

ORDINANCE No.

117418

Law Department

COUNCIL BILL No.

110470

The City

AN ORDINANCE amending Title 4 of the Seattle Municipal Code by adding thereto a new Chapter 4.77 authorizing the adoption of a Drug-Free Workplace and Drug and Alcohol Testing Plan implementing federal requirements to provide a drug-free workplace, implementing the provisions of the Department of Transportation regulations prohibiting the performance of safety sensitive functions by persons eligible to drive vehicles requiring commercial drivers license when impaired by alcohol or drugs and requiring pre-employment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing of such employees, and prescribing the consequences for engaging in prohibited behaviors and/or the failure of a drug or alcohol test and implementing such other testing procedures that will ensure a safe workplace.

Honorable President:

Your Committee on Finance B

to which was referred the within Co report that we have considered the

PASS 2-0 (TW, TH)

Full Co

Jim

OK

COMPTROLLER FILE No.

Introduced: <u>12-5-94</u>	By: <u>Weeks</u>
Referred: <u>12-5-94</u>	To: <u>FINANCE, BUDGET MANAGEMENT &amp; PERSONAL COMMITTEE</u>
Referred:	To:
Referred:	To:
Reported: <u>DEC 12 1994</u>	Second Reading: <u>DEC 12 1994</u>
Third Reading: <u>DEC 12 1994</u>	Signed: <u>DEC 12 1994</u>
Presented to Mayor: <u>DEC 13 1994</u>	Approved: <u>DEC 10 1994</u>
Returned to City Clerk: <u>DEC 7 1994</u>	Published: <u>F</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Department

# The City of Seattle--Legislative Department

Date Reported  
and Adopted

## REPORT OF COMMITTEE

able President:

Committee on FINANCE BUDGET MANAGEMENT & PERSONNEL

was referred the within Council Bill No. 110470

that we have considered the same and respectfully recommend that the same:

2-0 (TW, TH)

Full Council vote 9-0

*Tom Thibodeau*

Committee Chair

*2*

ORDINANCE 117418

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**AN ORDINANCE amending Title 4 of the Seattle Municipal Code by adding thereto a new Chapter 4.77 authorizing the adoption of a Drug-Free Workplace and Drug and Alcohol Testing Plan implementing federal requirements to provide a drug-free workplace, implementing the provisions of the Department of Transportation regulations prohibiting the performance of safety sensitive functions by persons eligible to drive vehicles requiring a commercial drivers license when impaired by alcohol or drugs and requiring pre-employment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing of such employees, and prescribing the consequences for engaging in prohibited behaviors and/or the failure of a drug or alcohol test and implementing such other testing procedures that will ensure a safe workplace.**

WHEREAS, the City of Seattle is a federal grantee/contractor for certain of its operations and programs and therefore subject to the Federal Drug-Free Workplace Act of 1988; and

WHEREAS, certain City employees are subject to drug and alcohol testing under the Federal Omnibus Transportation Employee Testing Act of 1991 and federal regulations recently adopted by the Department of Transportation and other federal agencies; and

WHEREAS, as an employer under the Washington Industrial Safety And Health Act the City of Seattle is responsible for providing a safe workplace; and

WHEREAS, the welfare of employees and residents of the City are enhanced by the adoption of policies and procedures to implement the intent and purpose of these state and federal laws; and

WHEREAS, the City wishes to ensure the public that City employees perform their duties and responsibilities free of the influence of unlawful drugs and unimpaired by alcohol; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

**Section 1. A new chapter is added to the Seattle Municipal Code as follows:**

4.77           Establishing a drug-free workplace policy and authorizing the adoption of a Drug-free Workplace And Drug and Alcohol Testing Ordinance.

4.77.010       Title.

                  This chapter shall be entitled "The Drug-Free Workplace and Drug and Alcohol Testing Ordinance."

1 4.77.020 Purpose and Authority.

2 The Personnel Director shall adopt a "Drug-Free Workplace and Drug and Alcohol  
3 Testing Plan" consistent with applicable state and federal laws and City policies including  
4 but not limited to the Drug-Free Workplace Act of 1988 (P.L. 100-690, 41 USC § 701 et  
5 seq.); regulations of federal agencies, 54 Federal Register 4947 et seq. and 49 CFR 6363-4;  
6 provisions of the Omnibus Transportation Employee Testing Act of 1991 (Title XII, P. L.  
7 99-570, 49 USC § 3120) for drug and alcohol testing of certain employees, the  
8 implementing regulations of the Department of Transportation, 49 CFR 382 et al., 49 CFR  
9 Part 40, and regulations of other federal agencies applicable to City employees under that  
10 law; and the Washington State Industrial Safety and Health Act, RCW 49.17 and  
11 regulations of the Department of Labor, WAC 296.24.073.

