

*THIS IS THE CITY OF JACKSON'S POLICY.
PLEASE USE THIS AS AN EXAMPLE.*

CITY OF JACKSON

**POLICY PROHIBITING EMPLOYEE USE/POSSESSION OF ILLEGAL DRUGS
AND/OR ALCOHOL**

I, _____ do hereby state that I have received a copy of the
DRUG FREE WORKPLACE ACT of 1988, adopted by the City of Jackson, October
1989.

I further state that I will abide by the terms contained in this policy.

Signed:

Witness (If applicable) _____

Date: _____

DRUG-FREE WORKPLACE ACT OF 1988
ADOPTED BY THE CITY OF JACKSON
OCTOBER 1989

As a result of the Drug-free Workplace Act of 1988, the City of Jackson has adopted the following policy:

THE PURPOSES OF THE POLICY SET FORTH ABOVE ARE:

- (1) To establish and maintain a safe, healthy working environment for all employees.
- (2) To ensure the reputation of the City and its employees within the community and public at large.
- (3) To reduce the number of accidental injuries to persons or property.
- (4) To reduce absenteeism and tardiness and to improve productivity; and
- (5) To provide rehabilitation assistance for any employee who seeks such help.

OBJECTIVES

CITY: The City of Jackson has a legal responsibility and obligation to establish and maintain a safe, healthy work environment free from drugs or alcohol, and to promote a continuing interest in protecting the employees and citizens alike. A requirement of employment must be that all employees are free from illegal drug or alcohol dependence, use or abuse of any narcotic, other than those prescribed by a licensed physician, in order to have the physical and emotional fortitude necessary to perform assigned duties.

EMPLOYEE: Employees of the City of Jackson have a legal as well as a moral responsibility to ensure that their physical/emotional condition is such that they can at all times have the stamina and mental clarity to perform all jobs responsibilities and assignments as related to their jobs. Employees must be free from the possession, distribution, manufacture, dispensation or use of illegal drugs, narcotics, alcohol or any other controlled substance at all times during work time or on City property, so as not to impair fitness

for employment, nor to mar the level of service provided to the residents of the City of Jackson.

POLICY

AUTHORITY: Federal Drug-Free Workplace Act of 1988
Public Law 100-690, 102 Stat. 4181

1. It is the policy of the City of Jackson that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited while on City premises or while engaged in work for the City.
2. Violation of this policy will result in disciplinary action, up to and including termination of employment.
3.
 - a. Use of illegal drugs or controlled substances may result in death to the drug user as a result of using the drug. Drug use in the workplace may also cause accidents resulting in death or injury to the employee or his/her co-workers, damage to property, adverse public relations for the City and a general impairment of the efficiency of the services that we provide to our citizens.
 - b. It is the policy of the City of Jackson to maintain a drug-free workplace.
 - c. Drug counseling, rehabilitation and employee assistance programs are available to City employees.
4. Each employee must, as a condition of continued employment with the City:
 - a. Acknowledge receipt of this policy by signing the attached cover sheet and returning it to the Personnel Department.
 - b. Abide by the Terms of this policy.
 - c. Notify your supervisor of any criminal drug statute conviction for a violation, occurring no later than five (5) days after such conviction.
5. The City, as part of this policy, will:
 - a. Notify the Federal Agency from which it receives contracts, of any criminal drug statute conviction for a violation occurring in the workplace.

This notification will be made within ten (10) days of the City becoming aware of the same.

- b. Impose appropriate disciplinary action on any employee convicted of any criminal drug statute conviction for a violation occurring in the workplace. Such disciplinary action will be taken within thirty (30) days after the City receives notice of the conviction. The City may, in its sole discretion, require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program as part of the disciplinary action imposed, and as a condition of continued employment.
- c. Make a good faith effort to continue to maintain a drug free workplace through the implementation of this policy.

RULES

- (1) All employees are prohibited from being under the influence of alcohol or illegal drugs during working hours.
- (2) The sale, possession, transfer or purchase of illegal drugs on the City's property or while performing company business is strictly prohibited. Such action will be reported to appropriate law enforcement officials.
- (3) The use, sale or possession of an illegal drug or controlled substance while on duty is cause for termination.
- (4) No alcoholic beverages will be brought or consumed on city premises without prior approval of City Officials at company-authorized events.
- (5) No prescription drugs will be brought on City premises by any person other than the one for whom it is prescribed. Prescription drugs will be used only in the manner, combination and quantity prescribed.
- (6) Any employee whose off-duty abuse of alcohol or illegal or prescription drugs in excessive absenteeism or tardiness, or is the cause of accidents or poor work performance, will be referred to an employee assistance program for rehabilitation; and will face termination if he/she rejects such programs.
- (7) For purposes of this rule, an alcoholic beverage is any beverage that may be legally sold and consumed and has an alcoholic content in excess of 3% by volume.
- (8) Drug means any substance other than alcohol that is capable of altering an individual's mood, perception, pain level or judgement. A prescribed drug is any substance prescribed by a licensed practitioner for individual consumption. An

illegal drug is any drug or controlled substance scheduled in 21 United States Code Section 812, the sale or consumption of which is illegal.

