

City of Vergas
Drug and Alcohol Testing for Employees and Applicants

INTRODUCTION: City Employee's and applicants required to hold a commercial driver's license (CDL) for their job or are in a safety-sensitive position will be tested according to City policy.

Employees are prohibited from being under the influence of alcohol or drugs while on duty; is on the city's premises in the course and scope of employment; while operating city vehicle, machinery or equipment; or when performing any city business.

Policy is in accordance with The Minnesota Drug and Alcohol Testing in the Workplace Act (DATWA).

POLICY:

1. Pre-Employment Testing

- A. Every job applicant, who is required to hold a CDL, and offered employment with the city will receive the job offer conditioned upon successful completion of a drug and alcohol test.
- B. Failure of the alcohol and drug test, a refusal to take the test, or failure to meet the conditions of the offer will result in a withdrawal of the offer.
- C. Temporary or seasonal employees are not generally subject to pre-employment testing, unless determined the position is safety sensitive and impairment would jeopardize the safety and health of self and others. This will be as approved by the City Council.

2. Reasonable Suspicion Testing

- A. Employee's may be subject to drug and/or alcohol testing when reasonable suspicion exists. Reasonable suspicion may be based upon, but not limited to facts regarding appearance, behavior, speech, breath, odor, possession of or use alcohol or drugs as containers or paraphernalia, poor safety record, excessive absenteeism, impairment of job performance or other circumstances that would cause a reasonable employer to believe a violation of city policy concerning drugs and alcohol
Consistent with Minnesota Statute, employees will be subject to alcohol and/or drug testing when reasonable suspicion exists to believe that the employee:
 - Is under the influence of alcohol or a drug; or
 - Has a violated written work rules prohibiting the use, possession, sale or transfer of drugs or alcohol while working, while on city property, or while operating city vehicles, machinery or other type of equipment; or
 - Has sustained a personal injury or has caused another employee to sustain an injury; or
 - Has caused a work-related accident or was operating or helping to operate machinery, equipment or vehicles involved in a work-related accident.
- B. Observations and evidence of suspicion will be documented to include specific observations, details, and dates.

3. Random Testing

- A. Testing will be randomly conducted annually for those whose job requires a CDL or has been deemed to be in safety sensitive position.
- B. Random Testing schedule will be under the oversight and coordination by the City Clerk.

4. Testing Process

- A. Applicants/Employees will be driven to the approved laboratory testing facility by their supervisor or a designee. The employee will be provided appropriate arrangements for return transportation to residence.
- B. The City of Vergas is responsible for the costs of testing.
- C. Applicants/employees have the right to refuse to submit to an alcohol and drug test, however refusal will subject an employee to termination and withdrawal of offer of employment for applicants.
- D. Any intentional act or omission by applicant/employee that prevents the completion of the testing process, constitutes a refusal to test.
- E. Applicant/employee who substitutes or attempts to substitute, or alter, or attempt to alter a testing sample is considered a refusal to test.

5. Notification of Results

- A. Notification of Negative Test Result:
The testing laboratory must report results to the city within 3 working days and the City Clerk will notify job applicants/employees in writing of a negative test within three days upon receiving laboratory results. The applicant may request a copy of the test result report,
- B. Notification of Positive Test Result:
The testing laboratory must report results to the city within 3 working days and the City Clerk will notify job applicants/employees in writing of a positive test within three days upon receiving laboratory results. The notification letter will contain further instruction. The applicant/employee has a right to a confirmatory retest, which is to be conducted within 5 days from notice of the test result. The employee/applicant can submit information to explain the test result (i.e. medication being taken).

6. Employment Actions:

- A. Employees taking a lawful drug, including prescription and over the counter drugs which may impair their ability to perform their job responsibilities or pose safety risk to self or others; must advise their supervisor before beginning work. It is the employees responsibility to seek written information from his/her physician or pharmacist. Employees will not be authorized to perform safety sensitive functions.
- B. Driving while impaired in a city owned vehicle at any time during business or non-business hours or in an employee-owned vehicle while conducting city business; may result in discipline; up to and including discharge.

- Reference:** Minnesota Drug and Alcohol Testing in the Workplace Act (DATWA)
League of Minnesota Cities Model Policy regarding Non-DOT Drug and Alcohol Testing
and Drug Free Workplace Act.

Julie Bruhn
Mayor

Julie Lammers
City Clerk-Treasurer

Signature _____ Date _____