

Chapter 130

PERSONNEL

ARTICLE I

In General

Section 130.005. Adoption of Human Resource System.

[R.O. 2012 §130.005; Ord. No. 7320, 5-29-2003]

The City Council hereby adopts the human resource system. The City Council authorizes the implementation of City job descriptions, a job evaluation system and the Citywide salary/compensation plan. The City of Monett hereby directs its management staff to implement the human resource system as proposed and approved. The City Council hereby also recommends that the salary/compensation plan be reevaluated every three (3) years.

Section 130.010. City Council To Elect All Officers, Employees, Etc.

[R.O. 2012 §130.010; CC 1979 §22-1; Ord. No. A-211 §1, 4-3-1934]

All officers, agents, servants and employees representing the City in any capacity whatsoever shall be elected by a majority vote of the City Council.

Section 130.015. Employee Handbook.

[R.O. 2012 §130.015; Ord. No. 7866 §1, 7-21-2008; Ord. No. 7980 §1, 4-20-2010; Ord. No. 8253 §1, 12-20-2013]

A. The City Council hereby approves of the contents of the employee manual and hereby approves of the replacement of the current code which applies to this subject, with the contents of the new employee handbook which is on file in the City offices.

B. *Amendments To Employee Handbook.*

1. As part of the City of Monett's employment procedures, employees will be required to undergo a post-offer, internal transfer, and/or return-to-work physical capacity profile evaluation as provided herein.

2. Any offer of employment, internal transfer, and/or return-to-work that is received from the City of Monett is contingent upon satisfactory completion of a physical examination and a determination by the City (using the results from the examination) that the applicant is capable of performing the essential job functions of the position that has been offered, with or without reasonable accommodation. Any offer of employment is also contingent upon

successful completion of a drug test.

3. Post-offer testing will be performed on new hires in specific job classifications. The employee must achieve a score equal to or greater than that required for the offered job level.

4. Return-to-work testing will be performed: [**Ord. No. 8266 §1, 3-20-2014**]

a. On all employees who have a work-related injury and are off work at least one (1) day or shift; or

b. On employees who have a non-work-related injury, surgery, or illness and are off work at least five (5) days or more two (2) shifts for firefighters), and whose job level rating is either 3 or 4 on the physical testing classification chart; or

c. When the City has reasonable cause to believe the employee may not be capable of performing the essential job functions of his or her job, with or without accommodation.

Return-to-work determinations will be based on employee testing equal to or greater than the job level of his/her current position. Final determinations for return-to-work testing will be decided by the City Administrator in consultation with the Safety Director.

d. *Light duty.* Employees that have been placed on light-duty status by a physician may be assigned light-duty work if their job level rating is 1 or 2 on the physical testing classification chart. Employees whose positions are classified as 3 or 4 shall have a full release with no restrictions from a physician prior to returning to duty.

5. Add a new Section 502, entitled "Distracted Driving" as follows:

Section 502 Distracted Driving

The City of Monett recognizes that distracted driving can impair safe driving and contribute to accidents. Motor vehicle accidents are the leading cause of death in the workplace and driver distraction is a significant contributor to these accidents. This policy shall apply to all employees while they are operating City-owned vehicles and equipment or personal vehicles while conducting City business.

The City of Monett values the safety and well-being of all employees. This policy is intended to define certain prohibited activities which will assist employees in safely operating City-owned vehicles and equipment or to perform work on behalf of the City while operating personal vehicles. Any activity that would distract employees from their driving responsibilities is prohibited.

Therefore, the following policy is hereby enacted:

a. Employees are not permitted to use a cell phone or other hand-held electronic device while operating a motor vehicle on City business or on City time;

b. Employees are not permitted to read or respond to e-mails or text messages while operating a motor vehicle on City business or on City time;

c. While driving, calls cannot be answered and must be directed to voice mail;

d. If a call must be made or received while driving, the employee shall pull over to a safe place and put the vehicle in "Park".

