

SUMMARY NO. 3166

INTRODUCED BY: ALBERT D. LAQUE, PARISH PRESIDENT

ORDINANCE NO. 91-6-2

An ordinance to amend the Code of Ordinances, Section 18-1, V, (c), regarding substance abuse by Parish employees.

Whereas, the St. Charles Parish Council adopted Ordinance No. 90-5-7 on May 21, 1990, providing regulations for Substance Abuse by Parish employees; and

Whereas, after nearly one year of enforcement of this ordinance, it is apparent that the Ordinance is successful and is in need of an amendment to clarify a certain section;

Whereas, it is the desire of the Council and Administration to provide that when an employee is tested positive for drugs, the employee may be called upon to take additional random drug screening urinalysis during and after treatment;

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:  
Section I. That the Code of Ordinances is hereby amended by revising Section 18-1, V, (c), to read as follows:

- (c) The employee may remain on the job while undergoing counseling and/or treatment, but must complete the course of counseling and/or treatment recommended by the counselor. The employee may be called upon to prove that he is following the recommendations of his counselor. This may include additional random drug screening urinalysis during and after treatment. It will be the employee's responsibility to document that treatment was successfully completed. Failure to follow the recommendations of the counselor shall result in dismissal.

The foregoing Ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: BRADLEY, SIRMON, TREGRE, ROBERTS, TALBOT, SOMME', JOHNSON, DUHE, DANFORD

NAYS: NONE

ABSENT: NONE

And the Ordinance was declared adopted this 3rd day of June, 1991, to become effective five (5) days after publication in the Official Journal.

*[Handwritten Signature]*

COUNCIL CHAIRMAN

*[Handwritten Signature]*

SECRETARY

DELIVERED TO PARISH PRESIDENT June 4, 1991

APPROVED: \_\_\_\_\_

DISAPPROVED: \_\_\_\_\_

*[Handwritten Signature]*

PARISH PRESIDENT

RETURNED TO SECRETARY ON June 5, 1991

AT 10:55 (AM/PM)

RECEIVED BY JB

SUMMARY NO. 2900

INTRODUCED BY: W. PATRICK DANFORD, COUNCILMAN, DISTRICT VII  
DICKIE DUHE, COUNCILMAN, DISTRICT VI

ORDINANCE NO. 90-5-7

An ordinance of the Parish of St. Charles amending the Code of Ordinances to provide regulations for Substance Abuse by Parish employees.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. PURPOSE

THAT St. Charles Parish has had a strong commitment to its employees to provide a safe work place and to establish health care programs promoting high standards of employee health. Consistent with the spirit and intent of this commitment, the Parish will establish these regulations regarding drug and alcohol abuse. Quite simply, our goal will continue to be one of establishing and maintaining a work environment that is free from the effects of alcohol and drug abuse; and,

The Parish recognizes that involvement with alcohol and drugs can have an impact on the work place and our ability to accomplish our goal of an alcohol and drug-free work environment; and,

The Parish expects its employees to report for work unimpaired by drug or alcohol abuse; and,

That employees who voluntarily request assistance in dealing with a personal drug habit or a drinking problem may do so without jeopardizing their continued employment, provided they stop any and all abuse of drugs or alcohol. The Personnel Officer will refer employees to an appropriate treatment resource. Volunteering for assistance will not prevent disciplinary action for a violation of these regulations which have already occurred. To that end, the Parish will act to eliminate any substance abuse which increases the potential for accidents, absenteeism, substandard performance, poor employee morale and damage to the community's reputation.

SECTION II. APPLIES TO

All employees and job applicants of the Parish.

SECTION III. POLICY

- A. Employees of the Parish of St. Charles shall not possess or ingest any narcotics, controlled dangerous substances or designer drugs while on the job or on duty unless prescribed by a physician licensed to practice medicine. Any narcotics violation as defined by state, federal or local statute while on the job or on duty will be grounds for disciplinary action up to and including termination.
- B. Prescription Drugs: No prescription drugs shall be brought upon the Parish's premises by any person other than the person for whom the drug is prescribed by a licensed medical practitioner, and such drug shall be used only in the manner, combination and quantity prescribed. No employee shall operate Parish equipment -- including motor vehicles, motor patrols, etc. and other apparatus -- while taking prescription drugs, unless the prescribing physician advises the

employee's supervisor in writing that the medication will not impair abilities. Any employee whose abuse of prescription drugs results in: (1) excessive absenteeism or tardiness; (2) accidents or (3) below average performance shall be referred to the appropriate Parish representative for resolution. Any employee who violates this policy will be subject to disciplinary action as provided in Section V.

