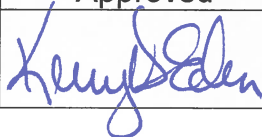
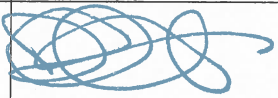




Administrative Policy

| Title: Drug and Alcohol Use | | | | |
|------------------------------------------------------------|---------------------------|---------------|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Administered By: Administrative Services (Human Resources) | | | | |
| New Policy No. | Issue Date (Last Revised) | Renumber Date | Department Head Approved | City Manager Approved |
| 01400.003 | UNKNOWN (N/A) | 01-03-17 |  |  |

This Policy had been numbered Policy 200.21. Effective on the Renumber Date noted above, this Policy is hereby renumbered as the Policy Number noted above.

The latest version of the Policy is attached hereto and incorporated herein by reference.

Attachment: Policy 200.21
Issued: UNKNOWN
Revised: N/A

Drug and Alcohol Use
Administrative Policy 200.21
Administered By: Human Resources

POLICY:

All employees of the City are hereby notified that the following activity is prohibited at all times when employees are on or off City premises while on duty or while engaged in any activity where the employee is representing the City:

- A. The unlawful possession, manufacture, transportation, distribution, receipt, sale, purchase, or arrangement of the sale, purchase, or distribution of the following substances:
 - 1. Illegal drugs or legal controlled drugs obtained without a prescription or not being used for prescription purposes including, but not limited to the following:
 - a. Narcotics (such as heroin, morphine, codeine, Demerol, and Diaudid);
 - b. Hallucinogens (such as acid, LSD, PCP, peyote, MDMA, Ecstasy, and psilocybin mushrooms);
 - c. Stimulants (such as speed, uppers, cocaine, amphetamines);
 - d. Depressants (such as barbiturates, sedatives, tranquilizers, downers, Valium. Librium and ludes); or
 - e. Marijuana
 - 2. Drug paraphernalia.
- B. The use of any of the following substances when such use impairs the employee's ability to perform his or her duties safely or efficiently.
 - 1. Alcohol;
 - 2. Legal drugs, including over the counter medications or drugs obtained and used pursuant to a prescription;
 - 3. Any of the substances mentioned in Section A above; or

4. Other substances, including but not limited to, the following:
 - a. Glue
 - b. Typewriter correction fluid, e.g. "White Out";
 - c. Aerosols;
 - d. Nitrites (such as Rush);
 - e. Chemical substances used in manufacturing;
 - f. "Look-alikes;" or
 - g. "Designer drugs."

Examples of violations of this policy include, but are not limited to the following:

1. Any act prohibited by this policy;
2. The failure to consent to a physical or psychological examination or test as described in this policy;
3. The falsifying or otherwise tampering with urine, blood, breath or other such samples;
4. Any other violation of this policy.

PROCEDURE:

1. All employees shall agree to abide by the terms of this policy as a condition of employment and shall notify the City of any drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
2. In those instances where City employees who are employed under a Federal contract or grant are convicted of criminal drug statute violations occurring in the workplace, the City shall notify the grantor agency within ten (10) days after receiving notice from such employees or otherwise receiving actual notice of such convictions.
3. Disciplinary action will be taken within thirty (30) days of receiving notification of any criminal drug statute conviction for a violation occurring in the workplace. Violations of this policy shall be cause for discipline up to and including termination from employment in accordance, with applicable City ordinances, rules and regulations.
4. Depending upon the circumstances and provided that the employee has consented in writing to physical or psychological examination or testing, the City, in its sole discretion, may afford the employee an opportunity to enroll in a rehabilitation program prior to taking any disciplinary action; however, the City

reserves the right to impose discipline for even a first offense in the case of serious violations of this policy.

5. If deemed necessary or appropriate, the City may summon law enforcement personnel for assistance.

Testing

Any employee may be required to submit to physical or psychological examination and/or urine, blood, breath, and/or other designated medical or chemical tests for evidence of drug and/or alcohol use. This testing shall be mandatory if any two of the following individuals: the Human Resources Director, Risk Manager, department head, or other designated City administrator, with documented training in the detection of drug and alcohol abuse, have a reasonable suspicion that such drug or alcohol use violates this policy. The employee suspected of such violation shall be transported to a testing facility, accompanied by at least two of the individuals referenced above, and tested at the City's expense, then transported home. The City, in its sole discretion, shall determine when the employee may resume his or her duties; however, the City shall consider any relevant material submitted by the employee in making this determination.

Applicants

All applicants offered employment shall be given a copy of this policy and shall, as a prerequisite to employment, sign a consent form and submit to urine, blood, breath, and/or other designated medical or chemical tests for evidence of drug and/or alcohol use. Employment may be denied if an applicant refuses to sign the consent form or submit to the testing, or if the test results are positive, that is, they contain evidence of drug and/or alcohol

Rehabilitation

Employees who have problems with drugs or alcohol are encouraged to seek voluntary treatment and rehabilitation before a violation of this policy is discovered. The City provides an Employee Assistance Program for this purpose. The decision to voluntarily seek treatment or rehabilitation for the first time during the person's employment will not be used as a basis for discipline. Volunteering for treatment or rehabilitation will not, however, eliminate the risk of discipline where violation of this policy has been independently determined.

If an employee enters a treatment or rehabilitation program, the following will apply:

1. The employee may be granted a leave of absence with or without pay as determined by the City.

2. The employee may be required to sign a “last change agreement” in which he or she promises to complete the treatment or rehabilitation program and to comply with other terms stated therein. If the employee violates this agreement, he or she shall be subject to discipline up to and including termination.
3. The employee entering a rehabilitation program in lieu of discipline may be required to submit to random testing for up to one year after completion of the program. If he or she fails to comply or if the substances listed in this policy are detected upon such testing, the employee shall be subject to discipline up to and including termination.
4. In some cases, the employee undergoing treatment may qualify for the City's Short Term Disability Program.

Drug Awareness Program

The City shall present a drug-free awareness program to all employees for the purposes of informing them of the following:

- A. The dangers of drug abuse in the workplace;
- B. The City's policy of maintaining a drug-free workplace;
- C. The availability of drug counseling, rehabilitation and employee assistance programs; and
- D. The penalties that may be imposed upon employees for the drug abuse violations occurring in the workplace.

Commitment

The City is committed to providing its employees with a drug-free workplace and will make a good faith effort to continue to maintain such an environment through implementation of this policy.