Exceptions. The following exceptions to this policy are specifically noted below:

- a. Employees may communicate with mobile two-way radios while driving so long as they take all necessary safety precautions.
- b. Police Officers shall adhere to departmental policy, "Mobile Data Communications System SO0801 10/15/08", as it relates to the use of Mobile Data Terminals (MDT). Firefighters may use MDTs in the same manner as Police Officers so long as it is consistent with Fire Department policies. In all other respects, Public Safety personnel (Police Officers and Firefighters) shall comply with this policy.
- c. Hands-free devices may be permitted on a case-by-case basis to be determined by the employee's supervisor and approved by the Safety Director. A list of positions and/or individual employees that are given approval to use hands-free devices shall be incorporated as an exhibit to this policy and maintained as a permanent record. It shall be periodically updated and signed by the Safety Director.

All employees are expected to use good judgment, and act in accordance with all safety rules, traffic laws and all other regulations that are designed to avoid accidents. If an employee is observed violating this policy, he or she will be given a verbal warning. A second observed infraction of this policy will lead to a written warning. Any subsequent infraction will be cause for termination. If an employee is involved in an accident while on duty driving a City-owned vehicle, equipment or a personal vehicle, and a factor of the accident is driving while distracted, he or she will be subject to disciplinary action up to and including termination on the first infraction. In the event of an accident, the employee shall make all personal and City-owned electronic devices in their possession at the time of the accident available for examination by law enforcement personnel.

6. Chapter 305 "Holidays" is hereby amended by incorporating the following: [**Ord. No. 8505 § 1, 2-21-2017**]

Employees that are assigned to shifts that provide coverage on the basis of a seven (7) day work week and work on the actual holiday, shall be compensated for holiday pay on the actual holiday and not the observed holidays listed earlier in this Chapter. This Section specifically applies to the following personnel:

E-911 Communications personnel;
Monett Police Department Officers;
Windmill Ridge Golf Course;
Monett Regional Airport;
Wastewater Treatment Plant (WWTP); and Water Treatment Plant (WTP).

All exempt personnel from these departments that typically work a Monday — Friday schedule, shall follow the same holiday schedule as all other departments.

Section 130.020. Political Activity.¹

[R.O. 2012 §130.030; CC 1979 §22-4; Ord. No. 228 §9, 2-1-1917; Ord. No. A-7181 §§1 — 2, 6-3-2002]

No officer or employee of the City, while performing on the job duties of the City, shall, by solicitation or otherwise, exert his/her influence, directly or indirectly, to influence other officers or employees of the City to adopt his/her political views or to favor any particular person or candidate for office, nor shall any officer or employee, in any manner, contribute

money, labor or other valuable thing to any person for election purposes. Any person who shall violate the provisions of this Section shall be deemed guilty of an ordinance violation. The terms of this Section shall not apply to officers or employees of the City while not performing on the job duties of the City.

Section 130.030. Appointments To Be Made Without Reference To Political Faith or Party Affiliations.

[R.O. 2012 §130.040; CC 1979 §22-5; Ord. No. 228 §10, 2-1-1917]

All officers and employees of the City shall be elected or appointed with reference to their qualifications and fitness and for the good of the public service, and without reference to their political faith or party affiliations.

Section 130.040. Expiration, Revocation and Recall of Commissions.

[R.O. 2012 §130.050; CC 1979 §22-6; Ord. No. A-541 §1, 4-3-1940]

No commission issued to any appointee of the City shall be for a longer term than one (1) year from the date thereof and shall be subject to revocation or recall for cause.

Section 130.050. Compensation Time in Lieu of Overtime Pay; Safety Leave.

[R.O. 2012 §130.075; Ord. No. A-6760 §3, 11-10-1998; Ord. No. A-6787 §1(4), 1-28-1999; Ord. No. 8608, 9-20-2018]

A. A non-exempt employee may elect to receive compensation time for overtime worked in lieu of overtime pay if he/she so chooses and with the approval of his/her supervisor. Compensation time will be earned at a rate of one and one-half (1 1/2) hours for each hour of overtime worked. If an employee chooses to save his/her accumulated compensation time rather than take it or be paid for it, they may do so with the approval of his/her supervisor. No employee may accumulate more than forty (40) hours of compensation time, EXCEPT that non-exempt employees of Windmill Ridge Golf Course may accumulate up to eighty (80) hours of compensation time.

