

Housing Authority of the City  
of Kansas City, Kansas

Statement of Policy on  
Drug Testing and Substance Abuse

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## 1. Statement of Purpose

- 1.1 The Kansas City, Kansas Housing Authority (Housing Authority) is committed to programs that promote safety in the workplace, employee health and well being, and public confidence. Consistent with the spirit and intent of this commitment, the Housing Authority has developed this policy statement regarding the sale, use, possession, and distribution of drugs and alcohol by all employees.
- 1.2 Employees who use illegal drugs or abuse alcohol bear substantial responsibility for changing their behavior and, if necessary, must begin the process of rehabilitating themselves.
- 1.3 As a public entity, we cannot ignore the possibility of a drug problem and its potential consequences.
- 1.4 The use of illegal drugs, on or off duty, by Housing Authority employees is inconsistent both with the duty of all citizens to abide by the law and with the duty of care expected of Housing Authority employees as servants of the public. Moreover, employees who use illegal drugs, on or off duty and employees who consume alcohol while on duty, tend to be less productive, less reliable, and prone to greater absenteeism than their fellow employees who do not engage in such conduct.
- 1.5 The Housing Authority believes that its adherence to the constitutional rights of employees must be measure against its interest in regulating certain conduct of employees to ensure the safety of the public and other employees. Toward this end, the Housing Authority has engaged in careful analysis and has determined that its interests present special needs beyond normal law enforcement justifying the adoption of a physical examination procedure designed to identify improper drug and alcohol use. The procedure selected and which is hereby implemented includes the testing of blood and urine as well as the utilization of other diagnostic tests designed to detect alcohol and/or drugs (or drug metabolites).
- 1.6 The inherent difficulty in detecting drug abuse, coupled with the safety concerns such use poses to the public when such abuse is committed by employees, mandates the implementation of a detection procedure designed to identify improper drug and alcohol use. This procedure should include, among other things, blood and urinalysis testing. Our goal, therefore, and the purpose of this policy is to establish and maintain a safe workplace and a healthy and efficient work force free from the effects of drug and alcohol abuse
- 1.7 The examination and detection procedures described herein are not

intended to be punitive in nature. Reports of physical examination, which disclose improper drug and alcohol use, will not be voluntarily submitted for use in criminal prosecutions.

1.8 References:

- a. Executive Order 12564; and
- b. Executive Order 10450; and
- c. Executive Order 12356; and
- d. Section 503 of the Supplemental Appropriations Act of 1987, Pub. L. 100-71, 101 Stat. 391, 468-471, codified at 5 U.S.C § 7301 note (1987); and
- e. Mandatory Guidelines for Federal Workplace Drug Testing Programs, which includes Scientific and Technical Requirements and Certification of Laboratories Engaged in Urine Drug Testing, 54 FR 11970 (1988); and
- f. Civil Service Reform Act of 1978, Pub. L. 95-454; and
- g. Sections 523 and 527 of the Public Health Service Act and implementing regulations at 42 CFR Part 2, Confidentiality of Alcohol and Drug-Abuse Patient Treatment Records; and
- h. The Privacy Act of 1974 (5 U.S.C. § 522a), prescribing requirement governing the maintenance of records by agencies pertaining to individuals and access to these records by the individuals(s) to whom they pertain; and
- i. Regulations implementing the Privacy Act of 1974 for the Housing Authority; and
- j. K.S.A. 44-7706; and
- k. K.S.A. 75-4362 et seq.

## 2. Definitions

- 2.1 Accident means an occurrence associated with the operation of a Housing Authority vehicle.
- 2.2 Applicant means an individual tentatively selected for employment with the Housing Authority.
- 2.3 Employee Assistance Program (EAP) means the Housing Authority-base counseling program sponsored by the City of Kansas City, Kansas that offers assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health problems, and monitors the progress of employees while in treatment.
- 2.4 Illegal or prohibited drug includes, but is not limited to, the following substances specified in Schedule I or Schedule II of the Controlled Substances Act, 21 U.S.C. § 1308.12, and K.S.A. 65-4101 and amendments thereto of the Uniform Controlled Substance Act, to wit: marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines.
- 2.5 Medical Review Officer (MRO) means the individual responsible for receiving laboratory results generated from the Housing Authority's Drug-Free Workplace Program. The MRO is a licensed physician with knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate all positive test results together with an individual's medical history and any other relevant biomedical information.
- 2.6 Pass a drug test means that a medical review officer has determined that the results of a drug test administered under this policy:
  - a. Showed no evidence or insufficient evidence of a prohibited drug or drug metabolite;
  - b. Showed evidence of a prohibited drug or drug metabolite but there was a legitimate medical explanation for the result;
  - c. Were scientifically insufficient to warrant further action; or
  - d. Were suspect because of irregularities in the administration of the test or observation of chain of custody procedures.
- 2.7 Positive test result means a test result, which reveals a detectable concentration of an illegal or prohibited drug (or its metabolites) *above 50-nanogram* or blood-alcohol concentration of .08% or more (or its equivalent as determined by a diagnostic test such as a breathalyzer.)

