

**SUBJECT: DRUG-FREE WORKPLACE AND TESTING POLICY**

Purpose: This policy is established in compliance with the Drug-Free Workplace Act of 1988 and the Transportation Employee Testing Act of 1991. The City of Madison is committed to protecting the safety, health, and well-being of all employees and individuals in the workplace. The City has established and will maintain a drug-free workplace program intent upon balancing respect for individual freedoms with the need to maintain an alcohol and drug-free workplace.

Coverage: All City of Madison employees are covered by this APM and must abide by this policy as a condition of employment. Although not subject to testing requirements, volunteers, unpaid interns, vendors, contractors, and contractors' employees are covered by the prohibitions of this policy.

Prohibitions: Employees shall not use, possess, sell, trade, offer for sale, manufacture, distribute, dispense, or be under the influence of alcohol, drug/controlled substances while representing or conducting business for the City of Madison. This requirement includes all working hours, time on stand-by, and while operating a City-owned vehicle. More detailed information regarding these prohibitions can be found in the drug and alcohol testing policies.

Assistance: The City of Madison encourages employees to seek help with alcohol and/or drug problems voluntarily. Employees needing assistance should contact the City Employee Assistance Program (EAP). Employees voluntarily seeking assistance prior to any policy violation will not be subject to any adverse employment action.

Testing: The City of Madison maintains the right to require employees to undergo alcohol and drug testing. Testing shall be done in accordance with the City of Madison Alcohol and Drug Testing Policy for all City employees with the exception of employees at Madison Metro Transit in safety-sensitive positions who are covered under a separate alcohol and drug testing policy.

Consequences: Employees who violate the prohibitions in this policy will be placed under investigation and may be subject to discipline up to and including termination. Employees who violate this policy may be required to participate in a rehabilitation program in compliance with the Federal Act

Notification of Convictions: The Drug-Free Workplace Act, Public Law 100-690, Title V, Subtitle D makes it a condition of employment that all City employees notify the City in writing (the employee's immediate supervisor or the Human Resources Director) of any criminal statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Detailed information regarding this requirement is provided to every employee during orientation.

Confidentiality: All information, including but not limited to notice of convictions, test results, and EAP contacts, received by the City by operation of this APM, is confidential. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

Designation: The Human Resources Director is the Designated Employer Representative (DER) who shall administer and ensure compliance with the Drug-Free Workplace Act of 1988 and the Transportation Employee Testing Act of 1991, and answer questions about this APM. The Director shall periodically update the Alcohol and Drug Testing Policy to ensure compliance with state and federal law and City policy. The Director shall consult as required with the City Attorney to ensure that the City's policies and procedures are in compliance with applicable law.



Satya Rhodes-Conway  
Mayor

APM No. 2-23  
1/9/2020

Original APM dated 11/30/1994  
(Revised 03/11/2008, 07/15/2013, 7/26/13)