

Employees shall not report to or perform work under the influence of drugs or alcohol or after consuming drugs or alcohol that impair mental and physical capabilities.

Supervisors will be required to review this policy and receive periodic training to recognize how to identify alcohol or drug abusers. Alcohol or drug abuse in the workplace will not be tolerated, and for those employees who experience performance problems related to alcohol and drug abuse, disciplinary action, up to and including termination, will be used as necessary to achieve this goal.

This policy provides guidelines for the detection and deterrence of alcohol and drug abuse in the workplace. It also outlines the responsibilities of City management personnel and employees. To that end, the City will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee's ability to safely and effectively perform the functions of the particular job) which increases the potential for accidents, absenteeism or substandard performance. The City is committed to providing an alcohol and drug-free workplace. Substance abuse affects work performance in lost productivity, quality of work, cooperation with others, motivation, concentration and judgment, and jeopardizes safe working environments.

If the provisions of federal, state, or local laws or regulations, or those contained in other departmental policies are more stringent than the provisions contained herein, those more stringent requirements shall prevail.

This policy complies with both the federal Drug-Free Workplace Act of 1988 (DFWA) and the California Drug-Free Workplace Act of 1990 (CDFWA).

4	Use Of Medically Prescribed Medications
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The use of medically prescribed medications and drugs is not *per se* a violation of this policy; however, employees are forbidden from taking medications or drugs which could foreseeably interfere with the safe and effective performance of duties or operation of City equipment. If an employee is taking prescription medication or drugs, the employee should notify his/her supervisor or members of management or Personnel Officer and provide drug side effect information before beginning work. Should a work performance problem or incident occur, disciplinary action may be taken, up to and including termination, for failure to notify the applicable supervisor or to perform the work-related responsibility assigned.

The City prohibits its employees from being under the influence, using and/or possessing cannabis in any form while on City property, at City assigned work locations, on duty, on breaks or during meal periods.

The Americans with Disabilities Act of 1990 (ADA) includes a provision that emphasizes the intent of the employer not to discriminate against the disabled and to

provide reasonable accommodations to those qualified disabled employees who, because of their disabilities, must use legal drugs that result in their impairment.

Employees who fall under this category must have proof in their medical file in order to be covered by the ADA provision. Only supervisors with a clear business reason shall be eligible to access the medical files.

The City has a legitimate business interest in ensuring that employees not work while impaired by the use of drugs or alcohol when doing so might endanger someone, pose a risk of significant risk of damage, or substantially interfere with an employee's performance. The City's business interest outweighs the employee's privacy interest (Gov. Code 12900 et seq).

In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using prescribed medications or drugs, clearance from a qualified physician may be required prior to the employee's release to full duty.

5	Assistance
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The City is committed to providing reasonable accommodations to those employees whose drug or alcohol problem classifies them as handicapped where and to the extent required under Federal or state law.

While the City will be supportive of those employees who seek help voluntarily, the City will be equally firm in identifying and disciplining those employees who have work performance related problems and who continue to be substance abusers and do not seek help or continue substance abuse even while enrolled in counseling or rehabilitation programs.

6	Application
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This policy applies to all City employees. It applies to alcohol and illegal drugs as well as to legal substances, drugs or medications which could impair an employee's ability to effectively and safely perform the functions of the job.

The City reserves the right to search, with the employee present, all areas and property in which the City maintains control or joint control with the employee. Some examples of areas under the City's control are desks, lockers, file cabinets, offices, tool boxes (if not personally owned by the employee), storage rooms and storage areas. The Department Head and/or Personnel Officer shall be present.

If the City has evidence an employee has illegal drugs on City property, regardless of who has control of the area where the drugs are believed to be located, law enforcement authorities will be notified.

When the supervisor of an employee or any City supervisor has reasonable cause to believe an employee is under the influence of alcohol or drugs, that employee shall be ordered by his or her supervisor, or by any City supervisor, to refrain from engaging in further work. Employees must be fully capable of performing their job duties safely and efficiently while at work and may be ordered by supervisors to submit to investigation and chemical testing if there is reasonable suspicion that the employee is under the influence of drugs or alcohol.

