



ADMINISTRATIVE DIRECTIVE

<p>Title: Drug- and Alcohol-Free Workplace Policy Issuing Departments: Human Resources Effective Date: 11/16/2022 Approved: Terry Rozema, Town Manager Type of Action: Original Release</p>

1.0 PURPOSE

It is the Town of Marana's policy to maintain a drug- and alcohol-free workplace. The Town of Marana is committed to protecting the safety, health, and well-being of all employees, volunteers, other individuals in the Town workplace, and the public. The Town's Drug and Alcohol-Free Workplace policy balances respect for individuals with the need to maintain a drug- and alcohol-free workplace.

The Town of Marana encourages employees to voluntarily seek help with drug and/or alcohol problems for themselves or their family members. The Town's Employee Assistance Program (EAP) or the employee's health coverage may be used by employees to assist in seeking help with drug and/or alcohol issues.

2.0 DEPARTMENTS AFFECTED

All Town of Marana departments and employees

3.0 REFERENCES

3.1 Federal Drug-Free Workplace Act of 1988

3.2 A.R.S. §13-3401

3.3 A.R.S. § 23-493 *et seq.*

3.4 A.R.S. § 28-1381 *et seq.*

3.5 A.R.S. § 36-2804.03

3.6 Code of Federal Regulations (CFR) Part 21 § 812

3.7 Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines – US Division of Labor Health and Human Services

3.8 Town of Marana Administrative Directive: Confidential Information

3.9 Town of Marana Administrative Directive: Safety and Loss Prevention Program

- 3.10 Town of Marana Administrative Directive: Driver Licenses and Vehicle Operations
- 3.11 Town of Marana Personnel Policies and Procedures, Chapter 2: Employment Process
- 3.12 Town of Marana Personnel Policies and Procedures, Chapter 5: Work Rules
- 3.13 Town of Marana Personnel Policies and Procedures, Chapter 7: Safety and Health
- 3.14 Town of Marana Safety Directive: Accident Reporting Procedures

4.0 DEFINITIONS

- 4.1 ADOT: Arizona Department of Transportation
- 4.2 Alcohol: Any substance containing any form of alcohol, including ethanol, methanol, propynol and isopropynol.
- 4.3 CDL Position: A position that requires a CDL as a condition of employment.
- 4.4 Controlled Substance/ Drugs: as defined by ARS 23-493, (CFR) Part 21 § 812, ARS 13-3401 including, but not limited to, amphetamines, barbiturates, cocaine, methaqualone, opiates, phencyclidine (PCP) and THC (marijuana).
- 4.5 Driving Under the Influence: driving or being in actual physical control of a vehicle while under the influence of drugs or alcohol and impaired to the slightest degree. Includes any violation of A.R.S. §§28-1381, 28-1382, or 28-1383.
- 4.6 Employee: For purposes of this directive, employee includes employees in regular classified and unclassified positions and employees in temporary positions.
- 4.7 Impair/Impairment: Diminishment or loss of function or ability due to the ingestion of alcohol or drugs.
- 4.8 Medical Marijuana Card Holder: Individual who has been issued and possesses a valid registry identification card pursuant to A.R.S. § 36-2804.03.
- 4.9 Pre-employment Testing: drug testing conducted as a condition of employment with the Town.
- 4.10 Reasonable Suspicion: a belief that can be described and is based on contemporaneous observations of specific, objective, articulable, reliable facts that an employee is currently impaired by drugs and/or alcohol.
- 4.11 Reasonable Suspicion Testing: alcohol and/or drug testing that an employee is directed to undergo when there is reasonable suspicion to believe the employee is currently impaired by drugs and/or alcohol.
- 4.12 Safety-Sensitive position: any position designated by the Town as safety-sensitive in the job description.
- 4.13 Supervisor: any Town employee, including Directors and Deputy Directors, who has a job description that includes direct supervision of Town employees. When used in this Administrative Directive, Supervisor is not limited to the employee's direct supervisor or a supervisor in the employee's direct chain of command.
- 4.14 Serious incident: An incident involving injuries requiring a party or parties to be transported to an emergency medical facility; an incident involving injuries to multiple

people; an incident involving a fatality; or an incident involving substantial damage to property. Examples of substantial damage include, but are not limited to: Town vehicle driven into structures; vehicle totaled and towed; major pipe burst with damage to structure or property; or multiple vehicles damaged.

