



# **Drug Free Work Place Policy**

APPENDIX A

Of the City of Ammon

Personnel Policy

Appendix A Policy Adoption Date

February 2, 2012

## Policy Statement

City of Ammon has a responsibility to its employees and to the public at large to see that its employees are both drug and alcohol free while on duty. This responsibility comes in light of studies showing that employees who are under the influence of drugs or alcohol while at work are more likely to cause accidents and injuries to themselves and to co-workers, as well as to the public at large. Therefore, City of Ammon (hereafter referred to as "the City") is implementing this Drug and Alcohol Free Workplace Policy, including within its provisions those regulations contained within the Department of Transportation (DOT) Controlled Substances and Alcohol Use and Testing, as contained in 49 CFR Part 382 and Part 40.

## Introductory Provisions

### A. IMPLEMENTATION SCHEDULE

This policy will become effective **February 15, 2012**, and will apply to all prospective and current employees of the City, including those employees who operate commercial vehicles for the City (hereafter referred to as "drivers").

### B. QUESTIONS REGARDING THIS POLICY

Questions regarding this policy should be directed to the employees Department Head or to the designated Human Resource person within the City. A copy of this policy is available to all employees.

### C. POSSESSION, USE OR DISTRIBUTION OF ILLEGAL DRUGS OR ALCOHOL

The possession, use, purchase, sale, or distribution of illegal drugs (meaning those drugs for which there is no generally accepted medical use; i.e. marijuana, cocaine, methamphetamine, PCP) or drug paraphernalia by an employee in a City vehicle, at a job site, on City property, or during work hours, is strictly prohibited. Any employee violating this prohibition will be terminated.

The City also has a prohibition against employee use of illegal drugs off the worksite. An employee's off the job use, manufacture, purchase, possession, sale, or distribution of illegal drugs, or drug paraphernalia that results in criminal charges being brought against the employee will result in the employee being requested to submit to drug testing and may result in the employee being suspended from work without pay. Any employee convicted of a criminal drug statute will be terminated from employment.

## D. EMPLOYEE'S USE OF ALCOHOL

The City is committed to ensuring that employees are not at work while under the influence of alcohol. Therefore, employees are not to consume alcohol within four (4) hours of reporting to work. Employees are also not to report to work or remain at work while under the influence of alcohol, meaning their having a blood alcohol concentration (BAC) greater than .02. Employees are prohibited from using or possessing alcohol while on duty.

### Drug or Alcohol Testing Required of Employees

#### A. PRE-EMPLOYMENT TESTING

All prospective drivers must disclose to the City any previous employers for whom they have worked as a CDL employee within the previous two (2) years. The City will then request from those employers information regarding any incidents where a prospective driver has tested positive for illegal drugs or alcohol, or refused to test, within the previous two (2) years. In the event the City receives information from a former employer that the prospective driver has tested positive for drugs or alcohol within the previous year, that prospective driver will not be offered employment or his/her conditional employment with the City will be terminated. Any driver who is found to have previously tested positive for illegal drugs or alcohol and who is hired by the City must show that he/she has been evaluated by a Substance Abuse Professional and was found to be not drug or alcohol dependent. It will be the City's responsibility to ensure that any required follow-up tests of such drivers are conducted as required by Department of Transportation (DOT) regulations.

#### B. POST-ACCIDENT TESTING

Any driver operating a City-owned vehicle or equipment that is involved in a DOT reportable accident will be tested for both illegal drugs and alcohol, as soon as practicable. A reportable accident means an accident that results in a fatality, or where someone involved requires medical treatment away from the scene, or where one of the vehicles is towed, or where a citation is issued to the driver in connection with the accident. Alcohol and drug testing will be administered within two (2) hours of the accident where possible, but in no case later than eight (8) hours.

Any non-driver employee who is involved in a work-related accident will be tested for the use of illegal drugs and may be tested for alcohol, as soon as practicable, after the accident. Examples of accidents that will require a non-driver employee to take a post-accident test include, but are not limited to, situations where:

1. An employee causes a fatality or bodily injury to another person and where the injured person requires medical treatment away from the accident; or,

2. An employee injures himself, resulting in that employee filing a worker's compensation claim with lost time likely exceeding one working day; or,
3. An employee causes damage to property owned by the City, or by a third party, that may reasonably be estimated to exceed \$500.

Any employee required to be tested under this section must remain readily available for such testing and may not consume alcohol within eight (8) hours of the accident or until he/she has been tested for alcohol. Any employee involved in an accident requiring a drug and alcohol test must notify the City Clerk, of the accident as quickly as possible and comply with those instructions given him/her regarding the taking of a drug and alcohol test. If it is determined that an employee's accident was definitely caused by the actions of another and that there were no unsafe acts on the part of the injured employee, the City reserves the right to waive post-accident testing.

#### C. RANDOM TESTING

All safety-sensitive employees will be subject to random drug and alcohol testing. Random testing selections will be unscheduled and will be made by a scientifically valid method of selection where every safety-sensitive employee is equally subject to being tested. Random testing for alcohol will take place prior to, during, or immediately following an employee's duty time.

#### D. REASONABLE CAUSE TESTING

The City will require an employee to be tested for alcohol and/or illegal drugs if the employee's physical appearance or pattern of behavior gives City officials reason to believe the employee may be impaired. The basis of suspicion may be a specific, contemporaneous event or conduct evidencing impairment observed over a period of time.

### Specimen Collection Procedures/Test Result Notification

#### A. SUBMISSION OF AN ADULTERATED OR DILUTED SPECIMEN

If the collection monitor determines that an employee has submitted an adulterated or diluted specimen, that specimen will be discarded and a second specimen will be requested. It will be the second specimen that will then be tested. If the request for a second specimen is refused, the collector will inform the City of the employee's refusal to submit an acceptable specimen. Such refusal will result in either a prospective employee not being offered employment or a current employee being terminated with the City.

