



Drug-Free Workplace Policy

Purpose of Policy

The City of Jonesboro has a vital interest in providing for the safety and well-being of all employees and the public and 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 and certain employees who drive commercial motor vehicles are subject to the requirements of federal statutes and implementing regulations issued by the Federal Highway Administration and Federal Transit Administration of the U.S. Department of Transportation. They are governed by separate policies, the City of Jonesboro's Supplemental Substance Abuse Policy for Employees Required to Possess a Commercial Driver's License and JETS' Substance Abuse Testing Program Policy, enacted pursuant to applicable laws. Often however, the DOT and transit policies do not cover certain city employees who perform safety and security-sensitive functions. In addition, the City has an interest in maintaining the efficiency, productivity and well-being of employees who do not perform safety or security-sensitive functions. In order to further provide a safe environment for city employees and the public, the City has adopted the following Drug-Free Workplace Policy for those employees who are not covered by federal law with respect to substance abuse testing.

Policy Statement

All employees must be free from the effects of illegal drugs and alcohol during scheduled working hours and abide by the terms of the policy statement 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 and grounds for immediate discharge. In addition, employees are subject to immediate discharge for the unlawful manufacture, distribution, dispensation, possession, concealment or sale of alcohol or drugs while on duty, on City property, in City vehicles, during breaks or at lunch.

The City reserves the right to require employees to submit to urine drug testing and Breathalyzer alcohol testing to determine usage of drugs and/or alcohol as provided below. 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 immediate discharge. Refusal to execute any required consent forms, failure to show up within the required time frame or refusal to cooperate regarding the collection of samples, or submission or attempted submission of an adulterated or substituted urine sample will be deemed refusal to submit to a required test.

Safety and Security-Sensitive Positions Defined

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:

- Police Department employees who directly participate in code or law enforcement activities.
- Fire department employees who directly participate in fire-fighting activities.
- Mechanics and welders who work on vehicles designed to carry passengers such as buses, police cruisers, vans and the like.
- Lifeguards

A security-sensitive position includes:

- Any police officer, jailer, police dispatcher, and other police department employees, including but not limited to animal control employees, code enforcement employees, and clerical employees, who have 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 that would present a danger to the public.
- Any employee in the Information Systems department as they have access to all the IT equipment and systems that control the functioning of the City.
- Any employee in the Finance Department, other than Accounts Payable Specialists, as they have access to the finances and systems of the City.

Drug-Free Awareness Program/Education and Training

The City will establish a Drug-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-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; (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 part of the Drug-Free Awareness Program, the City will provide educational materials that explain the City's policies and procedures. Employees will be provided with information concerning the effects of alcohol and drug use on an individual's health, work, and personal life; signs and symptoms 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 will receive at least 60 minutes of training on alcohol misuse and 60 minutes of training on drug use. The training shall cover the physical, behavioral, speech and performance indicators of probably alcohol misuse and drug use.

Prohibited Substances/Legal Drugs/Unauthorized Items

Prohibited Substances

Alcoholic beverages and drugs are considered to be prohibited substances in the workplace. For purposes of this policy, the term "drugs" includes controlled substances (as identified in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. 812, and the regulations promulgated there under, and defined in the Uniform Controlled Substances Act, Ark. Code Ann. 5-64-201-216,) including synthetic narcotics, designer drugs, marijuana, and prescription drugs, excepting: prescription drugs approved by and used in accordance with the directions of the employee's physician and marijuana that is obtained and used as permitted by Arkansas law for medical purposes.

The abuse, overmedication, inappropriate consumption, or mistreatment of prescription drugs or medical marijuana lawfully obtained and approved by the employee's physician is considered abuse of "drugs" as stated in the previous paragraph.

Legal Drugs

The appropriate use of legal drugs, including prescription drugs and over-the-counter medications, is not prohibited. The term "legal drugs" includes medical marijuana lawfully obtained from a licensed dispensary located within Arkansas and used for treatment of qualifying medical conditions. Any employee using a prescription drug should consult with his/her physician and pharmacist regarding the effects of the drug. Employees should read all labels carefully.

