

# City of Delaware

## Drug and Alcohol Free Workplace Policy

### Purpose

To maintain a drug-free workplace and comply with the requirements of the Drug-Free Workplace Act of 1988, and comply with the notice requirements of R.C. 4123.54 as amended by Am. S. H.B. 122.

### Policy

1. Covered substances. This policy covers the following substances:
  - Alcoholic beverages of any kind.
  - Controlled or illegal drugs or substances, which include all forms of narcotics, hallucinogens, depressants, stimulants, and other drugs whose use, possession, or transfer is restricted or prohibited by law.
2. Exceptions. Drugs prescribed by a physician, dentist, or other person licensed to prescribe or dispense controlled substances or drugs used in accordance with their instructions are not subject to this policy.
  - However, employees are prohibited from using substances, drugs, or medicines that cause drowsiness or other side effects that may impair an employee's capability to perform the job properly and safely. Each employee is obligated to inform that person's immediate supervisor or department head of the use of any such medications.
3. Use prohibited on City premises. The following activities are prohibited while an employee is on the City's premises or otherwise engaged in City business:
  - The manufacture, possession, use, sale, distribution, dispensation, receipt, or transportation of any controlled substance or illegal drug, except as evidence collected in the ordinary course of city police business.
  - The possession or consumption of alcoholic beverages except at City-sponsored events, where authorized.
  - Being under the influence of alcohol or illegal substances during business hours.
  - Performing duties while under the influence of alcohol or controlled and/or illegal substances whether on or off City premises.

An employee who engages in such behavior will be subject to disciplinary action, up to and including immediate dismissal, or, as a condition of continued employment, may be required to successfully complete drug or alcohol abuse counseling or rehabilitation if necessary.

4. Off-premise use. The following actions, even if not occurring on City premises or during working hours, are considered to endanger the City's reputation for honesty, integrity, and safety.
  - Indictment or conviction for criminal offenses related to the manufacture, possession, use, sale, distribution, dispensation, receipt, or transportation of any controlled substances or illegal drugs.
  - Any conviction involving alcohol or controlled or illegal substances that endangers the City's reputation for honesty, integrity, and safety; or that affects the insurability or bondability of any employee.

An employee who engages in these activities may be subject to disciplinary action, up to and including immediate dismissal.

Employees who are convicted of controlled substances-related violations under state or federal law or who plead guilty or no contest to such charges must inform the City in writing within five days of the conviction or plea. Failure to do so will result in disciplinary action, including termination from employment.

5. Counseling. Any employee who wishes to receive information about counseling or rehabilitation may request the information from the human resources department.
6. The City reserves the right to test employees for substance abuse. The City may require employees to undergo appropriate tests designed to detect the presence of alcohol or drugs (e.g., blood test or urinalysis) where it has reason to believe that an employee may be under the influence of or impaired by alcohol or drugs. The City also may require such tests whenever necessary to protect the safety and health of its employees – for example, when an employee is involved in an accident during the performance of City business or on City property that result in injuries to the employee or others or damage to property.
  - Consent to submit to such tests as the City may require constitutes a condition of employment. Refusal to consent to a test when such test is required will result in disciplinary action, which may include termination.
  - All drug and alcohol testing will be conducted in accordance with applicable federal, state, or local laws.
7. Employees are hereby placed on notice that a positive test result, or a refusal to submit to a test, in connection with post accident testing may have adverse effect on that employee's workers' compensation rights.

## **Procedure**

Each current employee is to be provided with a copy of this policy and the attached acknowledgment form and be asked to sign the form and return it immediately to the employee's supervisor. Each new employee shall, at the time of hire, be provided with a copy of the policy and acknowledgement form. The new employee is to read the policy and sign the form before being permitted to work.