7	Employee Responsibilities
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- A. Shall not report to work while his/her ability to perform job duties is impaired due to on-duty or off-duty alcohol or drug use;
- B. Shall not have in his/her possession any illegal drugs or have any alcohol readily accessible while on duty with the City including breaks, meal periods, or on City property;
- C. Shall not use alcohol or drugs which may impair job performance during work hours, on breaks or during meal periods whether on City property or elsewhere;
- D. Shall not, if in City uniform, City provided clothing or any other apparel identifying the employee as a City employee at any time whether on duty or not purchase or possess alcohol or illegal drugs;
- E. Shall not directly or through a third party sell illegal drugs or provide drugs or alcohol to be taken or consumed while on duty or on City premises to any person, including any employee, while either employee or both employees are on duty, breaks, or mealtime;
- F. **Possession of Drugs or Alcohol As part of Official Duties:** Certain employees may be required, as part of their official duties, to be in possession of alcohol or drugs. Possession of drugs or alcohol alone, required of an employee in the course of discharging their duties as employees of the City, shall not be deemed reasonable suspicion under this section. However, employees who are involved in drug prevention or enforcement work are nevertheless subject to testing in the absence of reasonable suspicion. This includes, but is not limited to, employees involved in under-cover drug work, evidence storage, court presentations and similar roles related to prevention of drug and/or alcohol abuse.
- G. If an employee refuses an order to submit to a drug and/or alcohol test, he or she shall be reminded by Management Staff of the requirements and potential disciplinary consequences of such refusal. Where there is reasonable suspicion that the employee is under the influence of alcohol or

drugs, and the employee refuses to be tested, the Management Staff shall contact law enforcement if the employee attempts to operate a motor vehicle or there is a potential danger to the employee or others. For the purpose of discipline, the City may consider the failure to submit to a drug or alcohol test as tantamount to a positive test.

- H. Shall be subject to an investigation and to chemical testing for alcohol and/or drugs if his or her supervisor or a manager has reasonable suspicion that the employee is intoxicated or under the influence of illegal or impairing drugs or alcohol on the job, during work hours, on breaks, during mealtime or on City property. Upon this determination, employees shall immediately submit to an alcohol or drug test when directed to do so by a supervisor or management employee. Any employee who refuses to submit to such testing or conducts himself or herself during such testing so as to induce a false, incorrect or invalid result shall be subject to disciplinary action up to and including termination;
4.
- I. Each employee shall notify his/her supervisor and provide medication drug side effect information before beginning work, when taking any medications or drugs (prescription or non-prescription) which may interfere with the safe and effective performance of duties or operation of City equipment; and
- J. Shall provide within a reasonable time (normally within 24 hours of a request) a bona fide verification from a physician or a current valid prescription for any prescription drug or medication taken or identified when a drug screen/test is positive. The employee may be instructed to provide a report from the physician describing the potential effects of the drug on the employee's job performance. The prescription must designate the employee as the person for whom the drug or medication is prescribed.

8	Supervisor Responsibilities
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- A. The City is responsible for providing training to Department Heads, Managers and supervisors.
- B. Department Heads, Managers and supervisors are responsible for enforcement of this policy.
- C. Department Heads, Managers and supervisors shall have the authority to order an employee to submit to a drug and/or alcohol test to be undertaken in a manner prescribed by this policy, when Department Head, Personnel Officers, managers or supervisors have a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol on the job or during breaks or meal periods.

"Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs or alcohol to the extent that the employee's ability to perform the functions of the job is impaired or to the extent that the employee's ability to perform his/her job safely is reduced.

