

DATE SUBMITTED 08/06/2024
 SUBMITTED BY Kristen Smith
 DATE ACTION REQUIRED 09/04/2024

COUNCIL ACTION (X)
 PUBLIC HEARING REQUIRED ()
 RESOLUTION ()
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS ()

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT:	DISCUSSION/ACTION: 1. Approval and adoption of the City of Imperial Drug- and Alcohol-Free Workplace Policy.		
DEPARTMENT INVOLVED: Human Resources			
BACKGROUND/SUMMARY: The City of Imperial is requesting the Council's consideration in the adoption of the City of Imperial Drug- and Alcohol-Free Workplace Policy to replace the current Drug Free Workplace Policy. The purpose of this revised policy is to address updates to the current California law regarding drug testing in the workplace. The revised policy is more comprehensive which will provide staff with information on the expectations and standards of having a drug- and alcohol-free workplace. The policy provisions apply to all city staff.			
FISCAL IMPACT: NOT TO EXCEED There is no fiscal impact associated with this action.	FINANCE INITIALS	<u>JMS</u>	
STAFF RECOMMENDATION: Recommendation to approve and adopt the City of Imperial Drug- and Alcohol-Free Workplace Policy to replace the current Drug Free Workplace Policy.	DEPT. INITIALS	<u>KWS</u>	
MANAGER'S RECOMMENDATION: Approve Staff Recommendation	CITY MANAGER'S INITIALS	<u>Optm</u>	
MOTION:			
SECONDED: AYES: NAYES: ABSENT:	APPROVED () DISAPPROVED ()	REJECTED () DEFERRED ()	REFERRED TO:

POLICY NAME: Drug- and Alcohol-Free Workplace Policy	AUTHORITY: City of Imperial
APPLICATION: All Employees	DATE APPROVED: Pending CC Approval City Council Agenda Item – September 4, 2024



**CITY OF IMPERIAL
DRUG- AND ALCOHOL-FREE
WORKPLACE POLICY**

TABLE OF CONTENTS

I.	PURPOSE	3
II.	APPLICABILITY	4
III.	DEFINITIONS	4
IV.	EMPLOYEE RESPONSIBILITIES	7
V.	POLICY	8
	A. No Right of Privacy	8
	B. Cannabis	9
	C. Advance Notification to City of Use of Legal Drugs	9
	D. Prohibited Conduct	10
VI.	SUBSTANCE SCREENING	11
	A. Job Applicants	11
	B. Employees	11
	C. Testing	12
VII.	CONSEQUENCES OF POLICY VIOLATIONS	13
	A. Effect of Criminal Conviction	14
	B. Effect of a Positive Test	14
	C. Refusal to Test	14
VIII.	CRIMINAL CONVICTIONS	15
IX.	CONFIDENTIALITY	15
X.	VOLUNTARY ASSISTANCE OR REHABILITATION	15
	A. In General	15
	B. Employee Assistance	16
	C. Leave of Absence for Voluntary Receipt of Assistance and Rehabilitation	16



**CITY OF IMPERIAL
DRUG- AND ALCOHOL-FREE
WORKPLACE POLICY**

**TABLE OF CONTENTS
(CONTINUED)**

APPENDIX A: SAFETY-SENSITIVE POSITIONS	17
APPENDIX B: REASONABLE SUSPICION REPORT	18
APPENDIX C: EMPLOYEE ACKNOWLEDGMENT OF RECEIPT OF DRUG- AND ALCOHOL-FREE WORKPLACE POLICY	20



