

# **CITY OF PAGE**

## **Employee Drug Free Workplace Policy**

**Revised April 23, 2008**



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**I. PURPOSE OF POLICY**

The City of Page believes that it is important to promote a drug-free community, to maintain safe, healthy, and efficient operations, and to protect the safety and security of the employees, facilities, and property of the City of Page. Drugs or alcohol may pose serious risks to the user and all those who work with the user. In addition, the use, possession, sale, transfer, manufacture, distribution, and dispensation of alcohol or illegal drugs in the workplace pose unacceptable risks to the maintenance of a safe and healthy workplace and to the security of City of Page employees, facilities, and property. Substance abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity, and a decline in the quality of products and services provided by the City of Page. For all of those reasons, the City of Page has established this Drug Free Workplace Policy.

This Policy is not intended to and does not constitute a contract of employment with the City of Page.

This Policy supersedes and revokes all previous practices, procedures, policies, and other statements of the City of Page, whether written or oral, that modify, supplement, or conflict with the Policy. Except that employees who are subject to testing under the City of Page's CDL Drug Testing Policy will continue to be tested only under that policy, until such time as they are no longer subject to testing under the CDL policy. This Policy may be amended at any time.

**II. SCOPE OF POLICY**

This Policy applies to all City of Page employees, including management, administration, and temporary employees, and to all applicants who have received conditional offers of employment with the City of Page. Employees who are subject to testing under the City of Page's CDL Drug Testing Policy will continue to be tested only under that policy, until such time as they are no longer subject to testing under the CDL policy.

Depending upon their specific job duties, certain employees may be subject to additional requirements under client requirements or state or federal regulations, including additional restrictions on drug or alcohol use, and additional provisions

for drug and/or alcohol testing.

### **III. DISSEMINATION OF POLICY**

- A. All employees will receive a copy of this Policy, and will be required to sign an appropriate acknowledgment and receipt.
- B. All applicants who have received conditional offers of employment with the City of Page and who are required by this policy to undergo testing will be required to sign an appropriate acknowledgment and receipt stating that the City of Page is a Drug Free Workplace, that they will be required to abide by the City of Page Drug Free Workplace Policy if hired and that they be willing to submit to a pre-employment drug screen.

### **IV. DEFINITIONS**

- A. "Illegal drugs" means any controlled substance, medication, or other chemical substance that (1) is not legally obtainable; or (2) is legally obtainable, but is not legally obtained, is not being used legally, or is not being used for the purpose(s) for which it was prescribed or intended by the manufacturer. Thus, "illegal drugs" may include even over-the-counter medications, if they are not being used for the purpose(s) for which they were intended by the manufacturer.
- B. "Legal Drugs" means prescribed or over-the-counter drugs that are legally obtained by the employee and used for the purpose(s) for which they were intended by the manufacturer.
- C. "City of Page property" and "City of Page equipment, machinery, and vehicles" means all property, equipment, machinery, and vehicles owned, leased, rented, or used by the City of Page.
- D. "On duty" means all working hours, as well as meal periods and break periods, regardless of whether on City of Page property, and all hours when an employee represents the City of Page in any capacity.

### **V. WORK RULES:**

- A. Substance Abuse by Employees

- 1. Alcohol

- Employees may not use, possess, sell, or transfer alcohol while on duty, while working, while on City of Page property, or while operating City of Page equipment, machinery, or vehicles.

- Employees may not work or report to work under the influence of alcohol.

- Employees who violate either of these rules will be subject to discipline, up to and including immediate discharge. The City of Page may make

exceptions to these rules for certain business or social functions sponsored or approved by the City of Page.

## 2. Illegal Drugs

Employees may not possess illegal drugs or engage in the illegal use of drugs while on duty, while working, while on City of Page property, or while operating City of Page equipment, machinery, or vehicles.

Employees may not work or report to work with detectable levels of illegal drugs or the metabolites of illegal drugs in their systems.

