

Personnel Committee Meeting
Tuesday, December 19, 2023 5:00 PM
Crete City Hall
243 E 13th Street
Crete, NE 68333

1. Open Meeting

- In accordance with Nebraska law, a copy of the Open Meetings Act can be found in the back of the Council Chambers.
- Items listed on the agenda may be considered in any order.

2. Roll Call

- Attendance of members will be recorded to determine the presence of a quorum for official actions.

3. Items of Business

- The Committee may discuss or limit discussion on, hear testimony in favor of or in opposition to, or take action to provide a recommendation to the City Council on any matter presented under this title.

3.A. Consider a recommendation to the City Council on the amended Non-DOT Anti-Drug Plan.

4. Officers' Reports

- Reports may be given by the Mayor, Officers, Departments, or Councilmembers concerning the current operations of the City.
- No action can be taken on matters presented under this title except to answer any questions or to refer the matter for further action.

5. Adjournment

Disclaimers & Notices

- The Council may enter into closed session to discuss any matter on this agenda when it is determined that a closed session is clearly necessary for the protection of the public interest or the prevention of needless injury to the reputation of an individual (if such individual has not requested a public meeting) or as otherwise allowed by law. Any closed session shall be limited to the subject matter for which the closed session was called. If the motion to close passes, then immediately prior to the closed session the Mayor shall restate on the record the limitation of the subject matter of the closed session.
- The City of Crete assures that no person shall on the grounds of race, color, national origin, age, disability, handicap or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of the City receiving Federal financial assistance. To report discrimination, contact the City Clerk's office.
- The complete agenda with attachments is available at www.crete.ne.gov.

City of Crete

Non-DOT Anti-Drug Plan & Non-DOT Alcohol Misuse Plan

A. DRUGS

I. POLICY OVERVIEW – ANTI-DRUG PLAN SUMMARY

City of Crete has a vital interest in maintaining safe, healthful and efficient working conditions for all of its employees. Being under the influence of a drug or alcohol on the job poses serious safety and health risks, not only to the user, but to all those who work with or otherwise come into contact with the user. The possession, use or sale of illegal drugs or alcohol on the job also poses unacceptable risk for safety, healthful, and efficient operations.

It is the City's right, obligation, and intent to maintain a safe, healthful, and efficient working environment for all of its employees and to protect City property, equipment, and operations from the risks associated with drug use in the workplace.

The Non-DOT Anti-Drug Plan Summary is designed to provide an overview of the City Policy and does not represent every aspect of the program. Specific policies and procedures for the Non-DOT Drug program will "mirror" the DOT FHWA Drug program *excluding* the random drug testing or as noted herein.

This Anti-Drug Plan can be altered or modified with proper notice.

II. POLICY APPLICATION

The provisions of the Anti-Drug Plan apply to all employees of the City, regardless of status, except those employees subject to the Department of Transportation's FHWA and FTA drug programs.

III. DRUG AWARENESS PROGRAM

The City will inform employees of: (1) the dangers of drug use in the workplace; (2) the City's drug-free workplace Anti-Drug Plan; (3) the availability of treatment and counseling for employees seeking such assistance; and (4) the penalties the City will impose for violations of its Drug-Free Workplace Program.

IV. PROHIBITED CONDUCT

The City prohibits the following conduct:

- (A) Using, being under the influence of, or possessing unauthorized controlled substances while performing City business or while in or about a City facility or worksite except for items held as property or evidence or as required by an official job description. This will subject the offending employee to disciplinary action up to and including termination of employment.
- (B) Using or being under the influence of a legal drug (such as "over-the-counter" and prescription drugs) while performing City business, or while in or about a City facility or worksite, to the extent such use affects the safety of any employees or others. When in doubt about the effects of a certain drug, consult your physician regarding any adverse side effects.
- (C) The unlawful manufacture, distribution, possession, or use of a controlled substance by any employee while performing City business, or while in or about a City facility or worksite, except for items held as property or evidence or as required by an official job description.

(D) Tampering with a specimen provided for drug testing for the purpose of altering the results of the urine drug test.

(E) Refusal to take a drug test.