Existence of reasonable suspicion shall be based on the total circumstances and will normally include more than one of the following factors. For example, alone or any combination of any of the following may constitute reasonable suspicion:

1. Slurred speech
2. Alcohol odor on breath
3. Unsteady walking and movement
4. An accident involving the employee, City property and/or equipment or property where the cause may be symptomatic of suspected use of alcohol or drugs
5. Physical altercation
6. Verbal altercation
7. Deviation from employee's normal behavior
8. Possession of alcohol or drugs unrelated to job responsibilities will be sufficient grounds for reasonable suspicion
9. Information obtained from a reliable person with personal knowledge
10. Increased absenteeism
11. Performance of work with reduced efficiency and/or effectiveness
12. Increased disciplinary actions

- D. The Department Head, Personnel Officer, or supervisor ordering an employee to be required to submit to a drug and/or alcohol test shall document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs, and shall then notify the City Manager.

The employee's supervisor or the Personnel Officer shall also have the authority to prepare a memo ordering the employee to submit to a drug and/or alcohol

analysis at a location and by methods approved by the Personnel Officer. The employee's Department Head, supervisor, or the Personnel Officer is responsible for arranging safe transportation for the employee to the collection site and home.

- F. Any Department Head, Personnel Officer, or supervisor encountering an employee who refuses an order to submit to a drug and/or alcohol analysis shall remind the employee of the requirements and disciplinary consequences of this policy and the disciplinary consequences of insubordination.

Where there is reasonable suspicion that the employee is then under the influence of alcohol or drugs, the Department Head, supervisor, or Personnel Officer should attempt to have the employee wait for a reasonable time for transportation to a safe and comfortable location. The employee should be transported safely, by two fellow employees, to his or her home or to a location designated by the employee.

The Personnel Officer shall be notified when an employee must be transported home. The Personnel Officer shall then proceed pursuant to this subdivision of this policy to investigate the incident and, depending on the results of the investigation, the employee may be subject to discipline up to and including termination consistent with the Memorandum of Understanding or the City's Personnel Policy as applicable to the employee's classification.

- G. Supervisors shall notify a Personnel Officer when they have reasonable suspicion to believe that an employee may have alcohol and/or illegal drugs in his or her possession or in an area not jointly or fully controlled by the City in violation of this policy.

If the Department Head, other supervisor, or Personnel Officer concurs that there is reasonable suspicion of possession of drugs or alcohol, the City Manager shall be notified, who in turn shall notify and receive direction from the City Attorney and Safety Officer.

Supervisors **shall never** physically search the person in question, nor shall they search the personal possessions of employees without the freely given consent of, and in the presence of, the employee and another supervisor. Note that many areas are in the control or joint control of the City and are subject to inspection at any time.

9	Physical Examination and Testing Procedure
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The drug and/or alcohol test may test for any substance which could impair an employee's ability to effectively and safely perform the functions of his/her job, including, but not limited to, prescription medications, alcohol, heroin, cocaine,

morphine and its derivatives, PCP, methadone barbiturates, amphetamines, marijuana and other cannabinoids

10	Pre-Employment Testing
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All applicants for safety-sensitive positions, including current non-safety sensitive employees who promote, demote or transfer to such positions, shall undergo drug testing. Receipt by the City of satisfactory test results is required prior to employment, and failure of a drug or alcohol test will automatically disqualify a new applicant for employment from consideration of employment for a period of one hundred twenty (120) days. Current employees who promote, demote or transfer from non-safety-sensitive to safety-sensitive positions shall obtain a negative test result prior to assignment to a safety-sensitive position.

- A. "Safety-sensitive positions" include positions in which failure to properly perform the function would put the employee or others in risk of physical injury.

11	Alcohol/Drug Test During Employment
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1. **Post-Accident Testing:** If an employee is involved in an accident during the course of performing his/her duties, he or she shall submit to chemical testing.
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2. **Random Testing:** Safety-sensitive employees will be subjected to random, unannounced testing for drugs and/or alcohol use at any time, including periods of extended leaves. Each such employee shall have an equal chance at selection for random testing and shall remain in the selection pool even after being tested. The basis for random selection shall be by a scientifically valid random number generation method.
3. If testing is done, the following shall apply:
 - a. If an initial drug screen is positive, it will be confirmed by scientifically accepted methods and if positive, the employee must provide within a reasonable time (normally 24 hours of request) bona fide verification of a valid current prescription for the drug identified in the drug screen or other medically acceptable explanation for the positive test. The prescription must be in the employee's name. If the employee does not provide acceptable verification of a valid prescription, or if the prescription is not in the employee's name, or if the employee has not previously notified his or her supervisor of the use of a potentially impairing legal drug, the employee may be subject to disciplinary action, up to and including termination.