CITY OF IMPERIAL
DRUG- AND ALCOHOL-FREE
WORKPLACE POLICY

I. PURPOSE

- A. The City of Imperial (“City”) is committed to providing a healthy and safe work environment for its employees. The purpose of this policy is to maintain a workplace that is free of drugs and alcohol and to discourage drug and alcohol abuse (“substance abuse”) by employees. There is a vital interest in maintaining safe and efficient working conditions for employees. Substance abuse is incompatible with health, safety, efficiency, and success. Employees who are under the influence of alcohol or who have any illegal drugs in their system, or who abuse legal drugs while conducting or performing business endanger their own health and safety and the health and safety of others.
- B. Substance abuse can also cause a number of other work-related problems, including absenteeism and tardiness, substandard job performance, increased workloads for coworkers, disruption to other employees, delays in the completion of work, inferior quality of service, and disruption of resident relations. This policy governs not only the abuse of alcohol and illegal drugs but also the use and abuse of legal drugs in the workplace. Employees who use legal drugs, including prescription and over-the-counter drugs, should consult with a health care provider regarding the medication’s impact on work and must comply with those provisions set forth in this policy that address such use.
- C. To further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, to protect its business, property, equipment, and operations, and to comply with all federal and state requirements, including, but not limited to, the Drug-Free Workplace Act of 1988 (41 U.S.C. § 8103) and the California Drug-Free Workplace Act of 1990 (Government Code § 8355), the City has established this policy concerning employee use of alcohol and drugs. As a condition of hire and continued employment, each employee must abide by this policy. Each employee will be given a copy of this policy upon their hire.
- D. In the spirit of creating a drug- and alcohol-free work environment, nothing in the policy shall be construed to restrict the City’s ability to use common sense, prudence, technology, or external resources to protect the safety of its employees, its customers, or the public, unless otherwise prohibited by law.
- E. The City of Imperial has established the following policy prohibiting, in part, the use, possession, sale and trade of alcohol, illegal drugs, or “legal” substances marketed or designed to change mood (ie: “spice”, “bath salts”, “salvia”), or having any detectable amount of illegal drugs or alcohol at or above .01%BAC within an employee’s bodily system while on duty or while in any City workplace.



CITY OF IMPERIAL
DRUG- AND ALCOHOL-FREE
WORKPLACE POLICY

Nothing in this policy is intended to diminish the City's commitment to employ qualified disabled individuals or to provide reasonable accommodation to such individuals consistent with all federal, state, and local laws.

II. APPLICABILITY

- A. This policy applies to all applicants and employees of the City.
- B. Certain employees may be subject to the Omnibus Transportation Employee Testing Act of 1991 (Pub. L. No. 102-143, 105 Stat. 952, as amended) which requires alcohol and drug-testing of safety-sensitive transportation employees who are required to have a commercial driver's license (49 CFR Parts 40, 382, 391, 392, and 395, as amended). To comply with Department of Transportation (DOT) regulations, the City has developed specific guidelines regarding when and how drug and alcohol testing will occur, as well as provisions on rehabilitative services available to all covered employees. Covered employees who are required to have a commercial driver's license are covered by this policy except where this policy conflicts with the Omnibus Transportation Employee Testing Act of 1991, as amended, the Federal Highway Administration Regulations, as amended, Federal Motor Carrier Safety Administration, as amended, or any other applicable Department of Transportation City regulations governing drug testing of employees required to possess a commercial driver's license, in which case the transportation-specific legal requirement will control.

III. DEFINITIONS

- A. *Controlled Substances.* Any drug or substance that is classified into the five schedules or classes on the basis of its potential for abuse, accepted use, and accepted safety under medical supervision by the federal Drug Enforcement Administration. Examples of controlled substances include, but are not limited to, marijuana metabolites, cocaine metabolites, opiate metabolites, amphetamines, and phencyclidine (PCP). Controlled substances may be further classified as illegal or legal drugs.
- B. *On-Duty:* An employee is on compensable work time and/or any time in which the employee is acting within the course and scope of his/her employment for the City. This includes paid stand-by or on-call time.
- C. *Illegal Drugs.* A controlled substance, a legal drug which has not been legally obtained, or a legal drug which was legally obtained, but that is being sold or distributed unlawfully.
- D. *Legal Drugs.* Any drug, including any prescription drug or over-the-counter drug, that has been legally obtained and that is not unlawfully sold or distributed.



