

City of Peoria, Arizona ADMINISTRATIVE REGULATION	A.R. NUMBER 90-03
	DEPARTMENT Human Resources
SUBJECT PERSONNEL ADMINISTRATIVE REGULATIONS	EFFECTIVE DATE April 29, 2008
<i>This PAR #2 replaces previous PAR #2, dated July 1, 2006</i>	

2 Drug and Alcohol Free Workplace

2.1 PURPOSE:

The City of Peoria recognizes that its employees are its most important resource. The purpose of this document is to ensure the safety of City employees through the limitation of the use of alcohol and drugs, whether legal or illegal. In addition, this document is meant to ensure that the City is in compliance with the Drug Free Workplace Act of 1988 (41 U.S.C. § 702), which applies to federal grant recipients, and to outline the City's expectations and requirements.

2.2 SCOPE:

This policy applies to all City employees.

2.3 POLICY:

It is the City's intent and obligation to provide a drug-free, healthful, safe and secure work environment and to ensure compliance with the Drug Free Workplace Act of 1988. As a condition of employment, each employee agrees to abide by this policy. A violation of this agreement is grounds for discipline, up to and including dismissal. The City has a zero tolerance philosophy on substance abuse and promotes self-identification and training.

2.4 EMPLOYEE REQUIREMENTS:

- a. Employees are required to report to work on time and in an appropriate mental and physical condition for work. It is the employee's responsibility to meet satisfactory job performance standards. Unsatisfactory job performance resulting from the use of alcohol, drugs, or any other substance, whether illegal or legally prescribed, will be subject to normal disciplinary procedures.
- b. Employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on duty. The employee shall report such conviction to a supervisor within five days of the conviction.
- c. Employees will not unlawfully manufacture, distribute, dispense or possess or use alcohol, drugs or controlled substances while on duty, at the workplace, or during break and/or lunch periods, whether paid or unpaid. Any employee who violates this guideline will be subject to appropriate discipline, up to and including dismissal.
- d. Employees whose positions require them to maintain a Commercial Driver's License (CDL) or who are in "safety sensitive" employment will be required to comply with the City's "Anti-Drug Program for Safety-Sensitive Employees". The

procedures and policies are available on the City's intranet or through the Human Resources Department.

2.5 SUPERVISOR'S REQUIREMENTS:

- a. It is the supervisor's responsibility, at every level, to encourage employees to use the EAP when an employee's deteriorating or unsatisfactory job performance does not respond to normal supervisory actions, or when a specific on-the-job incident is cause for concern. A supervisor should not attempt to diagnose an employee's problems. The supervisor's role is to monitor job performance and take appropriate action within City guidelines.
- b. When there exists reasonable suspicion to believe that the employee is under the influence of alcohol or drugs, the supervisor may direct the employee to submit to urine drug screening and breath alcohol tests. Refusal to submit to such tests can subject the employee to disciplinary action, up to and including dismissal. Under no circumstances will an employee be allowed to operate equipment or drive a motor vehicle when it reasonably appears the employee's ability to do so has been impaired.

2.6 USE OF PRESCRIPTION AND OVER-THE-COUNTER DRUGS:

An employee taking prescription or over-the-counter non-prescribed drugs or medication which may interfere with the performance of his/her job duties shall report the use of the drug or medication to his/her supervisor prior to going on duty. An employee taking such drugs or medication shall determine the possibility of side effects, which may interfere with his/her job performance, based upon the prescribing physician's advice or the warning on the drug or medication label. Employees who determine that their performance may be interfered with by the use of such drug or drugs, or who may be considered to be under the influence should advise their supervisors that they are unable to report to duty. This time away from the job will be deducted from accrued leave: sick, vacation, personal, or compensatory time as appropriate. If no paid leave exists, the employee will be required to be in an unpaid leave status.

2.7 REPORTING TO WORK UNDER THE INFLUENCE:

Being on duty or reporting to work under the influence of alcohol, drugs or any other controlled substance which may negatively impact an employee's job performance is prohibited. This includes illegal as well as legally prescribed substances.

2.8 ALCOHOL AND DRUG ABUSE ISSUES:

The City recognizes that alcohol or drug abuse can be successfully treated, enabling employees to return to work. An employee who recognizes that he/she has a substance abuse problem can contact the City and obtain referral information about available

community resources, including the City sponsored Employee Assistance Program (EAP), Personnel for assessment and treatment. Employee compliance with EAP or other referral service recommendations is voluntary. Use of these services does not replace normal disciplinary procedures for unsatisfactory job performance. However, the employee's job security will not be jeopardized by the use of these services but will be handled solely in accordance with disciplinary policies as they apply to performance.

2.9 DEFINITIONS:

When used in these guidelines, the following terms shall have the following meanings:

- a. **Controlled Substance:** Shall mean a controlled substance in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) as further defined by Regulations 21 CFR1300.11 through 1300.15.
- b. **Drug:** Shall mean any "dangerous drug," "narcotic drug," "prescription-only drug," "peyote," "vapor releasing substance containing a toxic substance" or "marijuana" as defined in the Arizona Revised Statutes, Title 13.
- c. **On Duty:** Shall mean the total time beginning at the time an employee is to report to work and continuing until the end of the normally scheduled tour of duty; it shall specifically include breaks (coffee or rest), lunch or mealtime (whether paid or unpaid), overtime (including callouts) and paid/restricted standby time.
- d. **Workplace:** Shall mean any City property on or in which City work is done, including City vehicles. The only exception would be with regard to the consumption of alcohol, during non-duty hours (See "c" above for definition of On Duty), on City property where it is legal to consume alcohol. An example of such a piece of property would be the Peoria Sports Complex.