

**Resolution 24-15**

CITY OF GRAND MOUND

Drug-Free Workplace

Drug & Alcohol Testing Policy for Employees

**WHEREAS**, The City of Grand Mound has a vital interest in the safety and well-being of our employees as well as the general public. It is well recognized that individuals who use illicit drugs or abuse alcohol are more likely to have workplace accidents, incur greater amounts of lost time, and perform their jobs in a substandard manner.

**WHEREAS**, it is CITY OF GRAND MOUND’S intent to continue to promote a safe and secure work environment, free of illicit drug use and alcohol abuse. It is also our intent to comply with Iowa Code 730.5, the Drug Free Workplace Act of 1988, the Americans with Disabilities Act, Family and Medical Leave Act, and all other applicable laws.

**THEREFORE**, The City Council of the City of Grand Mound hereby approves the following policy:

Introduced by \_\_\_\_\_, Second by \_\_\_\_\_

Roll Call: Schanze \_\_\_\_\_, Beitelspacher \_\_\_\_\_, Banowetz \_\_\_\_\_, Green \_\_\_\_\_, Beuthien \_\_\_\_\_.

Passed and Approved this 10th day of June, 2024

\_\_\_\_\_  
Mayor Kurt Crosthwaite

Attest: \_\_\_\_\_

Melissa Conner, City Clerk

## CITY OF GRAND MOUND

### Drug-Free Workplace

#### Drug & Alcohol Testing Policy for Employees

This policy shall apply to all applicants and individuals employed by CITY OF GRAND MOUND. Since alcohol and drug use impair an employee's ability to perform their duties safely, this Drug and Alcohol Policy shall be applicable to all employees at any time they are actually performing, ready to perform, or immediately available to perform any paid function as designated by CITY OF GRAND MOUND.

All applicants will be notified of CITY OF GRAND MOUND'S drug and alcohol use and testing policy at the time they apply for a position with CITY OF GRAND MOUND and at their first interview.

#### Prohibited Drug and Alcohol Use

The goal of CITY OF GRAND MOUND's policy and the testing of all employees is to ensure a drug and alcohol free work environment, to reduce and help eliminate drug and alcohol related accidents, injuries, fatalities and property damage and to provide the highest quality service possible for our customers.

#### The Following Conduct Is Prohibited:

- Employees are prohibited from using, being under the influence of, or possessing illegal drugs.
  
- Employees are prohibited from using or being under the influence of alcohol at any time while on duty, eight (8) hrs. post-incident, or until tested.
  
- Testing positive for drugs and/or alcohol.

- Refusing to submit to testing as directed by CITY OF GRAND MOUND
- In the event of a confirmed positive drug or alcohol test, the employer shall notify the employee/prospective employee in writing by certified mail, return receipt requested, of the results of the test.

An employee who violates these prohibitions will be subject to disciplinary action by CITY OF GRAND MOUND up to and including discharge.

### ***Conditions for Testing***

#### Pre-employment/Prior to Transfer

A Pre-employment drug test will be conducted before applicants are transferred or hired, after an offer to hire, and before actually performing any paid position for CITY OF GRAND MOUND.

#### Post-accident

Drug and Alcohol Testing is conducted after accidents on employees whose performance could have contributed to the accident when either: 1) the accident resulted in an injury to a person, for which injury, if suffered by an employee, a record or report could be required under Chapter 88 or 2) or the employee receives a citation for a moving violation, while driving a company vehicle involved in the accident. For the purpose of this rule an accident is defined as an incident involving a company motor vehicle in which there is either a fatality, an injury treated away from the scene, or at least one vehicle requires towing from the scene of the accident or 3) resulted in damage to property, including to equipment, in the amount reasonably estimated at the time of the accident to exceed one thousand dollars.

Testing performed by a law enforcement officer may be utilized as CITY OF GRAND MOUND post-accident test (provided breath alcohol testing is conducted with an Evidential Breath Tester on the Conforming Products List and by law enforcement officer certified on that EBT.) The employee is required to contact his/her supervisor immediately with the officer's name, badge number and telephone number.

In the event a law enforcement official does not perform testing on an employee involved in an accident, the employer must contact Genesis Occupational Health at 1-563-421-0646 for testing. Breath alcohol testing should be performed within two (2) hours following the accident.

An employee who has submitted to a post-accident test will, at CITY OF GRAND MOUND'S discretion, either be assigned to a non-safety sensitive function or be placed out of service, with pay, pending the results of the testing.

An employee testing positive or who refuses to submit to a post-accident drug and alcohol test will be subject to disciplinary action up to and including discharge.

#### Post Injury

An employee, who suffers an injury while on the job that requires medical treatment beyond first-aid and is report to company nurse within 24 hours per the Safety Policy of the CITY OF GRAND MOUND will be subject to drug and/or alcohol testing. The employee is required to contact his/her supervisor immediately following the injury and report. An employee testing positive or who refuses to submit to a post- injury drug and/or alcohol test will be subject to disciplinary action up to and including discharge and, in addition, could be denied Workmen's Compensation benefits.

#### Reasonable Cause

An employee will be required to submit to a drug and alcohol test when CITY OF GRAND MOUND has reasonable cause to believe the employee has used drugs or alcohol in violation of this policy.

Reasonable cause will exist when an employee's appearance, behavior, speech or odors (of breath) or just physical symptoms indicate drug or alcohol use. Observations must be personally observed and documented by at least one CITY OF GRAND MOUND trained

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official. A "trained official" is one who has undergone at least two (2) hours of education that includes behavioral, physical, speech, and performance indicators of possible drug and alcohol use.

Whenever an employee is notified of reasonable cause to be tested, he/she will be expected to immediately report to the collection site. A CITY OF GRAND MOUND representative will accompany the employee to the collection site.

