

	Policy: Drug & Alcohol-Free Workplace Policy Non-DOT Aquatics & Fitness Center Part-Time Employees	Effective Date: March 1, 2002
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	_____ City Manager	_____ Human Resources Responsible Party

DISCLAIMER

THE ATTACHED SUBSTANCE ABUSE POLICY IN NO WAY CREATES A CONTRACT OF EMPLOYMENT. UNDERSTAND THAT YOUR EMPLOYMENT IS AT WILL, WHICH MEANS THAT YOU, AS WELL AS THE CITY OF MONROE HAVE THE RIGHT TO END THE EMPLOYMENT RELATIONSHIP AT ANY TIME FOR ANY REASON OR FOR NO REASON WITH OR WITHOUT NOTICE.

THE CITY OF MONROE RESERVES THE RIGHT TO MODIFY, REVOKE, SUSPEND, TERMINATE OR CHANGE ANY OR ALL OF THE SUBSTANCE ABUSE POLICIES OR PROCEDURES, AT ANY TIME, WITH OR WITHOUT PREVIOUS NOTICE.

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I. INTRODUCTION

The City of Monroe is dedicated to providing safe, reliable and professional services to our citizens. City of Monroe employees are our most valuable resource and it is our goal to provide a healthy, satisfying working environment, which promotes personal opportunities for growth. In meeting these goals, it is our policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; (3) prohibit the unlawful manufacture, distribution, dispensation, possession, and use of controlled substances; and (4) encourage employees to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

Neither this policy nor any of its terms are intended to create a contract of employment. The City of Monroe retains the sole right to change, amend, or modify any term or provision of this policy without notice. This policy is effective March 1, 2002 and will supersede all prior policies and statements relating to alcohol or drug use. This policy applies to all employees during working time, regardless of location, and at all times on City property including worksites and parking lots, or while operating a City vehicle.

If any part of this policy is determined to be void or unenforceable under state or federal law, the remainder of this policy, to the extent possible, will remain in full force and effect.

Violation of this policy can lead to disciplinary action, up to and including termination. Furthermore, depending on the circumstances, other action including notification of appropriate law enforcement agencies, may be taken against any violator of this policy.

Certain employees may be subject to additional requirements under state and/or federal regulations.

II. DRUG USE PROHIBITIONS

The use, sale, purchase, possession, manufacture or distribution, or dispensation of illegal drugs on City property or while on duty is prohibited and will result in immediate termination. An employee may be tested for drug use in any situation where a member of management has reasonable cause to suspect such use.

It is also against City policy for any employee to report to work with the presence of illegal drugs in the employee's system. Additionally, the City prohibits operating a City vehicle at any time while under the influence of drugs.

For the purposes of this policy, an employee is presumed to be under the influence of legal or illegal drugs if a drug test shows forensically acceptable positive proof of the drug in the employee's system. Additionally, for the purposes of this policy, the ingestion or consumption of hemp, hemp oil or other THC containing products will not be a viable explanation for a positive drug test.

Legal drugs may also affect the safety of the employee or fellow employees or members of the public. The City prohibits the use or abuse of such drugs to the extent that job performance or fitness for duty may be adversely affected. Therefore, any employee who is taking any legal drug which might impair safety, performance, or any motor functions must advise his or her supervisor before reporting to work under such medication. Upon request, the employee shall furnish the City with a physician's statement regarding the

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possible effects upon the employee's work activity. It may be necessary to restrict the employee's work activity while undergoing treatment.

Refusal to submit to, efforts to tamper with, or failure to pass a drug test will result in immediate termination. Refusal to submit shall include failing to provide an adequate urine sample, without a valid medical explanation or engaging in conduct that clearly obstructs the testing process.

III. ALCOHOL USE PROHIBITIONS

The use, sale, purchase, possession, manufacture or distribution, or dispensation of alcohol on City property or while on duty is prohibited and will result in immediate termination. An employee may be tested for alcohol use in any situation where a member of management has reasonable cause to suspect such use.

It is also against City policy to report to work or to perform work under the influence of alcohol. Additionally, the City prohibits operating a city vehicle at any time while under the influence of alcohol.