- 2.8 Random testing means a system of drug testing imposed without individualized suspicion that a particular individual is using illegal drugs, and may either be:
- l. Uniform-unannounced testing of testing designated employees occupying a specified area, element or position; or
  - m. A statistically random sampling of such employees based on a neutral criterion, such as social security numbers.
- 2.9 Supervisor means an employee having authority to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove other employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature, but requires the consistent exercise of independent judgment.

### 3. Prohibited Activities

- 3.1 The use, possession, sale or distribution of prohibited drugs or alcohol by employees while on Housing Authority property or while engaged in Housing Authority business is prohibited. (To possess means to have either in or on the employee's person, personal effects, motor vehicle, or areas substantially entrusted to the control of the employee.) Such conduct will further result in immediate discharge. Detection of illegal substances will result in notification to the appropriate law enforcement agencies. Note, however, that Reports of Physical Examinations will not be voluntarily submitted to law enforcement.
- 3.2 Employees are required to refrain from the use of illegal drugs.
- 3.3 Employees are required to refrain from any and all alcohol consumption while on duty. The consumption of alcohol while off duty is likewise prohibited where such consumption impairs the ability of the employee to fully perform the duties to which they have been or will be assigned. (**Impaired** means under the influence of a substance such that the employee's motor sense (i.e. sight, hearing, balance, reaction, reflex) or judgment either are or may be presumed to be effected.
- 3.4 The use of illegal drugs by employees, whether on or off duty, is contrary to the efficiency of public service.
- 3.5 The consumption of alcohol by employees while on duty and the consumption of alcohol while off duty which impairs the ability of the employee to fully perform all duties assigned to him or her is also contrary to the efficiency of public service.
- 3.6 Employees who use illegal drugs, consume alcohol while on duty, or consume alcohol while off duty where such consumption impairs the ability to fully perform all duties assigned, are not suitable for employment with the Housing Authority.
- 3.7 Employees who take over-the-counter or prescribed medication are responsible for being aware of any effect that medication may have on the performance of their duties and must promptly report to their supervisors the use of medication likely to impair their ability to do their job. An employee who fails to so notify his supervisor shall be subject to disciplinary action, up to and including discharge. Moreover, employees who take over-the-counter or prescribed medication contrary to instruction may be subject to disciplinary action, up to and including termination.

#### 4. Procedure of Implementation of Policy

4.1 Notice: Sixty days prior to the implementation of a physical examination or other testing procedure designed to identify improper drug and alcohol use, the Housing Authority shall notify all employees that testing for use of illegal drugs and improper alcohol consumption is to be conducted and that they may seek counseling and rehabilitation. The Housing Authority shall also inform such employees of the procedures for obtaining assistance through the Housing Authority Employee Assistance Program. (Reference Form A: Drug Policy.) The Housing Authority shall also inform its employees of the following:

- a. The purpose of the is policy and the Drug Free Workplace Act;
- b. That the Plan will include both voluntary and mandatory testing;
- c. The availability and procedures necessary to obtain counseling and rehabilitation through the EAP;
- d. The circumstances under which testing may occur;
- e. That the laboratory assessment is a series of tests which are highly accurate an reliable, and that, as an added safeguard, laboratory results are reviewed by the Medical Review Officer;
- f. That positive test results verified by the Medical Review Officer may only be disclosed to the employee, the appropriate EAP administrator, the appropriate management officials necessary to process an adverse action against the employee, or a court of law or administrative tribunal in any adverse personnel action; and
- g. That all medical and rehabilitation records in an EAP will be deemed confidential *patient* records and may not be disclosed without the prior written consent of the patient, an authorizing court order, or otherwise as permitted by state and federal law.

4.2 Before conducting a drug test, the Housing Authority shall inform all employees who are to be tested of the opportunity to submit medical documentation that may support a legitimate use for a specific drug. (Reference Form B: Drug Policy.)

