

2026- COUNCIL DEPT USE ONLY

INTRODUCED BY: MATTHEW JEWELL, PARISH PRESIDENT
(PERSONNEL OFFICE)

ORDINANCE NO. _____

An ordinance to amend the St. Charles Parish Code of Ordinances, Chapter 18 – Personnel, Article I. In General, Section 18-1. Regulations for substance abuse by parish employees.

WHEREAS, the St. Charles Parish Council adopted Ordinance No. 90-5-7 on May 21, 1990 which established regulations for Substance Abuse by parish employees; and,

WHEREAS, the Ordinance was amended on June 3, 1991, March 17, 2003 and December 21, 2020; and,

WHEREAS, after nearly thirty-five years of enforcement of this ordinance, it is in need of an additional amendment which provides necessary updates and further clarification for continued compliance.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the St. Charles Parish Code of Ordinances, Chapter 18 – Personnel, Article I. In General, Section 18-1. Regulations for substance abuse by parish employees. be hereby amended with new text underlined and deleted text in ~~strikethrough~~:

Sec. 18-1. - Regulations for substance abuse by parish employees.

I. Purpose.

(a) The parish has a strong commitment to its employees to provide a safe, healthy and productive workplace and to establish health care programs promoting high standards of employee health. Consistent with the spirit and intent of this commitment, the parish established these regulations regarding drug and alcohol abuse. Quite simply, our goal will continue to be one (1) of establishing and maintaining a work environment that is free from the effects of alcohol and drug abuse.

(b) The parish recognizes that employee involvement with alcohol and drugs poses a safety risk to all employees and can have an impact on the workplace and our ability to accomplish our goal of an alcohol and drug-free work environment.

(c) The parish expects its employees to report for work unimpaired by drug or alcohol abuse.

(d) Employees who voluntarily request assistance in dealing with a personal drug habit or a drinking problem may do so without jeopardizing their continued employment, provided they stop any and all abuse of drugs and alcohol. The personnel officer will refer employees to an appropriate treatment resource. Volunteering for assistance will not prevent disciplinary action for a violation of these regulations which has already occurred. To that end, the parish will act to eliminate any substance abuse which increases the potential for accidents, absenteeism, substandard performance, poor employee morale and damage to the community's reputation.

II. Applications. This policy applies to all job applicants and employees including full-time, part-time, seasonal, and temporary.

This section applies to all employees and job applicants of the parish.

III. Policy.

(a) Employees of the parish shall neither (a) use, possess or distribute any narcotics, controlled dangerous substances or designer drugs while on the job, on duty, or on the parish's property, nor (b) report to work while under the influence of any narcotics, controlled dangerous substances or designer drugs, unless prescribed by a physician licensed to practice medicine. Any narcotics violation as defined by state, federal or local statute while on the job or on duty will be grounds for disciplinary action up to and including termination. In cases where there is evidence of use, possession or distribution of illegal substances on parish property, law enforcement personnel may be notified, as appropriate.

(b) Prescription Drugs and Over-the-Counter Medications

(1) No employee shall perform their duties while taking prescribed drugs and/or over-the-counter medications that are adversely affecting their ability to perform their job duties safely and effectively. Employees should report to work fit for duty and free of any adverse effects of prescribed drugs and/or over-the-counter medications. This policy does not prohibit employees from

Formatted: Font: (Default) Arial, Not Italic, Not Highlight

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial, 12 pt

the lawful use and possession of prescribed and/or over-the-counter medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor prior to performing work. If through objective factors an employee appears to be impaired, supervisor will follow procedures under Section IV (b).

