**SECTION:** **SAFETY AND HEALTH**

**POLICY:** Non- DOT Alcohol and Drug Policy **EFFECTIVE DATE:** insert date adopted

**STATEMENT OF PURPOSE:**

The purpose of this policy is to promote a safe, healthy, and productive work environment by prohibiting the use, possession, distribution, or influence of alcohol, illegal drugs, unauthorized substances, and drug-related paraphernalia in the workplace. This policy also outlines the City’s procedures for rehabilitation support, testing, and disciplinary action related to substance use.

This policy applies to all City employees, job applicants, and any individual conducting business on behalf of the City, whether on or off City premises. Certain exceptions and modifications apply to designated police personnel as specified by departmental guidelines.

**DEFINTIONS:**

1. Alcohol: Any beverage or substance containing ethanol, including beer, wine, and spirits.
2. Illegal Drugs: Substances that are prohibited by law, including drugs legally available but not lawfully obtained.
3. Unauthorized Drugs: Prescribed or over-the-counter medications used improperly or not as intended by a physician or manufacturer.
4. Drug Paraphernalia: Equipment or materials used for testing, packaging, storing, or consuming drugs.
5. Reasonable Suspicion: A belief based on specific, articulable observations suggesting an employee is under the influence.
6. On-Call Employees: Employees designated to be available to report to duty during non-scheduled hours.
7. Rehabilitation/Treatment Program: A City-approved, structured program to assist employees with substance dependency.

**PROCEDURES:**

1. General Prohibitions
   1. Employees must report to work in a mental and physical condition that allows safe and effective job performance.
   2. The following are strictly prohibited while on City premises, on duty, conducting City business, operating City vehicles or equipment:
      1. Use, possession, sale, or distribution of alcohol or illegal/unauthorized drugs.
      2. Being under the influence of alcohol or illegal/unauthorized drugs.
      3. Possession or use of drug-related paraphernalia.
   3. Use of alcohol during business meals or City-sponsored events is prohibited.
   4. Legal medications may be used if they do not impair job performance or safety. Impairment symptoms must be reported.
   5. On-call employees must remain fit for duty and are not allowed to consume alcohol or drugs that will impair their ability to safely and effectively perform their job should they be called. Employees unexpectedly called in must disclose any substance use that may impair performance and are not required to report if under the influence.
   6. Certain law enforcement duties may require handling of alcohol or drugs. Such exceptions are governed by departmental procedures.
   7. Employees must notify their supervisor in writing within five (5) calendar days of any drug-related or alcohol conviction or deferred adjudication, regardless of whether it occurred on or off duty.
2. Rehabilitation and Treatment Support
   1. Employees are encouraged to seek help for substance dependency before it affects job performance or results in a policy violation.
      1. Requests for rehabilitation leave must be made before disciplinary action, or a positive drug/alcohol test occurs.
      2. Non-FMLA Leave approval is at the City’s discretion and may depend on length of employment, prior performance, agreement to abstain, and other case-by-case factors.
   2. Upon successful completion of a treatment program, employees may return to work if they:
      1. Test negative for drugs/alcohol.
      2. Provide a written release from the treatment provider.
      3. Agree to follow-up conditions including random testing for two years.
      4. Sign a return-to-work agreement approved by Human Resources.
3. Violations
   1. Violations of this policy may result in disciplinary action up to and including immediate termination.
   2. Refusal to test or tampering with the test will result in disciplinary action, including termination.
   3. Police and Fire Departments may implement stricter disciplinary standards.
   4. Employees who violate this policy are not eligible for rehire.
4. Applicant Testing
   1. Applicants receiving a conditional job offer must pass a drug and alcohol screening.
   2. Positive results, refusal to test, or tampering will disqualify the applicant from current and future City employment.
5. Employee Testing
6. Employees may be tested under the following circumstances:
   * 1. Post-accident. Post-accident drug testing is the process of testing employees for the presence of drugs or alcohol in their system after they have been involved in a workplace accident or incident. This type of testing is often used to determine if drug or alcohol use was a contributing factor to the accident
     2. Reasonable suspicion. Reasonable suspicion drug testing occurs when an employer has a reasonable belief, based on specific and articulable facts, that an employee is under the influence of drugs or alcohol while at work. It is a step beyond random or pre-employment testing, triggered by observable behaviors or performance issues suggesting impairment.
     3. Random selection. Random selection drug testing is a method of drug screening where individuals are chosen for testing without prior notice, based on a scientifically valid method that ensures an unbiased selection. This testing is required of employees who work in safety sensitive positions or who are driving on behalf of the City who currently have a valid Class A or B commercial driver’s license.
     4. As part of rehabilitation or follow-up.
   1. Reasonable suspicion must be documented and supported by observable behavior or physical signs by at least two trained individuals.
   2. Testing requires prior authorization by both the department and Human Resources directors.
   3. The City will arrange safe transportation to and from testing.
   4. All testing costs are paid by the City, and testing will be conducted during normal work hours when possible.
   5. Only City-approved certified healthcare providers will conduct testing. Positive results must be confirmed by a secondary test using the original sample.
   6. Confirmed positive tests reviewed by a Medical Review Officer (MRO) will result in termination.