



## **CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES**

### **PROCEDURE(S): DRUG AND ALCOHOL-FREE WORKPLACE**

**EFFECTIVE DATE: MAY 20, 2019**

**REVISION DATE(S): FEBRUARY 27, 2020**

## **DRUG AND ALCOHOL-FREE WORKPLACE POLICY**

### **A. Alcohol and Drug Abuse**

1. As a condition of employment at The City of New Braunfels employees must read and agree to abide by the Drug and Alcohol-Free Workplace Policy. The City is committed to maintaining a safe and productive work environment. Individuals impaired by alcohol or drugs while on the job pose safety and health risks not only to themselves but also to customers, fellow employees, and other persons with whom they come in contact.
2. Any individual who conducts business for the City, is applying for a position, or is conducting business on the City's property is covered by the City's Alcohol and Drug Abuse policy. The City's Drug and Alcohol-Free Workplace Policy applies whenever anyone is representing or conducting business for the City. This policy applies during working hours, whenever conducting business or representing the City, on-call, paid stand-by, on City property, and at City-sponsored events.
3. Involvement with drugs off the job eventually carries into the workplace thereby affecting the quality of an employee's job performance and safety. This requires not only a workplace free from the presence of illicit drugs, but also necessitates a workforce in whose private lives illicit drugs play no part.
4. Under the influence of illicit drugs shall mean having present in the body or urine a quantity of an illicit drug sufficient to register a positive result on the drug screen utilized by the City. It is the employee's responsibility to know and understand any medication they are taking, prescribed or non-prescribed, as well as its contents and its residuals. When employees use substances, and therefore utilize them at their own risk. Employees may be subject to discipline for violations of the City's Drug and Alcohol-Free Workplace Policy, whether intake of an illicit substance was intentional or otherwise. The City will follow all state and federal laws in determining whether allowing the use of medically prescribed substances allowed under Texas law, such as low-THC cannabis products, as a reasonable accommodation for the employee's disability is appropriate.
5. Under the influence of alcoholic beverages is defined as not having the normal use of mental or



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physical faculties by reason of the introduction of alcohol into the body.

6. No employee shall report to work or remain on duty when he/she is under the influence of any over-the-counter medication or prescription drug that adversely impacts the safety and health of himself/herself and others.
7. In keeping with our goal of providing an environment wherein employees may perform their jobs safely and efficiently, the City of New Braunfels is a drug and alcohol-free workplace. The drug-free workplace is a combined effort of pre-employment, post-accident, random testing and reasonable suspicion to ensure all City of New Braunfels staff understands the City's commitment to a drug-free work environment.

### **B. Provisions**

1. An employee shall not use, possess, sell, trade, offer to sell, or provide alcohol or controlled substances to any other employee or to any person while such an employee is on duty or on-call unless the employee is required as part of his or her job to legally possess alcohol or controlled substances, or is attending a work-related function as described below. Nothing contained herein is intended to prohibit, limit or restrict the lawful operations of the Police Department of the City of New Braunfels.
2. Reasonable suspicion shall mean a suspicion based upon facts which would lead a reasonably prudent person to believe it likely that the employee in question was under the influence of illicit drugs or alcoholic beverages.
3. A Manager/Supervisor having reasonable suspicion that an employee is using, possessing, selling, trading, offering to sell, or providing alcohol, except for the exemption outlined below, or illicit drugs to any other person while such an employee is on duty or on-call shall not permit the employee to perform or continue to perform any duties. A written statement will be required from the persons who observed the employee, describing the specific behavior that necessitated testing. When possible, consultation with the Legal and/or Human Resources departments is recommended prior to testing.
4. A Manager/Supervisor who has actual knowledge or a reasonable suspicion that an employee is under the influence of alcohol or an illicit drug shall not permit the employee to perform or continue to perform any duties, and the employee will be required to undergo testing immediately. Failure of the employee to submit to drug or alcohol screening shall be grounds



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for termination.

