

9.1 Drug and Alcohol Abuse Policy

The City of Manassas is dedicated to improving the safety of its operation and providing its employees with a safe working environment. Therefore, the City of Manassas will not tolerate the use of drugs or alcohol by employees while on duty, in City vehicles or on City property. Nor will the City of Manassas permit any employee to work while impaired because of the use of either drugs or alcohol.

This policy is designed to eliminate drug and alcohol use by City employees, which adversely affects an employee's ability to safely and satisfactorily perform his or her job. Thus, for the purpose of this policy, the use of drugs or alcohol which impairs the employee's job performance is considered by the City of Manassas to be an abuse and a direct violation of City policy.

Employees shall not report to work under the influence of alcohol or drugs, have the odor of alcohol or drugs on their breath, manufacture or possess drugs or alcohol while on duty or "on-call," sell or provide drugs or alcohol to any other employee or to any person while such employee is on duty, or have their ability to work impaired as a result of the use of alcohol or drugs.

Any employee who is visibly impaired due to alcohol or drug use, so as to affect his or her manner, disposition, speech, muscular movement, general appearance or behavior has abused that substance.

The use of any drug, whether legal or illegal, by an employee which impairs his or her ability to safely and satisfactorily perform his or her job is subject to this policy. An employee who is taking prescribed drugs, consistent with a doctor's instructions, shall notify his or her supervisor if there is any possibility that the drug may affect the employee's ability to perform his or her job safely. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified physician will be required.

Employees shall not use, possess or sell any illegal drugs while on City property. Violation of this policy will result in disciplinary action up to and including termination.

Similarly, employees may not use or possess any alcohol or liquor (including beer and wine) on City property. Violation of this policy will result in disciplinary action up to and including termination.

Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and shall be instructed to wait for a reasonable time until an authorized City representative can transport the employee from the work site.

An employee shall notify his or her supervisor of any criminal drug or alcohol statute conviction for a violation occurring while on duty or "on-call" no later than one (1) working day after such conviction.

The City of Manassas retains the right to search all City premises and property, including common areas used by employees, to detect the presence of illegal drugs or alcohol on City property.

The City reserves the right to search, without employee consent, all areas and property in which the City maintains joint control with the employee or full control. All City vehicles are subject to search by appropriate management personnel. Warrants will be obtained should it become necessary to search areas beyond the City's immediate control.

This policy applies to all officers, employees and certain candidates who are selected for positions with the City of Manassas.

9.2 Drug and Alcohol Testing; Workers' Compensation Denial

In the event of an accident, either vehicular or otherwise, or if reasonable suspicion exists during the performance of a regular job or an assigned duty, the employee involved shall be asked to take a drug or alcohol test.

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

For example, any of the following, alone or in combination, may constitute reasonable suspicion:

- a. Slurred speech;
- b. Alcohol on breath;
- c. Inability to walk a straight line;
- d. An accident involving City property;
- e. Physical altercation;
- f. Verbal altercation;
- g. Behavior which is so unusual that it warrants summoning a supervisor or anyone else with authority;
- h. Possession of alcohol or drugs;
- i. Information obtained from a reliable person with personal knowledge.

Failure on the part of the employee involved to take the drug or alcohol test shall be taken as an admission of being under the influence of illegal drugs or alcohol as suspected.

Should the test results confirm the presence of illegal drugs or alcohol, a Workers' Compensation claim on the case will be denied; also, the employee involved will be disciplined as deemed necessary.

9.3 Management Responsibilities And Guidelines

Managers and supervisors are responsible for consistent enforcement of this policy, even when there is no accident. Any supervisor who knowingly permits a violation of this policy by employees under his or her direct supervision shall be subject to disciplinary action.

Managers and supervisors may request that an employee submit to a drug and/or alcohol analysis when a manager or supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol.

Any manager or supervisor requesting an employee to submit to a drug and/or alcohol analysis should immediately notify his or her Department Head or his or her designee(s) to meet him or her to observe the employee's behavior. Should the Department Head or his or her designee(s) concur that the employee appears to be in violation of the policy, the following procedures shall immediately be applied:

The manager or supervisor should document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs.

Any manager or supervisor requesting an employee to submit to a drug and/or alcohol analysis shall be responsible for the employee's transport to the City's designated Medical Services where a drug and/or alcohol test will be performed.

Any manager or supervisor encountering an employee who refuses to submit to a drug and/or alcohol analysis upon request shall remind the employee of the requirements of this policy and consequences of his or her refusal. The manager or supervisor should ask the employee to wait a reasonable time until an authorized City representative can transport the employee home.

