

CITY OF DENTON

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE

SECTION: HUMAN RESOURCES	REFERENCE NUMBER: 108.11
SUBJECT: STANDARD OF CONDUCT FOR EMPLOYEES	INITIAL EFFECTIVE DATE: 06/20/89
TITLE: DRUG AND ALCOHOL FREE WORK PLACE	LAST REVISION DATE: 01/01/02

POLICY STATEMENT:

It is the policy of the City of Denton to provide employees with a working environment that is free of the problems associated with the use and abuse of alcohol and controlled substances. The use of alcohol and controlled substances is inconsistent with the behavior expected of employees and subjects the City to unacceptable risks of work place accidents or other failures that would undermine the City's ability to operate effectively and efficiently. Noncompliance with the policy set forth below will result in termination.

GENERAL:

The City of Denton shall, in compliance with the Omnibus Drug Initiative Act of 1988, take those steps required by the Act to ensure that its work place is drug and alcohol free. All employees shall receive a copy of the City's "Drug and Alcohol Free Work Place" policy, Appendix I. All persons newly hired by the City shall receive a copy of the policy during the new employee orientation process. Any employee found in violation of this policy shall be disciplined and such discipline may include termination. The City provides an Employee Assistance Program that is designed to assist employees and their families with personal and behavioral problems that have or could adversely affect job performance.

ADMINISTRATIVE PROCEDURES:

- I. The non-prescriptive use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances on City property or other work sites where employees may be assigned or elsewhere during work hours is strictly prohibited. Further prohibited is the use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances on non-working time to the extent such activity impairs an employee's ability to perform his or her job or where such use, sale, possession, distribution, manufacture, or transfer affects the reputation of the City to the general public or threatens its integrity. Persons violating the City policy will be subject to disciplinary action that may include termination for a first offense.
- II. Employees are prohibited from possessing, consuming or transporting any alcoholic beverages or other intoxicating substances on City property at any time when conducting City business or when performing their job duties and responsibilities or otherwise violating Policy 108.12.

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: DRUG AND ALCOHOL FREE WORK PLACE	REFERENCE NUMBER: 108.11
---	-----------------------------

III. Employees who are convicted of controlled substances-related violations or alcohol-related violations occurring in the work place under state or federal law or who plead guilty or “no contest” to such charges will be terminated. Employees must report the conviction to the Director of Human Resources or designated representative and Department Director or designated representative within five (5) business days from the date of the conviction.

IV. Employees who are arrested for controlled substances-related violations or alcohol-related violations occurring in the work place must report the arrest to the Director of Human Resources or designated representative and Department Director or designated representative as soon as possible but no later than twenty-four (24) hours. Failure to do so will result in disciplinary action, up to and including termination from employment for a first offense.

"Controlled Substance" is defined to mean those drugs listed in Schedules I through V of Section 202 of the Federal Controlled Substances Act, 21 U.S.C. § 812, and includes, but is not limited to, marijuana, cocaine (including "crack" and other cocaine derivatives), morphine, heroin, amphetamines, and barbiturates. When used in this policy, the term "drugs" means "controlled substances." The term does not include those controlled substances used pursuant to and in accordance with a valid prescription.

V. DRUG FREE AWARENESS PROGRAM

- A. The Human Resources Department shall publish a policy statement notifying all employees that the City is committed to maintaining a drug and alcohol free work place. This policy statement shall be given to all persons newly hired by the City during new employee orientation.
- B. The City shall establish a drug and alcohol free work place awareness program for its employees and as mandated by the Federal Department of Transportation's regulations, for employees who are required to possess and utilize a commercial driver's license to perform their jobs and for supervisors who oversee those employees. The purpose will be to make employees aware of the dangers of drug and alcohol abuse and the assistance that is available to combat these problems. This program shall include an educational component designed to inform employees of the dangers of drug and alcohol abuse in the work place. This program shall inform all employees of the City's commitment to maintaining a drug and alcohol free work place. The program shall direct employees to seek assistance through the City's Employee Assistance Program. The program will further alert employees to the penalties for violating this policy.

