



ALCOHOL/DRUG-FREE WORKPLACE POLICY

1. **Federal Drug-Free Workplace Requirement** – The City complies with the Federal Drug-Free Workplace Act of 1988.
2. **Drug-Free Awareness Program**—The City’s Drug-Free Awareness program will be posted in a conspicuous area at City Hall and the Adventure Hub. It can also be accessed digitally on the City’s M Drive. Additionally, all employees will receive information about the City’s Employee Assistance Program (EAP) during new hire orientation and on an as-needed basis from Human Resources.
3. **Employee Responsibilities**
 - No employee shall unlawfully manufacture, possess, use, or distribute any controlled substance or alcohol in a City workplace.
 - Employees convicted under any criminal drug statute shall notify their supervisor within five (5) calendar days after the conviction.
 - Employees shall not consume alcoholic beverages during work hours, breaks, or meal periods or at least eight (8) hours before coming to work.
 - Employees shall not be impaired by alcohol, medication, or illegal drugs or have any detectable trace of illicit drugs or a blood-alcohol level of .04 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 a Commercial Driver’s License (CDL) as safety-sensitive positions.
 - 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 completed by the employee and their health care provider. Forms shall be submitted to Human Resources or the designee, who will advise the employee’s supervisor of any relevant medical information.
 - If medication is changed, the dosage is significantly changed, or the medication is discontinued, the employee must timely submit an updated “City Disclosure of Prescription Drugs” form.
 - Employees in safety-sensitive positions who are cited, arrested, or charged with any criminal drug—or alcohol-related offense must notify their supervisor within 24 hours.
 - The “City Disclosure of Prescription Drugs” form can be accessed on the City’s M Drive.

5. **Drug Testing Policy** – All employees and prospective employees must comply with drug testing requirements as provided herein as a condition of hire or continued employment. Failing or refusing to comply with this policy shall be deemed a violation. The City shall determine the types of drugs, metabolites, and cut-off levels, except as mandated or limited by federal regulations.

6. **Pre-Employment Drug Testing**

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

7. **Medical Cannabis** - In accordance with Utah Code §26-61a and Utah Code §58-37-3.7, the City shall treat a prospective employee's use of medical cannabis in the same way the City treats the use of any prescribed controlled substance except when the employee's position requires federal funding, federal security clearance, or any other federal background determination necessary for the employee's position.

8. **Reasonable Suspicion (For Cause) Testing**

- Employees 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 of substance abuse exists. Suspicion must be based upon specific, contemporaneous, articulable observations concerning the employee's appearance, behavior, speech, or body odors. Reasonable suspicion testing may include re-tests or follow-up tests as 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 as a job requirement shall fall under the Federal Motor Carrier Safety Administration's (FMCSA) reasonable suspicion guidelines Part 382.
- The City designee chosen to identify reasonable suspicion must be approved by the City Manager or designee and recognized on a list maintained on the City's M Drive.
- Once it has been determined that reasonable suspicion exists, the employee shall be brought to Human Resources immediately. Human Resources will contact the testing facility, and testing shall be done as soon as it is practical.
- If an employee is sent to the City's medical provider for a reasonable suspicion test, a supervisor or designee shall drive them to the facility.
- A written record of observations leading to an alcohol or controlled substances reasonable suspicion test shall be made and signed by the City's designee 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.
- Employees shall be placed on paid administrative leave until the test results are available.
- The supervisor shall make arrangements or help the employee get home without the employee driving.

9. Rehabilitation Testing – If the City allows employees to work after they have enrolled in a rehabilitation program for drug or alcohol abuse and have successfully completed the rehabilitation program, such employees may be obligated to a series of unannounced drug and alcohol testing for a predetermined period of time as outlined by the rehabilitation program.

10. 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);
 - any traffic accident; or
 - any event or incident that involves property damage or loss.
- When post-incident testing is required, the involved employee shall be immediately brought to Human Resources.
 - Human Resources will contact the testing facility, and testing shall be done as soon as it is practical.
 - If an employee is sent to the City’s medical provider for a reasonable suspicion test, the employee shall be driven to the facility by a supervisor or designee.
 - The supervisor shall make arrangements or help the employee get home without the employee driving.
 - Employees shall be placed on paid administrative leave until the test results are available. After the test results are available, employees may return to work based on the results.

11. Random Testing—All employees who hold a CDL as a job requirement shall be subject to the FMCSA’s random testing guidelines in Part 382.

12. Testing Protocols

- All drug testing will comply with Utah Code Ann. §34- 41-101 et seq or the FMCSA’s Part 382.
- Any required drug or alcohol testing shall be deemed time worked for purposes of compensation and benefits.
- The City shall pay all costs of testing and transportation associated with all required tests.
- 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 to 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, the City will contact the donor immediately if the MRO directs that a re-collection must occur (i.e. because the creatinine concentration was equal or greater than 2mg/dL, but less than or equal to 5 mg/dL). Failure of the donor to submit for this re-collection will be classified as a refusal to test.
- Refusal to test will be considered a positive result.

13. Drug Testing Information

- The information received from drug testing shall be the property of the City.
- Human Resources or designee shall promptly notify the employee of the test results.

14. Employees Required to Hold a CDL - Those employees required by their employment at the City to hold a CDL shall be tested as required by federal law.

15. Disciplinary Action – Because of the serious nature of the illegal use or abuse of alcohol, illicit drugs, or medication, appropriate employee disciplinary action will be taken, which may include termination. At its discretion in disciplinary action, the City may require an employee to participate in the City’s provided 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. Attendance in a rehab program or EAP is not considered time worked for compensation purposes.

16. Voluntary Substance Abuse Counseling & Rehabilitation - The City encourages employees who think they may have substance abuse problems to enroll in a counseling or rehabilitation program voluntarily.

17. Employee Questions About This Policy – Questions about this policy may be directed to Human Resources.