



**Policy Purpose**

Outline the city’s position regarding alcohol and drug use, including the city’s right to conduct testing and a description of the testing process.

I. General

- a. The city intends to provide a safe alcohol and drug-free workplace. A healthy and productive work force, safe working conditions free from the effects of drugs and alcohol, and the maintenance of the quality of the city and its services are of the utmost importance to the city, its employees, its contractors, and the general public. Drug and alcohol abuse creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of products and services.
- b. The city prohibits the buying, selling, manufacture, possession, distribution, consumption, or use of drugs not required by a physician’s prescription on city premises (including city vehicles) or on work time.
- c. The city prohibits employees on duty from being under the influence of alcohol to the extent it may impact job performance or make them unfit for duty because of such use. Further, the city prohibits employees on duty from operating a vehicle or motorized equipment while under the influence of alcohol.
- d. The city prohibits consumption or use of alcohol or drugs not required by a physician’s prescription off city premises or during non-working hours where the city can demonstrate that such use impairs or potentially impairs the employee’s work performance, affects or potentially affects the safety and welfare of other employees on the job or the city’s citizens, or it can otherwise be determined to interfere with the city’s interests.
- e. The use of drugs, even if in accordance with a physician prescription, may result in an employment action if, in the city’s judgment, it impairs the employee’s work performance or otherwise be determined to interfere with the city’s interests.

II. Individuals Subject to Testing

- a. Prospective employees. The city may require a prospective employee to submit to testing for drugs as a condition of employment.
- b. Employees. As permitted by law, the city may require, and an employee must submit to, testing for drugs and alcohol, including random testing, whenever the city has reason to believe that the employee has violated collection and testing requirements or for the following purposes:
  - i. Investigation of possible individual employee impairment;
    - 1. The city may require employees in positions affecting public safety to report when they are taking medication that may affect their ability to perform the essential functions of their jobs. The city may require such reports only when the city can demonstrate that an employee’s inability or impaired ability to perform essential functions can reasonably be determined to pose a direct threat to the employee, to co-workers, or to the public.
  - ii. Investigation of accidents in the workplace or incidents of workplace theft including but not limited to post-accident drug and alcohol testing.
    - 1. A CDL holder who is involved in a vehicle accident on work time or in a city vehicle must submit to a drug and alcohol screen within two hours, when:
      - a. The accident involves the loss of human life, *or*



- b. The employee receives a moving violation traffic citation associated with the accident and a person sustains bodily injury as a result of the accident that requires immediate medical attention away from the accident scene, or
  - c. The employee receives a moving violation traffic citation associated with the accident and a motor vehicle has incurred damage as a result of the accident that requires the vehicle to be towed from the accident scene.
2. When a city employee is injured in an accident, the top priority will be to ensure that appropriate medical attention is provided. The testing process may be completed in conjunction with medical treatment.
- iii. To maintain safety of employees, contractors or the general public;
  - iv. To maintain productivity, quality of products or services, or security of property or information;
  - v. To comply with regulations mandated by federal, state, or local government.
- c. Management. Managers and supervisors will be tested under the same circumstances as other employees.

III. Collection and Testing

- a. All sample collection and testing for drugs or alcohol shall be performed in accordance with standard laboratory operating procedures as mandated by applicable law.
- b. Controlled substance testing will be conducted through urinalysis and processed by the Enzyme Multiplied Immunoassay Test (“EMIT”) or a gas chromatographic procedure or any other scientifically accepted testing method the city may determine. If the initial test is positive, a confirmatory test will be done by gas chromatography mass spectrometry (“GC/MS”) or gas chromatography testing or any other scientifically accepted testing method the city may determine.
- c. The city will test for alcohol by breathalyzer or any other scientifically accepted method the city may determine.
- d. To ensure reliability, the city will require presentation of reliable identification to the person collecting the samples.
- e. If any employee refuses to submit to the drug or alcohol screening test, fails to follow the protocol when submitting to a test or tampers with a sample, including, but not limited to, producing a cold sample or a diluted sample, such refusal or tampering will be considered a positive test result and may result in the rescinding of an employment offer or disciplinary action up to and including termination of employment.
- f. If any prospective employee refuses to give written consent to a drug screening test or tampers with a sample, including, but not limited to, producing a cold sample or a diluted sample, such refusal or tampering will be considered a positive test result and may result in the city rescinding the employment offer.

IV. Costs of Testing and Work Time

- a. Prospective employees:
  - i. The city shall pay the costs of pre-employment drug testing for prospective employees but does not compensate prospective employees for time or transportation required to complete the testing unless required otherwise by federal or state law.
- b. Employees:
  - i. Any controlled substance or alcohol testing shall occur during or immediately after the regular work period and shall be deemed work time for purposes of compensation and benefits for current employees.
  - ii. The city shall pay all costs of testing, including the cost of transportation, if the testing of a current employee is conducted at a place other than the workplace.



- V. Consequences of Positive Tests, Improper Samples, or Refusal to Test
  - a. Upon receipt of a positive controlled substance or alcohol test result, an employee’s refusal to provide a sample, an employee’s tampering with a sample, or an employee’s producing a cold or diluted sample, the city may, in its discretion:
    - i. Refuse to hire a prospective employee;
    - ii. Subject the person to disciplinary action, which may include termination of employment;
    - iii. Take other non-disciplinary measures in conformance with the city’s policies and procedures.
  
- VI. Confidentiality
  - a. All information, interviews, reports, statements, memoranda, or test results received by the city through controlled substance and alcohol testing are confidential communications and will be processed through the city on a “need to know” basis and will only be used in a proceeding related to an action taken by the city or in defense of any action brought against the city.
  
- VII. Notice
  - a. The city’s written policy on drug and alcohol testing will be available to employees and be available for review by prospective employees at various city locations.

Current References:

- [3.01.01 Recruitment and Selection](#)
- [3.05.03 Discipline and Appeal Guidelines](#)
- [Drug and Alcohol Screening Procedure](#)

Initial Effective Date: October 1, 1995

Approved and passed this 31<sup>st</sup> date of December, 2016