CITY OF IMPERIAL
DRUG- AND ALCOHOL-FREE
WORKPLACE POLICY

- E. *Abuse of any Legal Drug.* Abuse of any legal drug means the use of any legal drug (i) for any purpose other than the purpose for which it was prescribed or manufactured; or (ii) in a quantity, frequency, or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer.
- F. *Drug Paraphernalia.* Drug paraphernalia means any device or instrument used for injecting, smoking, consuming, or otherwise administering a controlled substance/legal drug/illegal drug, which includes, but is not limited to the items set forth in California Health and Safety Code section 11364.
- G. *Reasonable Suspicion.* Reasonable suspicion means a belief based upon objective facts, evidence, or other indicators sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or reduced. For example, any of the following, alone or in combination, may constitute reasonable suspicion (this is not an exhaustive list):
1. Observable phenomena, such as direct observation of drug or alcohol use or possession and/or the physical symptoms of being under the influence of drugs or alcohol. The factors listed below may demonstrate physical symptoms of being under the influence of drugs or alcohol.
 - a. Equilibrium – Does the person abnormally stagger, sway side-to-side, or backward and forward when standing? Does the person abnormally stagger when walking?
 - b. Speech – Is the person's manner of speech abnormally slurred, rapid, or slow when compared to the person's normal manner of speech.
 - c. Mental Reaction – During conversations with the person or by observing the person in conversations with others, are the person's statements responsive or consistent with the topic or the sequence of the conversation? Does the person's attention appear to abnormally wander?
 - d. Odor – (of alcohol or drugs on breath, body, or clothing)
 - e. Is there any suspicious odor, or is there a lack of such an odor? Any presence of such an odor or lack thereof should be noted.
 - f. Eyes – Are the person's eyes normal? Are the pupils abnormally constricted or dilated? Are the eyes extremely red or abnormally red rimmed? Does the person have difficulty focusing his/her attention?
 - g. Physical Actions – Is a normally calm person hyperactive or nervous? Does he or she appear to abnormally act nervous or in a nervous manner?



CITY OF IMPERIAL
DRUG- AND ALCOHOL-FREE
WORKPLACE POLICY

Is a normally energetic, active, gregarious person abnormally lethargic, inattentive, or withdrawn?

- h. Mood – Is the person abnormally hostile, angry or short with others, or abnormally sad, or prone to uncontrolled crying or depression when compared to the person's normal mood?
- 2. A pattern of abnormal conduct or erratic behavior.
- 3. Conviction for a drug-related or alcohol-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or distribution, while on compensable work time.
- 4. Information provided either by reliable and credible sources or independently corroborated by others sources, to include self-admission of drug/alcohol use.
- 5. Newly discovered evidence that the employee tampered with a previous drug test.

Mere hunches are not sufficient to constitute reasonable suspicion for purpose of this policy.

- H. *Possession*. Possession means that an employee has the substance on the employee's person or otherwise under the employee's control.
- I. *Under the Influence*. The use or misuse of any of the following in a manner and to a degree that impairs the employee's work performance or ability to use City property or equipment safely:
 - 1. Any alcoholic beverage;
 - 2. Any illegal drug or substance; or
 - 3. Any legal drug.
- J. *Impaired*. Diminished capacity, ability, mental acuity, or performance.
- K. *City Property*. This includes all City property. Examples of City property include but are not limited to: property assigned to or used by employees (such as furniture, desks, cabinets, storage bins, tool boxes and lockers), equipment, machinery and vehicles owned, leased, rented or used by the City.
- L. *Safety-Sensitive Employees*. Safety-sensitive employees are employees who hold safety-sensitive positions. Safety-sensitive positions are those requiring the performance of duties that present risks to self and others so that even a



CITY OF IMPERIAL
DRUG- AND ALCOHOL-FREE
WORKPLACE POLICY

momentary lapse of attention can have disastrous consequences, including, but not limited to the following:

1. Positions that include interaction with children, where employees are directly responsible for protecting children, or where employees have continuous interaction or supervision that puts them in a position of influence over children.
2. Positions that have a history of drug and/or alcohol use include those where the City has established the existence of documented problems with drug and/or alcohol use by employees in a particular position or particular department.

Positions that are subject to the Omnibus Transportation Employee Testing Act of 1991 are also classified as "safety-sensitive" as that term is defined by the Department of Transportation regulations and federal law.

IV. EMPLOYEE RESPONSIBILITIES

ALL EMPLOYEES SHALL

- A. Comply with the provisions of this policy.
- B. Notify his/her immediate supervisor if the employee has reason to believe that another employee may be in violation of this Policy.

SUPERVISOR RESPONSIBILITIES

In addition to the employee responsibilities, supervisors shall have the following responsibilities:

- A. Attend City-sponsored training on drug and alcohol awareness.
- B. Ensure that each employee is made aware of and has been provided a copy of this policy and ensure that this policy is explained to each employee they supervise.
- C. Complete the Reasonable Suspicion Report (Appendix B) for incidents of reasonable suspicion.
- D. Contact the Department Head, or designee, as soon as practicable after identifying a Critical Incident.
- E. Comply with the procedures set forth in this policy.