## B. DRUG/ALCOHOL SPECIMEN COLLECTION PROCEDURES

All testing for drugs will be done by the testing of an employee's urine specimen. All drug testing of drivers will utilize the split specimen collection procedure. Under that procedure, a driver will have his/her urine specimen sealed in two separate containers with both containers being sent to a SAMHSA certified laboratory for testing.

If a driver's first specimen tests positive that driver may request within three (3) days of the positive notification that the other specimen be tested at a second SAMHSA laboratory. This second test will be done at the driver's expense, unless the second test comes back negative. During the time the second specimen is being tested, that driver will be suspended without pay.

Any non-driver employee whose specimen screens positive for the presence of illegal drugs will have their positive test confirmed by the Gas Chromatography/Mass Spectrometry (GC/MS) confirmation method. Any non-driver employee who tests positive for illegal drugs may request the same specimen be retested at their expense. This request must be conveyed to the City within forty-eight hours (48) of the employee being notified of the positive test result. During the time the second test is being conducted, the employee will be suspended without pay.

Any employee who is given an alcohol test will be given an initial test and, if they test at or above .02 BAC, a confirmation test will be performed no sooner than 15 minutes after the first test. The confirmation alcohol test will be done by the use of a breath testing device.

## C. REFUSAL

An employee may not refuse to take a drug or alcohol test when requested to do so consistent with the terms of this policy. Such a refusal will be considered equivalent to their testing positive. An employee will be considered as refusing to test if they:

1. Expressly refuse to take a test when so requested
2. Fail to provide an adequate breath, saliva, or urine sample without a valid explanation; or,
3. Engage in conduct that clearly obstructs the testing process.

## D. NOTIFICATION OF TEST RESULTS

All drug test results will be forwarded to the City through Minert & Associates, Inc., as the representative of the Medical Review Officer (MRO). Before the City is informed that a prospective or current driver has tested positive for illegal drugs, the driver will be offered an opportunity to personally discuss the positive drug test with the MRO. The MRO will follow up on such information, as is deemed appropriate.

If the MRO finds no reason to doubt the validity of the positive test, that result will be conveyed to the City contact, as well as, the identity of the drug. If the driver cannot be located, the MRO, or his representative, may request that the City arrange for the driver to contact the MRO, as soon as possible, to discuss the results of the positive test. The MRO will communicate a positive result to the City without discussing the result with the driver if the driver expressly declines the opportunity to discuss the results of the test, or if the driver is instructed by the City to contact the MRO yet fails to do so within five (5) days of that notification.

Any non-driver employee who tests positive will be given the opportunity to discuss the results with the staff of **Minert & Associates, Inc.**, prior to the City taking disciplinary action. In talking with any such individual, the staff of **Minert & Associates, Inc.** will follow up on all information deemed necessary to resolve the employee's positive drug test. If it is determined that a prescription drug was the cause of the positive test, the employees test will be reported out as negative.

E. EFFECT OF TESTING POSITIVE FOR DRUGS OR ALCOHOL

Any prospective employee who tests positive for the presence of illegal drugs and/or alcohol will not be hired. Any current employee who tests positive for the presence of illegal drugs and/or alcohol will be terminated from employment with the City.

An employee is considered as testing positive for alcohol when their blood alcohol content (BAC) is .04 or above. If any employee tests between .02 and .039 BAC that employee will not be allowed to return to work for 24 hours from the time of the test. Any employee who twice tests between .02 and .039 BAC will be treated as having tested positive for alcohol.

### Conclusion

The terms of this Drug Free Workplace Policy are intended to produce a work environment where employees are free from the effects of drugs and/or alcohol. Employees should be aware that the provisions of this policy may be revised when necessary. The City believes that by having the provisions of this Drug Free Workplace Policy its employees will enjoy the benefits of working in a safer and more productive work environment.

**EXAMPLE SIGNATURE PAGES OF RECEIPT AND UNDERSTANDING**

**CITY OF AMMON DRUG FREE WORK PLACE POLICY – APPENDIX A**

**ACKNOWLEDGEMENT OF RECEIPT**

**SIGNATURE SHEET**

RECEIPT:

I, \_\_\_\_\_ acknowledge that I have received a copy of the **City of Ammon Drug Free Work Place Policy, Appendix A** of the Ammon Personnel Policy Manual. I understand that it is my responsibility to review this policy appendix. My signature below affirms that I will read and understand the policy appendix. If I have questions regarding any aspect of the policy appendix, I will discuss these questions with my supervisor or the Designated Human Resource person as necessary until I fully understand the policies and procedures of the City of Ammon.

I understand that should this Policy be modified that I will be provided with a copy of the modification.

_____	_____
Employee Signature	Date
_____	_____
Human Resource (Witness to Employee Signature)	Date

**CITY OF AMMON DRUG FREE WORK PLACE POLICY – APPENDIX A**

**ACCEPTANCE AND UNDERSTANDING**

**SIGNATURE SHEET**

ACCEPTANCE:

My signature bellows affirms that I have read and understand the terms of the **City of Ammon Drug Free Work Place Policy** and that I have addressed any concerns or questions regarding this policy with my Department Head or the designated Human Resource person. I further understand that I am governed by the contents of this policy and it is my responsibility to remain familiar with all of the information contained. Any violation of this policy may be cause for termination.

_____	_____
Employee Signature	Date
_____	_____
Department Head (Witness to Employee Signature)	Date