4.3 Before conducting a drug test, the Housing Authority shall inform all employees of the procedures for timely submission of requests for retention of records and specimens; procedures for re-testing; and procedures consistent with applicable law, to protect the confidentiality of test results and related medical and rehabilitation records. The Housing



Authority recognized that procedures for providing urine specimens must allow individual privacy, unless there is reason to believe that a particular individual may alter or substitute the specimen provided. Notice of positive test results shall be given to the tested employee within two business days of the application of the gas chromatography/mass spectrometry analysis or as soon thereafter as is practical.

- 4.4 Conditions for Testing: The following circumstances and activities detail those instances in which employees will be required to submit to alcohol and/or drug testing:
- a. At the time of the pre-employment examination.
  - b. At the time of any work-related physical examination.
  - c. Where two supervisors concur that probable cause exists to believe that the employee appears to be acting in an intoxicated or impaired manner; however, if only one supervisor is available, his or her opinion alone is sufficient.
    1. Probable cause means that, because of the employee's appearance or conduct, the employer has information, which leads him/her to conclude with a reasonable degree of certainty that the employee is impaired due to drug or alcohol use.
    2. In evaluating the existence of probable cause, the actions or observations of the employee must occur while the employee is on duty.
    3. Where probable cause is found to exist, his supervisor or other designated representative must take the employee immediately to an approved collection site to obtain a urine or blood test.
    4. Upon the collection of a probable cause, blood or urine examination, the employee will be transported by taxicab to his home address.
    5. Immediately following a probable cause blood or urine examination, the supervisor must complete the probable cause recording form. (Reference Form C: Drug Policy.)
  - d. When an employee is involved in a vehicle accident involving:
    1. A pedestrian;
    2. A fixed object;
    3. Two or more vehicles/equipment belonging to the Housing Authority;
    4. A Housing Authority vehicle striking the rear of another vehicle;
    5. A head-on collision;

6. A Housing Authority vehicle striking another vehicle broadside;
  7. Substantial physical damage to residence, equipment or vehicle (combined physical damage in excess of \$1,000;
  8. personal injury.
- e. When an employee is involved in an industrial accident, which, in the sole discretion of the Housing Authority management, it appears carelessness, poor judgment or lack or alert mental faculties may have contributed to the accident.
  - f. When an employee is in flagrant violation of standard operating or safety procedures.
  - g. As a condition of discipline due to a previous alcohol or drug-related offense.
  - h. At the discretion of management, when an employee returns from any unscheduled absence from work whereby two or more consecutive days of absences occurred, the employee may be required to submit to a test.
  - i. During random intervals or testing.

4.5 A decision not to administer a drug test under this section shall be made by an individual who was not involved in the accident. The determination shall be based on the best information available at the time.

## 5. Testing of Applicants

5.1 After a conditional offer of employment has been tendered, applicants seeking employment with the Housing Authority may be given blood, urine, or other diagnostic tests to detect alcohol and/or drugs (or drug metabolites) in their systems. Positive test results for drugs or alcohol will be considered in making the final employment decision. Refusal to submit to the requirements of this drug and alcohol policy will render the applicant ineligible for employment. (Reference Form D: Drug Policy)

5.2 Every vacancy announcement for positions designated for applicant testing shall state:

All applicants tentatively selected for this position will be required to submit to urinalysis to screen for illegal or prohibited drug use prior to appointment.

5.3 In addition, each applicant will be notified that appointment to the subject position will be contingent upon a negative drug test result. Failure of the vacancy appointment to contain this statement notice will not preclude applicant testing if advance written notice is provided applicant in some other manner.

## 6. Additional Explanation Regarding Conditions for Testing

### 6.1 Post Accident Testing:

The urine sample for a post-accident drug test required by this section shall be collected as soon as possible but not later than 48 hours after the accident.

### 6.2 Random Testing:

- a. Random drug testing under this section shall mean a number of drug tests in which 50 percent of all employees each calendar year are tested. (Reference Form E: Drug Policy)
- b. Each employee shall be in a pool from which random selection is made. Each employee in the pool shall have an equal chance of selection and shall remain in the pool, even after the employee has been tested.
- c. An employee shall be selected for drug testing on a random basis by using a scientifically valid random number generation method.
- d. During the first 12 months following the institution of random drug testing under this section, the Housing Authority shall meet the following conditions.
  1. The random drug testing shall be spread reasonably throughout the 12-month period; and
  2. The last test collected during the year shall be conducted at an annualized rate of 50 percent; and
  3. The total number of tests administered during the 12 months shall be equal to at least 50 percent of all employees.

