified under DOT agency regulations for a violation of those DOT agency regulations. As a BAT or an STT, or as the physician evaluating a "shy lung" situation, when an employee refused to test, the portion of the testing process in which you are involved must be terminated and the refusal documented on the ATF (or in a separate document which you cause to be attached to the form), immediately notify the DER by any means (e.g., telephone or secure fax machine) that ensures the refusal notification is immediately received. This notification must be directly made to the DER (not using a C/TPA as an intermediary).
- For an observed collection, an employee's failure to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the employee has any type of prosthetic or other device that could be used to interfere with the collection process.
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
- Admit to the collector or MRO that the specimen has been adulterated or substituted. If the MRO reports that an employee has a verified adulterated or substituted test result, it is considered a refusal to take a drug test. Any employee refusing to take a drug test incurs the consequences specified under DOT agency regulations for a violation of those DOT agency regulations. When an employee refuses to participate in the part of the testing process, the collector or MRO must terminate the portion of the testing process and document the refusal on the CCF (including, in the case of the collector, printing the employee's name on Copy 2 of the CCF), immediately notify the DER by any means

(e.g., telephone or secure fax machine) that ensures that the refusal notification is immediately received. A referral physician (e.g., physician evaluating a "shy bladder" condition or a claim of a legitimate medical explanation in a validity testing situation) must notify the MRO, who in turn will notify the DER. A collector must note the refusal in the "Remarks" line (Step2), and sign and date the CCF. An MRO must note the refusal by checking the "Refusal to Test" box in Step 6 on Copy 2 of the CCF checking whether the specimen was adulterated or substituted and if adulterated, noting the adulterant/reason. If there was another reason for the refusal, check "Other" in Step 6 on Copy 2 of the CCF, and note the reason next to the "Other" box and on the "Remarks" lines, as needed. The CCF must be dated and signed.

- Employees refusing to take a non-Dot test or to sign a non-Dot form are not considered to have refused to take a DOT test. There are no consequences under DOT agency regulations for refusing to take a non-DOT test.

Verified negative test means a drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

Verified positive test means a drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

Validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

D. EDUCATION AND TRAINING

Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.

All St. Bernard Transit supervisory personnel who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse. Information on the signs, symptoms, health effects, and consequences of alcohol misuse is presented in Attachment B of this policy.

E. PROHIBITED SUBSTANCES

Prohibited substances addressed by this policy include the following.

- 1) Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has

been written for the substance. This includes, but is not limited to: Marijuana, Amphetamines, Opiates, Phencyclidine (PCP), Cocaine, MDMA, and 6-acetylmorphine as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, as which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy.

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all covered employees be tested for Marijuana, Amphetamines, Opiates, Phencyclidine (PCP), Cocaine, MDMA, and 6-acetylmorphine as described in Section H of this policy. Illegal use of these five drugs is prohibited at all times, and thus covered employees may be tested for these drugs anytime that they are on duty.

- 2) Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. An alcohol test can be performed on a covered employee under 49 CFR Part 655 just before, during, or just after the performance of safety-sensitive job functions.

F. PROHIBITED CONDUCT

- 1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR PART 40, as amended.
- 2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline.
- 3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.
- 4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.
- 5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- 6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

Consistent with the Drug-Free Workplace Act of 1988, all St. Bernard Transit employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including Transit Department premises, transit vehicles, while in uniform or while on St. Bernard Transit business.

G. DRUG STATUTE CONVICTION

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the

St. Bernard Transit management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in termination.

H. TESTING REQUIREMENTS

Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR part 40 as amended. All covered employees shall be subject to testing prior to employment, for reasonable suspicion, following an accident, and random as defined in Section K, L, M, and N of this policy. All covered employees who have tested positive for drugs or alcohol on a random, reasonable suspicion, or post-accident will be tested prior to returning to duty after completion of the Substance Abuse Professional's recommended treatment program and subsequent release to duty. Follow-up testing will also be conducted following return-to-duty for a period of one to five years, with at least six tests performed during the first year. The duration and frequency of the follow-up testing above the minimum requirements will be at the discretion of the Substance Abuse Professional.

