

XVI. Glover's Request to Submit to Random Drug Test

A third-party vendor selects who in the Fire Department is to be randomly drug tested using a computer program that randomizes persons originated by social security number. The vendor then notifies the City Nurse, who notifies the selected participants.

On January 11, 2016, Assistant City Nurse Leigh McNair emailed Schmitt and directed Glover to go to the clinic. Although not stated explicitly, this was for the purpose of a random drug test, as the third party vendor had randomly selected Glover. McNair said during this investigation that there was nothing out of the ordinary about this selection. Schmitt responded that Glover was out on leave that week. (Exhibit XVI-1: January 11, 2016, email from Schmitt and McNair and from McNair to Schmitt) On January 19, 2016, McNair emailed Schmitt to ask if Glover had returned, and, if so, to have him report to the clinic. (Exhibit XVI-2: January 19, 2016, email from McNair to Schmitt) Schmitt forwarded the email to Glover on the morning of January 20, 2016. (January 20, 2016, 9:06 am email from Schmitt to Glover) Shortly thereafter, Glover emailed McNair, copying Schmitt and Sisson, informing her that he was not a member of the bargaining unit, and asking if he was being ordered to report, and, if so, who was ordering him to appear and on what terms. (Exhibit XVI-4: January 20, 2016, 9:34 am email from Glover to McNair) At 10:21 am, Sisson replied to Glover's email and instructed Glover that he was required to report to the clinic as a public safety employee and at the direction of the City Administrator, citing the City's Drug Free Workplace policy. (Exhibit XVI-5: January 20, 2016, email from Sisson to Glover and others) Glover reported to the clinic by 10:55 am and provided a specimen.

Glover considers that his being told to take a drug test was improper because the City should not have agreed with the union in the collective bargaining unit that the non-bargaining unit personnel would participate in random drug tests. Glover notes that Sisson's email identified not the collective bargaining agreement, but the City's Drug Free Workplace program. Glover asked me whether the selection of his name was pulled from the City's overall Drug Free Workplace program, or from a subset of firefighters. Glover's name was pulled by the third-

party vendor on a random basis from the subset of the other firefighters. Thus, although Sisson identified to Glover the City's overall drug testing program, Glover's name was pulled from the firefighter subset. Glover alleged that Sisson was behind his selection and that the request was not random. However, this was a random selection by a third-party vendor. (Exhibit XVI-6, 7, 8 and 9) Glover was the person to pull Sisson into the discussion when Glover copied Sisson on his email challenging his duty to take a drug test.

Sisson's take on the situation was that this was another incident where Glover was unnecessarily obstructive or critical.

This investigation does not address the wisdom of the City agreeing to include all firefighters, up to and including the Fire Chief, in the random drug testing program. The City agreed in its collective bargaining agreement to subject all firefighters to random drug testing, a fact of which Glover was aware, even though he disagreed with it. The City may also drug test public safety employees under its overall Drug Free Workplace program. Therefore, there was no basis for Glover to refuse the test, and he ultimately complied. The drug test request was generated at random by a third-party vendor from the list of firefighters. This was not an act of harassment by Sisson, and Glover ultimately cooperated.