CITY OF GRAND MOUND'S representative will transport the employee home or attempt another means of transportation by contacting a family member or another person designated by the employee.

If the employee refuses alternate transportation, CITY OF GRAND MOUND reserves the right to take whatever means are appropriate to protect the employee and the public. This may include contacting local law enforcement and imposing disciplinary action, up to and including discharge.

The employee being tested under reasonable cause will be considered unqualified to work and placed on suspension without pay, pending the results of the test. If the test results are negative, the employee will be reimbursed for the time of suspension. If the results are positive, the employee will not be reimbursed for the time of suspension.

An employee whose reasonable cause test is positive, who refuses or fails to submit to a test, will be subject to disciplinary action, up to and including discharge.

#### Return to Duty/Follow-up Testing

Upon an employee's first positive drug or alcohol test, an employee may be required to submit to evaluation by a Substance Abuse Professional (SAP) and will undergo treatment as recommended by the SAP. If the employee successfully completes the treatment, no disciplinary action will be taken against the employee. If the employee refuses to be evaluated or fails to successfully complete the recommended treatment, the employee will be disciplined, up to and including discharge from employment. (\*See Exception)

CITY OF GRAND MOUND is not obligated to reinstate or retain any employee who violates any of CITY OF GRAND MOUND'S prohibition or requirement concerning drugs and/or alcohol. Should CITY OF GRAND MOUND decide to reinstate an employee, after a violation, he/she will be required, at his or her own expense, to submit and pass a drug and/or alcohol test before returning to duty. The employee must also be evaluated by a substance abuse professional and submit to follow-up testing as prescribed by the substance abuse professional, all of which, will be paid for by the employee.

Follow-up testing will be required for an employee who is determined by a substance abuse professional to have a drug or alcohol-related problem. The employee will be required to submit to a minimum of six (6) tests during the first twelve (12) months following a negative return to duty. All follow-up testing will be unannounced and without prior notice to the employee and will be at the employee's expense.

#### Exception

Upon receipt of a confirmed positive alcohol test which indicates an alcohol concentration equal to or greater than the concentration level established by the employer, of .08 BAC and if the employee has been employed by the employer for at least twelve of the past eighteen months, and if the employee has not previously violated the employer's substance abuse prevention policy, the employer shall provide for rehabilitation of the employee:

- If the employer has an employee benefit plan, the cost of rehabilitation shall be apportioned as provided under the employee benefit plan.
  
- If no employee benefit plan exists and the employee has coverage for any portion of the cost of rehabilitation under any health care plan of the employee, the cost shall be apportioned as provided by the health care plan with any costs not covered by the plan apportioned equally between the employee and the employer. However the employer shall not be required to pay more than two thousand dollars toward the cost not covered.

- If the employee does not have coverage for any portion of the cost of rehabilitation, the cost shall be apportioned equally between employee and employer. However the employer shall not be required to pay more than two thousand dollars toward the cost of rehabilitation.

In addition to penalties imposed by CITY OF GRAND MOUND, an employee whose return to duty/follow-up alcohol test is positive, refuses or fails to submit to a test will be subject to disciplinary action, up to and including discharge.

### Testing

Testing will be performed in accordance with Iowa's procedural protocols and safeguards set forth in Iowa Code 730.5, Iowa Drug Free Workplaces by procedures in place through Genesis Occupational Health located at 210 W. 53<sup>rd</sup> Street Davenport, IA. 1-563-421-0646.

- Urine specimens will be analyzed for the following drugs: (1) cocaine, (2) opiates, (3) marijuana, (4) amphetamines, (5) Phencyclidine (PCP). CITY OF GRAND MOUND reserves the right to expand testing in the event the Iowa State Law permits such changes.

The employee will be given the opportunity to speak with CITY OF GRAND MOUND'S MRO to determine if there is a medical explanation for a positive test. This opportunity is given prior to the result being confirmed positive. If a medical explanation exists, the result will be reported as "negative" to CITY OF GRAND MOUND. If a medical reason does not exist, the result will be reported as a "confirmed positive".

### Alcohol Procedures:

- Alcohol tests will be administered using a breath specimen, given by a trained breath alcohol technician (BAT) utilizing an approved evidential breath testing device (EBT).

- Employees must present personal identification and sign consent for breath alcohol testing. Refusal to present identification or sign consents will be treated as a refusal to test, and the employee will be subject to disciplinary action, up to and including discharge.

- In the event the employee is unable to provide an adequate amount of breath, the employee will be required to submit to an examination by a licensed medical physician to determine whether a valid medical condition exists. If there is no valid medical condition, the employee shall be considered to have refused to take the test and will be reported as a “positive” to CITY OF GRAND MOUND

- Breath alcohol results that register 0.08 or greater on the confirmation test will cause the employee to be immediately suspended without pay, referred to a Substance Abuse Professional in addition to disciplinary action, up to and including discharge.



EMPLOYEE ACKNOWLEDGEMENT FORM

This acknowledgement form is to certify that the undersigned on the date indicated received a copy of the drug and alcohol policy for use while employed with by CITY OF GRAND MOUND

My employment relationship with CITY OF GRAND MOUND is entered into voluntarily and is subject to termination by me or the company at will, with or without cause; at any time either I or the company believes such action to be appropriate.

I acknowledge that I have received a copy of the drug and alcohol policy and that it is my responsibility to read the policy and any revisions made to it and act in accordance with its provisions.

I understand that this policy is intended to supersede and replace all previous employee handbooks, manuals, and policy statements, whether oral or written, issued by CITY OF GRAND MOUND

Employee Printed Name: \_\_\_\_\_

Employee Signature : \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_