Employees may not manufacture, distribute, dispense, transfer, or sell illegal drugs.

Employees who violate any of these rules will be subject to discipline, up to and including immediate discharge.

## 3. Legal Drugs/Medication

Any employee who has reason to believe that the legal use of drugs, such as a prescribed medication, may pose a safety risk to any person or interfere with the employee's performance of his or her job must report such legal drug use to his or her supervisor. The City of Page shall then determine whether any work restriction or limitation is indicated. Failure to report the legal use of a drug that may pose a safety risk could result in disciplinary action.

### B. Criminal Drug Convictions

Any employee who is convicted of violating any criminal drug statute while an employee of the City of Page will be subject to discipline up to and including immediate discharge.

Employees are required to report any criminal drug statute conviction to their immediate supervisor within five days.

### C. Inspection of Property, Equipment, and Vehicles

All persons on City of Page property or who are performing services on a City of Page project, and all property, equipment, and vehicles on City of Page property or being used in connection with the performance of work on a City of Page project (including without limitation all vehicles, containers, desks, and file cabinets), are subject to unannounced inspection by the City of Page. You should not expect that any property or items that you bring to work with you or that you use at work are private. If you do not want any property or items inspected, do not bring them to work.

Employees who refuse to permit inspections under this Policy or who fail to

cooperate with inspections under this Policy will be subject to discipline, up to and including immediate discharge.

## **VI. DRUG AND ALCOHOL TESTING**

The City of Page may require that employees and applicants provide urine, blood, breath, and/or other samples for drug and alcohol testing under any of the following circumstances:

### **A. Pre-Employment Testing**

All applicants, who have received conditional offers of employment with the City of Page and whose position is safety or security sensitive, as determined by the City Human Resources Director or designee, or involves substantial contact with children will be required to undergo drug testing as a condition of employment.

### **B. Reasonable Suspicion Testing**

1. "Reasonable Suspicion" means any one or combination of the following:
  - a) direct observation of drug use or possession and/or physical symptoms of being under the influence of a drug;
  - b) a pattern of abnormal conduct or aberrant behavior;
  - c) arrest or conviction for a drug-related offense, or identification of the employee as a focus of a criminal investigation into illegal drug possession, use or trafficking;
  - d) information provided either by reliable and credible sources or independently corroborated;
  - e) newly discovered evidence that the employee has tampered with a previous drug test; or
  - f) condition of a urine specimen which indicates probable adulteration, tampering or substitution.
2. Before conducting reasonable suspicion testing, the employee's supervisor must gather supporting information and obtain approval for testing from a supervisor at least one level further above.
3. Follow-up documentation must also be prepared and submitted to the local drug program coordinator.
4. The City of Page may require any employee to undergo drug and alcohol

testing if management has a reasonable suspicion that the employee:

- a) Has violated the City of Page's written work rules prohibiting the use, possession, sale, or transfer of alcohol and/or illegal drugs while on duty, while working, while on City of Page property, or while operating City of Page equipment, machinery, or vehicles;
- b) Is under the influence of alcohol and/or illegal drugs while on duty, while working, while on City of Page property, or while operating City of Page equipment, machinery, or vehicles;
- c) Is impaired by alcohol and/or illegal drugs; or
- d) May be affected by the use of alcohol and/or illegal drugs and that the use may adversely affect job performance or the work environment.

#### C. Post-Accident/Post-Injury Testing

The City of Page may require any employee or individual using or operating City equipment or vehicles to undergo drug and alcohol testing as soon as practicable after any accident or injury involving the use or operation of said equipment or vehicle, if the City of Page reasonably believes that the employee or individual may have caused or contributed to the cause of the accident or injury or if that accident or injury meets either of the following criteria:

1. Results in personal injury that requires immediate medical treatment; or
2. Results in more than \$2,000.00 property damage.

