

CHAPTER 40: DRUG FREE WORK PLACE

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§ 40.01 DEFINITIONS.

As used herein, the following words and phrases have the meanings indicated therefor:

"ALCOHOL." Has the same meaning therefor as that provided in KRS 241.010(1).

"ALCOHOLIC BEVERAGE." Has the same meaning therefor as that provided in KRS 241.010(2).

"DRUG." Includes any substances listed in Schedule I through V of Section 202 of the Federal Controlled Substance Act (21 USC 812), and any controlled substance within the meaning of KRS 218A.010(2), and any "alcohol" within the meaning of KRS 241.010(1), and any "alcoholic beverage" within the meaning of KRS 241.010(2).

"WILLIAMSTOWN EMPLOYEES." Includes each, every, any and all full time and part time officers, employees and volunteers of the City of Williamstown.

"POSSESSION." To have actual physical possession or otherwise to exercise actual dominion and control over tangible property, including, without limitation, that within the human body by ingestion or consumption.

(Ord. 1995-09, passed 7-5-95)

§ 40.02 POLICY.

It is hereby established to be the policy of the City to provide and maintain a drug free work place for Williamstown employees by:

(A) Establishing, publishing and enforcing the drug prohibitions and requirements provided herein, as conditions of employment by and/or voluntary service to, the City of Williamstown.

(B) Establishing a drug free awareness program for all Williamstown employees, in which they receive a copy of the City policy to provide a drug free work place, and they are notified and informed about:

(1) The dangers of drug dependency and abuse in the work place; and

(2) The City's policy to provide and maintain a drug free work place; and

(3) The availability of programs provided and paid for by the City for the treatment, assistance and rehabilitation of Williamstown employees with a condition of drug dependency or abuse; and

(4) The disciplinary sanctions and penalties for violations of the prohibitions and requirements established by the City for a drug free work place; and

(5) The fact that as a condition of their employment by and/or voluntary service to the City.

(a) Williamstown employees must abide by the terms and provisions of the City's policy to maintain a drug free work place; and

(b) In the event that any Williamstown employee is convicted of any violation of any criminal drug statute which occurred during any time of work for, or service to the City, the convicted employee must notify a supervisor and the Mayor thereof within five (5) continuous calendar days thereafter.

(C) Imposing disciplinary employment sanctions and penalties on employees who violate any prohibition, requirement or condition of their employment or voluntary service established by the City's policy to establish a drug free work place, or are convicted of any violation of any criminal drug statute which occurred during any time of work for or voluntary service to the City.

(Ord. 1995-09, passed 7-5-95)

§ 40.03 PROHIBITIONS; REQUIREMENTS.

The following described prohibitions and requirements are hereby established as conditions of employment and/or voluntary service to the City for all Williamstown employees:

(A) No Williamstown employee shall, during any time of work or service for the City, cause, promote, allow, aid, assist, encourage or engage in:

(1) The unlawful manufacture, possession, use, consumption, ingestion, purchase or sale of any alcoholic beverage, with the exception of the Alcoholic Beverage Control Administrator or any member of the Police Department when required or authorized by law or judicial decree; or

(2) The possession, transportation, use, consumption, ingestion, purchase or sale of any alcoholic beverage, with the exception of the Alcoholic Beverage Control Administrator or any member

of the Police Department when required or authorized by law or judicial decree; or

(3) The existence of any drug in the blood, breath, urine or other bodily substance of any Williamstown employee, to such an extent that the ability thereof to safely and efficiently perform any function of the job thereof is impaired thereby, to any extent, whatsoever.

(B) Each Williamstown employee shall and must abide by the terms and provisions of this chapter, and the City policy established thereby to provide a drug free work place for Williamstown employees.

(C) In the event that any Williamstown employee is convicted by a court of competent jurisdiction of any violation of any criminal drug statute during any time of work for or service to the City, the convicted employee shall and must notify a supervisor and the Mayor thereof, within five (5) continuous calendar days thereafter; and there shall be included in such notice, without limitation, the court and case number, and the statute and date of the conviction of a violation thereof.

(Ord. 1995-09, passed 7-5-95)

§ 40.04 TREATMENT AVAILABLE FOR EMPLOYEES.

The executive authority of the City shall establish a program of treatment, assistance and rehabilitation for Williamstown employees with a condition of drug dependency or abuse, which shall be provided and paid for by the City's health insurance and only to the extent covered by the City's health insurance coverage; and such employee shall be encouraged to participate therein, without any employment sanctions or discipline, or any personnel record thereof, in the absence of any violations of any other provision of this chapter.

(Ord. 1995-09, passed 7-5-95)

§ 40.05 DRUG FREE AWARENESS PROGRAM.

The executive authority of the City shall establish a drug free awareness program for all Williamstown employees, in which each of them receive a statement of the City policy to provide a drug free work place, by a copy of this ordinance or otherwise, and each of them are informed and trained about:

(A) The problems and hazards of drugs in the work place; and

(B) The City policy to provide a drug free work place; and that the prohibitions and requirements thereof are conditions of employment by and/or voluntary service to the City, and that all Williamstown employees and volunteers must abide thereby.

(C) The potential penalties and sanctions for violations of the City's policy for a drug free work place, and the prohibitions and requirements thereof; and

(D) The availability of programs provided and paid for by the City to the extent covered by the City's health insurance plan, for the treatment, assistance and rehabilitation of Williamstown employees with a condition of drug dependency or abuse.
(Ord. 1995-09, passed 7-5-95)

§ 40.06 DRUG/ALCOHOL TESTING FOR JOB APPLICANTS.

No applicant for employment by the City shall be accepted therefor without a test of the blood, breath, urine or other bodily substance thereof, at such times, places and circumstances determined and provided by the City, which establishes the absence of any alcohol or illegal drug therein. Applicants for membership in any organization of volunteers to the City are hereby specifically excluded from the requirements of this section.
(Ord. 1995-09, passed 7-5-95)

§ 40.07 DRUG/ALCOHOL TESTING FOR EMPLOYEES.

In the event that any supervisor has any reason to believe that a Williamstown employee is in violation of § 40.03(A)(3) hereof, the supervisor and the Mayor shall inform the employee thereof, and provide the employee with an opportunity to explain the facts and circumstances thereof, but, in the event that the supervisor and the Mayor thereafter still have reason to believe, and do believe, that the employee is in violation of § 40.03(A)(3) hereof, the supervisor and the Mayor shall provide for the immediate examination and testing of a sample of the blood, breath, urine or other bodily substance of the employee for the nature and amount of any drugs therein, if any; and, upon completion of such sampling, or any failure or default of the employee in regard thereto, the employee shall be temporarily suspended from employment by and/or service to the City, without pay, until there is a final determination of any violation of § 40.03(A)(3) hereof, according to law.
(Ord. 1995-09, passed 7-5-95)

§ 40.99 PENALTY.

Each and every Williamstown employee in violation or default of any of the provisions of this chapter shall, upon a final determination thereof, according to law, be disciplined and sanctioned therefor by a decrease in salary, demotion, suspension without pay, or termination of employment, or, alternatively, by a requirement for participation in a program for the treatment, assistance and rehabilitation of Williamstown employees with a condition of drug dependency or abuse, with the cost and expense thereof provided by the City's health insurance and only to the extent covered by the City's health insurance coverage; provided, however, that the procedures for such a final determination, discipline and sanctions shall conform to all other applicable laws and ordinances.
(Ord. 1995-09, passed 7-5-95)