

SUBJECT: WORKPLACE SAFETY FROM DRUG/ALCOHOL ABUSE

PURPOSE:

The City takes seriously the problem of drug and alcohol abuse and is committed to providing a substance abuse-free workplace for its employees. Substance abuse of any kind is inconsistent with the behavior expected of our employees, subjects all employees and visitors to our facilities to unacceptable safety risks, and undermines our ability to operate effectively and efficiently. This includes the abuse of intoxicating substances, including, inhalants such as solvents, aerosol sprays, gases, etc.

(a) STATEMENT OF POLICY:

The City is dedicated to providing safe, quality service to all citizens of and visitors to our community. Our most valuable resources in providing this service are our employees. Amongst our major goals is to provide employees with a safe, healthy, satisfying work environment, which promotes personal opportunities for growth. In meeting these goals, it is our policy to:

- (1). Assure employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner.
- (2). Create a workplace environment free from the adverse effects of substance abuse and/or alcohol misuse (“substance” as defined in this section, is referring to any drug or chemical that is regulated by the government (i.e. illegal drugs, prescription medications) and other intoxicating substances”).
- (3). Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of substances.
- (4). Encourage employees to seek professional assistance anytime personal problems, including alcohol and/or substance dependency or use, adversely affects their ability to perform their assigned duties.
- (5). Assure employee fitness for duty and to express our policy of zero tolerance for substance and alcohol abuse.
- (6). Protect other employees and the general public from the risks posed by the misuse of alcohol, substance abuse and over the counter medications with side effects causing potential impairments.
- (7). Comply with all applicable State and Federal laws and regulations governing workplace anti-drug and alcohol abuse programs.
- (8). Comply with U. S. Department of Transportation (DOT) 49 of the Code of Federal Regulations (CFR) Part 29, “the Drug-Free Workplace Act of 1988.”

- (9). Comply with the policy for specimens collection and testing methods.

TESTS REQUIRED:

All City employees are covered by one or more of the tests provided by this policy. Substance testing will normally be performed by urinalysis, and alcohol testing will normally be performed by breath analysis. All regular, temporary full-time employees, part-time employees and contract employees are subject to these tests.

(a) PRE-EMPLOYMENT TESTING

- (1). Testing for substances shall be made only after conditional offer of employment, but prior to beginning work. This applies to all regular and temporary full-time employees and any other employee who will be routinely operating City vehicles, construction or heavy equipment on public streets or highways.
- (2). If the individual starts employment prior to test results being received, the employee shall not operate any City vehicle or heavy equipment until the substance test results have been received and verified by the Human Resources Office.
- (3). Positive test results shall result in automatic withdrawal of the conditional offer of employment unless the individual is able to provide evidence of a valid pre-existing medical prescription, to include a medical marijuana card, if the position allows for such an exception. Those positions that are recognized by this policy as "Safety Sensitive" are not subject to an exception. If the individual is able to provide such evidence and the position allows for such an exception, then the City will determine on a case-by-case basis whether the individual will be able to perform the essential functions of the position.

(b) POST ACCIDENT TESTING

- (1). All employees of any classification are subject to post accident substance and alcohol testing.
- (2). Alcohol testing shall be completed within two (2) hours of qualified accident. Substance testing shall be completed within thirty-two (32) hours of qualified accident.
- (3). Testing is required for:
 - i. Accidents involving a motor vehicle or heavy equipment.
 - ii. Accidents resulting in damage to City equipment or property or private property caused by the operation of City vehicles or heavy equipment.
 - iii. Accidents resulting in an employee being cited for a traffic violation.
 - iv. Accidents resulting from a violation of a safety policy or procedure.

- (4). Post-accident testing shall be completed during or after necessary medical treatment within the time frame listed above.

(c) RANDOM TESTING ROSTER

Employees serving in the following positions may be randomly selected without prior notice to participate in drug and/or alcohol testing in accordance with this manual.

- (1). All employees who hold a valid CDL
- (2). All employees of the Police and Fire Departments (full-time and part-time)
- (3). All other full-time employees

This position roster is subject to revision at any time.

(d) REASONABLE SUSPICION OR PROBABLE CAUSE TESTING

- (1). All employees may be subject to a fitness for duty evaluation, and urine and/or breath testing when there are reasons to believe that substance or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances, which are consistent with the short-term effects of substance abuse or alcohol misuse. Examples of reasonable suspicion include, but are not limited to, the following:
 - i. Physical signs and symptoms consistent with controlled or prohibited substance use or alcohol misuse.
 - ii. Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substance.
 - iii. Fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures.
- (2). Reasonable suspicion referrals must be made by a 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 (to mean the employee's ability to perform duties is diminished to an unacceptable or unsafe level) in work performance due to possible substance abuse or alcohol or controlled substance misuse. The Human Resources Manager will be consulted to provide assistance in the determination if the suspicion is reasonable. If the Human Resources Manager is unavailable, a second trained supervisor should be consulted for a second opinion.

(e) ADDITIONAL TESTING

- (1). Return-to-duty testing may be required of person returning from voluntary drug or alcohol rehabilitation programs, either in-patient or out-patient.

- (2). Follow-up testing may be required at random intervals, for up to one year after return to work.
- (3). Both categories of additional testing are only applicable to employees who have voluntarily entered drug or alcohol abuse programs prior to discovery of drug or alcohol abuse by other testing methods. While drug addiction and alcoholism may be protected in some cases under the Americans with Disabilities Act (ADA), current use or abuse is not protected. Some employees may be eligible for time off without pay under the Family & Medical Leave Act (FMLA) in order to obtain counseling or rehabilitation.

