

4-03 ALCOHOL/DRUG-FREE WORKPLACE

1. **Federal Drug-Free Workplace Requirement** – The City complies with the Federal Drug Free Workplace Act of 1988.
2. **Drug-Free Awareness Program** – During new-hire orientation, all new employees will receive a copy of this policy and a brochure about the City’s Employee Assistance Program (EAP).
3. **Employee Responsibilities -**
 - No employee shall unlawfully manufacture, possess, use, or distribute any controlled substance or alcohol in a City workplace.
 - Any employee convicted under any criminal drug statute shall notify his/her supervisor within five days after the conviction.
 - No employee shall consume alcoholic beverages during work hours, during breaks or meal periods, or for at least eight (8) hours before coming to work.
 - No employee shall be impaired by alcohol, medication, or illegal drugs, or have any detectable trace of illegal drugs or a blood-alcohol level of .02 or higher in their system during work hours, or while representing the City in an official capacity.

4. Additional Responsibilities of “Safety Sensitive” Employees -

For purposes of this policy, the City designates jobs requiring CDL holders as safety-sensitive positions:

- All employees in safety-sensitive positions will timely report the use of any medication that could reasonably be expected to impair their ability to perform their duties prior to or upon reporting for duty on a “City Disclosure of Prescription Drugs” form (see *appendix, pp. 67*) completed by their health care provider. The forms will be submitted annually to City Manager or his/her designee, who will advise the employee’s supervisor of any relevant medical information.
 - The employee must timely submit an updated form if there is a change in medication, a significant change in dosage, or the medication is discontinued.
 - The City Manager or his/her designee will verify the status of all active forms annually.
 - Any employee in a safety-sensitive position who is cited, arrested, or charged with any criminal drug or alcohol related offense shall notify his/her supervisor within 24 hours.
5. **Drug/Alcohol Testing Policy** - All employees and prospective employees are required to participate in drug testing as provided herein as a condition of hire or continued employment. Failing or refusing to comply with this policy shall be deemed a violation of this policy. The types of drugs or metabolites and cut-off levels shall be determined by the City, except as mandated or limited by federal regulations.

6. Pre-Employment Testing -

- All prospective employees and shall be tested for drug usage .
- All job applicants shall be informed of the policy during conditional job offers. A copy of this policy shall be available for their review.
- The City will exclude from employment any job applicant who refuses to abide by this policy.
- An employment application from an applicant with a confirmed positive drug test will not be processed by the City for one (1) year from the date of such result.

7. Reasonable Suspicion (For Cause) Testing -

- An employee may be required to submit to a drug and/or alcohol test when reasonable suspicion arises, and the employee's supervisor and a City designee concur that reasonable suspicion exists. Suspicion must be based upon specific, contemporaneous, articulable observations concerning appearance, behavior, speech or body odors of the employee. Reasonable suspicion testing may include re-tests or follow-up tests as may be necessary to protect the integrity of the testing protocols, such as newly discovered evidence that the employee tampered with a previous drug test.
- All employees who hold a CDL license as a job requirement shall fall under the Federal Motor Carrier Safety Administration's reasonable suspicion guidelines Part 382.
- The City designee to identify reasonable suspicion must be approved by the City Manager and identified on a list maintained on the City's M: Drive.
- A written record shall be made of observations leading to an alcohol or controlled substances reasonable suspicion test and signed by the City's designee who made the observations, within 24 hours of the observed behavior or before the results of the alcohol or controlled substance tests are released, whichever is earlier.
- The written record must be retained.
- Once the authorized supervisors have determined that reasonable suspicion exists, testing shall be done as soon as practical.
- If an employee is sent to an outside clinic for a reasonable suspicion test, the employee shall be driven to the facility by the supervisor or his/her designee.
- The employee shall then be put on paid administrative leave until the results of the test are available.
- The supervisor shall make arrangements, or help the employee make arrangements, to get home without driving him or herself.

8. Rehabilitation Testing - If the City returns an employee to work after he or she has enrolled in a rehabilitation program for drug or alcohol abuse and has successfully completed the rehabilitation program, such employee may be entered into a program of unannounced drug and alcohol testing for a predetermined period of time at the sole discretion of the City.