### 6.3 Retests:

- a. An Employee who does not pass a drug test administered under this part may request that the original urine sample be analyzed again.
- b. An employee requesting a retest under this section must submit a Written request within 60 days of the employee's receipt of the test result. The employee may specify retesting by the original laboratory site or by a second laboratory site that is certified to perform drug tests by the department of Health and Human Services. **All retesting of this nature shall be at the expense of the employee.**

## 7. Voluntary Compliance, EAP and Referral

- 7.1 The Housing Authority EAP plays an important role in preventing and resolving employee drug use by: demonstrating the Housing Authority's commitment to eliminating illegal drug use; providing employees an opportunity, with appropriate assistance, to discontinue their drug use; providing educational materials to supervisors and employees on drug use issues; assisting supervisors in confronting employees who have performance and/or conduct problems and making referrals to appropriate treatment and rehabilitative facilities; and follow-up with individuals during the rehabilitation period to track their progress and encourage successful completion of the program. The EAP, however, shall not be involved in the collection of urine samples or the initial reporting of test results. Specifically, the EAP shall:
- a. Provide counseling and assistance to employees who self-refer for treatment or whose drug test have been verified positive, and monitor the employees' progress through treatment and rehabilitation;
  - b. Provide needed education and training to all levels of the Housing Authority on types and effects of drugs, symptoms of drug use and its impact on performance and conduct, relationship of the EAP to drug testing, and related
  - c. treatment, rehabilitation, and confidentiality issues;
- 7.2 Any employee found to be using drugs shall be referred to the EAP. The EAP shall be administered separately from the testing program, and shall be available to all employees without regard to a finding of drug use. The EAP shall provide counseling or rehabilitation for all referrals, as well as education and training regarding illegal drug use. The EAP is available not only to Housing Authority employees, but, when feasible, to the families of employees with drug problems, and to employees with family members who have drug problems.
- 7.3 The employee who voluntarily identifies himself as a user of illegal drugs or who volunteers for drug testing, prior to being identified through other means, will be considered a candidate for retention provided that said employee obtains counseling or rehabilitation through the Employee Assistance Program and thereafter refrains from using illegal drugs and/or from the improper consumption of alcohol. However, the decision to retain the employee rests solely within the discretion of management. (Reference Form B: Drug Policy.)

- 7.4 An employee who is shown to have improperly consumed alcohol and/or drugs shall not be allowed to remain on duty in the same position prior to the successful completion of rehabilitation through the Employee Assistance Program. However, as part of rehabilitation or counseling, the Executive Director for the Housing Authority may, in his or her discretion, allow an employee to return to duty in the same position if it is determined that this action would not pose a danger to public health or safety or the safety of other employees.

## 8. Effects of Positive Results; Refusals

- 8.1 Alcohol: An employee found to have a blood-alcohol concentration of 0.08% or more (or its equivalent as determined by a diagnostic test such as a breathalyzer) while on Housing Authority property or while on Housing Authority business, shall receive a thirty (30) calendar day suspension on the first offense and shall be required to participate in the Employee Assistance Program. In addition, the employee shall be placed on probation for twelve months and shall be subject to random drug and alcohol testing for that period. If the employee violates any rules set forth in this policy during the probationary period, he or she shall be discharged.
- 8.2 Marijuana: An employee found to have a detectable concentration of marijuana (or its metabolites) {above 50 nanograms} in his or her system, shall receive a thirty (30)-calendar day suspension on the first offense and shall be required to participate in the Employee Assistance Program. In addition, the employee shall be placed on probation for twelve (12) months and be subject to random drug and alcohol testing for that period. If the employee violates any rules set forth in this policy during the probationary period, he or she shall be discharged.
- 8.3 Drugs other than marijuana or alcohol: An employee found to have a detectable concentration of any drug other than marijuana or alcohol in his or her system, including, but not limited to, herein, cocaine, morphine, phencyclidine (PCP), amphetamines, barbiturates, or hallucinogens (or metabolites or any such drugs), shall receive a sixty (60) calendar day suspension on the first offense and shall be required to participate in the Employee Assistance Program. In addition, the employee shall be placed on a probation for twelve (12) months and be subject to random drug and alcohol testing for that period. If the employee violates any rules set forth in this policy during the probationary period, he or she shall be discharged. (Reference Form F: Drug Policy.)
- 8.4 An employee who has been previously identified as having improperly consumed alcohol or drugs, who within a two-year period thereafter fails to refrain from using illegal drugs, shall be immediately terminated upon discovery thereof.
- 8.5 The results of a drug test and information developed by the Housing Authority in the course of the testing of employees may be considered in processing adverse personnel actions against said employees and may be used for other administrative proceedings. However, preliminary test results may not be used unless they are confirmed by a second analysis of the same sample or unless the employee confirms the accuracy of the initial test by admitting the use of the illegal drugs.

