

2 - Employment

2.14 - DRUG AND ALCOHOL POLICY

Testing Program for Individuals Not Required To Possess a Commercial Driver's License

Adopted: July 2025

A. Statement of Policy

It is the policy of the City of Marshalltown to create and maintain a drug-free workplace in accordance with the Drug-Free Workplace Act of 1988. In support of this policy, the following conduct is prohibited: (1) the use, sale, offering for sale, or possession of illegal drugs, controlled substances, imitation controlled substances, or counterfeit controlled substances, on the job, on the City's premises, or in City vehicles; (2) any improper use of "legal" or physician-prescribed drugs on the job, on the City's premises, or in City vehicles; (3) the use, sale, offering for sale, or possession of alcoholic liquor (beer, wine, or alcohol) on the job, on the City's premises, or in City vehicles; and (4) being under the influence of illegal drugs or controlled substances, alcoholic liquor (beer, wine, or alcohol) or improperly used prescription drugs on the job, on the City's premises, or in City vehicles.

B. Application

The City reserves the right to conduct alcohol and drug testing for employees that are NOT required to possess a Commercial Driver's License (Non-DOT employees) under any of the following circumstances:

- Pre-Employment Testing - When a position warrants a pre-employment drug test and physical. Testing will occur after the City makes an offer of employment but prior to the prospective employee's first day of work.
- Reasonable Suspicion Testing - Where there is evidence that an employee may be impaired on the job due to the use of illegal drugs, controlled substances, prescription drugs, or alcohol.
- Post-Workplace Accident – After a workplace accident if there is an injury to a person or if there is damage to property in excess of one thousand dollars.
- Follow-Up Testing/Return-To-Work Testing – When an employee returns to work after a violation of this policy.
- Where there is evidence that an employee has violated some provision of this policy.

C. Definitions

As used in this policy, the term "*controlled substance*" or "*drug*" for purposes of this policy means any substance specified in Schedule I, II, III, IV, or V of the federal Controlled Substances Act, 21 U.S.C. 801 et. seq. and published at 21 CFR 1308.11 and 21 CFR 1308.12, and any substance defined as a "controlled substance" by state law.

"*Alcohol*" means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol. The term "*alcohol*" includes, but is not

limited to, beer, wine, liquor, other alcoholic beverages, and medicines containing alcohol (unless the packaging seal is unbroken).

D. Pre-Employment Testing

All full-time, part-time, paid-on-call employees, all police reserve employees, and all prospective employees will be required to pass a drug test after they have been extended a conditional offer of employment with the City.

Prospective employees who refuse to take the required drug test, who fail to cooperate in any aspect of the testing procedure, or who test positive for any of the designated drugs will be ineligible for City employment for a minimum of two years and will be removed from all eligibility lists.

E. Reasonable Suspicion Testing

Any employee who is reasonably suspected of being impaired by or under the influence of a controlled substance or alcohol (that is, having a controlled substance or alcohol in the body) shall be either suspended from their job duties pending an investigation and verification of their condition or, if drug testing facilities are not available, ordered to immediately discontinue all work activities and leave the City's premises. Employees who are reasonably suspected of being impaired by or under the influence of a controlled substance or alcohol will not be permitted to drive a motor vehicle after they have been suspended. If the employee has driven a motor vehicle to work, the employee must either make arrangements with another individual to drive their vehicle or must make arrangements for alternative transportation. In certain circumstances, the City Police Chief or designee may be called to assist.

Employees may be subject to testing when there is reason to believe that an employee is using or has used alcohol or other drugs in violation of the City's written policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. For purposes of this provision, facts and inferences may be based upon, but are not limited to, any of the following:

1. Observable phenomena while at work such as direct observation of alcohol or drug use or abuse or of the physical symptoms or manifestations of being impaired due to alcohol or other drug use.
2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
3. A report of alcohol or other drug use provided by a reliable and credible source.
4. Evidence that an individual has tampered with any drug or alcohol test during the individual's employment with the City.
5. Evidence that the employee has manufactured, sold, distributed, solicited, possessed, used, or transferred drugs while working or while on City's premises or while operating the City's vehicle, machinery, or equipment.

Reasonable suspicion testing will only be applicable during, just before, or just after the period of the day when the employee is engaged in work functions. In certain circumstances, testing may take place on the weekend immediately following the shift in which the Employee's behavior gave rise to the need for reasonable suspicion testing. Employees who are required to submit to reasonable suspicion testing will be suspended from their job duties pending an investigation and the report of the tests. If the test of the employee results in an alcohol concentration of less than .04 and a Medical Review Officer (MRO) verified negative test for the use of controlled substances, then the period of suspension will be with pay. If the test of the employee results in an alcohol concentration of more than .04 or a MRO-verified positive test for the use of controlled substances, then the period of suspension will be without pay.

F. Post-Workplace Accident Testing

Employees will be subject to testing if they have suffered a work-related injury for which a report could be required under Iowa Code Chapter 85. Generally, Post-Workplace Accident Testing will occur whenever our Employee is involved in an accident resulting in a reportable personal injury or resulting in property damage in excess of \$1,000.

The employee is permitted to obtain necessary medical attention following an accident, to leave the scene of an accident for the period necessary to obtain necessary emergency medical care, but the employee will be subject to post-injury testing and must remain readily available for testing or the employee will be deemed to have refused to submit to testing.

Alcohol tests will be administered as soon as practicable, but no later than 8 hours after the injury. Tests for controlled substances will be administered as soon as practicable, but no later than 32 hours after the injury.