9. Post-Incident Testing -

Post-incident testing will be conducted on employees involved in the following incidents:

- Treatment for a worker's compensation injury at a medical facility (either out-patient or in-patient);
- A traffic accident involving bodily injury to any party, a collision with any pedestrian or person on a non-motorized device;
- Any event or incident that involves property damage or loss;

Such testing will occur as soon as practical after the accident. The employee may be returned to work after completion of the testing unless the testing is based on reasonable suspicion. The employee's immediate supervisor shall be immediately notified of all such incidents.

10. Random Testing - For purposes of maintaining safety and as a deterrent to drug and alcohol abuse, safety sensitive employees are subject to random drug and alcohol testing. The frequency of random testing will be determined by the City Manager, except as otherwise required by federal law for CDL drivers.

11. Testing Protocols

- All drug testing will be carried out in compliance with Utah Code Ann. § 34- 41-1. Any drug or alcohol testing shall occur just before, during, or immediately after the regular work period of current employees and shall be deemed time worked for purposes of compensation and benefits for current employees.
- The City shall pay all costs of testing and transportation associated with a test required by the City.
- For both non-Department of Transportation ("DOT") and DOT tests, if the Medical Review Officer ("MRO") informs the City that a negative test was diluted, the result will be accepted as a negative if the creatinine concentration is 5 mg/dL or greater.
- For a DOT test, if the MRO directs that a re-collection must take place under direct observation (i.e. because the creatinine concentration was equal or greater than 2mg/dL, but less than or equal to 5 mg/dL) the City will contact the donor immediately. Failure of the donor to submit for this re-collection will be classified as a refusal to test.
- For a non-DOT test, if the MRO directs that a re-collection must take place (i.e. because the creatinine concentration was equal or greater than 2mg/dL, but less than or equal to 5 mg/dL) the City will contact the donor immediately. Failure of the donor to submit for this re-collection will be classified as a refusal to test.

12. Drug Testing Information

- The information received from drug testing shall be the property of the City.
- Upon City receipt of the test results, the City Manager or his/her designee shall timely notify the person tested, by telephone or e-mail, of negative results. Positive test results shall be made by personal notification.
- If the test results are positive, the person tested will be advised of the option to have the split sample tested, the expense to be equally divided between the donor and the City. The option must be exercised within 72 hours of the notification to the employee.

13. Employees Required to Hold a Commercial Driver's License (CDL)

- Those employees required by their employment at the City to hold a CDL shall be tested as required by Federal and/or State law.
- Prior to requiring any drug or alcohol testing of an employee who holds a CDL, the supervisor will determine whether the testing is authorized under this policy or under the City's Drug/Alcohol Policy. CDL testing involves a different panel of drug and alcohol tests and requirements.
- All testing under CDL requirements will be preceded by specific notification by the supervisor to the employee that the test is being ordered as a CDL requirement.
- CDL post-accident testing is only conducted if the employee, during the drug testing window, is cited for a contributory moving violation or if another person is a fatality. All other post-accident testing will be done under the City's drug/alcohol testing policy.
- Any reasonable suspicion testing decision must be made by an officially trained supervisor. A City designee must concur.
- Random drug testing is conducted just before, during, or just after performance of CDL duties.
- If the employee being tested for reasonable suspicion is a CDL holder, the alcohol/and or drug test must be administered within two hours and if it is not, the Reasonable Suspicion Designee must prepare and provide to City Manager or his/her designee a record stating the reason the test was not promptly administered.
- Rehabilitation testing, if offered by the City, shall meet CDL requirements.

14. Disciplinary Action – Because of the serious nature of illegal use or abuse of alcohol, illegal drugs, or medication, appropriate employee disciplinary action will be taken, which may include termination. The City, at its discretion in a disciplinary action, may require an employee to participate in an employer mandated EAP at the City's expense and/or a rehabilitation program

and mandatory drug and/or alcohol testing at the employee's expense as a condition of continuing employment.

15. Voluntary Substance Abuse Counseling & Rehabilitation -

- The City encourages employees who have a determined need to enroll in a counseling or rehabilitation program.
- The employee shall immediately contact his supervisor and the City Manager to coordinate leave status and benefits.

16. Employee Questions About This Policy - Questions about this policy may be directed to the City Manager.