- 8.6 Refusal to obtain counseling or to participate in the rehabilitation program shall be sufficient grounds for immediate termination. Refusal by any employee to consent to testing shall provide sufficient grounds for termination.
- 8.7 Any action to discipline an employee who is using illegal drugs (including termination, if appropriate) shall be taken in compliance with otherwise applicable procedures.
- 8.8 The disciplinary steps set forth in other Housing Authority policies, which provide for progressive discipline do not apply to violations of this policy. The discipline to be imposed for violations of this drug and alcohol policy shall be governed solely by the provisions set forth herein.



## 9. Testing Procedures

- 9.1 The procedure for the collection and submission of urine samples shall be Determined by the Medical Review Officer of the certified laboratory and testing facility administering the test, except that such procedure must be in substantial compliance with that set forth in 49 CFR Part 40. Such procedures will be periodically reviewed by the Housing Authority to ensure accuracy, fairness, and adherence to the principles and mandates set forth herein. Specific attention during such reviews shall devoted to the integrity of specimen chain-of-custody and employee privacy.
  
- 9.2 If an initial screening test indicates positive findings, in every case, a confirmatory test, using gas chromatography/mass spectrometry, will be conducted.

## 10. Reporting Requirements

- 10.1 The Housing Authority shall prepare a semi-annual report no later than March 15 and September 15 of each year.
- 10.2 A semi-annual report under this section must include the following information:
  - a. The total number of drug tests administered; and
  - b. The number of drug tests administered in each occupational category (e.g., bus driver, mechanic); and
  - c. The number of drug test administered in each testing category (i.e., pre-employment, post-accident, probable cause, random, and return to duty); and
  - d. The number of post-accident drug tests administered in each accident category (i.e., fatality, personal injury, or property damage); and
  - e. For post-accident test, the number of hours between the accident and the collection of a urine specimen; and
  - f. The total number of individuals who did not pass a drug test; and
  - g. The number of individuals who did not pass a drug test by occupation category (i.e., driver, mechanic); and
  - h. The number of individuals who did not pass a drug test by testing category (i.e., probable cause, EAP); and
  - i. The number of individuals who did not pass a post-accident drug test by testing category (i.e., fatality, accident); and
  - j. The disposition of each individual who did not pass a drug test; and
  - k. The number of drug test submitted to the laboratory that showed evidence of one or more prohibited drugs or drug metabolites in the screening process in a sufficient quantity to warrant a confirmatory test; and
  - l. The total number of drug tests submitted to the laboratory that showed evidence of one or more prohibited drugs or drug metabolites in the confirmatory test in sufficient quantity to be reported as positive; and
  - m. The number of drug test submitted to the laboratory that showed evidence of one or more prohibited drugs or drug metabolites in the confirmatory test in a sufficient quantity to be reported as positive by category (i.e., marijuana, cocaine, opiate, PCP or amphetamine.)

## 11. Confidentiality

- 11.1 Except as provided in this subpart, no test result or other information from an anti-drug program may be released.
- 11.2 The laboratory may disclose laboratory test results only to the Medical Review Officer or the staff of the Medical Review Officer. Any positive result which the Medical Review Officer justifies by acceptable and appropriate medical or scientific documentation to account for the result as other than the intentional ingestion of an illegal drug will be treated as a negative test result and may not be released for purposes of identifying illegal drug use. Test results will be protected under the provisions of state and federal privacy acts including, but not limited to, 5 U.S.C. § 522a, et seq., and may not be released in violation of either Act. The Medical Review Officer may maintain only those records necessary for compliance with this order. Any records of the Medical Review Officer, including drug test results, may be released to any management official for purposes of auditing the activities of the Medical Review Officer, except that the disclosure of the results of any audit may not include personal identifying information on any employee.
- 11.3 The results of a drug test of a Housing Authority employee may not be disclosed without the prior written consent of such employee, unless the disclosure would be:
- a. To the Medical Review Officer;
  - b. To the EAP Administrator in which the employee is receiving counseling or treatment or is otherwise participating;
  - c. To any supervisory or management official within the Housing Authority to take adverse personnel action against such employee; or
  - d. Pursuant to the order of a court of competent jurisdiction or were required by the United States Government to defend against any challenge against any adverse personnel action.
- 11.4 For purpose of this Section, “management Official” includes any management, government, security or personnel official whose duties necessitates review of the test results in order to process adverse personnel action against the employee. In addition, test results with all identifying information removed shall also be made available to Housing Authority personnel, including the Drug Program Coordinator, for data collection and other activities necessary to comply with appropriate federal and state statutes.