Unauthorized Items

Employees may not have any unauthorized items in their possession or in any area used by them or under their control. Unauthorized items may include, but are not limited to, alcoholic beverage containers and drug paraphernalia.

Use Of Alcohol and Drugs/Prohibited Conduct

All employees covered under this policy are subject to the following prohibitions regarding the use of alcohol and drugs (controlled substances):

- Employees shall not report for duty or remain on duty while impaired by the consumption of alcohol. An employee will be deemed to be impaired by alcohol if that employee has a blood alcohol concentration of 0.04 or greater.
- Employees shall not consume alcohol while on duty.
- Employees required to undergo post-accident testing shall not use alcohol for 8 hours following the accident, or until they undergo a post-accident alcohol test.
- Employees shall submit to all authorized drug or alcohol tests.
- Employees shall not report for duty or remain on duty while under the influence of any controlled substance, except when the use thereof is pursuant to the instructions of a licensed physician who has advised the employee that the effect of the substance on the employee does not pose a significant risk of substantial harm to the employee or others in light of his/her normal job duties.

In addition, subject to the disciplinary rules set forth below, employees who are found to have an alcohol concentration of 0.02 or greater, but less than 0.04, in any authorized alcohol test shall be removed from duty, and may not return to duty until the start of the employee's next regularly scheduled shift, but not less than 24 hours following administration of the test.

The foregoing rules shall apply to all employees and shall apply while on duty, during periods when they are on breaks or a lunch, or not performing safety or security sensitive functions.

When Drug and Alcohol Testing May Be Required Of Employees

Employees (and applicants) covered by this policy shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the following circumstances.

- When the City has reasonable suspicion that an employee has violated any of the above prohibitions regarding use of alcohol or drugs. For purposes of this rule, reasonable suspicion shall be based on specific, contemporaneous, particular 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 drug use.
- As part of a pre-employment examination after a conditional job offer has been made, a fitness for duty physical examination, or any other lawful required periodic physical examination. Non-safety and non-security sensitive positions will not be required to undergo a pre-employment drug or alcohol test unless the applicant is otherwise required to undergo a pre-employment physical examination after a conditional job offer has been extended to the employee.
- When the City management has a reasonable suspicion based on observations or credible information submitted to the City, that the employee is currently using, impaired by or under the influence of drugs or alcohol.

- When an employee suffers an on-the-job injury following a serious or potential serious accident or incident in which safety precautions were violated, equipment or property was damaged, an employee or other person was injured, or careless acts were performed by the employee. Such testing will be required of non-safety sensitive employees only when such factors, when taken alone or in combination with other factors, give rise to reasonable suspicion that the employee may be under the influence of drugs or alcohol.
- When any prohibited drug or alcoholic beverage is found in an employee's possession.
- 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.

When Drug and Alcohol Testing May Be Required of Employees Holding Safety and Security Sensitive Positions

Employees in (and applicants for) safety and security-sensitive positions shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the foregoing and in the following circumstances:

- When a safety-sensitive employee is involved in an accident involving a motor vehicle on a public road while at work, and the employee's position is safety-sensitive because it involves driving a motor vehicle.
- Random testing for drugs (but not alcohol) will be conducted. In order to treat all employees as equally as possible, and to maintain consistency in the administration of its efforts to maintain a drug-free workplace, random testing under this policy will be governed by 49 U.S.C. § 31306 and implementing regulations to the extent that it is lawful and feasible to do so.

Random Drug Screens

Random drug testing will be performed on an unannounced basis and will be spread reasonably throughout the calendar year. The mechanism for determining individual employees to be randomly tested will be by a computerized program conducted by the contracted provider of testing programs. Lists of selected names will be sent to the assigned department contact for test scheduling. When notified of selection for random testing, the employee shall proceed immediately to the collection site. Only employees in safety-sensitive and security sensitive positions are subject to random testing.