

SECTION 3 - STANDARDS OF CONDUCT

3.01 ETHICS STATEMENT

Employees will abide by the Code of Ethics attached as Appendix A.

3.02 ATTENDANCE

Employees are required to be at their places of work or performing their assigned duties in accordance with the work schedules established for their department or division, unless officially excused by their supervisor. Failure to observe working hours reduces productivity and places an unfair burden on fellow employees.

Whenever an employee is unable to report to work because of illness or emergency, the employee must call their supervisor as far in advance as possible prior to their scheduled shift time, or in the event of an emergency, as soon as practicable. Such notification should include the type of leave requested (vacation, floating holiday, or sick leave) and an indication of when the employee can be expected to report to work. Leave time is subject to the approval of the supervisor. The absent employee is responsible for ensuring that proper advance notice of absence or late arrival is given to the employee's supervisor, in accordance with the employee's departmental rules and regulations. A message left with a co-worker is acceptable only in the absence of the supervisor. If a voice mail is left, it is the employee's responsibility to call back to ensure that the message was received. Failure to provide proper notification of an absence or lateness, unexcused absences, late arrivals or early departures from work may result in disciplinary action, up to and including dismissal.

Any employee who fails to report to work for 3 consecutive workdays, and fails to notify their supervisor in advance of the reason for the failure to report to work, will be considered to have voluntarily and irrevocably resigned from their position at the end of the 3rd day unless the City determines that the employee has sufficient reasons for not giving notice (i.e. physically disabled, etc).

Each department will maintain individual attendance records.

3.03 MEAL AND BREAK PERIODS

Supervisors shall implement work schedules, including work hours and lunch schedules, to meet the general requirements of their departments and divisions. Meal and break periods may be temporarily discontinued or delayed in order to

maintain production or services. Rest breaks are not required by law, but if offered must be counted as time worked.

3.04 APPROPRIATE APPEARANCE

The personal appearance and grooming of our employees plays an important role in the perception that the public and customers have of the City of Sugar Land. Employees are expected to maintain minimum standards of dress, grooming, and personal hygiene appropriate for the position and job duties and as necessary to protect the safety of the employees.

This policy establishes the foundation for the City's dress code policy. In order to maintain a positive public image and to assist employees in determining what is appropriate, the following guidelines are established:

1. Each employee, taking into consideration their position, shall maintain a professional, appropriate and business-like appearance when representing the City.
2. Casual Fridays are permitted, which includes the wearing of jeans. If worn, jeans must be clean, not faded or torn, and must be free of ornament or decoration.

Note: In all cases, employee's attire is expected to be appropriate for daily activities, meetings, or public functions.

Prohibited:

1. Tennis/Athletic shoes on a daily basis.
2. Revealing, sheer, see-through tops, blouses, or sweaters (unless worn over another shirt.)
3. No tank tops (unless worn underneath a shirt or jacket at all times.)
4. No shirt that allows a bare midriff.
5. No flip-flop type sandals.
6. No leggings.
7. T-shirts with advertisements, political messages, or slogans (unless provided by the City for a specific City/Public event.)
8. Jeans. Pants made of a heavy denim or jean material. (Exception: Field Personnel and Casual Fridays) Supervisors may make exceptions to the dress code for certain special projects that may require to "dress down". If worn, jeans must be clean, not faded or torn, and must be free of ornament or decoration.
9. Lip, nose, tongue, or any earring(s) on a visible part of the body (excluding ears.)
10. Overalls and shorts (Program Managers may make exceptions for uniformed-seasonal wear.)

11. Sweat and Wind suits.
12. Hair worn in a manner to create a safety hazard.

Exceptions:

The program manager or Director may make occasional exceptions due to weather conditions or special projects and/or events.

3.05 USE OF CITY PROPERTY

City facilities, equipment, supplies, and other City resources are made available to help the employees perform their job duties and not for their personal use. The City, however, recognizes that under certain circumstances the employee's occasional use of City telephones, computers, facsimile, e-mail, copiers, Internet, and similar resources for personal use may be necessary or beneficial to the City. The City may establish separate policies governing the use of specific equipment. An employee that violates this policy, with excessive use of City equipment for private use, shall be subject to disciplinary action up to termination.