11.5 Any employee who is the subject of a drug test shall, upon written request, have access to any records relating to:

- a. Such employee's drug test; and
- b. The results of any relevant certification, review, or revocation of certification proceedings.

11.6 Except as authorized by law, an applicant who is the subject of a drug test, however, shall not be entitled to this information.

## 12. Supervisory Training

- 12.1 Supervisors have a key role in establishing and monitoring a drug-free workplace and administering this policy. Toward this end, the Housing Authority shall provide training to assist supervisors and managers in recognizing and addressing illegal drug use by agency employees. The purpose of supervisory training is to understand:
- a. Policies relevant to work performance problems, drug use, and Housing Authority EAP;
  - b. The responsibilities of offering EAP services;
  - c. How employee performance and behavioral changes should be recognized and documents;
  - d. The roles of the Medical Review Officer, medical staff, supervisors, personnel and EAP personnel;
  - e. The ways to use Housing Authority EAP;
  - f. How the EAP is linked to the performance appraisal and the disciplinary process; and
  - g. The process of reintegrating employees into the work force.
- 12.2 Implementing. Legal counsel for the housing authority shall be responsible for implementing supervisory training, and shall develop a training package to ensure that all employees and supervisors are fully informed of the Housing Authority Drug-Free Workplace Plan and Statement, and Policy on drug testing and substance abuse.
- 12.3 Training Package. Supervisory training shall be required of all supervisors and may be presented as a separate course, or be included as part of an ongoing supervisory training program. Training shall be provided as soon as possible after a person assumes supervisory responsibility. Training courses should include:
- a. Overall Housing Authority policy;
  - b. The prevalence of various employee problems with respect to drugs and alcohol;
  - c. The EAP approach to handling problems including the supervisor's role and relationship to EAP;
  - d. How to recognize employees with possible problems;
  - e. Documentation of employee performance or behavior
  - f. Skills in confronting employees with possible problems;
  - g. Agency procedures for referring employees to EAP;
  - h. Disciplinary action, and removals from sensitive positions as required by this policy;
  - i. Reintegration of employees into the work force; and
  - j. Written materials, which the supervisor can use at the work site.

### 13. Duties of Medical Review Officer

- 13.1 Housing Authority shall have a Medical Review Officer assigned to carry out the purposes of this order. The Medical Review Officer shall, among other duties:
- a. Receive all laboratory test results;
  - b. Assure that an individual who has tested positive has been afforded an opportunity to discuss the test result in accordance with this plan;
  - c. Consistent with confidentiality requirements, refer written determinations regarding all verified positive test results to the EAP administrator, and the (appropriate official), including a positive drug test result form indicating that the positive result has been verified, together with all relevant documentation and summary of findings;
  - d. Confirm with the Executive Director whether an individual who has been tentatively selected for employment with the Housing Authority has obtained a verified positive test result;
  - e. Coordinate with the report to the Housing Authority Executive Director on all activities and finding on a regular basis;
  - f. Coordinate all Medical Review Officer duties wherever possible to conserve resources and to efficiently and speedily accomplish reliable and accurate testing objectives.

## 14. Maintenance of Records

14.1 The Housing Authority shall establish or amend a recordkeeping system to maintain the records of this policy consistent with the Housing Authority's Privacy Act System of Records and with all applicable federal and state laws, rules and regulations regarding confidentiality or records including the Privacy Act (5 U.S.C. §522a). If necessary, records may be maintained as required by subsequent administrative or judicial proceedings, or at the discretion of the Housing Authority Director. The record keeping system should capture sufficient documents to meet the operational and statistical needs of this policy and includes:

- a. Notices of verified positive test results referred by the Medical Review Officer;
- b. Written materials justifying probable cause testing or evidence that an individual may have altered or tampered with a specimen;
- c. Anonymous statistical reports; and
- d. Other documents the Drug Program Coordinator, Medical Review Officer, or EAP Administrator deems necessary for efficient compliance with this order.

FORM A: DRUG POLICY

**EMPLOYEE NOTIFICATION OF DRUG POLICY AND  
CONSENT TO RELEASE OF MEDICAL RECORDS**

KANSAS CITY, KANSAS HOUSING AUTHORITY

Employee: \_\_\_\_\_

Location: \_\_\_\_\_

I hereby acknowledge receipt of a copy of the Housing Authority statement and policy on drug testing and substance abuse.

I have read the policy and understand that I am responsible for compliance with this policy and that my failure to comply will result in disciplinary action as described in the policy.

