

CITY OF BATESVILLE
Policy for a Drug and Alcohol Free
Workplace
Amended August 9, 2011
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Policy for a Drug and Alcohol Free Workplace

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SECTION 1.

PURPOSE OF POLICY

The City of Batesville has a vital interest in maintaining a safe, healthy and efficient workplace for the benefit of its employees, and the public as well as maintaining efficiency and productivity in all of its operations. In fulfillment of its responsibilities, the city is committed to the maintenance of a drug and alcohol free workplace.

The City of Batesville and commercial driver licensed (CDL) employees who drive commercial motor vehicles are subject to the requirements of federal statutes and implementing regulations issued by the Federal Highway Administration of the U.S. Department of Transportation. Commercial driver licensed employees are also subject to the provisions of this policy except when those employees are engaged in functions covered by the Federal Highway Administration of the U.S. Department of Transportation. CDL employees are not subject to the random testing portion of this policy. CDL employees are not subject to the Pre-Employment portion of this policy if they begin employment with The City of Batesville as a CDL holder. CDL employees are subject to the Post Accident portion of this policy and to the Reasonable Suspicion portion of this policy (as defined under Section 7., (WHEN AN EMPLOYEE MUST BE DRUG AND/OR ALCOHOL TESTED) and if they are not subject to the requirements of the Federal Highway Administration of the U.S. Department of Transportation. Separate records will be maintained for CDL and non-CDL employees.

SECTION 2.

POLICY STATEMENT

All employees must be free from the effects of illegal drugs and alcohol during scheduled working hours as a condition of employment. Drinking alcoholic beverages or using drugs while on duty, on city property, in city vehicles, during breaks or at lunch, or working or reporting for work when impaired by or under the influence of alcohol, or when drugs and/or drug metabolites are present in the employee's system is strictly prohibited. Misusing or abusing prescribed or over the counter drugs or violating any Federal or State law relating to drugs is also prohibited.

The City of Batesville reserves the right to require employees to submit to drug and alcohol testing to determine usage of drugs and/or alcohol as provided in this policy. Employees must submit to all required tests. Any employee who refuses to submit to any required test without a valid medical explanation will be subject to discharge. Refusal to execute any required consent form, refusal to cooperate regarding the collection of samples, or submission or attempted submission of an adulterated or substituted sample shall be deemed refusal to submit to a required test.

The exception to this policy is the authorized possession, use and transportation of drugs prescribed by a physician and used according to prescription instructions, unless such use would pose a safety risk to the employee, other employees or the public. It is important to note that the prescription taken by the employee shall belong to the employee. **DO**

NOT TAKE THE PRESCRIPTION OF OTHERS. Any employee using a prescription drug should consult with his/her physician and pharmacist regarding the effects of the drug. In the event an employee is under the care of a physician and is taking prescribed medication which might impair the ability to perform a job safely, the employee must notify management in advance of starting work. It is at management's discretion as to whether the employee may continue to perform the normal assigned duties or be designated non-safety sensitive duties (if available) until the employee provides a physician release to perform normal duties.

SECTION 3.

EMPLOYEE RESPONSIBILITY

As a condition of employment, each employee must abide by the Drug and Alcohol Free Workplace Policy and notify the City of Batesville of any criminal drug statute conviction for a violation of Federal or State law relating to drug use, possession or dealing no later than five (5) days after such conviction.

Employees who are required to submit to reasonable suspicion or post accident testing agree to accept, at the discretion of The City of Batesville, transportation to a location where the test will be conducted and to their residence.

SECTION 4.

SUPERVISOR RESPONSIBILITY

Supervisors are required to notify management if there is any suspicion that an employee is in violation of this policy. Failure to do so can result in disciplinary action, up to and including discharge.

SECTION 5.

DISCIPLINARY ACTION

Any employee who violates this Drug and Alcohol Free Workplace Policy shall be subject to discharge. Nothing in this policy changes the at-will employment relationship and employees may be discharged at any time with or without cause or notice.

The City of Batesville will assist employees in locating a treatment program specific to the addiction should the employee be discharged for a positive drug or alcohol test. An employee who wishes to reapply for employment with the City after being discharged for a positive drug or alcohol test must provide proof of completing an approved substance abuse treatment program.