A. TELEPHONE LONG DISTANCE

All employees are restricted from making non-business long distance telephone calls via the City's long distance provider, except in emergency situations. Calls placed through personal calling cards, pre-paid cards, and/or credit cards are not prohibited.

B. VEHICLES

It is the policy of the City of Sugar Land to provide for transportation needs, as necessary, for its employees. City-owned vehicles may be used only for City business, except as otherwise specifically authorized by department policy approved by the City Manager. All operators of City vehicles and equipment must possess a valid Texas Driver's License. Personal driving records can impact employees who must drive city vehicles or equipment to perform their jobs. An employee whose position requires driving a city vehicle or driving on City business will have a motor vehicle records check conducted every other year.

To be eligible to drive a city vehicle an employee may not have more than 2 moving violations in a 3 year period on their driving record.

Any employee found to have been convicted of 1 DWI in the previous 3 years from the date the MVR is examined will receive a counseling and be required to meet with a Substance Abuse Professional (SAP) through the City's EAP program. Any employee found to have been convicted of 2 DWIs in the

previous 3-year period will be restricted from driving city vehicles/equipment. These requirements can affect an employee's ability to perform essential job requirements and may result in demotion to a non-driving position or termination if no available position exists for which the employee qualifies.

3.06 INFORMATION TECHNOLOGY SYSTEM USE POLICY

The City provides information technology systems, which means any City equipment used for sending, receiving or accessing information by electronic means and transported on wired or wireless networks.

A. PERMISSIBLE USE

Permissible use of the System is to carry forward City business. Use is encouraged when it results in the most efficient and effective means of communication. It is the responsibility of the employee to use the System to assist in carrying out the business purposes of the City. This includes, but is not limited to:

1. Perform job functions,
2. Communicate information in a timely manner,
3. Coordinate meetings of individuals, locations, and City resources,
4. Communicate with departments throughout the City, and
5. Communicate with outside organizations as required performing an employee's job functions.

Occasional use for personal reasons is permissible as stated under Section 3.05.

B. PROHIBITED USES

Unless the use is related to the employee's job duties or authorized by a supervisor, employees may not use the System for any of the following purposes:

1. Sending or choosing to receive information that could reasonably be considered as being offensive, sexually explicit, abusive, threatening, or otherwise inappropriate for the workplace.
2. Sending or choosing to receive information that violates any City policy, including the City's sexual harassment policy.
3. Copying or transmitting any documents, software or other information protected by the copyright laws, without proper authorization by the copyright owner. Copyright protection applies to any document, photo, software, or information unless it is specifically marked as public, not copyrighted, or freeware. In the absence of any specific

copyright markings, material or information should be considered copyright protected.

4. Breaking into the System or unauthorized use of a password.
5. Intentionally and maliciously misrepresenting the originator of any type of electronic information.
6. Supporting recreational use by sending or choosing to receive non-business software or services including games or entertainment software or services.
7. Sending or choosing to receive information related to news groups, chat rooms, instant messaging or other sources that are not clearly work-related.

Any employee who becomes aware of any misuse of the System must report the misuse to their respective Director or Program Manager immediately.

C. OWNERSHIP

All electronic information on the System remains the property of the City and employees have no right of privacy in the use of the System even if for permitted personal use. Employees must recognize that it is within the capabilities of the System to recover previously deleted elements at any time and those recovered elements remain the property of the City.

D. MONITORING

The City reserves the right, with or without notice, at any time, for any reason, to monitor the use of the System and to access information sent, received or stored.

E. PUBLIC DISCLOSURE

Any information on the System is presumed to be subject to disclosure, upon request, as public information. Therefore, employees should use discretion in making use of the System to discuss sensitive matters or matters in litigation.

F. ETIQUETTE

Employees are responsible for learning proper techniques and standards of electronic communication regarding content, style, distribution and appropriateness.

