



# Drug and Alcohol Policy

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Adopted May 21, 2019

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## **SECTION 1      PURPOSE**

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The City of Gunnison is committed to a safe, healthy, and productive work environment for all employees, free from the effects of substance abuse. Abuse of alcohol, drugs, and controlled substances impairs employee judgment, resulting in increased safety risks, injuries, and faulty decision-making.

## **SECTION 2      SCOPE**

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This policy applies to all employees. The type of testing is contingent upon whether the employee is considered safety sensitive. A safety sensitive position is a job or position where the employee holding this position has the responsibility for his or her own safety or other people's safety, or it would be particularly dangerous if such an employee used drugs or alcohol while on the job. All safety sensitive employees have been issued upon initiation of this policy or upon hire (whichever is later) a copy of the City policy, describing in detail what substances will be tested for and under what conditions employees will be tested.

## **SECTION 3      STATEMENT OF POLICY**

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To ensure a safe and productive work environment the City prohibits the use, sale, dispensation, manufacture, distribution or possession of alcohol, drugs or controlled substances on any City premises or worksites. This prohibition includes City owned vehicles, or personal vehicles being used for City business or parked on City property.

No employee shall report to work or be at work with alcohol or with any detectable amount of prohibited drugs in the employee's system. A detectable amount refers to the standards generally used in workplace drug and alcohol testing.

Employee shall, when drugs are prescribed by a medical professional, inquire of the prescribing professional whether the drug prescribed has any side effects which may impair the employee's ability to safely perform the employee's job duties. If the answer from the medical professional is yes, the employee shall obtain a statement from the medical professional indicating any work restrictions and their duration. The employee shall present that statement to his or her supervisor prior to going on duty.

Illegal use of drugs off duty and off City premises or work sites is not acceptable. It can affect on-the-job performance and the confidence of the public in the City's ability to meet its responsibilities.

**Any violation of this policy will result in disciplinary action up to and including termination.**

## **SECTION 4      CATEGORIES OF EMPLOYEE SUBSTANCE TESTING**

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All employees may be subjected to the following testing:

### **A. Reasonable Suspicion Testing:**

Any employee may be asked to submit to tests for alcohol and/or illegal drugs when the employee is reasonably suspected of being impaired in the performance of his or her job.

- (1) Reasonable suspicion testing may result from one of the following examples, but is not limited to the following:
  - (a) Specific, personal and articulable observations concerning the appearance, behavior, speech or performance of the employee; or
  - (b) Violation of a safety rule, or other unsafe work incident which, after further investigation of the employee's behavior, leads the supervisor(s)/manager(s) to believe that the employee's functioning is impaired; or
  - (c) Other physical, circumstantial, or contemporaneous indicators of impairment.
- (2) When a supervisor/manager has reasonable suspicion to request testing, the supervisor/manager will arrange to transport the employee to the collection site, and will arrange for the employee's transport home.
- (3) The employee will continue in a paid status pending the receipt of drug testing results by the City of Gunnison.

The following testing provisions apply only to employees and applicants for safety sensitive employment.

### **A. Post-Accident Testing:**

All employees must submit to a drug and/or alcohol test after an on the job accident.

- (1) An accident for purposes of this policy is defined as an incident or occurrence in which:
  - (a) a person dies or requires medical treatment,

- (b) at-fault property damage is estimated at greater than \$10,000, or
  - (c) a reasonable possibility exists that drug or alcohol use may have caused or contributed to the accident.
- (2) An employee who is involved in an accident must immediately report the accident to his or her supervisor/manager.
  - (3) Whenever a supervisor/manager observes or is notified of an accident as defined in (1) above, the supervisor/manager will initiate drug and alcohol testing. The supervisor/manager will order the employee to submit to a urine and/or breath test. The supervisor/manager will arrange to transport the employee to the collection site and will arrange for the employee's transport home.
  - (4) The employee will continue in a paid status pending the receipt of drug testing results by the City of Gunnison.

B. Pre-employment Testing:

- (1) All persons seeking safety sensitive employment with the City of Gunnison shall undergo post-offer, pre-employment drug testing. Applicants will be informed that, as a condition of employment, they must pass a drug-screening test.
- (2) Applicants who test positive will be notified that they have not met the standards for employment and of their right to request a re-test of the urine sample that can be reviewed by a medical review officer.

The following testing provisions apply only to employees that are required to hold a Commercial Driver's License (CDL).

A. Random Testing:

- (1) Random drug and/or alcohol tests shall be selected periodically from a pool consisting of City of Gunnison employees that have a CDL for their employment with the City.
- (2) If the randomly selected employee is at work the day of testing, the employee must submit to a drug and/or alcohol test at the scheduled time.
- (3) The randomly selected employee is not required to be present for the required random drug and/or alcohol test if the employee is absent due to prescheduled leave.

## **SECTION 5      SUBSTANCES TESTED**

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The kinds of substances tested for will include the following substances or their metabolites:

- A. Alcohol
- B. Marijuana
- C. Cocaine
- D. Opiates
- E. Phencyclidine (PCP)
- F. Amphetamines
- G. Ecstasy

## **SECTION 6      INSPECTION AND SEARCHES**

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The City may conduct unannounced inspection for violations of this policy in the workplace, worksites, or City premises. Employees are expected to cooperate in any inspection.

