


Policy Title:	Alcohol and Drug-Free Workplace		
	OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER	Category	Alcohol and Drug-Free Workplace
		Administrative Policy #	
		Revision #	
		Review Frequency	As Needed – no less frequently than triennially
Administrative Division	Human Resources	Reviewed By	Chief Administrative Officer, General Counsel, Human Resources Director
BOWC Approval		Last Reviewed/Update Date	
Implementation Date			

1. AUTHORITY

1.1. The Federal Drug-Free Workplace Act of 1988, Michigan Medical Marihuana Act of 2008, and Michigan Regulation and Taxation of Marihuana Act of 2018 allow the Detroit Water and Sewerage Department (DWSD) to prohibit the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace.

2. OBJECTIVE

2.1. To create a drug and alcohol-free workplace for all DWSD employees to best ensure safe working conditions and excellent customer service, to mitigate the potential for accidents, reduce absenteeism, manage employee morale, and reduce potential damage to DWSD, public property, or private property.

3. PURPOSE

3.1. The purpose of this policy is to provide documented guidelines for the detection and deterrence of alcohol and drug use. It also outlines the responsibilities of DWSD Managers, Supervisors, and employees.

4. DEFINITIONS

“Drug-Free” refers to a workplace free of the manufacturing, distribution, dispensing, possession or use of controlled substances (including alcohol) and associated paraphernalia.

“In the Workplace” means the entry upon or presence on DWSD property, including the parking lot, driveway or any other DWSD premises or work sites, and DWSD vehicles or private vehicles parked on DWSD premises or when on DWSD business in any location or capacity.

“Reasonable Suspicion” means a belief, based on objective facts, sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs or alcohol.

“Substance Abuse” means the use and/or abuse of alcohol, illegal drugs, prescription drugs or any other substance, which may impair an employee's ability to safely and effectively perform the functions and carry out the responsibilities of his or her assigned job.

“Under the influence” means being in a drug or alcohol induced physical or mental condition which (1) creates a risk to the safety or well-being of the individual, other employees or DWSD property, or private property, or (2) impairs judgment, performance or behavior, including the ability to perform assigned tasks or fulfill employment obligations; or (3) tests positive for drugs or alcohol.

5. SCOPE

- 5.1. This policy applies to all DWSD employees, student interns, and all other persons employed by DWSD.

6. RESPONSIBILITIES

6.1. Human Resources

- 6.1.1. The Human Resources Director publishes this policy; communicates this policy to all employees; reviews, approves, and publishes divisional standard operating procedures; and updates this policy as necessary.
- 6.1.2. Human Resources shall clearly identify alcohol and drug use as a form of misconduct and enforce the alcohol and drug-free workplace policy.
- 6.1.3. Human Resources shall determine appropriate discipline, up to and including termination for violations of this policy.
- 6.1.4. Human Resources will conduct an investigation to make determinations of all alleged violations of this policy.
- 6.1.5. Human Resources is responsible for retaining test results in a safe and secure location separate from employee files.

6.2. Employee Responsibilities

- 6.2.1. Employees must be familiar with, understand, and act in full compliance with this policy.
- 6.2.2. Employees must report to work able to perform work duties and responsibilities, free from impairment due to alcohol or drug use.
- 6.2.3. Employees must report to work without possessing, providing, or using alcohol or drugs (illegal drugs and prescription drugs without a prescription), or drug paraphernalia during working hours or while subject to duty, on breaks, during meal periods or at any time while on DWSD property or worksites. This also includes DWSD vehicles and employee's personal vehicle.
- 6.2.4. Employees are prohibited from consuming, being under the influence of, subject to the effects of, or impaired by alcohol or illegal drugs while performing DWSD business, driving a DWSD vehicle, driving a personal vehicle for DWSD business, or while on DWSD property and worksites.
- 6.2.5. Employees are prohibited from selling, purchasing, transferring, or possessing alcohol or illegal drugs while performing DWSD business or while on DWSD property and worksites.
- 6.2.6. Employees are required to submit immediately to an alcohol and drug test when requested by Management due to reasonable suspicion, legal requirements, or after being involved in an accident.
- 6.2.7. An employee must notify his or her Supervisor before beginning work when taking any medications or drugs, prescriptions or non-prescription, that the employee knows or should know may interfere with his or her safe and effective performance of duties or operation of DWSD equipment. If an employee cannot perform their typical job

duties but is able to perform other office duties, she/he may be temporarily assigned to perform other office duties. If the employee is not able to perform her/his job duties, she/he must consult with Human Resources to determine appropriate next steps and potential use of medical or other leave.

