

CITY OF HAMILTON, OHIO

No. 321

ADMINISTRATIVE DIRECTIVE

Effective Date: 5-5-15

Supersedes: No. 321 dated 12/11/89

Approved by: Joshua A. Smith,
City Manager

SUBJECT: DRUG-FREE WORKPLACE REQUIREMENTS

REFERENCES: 41 U.S.C. § 701 et seq., Drug-Free Workplace Act of 1988; C.O. Chapter 180, Substance Abuse Testing for Certain Employees; C.O. Chapter 186, Substance Abuse Testing For All Municipal Employees Not Covered Under Chapter 180; Administrative Directive 314, (Uniform Standards of Performance and Conduct)

PURPOSE: To advise employees of the requirements for the City to maintain a drug-free workplace to be in conformance with federal, state, and local law.

1. Policy.

- a. The Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D) mandates that recipients of federal grants maintain a drug-free workplace and certify to this effect as a condition for receiving a grant award. Such certification pertains to those employees who are in a department or a program that is a direct recipient of the grant funds.
- b. Administrative Directive 314 - Uniform Standards of Performance and Conduct, establishes the general policy that the use of drugs (other than prescription medication) and alcoholic beverages or reporting for duty under the influence of such proscribed drugs is forbidden; and further, employees involved in such use may receive disciplinary action, to include dismissal.
- c. Chapters 180 and 186 of the Hamilton Codified Ordinances also sets forth City policy regarding a workplace free of the adverse effects of drug, alcohol, and substance abuse and provides for a drug, controlled substance, and alcohol screening program from City employees in certain circumstances
- d. The notice below will serve to expand the policies specified in Administrative Directive 314 to include the requirements for compliance with the Drug-Free Workplace Act of 1988 as they pertain to employees involved in activities and programs funded under federal grants as well as all City departments and divisions funded by the General Fund, Utility Funds, Golf Fund and Street Fund.

2. Employee Notification.

- a. All City of Hamilton employees are hereby notified that:
 - i. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace.
 - ii. An employee found in violation of this prohibition will be subject to the disciplinary procedures of the City and if found guilty of infractions of the policy shall be subject to disciplinary action to include the following depending on the circumstances:
 1. Referral to available community programs for drug counseling, rehabilitation, or assistance

2. Suspension from work without pay
 3. Dismissal from employment
- iii. An employee convicted of a criminal drug statute violation occurring in the workplace shall notify his/her appointing authority no later than five (5) days after such conviction and shall be subject to appropriate disciplinary action, up to and including dismissal.
- b. The appointing authority shall notify each employee engaged in the performance of a grant about this policy for maintaining a drug-free workplace and the requirement for each employee to abide by the policy as a condition of employment.
 - c. Any employee who becomes aware of alleged, apparent, or suspected workplace alcohol or drug activity/consumption or working under the influence by any City employee shall promptly notify either his or her supervisor, Department Director, Chief, Civil Service and Personnel Director, Law Director, or City Manager. Failure to notify pursuant to the immediately preceding sentence may result in disciplinary action, up to and including dismissal from employment.
 - d. It is not the intent of this notice to negate the legal rights of any individual employee, but rather to express the City of Hamilton commitment towards maintaining a drug-free workplace.
 - e. For further information regarding to substance abuse testing, please contact your supervisor, the Department of Civil Service and Personnel, or refer to Chapter 180 or 186 of the Codified Ordinances of the City of Hamilton.