

CITY COUNCIL  
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# City of Hogansville



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Lisa Kelly, City Clerk  
Jeff Todd, City Attorney

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## COUNCIL ACTION FORM

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**MEETING DATE:** October 1, 2018

**SUBMITTED BY:** Lisa Kelly

**AGENDA TITLE:** Drug and Alcohol Free Workplace Policy

**CLASSIFICATION** (City Attorney must approve all ordinances, resolutions and contracts as to form)

- |  |                                     |  |   |
|--|-------------------------------------|--|---|
| <input type="checkbox"/> Ordinance (No. ____)  | <input type="checkbox"/> Contract   | <input type="checkbox"/> Information Only  | <input type="checkbox"/> Public Hearing   |
| <input type="checkbox"/> Resolution (No. ____) | <input type="checkbox"/> Ceremonial | <input type="checkbox"/> Discussion/Action | <input checked="" type="checkbox"/> Other |

**BACKGROUND** (Includes description, background, and justification)

The City's existing Drug and Alcohol policy is dated and vague based on today's standards. As part of my final project for Master Certification, I have chosen this policy for a needed overhaul. It follows the premise of the drug and alcohol plan required by the PSC as part of the PHMSA and Federal DOT programs, which is already in use by the City's Gas Department. A copy of the current policy and proposed policy is attached.

It is likely the only impact to finances will be the cost of 8-10 additional drug tests annually at a total cost of \$720-\$900. Implementation is already ongoing with Gas Department personnel, so any new policy will follow alongside procedures already in place.

**BUDGETING & FINANCIAL IMPACT** (Includes project costs and funding sources)

**STAFF RECOMMENDATION** (Include possible options for consideration)

Adoption of the policy with implementation and effective date of 01/01/2019.

Section 450.000

**Drug and Alcohol Free Workplace Policy**

Section 450.100      **Policy**

It is the City's policy to provide a safe, healthy, and secure work environment for all employees. It is also the City's policy to ensure that all employees perform their job duties in a safe, efficient, and productive manner. Finally, it is the City's policy to ensure that its equipment and facilities are maintained and used appropriately so as not to pose a risk of harm. The use of drugs and the misuse of alcohol and other legal, but illicitly used, substances are inconsistent with these policies. Accordingly, to protect the health, safety, and welfare of employees, citizens, and visitors, the City has adopted this Drug and Alcohol Free Workplace Policy.

Section 450.200      **Prohibited Conducts**

The following conduct is strictly prohibited and constitutes a violation of this policy for which employees may be subject to disciplinary action, up to and including termination of employment:

1. Use, manufacture, possession, sale, purchase, trade (or offer to purchase, sell, or trade) drugs, alcohol, or any otherwise legal, but illicitly used, substance on or in City property or at any time while an employee is on duty or performing any work for the City.
2. Hindering, obstructing, or refusing to cooperate or participate in any investigation involving suspected violations of this policy. This includes, but is not limited to, providing false, misleading, or incomplete information in response to any inquiry from a supervisor related to a suspected violation of this policy. It also includes refusing to undergo a lawfully required drug or alcohol test(s).
3. Hindering, delaying, or obstructing a lawfully required drug or alcohol test(s), including but not limited to, tampering with a sample or interfering in any way with the chain of custody.
4. Reporting to work or engaging in any work activity whatsoever on behalf of the City under the influence of drugs, alcohol, or an otherwise legal, but illicitly used, substance.
5. Abusing or misusing prescription drugs or over the counter medication or misusing other products, such as inhaling or sniffing products like adhesives and aerosols.



This includes, but is not limited to, the use, possession, sale or solicitation for the purpose of purchase or sale any prescription medication for which the employee lacks a valid prescription. However, nothing in this policy precludes the appropriate use of legally prescribed medications.

Section 450.300      **Prohibited Substances**

For purposes of this policy, the terms “drug” and “alcohol” means substances listed in O.C.G.A. § 34-9-411. The term “otherwise legal but illicitly used substance” means prescription drugs, over-the-counter drugs, or other products not being used for their intended purposes or in accord with the terms of the prescription by the person to whom the prescription is written and the misuse of other products, such as inhaling or sniffing products like adhesives and aerosols.