B. All regular, full-time employees shall receive a benefit referred to as "safety leave" based upon the City's experience modification factor or experience modifier as determined by the City's workers' compensation carrier. The leave shall be available from January 1 through December 31 of the following calendar year. If the City's experience modifier is between 0.90 and 1.10, inclusive,

¹1. Cross Reference — As to elections generally, ch. 125.

employees shall be entitled to eight (8) hours of paid safety leave; if the City's experience modifier is between 0.80 and 0.89, inclusive, employees shall be entitled to sixteen (16) hours of paid safety leave; if the City's experience modifier is 0.79 or lower, employees shall be entitled to twenty-four (24) hours of paid safety leave. To be eligible for the full safety leave benefit, the employee shall have been employed on a full-time basis by June 30 of the preceding year. To be eligible for a partial fifty percent (50%) safety leave benefit, the employee shall have been employed on a full-time basis by December 31 of the preceding year. [Ord. No. 8646, 2-20-2019]

Section 130.060. Exempt Employees.

[R.O. 2012 §130.085; Ord. No. A-6760 §7, 11-10-1998; Ord. No. A-6787 §1(8), 1-28-1999; Ord. No. A-7079, 9-17-2001; Ord. No. 7593 §1, 8-22-2005; Ord. No. 7796, 9-26-2007]

A. The following are determined to be exempt employees:

1. *Administrative.*
 - a. City Administrator
 - b. City Clerk.
 - c. Deputy City Clerk.
 - d. Finance Director.
2. *Police.*
 - a. Police Chief.
 - b. Police Department Lieutenant.
3. *Street.*
 - a. Street and Sanitation Superintendent.
4. *Golf course.*
 - a. Golf Course Superintendent.
 - b. Club Manager.
5. *Utilities.*
 - a. Utilities Superintendent.
 - b. Assistant Utilities Superintendent.
6. *Fire.*
 - a. Fire Chief.
7. *Airport.*
 - a. Airport Superintendent.
8. *Building Department.*

- a. Building and Zoning Inspector.
- b. Assistant Building and Zoning Inspector.

ARTICLE II

Employee Training and Development

Section 130.070. Purpose.

[R.O. 2012 §130.220; CC 1979 §22-30; Ord. No. A-5408A §I, 7-10-1991]

- A. To provide employees with the training and education necessary to fulfill the requirements of their position and to ensure their understanding and acceptance of the City's policies, programs, and objectives;
- B. To encourage employees to take advantage of training and educational programs, both formal and informal, which will increase their knowledge and skills and stimulate superior performance and growth;
- C. To help employees achieve, through training and development, greater satisfaction and meaning from their work as well as to increase their appreciation and purpose in life; and
- D. To establish methods for the equitable application of this policy so that both the City and the employees shall receive maximum benefit.

Section 130.080. Policy.

[R.O. 2012 §130.230; CC 1979 §22-31; Ord. No. A-5408A §I, 7-10-1991]

Employees are encouraged to participate in on-the-job and off-premises training. The City will pay the cost of required training for employees. Employees may also be reimbursed for certain expenses incurred for non-required but job-related educational expenses. All non-required training and education shall be obtained by an employee on the employee's own time outside of the employee's normal work hours.

Section 130.090. Provisions.

[R.O. 2012 §130.240; CC 1979 §22-32; Ord. No. A-5408A §I, 7-10-1991]

- A. Training and development under this policy will include on-the-job training, workshops, institutes, seminars, adult education, college course work, and other programs that will increase the knowledge and improve the skills of the employee. All non-required training and education shall be obtained by an employee on the employee's own time outside of the employee's normal work hours.
- B. Supervisors, at all levels, are urged to maintain a favorable climate for training. Supervisors shall encourage employee initiative, suggestions, and attitudes that will contribute to the growth and well-being of the employee and City.
- C. On-the-job and in-service training will be the primary methods of employee development. The Department Superintendent will see that all employees receive the training and education necessary to fulfill the requirements of their position.

D. The City will pay the entire cost of institutes and workshops, courses, or seminars in which the employee is required to participate by the City.

E. Upon advance approval by the City Council, the City may pay tuition for college, vocational school, or correspondence courses that may increase the employee's knowledge of, and ability to perform, his/her job. The City Council shall, on an annual basis, authorize a limited tuition fund. An employee failing to successfully complete an approved course of study shall reimburse the City for any course work not successfully completed, except when the reason for failure was beyond the control of the employee. In addition, should an employee leave his/her employment with the City within three (3) years after receipt of reimbursement from the City for non-required education or training expenses, such employee shall reimburse the City, on a pro-rated basis, for all expenses paid by the City for non-required education or training. If an employee remains employed by the City of Monett for three (3) years after such education or training, no reimbursement will be required. If an employee leaves his/her employment with the City within one (1) year after such education or training, full reimbursement will be made to the City. If an employee leaves his/her employment with the City within two (2) years after such education or training, the City shall be reimbursed two-thirds (2/3) of the costs of such education or training. Should an employee leave his/her employment with the City within three (3) years after such education or training, such employee shall reimburse the City one-third (1/3) of the expense incurred by the City for such education or training.