- (2) Employees that drive parish vehicles and/or employees in safety sensitive positions, including but not limited to employees that drive or operate equipment, who are taking legally prescribed drugs or over-the-counter medications that may affect their ability to safely or effectively perform their job duties must notify their supervisor before commencing work duties. The supervisor should consult with personnel and risk management to determine if temporary accommodations or job duty modifications are necessary.
- (3) If as a result of an accident or incident, it is determined that an employee that drives a parish vehicle and/or in a safety sensitive position was taking prescribed drugs or over-the-counter medication that affected their ability to safely and effectively perform their job duties and did not notify the supervisor, personnel or risk management, the employee will be subject to discipline up to and including termination.
- (4) The following is prohibited and will be treated as a violation of policy:
 - a. The use or possession of prescription medications without a valid prescription.
 - b. The use of prescription medication in a manner inconsistent with the prescribing physician's instructions.
 - c. The distribution of prescription medication to others.
 - d. Performing job duties while impaired as a result of taking prescription drugs or over-the-counter medications.
 - e. Not disclosing any work restrictions as identified by prescribing physician. Employees will be subject to penalties as defined in Section V.
- (5) The parish also reserves the right to have an employee evaluated by a physician of the Parish's choosing for fit for duty should there be a cause for concern. The parish also reserves the right to request a physician certification for prescribed medications that may adversely affect their ability to perform their job duties safely and effectively.

No employee shall use, possess or distribute any prescription drugs while on the job, on duty, or on the parish's property. No employee shall report for work while taking and under the influence of any prescription drugs. An employee who reports to work while taking and under the influence of any prescription drugs will do so only after providing the employee's supervisor with an "Employee's Physician Certification" form completed by the employee's prescribing physician and certifying that the medication will not impair the employee's abilities to perform any and all job functions. No prescription drugs shall be brought upon the parish's premises by any person other than the person for whom the drug is prescribed by a licensed medical practitioner; and such drug shall be used only in the manner, combination and quantity prescribed. Any employee whose abuse of prescription drugs results in excessive absenteeism or tardiness, accidents, or below-average performance shall be referred to the appropriate parish representative for resolution. Any employee who violates this policy will be subject to disciplinary action as provided in subsection V.

(c) Over-the-Counter Medications. No employee shall use, possess or distribute any over-the-counter medications which could impair an employee's ability to perform any and all job functions while on the job, on duty, or on the parish's property. No employee shall report for work while taking and under the influence of any over-the-counter medications which could impair the employee's abilities to perform any and all job functions. An employee who reports to work while taking and under the influence of any over-the-counter medications which could impair the employee's abilities to perform any and all job functions will do so only after providing the employee's supervisor with an "Employee's Physician Certification" form completed by the employee's prescribing physician and certifying that the medication will not impair the employee's abilities to perform any and all job

- Formatted: Font: (Default) Arial, 12 pt
- Formatted: Font: (Default) Arial, 12 pt, Underline
- Formatted: Font: (Default) Arial, 12 pt, Underline
- Formatted: Font: (Default) Arial, 12 pt, Underline
- Formatted: Font: (Default) Arial, 12 pt
- Formatted: Font: (Default) Arial, 12 pt
- Formatted: Font: (Default) Arial, 12 pt, Not Italic
- Formatted: Font: (Default) Arial, 12 pt
- Formatted: Font: (Default) Arial, 12 pt, Not Italic
- Formatted: Font: (Default) Arial, 12 pt
- Formatted: Font: (Default) Arial, 12 pt, Not Italic
- Formatted: Font: (Default) Arial, 12 pt
- Formatted: Font: (Default) Arial, Not Italic
- Formatted: Font: (Default) Arial, Not Italic
- Formatted: Font: (Default) Arial
- Formatted: Font: (Default) Arial
- Formatted: Font: (Default) Arial

functions. ~~No over-the-counter medications which could impair an employee's abilities to perform any and all job functions shall be brought upon the parish's premises by any person other than the person for whom the medication is prescribed by a licensed medical practitioner, and such medication shall be used only in the manner, combination and quantity prescribed. Any employee whose abuse of over-the-counter medications results in excessive absenteeism or tardiness, accidents, or below-average performance shall be referred to the appropriate parish representative for resolution. Any employee who violates this policy will be subject to disciplinary action as provided in subsection V.~~

