

2. Substance Abuse

It is the policy of the City that the use, sale, distribution, manufacture, possession or transfer of alcohol, illegal drugs, or illegal use of prescription drugs is strictly prohibited.

While the use of prescribed medications are not per se violations of this policy, failure by the Employee to notify the Employee's Supervisor, before beginning work, when taking medication or drugs that may interfere with the safety of others, the safe and effective performance of duties or operation of the City equipment, can result in discipline, up to and including termination. In the event there is a question regarding the Employee's ability to safely and effectively perform assigned duties while using such medications, clearance from a qualified physician will be required.

Employees who are called in for service should be aware that if the Employee has been consuming alcoholic beverages in any quantity prior to call-in the Employee should notify the Employee's Supervisors immediately. Such failure to notify can result in discipline, up to and including termination. Regardless, when consuming alcohol at off-site events, all employees must display appropriate behavior, consistent with conduct as if working at the City and be respectful of others and their property.

During special, infrequent occasions such as a retirement or holiday party, consumption of alcoholic beverages may be allowed but only upon specific approval by the City and provided the Employee is off work or not returning to work after the event. On such authorized occasions, individual consumption of alcohol must be limited to moderate amounts, must avoid impairment and be below state regulated blood alcohol content levels. Further, if the Employee is instructed to cease alcohol consumption, the Employee shall immediately comply.

Violations of this policy or refusal to submit immediately to an alcohol and/or drug analysis when requested, shall be grounds for disciplinary action, up to and including termination.

Employees reasonably believed to be under the influence of alcohol or controlled substances shall be removed from the work site immediately.

3. Drugs tested for; test methodology and collection procedures.

When drug screening is required, a drug test will be given to detect the presence of the following drugs which such list is not exclusive*:

Drug Class	Initial Test Cut-off (ng/mL)	Confirmation Drug Test	Confirmatory Test Cut-off (ng/mL)
		Amphetamine	250
Amphetamines	500	Methamphetamine	250
Methamphetamine	500	MDMA	250
		MDA	250
Cocaine	150	Cocaine	100
		Benzoylcegonine	100
Marijuana (THC)	50	THCA	15
Opiates	300	Morphine	100
		Hydrocodone	100
		Hydromorphone	100
		Codeine	100
	10	6-Acetylmorphine	10
	10	6-MAM	5
Phencyclidine (PCP)	25	Phencyclidine	25
Benzodiazepines	200	Alprazolam	50
		Clonazepam	50
		Lorazepam	50
Barbiturates	200	Amobarbital	200
		Butabarbital	200
		Butalbital	200
		Pentobarbital	200
		Phenobarbital	200
		Secobarbital	200
Methadone	150	Methadone	150
Oxycodone	100	Oxycodone	100
		Oxymorphone	100
Propoxyphene	300	Propoxyphene	200
Alcohol	will conform to State of Missouri driving while intoxicated levels	will conform to State of Missouri driving while intoxicated levels	will conform to State of Missouri driving while intoxicated levels

*Cut-off limits established by the Department of Health and Human Services in their mandatory Guidelines for Federal Workplace Drug Testing Programs.

If necessary, a blood test will be given to detect the presence of alcohol/drugs.

4. Job applicant testing—General standard.

All job applicants shall submit to a drug and alcohol test as a part of preemployment physical examination prior to their final appointment:

E) The Supervisor shall not consider medications from the Employee with a valid prescription as medications that may be illegal or cause illegal activity to the City's Police Department.

F) The Supervisor may not consider illegal or cause illegal activity to the City's Police Department.

6. Consent to Release of Records/Results

All drug and alcohol testing results shall be released to the City's Police Department.

5. Current Employee testing—General standard.

The City may require the Employee to undergo drug and alcohol testing if there is a reasonable suspicion that the Employee is under the influence of drugs or alcohol during work hours. Also, the Employee must undergo drug and alcohol testing after any accident or injury involving the Employee. *Reasonable suspicion* as used in this policy shall mean an observation of unusual conduct which leads a person to reasonably conclude in light of the Employee's experience that drugs or alcohol are being used.