3.07 SOFTWARE POLICY

It is important to provide employees with appropriate software to perform their jobs. The City will provide the proper software while maintaining the U. S. Copyright Laws according to the following guidelines:

The City of Sugar Land purchases or licenses the use of computer software from a variety of outside companies. The City does not own the copyright to this software or its related documentation and unless authorized by the software developer does not have the right to reproduce it for use on more than one computer.

Employees shall use Local Area Network Systems or Multiple Machine Software in accordance with licensing agreements.

Employees learning of any misuse of software or related documentation within the city shall notify their supervisor or the Information Systems Director.

Employees are not permitted to install their own copies of any software onto City of Sugar Land machines, or copy software from City computers and install it on home or any other computers.

Illegal reproduction of software can be subject to serious civil and criminal penalties; therefore employees who make, acquire or use unauthorized copies of computer software shall be disciplined as appropriate under the circumstances.

The City specifically forbids the unauthorized duplication of software.

3.08 POLITICAL ACTIVITY

An employee may not engage in political activity relating to a campaign for an elective public office or a proposition to be voted on by the public while in City uniform, on-duty, or while representing or acting on behalf of the City. For purposes of this policy, to engage in political activity includes:

1. Using or granting permission to use his or her job title for political activity.
2. Making a speech to a group or gathering supporting or opposing a candidate or proposition.
3. Distributing information relating to the campaign of a candidate or a proposition.
4. Wearing a campaign button while in uniform.
5. Circulating or signing a petition for a candidate or proposition.
6. Soliciting votes for a candidate or proposition.
7. Using city equipment to promote a candidate or proposition.

8. Soliciting campaign contributions for a candidate or for or against a proposition.
9. Any activity supporting or opposing a candidate or proposition expressed in a manner, time, or location that the public might reasonably believe represents a position of the City.
10. Any activity supporting or opposing a candidate or proposition expressed in a manner, time, or location that disrupts or interferes with the operations or effectiveness of City operations.

3.09 EMPLOYEE'S MEMBERSHIP IN LABOR ORGANIZATIONS

Any employee of the City may join, organize, or maintain membership in an employee or labor organization if they so desire. The City of Sugar Land neither encourages nor discourages such activity. Employee and labor organizations may reserve and use City-owned meeting rooms and facilities that are available to the public by complying with the policies, terms, and conditions that apply to the public use of the facilities.

Employees who organize or participate in employee or labor organizations and activities may not do so in a manner that:

1. Interferes with any employee's performance of their duties as City employees or with City operations, disrupts workplace harmony or undermines organizational efficiency or effectiveness;
2. Results in actions or behavior that negatively impacts the city administration's ability to demonstrate or maintain a posture of political neutrality;
3. Violates the City's policies on the use of City equipment or facilities, political activities, or other policies.

3.10 OUTSIDE EMPLOYMENT

While employed by the City, regular full time employees must notify their Supervisor before accepting additional employment and are subject to certain restrictions outlined as follows:

1. The City requires that employees' activities and conduct away from the job must not compete or conflict with or compromise the City's interest, or adversely affect job performance and the ability to fulfill all responsibilities to the City. This requirement, for example, prohibits employees from performing any services for customers on nonworking time that are normally performed by City personnel. This prohibition also extends to the unauthorized use of any City

tools or equipment. In addition, employees are not to solicit or conduct any outside business during paid working time, except for those exempt employees who, with permission of the City Manager, are able to structure their City employment so that outside employment is not an interference with their City job requirements.

2. All full-time employees must obtain prior approval from their Supervisor before any outside employment is undertaken. Employee requests for permission to accept outside employment, including self-employment, must be submitted in writing to the employee's Supervisor. (Request for Outside Employment, HR 3.01A & 3.01B) The request must state any pertinent information about the outside employer, the nature of the job, and the hours of employment. The Supervisor's decision will be final.
3. Employees are cautioned to consider carefully the demands that additional work activity will create before requesting permission to seek or accept outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity does cause or contribute to job-related problems, it must be discontinued, and, if necessary, disciplinary procedures will be followed to deal with the specific problems.
4. Employees may not hold other employment while on City sick leave or while receiving worker's compensation benefits without the written consent of the City.

