

**City of Vergas**  
**Drug and Alcohol Testing for Employees and Applicants**

**INTRODUCTION:** City Employee's and applicants required to hold a commercial driver's license (CDL) for their job or are in a safety-sensitive position will be tested according to City policy.

Employees are prohibited from being under the influence of alcohol or drugs while on duty; is on the city's premises in the course and scope of employment; while operating city vehicle, machinery or equipment; or when performing any city business.

Policy is in accordance with The Minnesota Drug and Alcohol Testing in the Workplace Act (DATWA).

**POLICY:**

**1. Pre-Employment Testing**

- A> Every job applicant, who is required to hold a CDL, and offered employment with the city will receive the job offer conditioned upon successful completion of a drug test. All applications will be queried with the DOT Clearinghouse before offered employment.
- B> Failure of the drug test, a refusal to take the test, or failure to meet the conditions of the offer will result in a withdrawal of the offer.
- C> Temporary or seasonal employees are not generally subject to pre-employment testing, unless determined the position is safety sensitive and impairment would jeopardize the safety and health of self and others. This will be as approved by the City Council.

**2. Reasonable Suspicion Testing**

- A> Employee's may be subject to drug and/or alcohol testing when reasonable suspicion exists. Reasonable suspicion may be based upon, but not limited to facts regarding appearance, behavior, speech, breath, odor, possession of or use alcohol or drugs as containers or paraphernalia, poor safety record, excessive absenteeism, impairment of job performance or other circumstances that would cause a reasonable employer to believe a violation of city policy concerning drugs and alcohol  
Consistent with Minnesota Statute, employees will be subject to alcohol and/or drug testing when reasonable suspicion exists to believe that the employee:
  - Is under the influence of alcohol or a drug; or
  - Has a violated written work rules prohibiting the use, possession, sale or transfer of drugs or alcohol while working, while on city property, or while operating city vehicles, machinery or other type of equipment; or
  - Has sustained a personal injury or has caused another employee to sustain an injury; or
  - Has caused a work-related accident or was operating or helping to operate machinery, equipment or vehicles involved in a work-related accident.
- B> Observations and evidence of suspicion will be documented to include specific observations, details, and dates.

### **3. Random Testing**

- A> Testing will be randomly conducted annually for those whose job requires a CDL or has been deemed to be in safety sensitive position.
- B> Random Testing schedule will be under the oversight and coordination of the approved laboratory testing facility.

### **4. Testing Process**

- A> Applicants/Employees will be driven to the approved laboratory testing facility by their City Clerk or a designee. The employee will be provided appropriate arrangements for return transportation to residence.
- B> The City of Vergas is responsible for the costs of testing.
- C> Applicants/employees have the right to refuse to submit to an alcohol and drug test, however refusal will subject an employee to termination and withdrawal of offer of employment for applicants.
- D> Any intentional act or omission by applicant/employee that prevents the completion of the testing process, constitutes a refusal to test.
- E> Applicant/employee who substitutes or attempts to substitute, or alter, or attempt to alter a testing sample is considered a refusal to test.

### **5. Notification of Results**

- A. Notification of Negative Test Result:  
The testing laboratory report results at time of screening test. The City Clerk will be notified of test results electronically.
- B. Notification of Positive Test Result:  
The testing laboratory report at time of the screening test. A second confirmatory test will be conducted for positive screens. The City Clerk will be notified electronically of results. If employee tests positive the clerk will provide employee with references for drug or alcohol rehabilitation programs. Employees will be driven to their home and personnel committee will be notified.

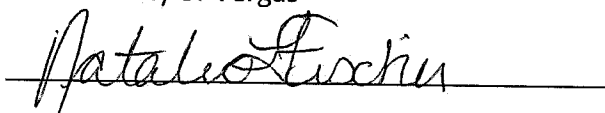
### **6. Employment Actions:**

- A> Employees taking a lawful drug, including prescription and over the counter drugs which may impair their ability to perform their job responsibilities or pose safety risk to self or others; must advise the City Clerk before beginning work. It is the employee's responsibility to seek written information from his/her physician or pharmacist. Employees will not be authorized to perform safety sensitive functions.
- B> Driving while impaired in a city owned vehicle at any time during business or non-business hours or in an employee-owned vehicle while conducting city business; may result in discipline; up to and including discharge.

- C> The City will not discharge, discipline, discriminate against, or request rehabilitation based on a positive test result from the initial screening test that has not been verified by a confirmatory retest.
- D> The City may suspend a tested employee with or without pay or transfer the employee to another position at same rate of pay pending outcome of the confirmatory retest.
- E> The City may not discharge an employee for a first confirmatory positive test without first giving the employee an opportunity to participate in either a drug or alcohol rehabilitation program. This will be at the employee's expense.
- F> Based review of submitted information and impairment circumstances, disciplinary actions will be as proposed by City Attorney and approved by the City Council.

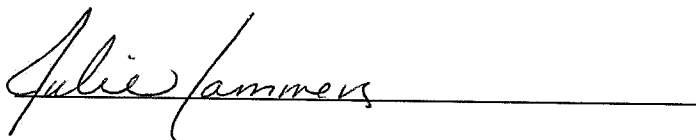
**Reference:** Minnesota Drug and Alcohol Testing in the Workplace Act (DATWA)  
League of Minnesota Cities Model Policy regarding Non-DOT Drug and Alcohol Testing and Drug Free Workplace Act.

Adopted this 15th Day of February by the City Council of the City of Vergas



Natalie Fischer,  
Acting Mayor

ATTEST:



Julie Lammers  
City Clerk-Treasurer

Adopted: January 10, 2023

Revised: February 15, 2023

Policy Acknowledgment: I have read and understand as an applicant passing a drug test is a requirement of the job and as an employee understand policy regarding random and reasonable testing

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date