

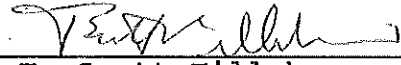
RESOLUTION 98-01


A RESOLUTION ADOPTING A POLICY FOR
PROVIDING A DRUG FREE WORK-PLACE FOR THE
CITY OF BELLE MEADE.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners
of the City of Belle Meade that the attached policy regarding a
drug free work-place for employees and prospective employees of
the City of Belle Meade is hereby adopted.

Copy of this Resolution shall be provided each employee and
prospective employee of the City of Belle Meade, and agreement to
its terms shall be a condition of initial or continued
employment.

Adopted this 15 day of April, 1998.



Mayor T. Scott Fillebrown


City Recorder Dorothy Wheeler

I acknowledge receiving a copy of the above Resolution,
including its attached Policy for a drug free work-place. I am
familiar with and agree to comply with the provisions of this
policy.

Date: _____

Signature

Name (print legibly)

04/15/98

CITY OF BELLE MEADE
POLICY FOR A DRUG-FREE WORK-PLACE

APPLICABILITY

This policy will apply to all individuals hereafter applying for and holding positions of employment with the City of Belle Meade, unless specifically noted otherwise by the City.

IMPLEMENTATION

The City's Workplace Substance Abuse Program is effective beginning July 1, 1998.

DEFINITIONS

Alcohol - ethyl alcohol (ethanol); includes any liquid containing ethyl alcohol.

Controlled substances - marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP)

Drug - any substance or chemical that has mind- or function-altering effects on the human body, including prescription and over-the-counter medications.

Employee - any person employed by the City, including full and part time. For purposes of pre-employment testing, the term employee includes a person applying to the City for employment.

Impaired - for purposes of alcohol usage, the retention by the employee of .02% or more of alcohol content tested by either saliva, evidential breath testing device (BAC), blood alcohol, or any combination deemed appropriate by the City.

Possession - on one's person, in one's personal effects, in one's vehicle, or under one's control.

Program Manager - the City's designated official who is responsible for the management of the City's substance abuse program.

Sale - any exchange, transfer, or sharing for money or otherwise.

CONSEQUENCES

Any employee who engages in conduct prohibited by policy, will be subject to disciplinary action including removal from their work position, suspension without pay pending any necessary investigation, and/or termination.

I. PURPOSE

The City of Belle Meade has a strong commitment to provide a safe work-place and to establish high standards of employee health and safety. The purpose of this procedure is to set forth general guidelines to be followed in implementing the City of Belle Meade's policy regarding drug and alcohol use.

This policy applies to all employees; however exceptions will be made to accommodate employees while they are officially involved in an undercover operation.

II. CITY POLICY

A. ILLEGAL DRUGS

1. The possession, sale, or use of illegal drugs (defined as any drug or drug-like substance whose sale, use, misuse or possession is unlawful) is inconsistent with the City's objective of operating in a safe and efficient manner. Accordingly, no employee shall have in his or her possession illegal drugs on City property, in a City owned, or rented, or private vehicle while the private vehicle is being used for City business, or at City sponsored activities, unless this involves lawful confiscation, training or demonstration of an illegal drug by a police officer. Violation of these provisions may result in dismissal. Additionally, employees shall not use illegal substances or misuse prescription or over the counter medication and report to work.
2. A court conviction of a City employee for the use or sale of illegal drugs will constitute grounds for dismissal.

B. ALCOHOLIC BEVERAGES

1. No employee shall consume or possess alcoholic beverages on City property, or in a City owned or rented vehicle, or private vehicle while the private vehicle is being used for City business, unless possession involves confiscation of alcohol by a Police Officer.
2. The consumption of alcoholic beverages during working hours, lunch breaks, or relief periods is prohibited. Additionally, employees shall not misuse alcohol prior to reporting to work.

3. Employees violating or suspected of violating these guidelines are subject to medical evaluation and possible dismissal.

III. DRUG SCREENING: PRE-EMPLOYMENT

Drug screening is part of the required pre-employment health evaluation process for all new personnel. No prospective employee will be hired without passing the drug evaluation. Specimen falsification will be grounds for permanent disqualification from further consideration.

IV. POST-ACCIDENT HEALTH EVALUATION

A. DESCRIPTION

As part of the investigation of an accident resulting in injury or property damage, management may request that a post-accident health evaluation be conducted on any or all employees involved in the accident. Drug screening may be part of this evaluation. An evaluation for alcohol use may also be completed.

B. PROCEDURE (IF TEST REQUIRED)

1. When an accident occurs that results in an injury or property damage any employee involved in the accident who is required to test shall report to a medical facility as soon as practical, preferably immediately. The City Manager shall be notified of any testing and a Purchase Order issued as soon as possible.
2. An employee whose test results from both initial and confirming tests are positive is subject to dismissal.
3. An employee who refuses to comply with a drug screen request as part of the post-accident health evaluation is subject to dismissal.

V. SUPERVISOR'S REQUEST FOR MEDICAL REVIEW

- A. DESCRIPTION - Whenever a supervisor reasonably suspects that an employee may be under the influence of drugs or alcohol, he may request of the City Manager that a medical review be initiated. The City Manager shall then arrange for such testing as soon as possible.

