

Section Name: Employee Relations
Section Number: 400
Policy Number: 27
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Effective Date: January 8, 1996
Date of Revision: February 3, 2020

Subject: Anti-Drug and Alcohol Abuse Policy

1. Purpose:

In compliance with the Drug-Free Workplace Act of 1988, the City of Monroe has a longstanding commitment to provide a safe, quality-oriented and productive work environment. Alcohol and drug abuse poses a threat to the health and safety of City employees and to the security of the City's equipment and facilities. For these reasons, the City is committed to the elimination of drug and alcohol use and abuse in the workplace.

In addition, the City must also comply with the regulations of the *Federal Highway Administration, Department of Transportation (DOT) Qualification of Drivers and Procedures for Transportation Workers Drug Testing Programs (49 CFR, Parts 40 and 382, the Michigan's Motor Carrier Safety Act No. 339 of 1990 (M.C.L. 480.11)*, and all revisions to that act, specifically, *Public Act No. 100 of 1991*.

2. Definitions:

- 2.1 **"City Premises"** - includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by the City or any site on which the City is conducting business.
- 2.2 **"Illegal Drug"** - means any drug or derivative thereof which the use, possession, sale, transfer, manufacture, or storage of is illegal. Illegal drugs include marijuana, even if the use of marijuana may be legal under state law.
- 2.3 **"Under the Influence of Alcohol"** - is defined as under the influence of alcohol such that the employee's motor senses, actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.
- 2.4 **"Under the Influence of Drugs"** - means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly over-the-counter [OTC]).
- 2.5 **"Legal Drug"** - includes prescribed drugs and over-the-counter drugs that have been legally obtained and are being used pursuant to a valid prescription for the purpose for which they were prescribed or manufactured.

3. Statement of Policy:

City of Monroe employees are prohibited from the unlawful use, sale, distribution, possession, or manufacture of illegal drugs, controlled substances, narcotics, or

alcoholic beverages while conducting City business, while in the workplace, or during work time.

4. Application: This policy shall apply to all employees (including full-time, temporary, or part-time) of the City of Monroe.
5. Responsibility: The Human Resources Director or his/her designee will have the responsibility of implementing and overseeing this policy.
6. Administrative Procedure:
 - 6.1 The City of Monroe has a strong commitment to its employees to provide an alcohol and drug-free working environment. Likewise, the City is committed to its citizens, customers, administration, local businesses, and the public to operate its business safely and prudently. Consistent with this commitment, the City has revised its policies and developed this set of procedures regarding the use of alcohol and drugs by our employees.
 - 6.2 The following procedures will serve as a guide in the enforcement of our policy. Our procedures are based upon the Federal regulations governing the use of controlled substances, abuses of alcohol, and testing programs designed to deter and detect the use of alcohol and/or controlled substances in our workplace. The purpose of these procedures is to:
 - a. ESTABLISH and maintain a healthy and safe working environment for all of our employees;
 - b. ASSURE the reputation of the City of Monroe and its employees as good responsible citizens;
 - c. REDUCE accidental injury to persons and property;
 - d. REDUCE absenteeism, tardiness, and indifferent or declining job performance; and
 - e. DETER the use of illegally used controlled substances and alcohol abuses; and
 - f. DETECT the use and abuse of both alcohol and controlled substances by those employees who may persist in the use of these substances in spite of our policy.
 - g. PROVIDE assistance in rehabilitation for any employee by the City's *Employee Assistance Program*.
 - 6.3 The presence of any detectable amount of alcohol or illegal drug while in the workplace or while conducting City business is considered a violation of this policy. In addition, the City prohibits the off-premises abuse of alcohol and controlled substances, as well as the use, sale, distribution, possession, or manufacture of illegal drugs, when those activities adversely affect job performance, job safety, or the City's reputation in the community. This policy does not prohibit employees from the lawful use of medications prescribed for

the employee by a physician, unless the employee is impaired by the prescribed medication or uses the medication for a purpose other than that for which it was prescribed. Employees must report their use of over-the-counter or prescribed medications to their supervisor if the use might impair their ability to perform their job safely and effectively.

6.4 The City may require employees to submit to alcohol or drug testing under the following circumstances: (1) when the employee is involved in an on-the-job injury or accident resulting in damage to persons, materials, equipment, vehicles or other property; and (2) when the City has a reasonable suspicion, based on observable characteristics, changes in behavior or other information, that the employee may be in violation of this section; (3) physical evidence exists which indicates drug or alcohol use by an employee while on duty; or (4) as a condition of consideration for employment. Unless impractical, employees will be required to sign a written agreement to submit to alcohol or drug testing upon request. Any employee who refuses to submit to alcohol or drug testing will be discharged.

6.5 In compliance with the Drug-Free Workplace Act of 1988, employees who are convicted of any criminal drug violation occurring in the workplace must report the conviction to the Human Resources Department within five (5) days of the conviction, and the Human Resources Department will then inform appropriate contracting or granting agencies of such convictions within ten (10) days after receiving such notice of a conviction.

6.6 The obligation to comply with this policy is an express condition of employment. Employees will be subject to discipline, up to and including termination, for violations of this policy, and may be required to successfully complete a substance abuse or rehabilitation program.

7. Legislative History of Authority for Creation or Revision:

Adopted pursuant to action of the Monroe City Council, dated January 8, 1996.

Revised pursuant to action of the Monroe City Council, dated February 3, 2020.