

ORDINANCE 2021-03

WHEREAS the Donaldsonville Council desires to implement a workplace substance abuse policy in line with the standards of the National Pipeline Safety Administration and provide for one uniform drug policy for all employees of the City of Donaldsonville.

BE IT ORDAINED by the Donaldsonville Council for the City of Donaldsonville that the Code of Ordinances, City of Donaldsonville, Louisiana, shall hereby state the following:

SECTION I: The Donaldsonville Council hereby enacts the following policy:

WORKPLACE SUBSTANCE ABUSE POLICY

I. Introduction

The City of Donaldsonville believes in and is committed to providing a safe workplace. We will achieve this by establishing policies promoting high standards of health and safety. In keeping with this objective, it is the City of Donaldsonville's intent to maintain a drug/alcohol-free workplace and workforce.

Drug testing of employees is a management safety tool. Employers must furnish for employees a place of employment free from recognized and unrecognized hazards that are causing or are likely to cause death or serious harm to the employees. Employees are answerable for complying with all safety and health standards issued under state, federal and local jurisdictions that apply to their actions and conduct on the job.

All employees are expected to report to work in a physical and emotional condition that allows them to perform their assigned tasks in a competent and safe manner. Therefore, the use, abuse, presence in the body or reporting to work under the influence of alcohol, drugs or other impairing substances by an employee is strictly prohibited. These scenarios limit the ability of the user to exercise good judgement to react properly in unexpected situations or to perform task safely and efficiently. They endanger not only that employee, but also coworkers, the public and property. The City of Donaldsonville has implemented this policy to eliminate these problems and to achieve the policy's other purposes.

Everyone shares responsibility for maintaining a safe work environment. Employees with drug/alcohol problems are encouraged to seek early assistance from an approved counseling/rehabilitation program. It is the responsibility of management to confront employee's when changes in one's performance or behavior suggest substance abuse. It is recommended that two or more members of management evaluate employees. If for some reason, vacation, sickness or otherwise two members of management are not available, one member of management would be sufficient for this purpose. Coworkers should encourage anyone with a drug problem to seek help. The goal of this policy is to provide a safe, productive and healthful working environment for employees of the City of Donaldsonville while maintaining our respect for individual privacy rights and confidentially.

II. Statement of Policy Purposes

The City of Donaldsonville recognizes the problem of drug/alcohol abuse in our society. In addition, we view substance abuse as a serious threat (to the abusing employee, our staff, and the public). Though employees and applicants may be required by a physician to use prescription drugs, abuse of prescribed medications will be handled the same as the abuse of illegal substances. Therefore, we are introducing a workplace drug testing policy to ensure that the City of Donaldsonville will have a drug/alcohol-free environment. Objectives of this policy include:

- a. To assist and maintain a safe and healthful working environment for employees of the City of Donaldsonville and its affiliated or subsidiary agencies, as well as contractors, visitors and the general public.
- b. To maintain a drug/alcohol-free workplace and workforce.
- c. To encourage counseling and/or rehabilitation for employees when appropriate.

- d. To prevent accidental injuries or deaths and to protect property.
- e. To prevent the occurrence of incidents whose consequences may drastically affect the safety and future of facility operation.
- f. To minimize absenteeism and tardiness, to improve productivity and to ensure quality workmanship.
- g. To protect the reputation of and its employees within the community.
- h. To comply with all applicable federal, state and local laws and regulations and contractual obligations.
- i. To maintain our respect for individual privacy rights and confidentiality through fair and reasonable procedures and protocols.

III. Statement of Policy

A. City of Donaldsonville Policy Statement. At any time, employees are on City premises or on City business, the following activities are strictly prohibited: the illegal use of any drug, narcotic or controlled substance; the possession, transit, transfer or purchase of illegal or unauthorized drugs; the use, abuse, presence in the body or reporting to work under the influence of drugs/alcohol or other intoxicants; the sale of illegal or unauthorized drugs or substance or drug-related paraphernalia. Any employee in violation of this policy is subject to disciplinary action including immediate termination. Depending on the circumstances, other action, including notification of appropriate law enforcement agencies, may be taken against any employee who violates this policy.

B. Definition of Policy Terms. For the purpose of this policy, City premises encompasses City affiliates and subsidiaries including all properties, offices, parking lots, facilities, lands, platforms, buildings, structures, fixtures, installations, automobiles, trucks and all other vehicles and equipment, whether owned, leased or used.

For the purpose of this policy, employees are on City business whenever on duty and under the City of Donaldsonville's control, whether at other worksites or during transit to and from those worksites or while in the course and scope of the City of Donaldsonville's employment or pay status.