- (c) ~~(d)~~ *Alcoholic Beverages.* The use of alcoholic beverages by employees during working hours or on the parish's property is also inconsistent with the object of working in a safe and efficient manner. Accordingly, no employee shall use alcoholic beverages during working hours or report to work while under the influence of alcohol. Any employee who violates this policy will be subject to disciplinary action as provided in ~~sub~~Section V.
- (d) ~~(e)~~ Failure to comply with the provisions of this policy shall result in disciplinary action as described in subsection V being taken against the employee. Refusal by an employee to submit to a required drug or alcohol test or rehabilitation/counseling shall result in relief from duty ~~and possible termination and consideration for immediate termination of employment.~~

IV. Drug Testing.

~~(a) Applicants. On or after the effective date of this section, any person who applies for any position in the parish shall submit to a drug screening as part of the application process.~~

~~(1) Any applicant refusing to submit to preemployment drug screening shall be rejected.~~

~~(2) Any applicant testing positive for a controlled substance shall be rejected after being provided an opportunity to demonstrate that the controlled substance was prescribed for him by a licensed physician.~~

~~(b) Current Employees. This section applies to:~~

~~(1) All employees currently employed who:~~

~~a. Are required to operate, to perform maintenance on, or to supervise any employee who operates or maintains any parish-owned vehicles in the course of their employment.~~

~~The term "parish-owned vehicles" includes any motor vehicle, watercraft, aircraft, or rail vehicle owned or controlled by the parish.~~

~~b. Are employed in a safety-sensitive or security-sensitive position, including but not limited to: 1) employees whose conduct in their position may have an immediate effect on the physical safety of themselves or others, or 2) employees who operate any heavy machinery in the course and scope of their employment including but not limited to forklifts, bulldozers and backhoes.~~

~~c. Any parish employee, including but not limited to those listed in paragraphs a. through b. of this subsection when they meet the criteria listed for reasonable suspicion testing enumerated in paragraphs (3)a. through (3)h. of this subsection (b).~~

~~(a) (2) Within sixty (60) days of the effective date of this section, a~~ All employees ~~subject to this subsection,~~ shall be required to submit to random drug ~~and alcohol~~ screening when requested to do so by the supervisors of their departments. This test shall be given on a random basis without any prior notice to employees.

~~(1) a. The personnel officer and/or risk manager parish council shall select a certified vendor laboratory to conduct and analyze the results of the testing screening authorized by this section. The laboratory, hereinafter referred to as "the vendor," shall be provided with a list of employees who are subject to random testing. The vendor shall be responsible for the random selection of employees to be tested, each month. The vendor shall also choose at random the day of the month on which the testing is to be conducted. The vendor shall then inform the pPersonnel staff officer, who will inform the supervisors of the workers randomly selected employees to be tested, that the screening testing is to take place that day.~~

