

CITY OF HAMILTON
AN ORDINANCE ADOPTING A DRUG-FREE WORKPLACE POLICY
AND DRUG-FREE AWARENESS PROGRAM

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAMILTON,
as follows:

The City Council of the City of Hamilton, (City) does hereby ascertain and declare that Drug abuse and use at the workplace are subjects of immediate concern in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, the user of drugs may impair the well-being of all employees, the public at large, and result in damage to city property.

The following policy statement was adopted by the Mayor and City Council of the City of Hamilton, Alabama, on November 28, 1989. This policy statement is published by the City, posted in the workplace and distributed to all City employees. As a condition of employment, all City personnel must abide by the terms of this policy.

DRUG-FREE WORKPLACE POLICY

In compliance with the Drug-Free Workplace Act of 1988 (PL 100-690, Title V, Subtitle D), the City absolutely prohibits the use, consumption, sale, purchase, transfer, possession, manufacture, or distribution of any controlled substance by any municipal employee during working hours, while on municipal property, while representing the City, or while at an assigned workplace.

In addition, City employees are strictly prohibited from being under the influence of alcohol or any controlled substance during working hours, while on municipal property, while representing the City, or while at an assigned workplace.

Legally prescribed medications are not covered under this policy and are permitted to the extent that their use does not adversely affect the employee's work ability, job performance, or the safety of others in the workplace.

Definitions: The following definitions are provided:

- (1) Controlled Substances: "Controlled Substances" are defined for the purposes of this policy as any substance, chemical, or drug listed in Schedules I through V of the Code of Alabama 1975, codified in Sections 20-2-22 through 20-2-31, or in those schedules as revised and republished annually by the State Board of Health pursuant to Section 20-2-32, or covered by the Drug Crimes Amendments Act of 1987 as codified in Sections 13A-12-210 through 13A-12-216, or a substance listed in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812).
- (2) Conviction: the term "conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charges with the responsibility to determine violations of the Federal or State criminal drug statutes.
- (3) The term "criminal drug statute" means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.

Employee Assistance:

The City will, to the best of its ability, work with employees suffering from drug or alcohol abuse or other personal or emotional problems in receiving the assistance necessary to overcome their dependency.

Any employee seeking such assistance is encouraged to meet with his or her supervisor(s) to discuss the situation before the problem begins to surface in the workplace. Any disclosures made by an employee will be treated as strictly confidential by the management personnel.

The employee's decision to seek assistance will not be used as the basis for disciplinary action or used against the employee in any disciplinary proceedings.

Disciplinary Action:

Employees found to be abusing drugs, or convicted of any criminal drug statute violation, will be subject to appropriate disciplinary action, up to and including termination, even for a first offense, or be required to enter into a written agreement with the City to participate satisfactorily in a prescribed drug or alcohol abuse assistance or rehabilitation program approved by the City for such purposes. The City is not required to pay for this rehabilitation or reimburse the employee for expenses incurred. Failure of an employee to voluntarily participate in a drug or alcohol abuse assistance or rehabilitation program, or to satisfactorily attend the program as set forth in the written agreement between the employee and the City, shall result in automatic termination of the employee.

Notice by Employee Required:

Employees must notify the City in writing of any criminal drug statute conviction for a violation occurring in the workplace, or during working hours, or while representing the City, no later than five (5) days after such conviction. Any employee found to be in violation of this notification requirement will be immediately terminated.

The Mayor or his designee must notify the U. S. government agency with which any contract has been made within ten (10) days after receiving notice from the employee or otherwise receives actual notice of such a conviction.

Publication of Policy Statements:

The City will publish a statement notifying employees of the City's Drug-Free Workplace Policy and notifying the employees in the statement, that as a condition of employment, employees must abide by the terms of this policy. All employees must sign a copy of this statement acknowledging receipt and understanding of the statement.

Drug-Free Awareness Program:

The City will establish a drug-free awareness program to inform employees about:

- (1) The dangers of drug abuse in the workplace,
- (2) The City's policy of maintaining a drug-free workplace,
- (3) Any available drug counseling, rehabilitation and employees assistance programs, and
- (4) The penalties that may be imposed upon employees for drug abuse violations.

DRUG-FREE AWARENESS PROGRAM FOR MUNICIPAL PERSONNEL

The City is required by the Drug-Free Workplace Act of 1988 to establish a Drug-Free Awareness Program. The publication of the City's Drug-Free Workplace Policy, the posting of this notice, and the distribution of this notice to employees is a part of this Drug-Free Awareness Program. The City provides to all employees literature on the danger of drug and alcohol abuse in the workplace. Additional copies of literature on the dangers of substance abuse and addiction and informational materials on alcoholism and specific types of illegal substances may be obtained from the City upon request. All City personnel receive a listing of substance abuse, rehabilitation and assistance programs available to them.

Employees suffering from or confronted with potential drug or alcohol abuse or dependency are encouraged to meet with their supervisor(s) to discuss the situation before the problem begins to surface in the workplace.

The Mayor is hereby authorized, empowered and directed to enter into an agreement with the Northwest Alabama Mental Health Center to provide training to all supervisory personnel on the skills needed to act on the signs and symptoms of drug abuse and to provide assessment and treatment services to all employees of the City.

ADOPTED AND APPROVED on this 29th day of November, 1989.