3.11 SOLICITATIONS

Solicitation and distribution of literature or goods in employee work areas by non-employees is prohibited.

The City may authorize a limited number of fund drives for charitable organizations.

3.12 SMOKING AND TOBACCO PRODUCTS

Employees must comply with the City's ordinance prohibiting smoking in any City-owned building, or motor vehicle. Employees will be allowed to smoke only in designated smoking areas. In this policy, the "use of tobacco products" means the inhaling, exhaling, burning or carrying of any lighted cigar, cigarette,

or other combustible tobacco product in any manner, including cigarettes and cigars; the chewing of tobacco; and the use of snuff.

3.13 CONCEALED HANDGUNS

An employee licensed to carry a concealed handgun under Texas law may not carry the concealed handgun into a City building, in a City vehicle, or on the employee's person while on duty as a City employee, unless the employee is a licensed peace officer of the City.

3.14 DRUG-FREE AND ALCOHOL-FREE WORKPLACE POLICY

It is the policy of the City of Sugar Land to:

1. Maintain a safe, drug-free and alcohol-free work environment for its employees, conducive to effective city government operations, and to make a good faith effort to comply with the Federal Drug-Free Workplace Act of 1988, as amended.
2. Prohibit the manufacture, distribution, dispensation, possession, sale or use of illegal drugs, intoxicants by employees at any time on-or off duty.
3. Ensure that while on duty for or acting on behalf of the City, while wearing a City uniform and/or in a City vehicle, while on City premises, that employees will not be impaired by alcohol, intoxicants, or have illegal substances present in their systems.
4. Require employees taking prescription medications that would impair their ability to operate vehicles, machinery, or equipment in a safe manner, to inform their supervisor of the potential danger.
5. Follow the Omnibus Transportation Employee Testing Act of 1991 requiring employees holding a Commercial Driver's License (CDL) to be tested for use of controlled substances and misuse of alcohol. All employees who are required to have a CDL are subject to the controlled substance and alcohol testing rules set forth by the Department of Transportation. The Human Resources Department maintains a list of positions requiring a CDL.

A. DEFINITIONS

ALCOHOL is defined as any source of ethyl alcohol or ethanol, including any mixture or preparation such as over-the-counter or prescription cold medicines, mouthwashes, etc. An employee whose breath alcohol test indicates

a breath alcohol level of .02 or greater shall not be allowed to perform a safety sensitive function. Impairment is considered to exist when the breath alcohol concentration level is .04 or greater, regardless of the source of that alcohol. The employee must be removed from their safety sensitive function for a minimum of 24 hours.

COMMERCIAL DRIVERS LICENCE (CDL) is a Texas Department of Public Safety driver's license designation, which allows the holder to perform safety sensitive functions. These functions include driving, being on call or on standby to drive a commercial vehicle.

COMMERCIAL VEHICLE means a vehicle which is designed to carry 16 or more passengers and/or weighs 26,001 pounds or more. Also included is the loading, inspecting, and/or working on the vehicle(s) in any way which could affect vehicular performance or safety. It also includes a vehicle of any size and is used in the transportation of hazardous materials under the Hazardous Materials Transportation Act and which requires the motor vehicle to be placarded under the Hazardous Materials Regulations.

CONTROLLED SUBSTANCE means any substance listed in Schedule I - V of Section 202 of the Controlled Substance Act (21 U.S.C. S 812), as amended, or in the Texas Health and Safety Code Ann. 481.001, as amended.

CITY PREMISES means all City owned property and facilities, their surrounding grounds and parking lots, and City provided motor driven equipment/vehicles.

DEPARTMENT OF TRANSPORTATION (DOT) is a federal regulatory agency, which mandates drug-related requirements on businesses subject to their regulatory authority. Employees who are required to have a commercial driver's license (CDL) to perform the scope of their work must comply with DOT regulations (police and fire fighting apparatus are exempt)

DRUG means any chemical substance that is defined by criminal statute as a controlled substance and any other drug, including, but not limited to, a prescription drug, over the counter drug or inhalant, used for any reason other than a legitimate medical reason. It also includes any drug, which may produce physical, mental, emotional, or behavioral change in the user.