- 6.2.8. Employees must submit immediately to an alcohol and drug screen when involved in an accident. Refer to the Incident Reporting Policy for additional information.
- 6.2.9. DWSD employees shall notify Management and Human Resources within five (5) calendar days of such convictions for any drug or alcohol related offense. Human Resources will assess if the arrest warrants discharge, the loss of driving privileges or alternate job assignments until the matter has been resolved.

6.3. Management

- 6.3.1. DWSD Management shall be familiar with, understand, and act in full compliance with this policy.
- 6.3.2. Management should be educated and aware of potential signs of alcohol and drug use and abuse.
- 6.3.3. Management shall elevate and notify Human Resources of reported, identified, incidents of reasonable suspicion of a DWSD employee's use or being under influence of drugs or alcohol.
- 6.3.4. In the event that the proper use of medically prescribed medications interfere with an individual's ability to perform normal job duties, Management may consider temporary reassignment of the employee. If the employee is not able to perform her/his job duties, Management and the employee will consult with Human Resources regarding next steps. Refer to leave policies as necessary.
- 6.3.5. Management shall respond appropriately to reasonable suspicion or identified alcohol and drug use during work hours.
- 6.3.6. Management is responsible to ensure enforcement of this policy.

7. POLICY

7.1. General Policy

- 7.1.1. DWSD is a drug and alcohol free workplace and has Zero Tolerance for violations of this policy.
- 7.1.2. Employees shall not be under the influence of alcohol or illegal drugs upon reporting for work or at any time while at work.
- 7.1.3. The possession and/or use of illegal substances while on duty or while on DWSD property is strictly prohibited and is considered grounds for termination.
- 7.1.4. Employees shall not operate a DWSD-owned vehicle or a personal vehicle while on DWSD business after consuming alcohol, non-medically prescribed drugs or medically-prescribed drugs that impair their ability to operate the vehicle.

7.2. Marijuana

- 7.2.1. Although the use of recreational and medical marijuana is legal under the laws of the State of Michigan, marijuana is illegal under Federal law. Therefore, DWSD strictly prohibits all employees performing DWSD business or on DWSD premises from using, possessing, selling, transferring, distributing, or having in their personal effects marijuana for any reason.

7.3. Medically Prescribed Medications

- 7.3.1. The proper use of medically prescribed medications and drugs is not a violation of this policy, excluding medical marijuana. However, it is the employee's responsibility to notify Management, prior to beginning work, of any substance, which to the employee's knowledge might interfere with the safe and effective performance of duties or operation of DWSD equipment. Failure to provide timely notification may result in disciplinary action, up to and including termination.
- 7.3.2. In the event there is a question as to whether a prescribed medication interferes with an employee's ability to safely and effectively perform his or her job duties or operate DWSD equipment, the employee will be required to obtain a doctor's note clearing the employee for work while on the medication.

7.4. Drug Testing

7.4.1. Pre-Employment Testing

- 7.4.1.1. Candidates recommended for regular employment, whether full, part-time, or temporary recommended for hire in any DWSD position shall be required to undergo and pass a drug test for controlled substances.

7.4.2. Random Testing

- 7.4.2.1. All employees may be subject to random drug tests at the discretion of DWSD.
- 7.4.2.2. In addition, employees in transport (including CDL titles) and/or safety sensitive positions will be subject to unannounced, random drug testing unrelated to reasonable suspicion and/or as required by law.

7.4.3. Reasonable Suspicion

- 7.4.3.1. Any employee shall notify Human Resources when they have reasonable suspicion to believe that another employee may possess or be under the influence of or in possession of alcohol and/or illegal drugs while performing DWSD business, driving a DWSD vehicle, driving a personal vehicle for DWSD business, or while on DWSD property. Any of the following alone, or in combination, may constitute reasonable suspicion (this list is not all-inclusive):
- a) Slurred speech
 - b) Alcohol and/or other odors (e.g., marijuana) on breath, body, or clothing
 - c) Unsteady walking and movement
 - d) An accident or incident involving DWSD property or while on duty
 - e) Inappropriate Conduct (cursing, screaming, threatening behavior, etc.)
 - f) Physical altercation
 - g) Verbal altercation

- h) Unusual or erratic behavior
- i) Possession of alcohol and drugs
- j) Information obtained from a reliable person with personal knowledge

7.4.3.2. Management encountering an employee who refuses an order to submit to a drug and/or alcohol test upon request will be subject to disciplinary action, up to and including termination.

