



# CITY OF ELKHORN

## DRUG & ALCOHOL FREE

## WORKPLACE POLICY

Adopted: November 1, 1999

Revised: September 14, 2009

# CITY OF ELKHORN

## DRUG AND ALCOHOL FREE WORKPLACE POLICY

### I. PURPOSE

It is a goal of the City of Elkhorn to provide a safe workplace by eliminating the hazards to health and job safety created by alcohol and other substance abuse. Achieving this goal requires a clear policy and supporting program relating to the detection, treatment and prevention of substance abuse by employees.

### II. STATEMENT OF POLICY

It is the policy of the City of Elkhorn to provide a drug-free workplace for all of its employees. The City requires that employees neither use nor be under the influence of drugs, intoxicants, alcohol, narcotics or any other controlled substance(s) while at work and that a zero tolerance standard shall prevail in the workplace. Therefore, employees are expected to report to work free from any amount of alcohol or controlled substances. The City recognizes the importance of maintaining a safe, efficient and healthful workplace, as well as the social responsibility to provide assistance to its employees to the extent possible.

### III. DEFINITIONS

- a. Alcohol Beverages means any beverage and/or over-the-counter medication that may be legally sold and consumed and has an alcoholic content.
- b. Drug means any substance other than alcohol capable of altering an individual's mood, perception, pain level or judgment.
- c. Prescription Drug means any substance prescribed for individual consumption by a licensed medical practitioner.
- d. Prescription Drugs used contrary to doctor's instructions includes the use of prescription drugs prescribed for someone other than the employee, and/or the use of a prescribed drug in other than the prescribed dosage.

### IV. SCOPE OF COVERAGE

For purposes of this policy, all employees of the City of Elkhorn shall be subject to the requirements set forth in the policy document.

### V. PROHIBITED ACTIVITIES

The following activities are strictly prohibited and any offending employee shall be subject to disciplinary action, up to and including

discharge, in accordance with the City's Personnel Policy and any applicable collective bargaining agreement.

- a. Employees who are under the influence of alcohol, illegal drugs, controlled substances or prescription drugs used contrary to doctor's instructions on the job.
- b. The unauthorized use, sale, transfer, possession, or purchase of the following substances on City property, while on duty, or while performing City business: alcohol, illegal drugs, controlled substances or prescription drugs contrary to doctor's instructions.
- c. Unlawful acts off-duty and on City property that involve the use of alcohol, illegal drugs, controlled substances or prescription drugs contrary to doctor's instructions.
- d. Refusal to seek or cooperate with/complete medical assistance through a rehabilitation program, when an employee:
  - 1. Has been diagnosed with alcohol or chemical dependency or
  - 2. Believes that he or she has a substance addiction or dependency.
- e. Refusal to comply with alcohol and drug testing schedules or instructions.

#### **VI. RESPONSIBILITY OF THE CITY OF ELKHORN**

Because drug and alcohol use can seriously jeopardize the health and safety of employees and the public, it is the responsibility of the City to attempt to maintain a drug-free and alcohol-free workplace at all times. As part of this effort, the City will administer a drug and alcohol testing program for all employees as follows:

- a. Pre-Employment. Upon the effective date of this policy all prospective employees will be required to submit to a drug test after a conditional offer of employment has been made. A positive test will result in the disqualification from further employment considerations. Additionally, refusal to undergo required testing will be cause for disqualification for further considerations.
- b. Reasonable Suspicion. Employees may be required to undergo drug and/or alcohol testing when his or her supervisor has reasonable suspicion that the employee has used a prohibited drug or has misused alcohol in violation of the City's policies. A request to undergo a reasonable suspicion test must be based on specific observations concerning the behavior, performance, appearance, speech or other symptoms of drug and alcohol use.
- c. Random. Employees covered by "The Omnibus Transportation Testing Act of 1991" shall be required to submit to random testing in accordance with the requirements of said Act.

- d. Post-Accident. Employee involved in any accident which requires treatment greater than on-site first aid, or which results in damage to property may be requested to submit to testing.
- e. Return-to-Work. Employees who return to work following a positive test and rehabilitation shall be tested before returning to work and may be tested periodically thereafter under the terms of a "Return to Work Agreement".

## **VII. EMPLOYEE RESPONSIBILITY**

It is the responsibility of all City Employees to abide by the terms of this policy as a general condition of employment. Every employee of the City of Elkhorn has the specific responsibility to:

1. Report to work at all times free of alcohol or other drugs and their effects.
2. Support the City's efforts to eliminate alcohol and other drug abuse among employees where it exists.
3. Seek and accept assistance for alcohol and other substance abuse related problems before job performance is affected.

## **VIII. PREVENTION AND REHABILITATION**

The goals of this policy are prevention and rehabilitation whenever possible, rather than discipline or termination. Consistent with this position, the City encourages and support access to drug and alcohol counseling and rehabilitation programs for all its employees. Conscientious efforts to seek professional assistance shall not jeopardize an employee's job status. An employee will be provided a one-time only leave of absence for treatment of drug-related or alcohol-related illness in accordance with the provisions of the Family and Medical Leave Act.

Any City employee who voluntarily admits to drug use or alcohol use before an adverse testing result or who contracts and requests help in overcoming his or her problem may be offered rehabilitation as described below:

- A. The City will make an initial determination as to whether the employee's current drug use prevents performance of the essential duties or functions of his or her job or whether the individual's continued work for the City would constitute a direct threat to the property or safety of himself or herself or others. Individual's whose current drug use does not prevent them from performing the essential duties and functions of their work, whose continued work for the City will not pose a direct threat to the property or safety of themselves or others, and who are otherwise qualified to

perform their work will be offered an opportunity to pursue rehabilitation, including, in the case of employees, a reasonable leave of absence if in-patient care is required.

- B. For the protection of the City's interests, its employees, and the public, employees eligible to pursue rehabilitation will be offered a single opportunity for treatment through participation in program which is acceptable to the City and which may include institutional detoxification. Each employee participating in a rehabilitation program may be required to complete and sign a Consent/Authorization form by which he or she consents to, and authorizes, reasonably appropriate treatment, testing, disclosure of test results to the City and disclosure of test results and any other information relating to the employee's condition and participation in the rehabilitation program as the City may deem reasonably necessary to the carrying out of the purposes of this Program or as law may require.

**IX. EDUCATION AND TRAINING PROGRAMS**

Covered employees must receive at least 60 minutes of training (required only once during the employee's tenure with the City) on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.

**X. DISCIPLINE**

Consistent with the City's zero tolerance policy, employees who fail to comply with the conditions set forth in this policy will be subject to disciplinary action up to and including discharge. Misconduct or performance deficiencies may result in discharge without the opportunity to seek rehabilitation. Disciplinary action shall be consistent with the terms of any applicable collective bargaining agreement and/or the City's Personnel Code.



ACKNOWLEDGEMENT OF  
CITY OF ELKHORN  
DRUG & ALCOHOL FREE WORKPLACE POLICY

I, \_\_\_\_\_, the undersigned, hereby acknowledge that I have received a copy of the City of Elkhorn Drug and Alcohol Free Workplace Policy, the provisions of which are applicable to all employees of the City. I understand that zero tolerance is observed in the administration of this policy.

I further understand that receipt of this policy document constitutes legal notification of the contents, and that it is my responsibility to become familiar with and adhere to all provisions contained herein. I also understand that compliance with all provisions contained in the policy is a condition of employment.

I further understand that the provisions contained in the approved policy dated September 14, 2009, are subject to change, and that any such changes, or addendum, shall be provided to me upon the adoption of said changes by the Common Council.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name