

CITY OF PLANO POLICIES AND PROCEDURES

220.000

Department Name: Human Resources Manual

Procedure: Drug-Free Workplace

Effective Date: 11/01/96

Revision Date(s): 08/01/05, 04/01/06

Review: Annual: 08/01/2006

I. Purpose

The purpose of this policy is to present the essential provisions contained in the Drug-Free Workplace Act of 1988. This act requires all grantees receiving grants, including cooperative agreements, from any federal agency to certify that they will provide a drug-free workplace.

II. Policies and Procedures

The City of Plano shall comply with the Drug-Free Workplace Act of 1988 to ensure that its workplace is drug-free.

All employees shall receive a copy of the City's policy. With the approval and enactment of this policy, current employees shall be issued a copy of the policy; all newly hired persons shall receive a copy of the policy during new-employee orientation.

Any employee found in violation of this policy shall be disciplined, and such discipline may include, but is not limited to, dismissal or the successful completion of a drug rehabilitation program.

A. Employee Assistance Program

The City provides an Employee Assistance Program (EAP) which is designed to assist employees and their families with personal or behavioral problems that have affected or could adversely affect job performance.

B. Awareness Program

The City shall establish a drug-free workplace awareness program to make employees aware of the dangers of drug abuse and the help that is available to combat this problem.

1. This program shall include a written educational component designed to inform employees of the dangers of drug abuse in the workplace.
2. It shall inform all employees of the City's commitment to maintaining a drug-free workplace,
3. And that they may seek help through the City's EAP.
4. This program shall alert employees to the penalties and consequences they will incur for drug-abuse violations at the workplace.

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C. Drug-Free Workplace Act

Under the Drug-Free Workplace Act, employees must, as a condition of employment, do the following:

1. Abide by the terms of the City's Personnel Procedure 218, Substance Abuse Policy; and
2. Notify their division managers or department heads of any criminal drug statute conviction (or a plea of no contest) for a violation occurring at the workplace no later than five days after such conviction.

D. Conviction Notification

A division manager or department head, upon receiving notification of an employee's conviction (or plea of no contest), must notify the director of Human Resources or his/her representative immediately. The director of Human Resources or his/her representative must ensure that the appropriate federal funding agency is notified of the conviction (or plea of no contest) within 10 days after the City was notified of the conviction (or plea of no contest). Failure to do so could jeopardize the City's receipt of federal monies.

E. Disciplinary Action

The Drug-Free Workplace Act requires the City to take appropriate disciplinary action within 30 days after receiving notice of an employee's conviction for a violation (or plea of no contest) of a criminal drug statute at the workplace.

As a part of the disciplinary action, and as a condition of continued employment or re-employment, the employee may be required to successfully complete a drug-abuse assistance or similar program. The disciplinary action may also include dismissal from employment.

The action taken will be considered on a case-by-case basis, and such decisions will include the advice and counsel of the Human Resources and Legal Departments.

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F. Suspicious Activities

Supervisors who suspect that an employee is involved in an illegal drug-related activity should notify departmental management and consult with the director of Human Resources or his/her representative to determine a course of action.

G. Supervisory Responsibility

All supervisory personnel should familiarize themselves with the City's EAP. Information is available through Human Resources.

III. Appendices

A. Controlled Substance Abuse Policy Form

CONTROLLED SUBSTANCE ABUSE POLICY

It is City of Plano policy to provide employees with a working environment that is free of the problems associated with the use and abuse of controlled substances.* The use of controlled substances is inconsistent with the behavior expected of employees. Such use subjects the City to unacceptable risks of workplace accidents or other failures that could undermine the City's ability to operate effectively and efficiently. The City considers employees who use such substances to be less reliable and stable and lacking in good judgment. Noncompliance with this policy will result in disciplinary action.

The nonprescriptive use, sale, possession, distribution, dispensation, manufacture or transfer of controlled substances on City property, or other work sites where employees may be assigned, or elsewhere during work hours, is strictly prohibited. Also prohibited is the use, sale, possession, distribution, dispensation, manufacture or transfer of controlled substances on nonworking time to the extent that such use impairs employees' ability to perform their jobs, or where such use, sale, possession, distribution, manufacture or transfer affects the reputation of the City to the general public or threatens its integrity. Persons violating the City policy are subject to disciplinary action, which can include dismissal for a first offense.

Employees who are convicted of controlled substances-related violations in the workplace under state or federal law, or who plead guilty or *nolo contendere* to such charges, must disclose the violation. The director of Human Resources, his/her representative, or the department head must be informed within five days of such conviction or plea. Failure to do so can result in disciplinary action, including dismissal from employment, for a first offense. Employees convicted of or pleading guilty or *nolo contendere* to such drug-related violations can be required to successfully complete a drug-abuse assistance or similar program as a condition of continued employment or re-employment. The disciplinary action can also include dismissal from employment.

I have read and understand this policy and agree to abide by its terms.

Employee (Please Print)

Employee Signature

Date

* The term **controlled substances** is defined as those drugs listed in schedules I through V of section 202 of the federal Controlled Substances Act, 21 U.S.C. Section 812, and includes, but is not limited to, marijuana, cocaine (including "crack" and other cocaine derivatives), morphine, heroin, amphetamines and barbiturates. When used in this policy, the term **drugs** means "controlled substances." The term does not include those controlled substances used pursuant to and in accordance with a valid prescription.