5.0 POLICIES AND PROCEDURES

5.1 Prohibited Behavior

- 5.1.1 Employees shall not, while on duty, use, purchase, possess, sell, trade or offer for sale alcohol, illegal drugs, or intoxicants.
- 5.1.2 Employees shall not report to work or return from a break, lunch or rest period impaired by alcohol, drugs, or intoxicants.
- 5.1.3 Employees shall not, whether on or off duty, use, manufacture, possess, sell, or provide to another any controlled substance or improperly use any drug.
- 5.1.4 Employees shall report a drug-related conviction to the employee's direct supervisor within five days.
- 5.1.5 A supervisor having reasonable suspicion that an employee is impaired by drugs and/or alcohol in the workplace shall not permit the employee to perform or continue to perform work assignments. The supervisor should immediately contact the Human Resources Director or designee.
- 5.1.6 This policy does not apply to the authorized possession of controlled substances by employees in the course of their duties (e.g. employees involved in police operations).
- 5.1.7 Possession of medically prescribed controlled substances or medications, which have been legally prescribed to the employee by a person licensed to do so, and the use of such substances consistent with the prescription is not a violation of this policy.
 - 5.1.7.1 Any employee taking medically prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of the employee's job. If the use of the medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to fill out "Self Disclosure of Prescription Drugs" (Attachment 7.1) form and provide to supervisor and Human Resources. .
 - 5.1.7.2 The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of the Town's Drug- and Alcohol-free Workplace Policy and this Administrative Directive to intentionally misuse and/or abuse prescription medication.
- 5.1.8 Employees shall not, while in uniform, on or off duty, buy or use alcohol or other intoxicants in public settings.

5.2 Drug and Alcohol Testing

- 5.2.1 To ensure the accuracy and fairness of the Town's testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration

(SAMHSA) guidelines as part of the U.S. Division of Labor Human and Health Services.

- 5.2.2 All testing of breath and/or urine for controlled substances and/or alcohol shall be accomplished through the Town's contracted medical provider.
- 5.2.3 Testing for CDL positions will follow the procedure outlined in the Code of Federal Regulations, which may be amended from time to time.
- 5.2.4 The program shall include the opportunity for an employee who tests positive to confidentially provide a legitimate medical explanation, such as a physician's prescription, to the Town's contracted medical provider. All testing information, reports from the medical provider, and, if applicable, prescription information will be maintained in a separate, confidential record in compliance with the Town of Marana Administrative Directive: Confidential Information. A copy of the test results will be given to the employee upon the employee's request.
- 5.2.5 An employee who tests positive for alcohol shall not return to work and shall be immediately placed on imposed leave until the Human Resources Director or designee has directed the employee to return.
- 5.2.6 Pending the results of a drug test due to reasonable suspicion, an employee shall be placed on imposed leave until the Human Resources Director or designee has received the results of the drug test and has directed the employee to return.
- 5.2.7 An employee who refuses to be tested will be immediately placed on imposed leave and considered to have tested positive.

5.3 Marijuana Use or Medical Marijuana

- 5.3.1 The Town will not discriminate or take adverse actions against an applicant or employee based on a person's status as a medical marijuana cardholder or based solely on an individual's positive test for marijuana or its metabolites, unless the marijuana was consumed/ingested at the workplace or the employee was impaired by the marijuana use. Federal law and regulations may preempt some employee protections from the Arizona Medical Marijuana Act.
 - 5.3.1.1 Marana Police Department employees are prohibited from using, possessing, or selling marijuana pursuant to Marana General Orders.
 - 5.3.1.2 CDL positions will be subject to federal law and regulation regarding the use of marijuana or related product.
- 5.3.2 Individuals who possess a valid Medical Marijuana Registry Identification card shall not:
 - 5.3.2.1 Report to work, or be on duty, while impaired by the use of medical marijuana.
 - 5.3.2.2 While on duty, or on Town property, possess, use or consume marijuana, or sell, provide or distribute marijuana to another.

5.4 Pre-Employment Testing

- 5.4.1 Prior to hiring or transfer/promotion to a CDL position or safety-sensitive position, the applicant or employee must submit to a drug test. If the applicant/employee fails

the test, the applicant/employee will not be hired, transferred, or promoted; and, if already employed, may be subject to discipline, up to and including termination.

5.5 Random testing

5.5.1 Alcohol and drug testing will be conducted on a random basis throughout the calendar year for employees in CDL Positions as established by federal regulations.

5.6 Reasonable Suspicion Testing

5.6.1 If more than one Supervisor, MPD sworn employee, or designated Human Resources employee, determines there is reasonable suspicion to believe an employee is impaired by alcohol and/or drugs, the employee shall be required to submit to drug and/or alcohol testing as set forth in section 5.2 of this Directive.

5.6.1.1 The observations relied on for reasonable suspicion testing shall only be from a Supervisor who has attended supervisor training in the recognition of alcohol misuse and substance abuse or designated Human Resources employee or trained law enforcement personnel.