V. TESTING FOR CONTROLLED SUBSTANCES

A. Pre-Employment/Pre-Duty Testing

The City will require all applicants it intends to hire for full-time (benefit eligible) and/or permanent part-time positions to be tested for the use of controlled substances as a pre-qualified condition. Applicants who test positive for the use of controlled substances, or who refuse to submit to such testing, will be disqualified from further hiring consideration. Testing is also required when an employee transfers.

B. Reasonable Suspicion Testing

The City will require current employees to submit to testing for controlled substances based on specific, contemporaneous, articulable observations concerning appearance, behavior, speech or body odor of the employee by at least one supervisor training in detecting the signs and symptoms of prohibited drug use.

The supervisor must complete a "Reasonable Suspicion Checklist," with the witness involved and the City Administrator (City Attorney if the City Administrator is unavailable.)

The supervisor will need to contact Human Resources to schedule the drug test.

Employees who are requested to undergo reasonable suspicion testing will be transported to the collection site and home by a City representative. The employee will be required to submit to the drug test. Any attempt to invalidate or tamper with the test, or refuse the test will subject the employee to disciplinary action, up to and including termination.

Failure on the part of the supervisor(s) to accurately document the specified behavior for reasonable suspicion may be subject to disciplinary action up to including termination.

A driver while conducting City business may be directed to submit to a drug test at the accident scene by a federal, state, or local law enforcement officer. Whenever a test is conducted by a law enforcement officer, the driver is required to contact the driver's supervisor or another City official immediately to report this and to provide the City with the name and telephone number of the law enforcement officer who conducted the test in lieu of taking a test at the City Collection site. Positive test results will be cause for disciplinary action up to and including termination.

An employee who is required to take a reasonable suspicion test will be considered by the City as unqualified to work and relieved from duty pending the results of his/her test(s). An employee may request vacation and at the expiration of vacation request leave without pay, for the time the employee is relieved from duty. An employee whose test results are negative will be reimbursed for the time. An employee whose test results are positive will not be reimbursed for the time. The employee is not eligible to use sick leave while he/she is relieved from duty, awaiting test results.

An employee who has a positive drug test, following disciplinary action, will request vacation, and at the expiration of vacation, request leave without pay until such time he/she is released to return to work.

Should the employee be required to undergo inpatient substance abuse treatment, he/she will be allowed to utilize accrued sick leave until the completion of inpatient treatment. If the employee is injured, the injury will be evaluated in accordance with the State Worker's Compensation Law and

AR-19. Employees who are injured and have a positive drug test are not entitled to injury leave or other Worker's Compensation benefits.

C. Return to Duty Testing

An employee who has a positive drug test result will be required to take a return to duty drug test.

Before a return-to-duty test is performed, the employee must be evaluated by a Substance Abuse Professional (SAP) to determine whether the employee has followed the recommendations for action by the SAP, including participation in any rehabilitation program.

The employee must have a verified negative drug test result to return to their job. If a drug test is cancelled, the City shall require the employee to submit to and pass another drug test. A positive test result will be cause for termination from the City.

D. Follow-up Testing

Once allowed to return-to-duty, the employee shall be subject to unannounced follow-up testing for at least 12 months. The frequency and duration of the follow-up testing will be recommended by the SAP as long as a minimum of ~~six~~ **two** tests are performed during the 12 months after the employee has returned to duty. A positive result will be cause for termination from the City.

E. Confidentiality

Each individual's record of testing and results under this policy will be private and confidential.

F. Supervisory Training/Employee Awareness

All supervisors are required to complete a training program for detecting signs and symptoms of drug and alcohol use on the job.

Employees will be asked to read a copy of the Drug Policy and sign a statement of acknowledgement.

VI. DRUG TESTING PROCEDURES

Drug testing will be performed utilizing urine sample. Samples will be tested for marijuana, cocaine, opiates, amphetamines and PCP. An employee may request at their own expense the sample be retested after a positive test.

