



CITY OF FOSTER CITY DRUG FREE WORKPLACE POLICY

Purpose

The purpose of this policy is to comply with the Drug-Free Workplace Act of 1988 (HR 5210) as passed by Congress. The Drug-Free Workplace Act requires that all federal grant recipients establish and announce anti-drug policies for the workplace effective March 18, 1989. Cities are required to certify to each granting federal agency that the city will provide a drug-free workplace.

Failure to comply with the drug-free workplace requirements could result in sanctions for grantees (the City) found to be in violation. Sanctions include withholding of payment under the grant, suspension or termination of the grant and/or ineligibility for future grants.

Policy Statement

It is the intent of the City of Foster City to comply with the Drug Free Workplace Act by prohibiting the unlawful manufacture, distribution, dispensation, possession, sale, or use of illegal drugs while on City property, at work locations, or while on duty. Arriving on city premises for duty under the influence of any drug or alcohol is prohibited. Violations of this policy can result in discipline, up to and including discharge. Disciplinary actions shall be determined by the individual circumstances of each case.

Legal Drugs (including alcohol)

The use of any legally obtained drug, including alcohol, to the point where such use adversely affects the employee's job performance is prohibited. This prohibition covers arriving on city premises under the effects of any drug that adversely affects the employee's job performance, including the use of prescribed drugs under medical direction. Where physician-directed use of drugs adversely affects job performance, it is in the best interests of the employee, coworkers, and the City that sick leave be used. Any employee engaging in the use of alcoholic beverages during working hours or when reasonably expected to report for duty is subject to disciplinary action, up to and including discharge.

Illegal Drugs

Illegal drugs for the purpose of this policy, include:

- (a) drugs that are not legally obtainable; and
- (b) drugs that are legally obtainable but have been obtained illegally.

The sale, possession, purchase, transfer or use of illegal drugs by employees on city premises or while on city business as noted below in b) or c) is prohibited. Arriving on city premises under the influence of any illegal drug is prohibited. This prohibition applies to any or all forms of drugs whose sale, purchase, transfer, possession, or use is prohibited or restricted by law.

- a) Any employee engaging in the sale, purchase, transfer, possession or use of illegal drugs on city premises or while on city business is subject to disciplinary action, up to and including discharge.
- b) Any employee engaging in the sale, purchase, transfer, possession or use of illegal drugs off-the-job, which could jeopardize the safety of other employees, the public or city equipment is subject to disciplinary action, up to and including discharge.
- c) Any employee arrested for the sale, purchase, transfer, possession or use of illegal drugs off-the-job, may be considered in violation of the policy. In deciding what action to take, the City will consider all relevant employment factors.

Under this policy, employees are required to notify the City of any criminal drug statute conviction for a violation occurring in the workplace or while on city business no later than five (5) days after such conviction. In case of such a conviction, the City will take appropriate personnel action, up to and including discharge and/or require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program. Constructive disciplinary measures may be used to provide motivation to seek assistance. Normal City benefits (such as sick leave and health plan benefits) are available to assist in the rehabilitation process. Criminal convictions resulting in incarceration, and/or the suspension or revocation of a job-required driver's license or certification will be subject to disciplinary action, up to and including discharge.

The City intends to give the same consideration to persons with chemical (alcohol or other drugs) misuse patterns or dependencies as it does to employees having other diseases. The City is concerned with only those situations where the use of alcohol and other drugs interferes with any employee's health and job performance, adversely affects the job performance of other employees, or is considered to be detrimental to the City's business or its reputation. There is no intent to intrude upon the private lives of employees.

When an employee's job performance is shown to be unsatisfactory and the employee is unable or unwilling to correct the situation either alone or with normal supervisory assistance, and chemical dependency appears to be the cause of the performance difficulties, the City may work with the employee to utilize the Employee Assistance Program. The employee may be referred to a drug or alcohol rehabilitation program through the City's health benefit plans or the Employee Assistance Program. The cost of such programs not covered under the employee benefits program is the responsibility of the individual employee.

Employees who think they may have a substance abuse problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program. Early recognition and treatment of chemical dependency problems is important for successful rehabilitation; service to the public; and reduced personal, family and social disruption.

Summary

It is the intention of this policy to eliminate substance abuse and its effect in the workplace. While the City of Foster City has no intention of unreasonably intruding into the private lives of its employees, involvement with drugs and/or alcohol can take its toll on job performance and employee safety. The objective is that employees be in condition to perform their duties safely and efficiently in the interest of their fellow workers and the public, as well as themselves. The presence of drugs and/or alcohol on the job and the influence of such substances on employees during work hours are inconsistent with this objective.

The Drug-Free Workplace Act requires that:

- 1) The City distributes this policy to all employees specifying that disciplinary action will be taken for all violations;
- 2) The City establish a substance abuse awareness program for all employees;
- 3) The employee is required to notify the employer of a drug-related conviction occurring in the workplace within five (5) days;
- 4) The City notifies the granting federal agency within ten (10) days of an employee's conviction.

City of Foster City
Drug-Free Workplace Policy

I have read the City of Foster City's Drug-Free Workplace Policy and fully understand the contents and requirements outlined in the Policy.

Employee Signature

Date

Print Name