F. Before approving tuition payments for college, vocational schools, or correspondence courses, the City Council shall consider the employee's past school records, job performance, aptitude, intelligence, attitude, desire, and other pertinent factors. Such consideration shall be for the purpose of ascertaining whether an employee is capable of successfully completing a proposed course of study.

Section 130.100. Responsibility.

[R.O. 2012 §130.250; CC 1979 §22-33; Ord. No. A-5408A §I, 7-10-1991]

The City Administrator shall be responsible for the administration of this policy.

ARTICLE III

Drug and Alcohol Testing Policy and Procedures

Section 130.110. General Information.

[R.O. 2012 §130.260; Ord. No. 6694 §A, 5-26-1998]

A. *Purpose And Scope.* The overall goal of this policy and drug/alcohol testing is to insure an alcohol and drug-free workplace, to reduce accidents and injuries and to comply with relevant Federally mandated drug and alcohol testing.

B. *General Policy.*

1. The City of Monett recognizes that the state of an employee's physical condition affects their job performance, availability, their ability to perform certain types of work, and may affect their opportunities for continued employment or advancement. The City also recognizes that drug and alcohol abuse ranks as a major health problem which affects an

individual's physical condition and causes untold trauma and, expenses, not only to the employee but also ultimately to the City employer.

2. It shall be the general policy of the City to prohibit the possession, manufacture, sale, transference, use or ingestion of non-prescribed controlled substances or the use or ingestion of alcohol or the unauthorized possession, sale or transference of alcohol on City premises, while operating City vehicles and equipment, while engaged in the performance of job duties or while otherwise representing the City of Monett in any capacity and during off-site lunch periods or breaks when an employee is expected to return to work.

3. Employees of the City of Monett are expected to fully comply with this policy and be free from the use of illegal drugs and to abstain from alcohol use as provided by this policy.

4. This policy applies to job applicants, probationary employees, full, part-time and temporary employees of the City.

C. *Definitions.* As used in this Article, the following terms shall have these prescribed meanings:

ALCOHOL — The intoxicating agent in beverage including alcohol, ethyl alcohol or other low molecular weight alkaloids including methyl and isopropyl alcohol.

ALCOHOL USE — The consumption of a beverage, mixture, or preparation, including medication, containing alcohol.

APPLICANT — Any individual selected through a direct process who is not currently in the City's employ and as a condition of employment must meet the applicable conditions of this policy prior to employment.

CITY PREMISES — Any and all property, facilities, land, structures, and vehicles owned, leased, used or under the control of the City.

COLLECTION SITE — A place designated by the City where employees present themselves for the purpose of providing a specimen of their urine or breath to be analyzed for the presence of drugs/alcohol.

DRUG — Any non-food substance, other than alcohol or such over-the-counter pain relievers as aspirin or cold remedies, capable of altering the mood, perception, pain tolerance, sobriety or judgment of the person consuming it.

ILLEGAL/UNAUTHORIZED DRUG — Any drug which is not legally obtainable, any drug which is legal but has been illegally obtained and/or is not being used for its prescribed purpose or in the prescribed manner.

LEGAL DRUG — Any prescribed drug or over-the-counter drug which has been legally obtained and is being used for the purpose for which it was prescribed or manufactured.

MEDICAL REVIEW OFFICER — A licensed physician responsible for receiving laboratory results generated by this policy, who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate positive test results together with an employee's history and any other relevant biomedical information.

POSSESSIONS — Actual or constructive care, custody, control or immediate access to.