THE CITY OF BATESVILLE HAS ADOPTED A ZERO TOLERANCE DRUG & ALCOHOL FREE WORKPLACE POLICY.

SECTION 6.

DEFINITIONS

DRUG: Any substance that has known mind or function altering effect on a person, including psychoactive substances prohibited or controlled by Federal or State controlled substance laws.

PRESCRIBED DRUGS: Any substance prescribed for use by the employee by a licensed medical practitioner.

SAMPLE: Means oral fluid, hair, blood or urine.

Safety and Security-Sensitive Positions

(a) A safety-sensitive position is one in which a momentary lapse of attention may result in grave and immediate danger to the public. The following positions are considered safety sensitive:

- (1) Law enforcement officers who carry firearms and jailers.
- (2) Motor vehicle operators who carry passengers, including, but not limited to van, bus or jitney drivers, and drivers who transport other city employees.
- (3) Fire department employees who directly participate in fire-fighting activities.
- (4) Mechanics, welders and sheet metal workers who work on vehicles designed to carry passengers such as buses, ambulances, police cruisers, vans and the like.
- (5) Other employees whose duties are determined to meet the definition of safety or security sensitive after consultation with the Arkansas Municipal League or other legal counsel.

(b) A security sensitive position includes

- (1) any police officer, jailer, police dispatcher and police department employee, including clerical workers, having access to information concerning ongoing criminal investigations and criminal cases, which information could, if revealed, compromise, hinder or prejudice the investigation or prosecution of the case.

SECTION 7

EMPLOYEES SUBJECT TO DRUG AND/OR ALCOHOL TESTING

- A. All full time City of Batesville employees except when they are covered as a CDL holder engaged in functions covered by the Federal Highway Administration of the U.S. Department of Transportation.
- B. All part-paid City of Batesville firefighters

- C. All seasonal and part-time City of Batesville employees and private employment agency employees.

SECTION 8.

WHEN AN EMPLOYEE MUST BE DRUG AND/OR ALCOHOL TESTED

- A. Pre-Employment: Offer of employment will be contingent upon receiving a negative drug test result.
- B. Random: 25% of workforce holding safety or security sensitive positions will be randomly drug tested annually. Some safety or security sensitive departments may conduct random testing at increased numbers or greater frequencies as outlined in their written departmental policies. Random selection will be accomplished by utilizing a computer program. Two designated persons will be present during employee selection. Extreme confidentiality will be exercised during selection and employee notification.
- C. Reasonable Suspicion: A drug or alcohol test may be conducted immediately if a supervisor or department superintendent has a reasonable suspicion that an employee may be under the influence of a prohibited substance. Employees suspected of being unfit for duty will be escorted by a supervisor or designated representative to the authorized testing location. Refusal to cooperate in the collection procedure or refusal to take the test will result in discharge. For the purpose of this rule, reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The required observations must be made by a supervisor or city official or employee who is trained in detecting the signs and symptoms of misuse of alcohol and drugs. ***“Designated On-Call” employees have an obligation to remain alcohol free and free of illegal drugs during the tenure of their on call duty. “On-Call” employees have an affirmative duty to notify their supervisor when called if they are in violation of this policy.***
- D. Post Accident Testing: Employees involved in a work related injury, regardless of severity, that requires professional medical treatment, may be subject to a alcohol and drug test. Employees involved in an accident or safety related incident of any kind while in a City of Batesville vehicle or while on work time or on City of Batesville property may be subject to an alcohol and/or drug test. The City of Batesville may require an employee who contributed to an accident to be tested if there is reasonable cause to believe that the accident may have resulted from the use of drugs or alcohol. Employees required to undergo post-accident testing shall not use alcohol or leave the scene without being accompanied by the designated employee before they take the required test. ***“Designated On Call” employees have an obligation to remain alcohol free and free of illegal drugs during the tenure of their on call duty. “On-Call” employees have an affirmative duty to notify their supervisor when called if they are in violation of any provision of this policy.***

- E. Return To Duty Testing: Return to Duty Testing is most often performed if an employee has been rehired after having been discharged for violation of the Drug and Alcohol Free Work-Place Policy. The employee must have successfully completed a drug or alcohol treatment program before being considered for re-employment. A negative test assures the employer that, at least for now, the employee seems safe to return to work after undergoing rehabilitation. A second use for Return to Duty testing is to drug test an employee that been on leave for longer than six weeks.
- F. When the laboratory values in any authorized drug test indicated the need for additional testing as determined by the Medical Review Officer (MRO), or where any authorized drug test must be canceled due to a collection, chain of custody or other procedural problem.

