



23.1 PURPOSE

- A. The Town of Oro Valley is committed to maintaining a safe, productive work environment at all facilities and work sites, and to safeguarding all property of the Town of Oro Valley. The use of alcohol and/or drugs can undermine employee productivity, the quality of services provided by Town employees, and the image of the Town. For these reasons, the Town of Oro Valley has implemented the following Drug-Free Workplace policy.

23.2 ~~23.1~~ DEFINITIONS

- A. On-the-job use, possession, sale or distribution – The possession, sale or distribution of non-medically prescribed controlled substances, including alcohol, or the presence of drugs or alcohol in the employee's system while on company premises or at any Town of Oro Valley work site is prohibited. Any employee found in violation of the above stated policy is subject to disciplinary action, up to and including termination of employment.
- B. Work-site – Includes, but is not limited to:
1. Town vehicles, Town offices and any Town premises
 2. Any and all locations in which an employee is representing the Town of Oro Valley or working as an employee, including attending off-premises business meetings, seminars, engaging in off-site work such as road repair, police patrolling, etc.
 3. Depending upon the circumstances, other action, including notification of appropriate law enforcement agencies, may be taken with respect to an employee violating this policy.
- C. Drugs are defined as:
1. Alcohol (ethyl)
 2. Amphetamines (e.g., speed)
 3. Barbiturates (e.g., Amobarbital, Butobarbital, Phenobarbital, Secobarbital)
 4. Cocaine
 5. Methaqualone (e.g., Quaalude)
 6. Opiates (e.g., Codeine, Heroin, Morphine, Hydromorphone, Hydrocodone)
 7. Phencyclidine (PCP)
 8. THC (Marijuana)
 9. Drugs specified and defined under A.R.S. § 13-3401 (or any successor statute)
- D. Reasonable suspicion may include, but is not limited to:
1. a pattern of abnormal or erratic behavior;
 2. information of recent drug use provided by a reliable and credible source;
 3. direct observation of drug or alcohol use; or
 4. presence of the physical symptoms of drug or alcohol use.



- E. Medical Review Officer (MRO) means any qualified physician designated by the Town of Oro Valley to assist in the evaluation, testing and assessment as defined herein.
- F. Independent MRO means a qualified physician hired by the employee to assist the employee in the testing and drug assessment conducted by the Town.

23.3 ~~23.2~~ SEARCH

- A. In circumstances where there is reasonable suspicion that drugs or alcohol are present on Town of Oro Valley premises, or at a “work site”, Town supplied locker, a Town supplied desk or other Town supplied container, a search may be conducted to confirm that belief upon the approval of the Town Manager.

23.4 ~~23.3~~ APPLICANT DRUG TESTING

- A. All applicants being considered for employment by the Town of Oro Valley may be subject to drug testing analysis as part of the employment process. Notification that applicants are subject to drug testing will appear on all Town of Oro Valley employment application forms, and employment advertisements.
- B. The presence of drugs measured by urinalysis testing at the time of application is grounds for rejection. Applicants who test positive for the presence of drugs will be informed of that fact, and will be given an opportunity to explain the positive result to the medical review officer (MRO). The MRO will hear the applicant’s explanation and report his/her findings and recommendations to the appropriate Town of Oro Valley representative. An applicant who tests positive and who has no satisfactory explanation will be ineligible to apply with the Town for a period of six months.
- C. Upon request, applicants will be given a list of the drugs for which they are tested. The tests are restricted to drugs of abuse and are listed under the definition and Arizona Revised Statutes § 13-3401.

23.5 ~~23.4~~ PRESENCE OF DRUGS IN EMPLOYEES

- A. Employees are prohibited from being at work with drugs in their systems, or impaired by alcohol. Any employee who is found to have drug metabolites in his/her system while at work or on a work site will be subject to disciplinary action up to, and including, termination of employment.
- B. An employee, taking a drug or other medication whether or not prescribed by a physician for a medical condition, which is known or publicized as highly impairing judgment, coordination, or other senses important to the safe and productive performance of work, must notify his/her supervisor prior to starting his or her work day. Management will decide whether the employee can continue to work, and/or will impose any necessary restrictions.

23.6 ~~23.5~~ EMPLOYEE TESTING



- A. Employee testing will only be conducted given the existence of a reasonable suspicion on the part of the management of the Town of Oro Valley. The testing of a police department employee will be conducted in compliance with the Oro Valley Police Department's Rules and Procedures Manual. **THE TESTING OF TRANSIT SAFETY SENSITIVE EMPLOYEES WILL BE CONDUCTED IN COMPLIANCE WITH THE ORO VALLEY TRANSIT DIVISION DRUG AND ALCOHOL MISUSE FTA COMPLIANT POLICY.**

23.7 ~~23.6~~ CONSENT

- A. Before a drug and alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to those municipal officials with a need to know. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the municipality's drug testing policy. Employees and applicants may at this time provide a list of those medications that he or she has recently used. The list of medications, if provided, shall be sealed and held as confidential until there has been a positive test result. In the event of a confirmed positive test result, the list of medications shall only be disclosed to the medical official who will determine whether the positive result was due to the lawful use of any of the listed medications. Employees and applicants may choose to provide such a list after being notified of a confirmed positive result.
- B. When the results of the drug test are received, the employee will be notified of the results. If the results are positive, the employee will be given the opportunity to offer an explanation. In the absence of an acceptable explanation as determined by an independent MRO, the employee will be suspended for a minimum of ten days. A negative drug test result after ten days will be a precondition of re-employment.
- C. Suspended employees will be required to undergo a drug test prior to reinstatement, and the results must be negative. Following his/her return to work, the employee will serve in a probationary status for a 12-month period. During this probationary period, the employee will be subject to follow-up testing on a random basis. Employees placed on probation for violation of this policy will be terminated if they test positive in a random follow-up test during the 12 month probationary period.

