

RESOLUTION NO. R2007-82

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ADOPT A SUBSTANCE ABUSE POLICY FOR ALL TOWN EMPLOYEES OF THE TOWN OF SIGNAL MOUNTAIN.

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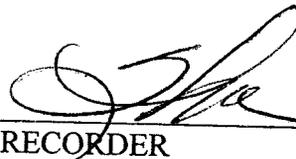
WHEREAS, the Town Council of the Town of Signal Mountain, Tennessee is authorized to adopt personnel rules for employees within the Town pursuant to Article VIII, Section 3 of the Town Charter; and

WHEREAS, the Town Manager has recommended the adoption of certain personnel rules for Town employees;

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that the Town Manager is authorized to adopt a Substance Abuse Policy for all Town employees of the Town of Signal Mountain, a copy of which is attached hereto.



MAYOR



RECORDER

DATE 12-10-2007

DATE 12-10-2007

PAN/kac

PAUL M. HENDRICKS  
Mayor

PHILLIP A. NOBLETT  
Town Attorney

DIANA CAMPBELL  
Town Manager



HERSHEL DICK  
Vice Mayor

ANNETTE ALLEN  
Councilmember

BILL LUSK  
Councilmember

SUSAN ROBERTSON  
Councilmember

## Town of Signal Mountain

1111 RIDGEWAY AVENUE  
SIGNAL MOUNTAIN, TENNESSEE 37377  
423-886-2177

### SUBSTANCE ABUSE POLICY STATEMENT

November 26, 2007

The Town of Signal Mountain is providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any Town of Signal Mountain employee illegally uses drugs on or off the job, comes to work under their influence, possesses, distributes or sells drugs in the workplace, or abuses alcohol on the job. Therefore, the Town of Signal Mountain Tennessee has established the following policy, pursuant to T.C.A. Section 50-9-100 et. seq.:

- (1) It is a violation of the Town's policy for any employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on or off the job.
- (2) It is a violation of the Town's policy for any employee to report to work under the influence of or while possessing in his or her body, blood, or urine, illegal drugs in any detectable amount.
- (3) It is a violation of the Town's policy for any employee to report to work Under the influence of or impaired by alcohol.
- (4) It is a violation of the Town's policy for any employee to use prescription Drugs illegally, i.e., to use prescription drugs that have not been legally Obtained or in a manner or for a purpose other than as prescribed.
- (5) Violations of this policy are subject to disciplinary action up to and Including termination.

It is the responsibility of the Town's supervisors to counsel employees whenever they see changes in performance or behavior that suggest an employee has a drug problem. Although it is not the supervisor's job to diagnose personal problems, the supervisor should encourage such employees to seek help and advise them about available resources for getting help. Everyone shares responsibility for maintaining a safe work environment, and co-workers should encourage anyone who has a drug problem to seek help. This concern is especially significant for any employee in safety sensitive positions where every day responsibilities require them to operate heavy vehicles or emergency equipment to provide services to citizens of this Town. For purposes of this policy, safety sensitive positions shall include employees who regularly drive garbage trucks,

public utilities trucks or equipment, public works equipment, or fire or police vehicles in their jobs for the Town of Signal Mountain.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs and the abuse of alcohol are incompatible with employment at the Town of Signal Mountain.

As a condition of employment, all employees must abide by the terms of this policy and must notify the Town Manager in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

The Town of Signal Mountain offers resource information on various means of employee assistance in our community, including but not limited to drug and alcohol abuse programs. Employees are encouraged to use this resource file; which is located below

Tennessee Community Counseling Services, Inc.  
CADAS  
Other programs as approved by the Town Manager

In addition, we will distribute this information to employees for their confidential use.

### **General Procedures**

Any employee reporting to work visibly impaired will be deemed unable to perform duties and will not be allowed to work. If possible the employee's supervisor will first seek another supervisor's opinion to confirm the employee's status. Next, where the employer's supervisor has reasonable suspicion to believe that the employee is impaired at work, the supervisor will consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. If, from the observations of the supervisor, the employee is found to be impaired, the employee will be sent home or to a medical facility by taxi or other safe transportation alternative – depending on the determination of the observed impairment – and accompanied by the supervisor or another employee if necessary. A drug or alcohol test may be in order. An impaired employee will not be allowed to drive.

### **Opportunity to Contest or Explain Test Results**

Employees and job applicants who have a positive confirmed drug or alcohol test result may explain or contest the result to the medical review officer within five (5) working days after receiving written notification of the test result from the medical review officer; if an employee's or job applicant's explanation or challenge is unsatisfactory to the

medical review officer, the medical review officer shall report a positive test result back to the Town; a person may contest the drug test result pursuant to rules adopted by the Tennessee Department of Labor. Employees in safety sensitive positions for the Town may be subject to random or periodic drug testing dues to their respective positions.

### **Confidentiality**

The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained, except as otherwise provided by law.

