

Alcohol and Drug-Free Workplace

Section 1.4

PURPOSE

To enforce the City's zero-tolerance policy for the safety of its employees and the community we service. To establish a policy that maintains an alcohol and drug-free workplace and to ensure compliance with the Federal Drug Free Workplace Act of 1988.

Background: The City and the public share an interest in a safe, healthy, and productive workforce. City employees provide a variety of services. Many employees are responsible for or operate expensive, heavy, and/or high-speed equipment or vehicles. Other employees are responsible for public safety and security. Some employees work with or around electrical power and are required to work in diverse environments; others supervise children or areas where children congregate and play. This policy has as its purpose the commitment to maintaining a safe, healthy, productive workforce, and achieving a drug-free workplace.

Both legal and illegal drugs can be broadly categorized as depressants, stimulants, or hallucinogens. Most drugs, even in very low doses, can affect the capacity of an employee to carry out their duties safely.

There are a number of chemicals used in workplaces, which can have a similar effect of types of drugs. Where these are used, a strict hierarchy of hazard control should be employed and employees should be educated in the potential hazards.

POLICY

The City is the recipient of federal funds that require certification and notification to employees regarding promoting and maintaining a drug-free workplace. In accordance with the requirements of 41 U.S.C. 702-706, the City is required to notify employees that:

The unlawful manufacture, distribution, dispensation, possession or use of any controlled substance by City employees is prohibited on any City worksite, or in any area controlled partially or fully by the City. Controlled substances are defined by Federal law) to include any illegal drug or prescription drug in schedules I through V of section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812) which has not been prescribed for the individual by a licensed physician for the treatment of a current medical condition.

Any employee who violates the prohibition on controlled substances in a City workplace or in an area either partially or fully controlled by the City may be subject to disciplinary action up to and including termination.

All employees shall abide by this policy and report for duty without any actual or foreseeable impairment of drugs and alcohol.

Employees are required to notify their Department Head or designee of any criminal drug statute conviction (including a plea of nolo contendere) for a violation occurring in the workplace or in the course of their employment no later than five (5) calendar days after such conviction.

When the City receives notice of such a conviction of an employee, the City will notify the Federal agency grant officer or other designee of the employee's conviction, in writing, within ten (10) calendar days.

Within thirty (30) calendar days of receiving notice of such conviction, the City shall subject to any applicable legal procedures, undertake appropriate disciplinary action against such employee up to and including termination; and/or require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

Counseling, rehabilitation and assistance for employees who have substance abuse problems is available through the City's Employee Assistance Program. Additionally, substance abuse awareness programs are presented to inform employees about the dangers of drug abuse in the workplace.

The City may cover the costs of participation in substance abuse programs as outlined in the *Substance Abuse Program and Policy*. Employees may also use options provided under their medical coverage or through their bargaining unit, as applicable.

OPERATIONAL PROCEDURE

Human Resources	Provides notice to employees of drug-free workplace policy.
	Provides drug-free awareness information programs.
	Offers drug counseling and rehabilitation programs through employee assistance program.
Employee	Notifies Department Head or designee of any criminal drug statute conviction for a violation occurring in the workplace within five days of conviction.
Department Head	Notifies City Manager and HR/RM Director of the conviction of an employee.
	Reports the conviction, in writing, within 10 days to the Federal agency grant officer or other designee of any individual who is convicted for a violation of a criminal drug statute occurring during the conduct of any grant activity.
Human Resources	Recommends appropriate disciplinary action to department.
Department Head	Takes appropriate disciplinary action up to and including termination; and/or requires employee to satisfactorily participate in drug abuse assistance or rehabilitation program approved by a federal, state, or local health, law enforcement, or other appropriate agency.
Employee	Participates in drug abuse assistance or rehabilitation programs, as required, utilizing their medical coverage or EAP, as applicable.
HR/RM Department	Monitors disciplinary actions by department.