

Drug Policy Agreement

1. In discussions between the parties, both the City and the Unions have a strong commitment to the employees of the City to promote a safe work environment and encourage the highest standards of employee fitness. The goal of the parties is to establish and maintain a work environment that is free from the effects of drug and alcohol abuse.
2. The City's General Employees Drug and Alcohol Policy is attached hereto as Attachment 1. The parties have bargained to completion on all issues pertaining to the policy which are mandatory subjects of bargaining.
3. The parties agree that the issue of when the City might contact the Police is not a mandatory subject of bargaining.
4. The Union representatives present at the negotiations have reviewed the City's procedures manual attached and dated January 30, 1993 for implementation of this policy and have not raised any objections that it is inconsistent with the policy.
5. The Union has expressed its understanding and agreement that the City has the right to change its policies concerning the issues of physical examinations as part of its selection process since selection criteria are not mandatory subjects of bargaining. The Union understands and accepts that the City may in the future begin giving physical examinations to employees to be selected for intra-bureau promotions.
6. The City provided the attached list of standards for a positive drug test. The City and Union understand that there may be bargaining obligations if the City wishes to change standards, techniques or laboratories.
7. There are no agreements or understandings which prohibit the City from investigating whether an employee with a positive drug or alcohol test violated the attached policy or other rules of the City and taking appropriate disciplinary action on its findings.
8. The City agreed to remove "truthfully" from the policy because the Union has agreed that an employee must respond truthfully as required by City Code.
9. Under Section F of the policy outlining employee disclosure responsibilities, the employee does not necessarily have to divulge the medical condition or the medication they are taking - just the impact on work. As an alternative, the employee may provide a current physician's statement stating the employee can safely work given the condition or medications.
10. The only information forwarded from a positive pre-employment drug test will be that the test was positive and what drug was identified.
11. Any disciplinary action taken under the attached policy will be taken pursuant to the parties collective bargaining agreement.
12. This shall be considered the City's final offer and the Union will waive its rights to factfinding and agree that the City has completed its bargaining obligation under the law. Therefore, the parties agree that the City is within its rights to unilaterally implement the policy under the conditions outlined above.

R. Kirk Berger, Interim Personnel Director

Larry Attinger, DCTU Spokesperson

Rebecca C. Gunther, Sr. Human Resources Analyst Glen Feuerborn, DCTU Spokesperson

APPROVED AS TO FORM:

City Attorney