Managers and supervisors shall not physically search employees.

Managers and supervisors shall notify the Chief of Police when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the City.

Managers and supervisors shall not confiscate, without consent, prescription drugs or medications from an employee who has a prescription.

Managers and supervisors of City Departments which have received certain State or Federal grants may be required, pursuant to grant requirements, to timely report certain employee drug convictions to the grant funding agency and take timely appropriate personnel action against such employees, up to and including termination.

In an effort to encourage the employee to take responsibility for his or her problem, a first violation will result in a referral to the Manassas Employee Assistance Program. The

program can be activated by an employee voluntarily seeking help or a manager or supervisor seeking help for an employee.

When an employee is experiencing performance difficulties as a result of a substance abuse problem, the manager or supervisor shall refer the employee to the Employee Assistance Program. However, submitting to an evaluation and treatment of the problem will not excuse the employee from the consequences of the performance deficiencies.

9.4 Results of Drug and/or Alcohol Analysis

Upon a negative result, the employee shall return to work and job performance will continue to be monitored.

If an employee questions whether the results of a sample analysis are accurate, the employee may obtain an independent analysis of the same sample at his or her expense. Upon request, the City will authorize the clinic or laboratory holding the employee's sample to release to a laboratory or clinic of the employee's choice a sufficient quantity of the sample to permit the second laboratory or clinic to conduct alcohol or drug screening analysis. By requesting a second analysis, the employee authorizes the City of Manassas to obtain a copy of any test results determined by the second laboratory or clinic. The accuracy of the screening test results submitted to the City of Manassas will be verified by the laboratory or clinic which conducted the analysis.

All candidates for employment with the City of Manassas will be required to submit to a pre-employment physical as part of these examinations; a drug and/or alcohol screening will be given. The analysis shall be conducted in accordance with established clinical procedures. A positive result from a drug and/or alcohol analysis may result in the candidate not being hired. In such instances, candidates will not be considered for any other City position for one year from the date of the positive test.

Departments with established Standards of Conduct should make appropriate revisions with respect to this policy and ensure that employees are so advised. All exceptions to this policy must be approved by the City Manager or his or her designee.

This policy encompasses those requirements set forth in the Drug-Free Workplace Act of 1988.

9.5 Alcohol and Drug Random Testing Policy For Commercial Motor Vehicle Drivers

This policy applies to all City employees who operate commercial motor vehicles for City business. This policy is an addition to and not a substitute for the existing Drug and Alcohol Abuse Policy described in Section 9-1 of the Employee Handbook which applies to every employee regardless of his or her job classification. In the case of a conflict between this policy and any other City policy, this policy shall supersede.

In order to prevent on-the-job use of, or reporting for work under the influence of alcohol or other drugs which could impair employees safe performance of their varied job functions including vehicle operation and thereby endanger their lives and that of the general public; and in order to be able to fulfill our responsibility to serve the public in an efficient manner; and finally, to comply with the **Federal Regulation on Alcohol and Drug Testing Requirements for Commercial Motor Vehicle Drivers**, the following policies and procedures have been established and shall be rigidly enforced:

The City of Manassas prohibits the use, possession, purchase, sale, or distribution of drugs or alcohol on any City property at any time.

9.5.1 Definitions

For purposes of this policy, the term:

"Drug" shall include any substance that is unlawful to possess under either the Federal Controlled Substances Act or state law, or any substance that could affect one's ability to function on the job.

Commercial Motor Vehicles are vehicles which have a manufacturer's gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 26,001 pounds or more, or vehicles made to carry 16 or more passengers, including the driver, or vehicles that transport hazardous materials that have to be placarded by federal law.

Controlled substances shall mean any drug or substance assigned a DEA controlled substance code number in the following groups: Opiates, Opium derivatives, Hallucinogenic substances, Depressants, and Stimulants.

The mere possession of a valid prescription or over-the-counter drug for medical reasons does not constitute a policy violation. In addition, the use of such a drug also will not constitute a policy violation, as long as the drug does not affect the driver's ability to function on the job.

City shall mean the City of Manassas

Director shall mean the Finance and Administration Director or designee and Risk Management

Driver shall mean any City of Manassas employee who operates a commercial vehicle on behalf of the City and on City business or activity.

