

**TOWN OF PRESCOTT VALLEY
POLICIES AND PROCEDURES**

Subject:

**DRUG AND ALCOHOL-FREE
WORKPLACE**

File Under Section:

PERSONNEL

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Approved By:


**Larry Farkowski
Town Manager**

Date: **5/14/18**/S

1.0 POLICY

- 1.1 It is the policy of the Town of Prescott Valley to foster a work environment free from the adverse effects of drug and alcohol abuse. To ensure a safe and productive work environment, all employees are expected to report to work free of the influence of drug and alcohol abuse.

2.0 PURPOSE

- 2.1 The Town of Prescott Valley considers its employees to be its most valuable resource. A workplace free of drug and alcohol abuse is essential in promoting and protecting the health, safety, morale, and work efficiency of the Town's employees, which is critical in providing the citizens of Prescott Valley with the highest quality of municipal services. The purpose of this policy is to establish clear and uniform guidelines regarding the use of drugs and alcohol in the workplace.

3.0 APPLICABILITY

- 3.1 All Town of Prescott Valley employees.

4.0 REFERENCE

- 4.1 Municipal, State and Federal Regulations
4.2 Drug-Free Workplace Act of 1988
4.3 Arizona's Medical Marijuana Act (AMMA)
4.4 Drug and Alcohol Control, Personnel Policy 2-25 (testing procedures)

5.0 GENERAL

5.1 The following prohibitions are in effect at all times when an employee is at work on Town premises or at an off-premises worksite, or while operating/occupying a Town vehicle while on or off-duty, or while representing the Town of Prescott Valley at any location on or off of Town premises:

- No employee shall possess, consume or use alcohol, marijuana in any form (including medical marijuana), illegal drugs or non-prescribed controlled substances.
- No employee shall be under the influence of alcohol, marijuana (including medical marijuana), illegal drugs or non-prescribed controlled substances.
- No employee shall sell, purchase, transfer or traffic illegal or illicit drugs, controlled substances, prescribed medication or drug paraphernalia.
- No employee whose regularly assigned duties include the operation of a Town vehicle and/or equipment shall consume alcohol within four (4) hours prior to the scheduled operation of a Town vehicle or equipment.
- No employee shall be under the influence of alcohol, drugs, controlled substances, or any combination thereof, during any and all periods of time the employee is on-call. This standard applies to both illegal drugs and legally prescribed drugs that impair an individual's performance.

5.2 Where there exists reasonable suspicion to believe that an employee is under the influence of alcohol, drugs, controlled substances, or any combination thereof, the employee may be directed to submit to drug and/or alcohol screening. Refusal to submit to the required test(s) may subject the employee to disciplinary action up to and including dismissal.

5.3 Violation of any of the prohibitions of this policy will result in disciplinary action up to and including dismissal.

6.0 SUPERVISOR RESPONSIBILITIES

6.1 Supervisors must complete Town-provided training to assist them in identifying drug and alcohol abuse among employees. Such training will be directed towards helping supervisors recognize the conduct, behavior, and physical manifestations that give rise to a reasonable suspicion of drug or alcohol abuse and the effect of such abuse on job performance.

6.2 If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol or other drugs when reporting for work or during the work shift, the supervisor has a responsibility to investigate the employee's condition and relieve the employee of duties if appropriate.

- 6.3 At no time should a supervisor allow an employee to operate equipment or drive a vehicle, including a private vehicle, when the employee is believed to be under the influence of drugs or alcohol.
- 6.4 If the supervisor's investigation determines that reasonable suspicion of impairment exists the supervisor must follow all protocols outlined in the Drug and Alcohol Control policy including informing their Department Director and Human Resources to obtain testing approval.
- 6.5 A supervisor who observes an employee selling, purchasing, transferring, using or possessing alcohol or drugs while on the job should take immediate and appropriate action, which may include contacting the Police Department.
- 6.6 Supervisors are encouraged to inform employees of the availability of the Employee Assistance Program (EAP) when deteriorating or unsatisfactory job performance does not respond to usual supervisor actions; or when a specific on-the-job incident is cause for concern. A supervisor should not attempt to diagnose an employee's problems. Supervisors should consult with Human Resources when recommending EAP for their employees.