For the purpose and application of this policy, employees include all full-time, casual or contract employees and employment applicants and candidates as well. This policy equally applies to all employees. Compliance with this policy will be required as condition of employment for all employees. There shall be no exceptions.

C. Drug Classification. The prohibitions addressed by this policy pertain to, but are not limited by, the following overview of drugs/alcohol. Their presence, or any other illegal or unauthorized drug's presence in the employee while working in any detectable amount (unless stipulated), is prohibited.

1. Illegal Drugs, Unauthorized Controlled Substances, Look-A-Likes, Inhalants of Abuse, Designer and Synthetic Drugs. These include, but are not limited to, central nervous system stimulants such as cocaine and amphetamines; hallucinogens; PCP or Phencyclidine; narcotic analgesics as found in opium (like morphine and codeine) or opium derivatives (heroin); inhalants from volatile solvents like glue, paint or gasoline or from aerosols like hair sprays, deodorants or insecticides or from anesthetic gases like ether, chloroform or amylnitrate; cannabis such as found in marijuana, hashish, hash oil, CBD oil, freon or designer drugs.

2. Unauthorized Use of Intoxicating Beverages. An employee whose alcohol blood level is 0.02 percent (20 MG/DL blood) or higher during working time is in violation of this policy.

3. Prescription Drugs (Legally Controlled Substances) and Off-The-Shelf Medicines. The use of off-the-shelf drugs/medicine or those prescribed by a licensed physician for a given employee is permitted, provided work performance is not affected, under the following conditions: employees must only possess a reasonable amount of medication; employees must inform their supervisor of possible adverse side effects prior to using such

substances on the job; employees must not consume prescribed drugs more often than prescribed by their doctor; employees must not allow any other person to consume their prescribed drugs; all medicine must be in its original container with the employee's name, the doctor's name and prescription number on the label; each prescription must not be older than one (1) year of the date issued. However, the City of Donaldsonville at all times reserves the right to have a licensed physician determine if prescription drug use increases the risk of injury to the employee or others while working. If such a finding is made, the City of Donaldsonville may limit or suspend the employee's work activity during the period job safety may be adversely affected by the consumption of such medication.

D. Policy Enforcement Activities Regarding Workplace Searches. In order to achieve the objectives of this policy, the City of Donaldsonville reserves the right at all times while employees are entering, departing on the premises, job site or when circumstances warrant or when reasonable suspicion or cause exists to have properly authorized supervisors conduct unannounced reasonable searches and inspections of any/all City of Donaldsonville property. The purpose of said search is to determine if employees or others are in possession, use, transportation or concealment of any prohibited items and/or substances of this policy. Any other searches that are not City of Donaldsonville property will be turned over to local or state police agencies.

E. Circumstances for Urine, Blood or Other Workplace Drug Testing. The City of Donaldsonville reserves the right in certain circumstances to require employees, as a condition of employment and/or continued employment, to submit to urine, blood or other drug tests to determine the presence of illegal or unauthorized drugs/alcohol or other substances prohibited by the policy. Each employee so tested will be required to provide written consent prior to testing. All urine and blood sampling will be performed with concern for each employee's personal privacy, dignity and confidentiality. The final determination of all test results will be made by a Medical Review Officer. The test results will be disclosed on a need-to-know basis in order to administer the policy or as may be legally required. These unannounced tests may be exercised under the following state of affairs:

1. Pre-Employment Testing. All job applicants will be required to undergo screening for the presence of illegal drugs or alcohol as condition of employment at the City of Donaldsonville. Applicants will be required to voluntarily submit to a urinalysis test at a laboratory chosen by the City and by signing a consent agreement will release the City from liability. Any applicant with positive test results will be denied employment at that time. The City of Donaldsonville will not discriminate against applicants for employment because of past abuse of drugs/alcohol. Neither will the City tolerate the current abuse of drugs/alcohol.

2. For Cause/Post-Incident Testing. When there is reasonable cause to suspect that a working employee's behavior, performance, error in judgment, accident or incident or unsafe actions are related to substance abuse; when there is an accident or near accident involving personnel in which injury to persons or damage to property has occurred or potentially could have occurred it will be a condition of continued employment for said employee to submit to a requested drug/alcohol screening.

3. Post-Accident Testing. If an employee suffers an occupational on-the-job injury requiring treatment from a doctor; causes injury to a coworker requiring treatment from a doctor; or received injury due to the employee's failure to wear required personal protective equipment, drug/alcohol testing may be required. A blood sample will be taken if an employee blood alcohol level 0.02 (20 MG/DL Blood) or higher the first time.