EAP shall mean Employee Assistance Program

DEA shall mean Drug Enforcement Agency

MRO shall mean Medical Review Officer

BAC "Breath Alcohol Concentration" as used in this policy, shall mean the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

Reasonable Suspicion: Is a belief based on objective and articulated facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs or alcohol such that the employee's ability to perform the functions of the job is impaired or such that the employee's ability to perform his/her job safely is reduced.

Behaviors that include, **but not limited to** any one of the following, or in combination may constitute reasonable suspicion:

- a. Slurred speech
- b. Dilated pupils
- c. Odor of alcohol on breath
- d. Inability to walk a straight line
- e. Lack of coordination
- f. Incoherence
- g. Tremors
- h. Convulsions
- i. Paranoia
- j. Verbal altercation
- k. Physical altercation
- l. Possession of drugs or alcohol
- m. Accident or incident involving a City vehicle or other public property

An "**accident or incident**" shall be defined as any occurrence in which death, personal injury and/or property damage occurs or when a vehicle has left the roadway under other than normal causes. "**Accident or incident**" shall also include abnormal occurrences with a vehicle when a driver is not behind the wheel. Post-accident testing will be conducted regardless of who was injured, what property was damaged or who was responsible. An occurrence may qualify as an "**accident or incident**" regardless of whether the vehicle was in motion, temporarily stopped, parked or being loaded or unloaded, or on either public or private property.

9.5.2 The Drug Testing Program:

Drug and Alcohol Testing began on January 1, 1995.

Drivers will be subject to drug and alcohol testing in five circumstances:

- 1) All applicants for commercial driver positions will be tested as part of their pre-employment examination;
- 2) All drivers will be subject to random testing;

- 3) A driver will also be tested after any accident or incident; and
- 4) A driver will be tested whenever there is reasonable suspicion that the driver may have used drugs or alcohol.
- 5) A driver shall also be required to submit to a follow-up testing after a positive test.

All testing will be performed by a certified laboratory with trained technicians.

Those Required to Take The Test: All City employees who operate commercial vehicles on City business and applicants for these driver positions are required to submit to a physical examination and be certified by a medical review officer appointed by the City to meet the requirements of the Federal Regulation on medical examination for motor carriers. Physical examinations will be conducted at the City's expense. Inclusive with the physical, all employees subject to this policy will be screened for drug and alcohol use for which each driver will be required to provide a urine sample.

Consent: A consent to pre- and post-placement physical examinations and substance abuse screening is required prior to placement. Refusal to provide such consent or refusal to submit to a substance abuse screen under any of the conditions outlined above will be treated as having a positive test result.

Training: The City will provide training for supervisors and superintendents in the detection of drug and alcohol impairment.

Physicals: Physicals (Substance abuse screening) will be conducted under the following circumstances:

Pre-placement: Upon receiving conditional offers of employment, all applicants for driver positions are required to be tested for the presence of drugs at a clinic approved by the City. The applicants shall be required to sign a consent release form authorizing the substance abuse screening test and submission of the results to the City. Applicants who refuse to sign the consent form or who show traces of illegal drugs will not be considered for placement.

Random: Substance abuse testing will be conducted on a random basis. The number of random tests conducted annually shall equal or exceed twenty-five percent for alcohol testing and fifty percent for controlled substances testing of the average number of commercial motor vehicle driver positions for which testing is required. Any one driver may be tested several times in any one year if his/her name is re-chosen through random selection. Pursuant to the testing policy, any driver whose name is chosen through random selection will be required to submit samples which will be tested for the presence of controlled substances and alcohol.

THIS SECTION OF THE POLICY APPLIES TO ALL EMPLOYEES REGARDLESS OF THEIR LICENSE STATUS:

Reasonable Suspicion: Drivers will be tested for drugs and alcohol whenever the City has "reasonable suspicion" that the driver may have used drugs or alcohol. Whenever possible, the conduct or event giving rise to the "reasonable suspicion" should be witnessed by at least two persons, and a supervisor or superintendent should be called to the scene.

No supervisor shall require "reasonable suspicion" testing unless that supervisor has had training as mandated by the federal regulation. Further, the supervisor shall make a written record of the observations that led to the suspicion of drug or alcohol use.

Post Accident: Following an accident or incident involving a city vehicle, the City shall require the driver to submit to a blood, urine and/or breath analyzer test if:

- a. the driver receives a citation for a moving traffic violation arising from the accident.
- b. accident results in the death of a human being; or
- c. accident results in bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident.
- d. accident results in total damage to any one property amounting to \$1,500.00 or more based upon actual costs or reliable estimates.
- e. any condition that meets the definition of "accident or incident" under this policy.