B. PROCEDURE

1. Once the supervisor decides action must be taken, he will locate another supervisor or one of his superiors to act as a witness and confirm the grounds for reasonable suspicion.
2. If both supervisors agree that a test is warranted, the employee will proceed to the medical facility for testing. Whenever possible, the employee to be tested will be accompanied by a management employee.
3. The supervisor, his supervisor, and the City Manager will meet as soon as practical to discuss observations and document the incident. All documentation shall be maintained by the City Manager to be kept in a confidential file.
4. When positive test results occur, the employee is subject to dismissal.

VI. CRIMINAL ACTIVITY INVOLVING ILLEGAL DRUGS

- A. DESCRIPTION - If an employee is arrested for illegal involvement with drugs, but is not dismissed as permitted under Section II A. Paragraph 2., the employee may be required to complete a drug screen after the City learns of the arrest.
- B. PROCEDURE - The same procedure as set forth in Post-accident evaluation, Section IV., will apply. Any employee who is arrested for violations of criminal drug activity must notify the City within five days after receiving notice of the arrest. A failure to give the required notice will be grounds for dismissal.

VII. FALSIFICATION

Specimen falsification by an active employee or during the pre-employment drug screen will be grounds for dismissal.

VIII. REHABILITATION

Any employee who, prior to a mandated test for drugs or alcohol use, voluntarily approaches his supervisor seeking help for a drug problem shall be deemed a "Self-Referral". Self-Referrals will be provided assistance, and a drug or alcohol referral service will be recommended. Referral services are available to protect and assist the employee

and the employee's fellow workers and are not a substitute for disciplinary action should the need arise.

IX. RE-EMPLOYMENT

The purpose of this policy is not to punish individuals, but to insure a drug-free workplace. In keeping with this objective, the City will consider application for re-employment from individuals who have been discharged under this policy if the following conditions are met:

1. The individual has shown to be drug and/or alcohol free for a period of at least two months.
2. The individual is determined to have been, at the sole discretion of management, an above-average employee in terms of work performance, attendance, punctuality, and safety.
3. A position commensurate with the individual's skills, experience and training is available.
4. The individual has executed a probationary employment agreement as produced by management from time to time.

This re-employment policy is intended to allow a mechanism for the possible re-employment of former employees determined by management to be especially deserving and in compliance with all of the above conditions. It is expressly not incumbent upon management to employ individuals who have been previously discharged from the City.

X. CONFIDENTIALITY

As with all health evaluation information, the City of Belle Meade will keep confidential all testing and treatment information. Disclosure of test results outside of City Management will be prohibited.

XI. POSITIVE TEST RESULTS SUBJECT TO A SECOND CONFIRMING TEST

1. Positive drug and/or alcohol tests will be confirmed by a second test using a different chemical principle which is specific for the suspected substance.
2. It shall be performed on a second portion of the original specimen.

XII. PUBLIC SAFETY EMPLOYEES (More Restrictive Provisions)

The Police Department may adopt more stringent policies as approved by the Department Head and for Commissioned Officers and Communication Officers.

XIII. Random Testing - All employees will be subject to random testing at an annualized rate as determined by the City. Employees selected for random testing will provide a urine specimen for controlled substance testing.

To ensure complete independence and objectivity, random selection of employees subject to testing will be conducted by the contracted third party. Selection will be done using a computer based random generator. Employees will be asked to provide a urine specimen immediately upon notification. All employees will have an equal change to be selected for random testing at each selection period.

XIV. Legally prescribed medications - Use of legally obtained drugs (including alcohol or other chemicals) which may adversely affect job performance or safety is prohibited. An employee with a current and valid prescription by a qualified physician for the use of a drug must notify his or her supervisor of such use and the possible side effects of any such drug or medication where the employee may be impaired by the use of such drug. An opinion may be required from the physician prescribing the medication that such will not impair the employee's performance of his normal duties. The City may, at its discretion, require an employee to refrain from working while impaired by any drug or medication.

XV. Searches - The City may, from time to time, upon reasonable suspicion of use and/or possession of drugs or alcohol, request to conduct searches of an employee, and/or his/her possessions or vehicles on the City's premises. All employees are expected to consent to such searches as a precondition of employment and as a condition of continued employment. Refusal to permit such a search shall be grounds for disciplinary action.

XVI. Contact Person(s) - Whenever an employee has tested positive for a controlled substance the City Manager will be contacted immediately. Upon notification from the contracting party conducting the tests, the City Manager will notify the Department Head of said employee. If the City Manager is the employee which tests positive, the Mayor will be contacted.

XVII. Medical Review - A physician trained and experienced in substance abuse and designated by the contracting party conducting the test will perform the medical review of drug test results. All test results will be reported indirectly from the testing laboratory to a Medical Review Office ("MRO"). The MRO will interpret, evaluate, and monitor the drug-testing program. The MRO will review and interpret each laboratory-confirmed positive and interview the donor to determine if there is an alternative medical explanation for the positive results. The MRO will make final verification of the test result and report the verified test result to the City Contact Person. The MRO will, upon written request from the donor, arrange for a re-test of verified positive specimen.