

HEWITT TEXAS

CITY OF HEWITT POLICIES AND PROCEDURES

Procedure: Drug & Alcohol Free Work Environment

Section: 8.5

Adopted: 10/07/2002

Amended: 11/12/2008; 08/24/2015; 6/15/2017

8.5 DRUG & ALCOHOL FREE WORK ENVIRONMENT

The City of Hewitt has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees and to the security of our equipment and facilities. For these reasons, the City is committed to the elimination of drug and/or alcohol use and abuse in the workplace.

This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy applies to all employees and all applicants for employment of the City. The Human Resource Department is responsible for policy administration.

An employee shall not possess, sell or provide alcohol or controlled substances to any other employee or to any person while such an employee is on duty or on-call unless the employee is required as a part of their job to legally possess alcohol or controlled substances.

An employee shall not report for duty, or remain on duty, when using or testing positive for any controlled substance (except under instructions of a physician who has advised the employee the substance does not adversely affect the employee's ability to perform the job safely).

A. Guidelines

Whenever employees are working, operating any company vehicle, present on company premises, or conducting related work off-site, they are prohibited from:

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- Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).
- Being under the influence of alcohol or an illegal drug as defined in this policy.

The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body while performing company business or while in a company facility is prohibited.

The City of Hewitt will not allow any employee to perform their duties while taking prescribed drugs that are adversely affecting the employee's ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.

Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

B. Testing

1. **Pre-employment:** All applicants receiving a written conditional offer of employment will be contingent upon the candidate passing a pre-employment controlled substances screening test. The candidate must be tested and receive a negative result before starting to work.
2. **Post-Accident Process:** City employees involved in vehicle accidents while operating city vehicles or private vehicles on City business are subject to post-accident alcohol and controlled substances testing.
3. **Random:** City employees who are considered in a Safety Sensitive position are subject to random testing for controlled substances. "Safety Sensitive" employees are those who:
 - a. 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
 - b. Must use dangerous tools/equipment in the performance of their job duties; or
 - c. Must perform job duties at heights or in other environments fraught with risks of injury; or

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- d. Must perform job duties involving the use dangerous chemicals or narcotics and/or drugs; or
- e. Must carry a firearm in the performance of job duties.

(Police Officers, Firefighters, Dispatchers, Evidence Technician, Records Clerk, Field Assistants, 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 Director or City Manager.

The Department Director will first determine the availability of an employee for random drug testing. If the Department Director determines that an employee is available, the employee shall immediately report to the designated testing facility.

If an employee is found to be unavailable by the Department Director, the Department Director shall under no circumstances notify an employee that they have been selected for random drug testing. The Department Director shall immediately report the unavailability of the employee to the Human Resources Department. All reasons for unavailability shall immediately be formally documented and are subject to review by the City Manager. However, once an employee is determined to be available, the Department Director shall inform the employee of the random drug screening. The employee shall then immediately report to the designated testing facility.

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

- 4. **Reasonable Suspicion:** All City employees are subject to reasonable suspicion testing for controlled substances and alcohol abuse based on objective facts and/or observable on-duty behavior sufficient to lead a trained, reasonably prudent supervisor to suspect that an employee is under the influence of controlled substances and/or alcohol so that an employee's ability to perform the functions of the job is impaired or so that the employee's

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ability to perform their job safely is reduced. Supervisors who suspect an employee is under the influence of a controlled substance and/or alcohol should contact Human Resources immediately.

5. **Return to Duty:** Any employee returning to work after suspension for an on-duty violation will be subject to return-to-duty testing. Test results must be verified negative before any employee is allowed to return to duty.

The City reserves the right to utilize any drug or alcohol test performed by local law enforcement officials or appropriately trained medical personnel.

C. Consequences

Applicants who refuse to cooperate in a drug test or who test positive will not be hired.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, or dispense an illegal drug in violation of this policy will be terminated.

The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including termination.

Employees will be paid for time spent during alcohol/drug testing and then suspended without pay pending the results of the drug/alcohol test. After the results of the test are received, a date/time will be scheduled to discuss the results of the test; this meeting will include a member of management and Human Resources. Should the results prove to be negative, the employee will receive back pay for the times/days of suspension.

D. Appeal of Test Results

1. 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 Director 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.
2. 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

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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.
3. 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.

E. Employee Assistance and Drug-Free Awareness

Illegal drug use and alcohol misuse have a number of adverse health and safety consequences. Information about those consequences and sources of help for drug/alcohol problems is available from the Human Resource department, whose members have been trained to make referrals and assist employees with drug/alcohol problems.

The City of Hewitt will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline and/or termination under this or other policies. Such employees may be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers, and otherwise accommodated as required by law. Such employees may be required to document they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety sensitive or require driving or if they have violated this policy previously.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose underlying medical conditions unless directed to do so by a doctor.

F. Inspections and Searches

1. The City may conduct unannounced general inspections and searches for

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drugs or alcohol on city premises or in city vehicles or equipment wherever located. Employees do not have a reasonable expectation of privacy in storage devices provided by the City, or located on City property, including desks, lockers, tool boxes, closets, etc.

2. Search of an employee and their personal property may be made when there is reasonable belief to conclude the employee is in violation of this policy.
3. An employee's consent to a search is required as a condition of employment and the employee's refusal to consent may result in disciplinary action, including termination, even for a first refusal.
4. Illegal drugs, drugs believed to be illegal, and drug paraphernalia found on city property will be turned over to the appropriate law enforcement agency and full cooperation given to any subsequent investigation. Substances which cannot be identified as an illegal drug by a layman's examination will be turned over to a forensic laboratory for scientific analysis.
5. Other forms of contraband, such as unauthorized firearms, explosives, and lethal weapons, will be subject to seizure during an inspection or search. An employee who is found to possess contraband on city property or while on city business will be subject to discipline up to and including termination.
6. If an employee is the subject of a drug-related investigation by the City or by a law enforcement agency, the employee may be suspended without pay pending completion of the investigation.

G. Confidentiality

All information relating to drug or alcohol testing or the identification of persons as users of drugs and alcohol will be protected by the City as confidential unless otherwise required by law, overriding public health and safety concerns, or authorized in writing by the persons in question.

H. Notification

Pursuant to the Drug-Free Workplace Act of 1988, the City requires all employees to notify their supervisor of any criminal drug related conviction (state or federal) no later than five (5) days after the conviction.

I. Crimes Involving Drugs

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The City of Hewitt prohibits all employees from manufacturing, distributing, dispensing, possessing, or using an illegal drug in or on company premises or while conducting City business. Employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel shall be notified, as appropriate, when criminal activity is suspected.