- b. If an initial alcohol screen is positive, it will be confirmed by scientifically accepted methods for alcohol or drugs. If the confirmatory screen is positive, the employee may be subject to disciplinary action, up to and including termination pursuant to Subsection (3) below
- c. If an employee's alcohol or drug test is confirmed to be positive for alcohol or drugs, the City shall conduct an investigation and consider the appropriate action to be taken

The decision to discipline or terminate will be carried out in conformance with the disciplinary procedures outlined in the City's Personnel Policy, or the current Memorandum of Understanding as applicable to the employee's classification.

12	Confidentiality
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Laboratory reports or test results of chemical tests shall not appear in an employee's official personnel file. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the Personnel Officer. The report or test results may be disclosed only to persons whose knowledge thereof is necessary for performance of official duties or in administration of this policy. Disclosures, without employee consent, may also occur when:

1. The information is compelled by law or by judicial or administrative process;
2. The information has been placed at issue in a formal dispute between the employer and employee;
3. The information is to be used in administering an employee benefit plan;
4. The information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize disclosure; and
5. Release or use of the information is otherwise permitted by law

An applicant or employee shall receive, at his or her request, the results of any drug or alcohol test performed in accordance with this policy within a reasonable time after the results are available.

When disciplinary action is recommended or proposed under this policy, the laboratory reports will be made available to the employee. Employees' and applicants' privacy and dignity will be respected during the drug or alcohol testing process, including collection of a specimen.

This policy shall be posted in conspicuous places within the City, and distributed to current and all new employees.

Employee Handbook Acknowledgment and Receipt

I have received my copy of the Employee Handbook. The employee handbook describes important information about the City of Ione, and I understand that I should consult my supervisor or Human Resources regarding any questions not answered in the handbook. I have entered into my employment relationship with the City of Ione voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the City of Ione can terminate the relationship at will, with or without cause, at any time, so long as there is not a violation of applicable federal or state law.

I understand and agree that, other than the City Manager, no manager, supervisor or representative of the City of Ione has any authority to enter into any agreement for employment other than at will; only the City Manager has the authority to make any such agreement and then only in writing signed by the City Manager of the City of Ione.

This handbook and the policies and procedures contained herein supersede any and all prior practices, oral or written representations, or statements regarding the terms and conditions of my employment with the City of Ione. By distributing this handbook, the City expressly revokes any and all previous policies and procedures that are inconsistent with those contained herein.

I understand that, except for employment-at-will status, any and all policies and practices may be changed at any time by the City of Ione and the City reserves the right to change my hours, wages and working conditions at any time. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify or eliminate existing policies. Only the City Manager of the City of Ione has the ability to adopt any revisions to the policies in this handbook.

I understand and agree that nothing in the Employee Handbook creates, or is intended to create; a promise or representation of continued employment and that employment at the City of Ione is employment at will, which may be terminated at the will of either the City of Ione or myself. Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I understand and agree that employment and compensation may be terminated with or without cause and with or without notice at any time by the City of Ione or myself.

I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

Employee's Signature

Employee's Name (Print)

Date

Agenda Item

7

DATE: August 31, 2017

TO: Ione City Council

FROM: Jon Hanken, City Manager

SUBJECT: Update on Request For Qualifications for Landscape services in the Castle Oaks Community Facilities District.

RECOMMENDED ACTION: Staff is requesting approval to proactively solicit proposals from qualified companies related to the performing the landscaping work in the Castle Oaks Community Facilities District area.

Motion: _____ / _____.

FISCAL IMPACT: Funds to pay for the landscape maintenance services would come from the revenues collected from the properties in the Communities Facilities District (CFD). Lighting and Landscaping District comes from properties within the designated district.