- C. **Alcoholic Beverages:** The use of alcoholic beverages by employees during working hours or on the Parish's property is also inconsistent with the objective of working in a safe and efficient manner. Accordingly, no employee shall use alcoholic beverages during working hours or report to work while under the influence of alcohol. Any employee who violates this policy will be subject to disciplinary action as provided in Section V.
- D. Failure to comply with the provisions of this policy shall result in disciplinary action as described in Section V. being taken against the employee. Refusal by an employee to submit to a required drug or alcohol test or rehabilitation/counseling shall result in relief from duty and possible termination.

#### SECTION IV. DRUG TESTING

##### A. Applicants

On or after the effective date of this ordinance, any persons who apply for any position in St. Charles Parish shall submit to a drug-screening urinalysis as part of the application process.

- 1. Any applicant refusing to submit to pre-employment drug screening shall be rejected.
- 2. Any applicant testing positive for a controlled substance shall be rejected after being provided an opportunity to demonstrate that the controlled substance was prescribed for him by a licensed physician.

##### B. Current Employees

Applies to:

- 1. All employees currently employed who:
  - a. Are required to drive Parish-owned vehicles in the course of their employment.
  - b. Are required to operate any heavy machinery in the course and scope of their employment including but not limited to forklifts, bulldozers and backhoes.
  - c. Are employed in a capacity in which their conduct may have an immediate effect on the physical safety of themselves or others.
  - d. Any Parish employee including those listed in Sections (a) through (c) of this subsection when they meet the criteria listed for probable cause testing enumerated in Section 3 (A) through (D) of this part.
- 2. Within sixty (60) days of the effective date of this ordinance, all employees subject to this section shall be required to submit to random drug-screening urinalysis when requested to do so by the supervisors of their departments. This test shall be given on a random basis without any prior notice to employees.

- a. The Parish Council shall select a vendor laboratory to conduct and analyze the results of the testing authorized by this ordinance. The laboratory hereinafter referred to as "the vendor" shall be provided with a list of employees who are subject to random testing. The vendor shall be responsible for the random selection of employees to be tested each month. The vendor shall also choose at random the day of the month on which the testing is to be conducted. The vendor shall then inform the Personnel Officer who will inform the supervisors of the workers to be tested, that the testing is to take place that day.
  - b. All employees selected for testing shall report to a location to be selected to submit a urine sample. They will be required to present a photo I.D. to the person collecting the sample.
  - c. All urine samples shall be collected by a person employed by the vendor for that purpose at a location designated by the vendor for that purpose and ordered to be sealed and marked for identification in the presence of the person submitting the sample.
  - d. All urine samples shall be collected in accordance with the vendor's standard operating procedure. The employee being tested shall receive his normal wage for the time taken by the collection procedure.
  - e. Employees shall be required to provide all necessary information to the vendor including the names of all prescription and non-prescription drugs being used by the employee and the names of the prescribing physicians.
  - f. The Parish shall keep confidential all testing results. The second confirmatory test shall be performed on all specimens testing positive using the method generally employed by the vendor to be selected. When a confirmatory test result is positive, the results of the testing shall be referred to the employee and to the Personnel Officer for appropriate action as stated in Section V of this ordinance.
3. The drug screening urinalysis may also be performed on any Parish employee when there is reasonable suspicion that an employee is under the influence of controlled substances or alcoholic beverages. Grounds for reasonable suspicion shall include, but are not limited to:
- a. Obvious physical impairment e.g., stumbling, unsteadiness.
  - b. Abnormally slurred or loud speech.
  - c. Red, watery eyes, heavy eyelids, fixed pupils.
  - d. Irrational behavior.
  - e. Odor of alcoholic beverages or marijuana.