CITY OF IMPERIAL
DRUG- AND ALCOHOL-FREE
WORKPLACE POLICY

DEPARTMENT DIRECTOR RESPONSIBILITIES

The Department Director or designee shall have the following responsibilities:

- A. Maintain availability to be contacted as soon as possible by a supervisor who recommends that an employee be ordered to undergo an alcohol or drug testing process.
- B. Notify Human Resources of a critical incident prior to taking any steps to comply with this policy. Direct employees to complete a drug or alcohol testing process when appropriate under this policy.
- C. Recommend employee participation in an EAP program or other self-referral program.
- D. Maintain the confidentiality (on a need-to-know basis) of any information received through the enforcement of this policy.
- E. Take all actions necessary to ensure that the City and its representatives do not unlawfully retaliate against or intimidate any employee who complies with or enforces the provisions of this policy.

V. POLICY

A. No Right of Privacy

The City respects the individual privacy of its employees. However, employee privacy does not extend to the employee's use of city provided equipment, supplies, or property. Employees should be aware that the terms of this policy limit their privacy in the workplace and that employees have no reasonable expectation of privacy with respect to City property, which may be searched at any time.

INSPECTIONS: An employee shall not be physically searched nor shall an employee's private property (purse, briefcase, car, etc.) be searched by a supervisor. However, if the supervisor has a reasonable suspicion that an employee possesses an illegal drug, the supervisor may ask the employee for consent to search the employee's private property, and if the employee refuses, the supervisor shall notify the appropriate law enforcement agency if there is reasonable suspicion to believe there has been a violation of this policy. To prevent the presence of illegal drugs and alcohol in the work place, all City lockers, desks, cabinets, computers and vehicles are deemed to be the property of the City and are subject to search without the employee's consent by City management at any time with or without notice. If possible, the City will attempt to allow the employee to be present when the search is conducted.



CITY OF IMPERIAL
DRUG- AND ALCOHOL-FREE
WORKPLACE POLICY

Refusal to cooperate with a search may result in disciplinary action, up to and including termination.

A Peace Officer who is covered by Public Safety Officers Procedural Bill of Rights ("POBR") shall not have his or her locker or other space for storage that may be assigned to him or her searched except in his or her presence, or with his or her consent, or unless a valid search warrant has been obtained or unless he or she has been notified that a search will be conducted.

B. Cannabis

The City recognizes that the State of California has legalized the use of cannabis for recreational and certain medical uses. However, under federal law, the use of cannabis remains prohibited, and cannabis remains a controlled substance. The City will not take action against an employee solely because of the employee's lawful, off-duty use of cannabis. However, the City reserves the right to take disciplinary action under this policy, up to and including termination, when an employee is actually impaired by cannabis on duty or engages in any other conduct involving cannabis that violates this policy. Any action involving cannabis use will be consistent with [Government Code Section 12954](#).

C. Advance Notification to City of Use of Legal Drugs

1. *Use of Legal Drugs.* The City recognizes that it may be necessary for employees to use legal drugs from time to time. The City also recognizes that even legal drugs can impair the employee's ability to adequately or safely perform their duties. In order to accommodate employees who use legal drugs while helping avoid serious adverse consequences resulting from such drug use, employees are required to notify the City so that the City can determine if any work restrictions are advisable under the circumstances.
2. *When Notification is Required.* Employees who know or should know that their use of legal drugs might endanger their own safety or the safety of another person, might pose a risk of significant damage to the City's property, or might interfere with their job performance or the efficient operation of the City's business, are obligated to report such drug use to Human Resources. The name of the medication or reason for its use need not be reported. The City reserves the right to have either a City-designated physician or the employee's own physician determine whether it is advisable for the employee to continue working while taking such drugs.
3. *Duty to Disclose.* Employees who operate or who are responsible in any way for the operation, custody, or care of the City's property, or for the safety



CITY OF IMPERIAL
DRUG- AND ALCOHOL-FREE
WORKPLACE POLICY

of other employees or other persons, have a duty to disclose the nature of their job duties to any prescribing physician or pharmacist and/or to a City physician or pharmacist and to inquire of the physician(s) or pharmacist whether their use of the prescribed drug might result in the dangers, risks, or impairment that this policy is intended to prevent.

