

CITY OF RAVENNA

ORDINANCE NO. 0005

AN ORDINANCE OF THE CITY OF RAVENNA ADOPTING A DRUG FREE
WORKPLACE POLICY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Board of Commissioners has considered the need for the adoption of a Drug Free Workplace Policy to secure the health, safety, and security of employees and the public, and

WHEREAS, the Board of Commissioners has determined that the use of alcohol, drugs, and controlled substances has been shown to substantially increase workplace accident incidence and severity, and reduce employee dependability and productivity, now therefore

BE IT ORDAINED THAT THE FOLLOWING REGULATIONS ARE HEREBY ENACTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF RAVENNA

ARTICLE 1

Drug Free workplace Policy Adopted

The City of Ravenna Drug Free Workplace Policy, attached hereto as Exhibit 1, is hereby adopted and made part of this ordinance.

ARTICLE 2

Drug and Alcohol Testing Procedures Policy Adopted

The City Of Ravenna Drug and Alcohol Testing Procedures Policy attached hereto as Exhibit 2, is hereby adopted and made part of this ordinance.

ARTICLE 3

Repeal Clause

All parts of any ordinance in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

ARTICLE 4

Savings Clause

If any provisions of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had ever been a part hereof.

ARTICLE 5
Effective Date

This ordinance shall be effective as of February 8, 1994.

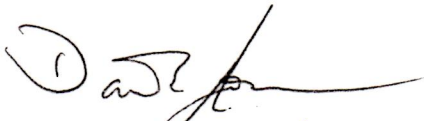
PASSED AND APPROVED by the Board of Commissioners of the City of
Ravenna, Texas by the following vote on this 8th day of February, 1994.

AYE 2

NAY 0

ABSTAIN 0

ATTEST :


City Secretary

APPROVED:


Mayor

EXHIBIT 1

POLICY: DRUGS AND PROHIBITED SUBSTANCES IN THE WORKPLACE

PURPOSE

The City of Ravenna is committed to the maintenance of a safe working environment for our employees and others who may come into contact with our work places. Because the use of alcohol, drugs, and controlled substances have been shown to substantially increase work place accident incidence and severity, and reduce employee dependability and productivity, the following interdiction plan is implemented to safeguard the health of our employees and others.

SCOPE

This ordinance applies to all employees, full-time, part-time, and temporary, of the City of Ravenna.

POLICY

The use, sale, transfer or possession of alcohol, drugs, controlled substances, drug paraphernalia or any combination thereof, on any City premises or work sites (including City vehicles and any private vehicles parked on City premises or work sites) is grounds for discipline, up to and including discharge from employment.

Entry upon City premises or being at work with drug paraphernalia or under the influence of alcohol, drugs or controlled substances, or any combination thereof, is grounds for discipline, up to and including, discharge from employment. "Under the influence" is defined for purposes of this policy as being unable to perform work in a safe and productive manner, being in a physical or mental condition that creates a risk to the safety and well-being of the individual, other employees, the public or City property or having any detectable level, of alcohol, drugs, or controlled substances, or any combination thereof, in the body.

PRACTICE

All employees are expected to report to management any violation or suspected violation of this policy. Employees with supervisory and/or managerial authority may be provided training in the implementation of this policy. The discipline of any employee for violation of this policy will be treated as confidential except where it is determined by the management to alert the appropriate legal authorities of apparent violations of the criminal laws in the State where the violation occurred.

EXHIBIT 2

DRUG AND ALCOHOL TESTING PROCEDURES FOR THE CITY OF RAVENNA
APPLICANT AND EMPLOYEE POLICIES

1. POLICY

The City of Ravenna (hereafter called "City") will make a good faith effort to maintain a drug free workplace by complying with the requirements of the Federal Drug Free Workplace Act of 1988, enhancing the health, safety, and security of employees and the public, and providing more cost efficient delivery of City services.

The City of Ravenna prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol by an employee of the City of Ravenna.

All applicants for employment with the City of Ravenna will be required to undergo a drug screening and confirmation test, when required by this policy.

2. PURPOSE,

This directive outlines the program by which policy goals and objectives will be met and specifies and defines the procedures to be used in recognizing drug and alcohol use by applicants for safety/security sensitive positions and drug and alcohol use and influence among employees and evaluating applicants.

3. SCOPE

This directive applies to all departments, all employees and all applicants except that sworn employees of the Police Department may be governed by more restrictive policies required by departmental rules and regulations.

Nothing in this policy shall operate to limit or abridge any right otherwise granted under the provisions of the Americans with Disabilities Act.