4. Random Testing. All City of Donaldsonville employees are subject to routine drug/alcohol testing in order to prevent and detect substance abuse.

5. Post-Treatment/Counseling/Rehabilitation or Return-to-Work Testing. A condition of reinstatement to employment upon completion of a drug/alcohol counseling/rehabilitation program or any other return-to-work established procedure, will be a submission to a drug/alcohol screening test. Employee must have a certificate of completion from an approved treatment/counseling/rehabilitation facility that has been off work due to such treatment before returning to work.

F. Notice of Grounds for Termination or Disciplinary Action for Violations of Workplace Substance Abuse Policy. The City of Donaldsonville reserves the right, at any time, to inspect or search any property of the City of Donaldsonville to enforce this policy. Any preliminary investigation of a policy violation may require placing an employee on administrative leave pending review of the surrounding circumstances, facts and final determination of test results.

1. Employee Request for Help. No employee's job will be placed in jeopardy, nor will any employee be subject to disciplinary action for voluntarily requesting help for alcohol and other drug addictions. This is a onetime request. However, a request for assistance will not excuse an employee from a policy violation immediately prior to or while an actual drug screen, blood sample, search or inspection is being conducted on City premises or after the urine drug/alcohol screen or sampling has been completed.

2. Failure to Comply. Failure to comply with the provisions of this policy, including not submitting to required medical or physical examination or tests when requested to do so, constitutes a policy violation and will be considered grounds for disciplinary action, termination of employment or suspension without pay from employment may occur even for a first offense, except as otherwise provided in this policy.

3. Substance Abuse Violation

a. Illegal Drug Use. Any employee found in violation of this policy due to use, abuse, presence in the body or reporting to work under the influence of illegal drugs or the bringing of illegal drugs onto the City of Donaldsonville's premises; the use possession, transit, transfer, storage, concealment, promotion, sale or attempt to sell any form of illegal drugs or substances while on City premises or on City business, at any time during the hours between the beginning and ending of the employee's work day, whether on duty or not; or the possession or sale or attempt to sell drug-related paraphernalia will be subject to disciplinary action, up to and including termination of employment. Possession or sale of illegal drugs or substances will be causes for immediate termination of employment.

b. Alcohol Abuse. Any employee who is under the influence of alcoholic beverages at any time while on City premises, on City business or at any time during the hours between the beginning and ending of the employee's work day, whether on duty or not, shall be in violation of this policy and is subject to disciplinary action. This action specifically includes, but is not limited to, termination of employment or suspension without pay from employment, even for the first offense. An employee shall be determined to be under the influence of alcohol if his/her normal faculties are apparently impaired due to consumption of alcohol or if the employee has a blood alcohol level 0.02 percent (20 MG/DL blood) or higher.

c. Other Violations. Other violations subjecting an employee to immediate termination of employment include substituting or tampering with a urine or blood sample, refusal or failure to report to an approved counseling/rehabilitation program requested by management after a confirmed positive test for any substance prohibited by this policy, leaving a treatment program prior to completion and not being properly released to return to work or a positive confirmed test of any substance prohibited by this policy after completion of a counseling/rehabilitation program and return to work.

G. Counseling/Rehabilitation/Employee Assistance Program. Employees with drug/alcohol problems are encouraged to seek early assistance from an approved counseling/rehabilitation program. Participation in an approved counseling/rehabilitation program is voluntary and completion of the program is the responsibility of the employee. Any employee participating in such a program will be expected to maintain satisfactory job performance. Confidentiality, in accordance with the City of Donaldsonville policies, will be followed regarding a counseling/rehabilitation program. If an employee must sustain treatment under a prescribed rehabilitation program, absences will be handled according to existing policies regarding disability, sick leave or leave of absence without pay. Counseling/rehabilitation programs are to be offered to the employees at their own expense.

An employee that drives a City vehicle must report no later than the opening of the next business day any moving vehicle violations, DWI/DUI or suspension of employee's driver's license to their supervisor. It is the supervisor's responsibility to report such violations to Human Resources and/or the Mayor.

Any violation of this policy may lead to disciplinary actions, up to and including immediate termination of employment may occur even for the first offense. Such violations may have legal consequences.

SECTION II: If any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given affect without the invalid provision, items or applications and to this end the provisions of this ordinance are hereby declared severable.

SECTION III: This Ordinance shall be effective immediately upon publication.