A drug test can be performed any time a covered employee is on duty. An alcohol test can be performed just before, during, or after the performance of a safety-sensitive job function.

All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with St. Bernard Transit. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to termination. Any covered employee who is suspected of providing false information in connection with a drug test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection. Verification of the above listed actions will be considered a test refusal and will result in the employees termination. Refer to Section C 3 for behavior that constitutes a refusal to test.

I. DRUG TESTING PROCEDURES

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.

The drugs that will be tested for include Marijuana, Amphetamines, Opiates, Phencyclidine (PCP), Cocaine, MDMA, and 6-acetylmorphine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.

The test results from the HHS certified laboratory will be reported to a Medical Review Officer (MRO). An MRO is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to the St. Bernard Transit Drug and Alcohol Program Manager (DAPM). If a legitimate explanation is found, the MRO will report the test result as negative to the DAPM and no further action will be taken. If the test is invalid without a medical explanation, a retest will be conducted under direct observation.

Any covered employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory with no affiliation with the laboratory that analyzed the primary specimen. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. St. Bernard Transit will ensure that the costs for the split specimen are covered in order for a timely analysis of the sample, however St. Bernard Transit will seek reimbursement for the split sample test from the employee.

If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled and will direct St. Bernard Transit to retest the employee under direct observation.

The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary is positive, the split will be retained for testing if so requested by the employee through the Medical Review Officer. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year.

Observed collections:

Consistent with 49 CFR part 40, as amended, collection under direct observation (by a person of the same sex) with no advance notice will occur if:

- 1) The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to St. Bernard Transit that there was not an adequate medical explanation for the result; or The MRO reports to St. Bernard Transit that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed.
- 2) The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen or
- 3) The temperature on the original specimen was out of range.
- 4) Direct observation collection procedures are **mandatory** for all return-to-duty and follow-up drug testing. In addition, St. Bernard Transit may direct a collection under direct observation of an employee if the drug test is a return-to-duty test or a follow-up test.

J. ALCOHOL TESTING PROCEDURES

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device which is also approved by NHSTA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted at least fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

An employee who has a confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequence of a positive alcohol test is termination. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer.

The St. Bernard Transit Department affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.

The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

K. PRE-EMPLOYMENT TESTING

All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function.

1. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant shall not be hired into a covered position unless the applicant takes a drug test with verified negative results.
2. A non-covered employee shall not be placed, transferred or promoted into a covered position until the employee takes a drug test with verified negative results.
3. If an applicant fails a pre-employment drug or alcohol test, the conditional offer of employment shall be rescinded. Evidence of the absence of drug dependency from a Substance Abuse Professional that meets with 49 CFR part 40 as amended and a negative pre-employment drug test will be required prior to further consideration for employment. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
4. When an employee being placed, transferred, or promoted from a non-covered position to a covered position submits a drug test with a verified positive result, the employee shall be subject to termination. If a pre-employment/pre-transfer test is canceled, St. Bernard Transit will require the applicant to take and pass another pre-employment drug test.
5. In instances where a covered employee is on extended leave for a period of 90 days or more regardless of reason, the employee will be required to take a drug test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.
6. Applicants are required to report previous DOT covered employer drug and alcohol test results—Failure to do so will result in the employment offer being rescinded.

L. REASONABLE SUSPICION TESTING

All St. Bernard Transit covered employees will be subject to a reasonable suspicion drug and/or alcohol test when there are reasons to believe that drug or alcohol use is impacting job performance and safety. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one supervisor who is trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. A reasonable suspicion drug test can be performed any time the covered employee is on duty.

An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be terminated.

A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation prior to the release of the test results. This written record shall be submitted to the St. Bernard Transit management and shall be attached to the forms reporting the test results.