4. *Restrictions on Work.* The City reserves the right to restrict the work activities of any employee who is using legal drugs or prohibit any employee from working entirely while the employee is using legal drugs.
5. *Duty to Refrain from Working.* No employee using legal drugs may report for or remain at work while impaired.

D. Prohibited Conduct

1. *Scope.* Employees may not engage in any of the prohibited conduct identified in this policy any time the employee is:
 - a. On City premises, in the workplace, or in uniform;
 - b. Conducting or performing City business, regardless of location;
 - c. Performing an assigned duty at a City community event;
 - d. Operating or responsible for the operation, custody, or care of City vehicles, equipment, or other property, or
 - e. Responsible in any way for the safety of other individuals associated with the City, including, but not limited to, colleagues, management, visitors, residents, and vendors.
2. *Alcohol.* The following acts are prohibited, and commission of these acts may subject an employee to discipline, up to and including, termination:
 - a. The unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol; or
 - b. Being impaired due to alcohol use.
3. *Controlled Substances.* The unlawful manufacture, distribution, dispensation, possession, or use of any controlled substance are prohibited, and commission of these acts may subject an employee to discipline, up to and including, termination.
4. *Illegal Drugs.* The following acts are prohibited, and commission of these acts may subject an employee to discipline, up to and including, termination:



CITY OF IMPERIAL
DRUG- AND ALCOHOL-FREE
WORKPLACE POLICY

- a. The purchase, sale, manufacture, distribution, transportation, dispensation, use, or possession of any illegal drug or drug paraphernalia; or
- b. Having any illegal drug in an employee's system.

Cannabis. As it relates to testing for cannabis, consistent with Government Code Section 12954, this section shall only apply to an employee who has psychoactive cannabis metabolites in their system.

5. *Legal Drugs.* The following acts are prohibited, and commission of these acts may subject an employee to discipline, up to and including termination:
 - a. The abuse of any legal drug; or
 - b. The purchase, sale, manufacture, distribution, transportation, dispensation, use, or possession of any legal prescription or over-the-counter drug in a manner inconsistent with law; or
 - c. Working while impaired by the use of a legal drug in violation of section V above; or
 - d. Working without providing the required notice in violation of section V, above; or
 - e. Failure to make proper disclosure in violation of section V, above.

VI. SUBSTANCE SCREENING

A. Job Applicants

Job applicants may be required to undergo drug and alcohol testing as a condition of employment with the City. No drug and/or alcohol test shall be administered prior to the applicant receiving a conditional offer of employment. Only positions that present a special need for drug and/or alcohol testing will be subject to this section. For purposes of pre-employment drug and/or alcohol testing, special need includes safety-sensitive positions as defined in this policy and identified in Appendix A.

B. Employees

Current employees will be subject to drug and/or alcohol testing in the following circumstances:

1. Following a determination that reasonable suspicion exists in accordance with this policy; or



CITY OF IMPERIAL
DRUG- AND ALCOHOL-FREE
WORKPLACE POLICY

2. When an employee is subject to return to duty and/or follow-up testing following an employee's return from drug and/or alcohol rehabilitation and/or treatment.
3. Following a workplace accident that results in serious injury, fatality, or significant property damage.
4. Following an on-duty vehicle accident that results in serious injury resulting in medical treatment, fatality, significant property damage, or vehicles incurring disabling damage requiring vehicles to be transported away from the scene by a tow truck or other motor vehicle.

C. Testing

1. The City may use each or all of the following testing methods:
 - a. Pre-employment testing;
 - b. Reasonable suspicion testing;
 - c. Post-accident testing; and
 - d. Testing authorized or required by federal or state regulations, including Department of Transportation regulations.
2. *Consent.* Prior to the administration of any drug and/or alcohol testing, the City's testing provider shall attempt to obtain from the employee a completed and signed consent form. This form will document the employee's consent in writing to examination and testing and will authorize the release of such information to the City. Refusal by the employee to sign a consent form is considered insubordination and may be independent grounds for disciplinary action, up to and including termination.
3. *Interference with a Required Test or Refusal to Cooperate.* An employee will be subject to the same consequences as a positive test if the employee:
 - a. Refuses the screening or test by engaging in behavior such as refusal to provide a urine specimen, body fluid specimen, hair, or breath sample without a valid medical explanation; a verbal declaration of refusal; or physical absence;
 - b. Adulterates, dilutes, contaminates, or tampers with the specimen, or attempts to do so;
 - c. Substitutes the specimen with that of another person, or sends an imposter to provide a specimen, or attempts to do either act;
 - d. Refuses to sign the required forms or documentation;