Section 450.400      **When Testing is Required**

1. Pre-Employment: All individuals who are offered employment by the City are required to undergo testing for the presence of drugs and alcohol as a condition of employment. The City will test such employees for the presence of alcohol and drugs listed in O.C.G.A. § 34-9-411 using urinalysis or hair samples. If the results of such test indicate the presence of illegal drugs or alcohol in the applicant, the City may deny employment to the applicant.
2. Random Testing: Employees holding a safety sensitive position may be subject to unannounced testing for the presence of drugs or alcohol based on random selection and conducted by urinalysis or hair samples. To ensure that the selection process is random, employees covered by this policy will be placed in a common pool and employee names will be drawn from the pool of all names. Refusal to submit to a random drug screening within 24 hours of notification will result in disciplinary action up to and including termination of employment.
  - a) Pools of Employees Include:
    1. Natural Gas Employees: Natural Gas Employees include any employee who answers a call for service or complaint relating to natural gas service, any responders to such calls, or those who physically make repairs or improvements to the natural gas pipeline or individual’s natural gas connections within the City. This policy strictly follows the PHMSA

required drug and alcohol policy as approved by the PSC. (See exhibit "A" for the complete policy as set forth by PHMSA in the City of Hogansville Natural Gas Drug & Alcohol Policy). Random selections from this pool are defined within the guidelines of the Hogansville Natural Gas Drug & Alcohol Policy.

2. Safety Sensitive Positions: Safety sensitive positions are those defined in section 450.400.4 and section 450.400.5 of this policy. Random selection process for this pool require that 25% of all employees are tested annually and will be performed on a quarterly basis. The number of employees tested will be based on total number of employees within the pool. The selection process will be performed by an outside agency.

3. Reasonable Suspicion: The City may require an employee to submit to testing for presence of drugs or alcohol when there is reasonable suspicion to believe the employee is under the influence of drugs, alcohol, or an otherwise legal but illicitly used substance or controlled substance, or when the City is required by law, regulation, or contract. Such testing may be conducted by urinalysis or hair samples. Circumstances that may cause reasonable suspicion may include, but are not limited to:
- a) Observed use of drugs or alcohol;
  - b) Personal observation of the employee's job performance, appearance, behavior, speech, or odor creating reasonable suspicion that the employee has used drugs or alcohol in violation of this policy or is impaired by drugs or alcohol;
  - c) The observance of drugs, drug paraphernalia, alcohol, or containers indicating the presence of drugs or alcohol in an area where the employee had primary control or access, including but not limited to, desks, lockers, equipment, machines or vehicles;
  - d) Involvement in accidents, including motor vehicle accidents, or other actions that provide reasonable suspicion to believe the employee may be under the influence of drugs or alcohol; or
  - e) Facts indicating that the employee diluted, tainted, tampered or interfered with any breath, blood or urine sample, or any test(s) required under this policy, or that the employee attempted to do the same.

The City reserves the right under all applicable laws to test any employee for alcohol and illegal drugs if the employee shows cause. Management, supervisors, and lead personnel are trained to identify symptoms of being under the influence of illegal drugs or alcohol with once annual training provided by the City's



Employee Assistance Program (EAP). If a manager, supervisor, or lead person identifies a problem, they will ask another manager/supervisor/lead person to confirm the reasonable cause. Both persons will then individually fill out a Reasonable Suspicion Report (Exhibit "B"). After filling out the report and it is jointly decided that reasonable suspicion still exists and the employee is unfit to perform his or her duties, the employee will be asked to go for testing. They will then be transported by the City of Hogansville to the designated clinic.

4. Safety Sensitive Positions: For purposes of this policy, safety sensitive positions include, but are not limited to, law enforcement officers, firefighters, emergency medical technicians and paramedics, drivers of City vehicles that carry passengers, and wastewater and sewage treatment plant, as well as water plant employees. Additional positions may be regarded as safety sensitive positions subject to the provisions of the policy in the discretion of the City with or without notice.
5. Commercial Motor Vehicle Operators: Employees who drive commercial motor vehicles and/or require a commercial driver's license for their jobs with the City may be subject to additional requirements regarding drug and alcohol use, and may be subject to testing under additional circumstances.
6. Post-Accident Testing: Every employee who is directly involved in, or whose actions contributed to, an accident on the job must submit to a drug and/or alcohol test immediately or as soon as possible after the accident occurs. Accidents include all recordable accidents, actions or omissions that result in near miss accidents, and accidents involving injury requiring first aid or off-site medical attention. Accidents also include property damage caused by human error. All accidents or injuries must be reported to the applicable supervisor immediately.

