

City of Detroit

Substance Abuse & Testing Policy



1.0 PREAMBLE:

1.1 The City of Detroit is a drug-free employer and has zero tolerance for drug or alcohol use in the workplace. Providing a hazard free and safe working environment for our employees is the City's highest priority. Any Impairment through the use of recreational drugs, alcohol, or abuse of prescription or over-the-counter drugs that impacts employees' ability to properly perform their duties is strictly prohibited and will not be tolerated.

2.0 PURPOSE:

2.1 This Policy establishes standards for conducting drug and alcohol testing and maintaining a work environment free from the effects of, or from the use of, any illegal drug, recreational drug and/or alcohol. This Policy is in accordance with the City of Detroit's rights as an Equal Employment Opportunity Employer, pursuant to State and Federal regulations, Civil Service Commission Rules, Detroit Code of Ordinances and Mayoral Executive Orders.

3.0 SCOPE:

3.1 This Policy applies to all City of Detroit employees (including telework/remote employees), appointees, contractors, and applicants for employment.

4.0 POLICY:

4.1 The City of Detroit prohibits the use, possession, sale, purchase, manufacture, distribution, transfer or consumption of alcohol, recreational drugs such as marijuana and any derivative thereof, all illegal drugs, and legally regulated drugs. This policy establishes procedures for implementing drug and alcohol testing procedures for employees. The City of Detroit is committed to providing a safe working environment and, likewise, expects its employees to arrive and remain free from the use or impairment of drugs or alcohol throughout the course of their workday.

4.2 Violation of this policy shall be cause for corrective action; up to and including discharge.

5.0 PROHIBITED ACTIVITIES:

5.1 City of Detroit employees shall adhere to the following:

- A. The use, consumption, possession, sale, transfer or any activity involving an illegal drug, recreational drug, or alcohol by any employee while performing their job duties in/on City property/premises, at any time conducting City business, operating City equipment, or at any time during the employee's workday inclusive of lunch, including any adverse effect on the safety of the employee(s) or others, the employee's job performance, poses a

considerable risk or liability to the City (realized or not) or could otherwise place the City in disrepute, is strictly prohibited.

- B. Employees who have been informed or have discovered that the use of a legally prescribed drug may adversely affect their job performance or behavior, shall report such drug use and possible side effects to their supervisor.
- D. The presence of alcohol, illegal or recreational drugs at a level that indicates recent use on the job, impairment or influence is strictly prohibited.
- E. Employees shall immediately submit to a drug or alcohol test upon request. Refusal to submit to a required drug or alcohol test or failure to produce a sample is strictly prohibited and shall be deemed a positive result and discipline up to and including discharge.
- F. Employees shall not interfere, tamper, or manipulate any testing procedures or sample(s).

6.0 DRUG TESTING CATEGORIES & DEFINITIONS:

6.1 PRE-EMPLOYMENT

All potential employees designated in safety-sensitive and test-designated positions are required to submit to drug testing of illegal and recreational drugs. Pre-employment drug testing is performed prior to the date of initial employment.

6.2 TEST DESIGNATED POSITIONS

Pre-employment drug testing will only be required of new hires for positions that fall within the following categories, as determined by the Human Resources Department:

- A. Has direct interaction with minor children or vulnerable population(s);
- B. Requires access or entry into an occupied home or residential property;
- C. Dispatches or responds to emergencies;
- D. Has access to legal, illegal, or prescription drugs or alcohol;
- E. Required by law, for licensing or grant, (DOT FTA, Federal Motor Carrier Safety Act, etc.)

6.3 PROMOTION/TRANSFER

An employee who is promoted or transferred into a safety-sensitive or test-designated position must submit to a pre-promotion/transfer drug testing.

6.4 RANDOM TESTING

An unannounced drug and alcohol testing of employees in designated safety-sensitive positions. Selection is made randomly via a scientifically/statistically computerized generation process and in accordance with Federal DOT Guidelines.

6.5 POST ACCIDENT TESTING

A drug and alcohol test shall be administered if an employee is involved in, or may have contributed to, an accident or incident resulting in property damage or personal injury while performing their work duties.

6.6 REASONABLE SUSPICION TESTING

An employee shall submit to a drug and/or alcohol testing if there is reasonable belief that an employee appears to be under the influence or impaired by the use of drugs and/or alcohol. In establishing reasonable suspicion, the factors that a supervisor or manager must consider include, but are not limited to the following:

- A. Personal observation of behavior, odor, appearance, and speech; behavioral indicators of drug and/or alcohol use, physical withdrawal symptoms that have an actual or potential impact on the employee's performance; or
- B. Occurrence of a serious or potentially serious work-related accident that may have been caused by human error or flagrant violations of safety, security, or other operating procedures; or
- C. Evidence of prohibited substance use or abuse, including, but not limited to, possession, sale, delivery and/or possession of drug paraphernalia;
- D. Fighting (physical contact) and assaults, or erratic, aggressive or violent behavior; or
- E. Recent arrest or conviction for a drug or alcohol impairment offense or the identification of an employee as the focus of a criminal investigation of illegal drug use, or impairment offense (i.e., driving while in impaired, or operating under the influence).

