



**TOWN OF DEWEY-HUMBOLDT
ADMINISTRATIVE REGULATION**

AR No 10-09

Subject: *Drug and Alcohol Free Workplace*

**Effective Date: July 26, 2010
Revised: August 13, 2010**

1. **Scope.** This drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the Town of Dewey-Humboldt. Therefore, this policy applies whenever conducting business or representing the Town and while on Town property. Any individual who conducts business for the Town, is applying for a position or is conducting business on the Town's property is covered by this drug-free workplace policy. This policy includes, but is not limited to full-time employees and part-time employees. To the extent that the Constitution or laws of the Federal or Arizona state government (as may from time to time be interpreted by competent authority) conflict with these regulations, then: (1) the provisions of such authority will prevail over these regulations; (2) such portion of the regulations will be void (but the balance of the regulation will remain in force); and (3) the Town Manager and Town Attorney will be responsible to revise these regulations as soon as practicable after actual notice of such provisions.
2. **Purpose.** The Town of Dewey-Humboldt is committed to protecting the safety, health and well being of all employees and other individuals in this workplace. The Town recognizes that alcohol abuse and drug use pose a significant threat to this goal. Consistent with the spirit and intent of this commitment, The Town has a zero based policy when it comes to the use, possession, or distribution of controlled substances and alcohol on the job by employees. The Town has established a drug-free workplace program that balances the Town's respect for individuals with the need to maintain an alcohol and drug-free environment.
3. **Policy.** It is a violation of the Town's drug-free workplace policy to use, possess, sell, trade, or offer for sale alcohol, illegal drugs or intoxicants while on Town property or performing Town duties.
 - 3.1. No employee shall report for duty or remain on duty while under the influence of alcohol.
 - 3.2. For purposes of this policy, controlled substances means any cannabis, dangerous drug, marijuana, narcotic drug, opium, peyote or other such substance as set out in Arizona Revised Statutes Title 13, Chapter 34 (drug offenses.) In the case of CDL holder's federal law may include additional substances.
 - 3.3. No employee shall report for duty or remain on duty when the employee uses any controlled substances, except when the use is pursuant to the prescription of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely operate a vehicle or equipment.
 - 3.4. Employees shall inform his/her supervisor of any therapeutic controlled substance prescription use that may adversely affect his work performance, by creating a safety issue involving the public or the workplace.
 - 3.5. No supervisor having knowledge that an employee has illegally used a controlled substance shall permit the employee to perform or continue to perform work assignments.
 - 3.6. An employee will be subject to the same consequences of a positive test if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

3.7. A verified positive test for alcohol or controlled substances will result in termination of employment. In the case of alcohol testing, a verified positive test means results showing an alcohol concentration of .02 or greater.

3.8. **Notification of Convictions.** Any employee who is convicted of a criminal drug violation in the workplace must notify the Town in writing within five calendar days of the conviction. The Town will take appropriate action within 30 days of notification. Federal contracting agencies will be notified when appropriate.

3.9. CDL operators are subject to the following standards as required by federal regulations:

3.9.1. Alcohol concentration: No employee shall report for duty or remain on duty while having an alcohol concentration of 0.02 or greater.

3.9.2. Alcohol pre-duty use: No employee shall perform work assignments within four hours after using alcohol. No supervisor having actual knowledge that the employee has used alcohol within four hours shall permit an employee to perform or continue to perform work assignments.

3.9.3. Use following an accident: No employee required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

3.9.4. With respect to mandated controlled substance and alcohol testing of CDL operators, the provisions of this policy affecting CDL operators complies with the Omnibus Transportation Employees Drug Testing Act of 1991 and in accordance with Title 49 Code of Federal Regulations, Parts 40, 382 and 391, Subpart H.

4. **Searches.** Entering the Town's property constitutes consent to searches and inspections. If an individual is suspected of violating the drug-free workplace policy, he or she may be asked to submit to a search or inspection at any time. Searches can be conducted of pockets and clothing, wallets, purses, briefcases and lunchboxes, desks and work stations and vehicles and equipment.

5. **Drug Testing.** To ensure the accuracy and fairness of the Town's testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.