SPECIMEN COLLECTION AND TESTING METHODS:

- (a). Drug testing will normally be accomplished by a United States Department of Transportation (DOT) approved/certified laboratory.
 - (1). Testing will normally be by urinalysis, alternate methods may be utilized when employee is hospitalized due to injury.
 - (2). Testing will consist of "screening test" to detect presence of controlled substance, positive screening test will result in confirmation test by "Gas Chromatography/Mass Spectrometry" (GC/MS) to determine specific substance(s).
 - (3). Positive drug tests will result in Medical Review Officer (MRO) review of results and interface with employee to determine if a potential for legal use of prescription medication or any other legal/acceptable explanation for the positive test results exist, normally prior to notification of the City of the test results. MRO may or may not contact employee when positive test result indicates presence of controlled substance which may not be legally obtained by prescription.
 - (4). Controlled substances tested for include, but may not be limited to:
 - i. Amphetamines (speed, uppers, some diet pills, etc.)
 - ii. Narcotics (opiates, ie: heroin, morphine, etc.)
 - iii. Cannabis (marijuana, hashish, etc.)
 - iv. Barbiturates (downers, tranquilizers, sleeping pills, etc.)
 - v. Hallucinogens (LSD, PCP, etc.)
- (b). Alcohol testing may be conducted by the same lab approved to perform drug testing.

- (1). Testing will normally be by breath analyzer (BA). Alternate methods may be used if employee is hospitalized due to injury or if breath analyzer is inoperable.
- (2). Screening testing will be conducted by a certified BA operator, who cannot be the immediate supervisor of the employee being tested nor a supervisor recommending a reasonable suspicion alcohol test. Test results of greater than .02 may require a second (confirmation) test. Screening testing may be conducted on either a portable breath analyzer or a fixed analyzer.
- (3). Confirmation test results of .04 or greater shall constitute a violation of this section and may result in penalty. Confirmation test must be performed by a different qualified BA operator than the one who performed the screening test. Confirmation test results must be printed in triplicate by the breath analyzer.
- (4). Confirmation tests between .02 and .04 may not disqualify an employee from working, but do require that the employee be relieved from a "safety sensitive" (driving vehicle(s), operating heavy equipment or other dangerous machinery) position until additional testing confirms a blood alcohol of less than .02.

MEDICAL MARIJUANA

- (a) Any employee other than those assigned to a position recognized by this policy as "Safety Sensitive", who are utilizing marijuana or marijuana-infused products for medicinal purposes shall adhere to the requirements of state law. No employee shall use and/or possess marijuana or marijuana-infused products while on City premises or while conducting City business. No employee assigned to a position recognized by this policy as "Safety Sensitive" shall use marijuana or marijuana infused products.
- (b) Any employee believed to be under the influence of marijuana and showing signs of impairment (to mean the employee's ability to perform his or her duties is diminished to an unacceptable or unsafe level as determined by the employee's supervisor) while on City premises or while conducting City business shall be subject to drug testing. Any employee who has a confirmed positive drug test shall be recommended for termination of employment pending due process.

ADDITIONAL EMPLOYEE RESPONSIBILITIES

- (a) Employees who may be taking either prescription medication or "over the counter" medication which may impair their normal reaction time, distance judgment or reasoning ability must inform their supervisor of the possible impairment upon reporting for work. The employee should only indicate that an impairment might exist and should not share any medical information with their supervisor. The supervisor will then have the employee work with the Human Resources Office so that the proper medical personnel can determine if any restrictions are needed. If Human Resources determines that restrictions are needed, Human Resources will notify the supervisor of the restrictions and the

supervisor is then responsible for assigning duties the employee may safely perform that day or shift. If no suitable work can be assigned, the employee may be relieved from work under sick leave.

- (b) Employees who have been unexpectedly recalled for duty after consuming medication or alcohol must inform their supervisor or person responsible for making the recall notice. Supervisors shall not recall employees who have consumed medication or alcohol if such recall would place the employee in jeopardy or in violation of this section. Alternatively, the employee may be tested to insure a .00% blood alcohol content prior to assigning employee to duty.
- (c) Employees who fail to inform their supervisor as required above may be held personally liable for any accident, which results in injury and/or property damage and shall be subject to the penalty part of this section.

SUPERVISOR RESPONSIBILITIES

Supervisors shall arrange return to home transportation for any employee who reports to work when:

- (a) The employee may be affected by prescription or across the counter medication.
- (b) The employee may be affected or impaired by substance abuse.. Testing may be utilized to determine the employee's fitness for work; violation of this policy; or state law pertaining to driving while intoxicated.

DRUG AND ALCOHOL INFORMATION

The City is required to provide educational materials for employees, explaining the DOT's requirements and the City's policies and procedures to meet those requirements. In addition to this Policy, the City will provide drivers with information concerning: (1) the effects of drugs and alcohol on an individual's health, work and personal life; (2) the signs and symptoms of a drug or alcohol problem; and (3) the available methods of intervention when a problem does exist.

Each employee is required to certify that they have been given a copy of this Policy and other drug and alcohol information by the City. Applicants are required to execute the certification as a condition of being hired. An applicant who refuses to do so will not be hired. Existing employees who refuse to execute this required certification will be subject to City discipline, up to and including discharge.

Any existing employee who engages in any conduct prohibited under this Policy will be provided with information concerning the resources available to evaluate and resolve a drug or alcohol problem, and the names, addresses and telephone number of substance abuse professionals, counseling and treatment programs.