

**ORDINANCE NO. 006-053**

AN ORDINANCE BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, AUTHORIZING THE CITY MANAGER TO RECOMMEND A REVISION TO THE TOWN'S POLICY ON EMPLOYEE DRUG AND ALCOHOL TESTING.

WHEREAS, such testing is conducted to rule out the possibility of drug or alcohol use as a factor in work related accidents or injuries, or in cases of reasonable suspicion based on objective facts and/or observable on-duty behavior, and

WHEREAS, testing is required for drivers of commercial vehicles; and

WHEREAS, the estimated annual costs for alcohol and drug testing are less than \$5,000.00; and

WHEREAS, the policy is being revised as part of an ongoing policy update. The most significant changes in the revised policy are clearer definitions for identifying the threshold for drug and alcohol testing; and

WHEREAS, a copy of the proposed policy, which has been approved by the Town's Safety Review Board and the City Attorney's office, is attached; and

WHEREAS, the staff recommends that Council approve the revised policy regarding employee drug and alcohol testing, now, therefore,

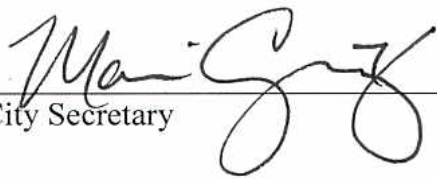
BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

THAT, the City Council does hereby approve an ordinance authorizing the City Manager to revise the town's policy on employee drug and alcohol testing.

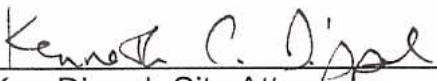
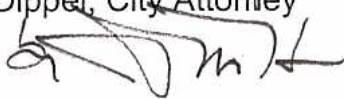
PASSED AND APPROVED by the City Council of the Town of Addison, Texas this 28<sup>th</sup> day of November 2006.

  
Mayor

ATTEST:

  
City Secretary

APPROVED AS TO FORM:

  
Ken Dippel, City Attorney  


**Published:**  
**02/26/07**

## SECTION 1.16

### Drug and Alcohol Testing

#### 1. Post-Accident/Injury Testing

All employees shall undergo drug and alcohol testing in the following circumstances to rule out the possibility of drug or alcohol related accidents or injuries:

- a. when the employee, acting in the course and scope of his employment, sustains personal injuries requiring medical attention from a medical treatment facility, or
- b. when the employee is involved in a moving vehicular accident with Town owned equipment or vehicles, or in a personal or rented vehicle while acting in the course and scope of his employment, where there is:
  - 1) a fatality, or
  - 2) an injury resulting from the accident in which either party requires medical attention from a medical treatment facility, or
  - 3) damage to either vehicle resulting in a damage rating of 4 or greater, as determined by the investigating officer at the scene of the accident.

Drug and alcohol testing shall occur as soon as reasonably possible following the accident or injury, or in concert with any medical treatment administered at the time of the accident. Supervisors are responsible for ensuring that employees are transported to the testing facility.

Controlled substances for which an employee will be tested in a drug screening include, but are not limited to, drugs from the following drug classes: Amphetamines/Ecstasy, Barbiturates, Benzodiazepines, Cannabinoids (Marijuana), Cocaine, Methadone, Methaqualone, Opiates, Phencyclidine (PC) and Propoxyphene.

An employee who is subject to post-accident testing is considered to have refused to submit to testing and will be subject to disciplinary action if he unnecessarily leaves the scene of an accident or injury before a required test is administered or fails to remain readily available for testing. *This policy is not intended to delay necessary medical attention for injured persons following an accident or injury or to prohibit a Town driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident.*

An employee who is required to undergo post-accident/injury drug and/or alcohol testing will either be assigned to a non-safety sensitive function or be placed on non-disciplinary leave with pay while awaiting the test results.

If the employee's test is confirmed to be positive for drugs and/or alcohol, an investigation will be conducted by the employee's department. The outcome of the investigation may result in a recommendation for disciplinary action, up to and including termination of employment.

#### 2. Reasonable Suspicion Testing

All employees are subject to reasonable suspicion testing for drugs and alcohol abuse based on objective facts and/or observable on-duty behavior. These facts or behaviors should be sufficient to lead a prudent supervisor to suspect that the employee is under the influence of drugs and/or alcohol and is impaired in his ability to perform the functions of the job or his ability to safely perform the job is reduced. Examples of observable



changes may include, but are not limited to, appearance, behavior, job performance, speech or other warning signs or indications.

All drug and/or alcohol screening based on reasonable suspicion must be approved in advance by the Department Director or his designee, who must notify the Human Resources Director.

An employee shall not report for duty or remain on duty while having an alcohol concentration of 0.04 or greater. There will be no tolerance for the use of illegal drugs or abuse of controlled substances. Employees with test results showing any traceable amount of illegal drugs, abuse of controlled substances or an alcohol concentration of 0.04 or greater will be considered unfit for duty and placed on administrative leave pending disciplinary action, up to and including termination.

Should the employee be permitted to return to work, he will be required to contact the Town's Employee Assistance Program (EAP) and will be subject to periodic random screening for a period of time to be determined by the Department Director and the Human Resources Director.

Drug and alcohol test results and records will be maintained under strict confidentiality by the Town and the drug testing laboratory.

### 3. Testing for Drivers of Commercial Vehicles

A commercial driver's license (CDL) is required for drivers operating a vehicle which is in excess of 26,000 pounds, designed to carry 16 or more passengers (including the driver) or used in the transportation of hazardous materials. Such drivers are considered safety sensitive transportation employees. The Texas Administrative Code specifically exempts drivers of Fire vehicles from CDL requirements.

a. The Federal Highway Administration (FHWA) rules govern safety sensitive transportation employees. The rules prohibit any unauthorized or illicit use of controlled substances. They also prohibit the performance of safety sensitive functions for drivers under the following conditions:

- 1) while having a breath alcohol concentration of 0.04 or greater, or
- 2) while using alcohol, or
- 3) within four hours after using alcohol, or
- 4) when the employee has refused to submit to an alcohol test, or
- 5) within eight hours after an accident or until tested

b. Alcohol and drug tests are required for drivers of commercial vehicles in the following situations:

- 1) Pre-employment  
Pre-employment tests for alcohol and drugs are required before any new or newly promoted employee can be allowed to operate a commercial motor vehicle.
- 2) Post-accident  
Post-accident testing will follow the procedures described above in 1.16.1.
- 3) Reasonable suspicion  
Reasonable suspicion testing will follow the procedures described above in 1.16.2.

- 4) Random  
This testing is conducted on an indiscriminate, unannounced basis immediately before, during or immediately after performing safety sensitive functions.
- 5) Return-to-duty and follow-up  
This testing is conducted when an employee who has violated alcohol or controlled substance related conduct standards returns to performing safety sensitive duties. Follow-up tests are unannounced, and at least six tests must be conducted during the first 12 months after a driver returns to duty.