4. DEFINITIONS

4.1 Alcohol means alcohol or any beverage containing more than one-half of one percent of alcohol by volume which is capable of use for beverage purposes, either when alone or when diluted.

4.2 Drug means controlled substance as defined by Section 1.02 of the Texas Controlled Substance Act or Section 202, Schedules I through V of the Federal Controlled Substances Act, including but not limited to marijuana, hashish, cocaine, heroin, morphine, codeine, opiates, amphetamines, barbiturates and hallucinogens.

- 4.3 Safety Sensitive Positions means jobs in which employee use of drugs or alcohol could create a threat to safety or security whereby the employee is unfit to perform assigned duties and the performance of those duties in such mental or physical condition creates or could create a safety or security hazard that has caused or could cause injury or harm to the employee, other employees, citizens, the operating of a City department, or damage to property.
- 4.4 Drug Testing means collection of a urine specimen by medical personnel and a laboratory analysis of that specimen by Enzyme Immunoassay (EMIT) screening and if appropriate, confirmatory testing using the Gas Chromatography/Mass Spectrometry (GC/MS) methods and procedures, or any other method generally accepted as reliable by the medical community.
- 4.5 Alcohol Testing means testing for blood alcohol content by a breathalyzer instrument device or drawing a blood or serum sample and laboratory analysis thereon or most current and appropriate technology.

5. EMPLOYMENT POSITIONS SUBJECT TO TESTING

- a. Public safety employees including sworn police officers, jail personnel, warrant officers, and security uniformed personnel.
- b. Employees who routinely drive City vehicles or personal vehicles on City business.
- c. Employees who operate motorized equipment or who in close proximity to or with moving machinery.
- d. Mechanics and maintenance workers.
- e. Trades and craft workers who use tools and/or machinery on the job.
- f. Employees on jobs in which agility, mobility, and sound judgement are imperative for the safety and security of themselves and others in their jobs.
- g. Employees with access to privileged and confidential information connected with the processing of criminal defendants.

6. APPLICANT PROCEDURES AND NOTIFICATION

- 6.1 All applicants will be notified of the drug testing component of the examination at time of application.

- 6.2 The time for testing applicants shall be after a preliminary decision has been made by the City to consider applicant for employment, but before applicant has been employed by the City, subject to the provisions of section 6.7. Such testing shall be pursuant to section 8.2.
- 6.3 Refusal of applicants to submit to drug and alcohol testing may operate to bar employment with the City.
- 6.4 An applicant whose test results in positive findings may be rejected for employment.
- 6.5 If an applicant has taken prescription medication prescribed to said applicant within 30 days of date of testing, the applicant must furnish a medical statement from a physician specifying the drug prescribed. If this statement is submitted in advance of the drug test, positive test results may not be cause for rejection.
- 6.6 Applicants will be required to list all over the counter medicines being taken within 30 days prior to the date of the drug test. Positive test results of the listed medications may not be cause for rejection.
- 6.7 If the City determines that due to the existence of a bona fide emergency necessitating the employment of an applicant before results are received, the department head may allow the applicant to begin working in that position, provided however, that the final employment of the applicant shall be subject to the provisions of section 6.4.

7. EMPLOYEE PROCEDURE AND NOTIFICATION

Employees will be notified that:

- 7.1 City rules and regulations prohibit the use or possession of drugs or alcohol while on duty or on City property or in a City vehicle and violation of these rules and regulations will subject the employees to discipline, which could include discharge.
- 7.2 Such notification may be distributed to employees by posting written notice or by providing each employee and applicant with a copy of this policy or a statement of the City's prohibition of employee possession or use of drugs and alcohol.

8. RESPONSIBILITIES

8.1 Department heads are responsible for :

- a. Identifying jobs under Section 5.1 in which applicants are subject to testing for drug and alcohol use.
- b. Notification to employees as specified in Section 7.

8.2 The Board of Commissioners shall designate a medical facility which shall be responsible for obtaining a signed consent form from the applicant or employee for medical examination and collection of specimens necessary for drug or alcohol testing in a designated laboratory, for arranging transportation of the specimen to the laboratory, and for receiving test results in accordance with legally and medically approved procedures, methods, and techniques. Test results will be communicated to the City immediately upon receipt from the lab.

8.3 The City Secretary shall be responsible for maintaining records of all examinations, tests, and results in employee medical files and for insuring privacy and confidentiality. Willful disclosure of tests results to unauthorized persons may merit appropriate disciplinary action which may include discharge.

8.4 Supervisors and department heads are responsible for documenting poor performance, for recognizing reasonable suspicion of drug or alcohol use by employees, and for properly disciplining employees or referring employees to appropriate assistance resources.