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: DRUG AND ALCOHOL FREE WORK PLACE	REFERENCE NUMBER: 108.11
---	-----------------------------

C. Employees must, as a condition of employment:

1. Abide by the terms of the City's "Drug and Alcohol Free Work Place" policy, attached as Appendix I; and,
2. Notify their supervisor or Department Director and Director of Human Resources or designee of any criminal drug or alcohol statute conviction for a violation (or a plea of no contest) occurring at the work place no later than five (5) days after such conviction. Notify their supervisor or Department Director and the Director of Human Resources or designee of any arrest for drug or alcohol related violations occurring at the work place as soon as possible but no later than twenty four (24) hours.
3. A Department Director, upon receiving notification of an employee's conviction (or plea of guilty or no contest) or arrest of a violation, must notify the Director of Human Resources immediately. The Director of Human Resources will in turn notify the affected Department Director if he/she becomes aware of a conviction or arrest. The Director of Human Resources must ensure that the appropriate federal funding agency is notified of the conviction within ten (10) days after the City was notified of the conviction.
4. The Omnibus Drug Initiative Act of 1988 requires the City to take appropriate disciplinary action within thirty (30) days after receiving notice of an employee's conviction (or a plea of guilty or no contest) of a violation of a criminal drug or alcohol statute occurring at the work place. The disciplinary action will be termination.
5. Supervisors who suspect an employee is involved in some illegal drug-related activity will notify their Department Director and Director of Human Resources, or designee, immediately to determine appropriate actions. All supervisory personnel shall read and be familiar with this policy and the City's Employee Assistance Program.

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)

TITLE: DRUG AND ALCOHOL FREE WORK PLACE	REFERENCE NUMBER: 108.11
---	-----------------------------

APPENDIX I
CITY OF DENTON
DRUG AND ALCOHOL FREE WORK PLACE POLICY

It is the policy of the City of Denton to provide employees with a working environment that is free of the problems associated with the use and abuse of alcohol and controlled substances. The use of alcohol and controlled substances is inconsistent with the behavior expected of employees and subjects the City to unacceptable risks of work place accidents or other failures that would undermine the City's ability to operate effectively and efficiently. Noncompliance with the policy set forth below will result in termination.

- I. The non-prescriptive use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances on City property or other work sites where employees may be assigned or elsewhere during work hours is strictly prohibited. Further prohibited is the use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances on non-working time to the extent such activity impairs an employee's ability to perform his or her job, or where such use, sale, possession, distribution, manufacture, or transfer affects the reputation of the City to the general public or threatens its integrity. Persons violating the City policy will be subject to disciplinary action, which may include termination for a first offense.
- II. Employees are prohibited from possessing, consuming or transporting any alcoholic beverages or other intoxicating substances on City property at any time when conducting City business or when performing their job duties and responsibilities (see Policy 108.12).
- III. Employees who are convicted of controlled substances-related violations or alcohol-related violations in the work place under state or federal law or who plead guilty or "no contest" to such charges will be terminated. Employees must report the conviction to the Director of Human Resources or designated representative and Department Director or designated representative within five (5) business days.
- IV. Employees who are arrested for controlled substances-related violations or alcohol-related violations in the work place must report the arrest to the Director of Human Resources or designated representative and Department Director or designated representative as soon as possible but no later than twenty-four (24) hours. Failure to do so will result in disciplinary action, up to and including termination from employment for a first offense.

I have read and understand the foregoing policies and agree to abide by the terms and conditions set forth.

Employee Name (Please Print or Type)

Employee Signature

Department/Division

Date

"Controlled Substance" is defined to mean those drugs listed in Schedules I through V of Section 202 of the Federal Controlled Substances Act, 21 U.S.C. § 812, and includes, but is not limited to, marijuana, cocaine (including "crack" and other cocaine derivatives), morphine, heroin, amphetamines, and barbiturates. When used in this policy, the term "drugs" means "controlled substances." The term does not include those controlled substances used pursuant to and in accordance with a valid prescription.

"Alcohol" is defined as ethyl alcohol. Alcohol, as used herein, includes any beverage, mixture or preparation containing ethyl alcohol.