### **Job Applicant Drug Testing**

All job applicants for the Town of Signal Mountain will undergo testing for substance abuse as a condition of employment. Any applicant with a confirmed positive test result will be denied employment.

Applicants will be required to submit voluntarily to a urinalysis test as a laboratory chosen by the Town, and by signing a consent agreement will release the Town from liability.

If the physician, official or lab personnel has reasonable suspicion to believe that the job applicant has tampered with the specimen, the applicant will not be considered for employment.

The Town of Signal Mountain will not discriminate against applicants for employment because of a past history of drug or alcohol abuse. It is the current illegal use of drugs and/or abuse of alcohol, preventing employees from performing their jobs properly, Town of Signal Mountain will not tolerate.

### **Employee Drug Testing**

This Town has adopted testing practices to identify employees who illegally use drugs on or off the job or who abuse alcohol on the job. It shall be a condition of employment for all employees to submit to substance abuse testing under the following circumstances:

1. When there is reasonable suspicion to believe that an employee is illegally using drugs or abusing alcohol. "Reasonable suspicion" is based on a belief that an employee is using or has used drugs or alcohol in violation of the employer's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon, but not limited to, the following:

(A) Observable phenomena while at work such as direct observation of

- Substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse;
- (B) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
  - (C) A report of substance abuse provided by a reliable and credible source;
  - (D) Evidence that an individual has tampered with any substance abuse test during his or her employment with the current employer;
  - (E) Information that an employee has caused or contributed to an accident while at work; or
  - (F) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.
2. When employees have caused or contributed to an on-the-job injury that resulted in a loss of work-time, which means any period of time during which an employee stops performing the normal duties of employment and leaves the place of employment to seek care from a licensed medical provider. An employer may send employees for a substance abuse test if they are involved in on-the-job accidents where personal injury or damage to Town property occurs.
  3. As part of a follow-up program to treatment for drug abuse.
  4. Routine fitness-for-duty drug or alcohol testing. A covered employer must require an employee to submit to a drug or alcohol test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination where the examinations are required by; law, regulation, are part of the covered employer's established policy, or one that is scheduled routinely for all members of an employment classification group.
  5. Employees in safety sensitive positions may be subject to random or periodic drug testing due to their respective job responsibilities.

### **Alcohol Testing**

The consumption or possession of alcoholic beverages on this Town's premises is prohibited. (Town sponsored activities which may include the serving of alcoholic beverages are not include in this provision.) An employee whose normal faculties are impaired due to alcoholic beverages, or whose blood alcohol level test .10% by weight for non-safety sensitive positions, or .04% for safety sensitive positions, while on duty/Town business shall be guilty of misconduct, and shall be subject to discipline up to and including termination.

## Refusal to Submit

Failure to submit to a required substance abuse test also is misconduct and also shall be subject to discipline up to and including termination.

### Important information for Job Applicants and Employees

When an employee or job applicant submits to a drug and/or alcohol test, they will be given a form by the specimen collector that contains a list of common medications and substances which may alter or affect the outcome of a drug or alcohol test. This form will also have a space for the donor to provide any information that he/she considers relevant to the test, including the identification of currently or recently used prescription or non-prescription medication or other relevant information. The information form shall be kept by the job applicant or employee for their personal use. If the job applicant or employee has a positive confirmed test result a medical review officer will attempt to contact the individual in order to privately discuss the findings with that person. The job applicant or employee should keep the form as a "reminder" to discuss this information at that time. The medical review officer will take this information into account when interpreting any positive confirmed test results. The information provided shall be treated as confidential and will not be given to the employer. Employees and job applicants have the right to consult with a medical review officer for technical information regarding prescription and non-prescription medicine.

It is the responsibility of every employee or job applicant to notify the testing laboratory of any administrative or civil action brought pursuant to TCA Section 50-9-100 ET. Seq., Drug-Free Workplace Programs.

The provisions of this policy are subject to any applicable collective bargaining agreement or contract and include the right of appeal to the applicable court.

**Substance abuse testing for job applicants and employees will include a urinalysis screen for the following drugs: \* Job applicant may receive hair test rather than urinalysis screen.**

Alcohol: (not required for job applicant testing)

Any "Alcoholic Beverage", all liquid medications containing ethyl alcohol (ethanol). Please read the label for content. For example; Vicks Nyquil™ is 25% (50 proof) ethyl alcohol, Comtrex™ is 20%(40 proof), Contac Severe Cold Formula Night Strength™ is 25%(50 proof) and Listerine™ is 26.9%(54 proof).

Amphetamines: "speed," "uppers," etc.

Cannabinoids: THC, marijuana, hashish, "pot," "grass," "hash," etc.

Cocaine: "coke," "crack," etc.

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Phencyclidine: PCP, "angel dust."

Opiates: Narcotics, Heroin, Codeine, Morphine, "smack, dope, etc."