

**NON-BARGAINING RANDOM DRUG/ALCOHOL AND  
REASONABLE SUSPICION POLICY**

**PURPOSE:**

The purpose of this policy is to provide an alcohol and drug-free workplace for the protection and well being of the City of Billings, its employees, and the public it serves along with City property, equipment, and operations. Employees are expected to report to work alcohol and drug free in order to enable safe and efficient job performance. Employees, while on-the-job, while on department premises, or in the scope and course of employment are expected to engage in activities which are appropriate for the work environment and do not compromise the City's integrity or interest in maintaining a safe, secure, and alcohol and drug free workplace.

For purposes of random drug testing, supervisors who are required to have Commercial Driver's Licenses are subject to the Commercial Driver's License (CDL) policy for the random drug testing , not this policy. MET Transit supervisors are subject to the Federal Transportation Administration (FTA) policy for random drug testing, not this policy. CDL supervisors and MET transit supervisors are also subject to the reasonable suspicion and other directives, restrictions, and prohibitions that are set forth in this policy.

**POLICY:**

The City of Billings is committed to protecting the safety, health, and well being of all employees and the individuals with whom the employees come into contact. Therefore, the City establishes an alcohol and drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

If there are employees who have drug or alcohol problems, the City encourages affected employees to seek help through the Employee Assistance Program (EAP) and the benefits available through the City's medical plan. The City will not terminate employment, discipline, or discriminate against an employee solely because an employee voluntarily seeks treatment for an alcohol or substance abuse problem by following the City's controlled substance safe-harbor procedures prior to any occurrence, including testing notification.

The unlawful manufacture, distribution, possession, sale, transfer, or use of illegal drugs; or illegal use of a legally obtainable drug or substance; or misuse of alcohol is strictly prohibited. Illegal possession of drug paraphernalia is prohibited. As a condition of employment, all employees must abide by this prohibition while in any employment capacity with the City, and while on City property, in any City vehicle, and at any City office or facility. All employees are expected to be at work without being under the influence of drugs and/or alcohol, including controlled substances, in order to enable safe and efficient job performance.

Violation of this policy will result in the discipline set out in the attached procedures.

The provisions of the Workforce Drug and Alcohol Testing Act, Sections 39-2-205 through 39-2-211, MCA, provide the basis for this policy.

## DEFINITIONS:

For the purposes of this policy.

**Alcohol** – means an intoxicating agent in alcoholic beverages, food, or medication; ethyl alcohol, also called ethanol; or the hydrated oxide of ethyl.

**Controlled Substance(s)** – means any drug, substance, or precursor included in Schedules I through V as defined by Section 812 of Title 21 of the United States Code (21 USC 812) or any drug, substance, or precursor included within the definition of "Dangerous Drug" in Title 50 Chapter 32 Part 2, Montana Code Annotated (for example, but not limited to: cocaine, marijuana, medical marijuana, and methamphetamine) For the purpose of this policy, the term 'controlled substance' does not include the use of prescribed drugs, which have been legally obtained and are being used in the manner and for the purpose for which they were prescribed. The term does not include distilled spirits, wine, malt beverages, or tobacco. It does include medical marijuana.

**Illegally Used Drugs / Illegal use of drugs** – means:

- a. any prescribed drug which is legally obtainable but has not been legally obtained or is not being used for prescribed purposes or in the prescribed manner;
- b. any other over-the-counter or non-drug substances (for example, but not limited to: airplane glue) being used for other than their intended purpose.

## EMPLOYEES SUBJECT TO THIS POLICY

~~A.~~ ~~All~~ ~~p~~Part-time and full-time employees of the City of Billings engaged in the performance, supervision, or management of work in a hazardous work environment, security position, position affecting public safety, or fiduciary position are subject to Random Drug Testing. ~~Refer to~~ ~~Appendix A: List of Covered Positions.~~

~~A.B.~~ ~~All~~ ~~Covered~~ part-time and full-time employees of the City of Billings are subject to Reasonable Suspicion Drug Testing.

~~B.~~ Prospective job applicants ~~for covered, non-bargaining positions~~ are subject to pre-employment testing and a positive test will result in the prospective employee not being hired.

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## ROLES AND RESPONSIBILITIES:

A. *All* employees are prohibited from:

- Using, consuming, distributing, or possessing alcoholic beverages or illegal drugs while on duty or reporting for duty while under the influence of alcoholic beverages or illegal drugs.
- Use of, consumption of, distribution of, or possession of alcoholic beverages and illegal drugs by employees are prohibited in City worksites and at all times whether on duty or off duty. The term “worksites” includes City vehicles and private vehicles while being used by employees in the performance of their duties.
- Use, distribution, dispensation, possession, manufacture, or sale of illegal drugs while off duty which adversely affects the employee’s work performance, the safety of the employee or others at work, or the City’s regard of reputation in the community. This includes reporting to duty while under the influence of illegal drugs.
- Use of alcohol off duty that adversely affects the employee’s work performance, the safety of the employee or others at work, or the City’s regard or reputation in the community. This includes reporting to duty while under the influence of alcohol.

