

RESOLUTION NO. 93-221

**RESOLUTION ADOPTING A DRUG-FREE WORKPLACE ACT POLICY STATEMENT**

The City Council of the City of Delta, Utah, referred to herein as the "City Council", hereby recites the following as the basis for adopting this resolution:

RECITALS

A. The City of Delta, Utah (hereinafter referred to as "Delta City") seeks to have a drug-free workplace and to promote drug-free awareness among Delta City employees.

B. Delta City has a public trust to provide a variety of services to the community. The public has a reasonable right to expect persons employed by Delta City to perform their duties free from the effects of drugs and alcohol.

C. Delta City has an obligation to insure public safety through the actions of its employees. Furthermore, employees of Delta City have a reasonable right to work in a safe environment free from the effects of drug use. Delta City has a reasonable right to expect employees to report for work free from the effects of drug use.

D. Delta City recognizes that an employee's physical condition affects his/her job performance, and that drug abuse ranks as one of the major health problems in our society.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Delta, Utah:

**Section 1. Drug-Free Workplace Act Policy Statement - Adopted.** The document attached hereto entitled "Drug-Free Workplace Act Policy Statement and Policies and Procedures Related Thereto" is hereby adopted by the City Council to comply with the DRUG-FREE WORKPLACE ACT OF 1988 (41 UCSC § 702, et. seq.).

**Section 2. Administration.** The Mayor, as the Delta City Chief Executive Officer, is ordered to implement this policy in accordance with federal and state law and appropriate Delta City procedures.

**Section 3. Effective Date.** This resolution shall become effective upon adoption.

**Section 4. Notice.** A copy of the attached policy statement shall be provided to each Delta City employee. The City Recorder is directed to file a signed copy from each Delta City employee to be placed in his/her personnel file.

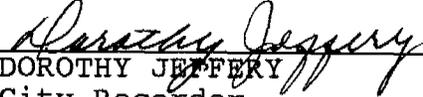
**Section 5. Severability.** In the event that any provision of this resolution less than the entire resolution is held invalid by a court of competent jurisdiction, this resolution shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this resolution.

**Section 6. Repeal of Conflicting Resolutions.** To the extent that any ordinances, resolutions or policies of the City of Delta conflict with the provisions of this resolution, they are hereby amended to be in accordance with the provisions hereof.

PASSED AND APPROVED this 8TH day of November, 1993.

  
DON DAFOE, Mayor

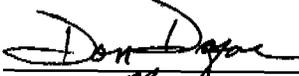
Attest:

  
DOROTHY JEFFERY  
City Recorder

CERTIFICATION

I hereby certify that Delta City has adopted the above Resolution Establishing a Drug-Free Workplace Act Policy Statement by formal resolution on this 8th day of November, 1993.

DELTA CITY

By:   
Title: Mayor

**DRUG FREE WORKPLACE ACT POLICY STATEMENT AND  
POLICIES AND PROCEDURES RELATED THERETO**

The Drug-Free Workplace Act

***Purpose:***

This Statement is provided pursuant to the Drug-Free Workplace Act of 1988.

***Statement:***

The City of Delta, Utah (hereinafter referred to as "Delta City") seeks to have a drug-free workplace. In accord with the Drug-Free Workplace Act of 1988 and to promote drug-free awareness among employees, Delta City, through posting 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 Delta City to maintain a drug-free workplace. The illegal manufacture, distribution, 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.

***Policy and Procedures:***

The unlawful manufacture, distribution dispensation, possession, or use of a controlled substance is prohibited on any premises occupied or controlled by Delta City. Appropriate disciplinary actions, which may include termination, will be taken against Delta City employees for violations of this prohibition.

"Controlled substance" for purposes of this Statement means a controlled substance listed in schedules I through V of Section 202 of the Controlled Substances Act (21 USC §812), or any successor statute, and as further defined by federal regulations, (21 CFR §§ 1300.11-.15, or any successor regulations). This list includes, but is not limited to, marijuana, heroin, PCP, cocaine and amphetamines.

All employees are required to attend a drug-free awareness seminar to inform the employees about the dangers of drug

abuse in the workplace, the City's policy of maintaining a drug-free workplace, the availability of drug counseling, rehabilitation, or employee assistance programs and the penalties that may be imposed upon employees for drug abuse violations.

A condition of employment for work, under any grant received by Delta City from the federal government, is that each employee directly engaged in the performance of work funded by such a grant will:

1. Abide by the terms of this Statement.

2. Notify Delta City of his or her criminal drug statute conviction for any violation occurring in the workplace no later than five days after such conviction.

a. "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, state or local criminal drug statutes or ordinances.

b. "Criminal drug statute" means a federal or non-federal criminal statute involving manufacture, distribution, dispensation, use or possession of any controlled substance.

If the criminal drug statute violation occurred during the employee's working hours with Delta City, a sanction will be imposed on the employee so convicted. Within 30 days after receiving notice of the conviction:

1. Delta City will take appropriate disciplinary action against such employee, up to and including termination; or

2. Delta City will require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purpose by a federal, state, or local health, law enforcement or other appropriate agency.

\_\_\_\_\_  
MAYOR

A copy of this Statement was received by \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Signature of Employee