I further consent to the release to the designated officer for the Housing Authority of all medical records necessary to document the absence or presence of controlled substances and/or alcohol in the my body, in the event that I am injured and unable to give my consent to a substance screen.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_



FORM B: DRUG POLICY  
**NOTICE OF AND CONSENT TO POST ACCIDENT DRUG TESTING**  
The Housing Authority of the City of Kansas City, Kansas

Name: \_\_\_\_\_

Location: \_\_\_\_\_

You are hereby notified of required drug and/or alcohol testing according to the Kansas City, Kansas Housing Authority's Statement and Policy on Drug Testing and Substance Abuse.

You are to report to OHS-Compcare/Rehab Consultants, 1333 Meadowlark Lane, Suite 200, Kansas City, Kansas within two (2) hours of receiving notice.

Failure to report to the testing location within two (2) hours of your receipt of this notice and your failure to return this notice signed or stamped by the medical officer performing the test, to your supervisor or the Executive Director before returning to work to verify your compliance, will be considered a violation of the Drug Testing Policy of the Kansas City, Kansas Housing Authority and will result in your termination.

I have read and understand this form, and acknowledge receipt of notice from my supervisor at: \_\_\_\_\_ a.m. or p.m.

I hereby [ ] consent [ ] refuse to consent to the medical examination and/or test(s) for substance abuse.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor's Signature

**YOU MUST RETURN THIS FORM TO YOUR SUPERVISOR OR THE EXECUTIVE DIRECTOR TO VERIFY YOUR COMPLIANCE. YOU MUST OBTAIN A RELEASE BEFORE RETURNING TO WORK.**

Date notice was given to supervisor: \_\_\_\_\_

Clinic signature/stamp: \_\_\_\_\_

**SUPERVISOR'S RELEASE AND AUTHORIZATION TO RETURN TO WORK.**

\_\_\_\_\_  
Date/Time

\_\_\_\_\_  
Releasing Supervisor

FORM C: DRUG POLICY  
**PROBABLE CAUSE REPORT FORM**  
The Housing Authority of the City of Kansas City, Kansas

Employee's Name: \_\_\_\_\_

Date behavior was observed: Month\_\_\_\_\_ Day\_\_\_\_\_ Year\_\_\_\_\_

Time observed: From\_\_\_\_\_ a.m./p.m. To\_\_\_\_\_ a.m./p.m.

Location where employee was observed: \_\_\_\_\_  
\_\_\_\_\_

**Behavior observed:** (Circle all items that apply)

1. **Speech:** Normal Incoherent Confused Slurred Silent  
Loud Whispering Rapid Cursing
2. **Balance:** Staggering Swaying Normal Falling
3. **Walking and Turning:** Normal Stumbling
4. **Arms Raised for Balance:** Falling
5. **Reaching for Support:** Yes or No
6. **Awareness:** Normal Confused Sleepy Paranoid Falling  
Lack of Coordination
7. Pertinent comments of employee (please quote remarks, admissions, etc.) such as swearing, cursing, etc. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Other observed actions or behavior (i.e., vomiting, coughing gagging, crying, etc.): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Above behavior witnessed by:

\_\_\_\_\_  
Name-Signature

\_\_\_\_\_  
Name-Signature

\_\_\_\_\_  
Month Day Year

\_\_\_\_\_  
Month Day Year

THIS FORM MUST BE PREPARED EVERY TIME AN EMPLOYEE IS SUSPECTED OF DRUG OR ALCOHOL USE BY ACTIONS, APPEARANCE, OR CONDUCT WHILE ON DUTY. THIS FORM MUST BE COMPLETED WITHIN 24 HOURS OR BEFORE TEST RESULTS ARE RELEASED.

FORM D: DRUG POLICY

**APPLICANT CONSENT FORM FOR ALCOHOL AND DRUG TESTING**

KANSAS CITY, KANSAS HOUSING AUTHORITY

I, \_\_\_\_\_ agree to submit to the urine test for substance abuse or chemical dependency.

I understand that if I decline to sign this consent and thereby decline to take the test, the Kansas City, Kansas Housing Authority Executive Director will be notified and my application for employment will be rejected.

If the test is confirmed as positive, the results will be reported to the Executive Director of the Kansas City, Kansas Housing Authority and will be considered in making the final employment decision. An exception will be made for the use of legally prescribed medications taken under the direction of a physician.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

FORM E: DRUG POLICY  
NOTICE OF SELECTION FOR AND CONSENT TO RANDOM DRUG TESTING

The Housing Authority of the City of Kansas City, Kansas

Name: \_\_\_\_\_

Location: \_\_\_\_\_

You have been selected for random drug and alcohol testing according to the Kansas City, Kansas Housing Authority's Statement and Policy on Drug Testing and Substance Abuse.