Circumstances which constitute a basis for determining reasonable suspicion may include, but not limited to:

- A) Information provided by a reliable and credible source.
- B) Direct observation of drug or alcohol use.
- C) Presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).

Supervisors are required to detail in writing the specific facts, symptoms, or observations which formed the basis for their determination that reasonable suspicion existed to warrant the testing of the Employee. This documentation shall be forwarded to the City Administrator. The facts underlying the determination of reasonable suspicion should be disclosed to the Employee at the time the demand for testing is made.

Any Supervisor requesting the Employee to submit to a drug or alcohol analysis should immediately notify the City Administrator to meet the Supervisor to observe the Employee's behavior. Should the City Administrator concur that the Employee appears to be in violation of the policy, the following procedure shall immediately be applied:

- A) The Supervisor should document in writing, the facts constituting reasonable suspicion that the Employee in question was or is using or is or was under the influence of drugs or alcohol.
- B) Any Supervisor requesting the Employee to submit to a drug or alcohol analysis shall be responsible for the Employee's transportation to the City's designated health care institution or laboratory where a drug or alcohol test will be requested.
- C) Any Supervisor encountering the Employee who refuses to submit to a controlled substance or alcohol analysis, upon request, may not be allowed to return to work during any period of suspected impairment and will be subject to the below consequences set forth in paragraph 7. The Employee shall not be forced to submit to such testing. The Supervisor shall attempt to make the appropriate arrangements for the Employee's transportation from the workplace.
- D) The Supervisor shall not physically search the Employee.

E) The Supervisor shall not confiscate, without consent, prescription drugs or medications from the Employee with a valid a prescription.

F) The Supervisor noting illegal or criminal behavior with drugs, alcohol or prescription medications shall notify the City Administrator and immediately report such illegal activity to the City's Police Department.

6. Consent to Release of Records/Results.

All drug and alcohol tests shall be provided to the City upon receipt or completion of the testing. The Employee and job applicants may be asked to sign a consent form authorizing the test and permitting the release of test results directly to the City. Failure to sign such consent forms may lead to disciplinary action, up to and including termination.

7. Refusal to Consent to Testing.

Applicants: A job applicant who refuses to consent to a drug and alcohol test will be denied employment with the City.

Employees: The Employee who refuses to consent to a drug and alcohol test when reasonable suspicion of drug or alcohol use has been identified or when a drug and alcohol test is required is subject to disciplinary action, up to and including termination.

8. Consequences of a Confirmed Positive Test Result.

Applicants: Job applicants will be denied employment with the City if the applicant's initial positive test results have been confirmed.

Employees: If the Employee's positive test result has been confirmed, the Employee is subject to disciplinary action up to and including termination.

9. Confidentiality of Test Results.

All information from the Employee's or applicant's drug and alcohol test is confidential; however, such results must be released to a representative in the City as may be necessary.

10. Laboratory Testing Requirements.

All drug and alcohol testing of the Employee and applicants shall be conducted at medical facilities or laboratories selected by the City.

13. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Drive, driving, operates or operating means physically driving or operating or being in actual physical control of the motor vehicle.

Intoxicated condition means the circumstance when a person is under the influence of alcohol, controlled substance or drug, or any combination thereof.

Law enforcement officer or arresting officer means any law enforcement officer as defined in RSMo 577.001(16).

Substance abuse traffic offender program means a program certified by the division of alcohol and drug abuse of the department of mental health of the state to provide education and rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as a result of an alcohol or drug related traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in RSMo 302.304(14), 302.540(1), and 302.540(5).

(Code 1975, § 15-20(a); Ord. No. 1327, § I, 11-12-2001; Ord. No. 1441, § I, 4-24-2006)

State Law reference— Similar definitions, RSMo 577.001, 302.010.

45. - Driving while under influence of narcotic drug.

No person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of operating a motor vehicle shall operate a motor vehicle in the city. The fact that any person charged with violation of this section is or has been entitled to use such drugs under state law shall not constitute a defense against any charge of violating this section.

(Code 1975, § 15-22; Ord. No. 616, § 2, 10-26-1961)

State Law reference— Similar provisions, RSMo 564.445.