

O. Drug, Alcohol and Cannabis -Free Workplace Policy

~~1.~~ In General. The city intends to provide a ~~drug-free~~, safe, and secure work environment. No employee may be under the influence of, use, manufacture, possess, sell, or transfer drugs ~~or~~, alcohol or cannabis while the employee is working or on city property or operating a city vehicle, machinery, or equipment, except to the extent authorized by a valid medical prescription, or when engaged in authorized Police Department activities. This Policy shall be interpreted consistently with Minn. Stat. Sec. 181.950 et seq. and applicable state and federal law.

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Reporting. Employees must report, to their department head, any conviction under a criminal drug statute for violations occurring on or off work premises, during the employee's workday or while conducting city business. A report of the conviction must be made within five days after the conviction as required by the Federal Drug-free Workplace Act of 1988.

~~P.~~ Drug, Alcohol and Cannabis -Testing

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~~1.~~ Types of Testing. Applicants and Employees are may be subject to certain types of drug and alcohol and/or cannabis testing. Applicants and employees who are required to hold a commercial driver's license (CDL) for their position will follow the city's DOT Drug and Alcohol Testing for Commercial Drivers Policy. All other applicants and employees will follow the city's Drug, Alcohol and Cannabis Testing Policy for Non-Commercial Drivers Policy. In either policy, testing may be administered in the following circumstances:

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- a. Job Applicant Testing. The city may require that all applicants who have received conditional offers of employment undergo drug ~~and~~, alcohol and/or cannabis testing. ~~If the offer of conditional employment is subsequently withdrawn, the city will notify the applicant of the reason for the withdrawal.~~
- b. Routine Physical Examination Testing. ~~Any~~ employee may be required to undergo drug ~~and~~, alcohol and/or cannabis testing as part of a routine physical examination. ~~The drug or alcohol test will be requested no more than once annually, and the employee will be given at least two weeks' written notice that the test shall be required as part of the examination.~~

- c. Random Testing. An employee in a position in which impairment caused by drug ~~or~~, alcohol and/or cannabis usage would threaten the health or safety of the employee or any person may be required to undergo random drug ~~and~~, alcohol and/or cannabis testing. ~~In addition, employees who are required to have a commercial driver's license are subject to random testing as required by federal law and the city's policy.~~
- d. Reasonable Suspicion Testing. Any employee may be required to undergo drug ~~and~~, alcohol and/or cannabis testing if there is a reasonable suspicion that the employee: (a) is under the influence of drugs ~~or~~, alcohol and/or cannabis; or (b) has engaged in the use, possession, sale, or transfer of drugs, alcohol and/or cannabis or alcohol while the employee is working or while the employee is on City property or operating a city vehicle, machinery, or equipment; or (c) has sustained a personal injury arising out of and in the course of employment, or caused another person to sustain a personal injury; or (d) has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.
- e. Treatment Program Testing. Any employee may be required to undergo drug ~~and~~, alcohol and/or cannabis testing if the employee has been referred by the city for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program. ~~under the city insurance, in which case the employee may be requested or required to undergo drug or alcohol testing without prior notice during the evaluation or treatment period and for a period of up to two years following completion of any prescribed chemical dependency treatment program.~~

Testing Procedures. Any department head or the City Administrator may order drug ~~and~~, alcohol and/or cannabis testing. Before undergoing drug ~~or~~, alcohol and/or cannabis testing, the employee shall complete a consent form (1) acknowledging that the employee has been given a copy of the city's drug and alcohol policy specific to their position, and (2) indicating consent to undergo the drug and alcohol applicable testing. Testing will be conducted in a laboratory consistent with state and federal regulations. Distribution of test results will be given to the employee within three days of analysis. For full details on testing rights, consequences for refusal, discipline or other information on drug, alcohol and/or cannabis testing, see the applicable city policy.

Testing Laboratory. A laboratory meeting all requirements of state law, including those set forth in Minn. Stat. Sec. 191.953, shall handle all drug and alcohol testing.

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Test Results. Within three days of obtaining the final test results, the testing laboratory shall provide the city with a written report indicating the drug(s), alcohol, or their metabolites tested for, the types of test conducted, and whether the test produced negative or positive test results.

Within three working days after receipt of the test result report, the city shall inform the employee in writing of a negative test result on an initial screening test, or of a negative or positive test result on a confirmatory test.

Rights of Employees and Job Applicants. Employees and applicants have a right to request and receive a copy of the test result report. If an employee or applicant tests positive for drug use, the city will give written notice of the right to explain the positive test.

Within three working days after notice of a positive test result on a confirmatory test, the employee or applicant may submit information to the city to explain that result or may, within five working days after notice of the positive test result, request a confirmatory retest at the employee's or the applicant's own expense. If the confirmatory retest does not confirm the original positive test result, the city will not take any adverse personnel action against the employee or applicant based on the original confirmatory test and will reimburse the employee for the expense of the retest.

Consequences for Refusal to Test. Employees and job applicants have the right to refuse to undergo drug and alcohol testing. However, failure to comply with the city's drug and alcohol policy, and refusal to take a drug and alcohol test upon request shall subject an employee to discipline, including discharge. If an applicant refuses to test, the job offer will immediately be withdrawn.

Discipline. An employee who has a positive test result on a confirmatory test, when this is the first such result for the employee, will be subject to discipline but shall not be discharged unless (1) the employee has been given an opportunity to participate in either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the city after consultation with a certified chemical use counselor or a physician trained in the diagnosis and treatment of chemical dependency, and (2) the employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program as evidenced by withdrawal from the program before its completion or a positive test result on a confirmatory test after completion of the program.

~~Participation in the specified program will be at the employee's own expense or pursuant to coverage under the city's insurance. All other employees obtaining a positive test result will be subject to discipline including discharge.~~

~~Classification of Data. Test result reports are private data on individuals as defined by Minnesota Statutes Chapter 13.~~

Q.P. Respectful Workplace

1. Applicability. Maintaining a respectful work environment is a shared responsibility. This applies to the expectations for respectful conduct in the workplace and other city-sponsored social events.
2. Abusive Customer Behavior. While the city has a strong commitment to customer service, the city does not expect employees to accept verbal and other abuse from the public. An employee may request that a supervisor intervene when a customer is abusive, or the employees may defuse the situation themselves, including professionally ending the contact. If there is a concern about the possibility of violence, the individual should use his/her discretion to call 911, and as soon as feasible; a supervisor, human resources or city administrator. Employees should leave the area immediately when violence is imminent unless their duties require them to remain (such as police officers).
3. Types of Disrespectful Behavior. The following behaviors are unacceptable and therefore prohibited, even if not unlawful in and of themselves:
 - a. Violent behavior: includes the use of physical force, harassment, bullying or intimidation.
 - b. Discriminatory behavior: includes inappropriate remarks about or conduct related to a person's legally protected characteristic such as race, color, creed, religion, national origin, disability, sex, gender, pregnancy, marital status, age, sexual orientation, gender identity, or gender expression, familial status, or status with regard to public assistance.
 - c. Offensive behavior: may include such actions as: rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disparaging language, or any other behavior regarded as offensive to a reasonable person based upon violent or discriminatory behavior as listed above. It is not possible to anticipate in this policy every example of offensive behavior. Accordingly, employees are encouraged to discuss with their fellow employees and supervisor what is regarded as offensive,