7.0 EMPLOYEE'S RIGHTS AND RESPONSIBILITIES

- 7.1 Employees should avoid taking any over-the-counter or prescribed medications that will impair their ability to safely and completely perform their duties. Employees should discuss potential side effects of any medications that may have impairing effects with their medical provider as it relates to their specific job functions. Employees who are medically required or have need to take any such medication (including medical marijuana) shall report that need to their immediate supervisor prior to commencing any on-duty status.
- 7.2 If an employee informs a supervisor that they have consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the employee may be required to obtain clearance from their physician before continuing to work.
- 7.3 Employees who hold a valid medical marijuana card issued by the State of Arizona, will not be discriminated against, penalized, or disciplined based on their status as a medical marijuana card holder or a positive drug test for marijuana metabolites alone. Under Arizona's Medical Marijuana Act (AMMA) employees will be treated as disabled and as such may request reasonable accommodations; however, all employees are prohibited from using, or possessing marijuana on any worksite, or working while impaired by marijuana. **However, the AMMA expressly does not apply to or protect those employees covered by the Drug-Free Workplace Act as described in Section 8.0 below.**
- 7.4 If an employee requires leave for voluntary substance abuse treatment the employee shall follow all established Town policies concerning Family Medical Leave (FMLA). Health insurance coverage applies to substance abuse treatment within the terms of the plan in which the employee is enrolled. The employee assumes the financial responsibility for all services which are not covered by insurance.

- 7.5 All employees play an important role in ensuring the workplace is safe. If employees observe impairment or dangerous behaviors on the job, they should report their observations to their supervisor.
- 7.6 An employee who recognizes that they may have a substance abuse problem is encouraged to voluntarily seek assistance. The EAP is available as a resource to obtain counseling or a referral to a Substance Abuse Professional (SAP). Use of the EAP or an SAP does not replace normal disciplinary procedures for unsatisfactory job performance, inappropriate conduct, or unprofessional behavior. All self-referral contacts are held in strict confidence by the EAP. An employee can schedule an appointment with the EAP on their own time without notifying anyone in their department.

8.0 DRUG-FREE WORKPLACE

- 8.1 Congress enacted the Drug-Free Workplace Act of 1988 (“Act”). The Act applies to direct recipients of federal grants and covers worksites funded in whole or in part by the grant (“covered workplace”) and employees directly engaged in the performance of the covered grant (“covered employees”). Grant recipients are required to maintain a drug-free workplace for each covered workplace. As a condition of employment, the Act requires each covered employee to agree to abide by the Drug-Free Workplace policy. An example of “covered employees” includes Police Department personnel directly engaged in administering and performing work funded in whole or in part by a federal grant issued directly to the Police Department.
- 8.2 There is sufficient evidence to conclude that the use and abuse of controlled substances and/or alcohol will seriously impair an employee’s physical and mental health and job performance. In compliance with the Act, it is the Town’s policy that covered employees shall not report to work after having participated in the illegal use of drugs, including medical marijuana, or while under the influence of alcohol. Covered employees who violate this policy are subject to disciplinary action up to and including dismissal.
- 8.3 Covered employees may voluntarily seek assistance through the EAP, as described in Section 7.6, for substance abuse problems.
- 8.4 Covered employees shall notify the Human Resources Director within five calendar days if he or she is convicted of a criminal drug violation that occurred in a covered workplace.
- 8.5 The Town shall notify the granting agency within ten days after receiving a notice that a covered employee has been convicted of a criminal drug violation that occurred in a covered workplace.
- 8.6 Covered employees who are convicted of a criminal drug violation that occurred in a covered workplace are subject to disciplinary action up to and including termination.