

GENERAL ORDINANCE # 6, 2014

General Ordinance # 6 , 2014 is an Ordinance that amends Article XIV Employee Behavior, Section 4, in the Employee Handbook.

WHEREAS; the City of Beech Grove, Indiana makes a commitment to provide employees a safe working environment, to ensure that employees, equipment and operating practices comply with health and safety standards, and to maintain public confidence in the City and its employees. Since the City values each employee, the City offers employees assistance in dealing with alcohol and drug abuse programs.

WHEREAS; the City requires all employees to report for work in a condition that allows them to perform their duties in a safe and efficient manner. Employees will not be permitted to work under the influence of alcohol or with prohibited drugs in their systems thereby affecting job performance.

WHEREAS; violation of any provision of this Ordinance will be considered just cause for disciplinary action up to and may include discharge, even for a first offense. In addition, refusal to adhere to any part of the policy may be considered an act of insubordination and also may lead to disciplinary action up to and may include discharge.

WHEREAS; this Ordinance complies with the American with Disabilities Act ("ADA") as amended, 42 U.S.C. §12101 et.seq.

WHEREAS; this Ordinance and related procedures may be modified by the City at any time in order to comply with any applicable federal, state or local laws or to better serve the needs of the City of Beech Grove.

NOW THEREFORE BE IT ORDAINED that the Common Council desires to amend Article XIV EMPLOYEE BEHAVIOR , Section 4 of the City of Beech Grove Personnel Manual.

NOW THEREFORE BE IT FURTHER ORDAINED that the Common Council desires that the following amendment take place.

DELETE ARTICLE XIV, SECTION 4 in its entirety and replace with the following:

SECTION 4

1. Prohibited Drugs

Prohibited drugs are defined as illegal substances, including controlled substances as defined in the Controlled Substance Act (21 U.S.C. 8120) and the Code of Federal Regulations (21 C.F. R.

1308.11-1308.15) and prescription controlled substance which have not been prescribed by a licensed physician or dentist for specific treatment purposes for the employee. Abuse of prescription or over-the-counter drugs will also be treated as a substance abuse problem under this Ordinance.

This Ordinance prohibits the illegal use, sale, transfer, distribution, possession, or unlawful manufacture of narcotics, drugs, or other controlled substances while on the job or on the City premises (including vehicles used for City business). These include but are not limited to marijuana, cocaine, crack, PCP, heroin, LSD, amphetamines, hallucinogens, and barbiturates. Any illegal substances found on such premises will be turned over to Local Law Enforcement and may lead to criminal prosecution.

2. Alcohol

The use of alcohol on the job or on the City's premises is prohibited. The use of alcohol in vehicles for City business is strictly prohibited.

Alcohol possession applies to all open or unsealed alcohol beverage containers. Such containers are not allowed on the job or on City premises. Possession of such containers in vehicles used for City business is never permitted.

3. Reporting Violations

Employees must as a condition of employment, abide by the terms of this Ordinance and report any arrest to the City under a criminal drug statute. Report of a conviction must be made to the City within five (5) business days after the conviction. (These requirements are mandated by the Drug-Free Workplace Act of 1988.)

An employee who is involved with off the job illegal drug activity may be considered in violation of this Ordinance. In determining whether disciplinary action will be imposed for this activity, the City will consider the circumstance of each incident, including but not limited to any adverse effect the employee's actions may have on, other employees, the public, or the City's reputation and image.

Any questions regarding the reporting of violations should be directed to the City Attorney.

4. Employee Rehabilitation

Health maintenance is primarily a personal responsibility and it is the individual's responsibility to correct unsatisfactory job performance or behavioral problems caused by alcohol or drug abuse. In an effort to assist employees, the City will provide various means for employees and their family members to remain aware of the dangers of substance abuse in the workplace and to overcome drug and alcohol related problems.

Employees with a personal, alcohol or drug related problem are encouraged to volunteer to participate in an approved rehabilitation program upon referral from the Employee and Family Assistance Program, before work performance become affected.

Participation in a rehabilitation program will not be considered a barrier to employment nor a cause for disciplinary action. Employees will not be disciplined merely because of participation in a rehabilitation program or excused from the disciplinary consequences of conduct which is in violation of this Ordinance or any other City policies or job requirement.

Any employee identified through a City investigation as having a substance abuse problem also may not avoid disciplinary action by requesting to participate in an approved rehabilitation program.

Circumstances in each case will be evaluated to determine the course of action to be taken (i.e., whether the employee will be offered the opportunity to participate in a rehabilitation program and/or will be subject to discipline.)

5. Testing

The City will ask employees to submit to random alcohol or drug test.

Alcohol or drug test may be required for employees in the following circumstances:

1. When unsatisfactory job performance or other employee behavior is reasonably indicative of substance abuse.
2. During and after participation in a drug or alcohol rehabilitation program for a reasonable period of time as determined by the City.
3. When required by law.

If a supervisor identifies an employee with a behavior pattern and/or job performance reasonably indicative of substance abuse, the supervisor (with the concurrence of the next level of supervision) may recommend that the employee have a fitness for duty examination by a physician designated by the City. The physician will determine whether a fitness for duty examination is necessary and whether alcohol or drug test will be required.

Pre-employment drug testing is part of the pre-employment process. The method of testing will be determined by the City. Applicants who test positive for prohibited drugs, and alcohol in their systems will not be offered employment. Any questions regarding reapplication opportunities should be directed to the respective department head.

NOW THEREFORE BE IT ORDAINED that the Common Council desires to update the Employee Handbook.

NOW THEREFORE BE IT FURTHER ORDAINED that this Ordinance only applies to Article XIV of the Employee Handbook.

NOW THEREFORE BE IT FURTHER ORDAINED that this Ordinance shall go into effect immediately after passage by the Council, signed by the Council President, attest by the Clerk Treasurer and signed by the Mayor.