## **SECTION 7      VOLUNTARY TREATMENT**

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The City of Gunnison supports sound treatment efforts. Whenever practical, the City will assist employees in overcoming drug, alcohol, and other problems which may affect employee job performance, as long as this policy has not already been violated.

If an employee seeks treatment for drug or alcohol use, the employee may be eligible to go into a drug and/or alcohol treatment program either through the City of Gunnison medical insurance program or at his or her own expense.

If the employee elects to enter an appropriate treatment program, the employee may be placed on unpaid status, but will be required to use any accrued vacation time and sick leave while participating in the evaluation and treatment program, so long as the employee is complying with the conditions of treatment. The City of Gunnison will have the right to require verification from the health care provider for a release to work and/or verification of treatment as covered in the City's medical leave policies. More information regarding availability of treatment resources and possible insurance coverage for treatment services is available from the Human Resources Department.

## **SECTION 8 DUTY TO NOTIFY EMPLOYER**

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All employees must notify the City of Gunnison no later than 5 days after pleading guilty or no contest, or being convicted of violating any criminal drug statute, which occurred in the workplace.

## **SECTION 9 SAFEGUARDS/CONFIDENTIALITY**

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The drug screen analysis is accomplished through split sample urinalysis testing. Alcohol testing may be through breath testing. Samples will be collected in a sanitary environment designed to maximize employee's privacy while minimizing the possibility of sample tampering. If there is a positive drug and/or alcohol result on the initial screening test, the laboratory or blood alcohol technician will automatically do a second test to confirm the results. The second drug test will be performed using gas chromatography/mass spectrometry or other scientifically accepted method. A positive breath alcohol test will be confirmed by a second breath test.

All drug tests are performed by a government-certified outside laboratory. All government-certified outside laboratories strictly follow chain of custody guidelines to ensure the integrity of the testing process. The City shall use a Medical Review Officer (MRO) who will receive the laboratory results of the testing procedure. The MRO shall be a licensed physician and have knowledge of substance abuse disorders and the appropriate medical training to evaluate positive results, medical histories, and any other relevant biomedical information. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication.

If the results of the initial test are negative, the testing laboratory will report the results to the MRO retained by the City. The MRO or the testing laboratory reports the negative results to the City. In this instance, no additional tests on the specimen will be done.

If the results of the initial test are positive, that is, if the results exceed the permitted levels for any of the six drugs tested or if the blood alcohol test comes back positive, a second confirmatory test shall be performed. The employee is prohibited from performing any duties if the initial test is positive, and while the confirmatory testing is being performed. Only specimens that are confirmed positive on the second (confirmatory) test are reported positive to the MRO for review and analysis. The MRO will contact the employee personally, in the case of a positive test result. The MRO has the responsibility of reporting to the City of Gunnison whether the test results are positive or negative.

An applicant or employee who does not pass a drug test may request that the original sample be analyzed again at the individual's expense by a government certified laboratory. All requests for an independent analysis must be made in writing within 72 hours of notification of a confirmed positive test result. In the event the drug

and/or alcohol test results are not achieved due to a diluted sample, the applicant will be required to re-test.

Each applicant or employee will have an opportunity to discuss the drug and/or alcohol test with a Medical Review Officer in a confidential setting. Each applicant or employee upon his or her request may be provided with a written copy of the positive test result, upon written request. Upon written request within seven days of taking the test an employee may access records relating to his drug and/or alcohol test.

## **SECTION 10 DISCIPLINARY ACTION**

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### A. Testing Positive

Employees who test positive for drugs or alcohol are in violation of this policy. An employee who tests positive for marijuana is in violation of the drug policy, even if the employee is exempt from criminal prosecution under Colorado's medical marijuana laws or is using marijuana recreationally in conformity with Colorado's Amendment 64.

### B. Refusal to comply

Employees who refuse required testing are in violation of this policy.

### C. Interference with testing

Employees who adulterate, tamper with or otherwise interfere with accurate testing are in violation of this policy.

### D. Any employee, who has been observed using or possessing illegal drugs or alcohol during work time, including lunch breaks, or on the City of Gunnison premises is in violation of this policy.

**Any violation of this policy will result in disciplinary action up to and including termination.**

## **SECTION 11 AT WILL EMPLOYMENT**

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Nothing in this policy is to be construed to prohibit the City of Gunnison from maintaining a safe and secure work environment or to limit its right to impose disciplinary actions as it may deem appropriate for reasons of misconduct or poor performance, regardless of whether the misconduct or poor performance arises out of the use of alcohol or drugs. Such disciplinary actions may include termination of employment. **Employment is at-will and subject to termination by the City of Gunnison or the employee at any time, with or without notice and with or without cause.**



**SECTION 12 DRUG AND ALCOHOL POLICY ACKNOWLEDGMENT**

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I have received a copy of the City of Gunnison’s Drug and Alcohol Policy dated May 21, 2019, either in electronic for hard copy format. I am aware the most current version of the Policy is also available online on the City’s website [www.GunnisonCo.gov](http://www.GunnisonCo.gov), in the Human Resources Office, or with my supervisor. I understand that in order to continue my employment with the City of Gunnison, I must abide by the terms of that policy. I agree to notify the City of Gunnison no later than five (5) days after pleading guilty or no contest, or being convicted of violating any criminal drug statute, which occurred in the workplace.

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Name (please print)

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Signed

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Date