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B. *All* employees shall notify Human Resources of any drug or alcohol criminal conviction no later than five (5) calendar days after conviction.

C. Supervisors are required to:

1. attend training sessions on alcohol misuse, controlled substance misuse, and the illegal use of drugs in the workplace when offered;
2. when reasonable suspicion is confirmed, initiate an alcohol/drug test as described in this policy;
3. refer employees to the City’s designated Substance Abuse Professional (SAP) under appropriate conditions for assistance in obtaining counseling and rehabilitation upon a finding of alcohol abuse, use of controlled substances or illegal use of legal drugs;
4. initiate appropriate disciplinary action upon a finding of alcohol use, controlled substance use, and/or the illegal use of legal drugs;
5. in conjunction with Human Resources, assist higher-level supervisors and the SAP Administrator in evaluating employee performance and/or personnel problems that may be related to

alcohol misuse, use of controlled substances or the illegal use of legal drugs; and

6. ensure confidentiality of all information regarding employee testing, disciplinary action and rehabilitation.

D. Human Resources shall:

1. direct and implement this program to ensure it is administered consistently;
2. consult with Department Head or designee in determining appropriate action for situations related to this program; and
3. ensure that all records and information of personnel actions taken against employees with verified positive test results remain confidential and only shared with individuals having a legal right to access.

**AUTHORITY TO IMPLEMENT PROCEDURES**

The City Administrator is authorized to develop and maintain procedures to enact this policy.

**PERIODIC REVIEW**

This policy will be reviewed by the City Council every three (3) years.

**POSITIONS COVERED UNDER NONBARGAINING  
RANDOM DRUG/ALCOHOL & REASONABLE SUSPICION POLICY:**

Accountant II	Communications Center Manager	Land Management Coord
Accounting Manager	Comm. Development Grant Coord	Legal Secretary
Accounting Supervisor	Community Services Manager	Library Director
Accounting Technician	Control Systems Prog. Analyst II	Library IS Coordinator
Administrative Assistant	Deputy City Attorney	Mental Health Court Coord
Administrative Support II	Drug Court Coordinator	Municipal Court Administrator
Administrative Support III	DUI Court Coordinator	Network Administrator
Administrative Support IV	Elec. Control Systems Specialist	Park Planner
Airport Engineer/Plan Manager	Electrical Inspector I	Parking Manager
Airport Facilities Supt	Electrical Inspector II	Parks Superintendent
Airport Police Supervisor	Electrical Maintenance Spvsr	Parks Supervisor
Animal Control Supervisor	Emergency Service Dispatch Spvsr	Parks, Rec & Public Lands Dir.
Application Developer	Engineer I	Payroll/HR Analyst
Application Development Mgr	Engineer II	Payroll/HR Generalist
Assistant Aviation Director	Engineer III	PC Support Specialist
Assistant City Administrator	Engineering Data Specialist	PC/Computer Forensic Exam.
Assistant City Attorney	Engineering Inspection Supervisor	Plant Mechanic Supervisor
Assistant Fire Chief	Environmental Compliance Coord	Plant Operator Supervisor
Assistant Library Director	Environmental Coordinator I	Police Records Supervisor
Asst Network Administrator	Environmental Engineer	Public Safety Tech Supp Spec
Aviation & Transit Business Mgr	Executive Secretary	Public Safety Technician
Aviation & Transit Director	Facilities Manager	Public Works Deputy Director
Bicycle & Pedestrian Coord	Field Service Manager	Public Works Director
Billings Services Coordinator	Financial Services Director	Public Works Financial Analyst
Building Official	Fire Chief	Public Works Financial Mgr
Cemetery Superintendent	GIS Coordinator	Purchasing Agent
Chemist	GIS Specialist	Recreation Specialist
Chief Chemist	GIS Technician	Recreation Superintendent
Chief Information Officer	Grants Technician	Safety & Training Coord
City Administrator	HR Admin Support II	Sr. Admin. Support IV
City Attorney	Human Resources Associate	Sr. Application Developer
City Engineer	Human Resources Director	Sr. Engineering Technician
City Traffic Engineer	Identification Supervisor	Sr. GIS Technician
Civil Deputy City Attorney	Internal Services Specialist	Sr. Permit Tech/Coordinator
Code Enforcement Mgr/Zoning	Inventory Control Specialist II	Sr. Plans Examiner
Code Enforcement Officer	Investment Debt Coordinator	Sr. Services Specialist
Comm. Code Enforcement Ofcr	IT Manager	Surveyor/CAD Technician

**POSITIONS COVERED UNDER NONBARGAINING  
RANDOM DRUG/ALCOHOL & REASONABLE SUSPICION POLICY (cont'd):**

Telecommunications System Manager	Treatment Court Support Specialist	Volunteer Coordinator
Traffic Technician	Utility Billing Supervisor	Wastewater Trt Plant Supt
Transit Manager	Utility Systems Engineer	Water Treatment Manager
Transit Planning & Dev Coord	Victim Witness Program Coord	
Transportation Planner	Victim Witness Specialist	