

## **800 Substance Abuse Policy**

### **801.1**

The City of Amarillo does not tolerate on-premises or on-duty use, possession or distribution of alcohol or illegal drugs. All employees are required to report to work free of prescription drugs (unless under the direction of a physician), controlled substances and/or alcohol. Failure to meet this job requirement may constitute grounds for termination.

The City of Amarillo Substance Abuse Policy is a zero-tolerance drug policy for use, possession, or distribution of alcohol or drugs. A zero-tolerance drug and alcohol policy means that an employee may be immediately terminated if he or she has a confirmed positive for the use of such drugs and/or alcohol, including the use of any cannabidiol (CBD), tetrahydrocannabinol (THC), marijuana, and/or hemp products or drugs that result in a positive test for all isomers or forms of THC.

A confirmed positive finding resulting from a drug test administered under this policy may be grounds for immediate termination.

An employee with a confirmed positive finding resulting from an alcohol test of .02 or greater may be subject to immediate termination.

An employee terminated for violating this policy may be eligible to reapply with the City 6 months following clearance by a substance abuse professional and agreeing, in writing, to random drug and/or alcohol testing for 2 years. If the employee tests positive for drugs or .02 or higher for alcohol anytime during this 2-year period, he/she shall be immediately terminated.

### **801.2**

The primary purpose for drug and/or alcohol testing is to ensure that public safety and the personal safety of City employees is not endangered as a result of drug and/or alcohol use.

As a condition of appointment, transferred and promoted employees to new positions at the City of Amarillo must submit to and pass drug and/or alcohol tests prior to appointment and if required, undergo and pass a physical examination, at the City's expense prior to appointment.

### **801.3**

City employees shall be required to be drug and alcohol free during working and on-call hours and are required to report to their supervisor any medications prescribed or taken which might impair their ability to safely operate equipment or vehicles or affect their ability to safely or satisfactorily perform their job.

### **801.4**

Employees may be required to be drug and/or alcohol tested if the City has a reasonable suspicion that the employee is:

- Using illegal drugs or controlled substances or
- Using prescription drugs beyond the directions of a physician or
- Under the influence of alcohol during working hours or during work (under the influence means having a level of alcohol concentration in the blood of .02 or higher) or

- Known by the employer to have participated in or completed a substance abuse treatment program which requires follow-up testing for 2 years after completion of voluntary substance abuse treatment or rehabilitation program.

Reasonable suspicion shall mean one or more of the following exists as determined by the Department Head, Assistant Department Head, Department Director, Assistant Department Director or supervisor in charge:

- Having more evidence supporting suspicion than refuting it;
- An apparent state of facts and/or circumstances which would lead a reasonable person to suspect an individual was using or under the influence of drugs, narcotics, or alcohol and/or;
- Reasonable grounds for believing in the existence of facts or circumstances warranting an order to submit to a drug and/or alcohol test.

#### **801.5**

Any employee involved in an accident while on duty may be required to submit to drug and/or alcohol tests.

#### **801.6**

Any employee who is criminally charged or convicted of selling drugs, illegal drug or alcohol consumption, or illegal possession of drugs may be terminated.

An employee charged with violating any controlled substance statute must report the charge to his/her Department Head within 5 calendar days and as a condition of employment, may be subject to a substance abuse assessment, course of therapy or counseling, and random testing for up to 2 years or the employee's successful completion of deferred adjudication (or probation), whichever is longer.

#### **801.7**

So long as current disciplinary action has not been initiated or pending, any employee with an acceptable prior work and disciplinary history, may identify themselves as an abuser of drugs and/or alcohol, voluntarily, may be allowed to enter through a recognized treatment program approved by the City, seek counseling and rehabilitation. In these instances, the employee will be permitted the use of available leave.

Employees undergoing treatment will be required to authorize disclosure of their progress in treatment to the Director of Human Resources and to the appropriate supervisor as needed. Employees who fail to actively participate in and comply with the rules of the rehabilitation program will be subject to immediate revocation of their leave and termination from employment. Employees who complete the prescribed rehabilitation program may conditionally return to their previous position provided they maintain the preventive course of conduct prescribed by their substance abuse professional and/or physician. In addition, employees reinstated under this policy after completion of the initial treatment shall submit to random drug and/or alcohol testing for a period of 2 years.

Employees who do not follow the program prescribed by their substance abuse professional and who fail to remain drug and/or alcohol free and engage in drug and/or alcohol use will be subject to immediate termination. Employees will have only 1 opportunity to go through the rehabilitation program provided through the City's Employee Assistance Program.

This section is not intended to provide a means for an employee to avoid any required alcohol and/or drug testing. Once the process of establishing reasonable suspicion or random testing has been initiated, or an accident or injury has occurred, an employee may not seek treatment in an effort to avoid testing and possible disciplinary action.

**801.8**

When an employee refuses a drug and/or alcohol test, it will be treated as insubordination and failure to obey a direct order and will be grounds for termination.

**801.9**

As a condition of employment, all applicants for employment at the City of Amarillo must sign the Applicant's Certification and Agreement and as requested submit to and pass drug and/or alcohol tests prior to appointment and if required, undergo and pass a physical examination, at the City's expense. The City may choose to not test some applicants at the pre-employment stage. When that occurs and the applicant accepts employment, then such employees are hired subject to the requirement that he/she shall submit to random testing during his or her employment.

**801.10**

In the event a drug/alcohol screening result is returned with a dilute negative result, the individual shall be required to resubmit to a secondary test immediately following the Human Resources Department's notice of the dilute negative result. The individual with a dilute negative result shall be required to resubmit to another examination for collection of a new sample. An alternative testing method may be utilized by the test administrator, if deemed appropriate.

Refusal to resubmit to a secondary examination will be treated as insubordination and failure to obey a direct order and will be grounds for termination.