7.4.3.3. An employee who is tested pursuant to the reasonable suspicion provision of this policy will be suspended without pay pending the test outcome. If the test is not positive, the employee will be allowed to return to work with full back pay, unless the suspension was imposed for additional violations unrelated to this policy.

7.5. Consent

7.5.1. Failure to provide consent will constitute refusal, and will subject the employee to discharge.

7.6. Results of Drug/Alcohol Tests

7.6.1. A positive result from a drug and/or alcohol test will result in disciplinary action, up to and including discharge.

7.7. Right to Search

7.7.1. DWSD reserves the right to search, without employee consent, all areas and property in which DWSD maintains control or joint control with the employee. The DWSD may also notify the appropriate law enforcement agency that an employee may have illegal drugs in his or her possession.

7.7.2. Employees may be subject to searches of their personal property (i.e. handbags, lunch or toolboxes, etc.) when there is reasonable suspicion of substance abuse or of the presence of alcohol/drugs in the workplace. Refusing to cooperate with such search is cause for disciplinary action up to and including termination. All planned searches must have verbal or written approval of Human Resources and the Security and Integrity Division prior to being conducted.

7.8. Certifications or Licenses

7.8.1. Employees in non-CDL holding positions who lose certifications or licenses as a result of an outside conviction for drug or alcohol use may be disciplined up to and including termination.

7.9. Social Functions

7.9.1. Employees attending training and conferences as a representative of DWSD may participate in social functions associated with the event. Employees who consume alcohol at these functions are expected to use judgement in appropriate conduct and shall not drive.

7.10. Employee Assistance Program & Rehabilitation Programs

7.10.1. DWSD has an established Employee Assistance Program (EAP) to assist those employees who wish to seek help for self-reported alcohol or drug-related problems.

Participation in this program is voluntary and confidential. Refer to the EAP policy for more information.

7.10.2. DWSD encourages employees to seek professional help for their drug or alcohol problems. Employees who seek help before their problem becomes a disciplinary matter benefit themselves and DWSD. An employee who voluntarily notifies DWSD that he or she has a drug or alcohol problem may be allowed, upon request, to take a leave of absence to undergo rehabilitation. In compliance with the American Disabilities Act, the DWSD will review an employee's request for such a leave of absence and promptly notify the employee of its decision.

7.10.2.1. A self-reporting employee who successfully completes a rehabilitation program will be allowed to return to work in his or her former position, if it is available, or another available position for which the employee is qualified. Refer to the Return to Work policy for additional information.

7.11. Confidentiality of Records

7.11.1. Laboratory reports or test results shall not appear in an employee's personnel file housed in Human Resources. Information of this nature will be contained in a separate confidential medical folder

7.11.2. The reports or test results may be disclosed to DWSD Management on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without patient consent, may also occur when:

7.11.2.1. The information is compelled by law or by judicial or administrative process.

7.11.2.2. The information has been placed at issue in a formal dispute between the employer and employee, including unemployment claims.

7.11.2.3. The information is to be used in administering an employee benefit plan.

7.11.2.4. The information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

7.12. Reasonable and Necessary Accommodations

7.12.1. Management may take reasonable and necessary actions to accomplish the intent of this policy.

8. PROCEDURE

8.1. Pre-Employment Testing

8.1.1. Candidates recommended for regular employment, whether full, part-time, or temporary recommended for hire in any DWSD position shall be required to undergo and pass a drug test for controlled substances. Human Resources will provide instruction to the employee selected for random testing.

8.2. Random Testing

8.2.1. All employees may be subject to random drug tests at the discretion of DWSD.

8.2.2. Human Resources will provide instruction to the employee selected for random testing.

8.3. Reasonable Suspicion

- 8.3.1. Management will order that an employee suspected of being under the influence to stop working for the remainder of the shift and contact the DWSD Security and Integrity Division and Human Resources immediately.
- 8.3.2. Management, with approval from Human Resources, should request that an employee submit to a drug and/or alcohol test when Management has reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol while on the job or on DWSD premises.
- 8.3.3. Where there is reasonable suspicion that the employee is under the influence of alcohol or drugs, employees shall remain at the workplace until the employee can be safely transported to a City of Detroit medical service provider for evaluation and drug and/or alcohol testing.
- 8.3.4. Upon receiving the results of the test, Management and Human Resources will determine the course of action.

8.4. Post-Accident

- 8.4.1. Employees must submit immediately to an alcohol and drug screen when involved in an accident. Refer to the Incident Reporting Policy for additional information.