An employee will be considered under the influence of alcohol when in the judgment of the employee's supervisor or other management official, the employee's ability to perform the job safely and effectively is affected by the use of alcohol. An alcohol test by breath, saliva, blood, or other scientifically acceptable method will be performed. For the purposes of this policy, an employee is presumed to be under the influence of alcohol if an alcohol test shows a blood alcohol concentration of 0.04 or greater.

IV. REFUSAL TO SUBMIT

Refusal to submit to, efforts to tamper with, or failure to pass an alcohol test will result in immediate termination. Refusal to submit shall include failing to provide an adequate breath or saliva sample, without a valid medical explanation or engaging in conduct that clearly obstructs the testing process.

V. DISCIPLINARY ACTION & REHABILITATION

The City will attempt to assist employees identified with an alcohol or drug problem to the extent that the employee desires assistance. However, in the event that an employee violates this policy, the following discipline shall be imposed:

- (1) Any employee that **tests positive on an alcohol test with a level of 0.02 or more but less than 0.04** will be immediately removed without pay from duty for a period of at least twenty-four (24) hours. Depending upon the circumstances, the employee may also be subject to other disciplinary action. Additional occurrences of confirmatory test results of 0.02 or more but less than 0.04 will also result in further disciplinary action up to and including termination.
- (2) Any employee that **tests positive on an alcohol test with a level of 0.04 or greater** will be immediately terminated.
- (3) Any employee that **tests positive on a controlled substance/drug test** will be immediately terminated.
- (4) Any employee that is considered to have **refused to submit to testing** will be immediately terminated.

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- (5) Any employee who fails to pass the drug or alcohol test and is terminated will not be considered for re-employment for a two-year period following the date of the test and then will be considered only when (a) he or she provides documentary proof that he or she has successfully completed a drug and/or alcohol abuse treatment or rehabilitation program and (b) he or she passes a pre-placement drug and/or alcohol test.

VI. ARREST OR CONVICTION FOR DRUG-RELATED CRIME

If an employee is arrested for or convicted of a drug-related crime, the City will investigate all of the circumstances, and City officials may utilize the drug-testing procedure if cause is established by the investigation. In most cases, an arrest for a drug-related crime constitutes reasonable cause/suspicion under this policy.

As a condition of employment, an employee shall notify the City of any criminal drug statute conviction for a violation which occurred on City property. The employee must give notice in writing to the City within five (5) days of such conviction. Failure to do so will be grounds for termination.

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EMPLOYEE ACKNOWLEDGEMENT

I _____, hereby acknowledge that I have received and had the opportunity to read a copy of the City of Monroe's Substance Abuse Policy for part-time employees of the Aquatics and Fitness Center.

I further acknowledge the following:

- 1) That I have been notified that the unlawful manufacture, distribution, dispensation, possession of, or use of alcohol, drugs, or other controlled substances is prohibited in the City's workplace, and that violations of these prohibitions will subject me to immediate termination.
- 2) That I may be tested for drug and/or alcohol use in any situation where a member of management has reasonable cause to suspect such use.
- 3) If I refuse to submit to testing, fail to appear for testing, fail to cooperate with the testing process, or attempt to tamper with a drug or alcohol test, then I will be subject to immediate termination.
- 4) That if convicted of a violation of a criminal drug statute which occurred on City property, I will notify the City in writing within five days of the conviction.

I UNDERSTAND THAT THE SUBSTANCE ABUSE POLICY AND RELATED DOCUMENTS ARE NOT INTENDED TO CONSTITUTE A CONTRACT BETWEEN THE CITY OF MONROE AND ME. I ALSO UNDERSTAND THAT MY EMPLOYMENT IS AT WILL, WHICH MEANS THAT I, AS WELL AS THE CITY HAVE THE RIGHT TO END THE EMPLOYMENT RELATIONSHIP AT ANY TIME FOR ANY REASON OR FOR NO REASON WITH OR WITHOUT NOTICE AS APPLICABLE PER STATE & FEDERAL LAWS.

THE UNDERSIGNED FURTHER STATES THAT HE OR SHE HAS READ THE FOREGOING ACKNOWLEDGEMENT AND KNOWS THE CONTENTS THEREOF AND SIGNS THE SAME OF HIS OR HER OWN FREE WILL.

Employee Name (Please print) _____

Social Security Number _____

Date _____

Employee Signature _____

City Witness Signature _____

NOTE: THIS FORM WILL BE RETAINED BY THE CITY IN A SECURE FILE.