You are to report to OHS-Compcare/Rehab Consultants, 1333 Meadowlark Lane, Suite 200, Kansas City, Kansas within two (2) hours of receiving this notice.

Failure to report to the testing location within two (2) hours of your receipt of this notice and your failure to return this notice signed or stamped by the medical officer performing the test, to your supervisor or the Executive Director before returning to work to verify your compliance, will be considered a violation of the Drug Testing Policy of the Kansas City, Kansas Housing Authority and will result in your termination.

I have read and understand this form, and acknowledge receipt of notice from my supervisor at: \_\_\_\_\_ a.m. or p.m.

I hereby [ ] consent [ ] refuse to consent to the medical examination and/or test(s) for substance abuse.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor's Signature

YOU MUST RETURN THIS FORM TO YOUR SUPERVISOR OR THE EXECUTIVE DIRECTOR TO VERIFY YOUR COMPLIANCE. YOU MUST OBTAIN A RELEASE BEFORE RETURNING TO WORK.

Date notice was given to supervisor: \_\_\_\_\_

Clinic signature/stamp: \_\_\_\_\_

SUPERVISOR'S RELEASE AND AUTHORIZATION TO RETURN TO WORK.

\_\_\_\_\_  
Date/Time

\_\_\_\_\_  
Releasing Supervisor

FORM F: DRUG POLICY  
**EMPLOYEE ASSISTANCE PROGRAM  
PROBATIONARY PERIOD AGREEMENT**  
**The Kansas City, Kansas Housing Authority**

By signing this document, I agree to being placed in the discretionary Employee Assistance Program/Substance Abuse Probation Program for the Kansas City, Kansas Housing Authority as a result of a positive testing for a controlled substance.

I have the option of resigning at this time to avoid an employment record where a positive test for drugs or alcohol exists.

By signing below, I agree to the terms of the Probation Program outlined herein:

- A. Any positive drug test result will become a part of my record of employment and may be shared with future employers in accordance with the laws of the State of Kansas.
- B. I will be removed from performing my job function as of the date of my notice of a positive test result until the end of my period of suspension. I will be allowed twenty-one (21) days to test negative, and then my job may be filled. I agree it is my responsibility to insure I am retested within these 21 days.
- C. I agree to remain available at all times for retesting during my period of suspension, unless I notify the KCKHA prior to a period of unavailability during the suspension period. I will provide the beginning and ending dates of the period of unavailability.
- D. I agree to be place on twelve (12) months of probation with a minimum of three (3) unannounced tests per year in addition to any random selections, which may be made. I understand that a second positive test will result in my termination.
- E. I have been encouraged to seek appropriate professional help through our Employee Assistance Program.

I HAVE READ AND UNDERSTAND FULLY THE PROGRAM DESCRIBED ABOVE. I AGREE TO PARTICIPATE IN THE EMPLOYEE ASSISTANCE PROGRAM/SUBSTANCE ABUSE PROBATION AND TO ADHERE TO ALL PHASE OF SAID PROGRAM.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor's Signature

FORM G: DRUG POLICY

**NOTICE AND CONSENT TO PROBABLE CAUSE DRUG TESTING**

The Kansas City, Kansas Housing Authority

Name: \_\_\_\_\_

Department: \_\_\_\_\_

You are hereby notified it has been determined there exists probable cause for drug and alcohol testing according to the Kansas City, Kansas Housing Authority's Statement and Policy on Drug Testing and Substance Abuse.

You will be transported for testing to Occupational Health Services, Inc., 1333 Meadowlark Lane, Suite 200, Kansas City, Kansas, within two (2) hours of receiving this notice. Upon completion of the testing, you will be transported home.

I have read and understand this form, and acknowledge receipt of this notice from my supervisor at \_\_\_\_\_ a.m. or p.m.

I hereby ( ) consent ( ) refuse to consent to medical examination and/or the test(s) for substance abuse.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**THIS FORM MUST BE RETURNED TO THE EXECUTIVE DIRECTOR OR YOUR SUPERVISOR TO VERIFY COMPLIANCE. YOU MUST OBTAIN A RELEASE BEFORE RETURNING TO WORK.**

Clinic Signature/Stamp: \_\_\_\_\_

**SUPERVISOR'S RELEASE AND AUTHORIZATION TO RETURN TO WORK.**

\_\_\_\_\_  
Date and Time  
Rev.112196 Form G

\_\_\_\_\_  
Releasing Supervisor's Signature