Post-accident testing should be completed as soon as possible after the accident. Every effort will be made to ensure that the test is conducted within four (4) hours after the accident.

Following the accident, the driver will be taken to a certified lab in order to have the blood, urine, breath analyzer and/or other appropriate tests. If the employee requires hospital care, the City will make arrangements to assure that the appropriate tests are performed at the hospital.

A driver who is seriously injured and cannot provide a specimen at the time of the accident shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in his or her system.

If a driver does not need hospital care but is required to have a post-accident test under this policy, he or she shall not use alcohol until eight hours after the accident or until the test is performed, whichever occurs first.

Return-to-duty testing: Any driver found to have engaged in conduct prohibited by this regulation and who is not terminated shall undergo a test before returning to duty. If the prohibited conduct involved alcohol, the driver shall take an alcohol test and shall not be allowed to return to work unless the result is less than 0.02 BAC. If the prohibited conduct involved controlled substances, the driver shall take a controlled substances test and shall not be allowed to return to work unless the result is verified negative for controlled substance use.

Follow-up testing: Any driver identified as needing assistance in resolving problems associated with controlled substances use or alcohol misuse shall be subject to unannounced follow-up controlled substances and or alcohol testing as directed by a substance abuse professional.

Any driver who refuses a drug test authorized under this policy will be presumed to have used illegal drugs or alcohol in violation of this policy and will be subject to discharge.

Drugs To Be Tested: The purpose of the drug testing policy is to identify the use of any drug which affects a driver's ability to function on the job. A detectable amount in a driver's system of any illegal drug, or alcohol concentration of 0.04% BAC or greater, or over-the-counter or prescribed medication shall violate this policy except when a driver has advised his/her supervisor of over-the-counter or prescribed medication and the driver has been permitted to continue driving.

Drivers will be tested for a broad range of drugs, including marijuana, cocaine, opiates, PCP (phencyclidine), amphetamines, and alcohol; and any other drug which impairs one's ability to function on the job.

Drivers taking over-the-counter or prescribed medication are responsible for knowing the effects of that medication on their duties. Drivers may not drive or perform other duties under the influence of any prescription or over-the-counter drug that could impair their ability to function on the job. Drivers must report to their supervisor if they are using any medication that may have such an effect. A driver who is taking medication which adversely affects his or her performance will be removed from driving service temporarily and will be eligible for sick leave or other appropriate benefits, if any are available.

Drivers shall not report for work or be on City property while impaired by alcohol. Drivers are prohibited from using alcohol within four hours before coming on duty. An Employee found to have a blood alcohol concentration {BAC} of 0.04% or more while on duty or on City property will be considered presumptively impaired and in violation of this policy.

Because alcohol consumption is legal and socially acceptable, and current technology is so accurate that it may even detect consumption from a previous night, the City will not discipline a driver based solely upon a blood alcohol test result of less than 0.04% BAC. **However**, a driver whose breath test reveals an alcohol concentration of **0.02% or greater but less than 0.04%** shall be removed from safety-sensitive function for 24 hours or until the start of the driver's next regular scheduled period, whichever period of time is greater.

Drug Testing Procedure: Whenever this policy requires that a driver be tested for drugs after an accident or incident, or upon reasonable suspicion, then the driver will be taken to an approved testing facility for the purpose of collecting the sample (except in the case in which the City relies on tests conducted by the police or any other investigative authority). **In no case will a driver be given more than 24 hours notice of a test.**

Once at the laboratory, the driver will be required to provide a urine, blood and/or breath analyzer sample. The employee will not be directly observed while providing the urine sample, but laboratory personnel will take appropriate steps to assure that the sample remains unadulterated. If the technician determines that a first sample was adulterated, then City may adopt an inference of driver drug or alcohol use. The technician will request that the employee submit a second sample, and appropriate steps, including direct observation, may be taken to assure that a proper sample has been submitted.

After the employee has provided the sample, the laboratory will comply with appropriate chain of custody procedures and will certify that the employee has actually provided the specimen submitted for testing. Results will be reported to a physician designated by the City as a Medical Review Officer (MRO).

Handling Test Results, Record Retention and Confidentiality: The laboratory that conducts the required testing shall maintain records and provide reports to federal agencies in accordance with federal regulations.

Testing records shall be maintained in a secure location with controlled access. The records shall be available only to the Director or an authorized designee.

Negative Test Results: In any case of a negative test result, the MRO will contact the Director and the employee to report the negative laboratory findings.