POSITIVE TEST AND UNDER THE INFLUENCE — The following initial and confirmation cut-off levels shall be used to determine whether the specimen/sample is positive or an individual is

under the influence of the following substances:

**INITIAL AND CONFIRMATION TESTING LEVELS OF CONTROLLED
SUBSTANCES**

NG/ML

DRUG	EMIT TEST	GC/MS TEST
Amphetamines	1,000	500
Cocaine	300	150
Opiates	300	150
TMC (Marijuana Cannabinoids)	50	15
Phencyclidine (PCP)	25	25
Alcohol:	0.02% blood alcohol content or greater requires confirmation test.	
	0.02% — 0.04% blood alcohol content requires removal from safety sensitive duties until evaluation and release by SAP.	

REASONABLE CAUSE — Whenever a supervisor has reason to believe the appearance and/or conduct of an employee are indicative of the use of alcohol, drugs, or both.

Section 130.120. Prohibited Conduct.

[R.O. 2012 §130.270; Ord. No. 6694 §B, 5-26-1998]

A. Use, possession or being under the influence of any illegal/unauthorized drug, while on the City's premises or during working time or during meal/break when an employee is expected to return to work is strictly prohibited.

An employee may use and possess a legal drug while on the City's premises or during working time, provided the employee uses the drug in accordance with a physician's or the package instructions, does not distribute the drug to another, and the employee has reported the use of the legal drug to his/her immediate supervisor before beginning his/her work shift. The City reserves the right to have a physician of its choice determine whether an employee can safely perform their job while using or being under the influence of any legal drug so reported. In addition, the City reserves the right to restrict such employee's work activity or presence on the City premises.

B. Use, possession or ingestion of alcohol during working hours, including lunch hours or while on City premises when associated with working hours, is strictly prohibited.

However, the possession of alcoholic beverages by employees whose job assignment includes the buying, selling, distributing, dispensing, transferring the beverage is excluded, as is the use of alcohol containing solvent, cleaners and other chemicals for the purpose for which they were manufactured.

C. It is a violation of this policy for employees to report to work, or to enter onto the City premises while being in a condition impaired for work due to effects, symptoms or side effects of alcohol and/or illegal or unauthorized drugs.

D. Failure to submit to any drug/alcohol testing required under this policy, including but not limited to failure to report in a timely manner to a collection site, sign any required consent form or otherwise fully cooperate in the collection of any breath/urine specimen, is also strictly prohibited. If any employee refuses to be tested, the refusal shall be treated as a positive test and the employee

shall be subject to disciplinary action.

Section 130.130. Employee Assistance Program.

[R.O. 2012 §130.280; Ord. No. 6694 §C, 5-26-1998]

A. *The Program.*

1. The City shall maintain a contract Employee Assistance Program which will provide counseling or referral for drug and alcohol abuse. Accumulated leave or leave without pay may be granted for treatment, counseling or rehabilitation under the applicable ordinance provisions. It will be the employee's responsibility to comply with City request for referral and diagnosis and to cooperate fully with any prescribed therapy.

2. Rehabilitation is the responsibility of the employee. In cases of mandatory referral to the Employee Assistance Program as a part of disciplinary disposition or in compliance with a Federal rule, the City shall require the counseling agency to report to the City:

- a. The employee is attending the mandated counseling;
- b. The employee is arriving on time to his/her scheduled appointments and is cooperating with his/her counselor;
- c. The employee has completed his/her counseling or therapy and is released by the counseling provider; and
- d. If any medical leave is required.

3. *Follow-up testing.* Whenever an employee has sought self-help or has been mandated to a drug and/or alcohol rehabilitation program and has completed the program, the City of Monett, may require the employee to participate in a follow-up drug and/or alcohol testing program.

B. *Testing Procedure.* Drug and alcohol testing procedures shall conform to those required by Federal regulations governing the drug and alcohol testing mandated by the Department of Transportation. All drug testing shall be done by a certified laboratory.

1. *Specimen collection.*

a. The Personnel Department will instruct job applicants to report to the testing site. Employees will be instructed by the City Clerk or by the department head where and when to report for drug and/or alcohol testing. In cases of reasonable cause, the employee will be transported to a medical facility or the City will request a breath test at the work site.

b. The procedures for collecting urine specimens will be designed to ensure the identity of the urine specimen that is produced. The procedure will also allow for individual privacy, unless in the determination of the City, the collector, or the MRO there is reason to believe that an employee may alter or substitute the specimen. Breath alcohol testing will follow Federal procedures to ensure accuracy, reliability and confidentiality.

c. If testing under this policy is ever required of an employee who is in need of medical attention, necessary medical attention will not be delayed in order to collect the

test specimen, however such an employee shall promptly, upon request from the City, provide the necessary authorization for obtaining hospital reports and records and any other information at the time the need for medical attention and/or testing arose.