5.1. All drug-testing information will be maintained in separate confidential records.

5.2. Each employee, as a condition of employment, will be required to participate in pre-employment, random, post-accident and reasonable suspicion testing upon selection or request of management.

5.3. The substances that will be tested for are: Amphetamines, Cannabinoids (THC), Cocaine, Opiates, Phencyclidine (PCP), Alcohol, and (if testing in response to a reasonable suspicion) any other drug for which a reasonable suspicion exists.

5.4. Testing for the presence of alcohol will be conducted by breath analysis. Testing for the presence of the metabolites of drugs may be conducted by the analysis of urine and blood.

5.5. Any employee who tests positive shall be terminated immediately.

Note – Items 5.6 through 5.9 pertain only to positions requiring a CDL operator's permit.

5.6. In accordance with 49 CFR part 40.25, newly employed CDL operators must provide the hiring department with written consent to acquire his/her previous employer(s) information concerning participation in a controlled substance and alcohol testing program for the past two years. This information is only required if the employee performed safety sensitive functions as a CDL operator for previous employers.

5.7. The hiring department must provide to the previous employers of the past two (2) years, a written authorization from the CDL operator for release of the required information. The release of this information may take the form of personal interviews, letters, or any other method that ensures confidentiality. Dewey-Humboldt shall maintain a written, confidential record with respect to each past employer contacted.

5.8. The potential employee may not be employed if the information obtained indicates the potential employee has tested positive for controlled substances, tested at or above 0.04 breath alcohol concentration, or refused to test unless it can be established that he/she has completed the return to duty requirement as set forth in 49 CFR part 40 Subpart O.

5.9. Under no circumstances shall a newly hired operator be allowed to perform safety sensitive duties for more than 30 days following date of hire without confirming the information, above.

6. **Consequences.** One of the goals of the Town's drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

6.1. In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment shall be withdrawn. The applicant may reapply after one year and must successfully pass a pre-employment drug test.

6.2. If an employee violates the policy, he or she shall be terminated. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

7. **Assistance.** The Town of Dewey-Humboldt recognizes that alcohol and drug abuse and addiction are treatable illnesses. The Town also realizes that early intervention and support improve the success of rehabilitation. To support the Town's employees, the Town's drug-free workplace policy:

7.1. Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem. So long as this policy is not violated, employees may discuss and receive assistance from their supervisor, e.g., use of sick leave to attend rehabilitation.

7.2. Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

8. **Confidentiality.** All information received by the Town through the drug-free workplace program is confidential communication. All records are confidential and shall be filed in an area with controlled access. Except as required by law or unless expressly authorized by the employee through the provision of a signed release, designated employee information that is contained in the records shall not be released.

9. **Shared Responsibility.** A safe and productive drug-free workplace is achieved through cooperation and shared responsibility.

9.1. Both employees and management have important roles to play. All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs. In addition, employees are encouraged to:

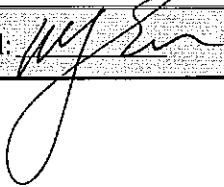
- 9.1.1. Be concerned about working in a safe environment.
- 9.1.2. Support fellow workers in seeking help.
- 9.1.3. Report dangerous behavior to their supervisor.

9.2. It is the supervisor's responsibility to:

- 9.2.1. Inform employees of the drug-free workplace policy.
- 9.2.2. Observe employee performance.
- 9.2.3. Investigate reports of dangerous practices.
- 9.2.4. Document negative changes and problems in performance.
- 9.2.5. Counsel employees as to expected performance improvement.
- 9.2.6. Clearly state consequences of policy violations.

10. **Communication.** Communicating the Town's drug-free workplace policy to both supervisors and employees is critical to the Town's success. To ensure all employees are aware of their role in supporting the Town's drug-free workplace program:

- 10.1. All employees will receive a written copy of the policy.
- 10.2. All employees will sign the drug screen policy indicating that they have received, read and understand the policy.
- 10.3. The policy will be reviewed in orientation sessions with new employees.

TOWN MANAGER APPROVAL	Initial: 
I have received, read and understand this policy:	
Employee Signature: _____	
Print Name: _____	
Witness Signature: _____	
Print Name: _____	