	Initial	Confirmation	Split Sample Retest
Marijuana	50 ng/ml	15 ng/ml	Any detectable presence
Cocaine	300 ng/ml	150 ng/ml	Any detectable presence
Opiates	300 ng/ml	300 ng/ml	Any detectable presence
PCP	25 ng/ml	25 ng/ml	Any detectable presence
Amphetamines	1000 ng/ml	500 ng/ml	Any detectable presence

Commented [AB1]: Removed and replaced

	<u>Initial</u>	<u>Confirmation</u>	<u>Split Sample Retest</u>
<u>Marijuana</u>	<u>50 ng/mL</u>	<u>15 ng/mL</u>	<u>Any detectable presence</u>
<u>Cocaine</u>	<u>150 ng/mL</u>	<u>100 ng/mL</u>	<u>Any detectable presence</u>
<u>Codeine/Morphine</u>	<u>2000 ng/mL</u>	<u>2000 ng/mL</u>	<u>Any detectable presence</u>
<u>Hydrocodone/hydromorphone</u>	<u>300 ng/mL</u>	<u>100 ng/mL</u>	<u>Any detectable presence</u>
<u>Oxycodone/Oxymorphone</u>	<u>100 ng/mL</u>	<u>100 ng/mL</u>	<u>Any detectable presence</u>
<u>6-Acetylmorphine</u>	<u>10 ng/mL</u>	<u>10 ng/mL</u>	<u>Any detectable presence</u>
<u>Phencyclidine</u>	<u>25 ng/mL</u>	<u>25 ng/mL</u>	<u>Any detectable presence</u>
<u>Amphetamine/methamphetamine</u>	<u>500 ng/mL</u>	<u>250 ng/mL</u>	<u>Any detectable presence</u>
<u>MDMA/MDA</u>	<u>500 ng/mL</u>	<u>250 ng/mL</u>	<u>Any detectable presence</u>

The City reserves the right to test for the above drugs or amend the list of drugs with proper notice to employees or applicants.

A picture I.D. is required to be shown at the time of collection.

Established chain of custody procedures will be followed.

B. ALCOHOL

I. POLICY OVERVIEW

The City of Crete has a vital interest in maintaining safe, healthful and efficient working conditions for all of its employees. Being under the influence of alcohol on the job poses serious safety and health risks, not only to the user, but to all those who work or otherwise come into contact with the user. The possession, use or sale of alcohol on the job poses unacceptable risks for safe, healthful, and efficient operations.

It is the City's right, obligation, and intent to maintain a safe, healthful, and efficient working environment for all of its employees and to protect City property, equipment, and operations from the risks associated with alcohol use in the work place.

This Alcohol Misuse Prevention Plan Summary is designed to provide an overview of the City policy and does not represent every aspect of the program. Specific policies and procedures for the Non-DOT alcohol program will "mirror" the DOT FHWA Alcohol Testing Program *excluding* the random alcohol testing or as noted herein.

This Alcohol Misuse Prevention Plan can be altered or modified with proper notice.

II. POLICY APPLICATION

The provisions of this Alcohol Misuse Prevention Plan apply to all employees of the City regardless of status except those employees subject to the Department of Transportation's FHWA and FTA drug programs.

III. ALCOHOL AWARENESS PROGRAM

The City will inform employees of: (1) the dangers of alcohol use in the work place; (2) the City's Alcohol Misuse Prevention Plan; (3) the availability of treatment and counseling for employees seeking such assistance; and (4) the penalties the City will impose for violations of its Alcohol Misuse Prevention Plan.

IV. PROHIBITED CONDUCT

- (A) No employee shall report for duty or remain on duty with the odor of alcohol

about their person and while having an alcohol concentration of 0.02 or greater. (or)

(B) No employee shall perform their job within four hours after using alcoholic beverages.

(or)

(C) No employee shall refuse to submit to the following alcohol tests:

1) reasonable suspicion;

2) return to duty;

3) follow-up testing as recommended by a substance abuse professional.

(D) No employee shall perform their job with alcoholic beverages in his/her possession while being on duty, except for items held as property or evidence or as required by an official job description.

(E) Any attempt to invalidate or tamper with the alcohol test will subject the employee to disciplinary action, up to and including termination.

V. ALCOHOL TESTING PROCEDURES

Alcohol testing procedures will be performed using a split urine sample, breath alcohol or blood.

