

ORDINANCE NO.

13-08
Series of 2013

TITLE: AN ORDINANCE AMENDING ARTICLE 5 OF THE TOWN OF HUDSON PERSONNEL POLICY AND PROCEDURES MANUAL REGARDING EMPLOYEE MARIJUANA USE

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. Section 5.8 of the Hudson Personnel Policy and Procedures Manual is amended as set forth below:

Section 5.8 - Alcohol/Substance Abuse

It is against Town policy for an employee to use, possess, or be under the apparent influence of any alcoholic beverage or controlled substance (as defined by ~~12-22-303(7)~~ 18-18-102(5) C.R.S.) while on the job, while driving a Town vehicle, or while driving a personal vehicle on Town business. For the purposes of this policy, "on the job" includes all periods of time when an employee is compensated including on-call status.

It is against Town policy for an employee to use, consume or otherwise be under the influence of marijuana, notwithstanding whether such use or consumption occurs on the job or during off-duty periods.

An employee is considered under the influence when the ability to perform his/her job is impaired, or the ability to function effectively in the work place is impaired in the opinion of the Town, or the ability to perform the job and function safely as to him/her, fellow workers, or the public is impaired.

Employees who are suspected of being under the influence of alcohol or a controlled substance may be compelled by the Town to take a blood test, a urine test, a breath test, hair test or any combination of the four. Commissioned police officers may also be subject to random blood, urine, hair and breath tests, or any combination of the four. An employee who fails to take the ordered test will be subject to disciplinary action up to and including dismissal. An employee found to be under the apparent influence of alcohol or a controlled substance while on the job will be subject to disciplinary action up to and including dismissal. An employee who tests positive for controlled substances will be considered to be under the influence for purposes of this policy.

If an employee needs to take prescribed drugs under a physician's direction which may affect that employee's ability to perform his/her job in a safe and productive manner, the Town requires for the employee's safety and that of others, that the

employee's supervisor be informed that he/she is taking such drugs and the effect on his/her work. Failure to inform the supervisor may subject the employee to disciplinary action up to and including dismissal.

Any employee convicted of or formally charged with a crime involving drugs or alcohol must report said conviction to his/her Department Supervisor in writing, within five (5) days after said conviction or within one (1) day upon revocation of driver's license or any restriction that may impact their duty. Failure to so report may result in immediate dismissal.

Within thirty (30) days after receiving notice of a conviction, the Town will either discipline or terminate the convicted employee or require satisfactory participation in an approved drug abuse assistance or rehabilitation program.

The Town must notify any granting Federal agency within ten (10) days after receiving notice of a conviction.

Any conviction for drug use or sale, which occurs during employment with the Town, makes an employee subject to dismissal.

This Section incorporates by reference any Town of Hudson drug testing programs including, but not limited to, safety-sensitive employees and CDL licensing of Town employees as approved by the Town Board.

Section 2. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Hudson, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.


INTRODUCED, READ IN FULL, AND ADOPTED this 19th day of June, 2013.



TOWN OF HUDSON, COLORADO


Neal Pontius, Mayor

ATTEST:


Linnette Barker, CMC, Town Clerk

PASSED ON SECOND AND FINAL READING this 17th day of July, 2013, AND ORDERED PUBLISHED ONCE IN FULL.



TOWN OF HUDSON, COLORADO


Neal Pontius, Mayor

ATTEST:


Linnette Barker, CMC, Town Clerk

APPROVED AS TO FORM:


Corey Y. Hoffmann, Town Attorney