

ORDINANCE NO. 09-03

**AN ORDINANCE ADOPTING A POLICY FOR THE  
PROMOTION OF A DRUG-FREE WORK ENVIRONMENT  
FOR THE TOWN OF EVA, ALABAMA**

**WHEREAS**, the Mayor and Town Council of the Town of Eva, Alabama have determined that the general welfare and interests of the citizens of Eva, Alabama can best be promoted by the efficient provision of municipal services and municipal administration; and

**WHEREAS**, the said Mayor and council have further determined that such efficiency can best be accomplished in a drug-free work environment; and

**WHEREAS**, a drug-free work environment can be best promoted through the establishment of a specific policy with respect to same.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Eva, Alabama as follows:

**Section 1.** There is hereby adopted a drug policy for the Town of Eva, Alabama and its employees. Said policy is in the form of a document annexed hereto and entitled "Town of Eva Policy On a Drug-Free, Healthy Work Environment" and is incorporated herein as though set out at this point word for word. Said policy, by incorporation herein, shall be deemed part and parcel of this Ordinance and shall have the same force and effect of any ordinance of the Town of Eva, Alabama.

**Section 2.** The terms of this Ordinance shall apply to all employees of the Town of Eva, Alabama, whether permanent, temporary, probationary, full time or less than full time employees and shall also include all members of the Eva Volunteer Fire Department.


**Section 3.** The Mayor shall have the ultimate responsibility for the administration of this Ordinance and is empowered to delegate such authority as he shall deem appropriate to the various department heads within the municipal administration.

**Section 4.** This Ordinance shall be deemed cumulative with the terms of any other ordinances of the Town of Eva and shall not be construed so as to repeal any other ordinance or portion thereof, but as to any matter relating to drug abuse by employees, this Ordinance shall be given precedence.

**Section 5.** This Ordinance shall be effective immediately upon its adoption and publication according to law.


**ADOPTED and APPROVED** this the 12 day of May, 2009.

**APPROVED BY:**

  
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Gary Livingston, Mayor

**ATTEST:**

(Seal)

  
\_\_\_\_\_  
Judy Fortenberry, Town Clerk



“TOWN OF EVA POLICY ON A DRUG-FREE,  
HEALTHY WORK ENVIRONMENT”

The Town of Eva is committed to being a drug-free, healthy, and safe workplace. You are required to come to work in a mental and physical condition that will allow you to perform your job satisfactorily.

Town employees may not use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs while on the Town premises or while conducting any business-related activity away from the Town premises. You may use legally prescribed drugs on the job only if they do not impair your ability to perform the essential functions of your job effectively and safely without endangering yourself or others.

If you violate this policy, it may lead to disciplinary action, up to and including immediate termination of your employment. The Town may require that you participate in a substance abuse rehabilitation or treatment program. If you violate this policy, there could also be legal consequences.

If you have a drug or alcohol problem, you may request time off to participate in a rehabilitation or treatment program through the health insurance benefit coverage, if your substance abuse problem has not already resulted in disciplinary action and you are not currently subject to immediate disciplinary action. The Town may approve the time off if you agree to stop using the problem substance; follow all Town policies and rules relating to conduct at work; and if permitting the time off will not cause the Town an undue hardship.

Under the Drug-Free Workplace Act, if you perform work for a government contract or grant, you must notify the Town if you have a criminal conviction for drug-related activity that happened at work. You must make the report within five days of the conviction.

In order to achieve a drug-free work place, the Town of Eva will request applicants and employees to submit to drug/alcohol testing for the following instances:

A. Pre-employment - The Town requires a final applicant selected for all positions with the Town to undergo an alcohol and drug test to detect the presence of alcohol and illegal drugs or controlled substances in the body. Refusal to take such a test shall be grounds for denial of employment. An applicant who tests positive for controlled substances or whose test detects a Blood Alcohol Content of .04 or higher shall be denied employment with the Town.

B. Post Accident - In accordance with our Workman's Compensation Carrier, any employee involved in an "on duty accident" shall be tested for drugs/alcohol as soon as practical.


C. Reasonable Suspicion - When a designated supervisor makes a determination that there is reasonable suspicion to believe that an employee is using, is under the influence of, or is in possession of alcohol or controlled substances, the employee shall be subject to drug/alcohol

testing.

D. Random Testing- Employees driving a Town vehicle, or performing, safety sensitive duties are subject to random drug/alcohol testing.

E. Return to Work - As part of follow-up procedures to employment related drug or alcohol violations. If you have questions about this policy or issues related to drug or alcohol use at work, you can raise your concerns with your supervisor or the Human Resources Specialist without fear of reprisal.

Effective May 12, 2009.

  
Gary Livingston, Mayor

ATTEST:

  
Judy Fortenberry, Town Clerk

I, Judy H. Fortenberry, Eva Town Clerk, certify that Ordinance #09-03 Titled: An Ordinance Adopting A Policy For The Promotion Of A Drug-Free Work Environment For The Town of Eva, Alabama with a copy of same posted at the following three locations: Jack's Foodland, Eva Post Office, and Eva Town Hall on this the 13th day of May 2009.

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Judy H. Fortenberry  
Eva Town Clerk

Town Seal