#### Section 450.500      **Employee Assistance**

The City will attempt to assist employees who voluntarily report substance abuse problems prior to a positive test in finding effective treatment. For more detailed information regarding providers of employee assistance, including drug and alcohol abuse, mental health providers, and other persons, entities, or organizations available to assist employees with personal or behavioral problems, any employee may contact the Human Resources Manager. The City maintains an Employee Assistance Program (EAP) to help with such providers, which will be available upon request to the Human Resources Manager. All employees are welcome to make use of the services provided by the EAP.

Section 450.600      **Confidentiality**

All reports of test results for drug and alcohol, searches, or any employee referral, or participation in an assistance program will be treated as confidential. Any unlawful or unauthorized access to or disclosure of such information by an employee is prohibited and may subject the employee to disciplinary action, up to and including termination of employment. The confidentiality of such information shall not apply to any use by or communication to the City Attorney, or where the information is relevant to the City's defense in an administrative or legal action. Such information may also be disclosed to the extent required by any federal, state or local law, statute, ordinance, or regulation.

Section 450.700      **Consumption of Alcohol While Off Duty at City Events**

There may be occasions where alcohol is available at events that are organized or sponsored by the City. Employees who are working at or during these events may not consume alcohol while they are on duty. Employees who are off duty may consume alcohol so long as doing so would not otherwise violate the terms of this policy, but must do so responsibly and conduct themselves professionally at all times during the event. Employees who drink excessively and/or act inappropriately may be subject to disciplinary action, up to and including termination from employment.

Section 450.701      **Positive Test Results**

Positive test results will be reported by the clinic to the Medical Review Officer (MRO), who will then disclose such results to the City of Hogansville Human Resources Manager. At that point the City of Hogansville reserves the right to terminate the employee's position immediately.

Section 450.702      **Necessary Forms**

All specimens collected for drug and/or alcohol testing will be processed using the employees' social security number as identification to ensure confidentiality. Specimens will be tracked using a Custody and Control Form from the point of submission through destruction. Employees submitting specimens will be required to sign Chain of Custody Forms. If an employee does not sign these forms, retests will be requested. An employee who refuses to sign after it is requested of him or her will be considered having refused testing and shall be viewed as having positive test results.



Section 450.703      **Appeal Process**

In situations where an employee disagrees with the outcome of drug and/or alcohol testing reserves the right to appeal. Section ...-...- of the Human Resources Manual outlines the steps and procedures for appeals and grievances.

Section 450.704      **Custody of Records**

The City Clerk or his/her designee will be responsible for the custody of all drug and alcohol testing records. Results of all drug/alcohol testing will be kept separate from employee's personnel files and treated as confidential information. Negative results will be retained for a period of one year, while positive results will be retained for a period of five years.

Section 450.705      **Employees Right to Records**

Any drug and/or alcohol donor has the right to his or her own records through a written request submitted to the Human Resources Manager.

Section 450.706      **Prescription Medications**

Nothing in this policy prohibits the appropriate use of prescription medication as legally prescribed by a licensed physician. If an employee is taking prescription medication with potential side effects that may infringe on the safety of the employee or others, he or she must notify the City of Hogansville Human Resources Manager. Failure to do so may result in disciplinary action, up to and including termination.

Section 450.707      **Reserved...**



**City of Hogansville, Georgia  
400 East Main Street  
Hogansville, Georgia 30230**

## **DRUG AND ALCOHOL POLICY**

Drug and alcohol abuse contributes to billions of dollars of lost productivity and thousands of work place injuries every year. The City of Hogansville takes drug and alcohol abuse as a serious matter and will not tolerate it. The City absolutely prohibits the use of alcohol or non-prescribed drugs at the work place or while on City property. It also discourages non-work place drug and alcohol abuse. The use, sale or possession of alcohol or non-prescribed drugs while on the job or on City property may result in immediate suspension or discharge.

The City of Hogansville reserves the right to demand a drug or alcohol test of any employee based upon reasonable suspicion. Reasonable suspicion includes, but is not limited to, physical evidence of use, involvement in an accident, or a substantial drop off in work performance. Failure to take a requested test may lead to immediate suspension or termination.