#### D. Random Testing

1. The tests will be conducted on a monthly basis for all employees required to maintain a CDL as part of their job description. No less than 50% of the employees subject to random testing shall be selected for random drug testing and no less than 25% shall be selected for random alcohol testing. These percentages are based on the total number of employees subject to random testing under this program as of January 31 of each calendar year.
2. Being selected and subjected to a random test (or for any testing reason) does not remove the employee from future drawings. It is possible for an employee to be drawn for more than one test during the year.

#### E. Treatment Program Testing

Any employee who has been referred by the City of Page for chemical dependency treatment or evaluation or who is participating in a chemical dependency treatment program under an employee benefit plan may be required

to undergo drug and alcohol testing without prior notice during the evaluation or treatment period and for up to two (2) years following the employee's return to work. While undergoing dependency evaluation or treatment, the employee will not be permitted to drive while on duty unless released to do so by the substance abuse counselor.

#### F. Additional Testing

The City of Page also may require employees to undergo drug and alcohol testing when, in the judgment of management, such testing is appropriate for the maintenance of safety for employees, customers, clients, or the public at large, or for the maintenance of productivity, quality, or security of property or information.

### VII. SPECIMEN COLLECTION AND TESTING PROCEDURES

#### A. Specimen and Collection Procedures

##### 1. Test Subject Privacy

Appropriate professional personnel will supervise the collection of urine, saliva, and blood specimens for testing. In the absence of a reasonable suspicion that the test subject will alter or substitute a urine specimen, the collection personnel will not directly observe the collection of the urine specimen.

##### 2. Chain of Custody Procedures.

Appropriate professional personnel contracted by the City of Page will take steps to preserve the chain of custody of specimens, in order to ensure testing accuracy.

#### B. Specimen Testing Procedures

Specimens will be tested only by laboratories that are properly approved to conduct drug and alcohol testing by the National Institute on Drug Abuse, the Department of Health and Human Services, or the College of American Pathologists.

Specimens will be tested only for the presence of alcohol, illegal drugs, and their metabolites.

The City of Page will rely only on positive initial screening test results that also have been confirmed by gas chromatography/mass spectrometry or other methods of confirmatory analysis provided for by the National Institute on Drug Abuse, the Department of Health and Human Services, or the College of

American Pathologists ("confirmatory test").

C. Cost of Testing

The City of Page will pay for any drug and alcohol test that it requests or requires.

D. Suspensions Pending Test Results

Pending receipt of test results and written explanations and requests for retests of positive confirmatory test results, employees may be temporarily suspended. If an employee is suspended and the final confirmatory test result is negative, the employee will be reinstated immediately with full back pay.

E. Test Result Reports

The City of Page will promptly communicate test results to test subjects. Any test subject may request a copy of his or her test result report.

**VIII. CONFIDENTIALITY OF TEST RESULTS AND OTHER PERTINENT INFORMATION**

The City of Page will not disclose test results except as authorized by the test subject or as authorized, permitted, or required by applicable law.

Any City employee or Staff Member who reports or takes a report indicating a suspicion that another employee has violated this policy by the use of legal or illegal drugs or alcohol will strive to keep that information confidential. Any material gained in the investigation of the allegation or suspicion such as the names, statements, tests and other information supplied by persons involved including, but not limited to, reporting parties, witnesses, or the accused, shall be kept strictly confidential by all City Employee's and Staff. This clause shall not be construed so as to prevent the parties involved, including the City, from taking appropriate disciplinary or legal action within or outside the procedure provided in the City policies and is only meant to protect the privacy interests of all persons involved.

**IX. CONSEQUENCES OF REFUSAL**

A. Employees and applicants may refuse to undergo drug and alcohol testing. However, refusing to undergo testing or failing to cooperate with the testing procedures is cause for immediate discharge. Applicants who refuse to undergo testing or who fail to cooperate with the testing procedures will not be hired and will not be reconsidered for employment.

B. The following are behaviors that constitute refusal:

1. Failing to provide adequate breath for testing without a valid medical

explanation.