DRUG TEST means a procedure to test urine samples for the purpose of detecting the presence of amphetamines, cocaine metabolites, opiate metabolites, phencyclidine, and marijuana metabolites.

ILLEGAL DRUG means any drug or derivative thereof, the use, possession, sale, transfer, attempted sale, or transfer, manufacture or storage of

which is illegal, or regulated under any federal, state or local law or regulation. Marijuana or cannabis in all forms is included.

INTOXICANT means any of the following: Alcohol, a controlled substance, a controlled substance analog, any other drug, or a vapor-releasing substance, and any combination of alcohol, a controlled substance, a controlled substance analog, any other drug or a vapor-releasing substance.

RANDOM DRUG/ALCOHOL TESTING is a systematic method (i.e., just before, during, or just after performance of safety sensitive functions) of unscheduled and unannounced urine sample and/or breath-alcohol testing using a process designed to ensure that selections are made in a non-discriminatory manner.

REASONABLE SUSPICION means an articulable belief, with observable behavior or appearance characteristic of alcohol or drug abuse based on specific facts and reasonable inferences drawn from those facts.

SPLIT SPECIMEN refers to the urine specimen collected during drug testing that is sent to the first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result. The employee must make a request for a split specimen to the Medical Review Officer (MRO) within 72 hours of receiving notification of the initial result. A “split specimen” may also be referred to in this policy as a “split sample.”

B. RESPONSIBILITIES

1. Employees and volunteers must:

- Not use any illegal drugs at anytime.
- Not consume alcohol during working hours to include lunches and breaks.
- Not consume alcohol for at least 4 hours prior to reporting to work or operating city vehicles or equipment or a sufficient amount of time to allow the blood alcohol to return to a level of less than .02.
- Notify their immediate supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.
- Notify their immediate supervisor if they are impaired, due to alcohol or on prescription drugs, and unable to safely perform their duties.

2. Supervisors are responsible for:

- Enforcing the appropriate provisions outlined in this procedure.
- Submitting the documentation to the Human Resources Director.
- Determining if reasonable suspicion exists to warrant drug/alcohol testing and detailing in writing the specific facts, symptoms, or observations, which form the basis for the reasonable suspicion.
- Escorting the employee to the testing facility as listed in Addendum B. A supervisor shall escort the employee to the city-approved facility. A supervisor shall not be required to, but may, accompany an employee for a return to duty or follow-up drug/alcohol testing.
- Instruct the appropriate testing facility that a drug and alcohol screening be performed, according to protocol as established by the City of Sugar Land.

3. The Human Resources Director (or designee), is responsible for:

- Selecting the medical facility or facilities that will conduct collections and screenings.
- Notifying Directors and Program Managers of the positions within their respective departments, which are classified as DOT and those employees that will be subject to random drug/alcohol testing.
- Coordinating random drug/alcohol tests.
- Receiving the results of drug/alcohol tests of departmental employees and applicants.
- Retaining all drug/alcohol test-related records for employees and applicants.
- Ensuring all drug/alcohol tests, notices, forms and results are kept confidential, to the extent allowed by law.
- Coordinating the use of the Employee Assistance Program (EAP).

- Developing a training program to assist supervisors to recognize the conduct and behavior that gives rise to a reasonable suspicion of drug/alcohol use by employees.
- Making drug/alcohol testing consent forms available to departments.
- Notifying a department of its employees randomly selected for drug/alcohol testing.
- Issuing a Request for Proposal, if needed, and administering the contract to provide urine sample collection and drug/alcohol testing.
- Developing and ensuring proper protocols are on file with testing agencies.

4. Medical Facility Responsibility – The medical facility will:

- Perform alcohol testing for all employees in accordance with city, state, and federal guidelines. If breath alcohol testing is performed, it will be performed with certified equipment by a certified technician. If a medical facility is used that does not have certified breath alcohol testing equipment, blood will be taken from the employee.
- Perform controlled substance testing for all employees and selected applicants in accordance with city, state and federal guidelines.
- Immediately implement the steps necessary to ensure test confirmation when initial test results are positive.
- All procedures to be performed using a chain of custody established standards.
- MRO's will inform employee/applicant of split sample testing.