23.8 ~~23.7~~ OPTIONS AVAILABLE TO THE MUNICIPALITY

- A. The Town of Oro Valley shall have the right to suspend, dismiss or take any other appropriate disciplinary action against the employee whose drug test is positive. This suspension, dismissal or other disciplinary action shall follow the processes set forth in these policies. This decision may be based in part upon the individual's length of employment and the essential functions of the employee's position as evidenced by appropriate records and documentation in the employee's personnel file.

23.9 ~~23.8~~ CONTRACTS AND VISITORS



- A. Contractors and their employees or representatives, and visitors will be notified that the Town of Oro Valley prohibits the use, possession, sale or distribution of alcohol or illegal drugs on its property, or at its work sites. Any person who is reasonable suspected to have drugs in his or her system (or impaired by alcohol) while on Town of Oro Valley property or work site is in violation of this policy. Contractors and their employees or representatives, and visitors violating this policy will be refused entry onto Town property, or Town work sites. In addition, appropriate legal entities may be contacted as required and appropriate.

23.10 ~~23.9~~ MANAGEMENT PROCEDURES AND IMPLEMENTATION

- A. A summary of this policy shall be posted on employee bulletin boards. Also, employees shall be informed of the Drug-Free Workplace Policy by means of notices from time-to-time included with their paychecks, etc. New employees shall be required to read and sign a copy of the policy. For contractors, copies of the policy shall be included in their statements of work.
- B. Supervisors and Managers shall receive training to assist them in early detection of signs of drug abuse. This will include training as to the physical appearance or commonly abused drugs and drug paraphernalia, as well as the physiological manifestations of drug abuse.
- C. Where there is reasonable suspicion to believe that an employee has drugs in his/her system or is impaired by alcohol, the employee shall not be allowed to continue work.
- D. If the employee is suspected of being under the influence of alcohol, drugs, or a controlled substance, steps should be taken to ensure that he/she does not drive any Town vehicle. Further, the Town shall provide transportation home to such employees.
- E. Supervisors and Managers will refer to the Human Resources Director any decision involving drug testing. In no case will the employee's immediate supervisor make the final decision whether that employee is to be tested.
- F. The Human Resources Director will consult with the Town of Oro Valley's Medical Resource Officer, as appropriate, to assist in the assessment of a possible drug abuse problem, the degree of impairment, and the need for testing.
- G. Drug test themselves will be conducted by a qualified laboratory, and proper chain of custody procedures will be observed for samples. When employment status will be affected by the outcome of the drug testing, confirmatory testing will be carried out by a qualified laboratory.
- H. Records and information about testing and test results will be treated as private and medically confidential. Such information will not, for example, be discussed with the employee's family or friends.

23.11 ~~23.10~~ OTHER TERMS OF EMPLOYMENT

- A. This policy in no way alters, amends, modifies, infers, or confirms any terms of employment with the Town of Oro Valley, except as outlined herein. All other terms of employment (as indicated in other policies, procedures, etc.) remain in effect as stated therein.



23.12 EXCEPTION FOR THE PURPOSES OF GIFTING

- A. IN THE EVENT AN EMPLOYEE CHOOSES TO PARTICIPATE IN A GIFT EXCHANGE, EMPLOYEES ARE PERMITTED TO GIVE CLOSED CONTAINERS OF ALCOHOL TO LEGAL-AGE EMPLOYEES ON TOWN PREMISES, EXCLUDING TOWN VEHICLES. THE CLOSED CONTAINERS OF ALCOHOL MAY NOT BE CONSUMED WHILE AN EMPLOYEE IS ON THE JOB, AS SPECIFIED HEREIN.**

**DRUG-FREE WORKPLACE POLICY
STATEMENT FOR JOB APPLICANTS**

It is the policy of the Town of Oro Valley to maintain a safe, healthy and productive work environment for its employees; to ensure that the highest quality services are provided to the citizens of the Town; to maintain the integrity and security of its facilities and property; and to perform all of these functions in a fashion consistent with applicable federal and state regulations as well as the interests and concerns of the community and interest parties.

Pursuant to these goals, the Town of Oro Valley requires candidates for employment to pass a drug/alcohol screening test covering illegal substances and legal substances subject to abuse.

Offers of employment are strictly conditional, and contingent upon the successful completion of the screening for drugs of abuse.

Applicants may be given conditional employment which may involve training programs or work assignments prior to obtaining the results from the drug tests; if the drug test results are positive the offer of employment is rescinded and the training and/or work assignments will be terminated.

This requires the candidate to submit a urine and/or blood specimen and to sign a consent and release statement provided by the Town. Refusal will result in the candidate's disqualification for further employment consideration.

Applicant Signature

Date



PERSONNEL POLICY 23

DRUG FREE WORKPLACE

Effective Date:

Applicant Name (Printed)

Witness Signature

Date

DRAFT