VI. TESTING FOR ALCOHOL

A. Reasonable Suspicion Testing

The City will require current employees to submit to testing for alcohol when it believes there is reasonable suspicion of a violation of this policy. Reasonable suspicion includes specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee.

The supervisor must complete a "Reasonable Suspicion Checklist," with the witness involved and the City Administrator (City Attorney if the City Administrator is unavailable.)

The supervisor will need to contact Human Resources to schedule the alcohol test.

Employees who are requested to undergo reasonable suspicion testing will be transported to the collection site and home by a City representative. The employee will be required to submit to the alcohol test. Any attempt to invalidate or tamper with the test, or refuse the test will subject the employee to disciplinary action, up to and including termination.

Failure on the part of the supervisor(s) to accurately document the specified behavior for reasonable suspicion may be subject to disciplinary action up to and including termination.

It is possible that a driver while conducting City business will be directed to submit to an alcohol test at the accident scene by a federal, state or local law enforcement officer. Whenever a test is conducted by a law enforcement officer, the driver is required to contact the driver's supervisor or another City official immediately to report this and to provide the City with the name and telephone number of the law

enforcement officer who conducted the test in lieu of taking a test at the collection site. Positive test results will be caused for disciplinary action up to and including termination.

An employee who, after providing an adequate specimen, has a confirmatory test that registers 0.02 or more but less than 0.04 will, at a minimum be relieved of duty without pay until his/her next regularly-scheduled duty period, but for no less than 24 hours, and may be subject to additional disciplinary action by the City, up to and including termination.

An employee who, after providing an adequate specimen, has a confirmatory test that register 0.04 or greater will, at a minimum be relieved of duty without pay until his/her next regularly-scheduled duty period, but for no less than 24 hours, and may be subject to additional disciplinary action by the City up to and including termination. The City must refer the employee registering .04 or greater to a Substance Abuse Professional (SAP) for evaluation if the employee is expected to return to duty.

An employee who has a positive alcohol test, following disciplinary action, will request comp time, vacation and then leave without pay until such time he/she is released to return to work. Should the employee be required to undergo inpatient substance abuse treatment, he/she will be allowed to utilize accrued sick leave until the completion of inpatient treatment. If the employee is injured, the injury will be evaluated in accordance with the State Worker's Compensation Law. Employees who are injured and have a positive alcohol test of .10, are not entitled to injury leave or other Worker's Compensation benefits.

B. Return to Duty Testing

An employee who has a positive alcohol test of .02 or greater will be required to take a return to duty alcohol test.

No employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform their job for the City, until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

Before a return-to-duty test is performed, the employee must be evaluated by a Substance Abuse Professional (SAP) if the test result was .04 or greater to determine whether the employee has followed the recommendations for action by the SAP, including participation in any rehabilitation program.

The employee must have a verified alcohol test result of less than 0.02 to return to the job. If an alcohol test is cancelled the City shall require the employee to submit to and pass another alcohol test. A positive test result will be cause for termination from the City.

C. Follow-up Testing

Once allowed to return-to-duty, the employee shall be subject to unannounced follow-up testing for at least 12 months. The frequency and duration of the follow-up testing will be recommended by the SAP as long as a minimum of ~~six~~ two tests are performed during the 12 months after the employee has returned to duty. A positive test result will be cause for termination from the City.

D. Confidentiality

Each individual's record of testing and results under this policy will be private and confidential.

E. Supervisory Training/Employee Awareness

All supervisors are required to complete a training program for detecting signs and symptoms of drug and alcohol use on the job.

Employees will be asked to read a copy of the Alcohol Policy and sign a statement of acknowledgement.

RECEIPT
FOR
CITY OF CRETE
NON-DOT ANTI-DRUG PLAN
& NON-DOT ALCOHOL MISUSE PLAN

I hereby acknowledge that I'm aware that the City of Crete Non-DOT Anti-Drug Plan and Non-Dot Alcohol Misuse Plan was implemented October 17, 2023.

I understand and acknowledge that failure to comply with this policy may result in disciplinary action up to and including termination.

Print Name

Signature

Department

Date

Please forward completed form to the Human Resources Department