G. Follow-Up Testing/Return-To-Work Testing

Any employee who is found to be in violation of this policy regarding drug and alcohol use and who returns to any employment with the City will do so subject to conditions set by the City including conditions that the employee comply with the following return-to-duty or follow-up testing procedures:

1. The employee must receive any recommended counseling or treatment.
2. The employee must submit to a drug and alcohol test like any other applicant or new employee.
3. After returning to duty, the employee will be subjected to six unannounced follow-up tests within the next twelve (12) months for alcohol, drugs or both; and
4. The employee's immediate supervisor, in consultation with the substance abuse professional, can terminate the follow-up testing requirement after the first six (6) tests have been successfully completed or can continue the follow-up testing for up to sixty (60) months from the date of the employee's return to duty.

H. Cooperation Required

Any individual who refuses to submit to an alcohol or controlled substance test, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution will be subject to disciplinary action.

The phrase “refuses to submit to an alcohol or controlled substance test” means that the individual:

1. Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing, or
2. Fails to provide adequate urine for controlled substance testing without a valid medical explanation after he or she has received notice of the requirement for urine testing, or
3. Engages in conduct that obstructs the testing process.

Testing shall be conducted in a manner to assure the highest degree of accuracy and reliability by using techniques and laboratory facilities which meet the requirements of the Iowa Department of Health and Human Services.

I. Confirmatory Testing

If the result of the initial test is an alcohol concentration of .04 or greater or if the result of the initial test is positive for the presence of a controlled substance, a confirmatory test must be performed. The confirmatory drug or alcohol test shall be a chromatographic technique such as gas chromatography/mass spectrometry, or another comparably reliable analytical method.

J. Employee Requested Testing

If a confirmed positive drug or alcohol test for a current employee is reported to the City by the medical review officer, the City shall notify the employee in writing by certified mail, return receipt requested, of the results of the test, the employee's right to request and obtain a confirmatory test of the second sample collected at an approved laboratory of the employee's choice, and the fee payable by the employee to the City for reimbursement of expenses concerning the test. The fee charged an employee shall be an amount that represents the costs associated with conducting the second confirmatory test, which shall be consistent with the City's cost for conducting the initial confirmatory test on an employee's sample.

If the employee, in person or by certified mail, return receipt requested, requests a second confirmatory test, identifies an approved laboratory to conduct the test, and pays the City the fee for the test within seven days from the date the City mails by certified mail, return receipt requested, the written notice to the employee of the employee's right to request a test, a second confirmatory test shall be conducted at the laboratory chosen by the employee. The results of the second confirmatory test shall be reported to the medical review officer who reviewed the initial confirmatory test results and the medical review officer shall review the results and issue a report to the City on whether the results of the second confirmatory test confirmed the initial confirmatory test as to the presence of a specific drug or alcohol. If the results of the second test do not confirm the results of the initial confirmatory test, the City shall reimburse the employee for the fee paid by the employee for the second test and the initial confirmatory test shall not be considered a confirmed positive drug or alcohol test for purposes of taking disciplinary action.

If a confirmed positive drug or alcohol test for a prospective employee is reported to the City by the medical review officer, the City shall notify the prospective employee in writing of the results

of the test, of the name and address of the medical review officer who made the report, and of the opportunity for the prospective employee to request records.

K. Consequences for Violations

If the test of an individual who is applicant for employment results in a Medical Review Officer (MRO)-verified positive test for the use of controlled substances or an alcohol concentration of .04 or greater, the applicant will not be eligible for employment.

Disciplinary action, including termination of employment, may be taken against employees for any of the following reasons:

1. A violation of any provision of Marshalltown City Policy.
2. If the test of the employee results in a Medical Review Officer (MRO)-verified positive test for the use of controlled substances or an alcohol concentration of .04 or greater
3. A failure or refusal to submit to testing.

L. Payment for Evaluation and Treatment

The City's responsibility for the cost of any evaluation, treatment, or counseling will be limited to the benefits provided by the City's health insurance plan for such evaluation, treatment, or counseling.

M. Record Retention

All records created under this policy, including records of individual employee drug test results, will be retained in accordance with state and federal law. Drug test results will be maintained in a confidential file, separate from the employee's personnel file.

MARSHALLTOWN
DRUG AND ALCOHOL POLICY
NOTICE TO EMPLOYEES

Employees governed by this policy are hereby notified they are subject to the City of Marshalltown (the “City”) drug and alcohol testing program for pre-employment, reasonable suspicion, and post-workplace accident, as outlined in the Drug and Alcohol Policy: Testing Program For Individuals Not Required To Possess a Commercial Driver’s License, its supporting documents and the law.

All Employees are subject to drug and alcohol testing. For purposes of the drug and alcohol testing program, “employees” also includes applicants who have been offered a position. Employees shall be subject to the drug and alcohol testing program beginning the first day they are offered a position and will continue to be subject to the drug and alcohol testing program throughout their employment.

It is the responsibility of the City Administrator or designee to inform employees of the drug and alcohol testing program requirements. Employees with questions regarding the drug and alcohol testing requirements shall contact the City Administrator.

Employees governed by the drug and alcohol testing policy are further notified that employees violating this policy, its supporting documents or the law may be subject to discipline up to and including termination at the discretion of the City. Employees violating this policy, its supporting administrative regulations, or the law may be subject to discipline up to and including termination.

Employees governed by the drug and alcohol testing policy are further notified it is a condition of their continued employment to comply with the Drug and Alcohol Testing Program policy, its supporting documents and the law. Drug and alcohol testing records about an employee are confidential and are released in accordance with this policy, its supporting documents or the law.

Employee Signature: _____ Date: _____

Print Employee Name: _____

