

**CITY OF TRAVERSE CITY
OFFICE OF THE CITY MANAGER
PERSONNEL POLICY NO. 209P**

TITLE: DRUG & ALCOHOL FREE WORKPLACE POLICY
DEPTS. AFFECTED: ALL
EFFECTIVE DATE: JULY 2011

Purpose and Goal

The City of Traverse City is committed to protecting the safety, health and well being of all employees and other individuals in the workplace. The City recognizes that alcohol abuse and drug use pose a significant threat to municipal goals. It has established a drug-free workplace program that balances respect for individuals with the need to maintain an alcohol and drug-free environment. The City encourages employees to voluntarily seek help with drug and alcohol problems.

Applicability

This Drug Free Workplace Policy is the City's basic statement on drug and alcohol issues. This policy is supplemented by departmental drug and alcohol policies and labor contract language. In the event of a conflict, departmental policies and labor contract language will prevail. This policy is intended to apply whenever anyone is representing or conducting business for or on behalf of the City. The Drug-Free Workplace Policy covers any employee who conducts business for the City or is applying for a position. This policy applies to the City Manager, department heads, managers, supervisors, full-time employees, part-time employees, irregular part-time employees, temporary and seasonal employees, volunteers, interns and applicants.

Prohibited Behavior

It is a violation of the City Drug-Free Workplace Policy to manufacture, distribute, use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants during all working hours, during paid or unpaid lunch or meal break periods and while on call and/or paid standby. Compliance with this policy is a condition of employment. This prohibition shall apply to the use of Medical Marijuana by all employees of the City of Traverse City.

Notification of Convictions

Any employee who is convicted of a criminal drug or alcohol related violation must notify their supervisor or department head in writing within five calendar days of the conviction. The City will take appropriate action within 30 days of notification. Federal contracting agencies will be notified when appropriate.

Searches

Entering the City's property constitutes consent to searches and inspections. If the City has reasonable suspicion to believe that an individual is violating this policy, he or she may be asked to submit to a search or inspection at any time. Searches can be conducted on City owned

lockers, desks, workstations, vehicles and equipment. Employees have no right of privacy in any such places.

Drug Testing

To ensure the accuracy and fairness of the 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. All drug-testing information will be maintained in confidential medical records. Each employee, as a condition of employment, will be required to participate in post-accident, reasonable suspicion, return-to-duty and follow-up testing upon request of management. The substances that will be tested are: Amphetamines, Cannabinoids (THC), Cocaine, Opiates, Phencyclidine (PCP), Alcohol, Barbiturates, Benzodiazepines, Methaqualone, Methadone, and Propoxyphene. Testing for the presence of alcohol will be conducted by analysis of breath. Testing for the presence of metabolites of drugs will be conducted by the analysis of urine and/or blood.

Consequences

One of the goals of the 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. If an employee violates the policy and/or tests positive for drugs or alcohol, he or she may be subject to progressive disciplinary action and may be required to enter rehabilitation. Consequences of a positive drug test may include removal from duty, suspension without pay, a return to work agreement, follow-up testing and termination. Refusal to cooperate with testing or adulteration of specimens will result in the same consequences as a positive test. An employee required to enter rehabilitation who fails to successfully complete it and/or repeatedly violates the policy may be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

Return-to-Work Agreements

Following a violation of the Drug-Free Workplace Policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

Employee Assistance

The City of Traverse City recognizes that alcohol and drug abuse and addiction are treatable illnesses. Early intervention and support improves the success of rehabilitation. This policy offers covered employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP). It also allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems. 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.

Confidentiality

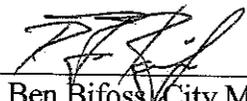
All information received by the City through the Drug-Free Workplace Policy is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

Shared Responsibility

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. 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 be concerned about working in a safe environment, support fellow workers in seeking help, use the Employee Assistance Program and report dangerous behavior to their supervisor. It is the supervisor's responsibility to inform employees of the Drug-Free Workplace Policy, observe employee performance, investigate reports of dangerous practices and document negative changes and problems in performance. It is also the supervisor's responsibility to counsel employees as to expected performance improvement, refer employees to the Employee Assistance Program and clearly state consequences of policy violations.

Communication

Communicating the Drug-Free Workplace Policy to both supervisors and employees is critical. To ensure all employees are aware of their role in supporting the drug-free workplace program, all employees will receive a written copy of the policy. The policy will be reviewed in orientation sessions with new employees.



R. Ben Bifoss, City Manager

History: Supersedes Executive Order #229 dated January 16, 1984