M. POST-ACCIDENT TESTING

All covered employees will be required to undergo urine and breath testing if they are involved in an accident with a transit revenue service vehicle regardless of whether or not the vehicle is in revenue service that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance cannot be completely discounted as a contributing factor to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility; or one or more vehicles incurs disabling damage, unless the operators performance can be completely discounted as a contributing factor to the accident.

- 1) As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.
- 2) The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and within 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.
- 3) Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test.

- 4) An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
- 5) Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

In the rare event that St. Bernard Transit is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), St. Bernard Transit may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

N. RANDOM TESTING

All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees.

- 1) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year.
- 2) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates established by Federal regulations for those safety-sensitive employees subject to random testing by Federal regulations. The current random testing rate for drugs established by FTA equals twenty-five percent of the number of covered employees in the pool and the random testing rate for alcohol established by FTA equals ten percent of the number of covered employees in the pool.
- 3) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection and notification of the individuals who are to be tested.
Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of employees that are included solely under St. Bernard Transit's authority.
- 4) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can be performed just before, during, or just after the performance of a safety sensitive duty. Testing can occur during the beginning, middle, or end of an employee's shift.
- 5) Employees are required to proceed immediately to the collection site upon notification of their random selection.

O. ZERO TOLERANCE POLICY

St. Bernard Transit has a zero tolerance policy pertaining to any covered employee that has a verified positive drug or alcohol test. Said employee will be removed from his/her safety-sensitive position and terminated. St. Bernard Transit will inform the employee of the name of a substance abuse professional along with his/her address and phone

P. INFORMATION DISCLOSURE

Drug/alcohol testing records shall be maintained by the St. Bernard Transit by the Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.

- 1) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP referrals and follow-up testing plans.
- 2) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, Department Supervisor and Personnel Manager on a need to know basis.
- 3) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 4) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the preceding. The information will only be released with binding stipulation from the decision maker will make it available only to parties in the preceding.
- 5) Records will be released to the National Transportation Safety Board during an accident investigation.
- 6) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 7) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over St. Bernard transit or the employee.
- 8) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended necessary legal steps to contest the issuance of the order will be taken.
- 9) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

Q. SYSTEM CONTACTS

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s):

ST. BERNARD PUBLIC TRANSIT 's Drug and Alcohol Program Manager:

Name: **MICHAEL BAYHAM**

Title: Manager

Address: 8201 W. Judge Perez Drive Chalmette, LA 70043

Telephone Number: 504-277-1907

Consortium

Name: **DRUG TESTING CONSORTIUM**

Address: **102 E. MAPLE AVE; EUNICE, LA 70535**

Telephone Number: **(800) 447-2974 FAX (337) 457-1625**

Medical Review Officer

Name: **HEINEN MEDICAL REVIEW**

Title: **BRIAN HEINEN, M.D.**

Address: **151 LEON STREET; EUNICE, LA 70535**

Telephone Number: **(337) 457-0498 FAX (337) 457-0474**

Substance Abuse Professional

Name: **JOHN PITT MULLINS**

Address: **15214 STATE HWY. 75; REMLAP, AL. 35133**

Telephone Number: **(205)681-5337**

HHS Certified Laboratory Primary Specimen

Name: **ALERE TOXICOLOGY SERVICES**

Address: **1111 Newton St., Gretna, La. 70053**

Telephone Number: **(800)433-3823**

HHS Certified Laboratory Split Specimen

Name: **ALERE TOXICOLOGY SERVICES**

Address: **1111 NEWTON ST.; GRETNA, LA 70053**

Telephone Number: **(800) 433-3823**

This Policy was adopted by the St. Bernard Parish Council on _____, _____

2017.

Attachment A
NEGATIVE DILUTE RESULTS

ALL NEGATIVE DILUTE RESULTS WILL REQUIRE AN IMMEDIATE RE-COLLECTION FOR ALL PRE-EMPLOYMENTS, RANDOMS, AND REASONABLE SUSPICION.