Employees in all positions designated as safety sensitive, including but not limited to those employees who operate City motor vehicles, shall be required to submit to drug and alcohol screening tests at random or on a periodic basis from time to time as determined by any department head and/or the City Manager.

The City also cautions against the use of prescribed or over-the-counter medication which can affect your work place performance. You may be suspended or discharged if the City concludes that you cannot perform your job properly or safely because of using over-the-counter or prescribed medication. Please inform your supervisor prior to working under the influence of a prescribed or over-the-counter medication which may affect your performance.

If you drive a City Vehicle, the City reserves the right to obtain a copy of your DMV record semi-annually. Therefore, any employee required to drive a City vehicle will be required to sign a release allowing your DMV record to be obtained by the City. If your drivers' license is suspended for any reason, this may result in your suspension or termination if you are required to drive a City vehicle in the performance of your duties.

The City of Hogansville will make every effort to assist its employees who wish to seek treatment or rehabilitation for drug or alcohol dependency. The City will consider continued employment of such an employee as long as the employee adequately addresses concerns regarding safety, health, production, communication or other work related matters.



## Supervisor's Report of Reasonable Suspicion

Employee Name:	
Department:	Location:
Date of Observation:	Time:      am/pm

**OBSERVATIONS (check ALL that apply):**

**BEHAVIOR**

- Stumbling, unsteady gait
- Drowsy, lethargic
- Agitated, anxious, restless
- Hostile, belligerent
- Irritable, moody
- Depressed, withdrawn
- Unresponsive, distracted
- Clumsy, uncoordinated
- Tremors, shakes
- Suspicious, paranoid
- Hyperactive, fidgety
- Inappropriate, uninhibited behavior
- Possessing, dispensing or using controlled substances or alcohol

**APPEARANCE**

- Flushed complexion
- Excessive sweating
- Cold, clammy sweats
- Unkempt grooming
- Disheveled clothing

**Eyes:**

- Bloodshot
- Tearing, watery
- Dilated pupils
- Constricted pupils
- Unfocused, blank stare

**BODY ODORS**

- Alcohol
- Marijuana

**SPEECH**

- Slurred, thick
- Incoherent
- Exaggerated enunciation
- Loud, boisterous
- Rapid, pressured
- Excessively talkative
- Nonsensical, silly
- Cursing, verbal abusiveness
- Inappropriate verbal response to questions or instruction

**TEST DETERMINATION:**

- Reasonable Suspicion: Alcohol Breath Test
- Reasonable Suspicion: Drug Urine Test
- No Test Required
- Employee Refused Test
- No Test Conducted (explain):

**SUMMARY (note circumstances, employee response, other observations):**

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Supervisor Name

Signature



## Notice to Employees

The goal of The City of Hogansville's Drug-free Workplace policy is to balance our respect for individuals with the need to maintain a safe, productive and drug-free environment. The intent of this policy is to offer a helping hand to those who need it while sending a clear message that illegal drug use and alcohol abuse are incompatible with working at The City of Hogansville.

All employees are expected to understand and actively participate in this program. The City of Hogansville encourages its employees to take a proactive approach in identifying potential problems or violations by promptly reporting them to their supervisor. It is the employee's responsibility to be aware of the following violations:

1. It is a violation of our policy for any employees to possess, sell, trade or offer for sale illegal drugs or otherwise engage in the use of illegal drugs or alcohol on the job.
2. It is a violation of our policy for anyone to report to work under the influence of illegal drugs or alcohol--that is, with illegal drugs or alcohol in his or her body.
3. It is a violation of our policy for anyone to use prescription drugs illegally. It is not a violation of our policy for an employee to use legally prescribed medications, but the employee should notify their supervisor if the prescribed medication will affect the employee's ability to perform their job.
4. Violations of this policy are subject to disciplinary action, which can take the form of a letter of reprimand, suspension from work without pay, even immediate dismissal.

If you have any uncertainty regarding the content of this policy, you are required to consult your supervisor. This should be done prior to signing and agreeing to the The City of Hogansville Drug-free Workplace Policy.

I have read and understand The City of Hogansville's Drug-free Workplace Policy, and its requirements and expectations of me as an employee.

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Employee Signature

Date