

## **Ordinance 123 (Amended)**

### **CITY OF MOOSE LAKE DRUG AND ALCOHOL TESTING POLICY**

**As part of its continuing effort to protect the health, safety and security of its employees, the City of Moose Lake, Minnesota, has adopted a drug and alcohol testing policy in accordance with Minnesota law, as follows:**

1. The use, sale, possession, or transfer of drugs or alcohol are strictly prohibited by all employees and job applicants on the premises of the City of Moose Lake, and at all times while City property is in use.
2. All employees and job applicants may be subject to testing for the presence of drugs and alcohol, in accordance with this policy.
3. Job applicants may be tested after an offer of employment has been made in each case, contingent upon the applicant's successful completion of the testing, and after the applicant has reviewed and completed the Pre-Testing Acknowledgement form, which will be supplied by the City.
4. Any City of Moose Lake, Minnesota, employee occupying a position in which requires random drug testing under state or federal law, or in the opinion of management, an impairment caused by drug or alcohol usage would threaten the health or safety of any other person, may be subject to testing on a random selection basis.
5. All other City of Moose Lake, Minnesota, employees may be subject to testing when there is a reasonable suspicion that:
  - a. They are under the influence of drugs or alcohol; or
  - b. They have violated the policy set forth in Paragraph 1 above; or
  - c. They have sustained a personal injury, or they have caused another employee to sustain a personal injury; or
  - d. They have caused a work-related accident, or were operating or helping to operate any machinery, equipment, or vehicle involved in a work-related accident.
6. With two (2) weeks prior notice, the City of Moose Lake, Minnesota, employees may be required to submit to testing once annually, as part of a routine physical examination.
7. Any employee who has been referred for chemical dependency treatment or evaluation, or is participating in treatment under an employee benefit plan, may be required to submit to testing during the course of participation in the evaluation or treatment, and for a period of two (2) years following the completion of any prescribed chemical dependency treatment program.

8. Any employee or job applicant may refuse to submit to testing to be conducted pursuant to this policy, but refusal will result in the following consequences:
  - a. As to any job applicant: an immediate withdrawal of the pending job offer;
  - b. As to any employee: discipline or termination of employment, at the sole discretion of management.
  
9. All testing will be conducted in accordance with the following procedures:
  - a. Each person to be test will complete, sign and date a Pre-Testing Acknowledgment form supplied by the City;
  - b. Each test will be conducted by a laboratory which is authorized by law to conduct such tests, and which confirms to the City of Moose Lake, Minnesota, that its procedures are in accordance with Minnesota law;
  - c. All samples which test 'positive' on an initial screening test will be subjected to a confirmatory retest by the laboratory before the results are reported to the employee or job applicant;
  - d. Results will be reported to each employee and job applicant in writing within three (3) working days of the receipt of the results by the City;
  - e. Any employee or job applicant may submit additional information for the purpose of explaining such test results, or may request a confirmatory retest at his or her own expense. Any such additional information or request for retest must be submitted in writing to the City Administrator or Assistant City Administrator of the City within five (5) working days after notice of the results of the test;
  - f. Any employee in a safety sensitive position who tests positive and requests a retest may be suspended from employment or transferred at the same rate of pay, at the sole discretion of the City, pending the retest results;
  - g. A positive result on the final confirmatory retest pursuant to this policy will result in the following consequences:
    1. As to an employee, when it is the first such occasion: the requirement, as a condition of employment, that the employee successfully complete the drug or alcohol counseling or rehabilitation program selected by the City, at the employee's expense or under an employee coverage program;
    2. As to an employee when it is the second or subsequent such occasion: discipline or termination from employment, at the sole discretion of the City.

- h. All tested employees will be entitled to receive a copy of the laboratory document which certifies the test results.

Policy Date: Adopted by Moose Lake City Council – October 12, 2011



Ted Shaw  
Mayor

Attest:



Mark R. Vahlsing  
City Administrator

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