Positive Test Results: In any case of a positive test result, the following procedures will apply:

Pre-Employment Testing: All candidates for employment with the City of Manassas will be required to submit to a pre-employment drug and alcohol screening. This analysis shall be conducted in accordance with established clinical procedures. A candidate who tests positive for a drug and alcohol analysis will not be hired. In such an instance, the candidate will not be considered for any other City position for one year from the date of the positive test.

Random or "Reasonable Suspicion" Testing: If the result of a random or reasonable suspicion test is positive, the laboratory will perform a quantitative confirmation test on the same sample. If the confirmation test is negative, no action will be taken against the driver. However, if the confirmation is positive, the result will be reported to the Finance and Administration Director or designee. **The driver will be placed on one (1) day administrative leave with pay. It**

will be explained to the driver that he/she has twenty-four (24) hours to choose one of two options: 1) undergo rehabilitation; or 2) be discharged. If the driver fails after 24 hours to choose rehabilitation, the driver will automatically be discharged. A written copy of the following options will be provided:

Option 1 – Rehabilitation:

The driver may request rehabilitation. The employee will be placed in a non-pay status and advised that his/her drug use in violation of City policy is grounds for discharge. However, discharge will be held in abeyance and the employee will be referred to the Employee Assistance Program (EAP). Sick leave can be used during rehabilitation and medical benefits shall be continued. **Following an assessment and establishment of a treatment plan by a Substance Abuse Professional, and at the City's discretion, the employee may conditionally be placed in a non-safety sensitive position, if work is available. This placement is temporary, for a period not to exceed six weeks. Upon successful completion of rehabilitation, and at the City's discretion, the employee may be reinstated to his or her original driving position.** The employee shall then be subject to EAP monitoring and one year of periodic testing as required by regulation. **If ANY positive drug test occurs during the employees remaining tenure with the City,** the employee will be subject to immediate discharge with no additional opportunity for rehabilitation.

If the driver does not successfully complete the rehabilitation program, the driver will be discharged without any additional rehabilitation opportunity.

Option 2 - Discharge:

The driver may elect to be discharged from employment with the City subject to the normal grievance procedures. If the driver files a grievance over the discharge, then he or she may challenge the accuracy of the test at the time.

Refusal to submit to drug testing at any stage of periodic testing will result in discharge from the City.

Post Accident Testing: **Testing may be required after any accident or incident. However, it is mandatory after an incident or accident in which medical treatment has been sought or apparent property damage exceeds \$1500.00, (based on the police estimate of repair cost or the City's estimate, whichever is higher).** If that test is positive, the laboratory will perform a quantitative confirmation test on the same sample. If the confirmation test is negative, no discipline will be imposed. However, if the confirmation test is positive, the results will be reported to the Finance and Administration Director or designee. **The driver will be immediately placed on one (1) day administrative leave with pay.** Due to the serious nature of being involved in an accident while the driver has drugs in his or her system, the driver will be subject to discipline. The employee will be placed in a non-pay status and advised that his or her drug use in violation of City policy is grounds for discharge. **However, at the**

discretion of the City, discharge may be held in abeyance and the employee may be referred to the Employee Assistance Program (EAP). In the event of discharge, the driver may elect to file a grievance and the validity of a test result may be challenged at that time.

Should a test result confirm the presence of illegal drugs, or alcohol level of 0.04% BAC or above, a Workers' Compensation claim on the same case will be denied; also, the employee involved will be disciplined as deemed necessary.

9.5.3 Responsibility of Employees

Compliance with this alcohol and drug policy and request to take a medical examination is a condition of continued employment for commercial motor vehicle drivers. Every employee concerned shall be given a copy of this policy and shall be asked to sign a statement acknowledging its receipt and evidencing his/her willingness to comply with the policy.

Where the actions, appearance or conduct of employees are indicative of the use of a controlled substance, any employee observing such action is responsible for documenting such action, appearance or conduct and advising their supervisor of same.

9.5.4 Responsibility for Enforcement

The Finance and Administration Director or designee and the Risk Manager shall provide training to supervisors and managers regarding this policy.

All supervisors are responsible for being alert to possible violations of this policy by employees under their supervision and advising the Finance and Administration Director or designee and the Risk Manager of such violations.

The Finance and Administration Director or designee and the Risk Manager shall provide assistance to supervisors faced with a need to act under this policy.

In order to protect employees from frivolous or nuisance accusations of such behavior, management may take disciplinary action against an employee or employees initiating such frivolous or nuisance accusations.