CITY OF IMPERIAL
DRUG- AND ALCOHOL-FREE
WORKPLACE POLICY

- e. Otherwise refuses to cooperate in the testing process in such a way that prevents conducting or completion of the test.
4. *Results.* If the drug screen is positive, the employee may be requested to provide, within one (1) business day of the test results, bona fide verification of a valid current prescription for the drug identified in the drug screen. The prescription must be in the employee's name.
5. *Cannabis.* Consistent with Government Code section 12954, the City will not screen for nonpsychoactive cannabis metabolites.
6. *Post-Accident Testing Details.* All employees will be subject to drug and/or alcohol testing for post-accident testing as follows:
 - a. As soon as practical following any accident in a city vehicle or involving city property, each surviving employee driver involved in the accident shall be tested for alcohol and drugs. Additionally, the city reserves the right to test additional employees if it has been determined that they are a contributing factor to the accident, even if they were not driving.
 - b. The employee(s) must remain readily available for testing and if not, that will be deemed by the City as a refusal to test. The only exception to remaining readily available, will be if the employee needs necessary medical attention for injuries sustained following an accident. The employee's necessary medical treatment should not be delayed in order to take the test. Once the employee has received the necessary medical attention, they must then undergo testing if it is within the timeframe of post-accident testing as determined by the City.
 - c. No employee required to take a post-accident test shall consume alcohol or cannabis for eight (8) hours following the accident or until the driver undergoes a post-accident drug and/or alcohol test, whichever occurs first.
 - d. No employee required to take a post-accident test shall drive themselves to the testing center. Instead, they will be transported to the testing center by a designated supervisor, management, Human Resources staff or a designated employee if no supervisor, management or Human Resources staff is available to provide transportation to the testing center.

VII. CONSEQUENCES OF POLICY VIOLATIONS

Violation of this policy by any employee may result in discipline, up to and including discharge, depending on the circumstances and at the sole discretion of the City. For those employees employed in positions covered by the DOT regulations,



CITY OF IMPERIAL
DRUG- AND ALCOHOL-FREE
WORKPLACE POLICY

discipline will be administered in accordance with Title 13 of the [California Code of Regulations](#) and [Title 49](#) of the Code of Federal Regulations.

A. Effect of Criminal Conviction

An employee who is convicted under a criminal drug statute for a violation occurring in the workplace, while conducting or performing City business regardless of location, or during any City-related activity or event will be deemed to have violated this policy.

B. Effect of a Positive Test

An employee who receives a positive test for drugs or alcohol will be in violation of this policy. An applicant who receives a positive test result for drugs or alcohol may have their conditional offer of employment rescinded and may not be hired.

C. Refusal to Test

Whenever an employee refuses an order to submit to a drug and/or alcohol test upon appropriate direction, the employee shall be reminded of the requirements of this policy and the disciplinary consequences for refusal. Such refusal may be considered insubordination and is grounds for disciplinary action up to and including termination. Refusal to test includes, but is not limited to:

1. Failing to appear at the collection site in the time allotted;
2. Leaving the collection site before the testing process is completed;
3. Failing to provide a breath, urine, hair, or saliva specimen;
4. Failing to permit the observation or monitoring of specimen collection when required;
5. Failing to provide a sufficient amount of urine or breath specimen without a valid medical explanation;
6. Adulterating or diluting a urine, breath, or saliva specimen;
7. Failing or refusing to take a second test when required;
8. Failing to cooperate with any part of the testing process; for example: refusing to sign the testing form when required.

Return to Duty/Follow-up Testing

Employees who violate this policy may also be required to participate in a drug and/or alcohol rehabilitation or counseling programs as a condition of continued employment. In certain instances (such as an employee who tested positive for drug



CITY OF IMPERIAL
DRUG- AND ALCOHOL-FREE
WORKPLACE POLICY

and/or alcohol or has successfully completed drug and/or alcohol rehabilitation), and solely at the City's discretion, the City may enter into an agreement with an employee who would otherwise be disciplined to permit the employee to keep their job upon fulfilling certain requirements pertaining to drug and/or alcohol rehabilitation, including, but not limited to, submitting to return to duty and/or follow-up testing when directed to do so by the City in accordance with this policy.