2. *Testing.*

a. *Drug testing.* Drug testing will be performed on urine samples. The initial test will be done by the enzyme immunochemical assay method. All specimens identified as a positive test on the initial test will be confirmed using gas chromatography/mass spectrometry techniques. A specimen will be treated as negative if the results of the initial test or the confirmatory test is negative.

b. *Alcohol testing.* Alcohol use will be tested by using evident breath testing devices (EBT) and or by blood test. Breath alcohol testing requires the individual to provide a breath sample. Should the initial breath sample have a result of 0.02% blood alcohol content or greater, a confirmation test will be conducted within one (1) hour.

3. *Refusal to test.* If an employee refuses to be tested or alters or attempts to alter the test sample such actions shall be treated as a positive test in addition to being a violation of this policy.

C. *Test Results.*

1. *Drug test.*

a. The Medical Review Officer will review drug test results before they are reported to the City. The Medical Review Officer will report to the City whether an employee's drug test was positive or negative. If positive, the substances for which the test was positive will be identified. The Medical Review Officer may advise the City of a positive test result without having communicated with the tested employee about the test results.

b. If the Medical Review Officer determines there is a legitimate medical explanation for the positive test result, the MRO will report the test result to the City as negative.

2. *Confidentiality.*

a. The results of any positive test shall be kept confidential from the general City work force and public. The results may be known to the employee occupational health specialist, the test facility, the Medical Review Officer and those department superintendents necessary, and the employee. The City may use the results to determine the appropriate response to employee drug/alcohol use and to support its disciplinary actions or to defend the City in a court or administrative hearing.

b. The Medical Review Officer, and the City of Monett shall not release the individual test result of any employee to any unauthorized party without first obtaining written authorization from the tested individual.

D. *Action Taken In Response To Testing Results.*

1. An employee who refuses to be tested will be treated as having had a positive test. Failure to report to a collection site on a timely basis, sign any required consent form or otherwise fail to fully cooperate with the testing procedure shall be treated as a positive test. Employee refusing to be tested shall be subject to disciplinary action up to and including

dismissal.

2. An employee whose drug test is reported to the City as positive for drugs or metabolite of cocaine or any opiate or phencyclidine shall be subject to disciplinary action up to and including dismissal.

3. An employee whose drug test result is reported to the City as positive for drugs or metabolites or amphetamines or cannabinoids shall be immediately referred to a substance abuse professional for evaluation and may be subject to disciplinary action up to and including dismissal.

4. An employee whose breath test results in a reading of 0.02-0.039% blood alcohol content shall be removed from duty and not returned to work for at least eight (8) hours, and all hours not worked shall be recorded as lost time. An employee who has a continuing pattern of breath test results between 0.02-0.039% blood alcohol content shall be referred to a substance abuse professional for evaluation and may be subject to disciplinary actions up to and including dismissal.

5. An employee whose breath test results in a reading of 0.04% blood alcohol content or greater shall be removed from duty and not returned to work for at least eight (8) hours, and all hours not worked shall be recorded as lost time. Additionally, the City employee shall be referred to a substance abuse professional for evaluation and may be subject to disciplinary action up to and including dismissal.

6. An employee whose drug test is reported to the City as positive or whose breath test result is 0.04% blood alcohol content or greater and who has previously had positive drug test or previous breath test with a result greater than 0.04% blood alcohol content or who has previously been referred to a rehabilitation program under the self-help provisions of these rules shall be subject to disciplinary action up to and including dismissal.

7. Failure to immediately begin an approved rehabilitation program, successfully complete the program and/or participate in required or recommended after-care, may result in disciplinary action up to and including dismissal.

