

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HELENA, ALABAMA, AS FOLLOWS:

SECTION 1 Purpose

This ordinance is to bring the City of Helena into compliance with the Drug-Free Workplace Act of 1988 (PL100-690, Title V, Subtitled D).

SECTION 2 Scope

This ordinance shall apply to (1) the City of Helena; (2) any and all contractors who may perform work for and on behalf of the City of Helena; (3) any and all subcontractors who may perform work for and on behalf of the City of Helena; and particularly applies to the City of Helena, as a grantee of any federal agency, or the City of Helena's contractors and subcontractors performing work under such grants.

SECTION 3 Statement

- (a) The City of Helena seeks to have a drug-free workplace. In accordance with the Drug-Free Workplace Act of 1988 and to promote drug-free awareness among employees, the City of Helena, through posting of notices and discussions with employees regarding this policy will inform employees that:
- (1) Drug abuse in the workplace creates a dangerous environment in the workplace for the employee engaged in the drug abuse and endangers the health, safety and welfare of all employees and other persons in the workplace.
 - (2) It is the policy of the City of Helena to maintain a drug-free workplace. The illegal manufacture, distribution, sale, purchase, transfer, consumption, dispensation, possession or use of drugs, or acting under the influence of drugs, in this workplace is strictly prohibited.
 - (3) Information will be available on a confidential basis on public and private drug counseling, rehabilitation, and employee assistance programs, upon the request of any employee.
 - (4) Penalties may be imposed upon employees for drug abuse violations, up to and including termination of employment.

SECTION 4 Definitions

- (a) For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:
- (1) "Controlled substance" means a controlled substance listed in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. Section 812), and as further defined by federal regulations (21 C.F.R. Sections 1300.11 through 1.5). This list includes, but is not limited to, marijuana, heroin, PCP, cocaine and amphetamines;
 - (2) "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;
 - (3) "Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;
 - (4) "Drug-free workplace" means a site for the performance of work done in connection with a specific grant at which employees of the grantee are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance;
 - (5) "Employee" means an individual in the employment of the City of Helena, on either a full-time, part-time, volunteer, reserve, or auxillary basis, whether said individuals are compensated by an hourly wage, salary, contract labor, or no compensation, engaged in the performance of work for or on behalf of the City of Helena, any or all of its departments, boards, or authorities.
 - (6) "Working Hours" means the shift normally and routinely performed by an employee as required by job classification, and any overtime hours or on-call duty;

- (7) "Workplace" means all premises, facilities, land, platforms, building structures, fixtures, installations, boats, aircraft, automobiles, trucks, and all other vehicles and stationary or mobile equipment whether owned, leased or used by the City of Helena. This definition may also include other work locations and travel while in the scope and course of City of Helena employment.
- (8) "Legally prescribed medications" means prescription drugs which have been disclosed to the City of Helena by the employee or non-employee, approved by a licensed physician for use within the prescribed limits, and do not interfere with work performance of employee.

SECTION 5 Policy and Procedures

- (a) In compliance with the Drug-Free Workplace Act of 1988 (PL 100-690, Title V, Subtitle D) the City of Helena absolutely prohibits the unlawful use, consumption, sale, purchase, transfer, possession, manufacture, distribution or dispensation of any controlled substance by any City of Helena employee, during working hours, while on the premises, while representing the City of Helena, while at an assigned workplace, or in any other circumstance which may affect the ability of any City of Helena employee to perform their assigned duties.
- (b) Legally prescribed medications are not covered under this policy and are permitted to the extent that their use does not adversely affect the employee or enrollee's working ability, job performance, or the safety of others in the workplace.
- (c) A condition of employment for work on behalf of the City of Helena is that each employee directly engaged in the performance of the work will:
 - 1. Abide by the terms of this Policy.
 - 2. Notify the City of Helena of his or her criminal drug statute conviction for any violation occurring in the workplace no later than 5 days after such conviction. Any employee found to be in violation of this notification requirement will be immediately terminated.

SECTION 6 Disciplinary Action

- (a) Any employee found to be in violation of this policy or convicted of any criminal drug statute violation, will be subject to appropriate disciplinary action, up to and including termination, even for a first offense; or
- (b) The City of Helena will require such employee to enter into a written agreement with the City of Helena to participate satisfactorily in a prescribed drug abuse assistance or rehabilitation program approved by the City of Helena for such purposes. The City of Helena is not required to pay for this rehabilitation or reimburse the employee for expenses incurred, nor for any lost wages, salaries or income. Such employee may use accrued leave, as defined by the mayor and city council, as may be necessary. Failure of an employee to voluntarily participate in a drug abuse assistance or rehabilitation program as set forth in the written agreement between the employee and the City of Helena, shall result in automatic termination of the employee.

SECTION 7 Employee Assistance

The City of Helena will, to the best of its ability, work with employees suffering from drug abuse in receiving the assistance necessary to overcome their dependency. Any employee seeking such assistance is encouraged to meet with his or her supervisor(s) to discuss the situation before the problem begins to surface in the workplace. Any disclosures made by an employee will be treated as strictly confidential by the management personnel. The employee's decision to seek assistance will not be used as the basis for disciplinary action or used against the employee in any disciplinary proceedings.

SECTION 8 Publication of Policy Statements

The City of Helena will publish a statement notifying employees of its Drug-Free Workplace Policy and notifying the employees in the statement that, as a condition of employment, they must abide by the terms of this Policy. All employees must sign a copy of this statement acknowledging receipt and understanding of the statement.

SECTION 9 Drug-Free Awareness Program

- (a) The City of Helena will establish a drug-free awareness program to inform employees about:

- (1) The dangers of drug abuse in the workplace,
- (2) The City of Helena's policy of maintaining a drug-free workplace,
- (3) Any available drug counseling, rehabilitation and employee assistance programs, and;
- (4) The penalties that may be imposed upon employees for drug abuse violations.

SECTION 10 Other Ordinances or Conflicts of Law

This notice supplements, and does not replace, the rules and/or regulations of personnel under the employment of the City of Helena. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 11 Effective Date

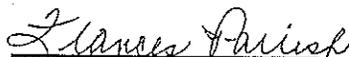
This ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF HELENA, ALABAMA, on this, the 7 day of May 1990.



Mayor

ATTEST:



Clerk



Councilman



Councilman



Councilman



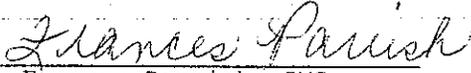
Councilman

Councilman

C E R T I F I C A T I O N

I, Frances Parrish, the duly appointed and acting clerk of the City of Helena, Alabama, do hereby certify that the within Ordinance No. 389 is a true copy as recited in the said City Clerk's Minute Book and was duly advertised by me by being on the bulletin Board of the City Hall, in the Helena Utilities Department Office in the City of Helena, and in the Helena Public Library, that said Ordinance shall become a duly lawful Ordinance of said City on the 14th day of May, 1990, five or more days after the posting of the same as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 8th day of May, 1990.



Frances Parrish, CMC
Clerk/Treasurer