VIII. CRIMINAL CONVICTIONS

Employees must notify the City of any conviction under a criminal drug statute for a violation occurring in the workplace, while conducting or performing City business regardless of location, or during any City-related activity or event, in writing, no later than 5 days after any such conviction. For purposes of this policy, a conviction includes a finding of guilt, a plea of *nolo contendere* or no contest, and/or an imposition of sentence by any judicial body charged with responsibility to determine violations of federal or state criminal drug and alcohol statutes. When required by applicable law, the City will notify agencies under contract of any employee who has been convicted under a criminal drug statute for a violation occurring while conducting or performing City business, regardless of location.

IX. CONFIDENTIALITY

Disclosures made by employees to Human Resources concerning their use of legal drugs will be treated confidentially and will not be revealed to managers or supervisors unless there is an important work-related reason to do so, or disclosure is required by law. Disclosures made by employees to Human Resources concerning their participation in any drug and/or alcohol rehabilitation program will be treated confidentially. Laboratory reports and/or test results shall not be maintained in an employee's general personnel file and information of this nature will be maintained in a separate confidential medical folder.

Managers and supervisors must restrict communications concerning possible violations of this policy to persons who have an important work-related reason to know. In addition, managers and supervisors must not disclose the fact of an employee's participation in any drug and/or alcohol counseling or rehabilitation program.

X. VOLUNTARY ASSISTANCE OR REHABILITATION

A. In General

The City encourages employees who suspect they may have alcohol or drug problems to seek voluntary assistance and rehabilitation at an early date. Accordingly, an eligible employee who decides to seek treatment or rehabilitation will not be subject to discipline solely because of seeking such treatment.



CITY OF IMPERIAL
DRUG- AND ALCOHOL-FREE
WORKPLACE POLICY

However, the City reserves the right to discipline employees, up to and including termination, who are found to have engaged in activity prohibited by this policy.

B. Employee Assistance

The Employee Assistance Program (EAP) is available to assist employees in these efforts to overcome problems with drugs and/or alcohol. Information pertaining to such programs may be obtained by direct contact with the EAP City. Please contact the Human Resources Department if you need the EAP City's contact information. The EAP City's contact information is also located on the Intranet for employees.

C. Leave of Absence for Voluntary Receipt of Assistance and Rehabilitation

Employees who wish to voluntarily enter and participate in an approved alcohol or drug rehabilitation program are encouraged to contact the Human Resources Manager, who will determine whether the City can accommodate the employee by providing unpaid leave to complete the program. The City reserves the right to deny such leave in accordance with applicable state or federal law if granting the leave is unreasonable or would impose an undue hardship on the City.

The City is under no obligation to rehire a former employee who is terminated for violation of this policy, or reconsider a previous job applicant (as defined in this policy), who was disqualified due to a positive drug or alcohol pre-placement test. If the City, through the Human Resources and Risk Management Department, chooses to rehire a former employee or reconsider a job applicant, the City requires the following actions be completed:

- A. Provide a City approved SAP return to work authorization letter;
- B. Complete a City approved Last Chance Agreement and abide by all terms;
- C. Pass a Pre-placement drug test;
- D. Agree to remain drug and alcohol free at the workplace;
- E. Submit to unannounced follow-up testing for no less than twelve (12) months.

The City may require a disqualification period to pass before the individual is considered for placement under this section. Furthermore, the City has no obligation to provide information to or to provide or pay for rehabilitation for employees or job applicants who either fail or refuse to take a pre-placement drug or alcohol test.



