

TOWN OF GRANITE FALLS

ORDINANCE NO. 463

AN ORDINANCE OF THE TOWN OF GRANITE FALLS SETTING
A POLICY TO INSURE THE WORK PLACE SAFETY FROM
SUBSTANCE ABUSE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GRANITE
FALLS:

Section 1. The Town of Granite Falls recognizes that they have an obligation to ensure a safe and healthy work environment. This policy is instituted to assure that the work place be free of employees whose job performance may be impaired by the abuse of drugs and/or alcohol.

Section 2. The Town of Granite Falls recognizes that drug and alcohol abuse are treatable illnesses and to the extent possible the response to these illnesses should be treatment and rehabilitation. The Town of Granite Falls recognizes that consumption of alcohol or drugs to the point that employees are unable to perform their jobs safely and effectively is not tolerated.

Section 3. The Town of Granite Falls recognizes that when employees have placed themselves in a situation where their ability to perform their jobs is impaired by drugs or alcohol that it is the responsibility of the supervisor to remove such employees from the work environment to prevent the endangerment of the employee, fellow employees and/or the public.

Section 4. The Town of Granite Falls recognizes employee concerns of personal privacy and therefore agrees that drug or alcohol testing shall be used only in cases where questions of impaired job performance are involved. Adverse action against an employee for off duty conduct shall not be taken unless such conduct directly impairs the employee's on-the-job performance.

SECTION 5. Prohibited Substances.

1. Drugs shall be defined as those substances whose dissemination is regulated by law, including but not limited to narcotics, depressants, stimulants, hallucinogens, cannabis, and alcohol. This definition shall include over-the-counter drugs and/or drugs that require a prescription or other written approval from a licensed physician or dentist for their use. The drugs that are included in these categories are as follows:

- a) alcohol
- b) cannaboids/marijuana
- c) cocaine
- d) heroin
- e) opium or opiates
- f) phencyclidine (PCP)
- g) lysergic acid diethylamide (LSD)
- h) barbiturates
- i) amphetamines or methamphetamines
- j) methaqualone
- k) mescaline
- l) glutethimide
- m) phenocycladine
- n) procyclidine
- o) other controlled substances as defined in RCW 69.50.101.
- p) a prescription drug for which the employee does have or does not have a current, valid, personal prescription and which is not authorized or approved for use while operating a motor vehicle or other equipment.
- q) any over-the-counter drug which may impair job performance and safety.

2. The presence of trace amounts of alcohol, cannaboids and/or over-the-counter drugs as evidenced by a drug or alcohol test, shall not be grounds for disciplinary action to the extent that job performance and/or the ability to perform safely is not lessened to any appreciable degree; except where the presence of these substances is in violation of an agreed upon treatment and/or return to work agreement.

Section 5. Procedure.

1. In the event there is reasonable cause to believe that an employee's job performance may be impaired by drugs or alcohol, the employee's supervisor shall question the employee with regard to the behavior. The supervisor shall directly observe the employee's behavior and document the behavior. Indications if impaired behavior include but are not limited to the following: staggering or irregular gait, the odor of alcohol on the breath, slurred speech, dilated or constricted pupils, inattentiveness, listlessness, hyperactivity, performance problems, illogical speech and thought processes, poor judgement, or unusual or abnormal behavior.

3. If it is concluded that there is reasonable cause to believe that drug or alcohol consumption is involved, the supervisor shall have a drug or alcohol test administered. Failure of an employee to take the test(s) shall result in the employee's termination. The employer may also have the employee undergo a physical examination at Employer expense at the time that the drug or alcohol test is administered. The test(s) must be conducted within a reasonable time period after the observation of the problem behavior.

4. If the test is negative, the employee shall be counselled by the physician and returned to work if appropriate to the medical diagnosis. There shall be no loss of pay or benefits. Where appropriate a signed physician's release may be required by the Employer before the employee is returned to work. Time lost due to an illness will be charged to sick leave. If the behavior that led to the initial investigation is not due to substance abuse but continues to hinder job performance, the Employer may require the employee to undergo further medical evaluation.

5. If the test is positive the employee may be terminated depending upon the circumstances of the situation. Circumstances that would warrant an immediate termination would include incidents where the employee's impairment resulted in loss of life, serious injury to self or others, the serious loss or damage of property or an incident of parallel magnitude.

6. In cases where immediate termination is not warranted, the employee will be placed in an unpaid rehabilitation leave status. The employee shall be evaluated and a recommended appropriate treatment shall then be arranged. Where appropriate the employee shall be referred to a treatment program. Once the inpatient part of the program has been completed, the employee may be reemployed but only with a written release from a physician. Where it is prescribed by a physician and/or a treatment program, drug testing may be included as a part of the treatment program. An employee who is returned to work as provided for under this procedure who fails to comply with any of the terms of an agreed upon treatment and/or return to work agreement may be terminated.

7. Any employee who is the subject of an investigation related to substance abuse may have a representative or another employee present during the investigative procedures outlined above.

8. The Employer shall utilize both urine and blood tests for verification. The "enzyme-immunoassay" (EMIT) and "gas chromatography-mass spectrophotometry" (GC-MS) test method shall be used in a laboratory agreed upon by the Employer. The Employer shall pay for the costs of all tests and medical examinations carried out under this procedure. The Employer shall maintain confidentiality of test results to the extent possible.

9. The Employee and the Employer shall work cooperatively to facilitate the resolution of problems that arise under the administration of this policy. When appropriate, the employee, and the Employer shall enter into joint agreements that establish the form of treatment and the conditions that will be imposed for the return of an employee to the work place.

Section 6. An ongoing drug-free awareness program for all employees will be directed by the Chief of Police.

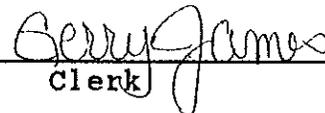
Section 7. All employees shall be notified of this policy statement, and the consequences of violating the policy.

Section 8. This Ordinance shall take effect from and after its passage, approval, posting and publication, according to law.

Said Ordinance was passed in open session by the Town Council of the Town of Granite Falls on the 11 day of December, 1991.

Approved by the Mayor this 11 day of December, 1991.


MAYOR

Attest: 
Clerk

APPROVED BY TOWN COUNCIL: December 11, 1991
DATE OF PUBLICATION: December 21, 1991
EFFECTIVE DATE: December 21, 1991