The supervisor requesting such screening shall inform the vendor's representative in charge of testing that the employee is being sent to submit a sample. The supervisor shall prepare a written report describing his reasons for ordering the testing which he shall retain and allow the employee to inspect. Testing under these circumstances shall be conducted in a manner described in Section IV (B) (2).

4. When a supervisor has reason to believe that an employee is impaired by drug or alcohol use, including instances in which the employee exhibits any of the behaviors listed in Section IV (B) (3), the supervisor shall remove the employee from the immediate presence of other employees, and investigate the possibility of such impairment. The supervisor shall document reasons for the investigation and his findings. If the supervisor determines that the employee is impaired, then the supervisor shall arrange for the employee to be tested for drug and alcohol use. The supervisor shall prevent an employee whom he believes to be impaired from returning to the worksite, even in cases where conditions make immediate testing impossible. In cases under this part where the employee tests positive for alcohol or drugs, or is found by the supervisor, physically or mentally unable to perform his duties because of apparent substance abuse, disciplinary action shall be taken as outlined in Section V.

#### SECTION V. PENALTIES FOR VIOLATION

- A. Refusal to submit to random testing or testing for cause shall be grounds for dismissal.
- B. When a positive drug test is reported by the vendor for any employee, the employee shall be required to obtain immediate substance abuse counseling, and to submit to any treatment deemed necessary by the counselor. It shall be the responsibility of the employee to provide documentation to his supervisor that he has initiated the required counseling and/or treatment. The counseling may be obtained from a public or private medical or mental health facility of the employee's choice. The Parish does not assume responsibility for arranging or paying for the counseling or treatment.
- C. The employee may remain on the job while undergoing counseling and/or treatment, but must complete the course of counseling and/or treatment recommended by the counselor. The employee may be called upon to prove that he is following the recommendations of his counselor. It will be the employee's responsibility to document that treatment was successfully completed. Failure to follow the recommendations of the counselor shall result in dismissal.
- D. In the event that an employee has tested positive for drug or alcohol abuse, and has undergone or is undergoing counseling, tests positive for drugs or alcohol a second time, either as the result of random testing or testing for cause, the employee shall be immediately dismissed from employment.
- E. All actions taken shall be in accordance with Civil Service rules or other disciplinary rules already in effect. Any employee who is in the Civil Service System and is disciplined as a result of drug or alcohol testing shall have the right to appeal to the Civil Service Board.

#### SECTION VI. MISCELLANEOUS PROVISIONS

- A. All information obtained by the Parish through this ordinance, including, but not limited to, the result of drug or alcohol test, information concerning prescription drugs legally used by employees, and information concerning substance abuse counseling undergone by employees, shall be kept confidential. Such information shall be transmitted only to those people who must have it for use in disciplinary proceedings or other personnel matters.

- B. All results of drug and alcohol testing shall be reported by the testing laboratory or agent to the Personnel Officer who will advise the Parish President and the employee's immediate supervisor of all testing results. The recipients of the test results shall insert the record of the results into a secured file in the Personnel Department.
- C. The Parish may reveal the information contained in Paragraph VI (A) in order to defend any lawsuit or claim for unemployment compensation brought by any employee which arises from the implementation of the provisions of this ordinance, notwithstanding the confidentiality provision of Section VI. (A).
- D. There shall be no employee expectation of privacy concerning any property used by the Parish. This shall include, but is not limited to, lockers, tool chests, vehicle trunks and glove compartments. All property owned by the Parish is understood to be subject to search at any time.
- E. Any urine sample which proves to be positive upon confirmation shall be held for a period of at least one (1) year.

The foregoing Ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: BRADLEY, SIRMON, TREGRE, ROBERTS, TALBOT, SOMME', JOHNSON, DUHE, DANFORD

NAYS: NONE

ABSENT: NONE

And the Ordinance was declared adopted this 21st day of May, 1990, to become effective five (5) days after publication in the Official Journal.

*John Talbot*  
COUNCIL CHAIRMAN

*Jean Beaud*  
SECRETARY

DELIVERED TO PARISH PRESIDENT May 22, 1990

APPROVED:

DISAPPROVED:

*Albert D. Logan*  
PARISH PRESIDENT

RETURNED TO SECRETARY ON May 23, 1990  
AT 1:35 AM/PM

RECEIVED BY *JB*