ANY NEGATIVE DILUTE RESULT FOR POST ACCIDENTS TESTING WILL NOT REQUIRE RE-COLLECTION.

Attachment B
Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stupor condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

➤ **Health Effects**

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed "alcoholic")
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related).

➤ **Social Issues**

- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.

- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.

- Forty percent of family court cases are alcohol problem related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

➤ The Annual Toll

- 24,000 people will die on the highway due to the legally impaired driver.
- 12,000 more will die on the highway due to the alcohol-affected driver.
- 15,800 will die in non-highway accidents.
- 30,000 will die due to alcohol-caused liver disease.
- 10,000 will die due to alcohol-induced brain disease or suicide.
- Up to another 125,000 will die due to alcohol-related conditions or accidents.

➤ Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

Attachment C
LIST OF DRUGS TESTED

Marijuana metabolites
Cocaine metabolites
Opiate metabolites
Phencyclidine
Amphetamines
6-Acetylmorphine
MDMA

ATTACHMENT D
GENERAL ADMINISTRATIVE DUTIES

DRUG AND ALCOHOL POLICY
VERIFICATION OF EMPLOYEE NOTICE

I have received a copy of the St. Bernard Transit Drug and Alcohol Policy which outlines the rights, duties, and responsibilities of St. Bernard Transit and all employees of St. Bernard Transit.

Name

Employee Signature Date

Witness Signature Date

ATTACHMENT E
Reasonable Suspicion Evaluation and Checklist (Sheet 1)

This form is required to be completed by the supervisor of a safety-sensitive employee as a guideline for the determination to order a drug and/or alcohol test screen for the employee when reasonable suspicion exists subject to St. Bernard Transit's Drug and Alcohol Policy. The supervisor or a responsible St. Bernard Transit official shall independently complete this form in its entirety.

Name of safety-sensitive employee: _____.

Employee identification number: _____

Position description of employee: _____

Date and time of evaluation: _____

Location of employee when reasonable suspicion evaluation was made: _____
(be specific)

Evaluating supervisor: _____

Other supervisors at the location: _____

I. CIRCUMSTANCES OCCURRING AT THE TIME OF THE EVALUATION

- Employee is reporting for duty: Yes No (circle one)
- Employee is already on duty: Yes No (circle one)

II. OBSERVATIONS OF EMPLOYEE'S PHYSICAL CONDITION

Check below any/all applicable behaviors and describe:

_____	Slurred speech	_____
_____	Confusion / disorientation	_____
_____	Odor of alcohol on breath or person	_____
_____	Odor of marijuana on breath or person	_____
_____	Unsteady gait or lack of balance	_____
_____	Glassy eyes	_____
_____	Rapid or continuous eye movement or inability to focus	_____
_____	Drowsiness	_____

ATTACHMENT E
Reasonable Suspicion Evaluation and Checklist (Sheet 2)

<input type="checkbox"/>	Inattentiveness	<hr/>
<input type="checkbox"/>	Apparent intoxicated behavior (without the odor of alcohol or marijuana)	<hr/>
<input type="checkbox"/>	Apparent intoxicated behavior (with the odor of alcohol or marijuana)	<hr/>
Physical injury. Indicate location on body:		<hr/>
<input type="checkbox"/>	Tremors or bodily shaking	<hr/>
<input type="checkbox"/>	Poor concentration	<hr/>
<input type="checkbox"/>	Runny nose or sores around nostrils	<hr/>
<input type="checkbox"/>	Very large or very small eye pupils	<hr/>
<input type="checkbox"/>	Slow or inappropriate reactions	<hr/>

III. OBSERVATIONS OF EMPLOYEE'S BEHAVIOR

Check below any/all applicable behaviors and describe:

<input type="checkbox"/>	Inability to respond to questions or to respond correctly	<hr/>
<input type="checkbox"/>	Complaints of racing or irregular heart beating	<hr/>
<input type="checkbox"/>	Marked irritability	<hr/>
<input type="checkbox"/>	Aggressiveness (attempts at physical contact)	<hr/>
<input type="checkbox"/>	Inappropriate laughter, crying, etc.	<hr/>
<input type="checkbox"/>	Sleeping on the job	<hr/>
<input type="checkbox"/>	Fainting or repeated loss of consciousness	<hr/>
<input type="checkbox"/>	Inappropriate job performance and/or violation of department rule(s)	<hr/>

ATTACHMENT E
Reasonable Suspicion Evaluation and Checklist (Sheet 3)

IV. DETERMINATION OF REASONABLE SUSPICION

Based on the above documented information, I have determined that there is is not (supervisor to circle only one) reasonable suspicion for sending _____ for an FTA drug and alcohol screening test.

The drug and alcohol screening tests have been ordered by: _____.

Signature of supervisor/official conducting the evaluation: _____

Printed name of the supervisor conducting the evaluation and employee identification number:

Date: _____ (month, day, year).

ATTACHMENT F
Post-Accident Documentation Summary Form (Front)

*To Be Completed by Supervisor
Return to Department Program
Coordinator
within 24 Hours of the Accident.*

**POST-ACCIDENT
DOCUMENTATION SUMMARY**

1) Accident Report #: _____

2) Incident Report #: _____

3) Location of Accident: _____

4) Brief Description: _____

5) Accident Date: _____ Time: _____

6) Report Date: _____ Time: _____

7) Name of Employee: _____

8) Identification Number: _____

9) Position: _____

10) Result of Accident:

10)a) Was there a fatality? _____ Yes _____ No

10)b) Was there disabling damage* to parish or other vehicles? _____ Yes _____ No

10)c) Was anyone transported from the scene for medical attention? _____ Yes _____ No

If yes, what category? _____ Employees
_____ Passengers
_____ Other Vehicle
_____ Other

11) Was the employee sent for a post-accident drug and alcohol test? _____ Yes _____ No

12) If no, explain: _____

13) Decision to Test:

a) DOT (transit revenue service or commercial motor vehicles) _____ Yes _____ No

b) ST. BERNARD PUBLIC TRANSIT (other City equipment, machines, or vehicles) _____ Yes _____ No

**Disabling damage means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.*

ATTACHMENT F
Failure To Administer Post-Accident Drug Test

**PREPARE THIS FORM ONLY WHEN THE EMPLOYEE IS NOT TESTED
WITHIN 32 HOURS OF THE DETERMINATION THAT A POST-ACCIDENT
DRUG TEST IS REQUIRED.**

Names of _____ (insert name
of transit system, state, contractor or sub-recipient) safety-sensitive employees involved
in the accident/incident:

(first names, middle initials, last names).

Date of accident/incident satisfying at least one of the FTA thresholds requiring post-accident
drug testing: _____ (month, day, year)

Time of qualifying accident/incident: _____ AM PM (circle one)

Specific location of the qualifying accident/incident: _____

Reason why the drug test was not administered (check all that apply):

- Safety-sensitive employee refused to be tested.
- Safety-sensitive employee was medically incapacitated.
- Safety-sensitive employee was arrested.
- Safety-sensitive employee was detained by law enforcement official.
- Other: _____

Specific disciplinary action (if any) taken by _____ (insert name of transit
system, state, contractor or sub-recipient):

Date on which this report is completed: _____ (month, day, year).

Name of ST. BERNARD TRANSIT official completing and filing report:

(first name, middle initial, last name).

Title of ST. BERNARD TRANSIT official completing and filing report:

Sec. 17-156. – Holidays

(b) If the following holidays, January 1, July 4, November 11, December 24, December 25 and December 31 fall on Saturday, employees will observe the holiday on the preceding Friday. If the holiday should fall on a Sunday, they will observe the holiday on the following Monday.