CITY OF IMPERIAL
DRUG- AND ALCOHOL-FREE
WORKPLACE POLICY

APPENDIX A
SAFETY-SENSITIVE POSITIONS

i. Safety-Sensitive Positions (General)

- Chief of Police
- Crew Leader (Parks)
- Crew Leader (Public Services)
- General Maintenance Worker I
- Park Maintenance Worker I, II and III
- Police Captain
- Police Corporal
- Police Officer
- Police Sergeant
- Police Services Officer I, II and III
- Public Services Director
- Water Plant Chief Operator
- Water Operator-In-Training (OIT)
- Wastewater Operator-In-Training (OIT)

ii. Safety-Sensitive Positions (Responsibility for Children)

- Librarian
- Library Administrator
- Library Assistant
- Library Page
- Library Technician
- Lifeguard I, II, and III
- Literacy Coordinator
- Special Events Coordinator
- Recreation Coordinator
- Recreation Leader I, II and III
- Recreation Specialist

iii. Otherwise Required or Permitted by Applicable Law

Below are positions that require a Class A or B driver license

- Distribution Utility Worker I and II
- Equipment Mechanic
- General Maintenance Worker II and III
- General Maintenance Technician I
- Lead Equipment Mechanic
- Maintenance Electrician
- Public Services Manager
- Public Services Foreman *(if class A or B driver's license is required for assignment)*
- Water Treatment Operator I, II and III
- Wastewater Operator I, II and III
- Wastewater Plant Chief Operator



**CITY OF IMPERIAL
 DRUG- AND ALCOHOL-FREE
 WORKPLACE POLICY**

**APPENDIX B
 REASONABLE SUSPICION REPORT**

EMPLOYEE INFORMATION

Employee Name: _____

Job Title: _____

Department: _____

Direct Supervisor: _____

OBSERVATION

Location/Building: _____

Date: _____ Time: From: _____ AM PM To: _____ AM PM

CAUSE FOR SUSPICION *(Answer all that apply):*

1. Presence of Drugs, Alcohol, and/or Paraphernalia (*specify*):

2. Appearance

- | | | |
|---------------------------------------|---|--|
| <input type="checkbox"/> Normal | <input type="checkbox"/> Flushed | <input type="checkbox"/> Puncture Marks |
| <input type="checkbox"/> Disheveled | <input type="checkbox"/> Bloodshot Eyes | <input type="checkbox"/> Inappropriate wearing of sunglasses |
| <input type="checkbox"/> Tremors | <input type="checkbox"/> Profuse Sweating | <input type="checkbox"/> Dilated/Constricted Pupils |
| <input type="checkbox"/> Body Odor | <input type="checkbox"/> Dry-mouth Symptoms | <input type="checkbox"/> Runny Nose/Sores |
| <input type="checkbox"/> Other: _____ | | |

3. Behavior

- Speech: Normal Incoherent Slurred Silent
 Confused Slowed Whispering
 Other: _____

- Awareness: Normal Confused Mood Swings Euphoria
 Lethargic Disoriented Paranoid Lack of Coordination
 Other: _____



CITY OF IMPERIAL
DRUG- AND ALCOHOL-FREE
WORKPLACE POLICY

APPENDIX B
REASONABLE SUSPICION REPORT
(CONTINUED)

4. Motor Skills

Balance: Normal Swaying Falling Staggering
 Other: _____

Walking & Turning:
 Normal Swaying Arms Raised for Balance
 Stumbling Falling Reaching for Support
 Other: _____

5. Other Observed Action or Behavior *(specify, add other sheets as needed)*

WITNESSED BY: *(must be a supervisor or manager trained in physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances)*

Required 1st Witness

Print Name: _____ Signature: _____
Title: _____
Date: _____ Time: _____ AM PM

Optional 2nd Witness

Print Name: _____ Signature: _____
Title: _____
Date: _____ Time: _____ AM PM



**CITY OF IMPERIAL
DRUG- AND ALCOHOL-FREE
WORKPLACE POLICY**

**APPENDIX C
EMPLOYEE ACKNOWLEDGMENT OF
RECEIPT OF DRUG- AND ALCOHOL-FREE WORKPLACE POLICY**

My signature below acknowledges that I have received my copy of the City of Imperial's Drug- and Alcohol-Free Workplace Policy ("Policy") and that I have read the Policy and understand my rights and obligations under the same.

I understand that this Policy only represents the City of Imperial's current policies, procedures, rights, and obligations. Regardless of what the Policy states or provides, the City of Imperial retains the right to add, change, or delete provisions of the Policy at any time and in its sole discretion.

By signing below, I agree to abide by all provisions of the Policy. I understand that failure to fully comply with all provisions of the Policy may lead to disciplinary action, up to and including termination.

PRINT FULL NAME: _____

SIGNATURE: _____

DATE: _____

(RETAIN IN EMPLOYEE PERSONNEL FILE)