

EXHIBIT B

DRAFT City Council Drug and Alcohol Testing Policy

I. STATEMENT:

In its efforts to maintain a drug free workplace the City of Burbank has implemented several programs to meet this objective. These include: 1) a pre-employment drug screening examination for all employees; 2) a federally mandated random testing policy (pursuant to Department of Transportation regulations) for all covered employees holding a Class A or B drivers license and; 3) a policy covering any employee reasonably suspected of being under the influence of a controlled substance or alcohol. In keeping with these policies, this policy establishes a process for random drug and alcohol testing of all members of the Burbank City Council. Due to legal considerations, participation in this policy is entirely voluntary.

II. DEFINITION:

For purposes of this policy, the following definitions shall apply:

“City Council Member” shall include those members elected at large by the qualified voters of the City, those members elected by special election to fill a vacancy and those members appointed by the remaining members of the City Council to fill a vacancy.

“Controlled substance” refers to the following illegal drugs as defined in the California Health and Safety Code: marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

III. PROCEDURE:

A. Random Selection of Members for Testing

1. The names of the members of the City Council shall be entered into a commercially available computer program designed to randomly select individuals for testing. The City Council's pool shall be separate from the currently existing pool of City employees required to be drug tested pursuant to Department of Transportation mandates. This pool will be designated “City Council Members, [Insert year]”. Members will be added or deleted to this pool according to the start and end dates of their City Council terms. .

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2. Testing shall be done once every two months beginning one month after the adoption of this policy. Two members shall be randomly selected each time for testing. Any member who has been selected for testing within the previous two month period shall be passed and another name randomly selected.
3. Selection and testing shall occur only on a day on which a regular City Council Meeting is scheduled. Council Members who are selected by the program will be notified by 11:00 AM on the day they are selected that they have been selected for testing and the location of the designated medical testing facility. If they choose to voluntarily submit to the testing, they will have until two (2) hours prior to the commencement of the City Council meeting on that day to report to the City designated medical facility to submit to a blood or urine test.
4. By volunteering to submit to the drug test as provided herein, the City Council Member specifically waives his or her right of privacy with respect to the submission to the test.
5. Testing shall be conducted in accordance with the Department of Transportation protocols in existence at the time of the test. [Selected Council Members shall have the option of submitting to a blood, urine, or breath test.] Test results shall be provided directly to the Council Member, who shall have the sole option of publicly releasing them or not. The fact that a Council Member either volunteers to take the drug test or declines to volunteer to be tested upon the random selection of his or her name shall not be publicly disclosed without the express written consent of the Council Member.

B. Testing Criteria

1. For purposes of this policy, alcohol test results shall be reported to the Council Member if the test reveals the presence of 0.08 percent or more, by weight, of alcohol in a City Council Member's blood at the time of the test. Percent by weight, of alcohol in a person's blood is based upon grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. Test results below that threshold shall be reported as "None Reportable".

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2. Test results for controlled substances as defined herein shall be reported to the Council Member if any amount of the controlled substance is detected in a Council Member's blood or urine. Where no controlled substance is present, the test results shall be reported as "None Reportable".