11 4.77.030 Policy.

12 The City of Seattle has a significant interest in the health and safety of its employees  
13 and the citizens of the City of Seattle. It is the policy of the City to take those steps  
14 necessary to ensure that its employees perform their duties and responsibilities free of the  
15 influence of unlawful drugs and unimpaired by alcohol. The City also complies with all  
16 federal, state and local law in furtherance of those objectives.

17  
18 In accordance with federal law, the City of Seattle is required to implement alcohol  
19 and drug testing and training programs for certain defined employees. Strict compliance  
20 with this policy is a condition of City employment. Violations will result in disciplinary  
21 action up to and including termination.

22  
23 The City of Seattle maintains an Employee Assistance Program which can provide  
24 confidential and professional counseling on problems associated with alcohol or chemical  
25 dependency. All employees who suspect they may have an alcohol or drug abuse problem  
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1 are encouraged to use the employee assistance program resources before the problem affects  
2 their employment status.

3  
4 The City administers procedures to implement applicable federal drug testing  
5 regulations. All testing and procedures will be conducted in accordance with such  
6 regulations to ensure that test results are accurate and reliable. The City of Seattle will  
7 carry out this policy in a manner which respects the dignity and confidentiality of those  
8 involved.

9  
10 4.77.040 A Drug-free Workplace and Drug and Alcohol Testing Program Manual.

11 The Personnel Director shall be responsible for the development and administration  
12 of programs and procedures necessary to implement the purposes of this ordinance  
13 including but not limited to the "Drug-free Workplace and Drug and Alcohol Testing Plan"  
14 and shall develop a Drug and Alcohol Testing Program manual to implement the federal  
15 regulations and other aspects of the plan that may require drug and alcohol testing.  
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17  
18 4.77.050 Contract for Testing Service Provider.

19 The Personnel Director is authorized to enter into an agreement with an alcohol and  
20 drug testing service provider. The service provider must meet or exceed applicable  
21 standards and qualifications as set forth in state and federal regulations as provided for in  
22 4.77.020.

23  
24 **Section 2. Any actions taken prior to the effective date of this ordinance but**  
25 **consistent with its specified intent are hereby ratified and confirmed.**  
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Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

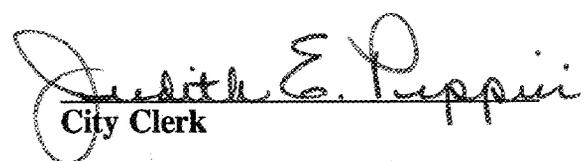
Passed by the City Council the 12 day of December, 1994, and signed by me in open session in authentication of its passage this 12 day of December, 1994

  
\_\_\_\_\_  
President of the City Council

Approved by me this 19 day of December, 1994.

  
\_\_\_\_\_  
Mayor

Filed by me this 20 day of December, 1994.

  
\_\_\_\_\_  
City Clerk

(Seal)

City of Seattle Personnel Department

Norman B. Rice, Mayor

XXXXXXXXXXXXXXXXXXXX Sarah Welch, Acting Personnel Director



November 18, 1994

TO: Seattle City Council
Attention: Tom Weeks, Chair
Finance, Budget, Management, and Personnel Committee

VIA: Norman B. Rice, Mayor
Attention: Diana Gale, OMB Director

FROM: Sarah Welch
Acting Personnel Director

SUBJECT: Proposed Legislation Adopting a Drug-Free Workplace Policy and Providing for the Implementation of a Drug and Alcohol Testing Plan and Procedures for City Employees Holding a Commercial Driver's License (CDL)

The attached legislation is intended to add a new Section 4.77 to the Seattle Municipal Code (SMC) which will formally codify the City's Drug-Free Workplace Policy, provide a policy and procedures for pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up drug and alcohol testing of employees whose jobs require them to hold a CDL. As a federal contractor/grantee the City is required to have these programs in place in accordance with the federal Drug-Free Workplace Act of 1988, the Omnibus Transportation Employee Testing Act of 1991, U.S. Department of Transportation regulations, the Washington State Industrial Safety and Health Act and regulations of the State Department of Labor.