C. TESTING

1. Instructions and Facilities (during hours and after hours)

For all at-fault post-accident or reasonable suspicion testing, follow the instructions listed in Appendix B. If during hours, a supervisor or a designated person will escort the employee to the designated facility. Instructions and

designated facilities are listed in the attached Appendix B for both during hours and after hours testing.

- (a). During hours is considered between 8:00 am and 5:00 pm, Monday through Friday.
- (b). After hours is considered after the hours of 5:00 pm or before 8:00 am, Monday through Friday or at any hour on a Saturday, Sunday, or recognized holiday.

2. Pre-placement

Prior to beginning work as a City employee, any applicant for employment who has been made a conditional offer of employment will be required to undergo a drug/alcohol test for the presence of drugs or alcohol in their system. The Human Resources Department must receive a negative test result before the applicant may be made a final offer of employment. Applicants are not required to undergo a pre-placement alcohol test, with the exception of applicants holding a Commercial Driver's License (CDL), where the position for which they are applying requires a CDL.

All applicants must complete the Authorization to Release Information, (Form HR 2.02), which accompanies the City of Sugar Land Application for Employment. Any applicant selected for a position with the City of Sugar Land must comply with the procedures outlined in this Policy.

Alcohol testing is conducted using the Department of Transportation's certified Evidence Breath Testing (EBT) device and complete by a certified Breath Alcohol Technician (BAT). Alcohol tests between 0.02 and 0.039 will be considered negative; however will require a second confirmation test. If the second test indicates impairment of 0.02 and above, the applicant will not be considered for employment with the City of Sugar Land.

A pre-placement drug test is good for 31 calendar days. If an applicant is not hired within 31 days, the applicant will be required to undergo another drug test.

Any applicant who has tested positive for drugs during the application process may be considered for employment with the City of Sugar Land, following a period of 1 year. Upon reapplication, the applicant must also agree to at least 1 year of random drug tests (6 tests during the 1 year period) paid for by the City.

3. Reasonable Suspicion

A Supervisor may require an employee to undergo a drug/alcohol test if there is reasonable suspicion that the employee is impaired by drugs or alcohol while acting in the scope of employment on behalf of the City or has otherwise violated this policy.

Supervisors shall be responsible for determining if reasonable suspicion exists to warrant drug/alcohol testing, and shall be required to document in writing the specific facts, symptoms, or observations which form the basis for such reasonable suspicion. If a specific, contemporaneous, articulatable observation concerning the appearance, behavior, speech, or a body odor of the employee exists; the supervisor shall contact another supervisor to view and confirm their suspicion. Supervisors shall also contact the Human Resources Director or designee for instructions regarding a "reasonable suspicion" interview and test. If the reasonable suspicion occurs after normal business hours, the supervisor shall escort the employee for a reasonable suspicion test by following the procedures outlined in Appendix B. It shall be the responsibility of the supervisor to contact the Human Resources Department at the first opportunity the next business day to discuss the reasonable suspicion testing of the employee.

(a) Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

(1) A Pattern of Abnormal or Erratic Behavior - This includes, but is not limited to a single, unexplainable incident of serious abnormal behavior or a pattern of behavior which is radically different from what is normally displayed by the employee or grossly differing from acceptable behavior in the workplace.

(2) Information provided by a Reliable and Credible Source – The supervisor receives information from a reliable and credible source that an employee is violating this Policy.

(3) Direct Observation of Drug/Alcohol Use - The supervisor directly observes an employee using drugs/alcohol while the employee is on duty or acting in the scope of employment. Under these circumstances, a request for drug/alcohol testing is MANDATORY.

(4) Presence of Physical Symptoms of Drug/Alcohol Use - The supervisor observes physical symptoms that could include but are not limited to glassy or bloodshot eyes, slurred speech, poor motor coordination, or slow or poor reflex responses different from what is usually displayed by the employee or generally associated with common ailments, e.g., colds, sinus, hay fever, diabetes, etc.