9.5.5 Employee Assistance Program (EAP)

The Employee Assistance Program (EAP) provides the City's employees and their families with pretreatment evaluation and counseling, information, referrals and follow-up services concerning drug and/or alcohol dependency. All discussions with the EAP shall remain completely confidential. The City encourages employees to take advantage of this resource.

9.5.6 Policy Statement Not A Waiver of Any Rights:

The purpose of this policy statement is to familiarize City drivers with the new drug testing policy. This policy statement is not intended to and shall not constitute a waiver of any rights possessed by the City derived from any source whatsoever. Nothing in this policy shall be construed as limiting the City's right to take administrative or disciplinary action, up to and including discharge for involvement with drugs or alcohol not specifically addressed in this policy.

Nothing in this policy shall limit the rights of the City as derived from existing law; rules and regulations; manuals, handbooks and statements of policy; bulletins, memoranda, and directives; local customs and practices; and the City expressly reserves all such rights and any other rights derived from any other source whatsoever. The City may modify this policy from time to time, including when there are changes in applicable federal or state laws.

9.6 Police Annual Physicals

The City of Manassas Police Department provides physical examinations for its sworn personnel at no cost to the employee. Examinations are performed every three years for employees under age 40, every two years for employees between ages 40 and 49, and every year for employees age 50 or older. The Human Resources Department shall maintain a detailed database of all employee physical exams and shall notify the employee when he or she is due for their departmental physical. Once the Human Resources Office notifies the employee, it is the responsibility of the employee to promptly contact the designated medical facility for this purpose in order to schedule an appointment.

The examining physician shall report the result to the Finance and Administration Director or designee's Office. Copies of the results will be provided to the employee and placed in the personnel medical file. Any health changes, from normal, in an employee's health may be of concern as this relates to performance of police duties. These changes may occur at any time and must be reported to the supervisor concerned.

9.7 Public Safety Non-Use of Tobacco Products Policy

As a condition of employment, sworn Police and career Fire and Rescue professionals, beginning with their date of employment, are prohibited from using any form of tobacco products, including the following:

- Tobacco products that are smoked, including cigarettes, cigars or pipe tobacco, in any form.
- Smokeless tobacco products that are chewed, inhaled, ingested or placed within the mouth, in any form.
- Simulated tobacco products that are chewed, inhaled, ingested, placed within the mouth or that cause the user to spit as a result of such use, in any form.

Nothing in this policy shall prohibit the use of recognized tobacco cessation products prescribed by a physician or purchased over the counter, so long as the use of such tobacco cessation products does not involve smoking or spitting as a result of such use.

A public safety employee's failure to comply with this condition of employment shall constitute insubordination and may result in disciplinary action up to and including termination. The Non-Use of Tobacco Products Condition of Employment Agreement is located at the end of this section.

CITY OF MANASSAS
CONDITION OF EMPLOYMENT AGREEMENT
Non-Use of Tobacco Products

I, _____, hereby acknowledge the requirement of the City of Manassas, Virginia, as a condition of employment as a sworn Police or career Fire and Rescue professional, beginning with my date of employment, I am **prohibited** from using any form of tobacco products, including the following:

- ◆ Tobacco products that are smoked, including cigarettes, cigars or pipe tobacco, in any form.
- ◆ Smokeless tobacco products that are chewed, inhaled, ingested or placed within the mouth, in any form.
- ◆ Simulated tobacco products that are chewed, inhaled, ingested, placed within the mouth or that cause the user to spit as a result of such use, in any form.

Nothing in this agreement shall prohibit the use of recognized tobacco cessation products prescribed by a physician or purchased over the counter, so long as the use such tobacco cessation products does not involve smoking or spitting as a result of such use.

I further agree that I will comply with the provisions of the City of Manassas, Virginia, tobacco product policy contained in the City of Manassas Employee Handbook.

I further agree that, if at any time during the term of my employment with the City of Manassas I cease to be a non-user of tobacco products, I shall immediately inform my Department Head of this fact.

Therefore, I hereby certify that, as of this date, I do not use tobacco products as described in this agreement, and in consideration of my employment as a _____ employed by the City of Manassas, Virginia, I agree not to use such tobacco products for the duration of my employment, whether on or off duty. My failure to comply with these conditions of employment shall constitute insubordination and may result in disciplinary action up to and including termination.

Therefore, I acknowledge that I have read and agree with this Condition of Employment Agreement for the non-use of tobacco products as a part of my conditions of employment with the City of Manassas, Virginia.

Signature of Employee

Witness

Date

Date