5. An employee shall not report for duty, or remain on duty, when using or testing positive for a controlled substance. A controlled substance is defined as any of a category of behavior-altering or addictive drugs, [i.e., heroin or cocaine], whose possession and use are restricted by law. An employee shall not report for duty or remain on duty while under the influence of a controlled substance and/or alcohol. A positive test for drugs and/or alcohol .04 or above will result in termination of employment.
6. No City employee in uniform or operating a City-owned or leased vehicle shall consume alcohol. Violations of the Substance Abuse Policy will result in disciplinary action, up to and including termination.

### **C. Employee Amnesty Program**

It is the desire of the City to extend a program of amnesty to those employees who voluntarily seek assistance for substance abuse problems prior to any work place incident. So long as the employee is fulfilling all requirements and obligations of the program, he/she will not be subject to discipline for violation of the Alcohol and Drug Abuse policy, unless there is subsequent information evidencing violation of the Alcohol and Drug Abuse policy. Employees participating in the employee amnesty program are expected to do the following:

1. Communicate to his/her immediate supervisor, his/her department head, or Human Resources that he/she is, or may be, suffering from drug or alcohol abuse or addiction;
2. Agree and commit in writing to undergo or participate in a program of counseling, treatment or therapy prescribed or recommended by the Employee Assistance Program;
3. Execute a release which will authorize any and all doctors, counselors, therapists or other care providers to provide to Human Resources, upon written request, a statement as to whether the employee is fulfilling all the requirements or obligations of his/her program, whether the program has been successfully completed, and whether the employee is released to continue work with the city, and;
4. Agree in writing, upon successful completion of the program, to submit to random or regularly scheduled drug screening, for a period of not less than six months following the completion of the program. This agreement is a condition of continued employment.



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### **D. Employee Assistance Program [EAP]**

Employees who voluntarily come forward to their Manager/Supervisor, or the Human Resources Director and who seek treatment shall be referred to the City's Employee Assistance Program [EAP]. Any employee may contact the EAP by calling 866-248-4094 or log on to [liveandworkwell.com](http://liveandworkwell.com) (access code: cityofnb) . An employee who voluntarily seeks treatment for alcohol or drug abuse shall not be subject to corrective action for voluntarily seeking treatment. However, the employee is subject to corrective action if he/she violates any other provision of this policy. Employees may use accrued paid leave while seeking treatment for alcohol and/or other drug problems.

### **E. Drug Paraphernalia**

Any employee who possesses drug paraphernalia as that term is defined in Section 481.002, Texas Health & Safety Code, while on-duty is subject to disciplinary action up to, and including, termination.

### **F. Prescription or Over-The-Counter Medication**

When a doctor, dentist, or other health care professional prescribes a medication for an employee, that employee is required to ask the prescribing health care professional whether the drug will affect an employee's ability to perform his or her duties safely. The employee is required to observe restrictions on the use of prescription medications. If the prescribing health care professional indicates that the drug may affect the employee's ability to perform his or her duties safely, he/she must promptly report that potential impairment to his or her Manager/Supervisor before resuming work. Additionally, employees must have the medication in the original container, which identifies the drug, the dosage, the prescription date, and the prescribing health care professional. The same rule applies to over-the-counter drugs that include a written indication suggesting it may affect an individual's ability to perform his or her duties safely.

### **G. Pre-Employment Screening**



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All applicants with the City of New Braunfels in positions considered to be safety and/or security sensitive will be required to submit to pre-employment drug screening prior to hiring. Applicants in positions not designated safety and/or security sensitive will not be subject to this provision but will be subject to any other testing procedures described in this policy. The City of New Braunfels will indicate that pre-employment drug screening will be required by labeling job descriptions/postings as safety and/or security sensitive. Any applicant who refuses to sign a consent form or who refuses to undergo the pre-employment drug screening will be ineligible for employment consideration with the City of New Braunfels for two years.

Positions that require a Commercial Driver License (CDL) must adhere to the additional guidelines and drug testing requirements through the Department of Transportation outlined in the FMCSA Regulations.