



## Section: 78-00, EMPLOYEE CONDUCT

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### **I. PURPOSE AND SCOPE**

This policy is issued in support of the City of Memphis Government's commitment and responsibility to provide a drug-free workplace for City employees and a safe and an efficient workforce to serve the citizens of Memphis and in compliance with Public Law 100-690, "The Drug-Free Workplace Act of 1988", and "The Omnibus Transportation Employee Testing Act of 1991", (herein referred to as DOT).

This policy covers all employees in all City Divisions, its Boards and Agencies regardless of classification or status, and includes all programs that are paid through or receive Federal grant and/or contract funds.

### **II. POLICY STATEMENT**

Being under the influence , use, consumption, possession, distribution or sale of controlled substances, and/or alcohol (except for the proper use of controlled substances for which the employee holds a valid prescription) while at the workplace or on City property, either on or off the employee's regular duty hours, is absolutely prohibited. This includes the operation of vehicles in the performance of job duties regardless of the location.

Any employee under the influence of, using, selling, transferring, illegally possessing, or testing positive for controlled substances and/or alcohol under the circumstances and locations described above shall be immediately removed from duty and shall be subject to disciplinary action up to and including termination following investigation by management and after the employee has had an opportunity to answer such charges. Additionally, an employee who is injured on duty and tests positive for controlled substances/alcohol, or is otherwise found to be under the influence of controlled substances/alcohol (except for the proper use of prescribed drugs) forfeits On-The-Job Injury benefits. Eligible employees shall be referred to the Employee Assistance Program for counseling and rehabilitative services, but such referral will not substitute for the established disciplinary process.

Employees who accept the Employee Assistance Program services for drug/alcohol abuse problems shall be required to enter and sign an agreement to complete all program requirements including periodic drug/alcohol testing. Failure to comply and to satisfactorily complete the



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prescribed program as directed shall constitute gross insubordination resulting in appropriate disciplinary action up to and including termination.

### III. RESPONSIBILITY

#### A. MANAGEMENT

1. Disseminate this policy to all employees.
2. Consistently administer the disciplinary process and make management referrals to the Employee Assistance Program when indicated.
3. Carefully follow the process for employee referral and follow-up.
4. If applicable, notify the Director of the Human Resources Division or designee of any employee criminal drug statute conviction.

#### B. EMPLOYEE

1. Abide by the terms of this policy.
2. Notify your appropriate supervisor of the use of any prescription or non-prescription drug which may in any way impact job performance.
3. Contact the Employee Assistance Program for assistance with substance abuse problems.
4. Notify your supervisor of any criminal drug statute conviction.

#### C. DRUG and ALCOHOL POLICY COMPLIANCE COORDINATOR

1. Schedule, monitor, and report drug/alcohol testing in compliance with Public Law 100-690, DOT drug use and alcohol misuse prevention rules, and the City's Substance Abuse Policy.



# SUBSTANCE ABUSE POLICY

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### D. DIVISION EMPLOYEE ASSISTANCE PROGRAM COORDINATOR/OJI COORDINATOR

1. Assist employees and management with referral and administration processes.
2. Serve as Division liaison with other components of the referral and/or testing processes.

### E. EMPLOYEE ASSISTANCE PROGRAM COUNSELOR

1. Provide appropriate assessment, counseling, and referral services to employees who seek assistance for substance abuse problems.
2. Provide consultation to management concerning intervention and procedures for referring and follow-up on employees with possible substance abuse problems.
3. Maintain appropriate communication with the Division EAP Coordinator, Drug and Alcohol Policy Compliance Coordinator, and other appropriate management personnel for referrals for substance abuse.
4. Immediately notify the Drug and Alcohol Policy Compliance Coordinator and/or the Division EAP Coordinator of known violations of the Substance Abuse Policy or other legal mandates and /or noncompliance with the EAP treatment plan for those problems.

### REFERENCE CORRESPONDING POLICIES

- PM-14-01 EMPLOYMENT POLICY AND PROCEDURES
- PM-14-15 MEDICAL EXAMINATIONS
- PM-38-02 GROUNDS FOR DISCIPLINARY ACTION
  
- PM-42-07 EMPLOYEE ASSISTANCE PROGRAM
- PM-46-08 ON-THE-JOB INJURY/ACCRUED LEAVE BENEFITS
- PM-74-02 ON-THE-JOB INJURY POLICY AND ADMINISTRATIVE PROCEDURES
- PM-74-03 DRUG/ALCOHOL TESTING POLICY AND PROCEDURES
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