SECTION 9

EMPLOYMENT STATUS PENDING RECEIPT OF TEST RESULTS

In addition to appropriate disciplinary measures, including suspension, which may be taken in response to the incident or course of conduct which gave rise to the test, the city reserves the right to decide whether the incident or course of conduct prompting the test is of such a nature that the employee should not be put back to work until the test results are received. If such a decision is made, the employee will be suspended without pay. Where the test result is negative, the employee will be reinstated with back pay, provided the employee has not been given an appropriate disciplinary suspension for violation of another work rule, which also covers the time missed waiting for the test results.

SECTION 10.

CONFIDENTIALITY

Only those persons authorized to receive drug or alcohol test results will be allowed to discuss these results with the supervisor or the employee. Individuals within the City of Batesville will be notified of the results on a limited need-to-know basis. No test results shall appear in a personnel folder. Information of this nature will be included in a separate drug and alcohol test file. Drug test results will be released to a decision-maker in a lawsuit, grievance or other proceeding (such as for a Worker's Compensation or Unemployment Insurance Claim) initiated by or on behalf of the donor.

SECTION 11

DRUG TESTING PROCEDURES

Two City of Batesville designated drug testers will be present

The employee will be directly observed during this process.

Drug testing is done by collecting a oral fluid specimen onto a foam swab.

The oral sample will be transferred to the testing device.

The specimen ID section on the test device label will be completed.

The results can then be interpreted.

There will be no further testing if the results are negative.

If the results are positive, another sample will be collected, sealed and labeled, (in the presence of the employee) and sent to a Certified Drug Testing Laboratory. If this test is confirmed positive by the Medical Review Officer the employee's drug test will be considered positive.

Additional testing methods may include specimen collection such as urine by a third party testing company on city property or at a medical facility.

All third parties will be properly trained and or certified in drug and alcohol collection and testing procedures.

All third party collectors will follow proper chain-of-custody procedures and send samples only to certified laboratories for testing.

There will be no further testing if the results are negative.

All positive laboratory results will be reviewed by the Medical Review Officer. (MRO) If results are confirmed positive by the MRO the employee's drug test will be considered positive.

SECTION 12

ALCOHOL TESTING PROCEDURES

An Alcohol confirmation test will be completed by a Breath Alcohol Technician using a Evidential Breath Testing device.

There will be no further testing if the results are negative.

If results are positive an employee may request a second confirmation test if the results of the second test are positive the employee's alcohol test will be considered positive. An employee will be considered impaired if their positive results are .04% or higher.

SECTION 13

DRUG AND ALCOHOL TESTING DESIGNEES

Designated personnel will be trained as a skilled administrator for the type of drug testing they perform.

SECTION 14.

DRUG FREE AWARENESS PROGRAM – EDUCATION AND TRAINING

The City will establish a Drug and Alcohol-Free Awareness Program to assist employees to understand and avoid the perils of drug and alcohol abuse. The City will use this program in an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace.

The City's Drug and Alcohol-Free Awareness Program will inform employees about: (1) the dangers of drug and alcohol abuse in the workplace; (2) the City's policy of maintaining a drug and alcohol free workplace; and (3) the availability of drug and alcohol treatment, counseling and rehabilitation programs; and (4) the penalties that may be imposed upon employees for drug and alcohol abuse violations.

As a part of the Drug and Alcohol-Free Awareness Program, the City shall provide educational materials that explain the City's policies and procedures. Employees shall be provided with information concerning the effects of an alcohol or drug problem; and available methods of intervening when an alcohol or drug problem is suspected, including confrontation and/or referral to management.

Supervisors who may be asked to determine whether reasonable suspicion exists to require an employee to undergo drug and/or alcohol testing shall receive at least 60 minutes of training on alcohol and drug misuse. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use.