8. *Post rehabilitation.* An employee who tests positive for illegal drug/alcohol use cannot return to work until he/she meets all of the following:

a. Successfully completes a City approved rehabilitation program.

b. No further use of a controlled substance as indicated by a negative drug/alcohol test result at the time of release.

c. Obtains a full written release and recommendation to return to duty from the treatment facility factor and/or counselor.

d. Agrees to be subject to post-rehabilitation unannounced follow-up testing as determined by the City, for twenty-four (24) months after reinstatement.

e. *Self-help.* In applying this Drug and Alcohol Policy where prior to any drug or alcohol testing or the occurrence of an event giving rise to a reasonable suspicion of current drug and alcohol use an employee seeks help to refrain from drug or alcohol use, either by inquiry to the City or entering a counseling or rehabilitation program, the City will assist the employee in locating and attending a suitable program and exercise care to maintain the confidentiality of the inquiry and program participation.

(1) No employee shall have his/her job security jeopardized solely because he/she had made a voluntary request for diagnosis and appropriate therapy for alcoholism or drug dependency. However, the City of Monett is concerned by those situations where use of alcohol or other drugs affect an employee's job performance, causes a potential safety problem or is detrimental to the City's business, and will take those actions that are required for the good of the City as a whole. Self-referral to treatment programs may not be used as a protection from supervisory actions taken as a result of job performance deficiencies.

(2) The City may also grant the employee an appropriate leave of absence (generally not to exceed twelve (12) weeks) or other reasonable accommodation so the employee can undergo a mutually agreed upon rehabilitation program. To the extent permitted by law, any leave or other accommodation granted pursuant to this policy will, absent extenuating circumstances as determined by the City, be granted only once.

Section 130.140. Drug and Alcohol Testing.

[R.O. 2012 §130.290; Ord. No. 6694 §D, 5-26-1998]

- A. All City employees shall be subject to the following drug and alcohol tests:
1. *Pre-employment testing.* The City of Monett will test job applicants for current drug and alcohol use prior to offering successful applicants City employment.
 2. *Reasonable suspicion testing.*
 - a. Whenever a City supervisor has reason to believe a subordinate is under the influence of drugs or alcohol, the supervisor may require the subordinate to undergo drug and/or alcohol testing. The supervisor determining reasonable suspicion shall not supervise or participate in testing procedures.
 - b. Reasonable suspicions shall be grounded upon observable facts relating to the appearance or odor of the employee, the motor skills or speech of the employee, the physical inability of the employee to do their job assignments, or the facts surrounding an accident involving an employee in the performance of a job assignment.

Section 130.150. Employees Subject To Additional Requirements.

[R.O. 2012 §130.300; Ord. No. 6694 §E, 5-26-1998]

- A. In addition to the City's general drug and alcohol policy, every City employee who performs job duties requiring a commercial driver's license shall be subject to the rules of the Federal Highway Administration governing drug and alcohol testing. A summary of Section 49 CFR is as follows:
1. Beginning January 1, 1996 employees required to have a CDL for their jobs are subject to the following prohibitions:
 - a. No driver shall report to duty or remain on duty with a blood alcohol concentration of 0.04% or greater.

- b. No driver shall possess or use alcohol, including any medication with an alcohol component, while on duty.
 - c. No driver shall be allowed to drive within four (4) hours of using alcohol.
 - d. A driver involved in an accident which requires an alcohol test may not use any alcohol until after the test is completed or eight (8) hours have elapsed.
 - e. No driver shall refuse to submit to any required drug or alcohol test.
 - f. No driver shall report for duty or remain on duty when using any drugs except those a physician has advised the driver to use, which will not adversely affect the driver's performance.
2. Drivers are subject to the following drug and/or alcohol test.
- a. Pre-employment testing for drugs and alcohol.
 - b. *Post-accident testing.* Driver will be given drug and alcohol tests within eight (8) hours of an accident involving the death of a person or where the driver was cited by the Police Department.
 - c. *Random testing.* Driver must participate in random drug and alcohol test pools. The random test rate of the alcohol pool shall be at least twenty-five percent (25%) of the drivers annually and for the drug pool shall be at least fifty percent (50%) of the drivers annually.
 - d. *Reasonable suspicion testing.* Drivers are subject to drug and/or alcohol testing at any time when based upon reasonable suspicion.
 - e. *Return to duty testing.* Before returning to duty after being excluded because of drug or alcohol use, a driver must take and pass drug and/or alcohol test.
 - f. *Follow-up testing.* A driver referred to a substance abuse professional and subject to assistance or rehabilitation for drug or alcohol use shall be subject to such follow-up testing as directed by a substance abuse professional.
3. Supervisors have the following specific duties:
- a. Supervisors must produce drivers for post accident drug and alcohol testing within two (2) hours of the accident or explain in writing why the driver was not produced. The driver may be given necessary medical treatment and if such treatment prevents normal drug or alcohol testing, the supervisor shall immediately inform the City office.
 - b. Whenever drug or alcohol tests are required under these rules, supervisors must produce the driver for these tests, and when current impairment is reasonably suspected, the supervisor shall not allow the employee to drive.
 - c. Observations supporting a supervisor's reasonable suspicion of drug or alcohol use must be made just before, during or just after the employee performs safety sensitive work. These observations must be reduced to writing within twenty-four (24) hours of observation.
 - d. Whenever drug or alcohol tests are required by these rules and the employee is not tested within eight (8) hours of the notice of the need to test, the supervisor shall