5.6.2 Reasonable suspicion may include, but is not limited to:

5.6.2.1 A pattern of abnormal or erratic behavior;

5.6.2.2 Information provided by a reliable and credible source;

5.6.2.3 Direct observation of drug or alcohol use or evidence of such use; or

5.6.2.4 Other signs and symptoms of impairment as set forth in the Reasonable Suspicion Checklist (Attachment 7.2)

5.6.3 When there is reasonable suspicion to believe that an employee is impaired by alcohol and/or drug use, the Supervisor shall immediately:

5.6.3.1 Relieve the employee of their duties;

5.6.3.2 Contact the Department Head or designee for the employee's department;

5.6.3.3 Document the observations using the Reasonable Suspicion Checklist;

5.6.3.4 Ensure that the additional Town employee making observations as set forth in 5.6.1 above also documents observations using the Reasonable Suspicion Checklist;

5.6.3.5 Contact the Human Resources Director or designee to have the employee tested. **Employees are not to transport themselves;** and

5.6.3.6 Coordinate with Human Resources Director or designee for the employee to be driven home after testing.

5.7 Post-Serious Incident Testing

5.7.1 An employee involved in a serious incident is required to submit to drug and/or alcohol testing as set forth in section 5.2 of this Directive. The involved employee shall remain available post-accident or the Town will consider the employee refused to submit to testing. The involved employee subject to post-serious incident testing

shall refrain from consuming alcohol or drugs for eight hours following the incident or until the employee submits to the drug and/or alcohol test, whichever comes first.

5.7.2 For CDL positions, the Town will follow CDL regulations related to the time for certain testing and the related records to be maintained.

5.8 Consequences of a positive alcohol and/or drug test or equivalent. One of the goals of the Town's drug- and alcohol-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an employee has a confirmed positive drug and/or alcohol test or refuses testing when required, there will be consequences.

5.8.1 For pre-employment testing, a positive test shall result in the offer of employment being withdrawn.

5.8.2 An employee in violation of the Drug- and Alcohol-free Workplace Policy and this Directive shall be subject to disciplinary action, up to and including termination.

5.8.3 An employee convicted of a criminal drug offense that occurred in the workplace or during working hours, shall be subject to disciplinary action, up to and including termination.

5.8.4 Nothing in this Directive prohibits the employee from being disciplined or terminated for other violations of the Town's Personnel Policies and Procedures.

5.9 Training.

5.9.1 All supervisors shall receive training for consistent enforcement of Drug- and Alcohol-free Workplace Policy and the procedures set forth in this Directive.

5.9.1.1 Human Resources is responsible for developing and maintaining a training program for supervisors to assist them in recognizing conduct, behavior and other factors giving rise to reasonable suspicion that an employee is impaired by alcohol and/or drugs. This program shall comport with all applicable laws and regulations, including CDL requirements, and shall be maintained.

5.9.1.2 Supervisors and CDL Driving Positions must complete training in the recognition of alcohol misuse and substance abuse.

5.10 Confidentiality. All health information and testing results received by the Town through the procedures outlined in this Directive is confidential and shall be handled as directed in the Town of Marana Administrative Directive: Confidential Information Access to this information shall be limited to those who have a legitimate need to know in compliance with relevant laws and the Town's Personnel Policies and Procedures, and this Directive.

5.11 Voluntary Assistance for Drug and Alcohol Abuse or Misuse. Employees can voluntarily seek help for drug or alcohol abuse through the Employee Assistance Program (EAP).

5.11.1 The Town realizes that early intervention and support improve the success of rehabilitation. To support Town employees, the Town:

5.11.1.1 Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.

- 5.11.1.2 Encourages employees to utilize the services or qualified professionals in the community to assess the seriousness of suspected drug and/or alcohol problems and identify appropriate sources of help.
- 5.11.1.3 Offers all employees and their family members assistance with alcohol and drug problems through the EAP.
- 5.11.1.4 Encourages employees to contact the Town's Human Resources Department for additional information on approved leave and EAP.

6.0 RESPONSIBILITIES

6.1 All Departments are responsible for:

- 6.1.1 Informing employees of the drug- and alcohol-free workplace administrative directive;
- 6.1.2 Maintaining a drug- and alcohol- free workplace;
- 6.1.3 Determining whether an employee is capable of performing his or her assigned duties;
- 6.1.4 Discussing with employees any behavior or job performance factor that may indicate the use of drugs, alcohol, or other violations of this Directive and to suggest, when appropriate, that employees seek assistance through EAP; and
- 6.1.5 Notify the appropriate federal agency within 10 days after receiving notice that a covered employee working on any federal grant has been convicted of a criminal drug violation in the workplace.

6.2 The Human Resources Director or designee is responsible for:

- 6.2.1 Ensuring all Town employees receive a copy of this Administrative Directive and sign an acknowledgment that a copy was received;
- 6.2.2 Creating and implementing a training program for consistent enforcement of Drug- and Alcohol-free Workplace Policy and the procedures set forth in this Directive;
- 6.2.3 Contracting and coordinating with a medical provider for drug and/or alcohol testing; and
- 6.2.4 Contracting and coordinating with an EAP provider for drug and/or alcohol treatment for employees and/or eligible family members.

7.0 ATTACHMENTS

- 7.1 Self Disclosure of Prescription Drugs
- 7.2 Reasonable Suspicion Checklist

REVISION HISTORY

<i>REV</i>	<i>DESCRIPTION OF CHANGE</i>	<i>DATE</i>
OR	Original Release	11/16/22

Caution: A copy of this Administrative Directive is an uncontrolled document. It is your responsibility to ensure you are using the current version. The electronic version is the only acceptable and controlled Administrative Directive.