Appendix A

SUBSTANCE ABUSE PROFESSIONALS

INTERVENTION and ASSISTANCE

Methods of Intervention for Suspected Alcohol or Drug Problems

Alcohol and substance abuse is a complex problem calling for specialized supervision and care. Don't help or aid a person whom you think has an alcohol or drug abuse problem. Don't make excuses for them, don't do their work for them, and don't look the other way. The problem is not going to go away. Don't enable the person to continue the alcohol or drug abuse.

Leave the treatment and counseling of persons with an abuse problems to the professionals. This person should be evaluated by a professional – such as a physician, psychologist, or other person with knowledge of abuse and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders.

WHERE CAN I GO FOR HELP?

Listed below are sources for information on alcohol and drug abuse treatment centers. (Local offices of these and other sources may be in your city or county. Ask your employer.)

Alcohol Abuse only

- Alcoholics Anonymous, 175 N Central, Batesville, AR.....870-793-3857
- Alcoholics Anonymous Central Office, Little Rock, AR.....501-664-7303
- Alcohol Abuse and Addiction, Information and Treatment, Little Rock, AR.....501-375-2733
- Highway Hero Program, 1100 N, University, Little Rock, AR.....501-666-9100
- Serenity Park, Inc., 2801 W. Roosevelt Road, Little Rock, AR.....501-663-7627
- Southwest Employee Assistance Program, Plaza West Building, Little Rock, AR.....501-663-1797
- Twenty-Four Hour Center, Inc., Little Rock AR
 - Alcoholic Rehab Center for Men, 2021 South Main.....501-375-7585
 - Alcoholic Rehab for Women, 3900 Affolter Lane.....501-868-5184
 - Wilson, Bill, 2500 McCain Blvd., North Little Rock, AR.....501-753-1616
 - Wolfe Street Center, 1210 Wolfe, Little Rock, AR.....501-372-5662

Drug Abuse Only

Arkansas Cares, Little Rock, AR.....	501-661-7979
The Bridgeway, 21 Bridgeway Rd., Maumelle, AR.....	501-771-1500
Gyst House, 4201 John Barrow Rd., Little Rock, AR.....	501-568-1682
Gyst O-P Center, 1616 West 14 th , Little Rock, AR.....	501-372-6800
Step Up Center, 9300 Geyer Springs Rd., Little Rock, AR.....	501-565-1333

Alcohol and Drug Abuse

Alpha Link, Inc., 7509 Cantrell Rd., Little Rock, AR.....	501-664-7867
Pinnacle Pointe Hospital 11501 Financial Centre Parkway, Little Rock, AR.....	1-800-880-3322
Central Arkansas Substance Abuse Programs 7107 West 12 th , Little Rock, AR.....	501-666-6460
Charter Hospital of Little Rock, AR 1601 Murphy Drive, Maumelle, AR....	501-851-8700
Cocaine Anonymous, 1712 West 16 th , Little Rock, AR.....	501-374-1334
Cocaine – Lifeline, 24-Hour Helpline.....	1-800-822-4898
Family Service Agency, 628 West Broadway, Suite 300, North Little Rock, AR.....	501-372-4242
InterPhase of Arkansas, 5 Shakleford Plaza, Little Rock, AR.....	501-227-7305
Living Hope Institute, 600 S. McKinley, Little Rock, AR.....	501-663-4673
Ouachita Chemical Dependency Units, Camden, AR.....	1-800-232-1289
Pinewood Resource Center, 425 West Capitol, Little Rock, AR.....	501-374-4033
Recover, 9601 Interstate 630, Little Rock, AR.....	501-223-7507
Restore, Two St. Vincent Circle, Little Rock, AR.....	501-376-1200
Riverbend Recovery Center, 1201 River Road, North Little Rock, AR.....	501-372-4611

Listed Below Are National Sources of Help and Information:

National clearinghouse for Alcohol and Drug Information Monday through Friday.....	1-800-729-6686
The National Federation of Parents for Drug-Free Youth Monday through Friday.....	1-800-554-KIDS
National Council on Alcoholism 7 days a week, 24 hours a day.....	1-800-622-2255
Parents Resource Institute for Drug Education (PRIDE) Monday through Friday.....	1-800-241-9746
Cocaine Helpline Monday through Friday Saturday and Sunday, 12:00 p.m. – 3:00 a.m.....	1-800-COCAINE