SECTION IV: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The above Ordinance having been submitted to a vote by the Donaldsonville Council and the vote thereupon was recorded as follows, to-wit:

NAMES	AYES	NAYES	ABSENT OR NOT VOTING
CHARLES BROWN	_____	_____	_____√_____
RAYMOND AUCOIN	_____√_____	_____	_____
LAUTHAUGHT DELANEY	_____√_____	_____	_____
REGINALD FRANCIS	_____√_____	_____	_____
BRENT LANDRY	_____√_____	_____	_____

This Ordinance was passed and adopted by the Donaldsonville Council on the 11 day of MAY, 2021.

Approved:

CHARLES BROWN

CLERK

I, Ashley Gaignard, certify that the foregoing is a true and correct copy of the original Ordinance adopted by the Donaldsonville Council of the City of Donaldsonville, Louisiana, at a lawful meeting held on the 11th day of May, 2021 with a quorum present, and that the same is now in full force and effect.

Ashley Gaignard
RECORDER CLERK
Donaldsonville, Louisiana

ORDINANCE 2021-04

An Ordinance of the Donaldsonville Council amending the manner of addressing council, time limits, providing for severability, and providing for an effective date.

NOW THERE BE IT ORDAINED by the Donaldsonville Council for the City of Donaldsonville that:

SECTION I:

That Section 2-34 of the Code of Ordinances, City of Donaldsonville, Louisiana is hereby amended to read as follows:

Sec. 2-34. – Manner of addressing council; time limit.

Any interested person shall be given an opportunity to be heard at the council meetings on any matter placed on the agenda for said meeting. The following procedures shall apply to persons desiring to be heard:

- (a) There is hereby established a public comment period which shall be after the adoption of minutes in the order of business for the Donaldsonville Council. Any person desiring to be heard shall fill out a sign-up card, which will be referred to as a public speaker card, to be available at the door of the meeting room, and to be filled out prior to the beginning of the meeting and handed to the council secretary.
- (b) The public speaker card will contain the name of the person, the item number of the agenda item to which the speaker wishes to address, and the speaker will be called upon to speak on said items at the beginning of the public comment period.
- (c) The time allotted will be three (3) minutes. By a majority vote of the council, the speaker may be allowed more time.
- (d) Each person addressing the Donaldsonville Council shall step to the microphone at the podium in front of the council, and shall give his name and address in an audible tone of voice for the record. All remarks shall be addressed to the Donaldsonville Council as a body, and not to any member thereof. No person, other than the council, and the person having the floor, shall be permitted to enter into any discussion, either directly, or through a member of the council, without the permission of the chairman. No questions shall be asked to a councilperson, except through the chairman.

SECTION III: If any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given affect without the invalid provision, items or applications and to this end the provisions of this ordinance are hereby declared severable

SECTION IV: This ordinance shall become effective immediately upon publication.

The above ordinance having been submitted to a vote by the Council and the vote thereupon was recorded as follows, to-wit:

NAMES	AYES	NAYES	ABSENT OR NOT VOTING
CHARLES BROWN	_____	_____	_____√_____
RAYMOND AUCOIN	_____√_____	_____	_____
LAUTHAUGHT DELANEY	_____√_____	_____	_____
REGINALD FRANCIS	_____√_____	_____	_____
MICHAEL SULLIVAN SR.	_____√_____	_____	_____

This Ordinance was passed and adopted by the Donaldsonville Council on the 11th day of MAY, 2021.

Approved: Charles Brown
CHARLES BROWN

Ashley Gagnard
CLERK

I, Ashley Gagnard, certify that the foregoing is a true and correct copy of the original Ordinance adopted by the Donaldsonville Council of the City of Donaldsonville, Louisiana, at a lawful meeting held on the 11 day of 2021, 2021 with a quorum present, and that the same is now in full force and effect.

Ashley Gagnard
RECORDER CLERK

Donaldsonville, Louisiana

CERTIFICATE

I, the undersigned, Clerk of the Council of the City of Donaldsonville, State of Louisiana, do hereby certify that the foregoing ordinance was duly passed and adopted by the Donaldsonville Council of the City of Donaldsonville, State of Louisiana, at a meeting of the Donaldsonville Council held on the 11th day of May 2021 in the City of Donaldsonville, State of Louisiana.

I further certify that this ordinance was delivered to the Mayor on the 17 day of May, 2021 at 8 a.m.

Ashley Gagnard
Council Clerk

The above ordinance having been submitted, the mayor hereby
adopt.

On this 17th day of May, 2021.

Leroy SullivN, Sr.
Leroy Sullivan, Sr.
Mayor
City of Donaldsonville