explain in writing why the test or tests were not performed.

4. Besides the penalties set out by the City for violations of these rules, Federal rules violations have the following consequences:

a. No driver may drive if they have used a listed drug, and no driver may drive within four (4) hours of using alcohol or at any time when an alcohol test indicates and alcohol concentration of 0.04% or greater.

b. A driver violating these rules may not return to work until evaluated and released by a substance abuse professional, and subsequently tested for alcohol and drugs with negative results.

c. A driver tested with an alcohol concentration greater than 0.02% and less than 0.04% may not drive or perform other safety sensitive functions for twenty-four (24) hours after test.

d. Federal civil penalties for breach of the Federal rules range between one thousand dollars (\$1,000.00) to ten thousand dollars (\$10,000.00) for each offense. Federal criminal penalties for violations of Federal rules range between one thousand dollars (\$1,000.00) and twenty-five thousand dollars (\$25,000.00) for each offense or up to one (1) year imprisonment for each offense.

Section 130.160. Employee Drug/Alcohol Education.

[R.O. 2012 §130.310; Ord. No. 6694 §F, 5-26-1998]

A. Each employee shall be given educational materials that explain both the City and Federal rules and policies. CDL drivers will receive this information before the implementation of the drug and alcohol testing program begins. All new employees shall receive this information upon hiring. Employees receiving this information and this receipt shall be retained by the Personnel Department.

B. Employee drug and alcohol education materials shall have at least the following content:

1. The identity of the person(s) designated to answer employee questions about the City rules and testing programs.

2. Information explaining the effects of alcohol and drugs on health, work and personal life. The symptoms of alcohol or drug problems and available methods of intervention including confrontation, referral to EAP and discipline.

3. Information explaining when CDL drivers are subject to Federal drug and alcohol testing rules.

4. Explanations of employee conduct which is prohibited by these rules and the circumstances under which an employee will be tested.

5. The drug and alcohol procedures.

6. An explanation of when testing is required by Federal rules and when it is required only by City rules.

7. An explanation of what constitutes a refusal to test.

8. An explanation of the consequences of violations of these rules.
9. An explanation of the consequences of having an alcohol concentration greater than 0.02% but less than 0.04%.

C. Supervisors shall receive, in addition to the general employee information, at least sixty (60) minutes of training in alcohol misuse and at least sixty (60) minutes of training in drug use. The training shall cover physical, behavioral, speech and performance indicators of drug use and alcohol use and may also cover the physiologic and psychological aspects of addiction, how to detect and document early deterioration of job performance, the issues of drug testing and prevention and educational strategies, including how to implement them.

Section 130.170. Penalties.

[R.O. 2012 §130.320; Ord. No. 6694 §G, 5-26-1998]

If an employee violates any provision of the City drug and alcohol rules or the applicable Federal drug and alcohol rules or fails to do anything required under the policy or these rules, he/she may be subject to disciplinary action up to and including discharge and/or may be required as a condition of continued employment to attend a drug and/or alcohol rehabilitation program approved by the City on the employee's time at the employee's expense.

ARTICLE IV

Loss Control and Safety Manual

Section 130.180. Loss Control and Safety Manual.

[R.O. 2012 §130.330; Ord. No. 6695, 5-26-1998]

The City of Monett strives to emphasize the importance of practicing sound loss prevention techniques, the refinement of work safety policies and procedures and the creation and maintenance of a safe working environment. The City Council of the City of Monett, Missouri, hereby adopts a manual with regard to the loss control and safety requirements of the City of Monett employees. A copy of said manual is on file in the City offices.