

RESOLUTION 95.15

Be it resolved by the Mayor and City Council of the City of Rexburg that the following Drug/Alcohol Testing Policy be included in the City Personnel Policy.

DRUG / ALCOHOL TESTING POLICY

POLICY STATEMENT

In recognition of the harmful effects that the use of illegal drugs and the misuse of alcohol can have on drivers engaged in the transportation industry, the City of Rexburg has a responsibility to its drivers, and the public at large, to see that its commercial vehicle operators are both drug and alcohol free while on duty. This responsibility comes in light of recent studies showing that drivers who are under the influence of drugs or alcohol while on duty are more likely to cause accidents and injuries, both to themselves and co-workers, as well as the public at large.

Therefore, the City of Rexburg is implementing this Drug and Alcohol Free Workplace Policy that includes within its provisions those regulations contained within the Department of Transportation (DOT) Controlled Substances and Alcohol Use and Testing, as contained in 49 CFR Part 382.

Implementation Schedule

This policy will become effective December 1, 1995, and will apply to all prospective and current drivers of this City who are required to obtain a commercial drivers license (CDL) in order to operate a commercial vehicle for this city (hereafter referred to as "drivers").

Questions Regarding This Policy

This City hereby designates the City Finance Officer as the person responsible for answering drivers questions relating to the provisions of this policy.

Drivers' Use Of Alcohol

The City is committed to ensuring that all drivers do not operate a commercial vehicle while under the influence of alcohol. Therefore, drivers of this City are not to consume alcohol within four (4) hours of reporting to work. Drivers are not to report to work or remain at work while having an alcohol concentration of .02 or greater. Drivers are prohibited from using or possessing alcohol while they are on duty.

Drivers' use Of Illegal Drugs

This City has an absolute prohibition against a driver's use of illegal drugs, or the illegal use or misuse of prescription medication. This prohibition extends to such use both on and off the job. Evidence that a driver has tested positive for the presence of illegal drugs pursuant to a test given

under the terms of this policy will be proof sufficient to establish the drivers violation of this provision.

**DRUG AND ALCOHOL TESTING OF
PROSPECTIVE AND CURRENT DRIVERS**
Pre-Employment Testing

All prospective drivers will be tested for the presence of illegal drugs prior to driving a commercial vehicle for this City. Furthermore, all prospective drivers must disclose to the City all previous employers for whom they have worked as a CDL driver within the past two (2) years. The City will then request from those employers information regarding any incidents where the prospective driver has tested positive for illegal drugs or alcohol, or refused to test within the last two (2) years. In the event the City receives information from a past employer that the prospective driver has tested positive for drugs or alcohol within the last year, that prospective driver will not be offered employment, or their conditional employment will be terminated with the City. Drivers will be required to sign a consent form authorizing the City to conduct a check of each employer the driver has been employed with during the past two (2) years as a CDL driver to determine if the driver has tested positive for illegal drugs or alcohol.

Any driver that is found to have previously tested positive for illegal drugs or alcohol and who is hired by the City must show that they have been evaluated by a Substance Abuse Professional and were found to be non drug or alcohol dependent. It will be the City's responsibility to ensure that any required follow-up tests of such drivers are conducted as required by DOT regulations.