

ORDINANCE # O-35-2016

AN ORDINANCE TO EDIT SECTION 19 OF THE POLICIES AND PROCEDURES MANUAL

WHEREAS, Ohio has passed recent legislation, known as House Bill 523 allowing the use of medical marijuana under certain conditions;

WHEREAS, this law permits employers to make their own policies regarding the use of marijuana for its workers;

WHEREAS, the Village Council for the Village of Bolivar believes that the use of medical marijuana by its employees is a danger to the health, safety, and welfare of the public and wishes to prohibit the use of marijuana by its employees regardless of whether the employee meets the criteria under the law to qualify for medical marijuana;

WHEREAS, the Village Council for the Village of Bolivar wishes to amend and restate Section 19 of the Policies and Procedures Manual regarding the Village's drug policy to state:

19.1 General Policy

The Village of Bolivar strives to provide a safe work environment and encourages personal health. Concerning this, the Village considers the use or abuse of drugs or alcohol on the job to be an unsafe and counter-productive work practice. It is, therefore, Village policy that an employee found with alcohol, illegal drugs, or controlled substances in his/her system, in possession of, using, selling, trading, or offering for sale illegal drugs, controlled substances, or alcohol during working hours, will be subject to disciplinary action including discharge. Conduct prohibited by this General Policy includes possession, use, purchase or sale of drugs or alcohol on Village property and anywhere the employee is located while on Village time and Village business.

This Policy specifically prohibits the possession, distribution, sale, transfer, or use of any form of marijuana, cannabinoid, or cannabidiol (even if legally obtained) in the workplace, while on duty, or while operating any Village machinery or vehicle, and will subject an employee to disciplinary action including discharge. A positive urine or hair follicle screen for any form of marijuana, cannabinoid, or cannabidiol shall be considered a violation of this policy and grounds for disciplinary action.

Conduct prohibited by this Policy also includes reporting to work under the influence of drugs or alcohol. An employee reporting for work visibly impaired is unable to properly perform required duties and will not be allowed to work. If possible, the impaired employee's supervisor should first seek another supervisor's opinion of the employee's status. Then the supervisor should consult privately with the employee with the observation, to rule out any problems that may have been caused by prescription drugs. If, in the opinion of the supervisor, the employee is considered impaired, the employee should be sent home, depending on the determination of the observed impairment, accompanied by the supervisor or another employee, if necessary. An impaired employee should not be allowed drive.

19.2 Prescription Medication

Other than marijuana, cannabinoid, or cannabidiol, prohibited by the General Policy, above, prescription medication prescribed by the employee's physician may be taken in a manner consistent with physician instructions during work hours if the medication does not impair the employee's ability to perform the essential functions of his/her job without endangering the employee or others. The employee should notify the supervisor if the proper use of prescription drugs will affect the employee's work performance. Use of medications prescribed for another, or abuse of prescription medications shall not be tolerated. It is the responsibility of the employee's supervisor to counsel with an employee whenever they see changes in performance that suggests an employee problem.

19.3 Drug Testing

Employees shall be required to submit to random drug and/or alcohol testing as used in this section, "random testing" means a method of selection of Employees for testing, performed by an outside third party. The selection will result in an equal probability that any Employee from a group of Employees will be tested. Furthermore, the Village has no discretion to waive the selection of an Employee selected by this random selection method.

The Village may also ask an employee to submit to a drug test at any time it feels that the employee may be under the influence of drugs or alcohol. Employees who refuse substance testing under these circumstances may be terminated. Circumstances that could be indicators of a substance abuse problem and considered reasonable suspicion are:

- Observed alcohol or drug abuse during work hours on company premises.
- Apparent physical state of impairment.
- Incoherent mental state.
- Marked changes in personal behavior that is otherwise unexplainable.
- Deteriorating work performance that is not attributed to other factors.
- Accidents or other actions that provide reasonable cause to believe the employee may be under the influence.
- Or other factors as required by any government programs such as the US Department of Transportation.

If the test results are positive then termination may result. All decisions regarding the termination of an Employee who tests positive shall be within the sole discretion of the Village. The Village may require an Employee who tests positive for drugs and alcohol to successfully complete a Village-approved treatment program in order to keep his or her job.

Now, therefore be it ordained by the Village Council the Village of Bolivar, Ohio, as follows:

SECTION 1. The Village Council for the Village of Bolivar hereby amends and restates Section 19 of the Policies and Procedures of the Village of Bolivar to include the aforementioned language.

READ: September 6, 2016, October 3, 2016 and November 7, 2016

PASSED: November 7, 2016

REBECCA HUBBLE, MAYOR

ATTEST:

MARIA APP, FISCAL OFFICER