

CITY OF MINEOLA

ALCOHOL AND CONTROLLED SUBSTANCES POLICY

1. Purpose

It is the policy of the City of Mineola to maintain a work environment free from the use, possession, and effect of both the illegal uses of controlled substances and the use, possession, and effect of alcoholic beverages. The City of Mineola recognizes that drugs and alcohol impair employee judgment, which may result in increased safety risks, hazards to the public, employee injuries, faulty decision making, and reduced productivity. Therefore, the City of Mineola expects all employees to be in a state of mind and physical condition fit to complete their assigned duties safely and competently during work hours.

2. Pre-employment Substance Screening

In order to maintain a safe and drug free work environment for its employees, the City of Mineola will not hire applicants for employment who are involved in substance abuse. All applicants for any City positions are required to submit to a drug-screening test prior to an employment offer, and prior to becoming an active employee. Such pre-employment alcohol and drug testing may involve the applicant providing a urine specimen, blood sample or participating in other medical tests. A licensed toxicology laboratory will perform the testing under controlled conditions with trained personnel. At the time of drug screen, the applicant will be informed of the testing procedure and consequences of positive results. The applicant will be requested to sign a consent release form acknowledging his/her understanding of the test, authorizing the diagnostic procedure, and releasing the test results to the City. Any applicant who refuses to sign the consent release form or refuses to undergo the drug screening will not be considered for employment, since drug screening is an integral part of the procedures used to determine suitability for employment. Positive test specimens will automatically be retested using a different testing method on the same sample. If the second test confirms the positive test result, the applicant will be disqualified from consideration for City employment for twelve (12) months. After the 12-month period the applicant may reapply but will again be required to submit to the normal selection process, including substance testing.

3. Substance Abuse Policy for Current Employees

The sale, or unlawful manufacture, dispensation, possession, distribution, and/or use of illegal substances by an employee while on duty or during lunch and other breaks or at any time while the employee is on a city work site or city working time is absolutely prohibited and constitutes cause for dismissal. The appropriate law enforcement agency will be notified of any such sale, distribution, and/or use of illegal substances by employees. Any employee who is arrested for a drug related crime under a criminal drug statute for violations occurring on or off City property while conducting City business must immediately report the arrest to their supervisor. All employees who are using a prescription or non-prescription drug, which may in any way impact their job performance, must notify their supervisor in writing as to the possible effects of such medication on the performance of their assigned duties and related physical/mental capability. The Department Head may require a doctor's statement if the employee indicates that there is a need to use the prescription drug for an extended period.

4. Employee Assistance

It is the City's desire to provide assistance to those employees who voluntarily request assistance with personal alcohol or drug dependency problem. Employees are responsible for acknowledging their substance abuse problem and for seeking and accepting counseling or rehabilitation assistance before it impairs their performance or conduct and jeopardizes their employment. If an employee has a substance abuse problem, the employee must first contact the City Business Administrator for counseling and possible referral for appropriate treatment. Employees who need to enter into a substance abuse treatment program will be allowed to enter a City approved program one time without endangering their jobs, provided they follow all prescribed treatment programs. When possible and appropriate, employees will be referred to less expensive out patient treatment programs. Time off without pay may be authorized in

accordance with the City's personnel policy on leaves of absence, if needed, up to 30 days. In most cases, participating employees will be returned to their former or comparable position when treatment is successfully completed. Some of the costs of the treatment may be covered by the City's health insurance plan. Failure to see the City Administrator before being admitted to a drug abuse treatment program will result in a reduction of health insurance benefits for treatment program costs. Continued employment is contingent on the employee's participation in any non-work time follow up counseling or aftercare treatment programs. Any employee who has participated in an approved treatment program will be intermittently tested during the 12 months following the employee's return to work. A positive test, admission of current alcohol, or illegal drug use or dependency, refusal to consent to a test, or non-participation in aftercare programs will result in immediate termination.

5. Reasonable Suspicion Tests

The City may conduct unannounced searches or inspection where there is reasonable suspicion of the presence of alcohol or illegal drugs. These may include, but are not limited to, employee personal effects, including requiring the employees to empty the contents of pockets, lockers, lunchboxes, purses, briefcases, containers, and desks located on City property, in work sites, and in City owned vehicles. Private vehicles located in City parking lots are also subject to search.

When a Department Head or Supervisor has reason to believe that an employee, at work or when reporting to work, appears to be under the influence of alcohol or illegal drugs, or abusing legal drugs, and therefore appears to be impaired or unfit for duty, the employee will be required to consent to a drug/alcohol test. Impairment is defined as being unable to perform their duties safely and competently due to use of alcohol or controlled substances. Reasonable suspicion is a belief based on objective facts sufficient to lead a reasonable prudent person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform his job safely is reduced. Observations which constitute a factual basis for determining reasonable suspicion may include, but are not limited to: odor of alcoholic beverage, erratic behavior, violent mood swings, excessive absenteeism including tardiness, a medical emergency that can be attributed to drug use, physical on the job evidence of drug use, documented deterioration in the employee's job performance, or an accident which is caused by the apparent action or inaction of the employee.

The Department Head or Supervisor will describe the incident in writing, documenting the circumstances leading to the conclusion that a substance abuse related incident took place, description of incident, and statements of witnesses. Any other evidence such as drugs, drug paraphernalia, containers, etc. will be collected. After documenting the incident, the Department Head will contact the Director of Personnel to determine if drug testing is appropriate and to arrange for testing. If drug testing is appropriate, the Supervisor or Department Head will transport the employee to the drug specimen collection facility. The type of drug/alcohol test may be based on urine, blood, or other type of sample as appropriate. After testing, the employee will be transported home by his supervisor or by a relative and told not to report to work until the results of the test are known. If the employee is incapable of being managed, the Police Department will be contacted.

6. Random Tests

All City employees are subject to random drug/abuse testing in order to prevent drug and alcohol abuse while on duty. The Department Head will be notified of the employees to be tested. Employees will be asked to sign consent forms and will either be taken to the drug testing sample collection facility to give a urine, blood or appropriate sample or asked to report to the location. Refusal to sign the substance abuse consent form may result in termination. If the drug test is positive, a second more sensitive test will be run. If the second test is also positive, the employee is subject to termination.

**CITY OF MINEOLA
EMPLOYEE ACKNOWLEDGEMENT OF
ALCOHOL AND CONTROLLED SUBSTANCES POLICY FORM**

I acknowledge that I have received and read a copy of the Alcohol and Controlled Substances Policy. I understand the provisions of the Policy and have no further questions concerning the Policy. I also acknowledge that the provisions of the Policy are part of the terms and conditions of my employment and I agree to abide by them.

Date

Signature of Employee

Print Name

Employee Social Security Number