In addition to the above, the legislation authorizes the Personnel Director to enter into a contract with a provider for drug and alcohol testing services, to develop and implement testing procedures as may be required by other federal and/or state regulations, or to revise the procedures as necessary to ensure continuation of a drug and alcohol free workplace for City employees and the public. The legislation also provides for a training program, maintaining an employee assistance program and requires compliance with the policy as a condition of employment.

The federal Department of Transportation regulations will be applicable to affected City employees on January 1, 1995. For this reason, it is important that this legislation be adopted before the end of 1994. Therefore, your favorable consideration of this proposal is requested at this time. If you have any questions regarding our request, please call me at 684-7923 or you may contact Sally Fox (684-7957) or Sharon Tanberg (684-7862).

SW:rdt
Attachment

TIM AND DATE STAMP

**SPONSORSHIP**

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

*Tom Thibault*

_____	_____
_____	_____
_____	_____
_____	_____

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\_\_\_\_\_

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO:

_____
_____
_____

\_\_\_\_\_  
PRESIDENT'S SIGNATURE

Approved by  
Norman B. Rice  
11/29/94

94-315

# City of Seattle

Executive Department—Office of Management and Budget

Diana Gale, Director  
Norman B. Rice, Mayor



November 22, 1994

The Honorable Mark Sidran  
City Attorney  
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING DEPARTMENT: Personnel

SUBJECT: AN ORDINANCE amending Title 4 of the Seattle Municipal Code by adding thereto a new Chapter 4.77 authorizing the adoption of a Drug-Free Workplace and Drug and Alcohol Testing Plan implementing federal requirements to provide a drug-free workplace, implementing the provisions of the Department of Transportation regulations prohibiting the performance of safety sensitive functions by persons eligible to drive vehicles requiring commercial drivers license when impaired by alcohol or drugs and requiring pre-employment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing of such employees, and prescribing the consequences for engaging in prohibited behaviors and/or the failure of a drug or alcohol test and implementing such other testing procedures that will ensure a safe workplace.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMB. Any specific questions regarding the legislation can be directed to Judith Noble at 684-8078.

Sincerely,

Norman B. Rice  
Mayor

by *Judith Noble*  
JN

DIANA GALE  
Budget Director

legis:noble37

Enclosure

COPY RECEIVED  
94 NOV 22 AM 11:31  
SEATTLE CITY ATTORNEY

FILED  
CITY OF SEATTLE  
95 JAN 25 AM 7:04  
CITY CLERK

STATE OF WASHINGTON - KING COUNTY

50838  
CITY OF SEATTLE , CITY CLERK

—ss.

No. ORD. IN FULL

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORD : 117418

was published on

01/05/95

The amount of the fee charged for the foregoing publication is the sum of \$ \_\_\_\_\_, which amount has been paid in full.

*[Signature]*

Subscribed and sworn to before me on

01/18/95  
*[Signature]*

Notary Public for the State of Washington,  
residing in Seattle

*[Faint handwritten notes and stamps]*

# City of Seattle

## ORDINANCE NO. 117418

AN ORDINANCE amending Title 4 of the Seattle Municipal Code by adding therein a new Chapter 4.77 authorizing the adoption of a Drug-Free Workplace and Drug and Alcohol Testing Plan implementing the federal requirements to provide a drug free workplace, implementing the provisions of the Department of Transportation regulations prohibiting the performance of safety sensitive functions by persons eligible to drive vehicles requiring a commercial drivers license when impaired by alcohol or drugs and requiring pre-employment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing of such employees, and prescribing the consequences for engaging in prohibited behaviors and/or the failure of a drug or alcohol test and implementing such other testing procedures that will ensure a safe workplace.

