

**MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE
Ordinance 2021-01**

Introduced By: Mayor Ashby

Date Introduced: December 3, 2020

Amendments Adopted: N/A

Date Adopted: January 5, 2021

Date Effective: January 25, 2021

AN ORDINANCE concerning

TOWN PERSONNEL MANUAL

FOR the purpose of amending the Town's current employee Personnel Manual relating to post-accident testing.

BY repealing and reenacting, with amendments

Section 9 – Work Rules

Town of Perryville Personnel Manual (adopted by Ordinance 2012-1 and amended by Ordinances 2013-05, 2013-07, 2016-10, 2018-07, 2018-15 and 2019-17)

KEY:

((Double parentheses)) denotes text removed from Personnel Manual

CAPITAL LETTERS denote new text in the Personnel Manual

SECTION 1. BE IT ENACTED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE that Section 9 – Work Rules of the Town of Perryville Personnel Manual adopted by Ordinance 2012-1 and amended by Ordinances 2013-05, 2013-07, 2016-10, 2018-07, 2018-15 and 2019-17 is hereby repealed and reenacted, with amendments, as follows:

On page 9-4, immediately preceding “WORKPLACE VIOLENCE” insert the following new provision:

POST-ACCIDENT CONTROLLED SUBSTANCE AND ALCOHOL TESTING

THE TOWN WILL REQUIRE CONTROLLED SUBSTANCE AND ALCOHOL TESTING FOR ALL EMPLOYEES WHOSE PERFORMANCE OR CONDUCT MAY HAVE CONTRIBUTED TO AN ACCIDENT, AS WELL AS ANY EMPLOYEE WHO WAS, OR EMPLOYEES WHO WERE, INVOLVED IN AN ACCIDENT IN WHICH INJURY TO A PERSON REQUIRES TRANSPORT TO A MEDICAL TREATMENT FACILITY, OR DISABLING DAMAGE TO ONE OR MORE VEHICLES THAT REQUIRES TOWING FROM THE ACCIDENT SITE.

POST-ACCIDENT TESTING SHALL BE REQUIRED AND COMPLETED WHENEVER POSSIBLE WITHIN 2 HOURS OF THE ACCIDENT OCCURRENCE, BUT IN ANY CASE, NO LATER THAN EIGHT (8) HOURS AFTER THE ACCIDENT FOR BREATH ALCOHOL TESTING AND THIRTY-TWO (32) HOURS FOR CONTROLLED SUBSTANCE TESTING. AN EMPLOYEE INVOLVED IN AN ACCIDENT SHALL REFRAIN FROM ALCOHOL CONSUMPTION FOR EIGHT (8) HOURS FOLLOWING THE ACCIDENT OR UNTIL THE EMPLOYEE UNDERGOES A POST-ACCIDENT ALCOHOL TEST, WHICHEVER OCCURS FIRST. THE TOWN WILL DOCUMENT THE REASONS FOR NOT PROMPTLY CONDUCTING THE REQUIRED TESTS.

THE TOWN SHALL REQUIRE DRUG AND/OR ALCOHOL TESTING IN ONE OR MORE OF THE FOLLOWING CIRCUMSTANCES:

- FOLLOWING AN ACCIDENT OR INCIDENT WHERE THERE IS FATALITY;
- WHEN ONE OR MORE VEHICLE(S) NEED TO BE TOWED;
- WHEN MEDICAL CARE OTHER THAN FIRST AID ON THE SCENE IS REQUIRED;
- WHEN AN EMPLOYEE RECEIVES A CITATION; AND
- WHEN EQUIPMENT OR PERSONAL PROPERTY DAMAGE EXCEEDS \$1,000.00.

ANY EMPLOYEE WHO LEAVES THE SCENE OF AN ACCIDENT WITHOUT APPROPRIATE AUTHORIZATION PRIOR TO SUBMISSION TO POST-ACCIDENT CONTROLLED SUBSTANCE AND ALCOHOL TESTING SHALL BE CONSIDERED TO HAVE REFUSED THE TESTS. THIS DOES NOT REQUIRE THE DELAY OF MEDICAL ATTENTION OR OTHER ASSISTANCE NECESSARY IN RESPONDING TO THE ACCIDENT.

THE EMPLOYEE'S SUPERVISOR SHALL TRANSPORT AN EMPLOYEE WHO WAS INVOLVED IN AN ACCIDENT TO THE TESTING FACILITY.

A NON-DOT DRUG AND/OR ALCOHOL TEST WILL BE PERFORMED ON ALL NON-DOT EMPLOYEES.

IF A POSITIVE TEST RESULT IS REPORTED, DISCIPLINARY ACTION WILL TRANSPIRE ACCORDING TO SECTION 8 – DISCIPLINARY ACTION. THIS INCLUDES THE POSSIBLE TERMINATION OF EMPLOYMENT.

SECTION 2. AND BE IT FURTHER ENACTED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE that this Ordinance shall become effective at the expiration of twenty (20) days following approval by the Mayor and Commissioners.

ADOPTED this 5 day of January, 2021, by a vote of 5 yeas, 0 nays, and 0 abstentions.

SEAL:

**MAYOR AND COMMISSIONERS OF
THE TOWN OF PERRYVILLE**

By: Robert R. Ashby, Jr.
Robert R. Ashby, Jr., Mayor

ATTEST:

Jackie Sample

Jackie Sample, Town Clerk

Dianna Battaglia, Planning & Zoning Director

Date: 1/5/2021