(1) If holidays fall consecutively on Friday and a Saturday or Sunday and a Monday, the following will apply:

- Friday and Saturday - The Holiday that falls on the Friday will remain on the Friday; the Holiday that falls on the Saturday will roll to Monday.
- Sunday and Monday - The Holiday that falls on the Sunday will roll back to the Friday and the Holiday that falls on the Monday will remain on the Monday.

Section 17-89 – Sick and annual leave upon retirement

Upon application for retirement by an employee who has served the Parish for seven (7) Years or more, the Director of Human Resources shall authorize paid terminal leave in the amount of that accrued of up to twenty-five (25) days of sick and annual leave accumulated to the date of separation, not to exceed thirty (30) days. Employees shall be given the option to apply any excess earned sick leave to service time, in accordance with Parochial Employers' Retirement System of Louisiana rules and regulations.

Sec. 17- 144.-Exhaustion of sick leave

Sick or Annual Leave Donation

- Employees who are eligible to donate and receive leave shall be:
A full-time employee who accrues sick or annual leave and has been continuously employed by St. Bernard Parish Government for not less than 12 months.
- The employee must have a “Serious Health Condition” in order to be eligible to receive donated sick or annual leave. “Serious Health Condition” shall mean the employee:
 - a. Is undergoing or in need of impatient care; or
 - b. Has been or will be incapacitated for more than (3) three days with continuing treatment by a health care provider; or
 - c. Cannot work due to a serious medical condition; or
 - d. Has a serious medical condition that requires multiple treatments.
- The employee must provide written certification from a licensed physician of a “Serious Health Condition” which makes them ineligible to work.
- Employees can only utilize donated leave when they have exhausted their entire accrued sick and annual leave.
- All donated annual leave shall be converted to sick leave.
- The donation of sick or annual leave is on an hour-by-hour basis without regard to the dollar value of the donated or used leave.
- The minimum number of sick or annual leave hours that may be donated by any one employee to another employee is 7 hours.
- The maximum number of sick or annual leave hours that may be donated by an employee to another employee in one calendar year is 80 hours.
- No individual employee may receive donated leave in excess of 480 hours during the course of one consecutive 12 month period unless approved by the Human Resources Director and Chief Administrative Officer. Once it becomes apparent that an employee will need in excess of 480 hours, the Chief Administrative Officer shall consider the needs of the department, the needs of the Parish and budget considerations before approving additional donated leave.

- Employees may not receive or utilize donated sick or annual leave in the following circumstances:
 - a. Any occupationally-related accident or illness which is compensable under Workers' Compensation benefits;
 - b. Disability incurred in the course of the commission of a felony (including driving while impaired) or assault; or
 - c. During the period of any disciplinary suspension;
 - d. While receiving disability insurance benefits; or
 - e. After the termination of employment.
- An eligible employee may request donated leave by submitting a written request to the Human Resources Department through the *Employee Request Form for Donation of Sick or Annual Leave*. The form must be approved by the Department Head, Human Resources Director and Chief Administrative Officer.
- Once the request for donated leave is approved, the Human Resources Director will send a notice to employees giving them the opportunity to donate leave to the eligible employee. The Director of Human Resources is the only person who may request donated leave on behalf of an eligible employee.
- An eligible employee may donate sick or annual leave by submitting a written request to the Human Resources Department through the *Employee Donation Form for Sick or Annual Leave*. The form must be approved by the Department Head, Human Resources Director and Chief Administrative Officer.
- Donated leave will be transferred from the donor(s) each pay period in the order received, *as needed by the eligible employee for loss time relating to the specific approved health condition*.
- Once the employee is released to return to work from the specific health condition, the employee is no longer eligible to receive or use donated leave.
- In the event of a chronic illness or injury requiring episodic treatment (dialysis, chemotherapy, radiation therapy, physical therapy), the recipient may use donated leave in non-consecutive increments. When considering chronic illness or circumstances not specifically covered in this policy, each case will be reviewed by the Human Resources Director and Chief Administrative Officer on an individual basis.