WHEREAS, the City of Seattle is a federal grantee/contractor for certain of its operations and programs and shares the same act of the Federal Drug-Free Workplace Act of 1988; and

WHEREAS, certain City employees are subject to drug and alcohol testing under the Federal Omnibus Transportation Employee Testing Act of 1991 and federal regulations recently adopted by the Department of Transportation and other federal agencies; and

WHEREAS, as an employer under the Washington Industrial Safety and Health Act the City of Seattle is responsible for providing a safe workplace; and

WHEREAS, the welfare of employees and residents of the City are enhanced by the adoption of policies and procedures to implement the intent and purpose of these state and federal laws; and

WHEREAS, the City wishes to ensure the public that City employees perform their duties and responsibilities free of the influence of unlawful drugs and unimpaired by alcohol; NOW THEREFORE

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1. A NEW CHAPTER IS ADDED TO THE SEATTLE MUNICIPAL CODE AS FOLLOWS:

4.77 Establishing a drug-free workplace policy and authorizing the adoption of a Drug-Free Workplace And Drug and Alcohol Testing Ordinance.

### 4.77.010 Title.

This chapter shall be entitled "The Drug-Free Workplace and Drug and Alcohol Testing Ordinance."

### 4.77.020 Purpose and Authority.

The Personnel Director shall adopt a "Drug-Free Workplace and Drug and Alcohol Testing Plan" consistent with applicable state and federal laws and City policies including but not limited to the Drug-Free Workplace Act of 1988 (P. L. 100-690, 41 USC §701 et seq.), regulations of federal agencies, 54 Federal Register 4947 et seq. and 49 CFR 2362-4, provisions of the Omnibus Transportation Employee Testing Act of 1991 (Title XII, P. L. 99-570, 48 USC § 3130) for drug and alcohol testing of certain employees, the implementing regulations of the Department of Transportation, 49 CFR 382 et al., 49 CFR Part 40, and regulations of other federal agencies applicable to City employees under that law, and the Washington State Industrial Safety and Health Act, RCW 49.17 and regulations of the Department of Labor, WAC 296.24.073.

### 4.77.030 Policy.

The City of Seattle has a significant interest in the health and safety of its employees and the citizens of the City of Seattle. It is the policy of the City to take those steps necessary to ensure that its employees perform their duties and responsibilities free of the influence of unlawful drugs and unimpaired by alcohol. The City also complies with all federal, state and local law in furtherance of those objectives.

In accordance with federal law, the City of Seattle is required to implement alcohol and drug testing and training programs for certain defined employees. Strict compliance with this policy is a condition of City employment. Violations will result in disciplinary action up to and including termination.

The City of Seattle maintains an Employee Assistance Program which can provide confidential and professional counseling on problems associated with alcohol or chemical dependency. All employees who suspect they may have an alcohol or drug abuse problem are encouraged to use the employee assistance program resources before the problem affects their employment status.

The City administers procedures to implement applicable federal drug testing regulations. All testing and procedures will be conducted in accordance with such regulations to ensure that test results are accurate and reliable. The City of Seattle will carry out this policy in a manner which respects the dignity and confidentiality of those involved.

### 4.77.040 A Drug-free Workplace and Drug and Alcohol Testing Program Manual.

The Personnel Director shall be responsible for the development and administration of programs and procedures necessary to implement the purposes of this ordinance including but not limited to the "Drug-Free Workplace and Drug and Alcohol Testing Plan" and shall develop a Drug and Alcohol Testing Program manual to implement the federal regulations and other aspects of the plan that may require drug and alcohol testing.

### 4.77.050 Contract for Testing Service Provider.

The Personnel Director is authorized to enter into an agreement with an alcohol and drug testing service provider. The service provider must meet or exceed applicable standards and qualifications as set forth in state and federal regulations as provided for in 4.77.030.

SECTION 2. ANY ACTIONS TAKEN PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE BUT CONSISTENT WITH ITS SPECIFIED INTENT ARE HEREBY RATIFIED AND CONFIRMED.

SECTION 3. THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE THIRTY (30) DAYS FROM AND AFTER ITS APPROVAL BY THE MAYOR, BUT IF NOT APPROVED AND RETURNED BY THE MAYOR WITHIN TEN (10) DAYS AFTER PRESENTATION, IT SHALL TAKE EFFECT AS PROVIDED BY MUNICIPAL CODE SECTION 1.04.020.

Passed by the City Council the 18th day of December, 1994, and signed by me in open session in authentication of its passage this 12th day of December, 1994.

JIM STREET,

President of the City Council.  
Approved by me this 18th day of December, 1994.

NORMAN E. RICE,  
Mayor.  
Filed by me this 20th day of December, 1994.

(Seal) JUDITH E. PIPPIN,  
City Clerk.  
Publication ordered by JUDITH PIPPIN, City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, January 5, 1995. 15150828