



APPENDIX B:

DRUG AND ALCOHOL POLICY

It is the policy of the City to endeavor to maintain a workplace that is free from the effects of alcohol and drug use so that employees may work in a safe and healthy environment. Compliance with this policy is a condition of each individual's employment or continued employment with the City.

PROHIBITED CONDUCT:

Employees are prohibited from the use, sale, dispensing, distribution, possession, or manufacture of illegal drugs, narcotics, inhalants, alcoholic beverages, drug paraphernalia, or other controlled substances on City premises and work sites, or while in City vehicles, or operating City equipment. Employees are prohibited from being under the influence of illegal drugs, narcotics, inhalants, alcoholic beverages, or other controlled substances during work hours or while performing employment tasks for the City. Having any detectable amount of an illegal drug or alcohol in one's system while performing work for the City is prohibited whether or not such would rise to the level of "intoxication" or "being under the influence" for purposes of criminal laws.

The unlawful use of legal drugs or the use of legal drugs contrary to the prescription for such drugs can present the same types of concerns as use of illegal drugs. Therefore, the unlawful use or excessive use of lawful drugs in a manner contrary to the prescription for such drugs which has or could have an effect on an employee's ability to perform his or her job, or could adversely affect the safety of the employee, co-workers, or the public, is absolutely prohibited in the same manner as illegal drugs are prohibited under this Policy.

DRUG AND ALCOHOL TESTING:

- **Pre-Employment.** Applicants for employment will be subject to post-offer, pre-employment drug and alcohol testing.
- **Reasonable Suspicion.** **ALL** employees are subject to drug/alcohol testing where there is "reasonable suspicion" to believe that the employee has used drugs or alcohol while on duty for the City or has performed duties for the City under the influence of the same. Reasonable suspicion is not at the Supervisor's sole discretion. Consultation with Human Resources and the City Manager is required. Reasonable suspicion testing cannot be conducted without the approval of the City Manager and Human Resources.
- **Post-Accident.** Employees who operate equipment or drive vehicles as part of their job for the City are subject to post-accident testing where the accident resulted in injury or death, or where the accident caused any property damage to the property of a third person or caused damage to City property or equipment. Separate policies may also apply to employees required to maintain a commercial driver's license as part of their job with the City. An employee must immediately report the accident to his or her Supervisor. The Supervisor shall assure that the employee submits to post-accident testing. The testing should be conducted within two hours of the accident, but at any



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rate shall be conducted as soon as possible after the accident. The Supervisor must immediately contact Human Resources and the City Manager's Office upon learning of the accident.

- **Other Violations.** Refusal to submit to testing, attempts to adulterate or evade testing, or refusal to execute any instruments required by the testing vendor are all violations of this policy.
- **Nature of Testing.** Testing will be conducted by an outside service provider in a clinic or professional office setting. Urinalysis is the standard testing method, but in some instances breath or hair analysis may be conducted.
- **Discipline.** Employees violating this policy will be subject to disciplinary action up to and including dismissal from employment.
- **Potential Treatment Options.** Treatment for drug, alcohol, or substance abuse may be available according to the provisions of the employee's health plan. Please contact Human Resources for additional information.
- **Random Drug Test.** This applies to all CDL drivers. The CDL drivers are selected from a pool of eligible employees. The City contracts with CMI for this service.

SAFETY SENSITIVE POSITIONS:

City employees who are considered in a Safety Sensitive position are subject to random testing for controlled substances. "Safety Sensitive" employees are those who:

- Discharge duties fraught with risks of injury to themselves or others or employees whose job responsibilities involve public safety or the safety of others; or
- Must use dangerous tools/equipment in the performance of their job duties; or
- Must perform job duties at heights or in other environments fraught with risks of injury; or
- Must perform job duties involving the use dangerous chemicals or narcotics and/or drugs; or
- Must carry a firearm in the performance of job duties.

(i.e. Police Officers, Firefighters, Commercial Driver's License holders, and any newly created positions that fall under these guidelines)

At the discretion of the Human Resources Department, Safety Sensitive employees shall, at all times, be subject to a random drug testing.

Once an employee has been randomly selected from a pool of eligible employees, the Human Resources Department will notify the Department Head.



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The Department Head will send the selected employee to HR to pick up the chain of custody form required for testing.

If an employee is found to be unavailable by the Department Head, the Department Head shall under no circumstances notify an employee that they have been selected for random drug

testing. The Department Head shall immediately report the unavailability of the employee to the Human Resources Department to reschedule the random. All reasons for unavailability shall

Immediately be formally documented. However, once an employee is determined to be available, the Department Head shall inform the employee of the random drug screening. The employee shall then go to Human Resources to pick up the chain of custody form and immediately report to the designated testing facility.

A Department Head's availability will be determined by the City Manager.

Nothing in this Safety Sensitive Position policy alters the City's right to require drug testing of employees in connection with a job offer, after an accident, or upon reasonable suspicion.

APPEAL OF TEST RESULTS:

- An applicant or eligible employee whose drug or alcohol test is reported positive will be offered the opportunity of a meeting with Human Resources and the Department Head to offer an explanation. The purpose of the meeting will be to determine if there is any reason that a positive finding could have resulted from some cause other than drug or alcohol use. The City, through its health and/or city management officials, will judge whether an offered explanation merits further inquiry.
- An employee whose drug or alcohol test is reported positive will be offered the opportunity to:
 - A. Obtain and independently test, at the employee's expense, the remaining portion of the specimen that yielded the positive result.
 - B. Obtain the written test result and present it to an independent medical review at the employee's expense.
- During the period of an appeal and any resulting inquiries, the pre-employment selection process for an applicant will be placed on hold, and the employment status of an employee may be suspended. An employee who is suspended pending appeal will be permitted to use any available annual leave in order to remain in an active pay status. If the employee has no annual leave or chooses not to use it, the suspension will be without pay.
- **The decision of the City Manager is final.**

TRANSPORTATION TO TESTING SITE:



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With the exception of pre-employment and random testing, employees will be driven to the testing facility by a supervisor. The supervisor will remain with the employee during the testing process. The Supervisor will make arrangements to have the employee transported back to the City or home, as appropriate, after the testing is complete.