(5) Aggressive or Threatening Behavior - If an employee engages in unprovoked, unexplained, aggressive, violent and/or threatening behavior against a fellow employee or a citizen, the department may request that the employee submit to drug/alcohol testing;

4. At-Fault/Post-Accident

A supervisor shall order any employee who is involved in an accident while operating a City vehicle or motorized equipment to take a drug and alcohol test if:

- The accident results in damage or loss to any property or an injury requiring medical attention to any person; and
- The employee contributed to or caused the accident.

Drug/alcohol tests are to be performed as soon as possible after the accident/incident occurs. Post-accident testing that does not take place immediately after the accident/incident must be documented by the employee and supervisor as to the reasons for delay. Undocumented reasons for not testing immediately will be considered a refusal to test.

An employee who is seriously injured and cannot provide a specimen within two hours after the accident will provide necessary authorization to the City for obtaining hospital reports and other documents that would indicate whether there were any controlled substances or alcohol in their system at the time of the accident.

5. Random - CDL ONLY

All CDL drivers are subject to unannounced alcohol and controlled substance testing based on random selection. The minimum annual percentage rate for random alcohol testing shall be 25 percent of the average number of CDL employees. The minimum annual percentage rate for random controlled substance testing shall be 50 percent of the CDL employees. The City shall ensure that random testing will be unannounced and spread reasonably throughout the calendar year. In the event that an employee who is selected for a random test is on vacation or an extended medical absence, the City can either select another employee for testing or keep the original selection confidential until the employee returns.

6. Change in Job Status – CDL ONLY

Prior to finalizing a change in status to a position, which requires a CDL, a pre-placement drug/alcohol test will be performed. Any conditional offer into a job requiring a CDL shall be withdrawn if the test results are positive. The

Human Resources Department must receive a negative drug/alcohol test result before the employee may officially change jobs.

D. TESTING PROCESSES

1. Notification

Employees selected for drug/alcohol testing for any reason shall be notified by the appropriate director or program manager or designee to submit to the drug/alcohol test and given directions on how to proceed. (See Appendix B). Once an employee has been notified to take a drug/alcohol test, unless hospitalized, no sick or other leave may be authorized until the collection process is completed.

All employees must complete a consent form. If an employee does not complete the consent form, it will be considered a refusal to test and the employee is subject to termination.

2. Collection Process

Photo identification is required to submit to a drug/alcohol test. An employee has 3 hours to complete all requirements of the collection process for a drug test. Failure to provide a urine specimen within this time frame will be considered a refusal to test. Alcohol breath or blood tests must be given immediately.

3. Drug Testing Process

When drug testing is required or authorized under the provisions of this policy, a urinalysis test will be given to detect the presence of amphetamines, cocaine metabolites, opiate metabolites, phencyclidine, and marijuana metabolites.

The initial drug testing shall be by enzyme immunoassay technique (EMIT) test, which shall be administered at a City approved laboratory and at City expense. If an initial drug test yields a positive result, a second confirmatory test, at City expense, using a gas chromatography/mass spectrometry (GC/MS) test will be conducted on a portion of the same urine sample provided by the applicant or employee for use in the initial drug test.

If the second test also results in a positive, or a verified adulterated or substituted test result, the Medical Review Officer will notify the employee of the verified positive test result. The employee has 72 hours from this notification to request a split specimen test. The split specimen refers to the urine specimen collected during drug testing that is sent to the laboratory and retained unopened.

The split specimen can be tested at the employee's request and paid for by the City.

4. Alcohol Testing Process

Alcohol testing using Department of Transportation's certified Evidence Breath Testing (EBT) device shall be completed by a certified Breath Alcohol Technician (BAT).

Employees must not come to work under the influence of alcohol and shall not have had any alcoholic beverage within 4 hours of reporting to work or a sufficient amount of time to allow blood alcohol to return to a level of less than .02. Breath alcohol tests between 0.02 and 0.039 will be considered negative, however an employee will be dismissed for one shift and then returned to work. Any breath test above 0.02 requires a second confirmation test.

