

**AN ORDINANCE TO REQUIRE DRUG AND ALCOHOL TESTING  
OF EMPLOYEES IN CERTAIN CASES**

BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF LUMBERPORT that the following requirements and procedures for drug and alcohol testing shall be added to the *Town of Lumberport Employee Handbook* as follows:

SECTION ONE. The Council determines that public safety and workplace safety requires that certain employees may be subjected to drug and/or alcohol testing.

SECTION TWO. The Mayor, or the Mayor's designate, is hereby authorized to require an employee to submit to drug and/or alcohol testing in the following circumstances:

- A. Where there is a reasonable, good faith, objective suspicion of an employee's illegal drug usage or alcohol intoxication; or
- B. When an employee's job responsibility involves public safety or the safety of others.

SECTION THREE. Reasonable, good faith, objective suspicion for requiring an employee to submit to drug testing and/or alcohol testing shall be deemed to exist when an employee manifests physical or behavioral symptoms or reactions commonly attributed to the use of controlled substances or alcohol intoxication. Such employee conduct must be witnessed by at least one supervisor. Should a supervisor observe such symptoms or reaction, the employee must submit to testing.

SECTION FOUR. Jobs involving public safety or the safety of others include any job requiring the operation of a motor vehicle or other moving equipment, operation of the water treatment plant, and any other job which may be deemed by the Mayor, or the Mayor's designate, to involve public safety or the safety of others. The frequency of testing shall be determined by the Mayor, or the Mayor's designate.

SECTION FIVE. Any employee who is subjected to drug and/or alcohol testing under this Ordinance, shall have the right to the results of the tests and the right to request confirmatory tests. Any such employee shall be given the opportunity to challenge the results of any test which is the basis of any disciplinary action.

First Reading passed by the Common Council of the Town of Lumberport, Harrison County, West Virginia, on the 2nd day of March, 2009.

Second Reading passed by the Common Council of the Town of Lumberport, Harrison County, West Virginia, on the 6th day of April, 2009.

Bill Thompson  
Bill Thompson, Mayor

Attest:

Norma J. Edwards  
Norma J. Edwards, Town Clerk