BACKGROUND: The City manages revenues collected through a Community Facilities District (CFD) located in Castle Oaks. Currently, there are approximately 665 properties in the district. Funds from properties in LLMD No. 1 area pays for landscape maintenance costs, lighting services, and Amador Water Agency cost for irrigation related to the Lighting and Landscaping District. Properties associated with Community Facilities District No. 2005-2 (IA No. 3) and Community Facilities District No. 2009-3 pay for those items, as well as police protection services, fire protection and rescue services, maintenance of parks, parkways, and open space. The landscape maintenance area that the proposed RFP would cover would include includes the Castle Oaks frontage on Highway 104, the median on Castle Oaks Drive, as well as all open space in the Castle Oaks area.

The City advertised the RFQ for landscaping services at the beginning of August and proposals were due on Friday, August 25th at 3:00 p.m. No proposals were received. Staff is recommending that the City proactively solicit proposals from qualified companies related to the performing the landscaping work in the Castle Oaks Community Facilities District area.

Attachments: Draft Request for Qualifications for Landscape Services.

**CITY OF IONE
REQUEST FOR PROPOSALS
LANDSCAPE MAINTENANCE**

The City of Ione is requesting proposals from qualified landscape contractors to provide appropriate landscape maintenance of the common areas at the Castle Oaks Subdivision, specifically the Castle Oaks frontage on Highway 104, the median strip along Castle Oaks Drive and selected other open spaces.

To request a bid packet, please contact Mary Wren at the City of Ione. The telephone number is (209) 274-2412 or mwren@ione-ca.com. Complete proposals must be submitted to City Hall by **3:00 pm on Friday, August 25, 2017**. The City of Ione reserves the right to refuse any or all bids.

REQUEST FOR PROPOSALS LANDSCAPE MAINTENANCE

The City of Lone, California is requesting proposals from qualified landscape contractors to provide appropriate landscape maintenance of the common areas at the Castle Oaks Subdivision, specifically the Castle Oaks frontage on Highway 104, the median strip along Castle Oaks Drive and future open spaces located in Village 4A and 4B as outlined in the attached maps.

This agreement would remain in effect for a period of two (2) years. This contract can be renewed for a subsequent term of two (2) years upon the mutual agreement of the parties.

JOB SPECIFICS

- A. Mow and maintain treed median and frontage. This includes trimming, pruning, fertilization, weed control, and maintenance of the irrigation system, of the area outlined on Attachment 1.
- B. Mow and maintain selected spaces in Subdivision 4A and 4B which will be turned over to the city in the near future. Potential list is provided in Attachment 2. This will include trimming, pruning, fertilization, and weed control.
- C. Replace plants and shrubs as needed with a focus on low water usage vegetation.
- C. Clean, remove, and dispose of the debris created during mowing and maintenance in all areas.

SELECTION PROCESS

The criteria to be used in the selection process shall include:

- A. Specialized and recent experience in the type of work required by this project.
- B. Record of the Firm in accomplishing similar services in the required time.
- C. Quality of work previously performed.
- D. Professional qualifications.

SUBMISSION REQUIREMENTS.

Vendors desiring to be considered for this project shall submit the following:

- A. A schedule for implementation of the services outlined (weekly, biweekly?).
- B. A fee proposal based on the following:
 1. A unit price per entire project to complete the tasks as described under Job Specifics and a total "not to exceed" amount.
 2. A list of any documentation or materials provided by the City that are deemed necessary for the firm to complete the service, such as a pesticide applicator's license, weed applicator's license.
 3. Contractor's License Number, Bond, and copy of Liability Insurance Coverage.
 4. List of references

Three (3) copies of the proposal must be submitted to City Hall, #1 East Main Street, P.O. Box 398, Ione, CA 95640 by **3:00 pm on Friday, August 25, 2017**. The City of Ione reserves the right to refuse any or all bids.

Questions regarding the RFP should be directed to:

City Manager's Office
City of Ione
P.O. Box 398
1 East Main Street
Ione, CA 95640
209-274-2412 Ext. 111
Email: jhanken@ione-ca.com