

DRUG-FREE WORKPLACE AND NON-DOT DRUG TESTING POLICY FOR THE CITY OF JONESBORO

General

The City of Jonesboro is establishing this policy to address procedures for a drug-free workplace and to establish rules and regulations for controlled substances and alcohol use and testing. *Implementation of the City of Jonesboro's Drug and Alcohol Testing Program will begin February 1, 1998.*

It should be noted by each employee that The City of Jonesboro has adopted a NO TOLERANCE POLICY regarding it's Drug and Alcohol Test Program.

Definitions

Controlled substance is as defined by the Federal Controlled Substance Act or similar State Statutes.

Alcoholic beverages is defined by State law as any intoxicating beverage with greater than 3% alcohol content.

Reasonable suspicion is defined as a belief based on objective facts sufficient to lead a reasonable, prudent person to suspect that an employee is under the influence of a controlled substance or an alcoholic beverage so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform the job safely is reduced.

When An Employee Must Be Tested

The City of Jonesboro has established the following tests for employees:

- Pre-employment
- Random
- Reasonable Suspicion

- Post-Accident

These tests will assist the City of Jonesboro in maintaining a work environment free from the unlawful manufacture, distribution, dispensation, possession, and effect of alcoholic beverages. The City of Jonesboro recognizes that drugs and alcohol impair employee judgment, may result in increased safety risks, hazards to the public, employee injuries, faulty decision-making, and reduced productivity.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, or the possession or use of an alcoholic beverage by an employee, while on duty or during lunch or other breaks or at any time while the employee is on a City work site, on City working time, or any time while using a City vehicle or other motorized equipment, is **absolutely prohibited and will result in the immediate termination of the employee found in violation of the City's Drug Policy.**

Any employee convicted (a finding of guilt, including a plea of guilty or nolo contendere, or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal statutes) of violating criminal statutes pertaining to controlled substance or alcohol, regardless of time or location, must immediately (no later than five (5) days from the date of the conviction) report the conviction to Department of Human Resources.

All employees using a prescription or non-prescription drug which may in any way effect their job performance must promptly notify the Department of Human Resources in writing as to the possible effects of such medication on the performance of the assigned duties and related physical/mental capabilities. The Department of Human Resources may require a physician's statement if the employee indicates that there is a need to use a prescription or non-prescription drug for four (4) days or longer.

Pre-employment Testing

Once a job offer has been made the employee must be drug tested before they actually begin their job duties. Their employment with the City of Jonesboro will be contingent upon their ability to pass a drug test. The Department of Human Resources will arrange the test date and time.

Reasonable Suspicion Testing

If a City Department Head or Supervisor has reasonable suspicion that an employee, at work or when reporting to work, appears to be under the influence of a controlled substance or an alcoholic beverage and therefore appears to be impaired and unfit for duty, the employee will be required to consent to a drug/alcohol test.

Observations which constitute a factual basis for determining reasonable suspicion may include, but are not limited to: the odor of an alcoholic or intoxicating beverage; erratic behavior; violent mood swings; excessive absenteeism, including tardiness; a medical emergency which could be attributed to substance or alcohol abuse; documented deterioration in job performance; apparent lack of motor skills or lack of physical coordination; or, an accident which is caused by the apparent action or inaction of the employee.

1. The Department Head or Supervisor will describe the incident, in writing, documenting the circumstances leading to the conclusion that a drug/alcohol test is necessary. Such documentation will include the date, time, place, description of the incident, and statements of any witnesses. Any other evidence such as drugs, drug paraphernalia, containers, etc. will be collected.
2. After documenting the incident, the Department Head will contact the Department of Human Resources to determine if drug/alcohol testing is appropriate, and if appropriate, to arrange for testing, immediately if possible. In situations where Human Resources personnel are unavailable, the Department Head and/or Supervisor will make the determination and then insure Human Resources is notified of the action the morning of the next workday.

If drug/alcohol testing is appropriate, the Department Head or Supervisor will transport the employee to a drug/alcohol test-collection facility. The drug/alcohol test may be a type based on urine, breath or other type of sample as appropriate. After testing, the employee will be transported home by his Supervisor or relative, and told not to report to work until the results of the test are known. If the employee's Supervisor reasonably determines that the employee is incapable of being managed, the Police Department or other government agency may be contacted

for assistance.

In the event of a workplace accident, not necessarily resulting in an on-the-job injury, a City Department Head or Supervisor may require those employees in the work group experiencing the accident to submit to a drug/alcohol test under the guidelines set forth above for reasonable suspicion testing (See Post Accident Testing Section).

1. Additionally, a City Department Head or Supervisor may conduct a through search of any City property, at any time, and especially when employees in a work group experience an accident. City property includes, but is not limited to, City-owned or leased buildings, parking facilities, City vehicles or motorized equipment, as well as lockers and desks.
2. The personal property of City employees may also be searched if the employee's personal property is on City property. City employees are hereby notified of such provision and are hereby deemed to consent to the search of any items or personal property brought upon City property. Whether or not a consent form is signed, any information obtained which may relate to violations of federal or state criminal statutes will be transmitted to the appropriate law enforcement agency.

Random Testing:

Lists of employees, who are not covered under DOT Drug Testing Regulations, and have been selected for Random Drug and Alcohol Testing will be developed by the company contracted by the City of Jonesboro to administer its Drug and Alcohol Testing Program.

Post Accident Testing:

As soon as practical following an accident, each employee shall be tested for alcohol and controlled substances if the accident involved:

- a fatality;
- the employee receives a citation under state or local law for a moving traffic violation arising from the accident; or
- the accident occurred while the employee was operating any

type of equipment, vehicle, or tool, which is supplied by the City and involves a death or bodily injury.

An employee who is subject to post accident testing shall remain readily available for such testing or may be deemed by the City to have refused to submit to testing. Nothing in this section shall require the delay of necessary medical attention for injured people following an accident or prohibit an employee from leaving the scene of an accident for a period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

An employee who is seriously injured and cannot provide a specimen at the time of the accident shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in his or her system.

Refusal to Submit to an Alcohol or Controlled Substance Test:

Under this policy actions constituting a refusal to a test are:

- The refusal to sign any documents which involve the test;
- failure to provide an adequate amount of breath without a valid medical explanation;
- failure to provide sufficient urine for a drug test without a valid medical explanation; and
- engaging in conduct that clearly obstructs the testing process.

*The penalty for refusal to take a mandated test for drugs or alcohol is **immediate termination**.*

Consequences Of A Positive Test:

An employee who tests 0.04 BAC or above on an Alcohol Test or positive on a Drug Test will be **terminated immediately**.

Although this policy deals primarily with on-the-job violations, nothing herein shall be deemed to allow off-duty use of drugs or alcohol in an illegal manner, and any such illegal use may result in disciplinary action, including termination.