2. Failing to provide adequate urine for controlled substances testing without a valid medical explanation.
3. Engaging in conduct that clearly obstructs the testing process, or failing to remain available until testing is completed following an accident.
4. Failing to show up for scheduled testing unless documentation of a medical reason is presented.
5. Failing to report to the testing site within 30 minutes of being notified to report for any post accident, reasonable suspicion, or random testing.

#### **X. RIGHT TO EXPLAIN TEST RESULTS**

Any test subject who tests positive on a confirmatory test on any drug and alcohol test required by the City of Page may:

- A. Submit additional information to the City of Page, in a confidential setting, to try to explain the confirmed positive test result; and
- B. Request in writing a confirmatory retest of the original sample, at his or her own expense, provided that the City of Page must receive the request within five (5) working days after the test subject has been informed of the confirmed positive test result.

Confirmatory retests requested and paid for by the test subject may be conducted only by laboratories that are properly approved to conduct drug and alcohol testing by the National Institute on Drug Abuse, the Department of Health and Human Services, or the College of American Pathologists.

#### **XI. CONSEQUENCES OF CONFIRMED POSITIVE TEST RESULTS**

##### **A. Applicants**

Any applicant who tests positive on a confirmatory test on any drug test required by the City of Page and who does not timely and successfully refute the test results by explanation or retesting will not be hired and will not be reconsidered for employment.

##### **B. Employees**

###### **1. First-Time Positive Test Result**

###### **a) Alcohol Test**

- (1) A positive alcohol test shall be considered a concentration of .04 or higher. Any employee who tests positive on a confirmatory test on

any alcohol test required by the City of Page for the first time and who does not timely and successfully refute the test results by explanation or immediate retesting will be subject to a one week (5 days) suspension without pay, beginning upon receipt of the positive confirmatory test. Such employee also will be referred for a chemical dependency evaluation with a certified substance abuse counselor, and shall be required to sign an appropriate "last-chance" agreement with the City of Page governing substance abuse and testing. Alcohol concentrations of less than .04 may still be grounds for disciplinary action.

- (2) Any employee who fails to appear for a chemical dependency evaluation when directed by the City of Page, fails to complete the terms of any prescribed treatment program, or fails in any way to cooperate with the chemical dependency referral and/or treatment process, will be subject to immediate discharge.

b) Drug Test

Any employee who tests positive on a confirmatory test on any drug test required by the City of Page for the first time and who does not timely and successfully refute the test results by explanation or retesting will be subject to immediate discharge.

2. Second-Time Positive Test Result for Alcohol

Any employee who tests positive on a confirmatory test on any alcohol test required by the City of Page for the second time and who does not timely and successfully refute the test results by explanation or retesting will be subject to immediate discharge.

**XII. EMPLOYEE ASSISTANCE PROGRAM/SUBSTANCE ABUSE TREATMENT**

- A. The City of Page regards its employees as its most valuable asset. Accordingly, the City of Page maintains an Employee Assistance Program (EAP) that provides help to employees who suffer from substance abuse and/or other mental health problems.
- B. No employee will be subject to discipline for voluntarily seeking EAP assistance or substance abuse treatment. An employee may not, however, avoid discipline for violating the Drug Free Workplace Policy by seeking this assistance after the employee is referred for testing pursuant to this Policy. In addition, an employee's participation in an EAP or referred substance abuse treatment program will not excuse the employee from being required to meet all of the same standards and qualifications for the job that apply to other employees,

including performance, attendance, and other measures.

C. The City of Page will conduct drug-free awareness programs periodically. These programs will inform employees about the following:

1. The dangers of drug and alcohol abuse in the workplace;
2. The City of Page's policy of maintaining a drug and alcohol-free workplace;
3. Available drug and alcohol counseling, rehabilitation, and employee assistance programs; and
4. The sanctions that may be imposed for drug and alcohol abuse violations.

D. Employees are encouraged to approach their supervisor at any time with any questions they have about the City of Page's Drug Free Workplace Policy.