6.7 OTHER REQUIRED TESTING

Testing required for licensing, or in accordance with other City policy/standards, or required by collective bargaining agreement, arbitration, agreement (i.e., Substance Abuse Treatment Plan, Last Chance Agreement, etc.), or other Federal or State-mandated testing.

7.0 **DRUG AND ALCOHOL TESTING PENALTIES**

- 7.1 All prospective employees entering safety-sensitive and test-designated positions shall be tested for the use of illegal drugs, recreational drugs, and controlled substances.
- 7.2 Any applicant given a conditional offer of employment is prohibited from performing any duties until the person has passed the required pre-employment drug test.
- 7.3 Prospective employees with "shy bladder" must provide a blood sample for drug testing.
- 7.4 Prospective employees who fail the required test(s) are not eligible for employment with the City.
- 7.5 The Human Resources Department shall rescind any offer of employment for any applicant who refuses to complete the required test(s), interferes with test procedure(s), manipulates, tampers with a test sample/specimen, or fails the required test(s).
- 7.6 Any employee approved for promotion to a safety-sensitive or test-designated position shall be tested prior to entering the position and shall adhere to all test protocols in this Policy.
- 7.7 Any employee who tests positive shall be ineligible for promotion and subject to discipline; up to and including discharge.

8.0 SELF-REPORTING

- 8.1 The City encourages any employee who needs assistance in addressing their substance abuse challenge to self-report to their supervisor or their HR Employee Services Consultant directly or call [313\) 224-8584 Press #7](tel:3132248584).
- 8.2 Self-reporting must occur well in advance of any incident or impairment, or before the need arises for an employee to submit to a drug or alcohol test listed in Section 6 of this Policy.
- 8.3 Self-reporting after displaying behavior in violation of this Policy or after notification of a required drug or alcohol test, is not available and will not shield the employee from discipline for violation of this Policy.
- 8.4 Upon receiving the employee's notice of a substance abuse challenge, the City of Detroit Human Resources Department will provide the employee with information regarding the Employee Assistance Program (EAP) [1-800-847-7240](tel:18008477240) and engage the employee in the interactive process, as defined by the Americans with Disabilities Act (ADA), to determine if any options are available.
- 8.5 In such cases of self-reporting, the City may require, as a condition of continued employment, that the employee adhere to one or more of the following conditions:
 - A. Seek immediate assistance from the City's EAP or a certified Substance Abuse Professional (SAP) to establish a treatment plan
 - B. Successfully complete a treatment plan
 - C. Submit to a drug and/or alcohol test prior to returning to work
 - D. Participate in subsequent follow-up or random testing

9.0 OVER THE COUNTER (OTC) / LEGALLY PRESCRIBED MEDICATIONS (LPM)

- 9.1 Legally Prescribed Medication (LPM) or Over the Counter (OTC) medication must not interfere with the performance of an employee's assigned job responsibilities.
- 9.2 Employees who must take a legally prescribed or OTC medication shall immediately notify their direct supervisor if the medication impairs or could impair the employee or otherwise impact their ability to perform the essential functions of the job.
- 9.3 Disclosure of the medication name, medical diagnosis or underlying condition is not required unless otherwise required by law (e.g., D.O.T regulations, ADA accommodation, etc.).
- 9.4 Any employee causing an accident or destruction of City property as a result of impairment of an OTC medication may be subject to discipline; up to and including discharge.

10. STATEMENT OF CONFIDENTIALITY/PRIVACY

- 10.1 All information received by the City of Detroit Human Resources Department through compliance of its Substance Abuse Policy is confidential and may be considered Protected Health Information
- 10.2 Access to this information is limited to those who have a legitimate right to know.

11.0 COMMUNICATION

- 11.1 To ensure all employees are aware of their role in supporting this policy, the City of Detroit Human Resources Department will publicize this Policy to all City employees. This Policy will be distributed via citywide email and through the City’s policy warehouse system, PowerDMS.

12.0 EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

- 12.1 The City provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religious beliefs, age, weight, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by Federal, State, City Ordinance or Mayoral Executive Order. This policy applies to all terms and conditions of employment; including, but not limited to hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

REFERENCES:

American with Disabilities Act (ADA) & Title VII of Civil Rights Act
Elliot-Larsen Civil Rights Act 453 of 1976 & Persons with Disabilities Civil Rights Act 220 of 1976
Drug-Free Workplace Act of 1988 and 1998
Omnibus Transportation employee Testing Act. 1991
U.S. Dept. of Transportation (DOT) Testing Procedures 49 CFR Part 40 & Federal Motor Carrier Safety Act 49 CFR Parts 300-399
City of Detroit Executive Order 2014-2: Internal Policy Against Any and All Forms of Discrimination and/or Sexual Harassment
City of Detroit Human Resources Department Rule IX – Suspension and Removal of Classified Employees
City of Detroit Ordinance 202-11, Chapter 23, Article VIII