- (9) All property belonging to the City is subject to inspection at any time without prior notice.
 - a. Property includes, but is not limited to desks, files, containers, storage lockers and vehicles.
 - b. Employee lockers (that are locked by the employee) are also subject to inspection, after reasonable advance notice (unless waived by the Mayor), and in the presence of the employee.
- (10) Employees who have reason to believe that another employee is illegally using drugs, narcotics or alcohol shall report the facts and circumstances immediately to the supervisor.
- (11) Failure to comply with the intent or provision of this policy may be grounds for disciplinary action, up to and including termination.

REFERRALS

The City may require an employee to undergo drug/alcohol testing if there is “reasonable suspicion” that the employee is under the influence of drugs/alcohol during working hours. “Reasonable suspicion” is an articulated belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. Circumstances comprising “reasonable suspicion” may include, but are not limited to:

- 1) A pattern or behavior that is either abnormal or erratic;
- 2) Information provided by a reliable and credible source;
- 3) A work-related accident;
- 4) Direct observation of drug or alcohol use; or
- 5) Presence of the physical symptoms of drug or alcohol use (such as glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).

Supervisors are required to state in detailed writing, the specific facts, symptoms or observations which led to the determination that reasonable suspicion existed sufficiently to warrant the testing of an employee. This confidential documentation should be forwarded to the Personnel Director as soon as possible after the write-up is finished.

REFUSAL TO CONSENT

APPLICANTS: Any job applicant who refuses to consent to a drug and/or alcohol test will be denied employment with the City.

EMPLOYEES: any employee who refuses to consent to drug and/or alcohol testing when there is reasonable suspicion of use, is subject to disciplinary action, up to and including termination.

TESTS

When drug screening is required under the provisions of this policy, a urinalysis test will be given to detect the presence of the drug groups listed on the following page. This list is not intended as all-inclusive, but is based on the known abuse in our community, and the ability of each drug to affect work performance and coordination

Common drugs for which employees/applicants may be tested:

- A. Amphetamines (Speed)
- B. Barbituates (Amobarbital, Butobarbital, Phenobarbital, Secobarbital)
- C. Cocaine (Crack, Crank)
- D. Methaqualone (Quaalude)
- E. Opiates (Codeine, Herion, Morphine, Hydromophone, Hydrocodone, Methadone)
- F. Phencyclidine (PCP)
- G. Marijuana (THC)
- H. Dilaudid (D's or Pain Killer)

Before a drug or alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the tests and the results of the same to City Personnel on a NEED TO KNOW basis.

TEST RESULTS

Any applicant who initially tests positive to drug or alcohol will not be considered eligible for employment with the City of Jackson. An employee whose initial tests yields

a positive result may be subjected to a second test, using the same test sample withdrawn for the first test. If the second test confirms positive, a third test may be conducted by the laboratory selected by the City, but at the expense of the employee.

Confirmed positive test results of a current employee may subject same to disciplinary action, up to an including termination. Disciplinary action will be stayed against employees who voluntary identify themselves as drug users, obtain counseling and rehabilitation from programs sanctioned by the City and refrain from violating the City's policy on drug/alcohol abuse.

The employee's work history, length of employment, job performance, and existence of past disciplinary actions are some of the factors to be used in determining the appropriate disciplinary action.

ASSISTANCE

After a confirmed determination has been made that an employee is under the influence of drugs and/or alcohol, the City may refer the employee for assessment, counseling and rehabilitation. Participation in a City referred program is voluntary, and failure to participate does not, in itself, warrant disciplinary action. Nor does participation in a program suspend disciplinary action against an employee when such is warranted.

The City regrets any inconvenience or problems this policy may cause, but believes that the overall benefit to the City and the employees make it both necessary and helpful.

FOR FURTHER INFORMATION, PLEASE CONTACT THE PERSONNEL DEPARTMENT