If the test indicates impairment of 0.02 blood alcohol and above, the employee must see a Substance Abuse Professional (SAP), follow the treatment program prescribed by such SAP and must test below 0.02 on a return to duty test. The supervisor will also take appropriate disciplinary action. The employee is subject to periodic unannounced alcohol testing for the next 24 months. An employee, with a previous test showing alcohol use, who is tested a second time and found to have a breath alcohol level of 0.02 or greater will result in termination.

If the test indicates level 0.04, the employee is subject to termination.

5. Refusal to Test

Any employee who refuses to sign a consent form, or fails to appear timely at the collection site to give their drug and/or alcohol test after notification of the consequences of refusal, shall be subject to disciplinary action, up to and including termination.

E. CONSEQUENCES

1. Consequences of an Adulterated Sample

Any employee, whose sample is suspect, due to adulteration, will be given an opportunity to re-test without prior notice. If an employee refuses to re-test after given notification of the consequences of refusal, shall be subject to termination.

2. Consequences of Drug/alcohol Positive Test Results On Duty

Any employee whose drug/alcohol test result(s) have been confirmed positive shall be subject to immediate termination.

3. Consequences of Alcohol Positive Test Results Off Duty

An employee who is charged with a DWI must immediately report the charge to their supervisor, if the employee's duties include driving a City vehicle. The City may restrict or suspend the employee from performing duties involving the driving of a vehicle or take other disciplinary action to the extent necessary to protect the public. The City may require an employee to seek counseling through the City's EAP program as a condition of continued employment.

Personal driving records can impact employees who must drive city vehicles or equipment to perform their jobs. Personal motor vehicle record checks will be conducted every other year on all employees who drive city vehicles/equipment. Any employee found to have been convicted of 1 DWI in the previous 3 years from the date the MVR is examined will receive a counseling and be required to meet with a SAP through the City's EAP program. Any employee found to have been convicted of 2 DWIs in the previous 3-year period will be restricted from driving city vehicles/equipment. This requirement can affect an employee's ability to perform essential job requirements and may result in demotion to a non-driving position or termination if no available position exists for which the employee qualifies.

4. Consequences of Drug Usage Off Duty

Employees who are convicted of any federal or state law relating to the use, possession, or manufacture of a drug or drug paraphernalia will be subject to termination.

F. CRIMINAL DRUG STATUTE CONVICTION OF GRANT OR CONTRACT EMPLOYEES

The director shall provide written notice to the grantor or contractor agency and Human Resources Director of any criminal drug statute conviction occurring within 10 calendar days after receiving notice from the employee, or receiving actual notice of the conviction. The information provided by the appropriate official shall include the employee's position, title and the grant identification(s) for each grant on which the convicted employee was working.

3.15 ACCEPTANCE OF GIFTS

City employees may accept gifts in compliance with Federal and State laws and this policy. The purpose of laws and policies governing gifts to public employees is to regulate attempts to influence the employees to use their authority or discretion to the advantage of the person making the gift.

It is a crime for a public employee to agree to make a decision in return for a payment or receipt of some other benefit. See Code of Ethics, Appendix A and related Interdepartmental Policies.

3.16 INCLEMENT/EMERGENCY WEATHER POLICY

The City is responsible for providing Police, Fire, water, sewer, sanitation and other services to the citizens of the City with or without inclement weather conditions. Given these responsibilities, it is the City's policy to be open for business under all types of weather conditions.

All employees shall be required to work on their normally scheduled work days regardless of inclement weather conditions unless instructed otherwise by their Supervisor.

Supervisors are responsible for ensuring that their operations are adequately staffed during periods of inclement weather. Employees who miss work or expect to be late for work due to inclement weather conditions must notify their Supervisor immediately. Failure to properly notify their Supervisor may result in disciplinary action, up to and including termination.

Employees who miss work due to inclement weather may use accrued vacation or compensatory time to compensate for the lost time. Employees with no vacation or compensatory time accrued shall not be reimbursed for the lost time.

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