



Approved:

**City of Commerce, California
Human Resources Policy and Procedure Manual**

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Director of Human Resources

[Signature]

City Administrator

Number: III-3 Effective Date: 04/01/14

SUBJECT: ALCOHOL AND DRUG-FREE WORKPLACE

PURPOSE:

To enforce the City's zero-tolerance policy for the safety of its employees and the community we service. To establish a policy that maintains a alcohol and drug-free workplace and to ensure compliance with the Drug Free Workplace Act of 1988.

BACKGROUND:

The City and the public share an interest in a safe, healthy and productive workforce. City employees provide a variety of services. Many employees are responsible for or operate expensive, heavy and/or high-speed equipment or vehicles. Other employees are responsible for public safety and security. Some employees work with or around electrical power and are required to work in diverse environments; others supervise children or areas where children congregate and play. This policy has as its purpose the commitment to maintaining a safe, healthy, productive workforce, and achieving a drug-free workplace.

Both legal and illegal drugs can be broadly categorized as depressants, stimulants or hallucinogens. Most drugs, even in very low doses, can affect the capacity of an employee to carry out their duties safely.

There are a number of chemicals used in workplaces, which can have a similar effect of types of drugs. Where these are used, a strict hierarchy of hazard control should be employed and employees should be educated in the potential hazards.

POLICY:

The City of Commerce (“the City”) is the recipient of federal funds that require certification and notification to employees regarding promoting and maintaining a drug-free workplace. In accordance with the requirements of 41 U.S.C. 702-706, the City is required to notify employees that:

1. The unlawful manufacture, distribution, dispensation, possession or use of any controlled substance or other drugs not prescribed by a licensed physician for the treatment of a current medical problem is prohibited.
2. Any violation of this policy by an employee shall result in disciplinary action up to and including termination.
3. As a condition of continued employment all employees shall abide by this policy and report for duty free of the influence of drugs and alcohol.
4. Employees are required to notify their immediate supervisor of any criminal drug statute conviction for violation occurring in the workplace no later than five (5) days after such conviction.
5. The City shall report the conviction, in writing, within 10 calendar days to the Federal agency grant officer, or other designee of any individual who is convicted for a violation of a criminal drug statute occurring during the conduct of any grant activity.
6. The City shall, within 30 days after receiving notice from an employee of any criminal drug statute conviction for a violation occurring in the workplace, take appropriate personnel action against such employee up to and including termination; or require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
7. Counseling, rehabilitation and employee assistance for employees who have personal problems regarding the abuse of drugs is available through the City’s Employee Assistance Program. Additionally, awareness program are presented to inform employees about the dangers of drug abuse in the workplace.
8. The City of Commerce is not responsible for the costs of participation in programs under this policy. Employees may use options provided under their medical coverage.

Additionally, the use of alcohol shall be prohibited by City employees working overnight assignments.

PROCEDURE:

Responsibility	Action
Human Resources	1. Provides notice to employees of drug-free workplace policy.
	2. Provides drug-free awareness information programs.
	3. Provides drug counseling and rehabilitation programs through employee assistance program.
Employee	4. Notifies immediate supervisor of any criminal drug statute conviction for a violation occurring in the workplace within five days of conviction.
Supervisor	5. Notifies Department Head and Human Resources of the conviction of an employee.
Department	6. Reports the conviction, in writing, within 10 days to the Federal agency grant officer or other designee of any individual who is convicted for a violation of a criminal drug statute occurring during the conduct of any grant activity.
Human Resources	7. Recommends appropriate disciplinary action to department.
Department	8. Takes appropriate disciplinary action up to and including termination; or requires employee to satisfactorily participate in drug abuse assistance or rehabilitation program approved by a federal, state, or local health, law enforcement, or other appropriate agency.
Employee	9. Participates in drug abuse assistance or rehabilitation programs, as required, utilizing their medical coverage.
Human Resources	10. Monitors disciplinary actions by department.