- (2) ~~b.~~ All employees selected for testing screening shall report to the designated vendor's a location to be selected to submit a sample. They will be required to present a photo I.D. to the vendor's representative person collecting the sample. The employee shall be transported to the drug or alcohol testing vendor's location by either a risk management representative professional or the employee's a supervisor.
- (3) ~~e.~~ All samples shall be collected by a representative person employed by the vendor for that purpose ~~at a location designated by the vendor for that purpose~~ and ordered to be sealed and marked for identification in the presence of the employee and the representative person submitting the sample. The employee shall be permitted no more than four (4) hours to give a urine sample and shall remain under observation. Alternative testing options can be considered if employee is unable to provide a urine sample. Employees subject to DOT standards will be accountable to those screening requirements.
- (4) ~~d.~~ All samples shall be collected in accordance with the vendor's standard operating procedure. The employee being tested screened shall receive his/her normal wage for the time taken by the collection procedure.
- (5) ~~e.~~ Employees shall be required to provide all necessary information to the vendor and/or the medical review officer, including the names of all prescription and nonprescription drugs being used by the employee and the names of the prescribing physicians as requested.
- (6) ~~f.~~ The parish shall keep confidential all screening testing results to the fullest extent allowed by law. ~~A~~The second confirmatory test shall be performed on all specimens testing positive using the standard operating procedures method generally employed by the vendor, ~~to be selected~~. When a confirmatory test result is positive, the results of the testing shall be referred to the employee and to the personnel officer for appropriate action as stated in subsections V and VI of this section.
- (b) ~~(3)~~ The drug or alcohol screening may also be performed on any parish employee when there is reasonable suspicion, based on objective factors, that an employee is under the influence of controlled substances or alcoholic beverages, or both.
- (1) "Objective factors" which may serve as the basis for reasonable suspicion shall include, but are not limited to:
- Obvious physical impairment, e.g., stumbling, unsteadiness, fidgety.
 - Abnormally slurred or loud speech, e.g. slow, slurred, loud, distracted mid-thought, inability to verbalize thoughts.
 - Red, watery eyes, heavy eyelids, fixed pupils.
 - Irrational behavior, e.g. argumentative, irritable, drowsy, sleeping on the job.
 - Odor of alcoholic beverages or marijuana.
 - Clear evidence of an employee's possession of any prescription medication not prescribed to that employee, illegal drug, drug-related paraphernalia, or alcohol.
 - Clear evidence of an employee's possession of any items which could be used to tamper with or adulterate a sample for drug or alcohol screening testing (for example, a false or tampered-with urine sample).
 - When an employee is arrested or convicted for a drug-related offense, is identified as the focus of a criminal investigation into illegal drug possession, use, or trafficking, or when information of illegal drug activities is provided either by reliable or credible sources or by independent corroboration.
- (2) When a supervisor has reasonable suspicion that an employee is impaired by drug or alcohol use, including instances in which the employee exhibits any of the behaviors listed in paragraph (b), the supervisor shall remove the employee from the immediate presence of other employees and investigate the possibility of such impairment. Although reasonable suspicion does not require absolute proof or certainty, mere speculation or hunches are not sufficient to meet this standard. Therefore, before testing on the basis of reasonable suspicion is scheduled, such suspicion must be discussed with, and supported by the supervisor, personnel officer and/or risk manager. The screening vendor shall be notified of the reasonable suspicion screening, and the screening shall be arranged as direct observation. The supervisor shall prevent an employee whom he believes to be impaired from returning to the worksite, even in cases where conditions make immediate screening impossible. A supervisor or a

~~representative from risk management shall transport the employee to the vendor's screening facility. The supervisor requesting such screening shall inform the vendor's representative in charge of testing that the employee is being sent to submit a sample.~~

- (3) ~~Refusal by an employee will be treated as a positive drug test result and will result in Penalties for Violation under Section V or immediate termination of employment. The objective factors that lead to the reasonable suspicion screening shall be documented by the observer. This documentation shall be retained in personnel, and the employee shall be allowed to review the documentation. The supervisor shall prepare a written report describing his reasons for ordering the testing, which he shall retain and allow the employee to inspect. Testing under these circumstances shall be conducted in a manner described in Section IV.(a)(1-6), paragraph (2).~~
- (4) ~~In cases under this subsection where the employee tests positive for alcohol or drugs, or is found to be physically or mentally unable to perform his duties because of apparent substance abuse, disciplinary action shall be taken as outlined in subsection V. The parish also reserves the right to have an employee evaluated by a physician of the Parish's choosing for fit for duty.~~

~~When a supervisor has reason to believe that an employee is impaired by drug or alcohol use, including instances in which the employee exhibits any of the behaviors listed in paragraph (3), the supervisor shall remove the employee from the immediate presence of other employees and investigate the possibility of such impairment. The supervisor shall document reasons for the investigation and his findings. If the supervisor determines that the employee is impaired, then the supervisor shall arrange for the employee to be tested for drug and alcohol use under direct observation. The supervisor shall prevent an employee whom he believes to be impaired from returning to the worksite, even in cases where conditions make immediate testing impossible. In cases under this subsection where the employee tests positive for alcohol or drugs, or is found by the supervisor physically or mentally unable to perform his duties because of apparent substance abuse, disciplinary action shall be taken as outlined in subsection V.~~

- (c) Any Parish employee involved in ~~any a- (1)~~ work-related accident or ~~(2)~~ incident involving the violation of any safety or security procedures shall be tested for drug and alcohol use. This applies even if the incident did not result in injury to any person or any property damage. If a positive test result is received, disciplinary action shall be taken as outlined in ~~subs~~Section V.

V. ~~Penalties for Violation.~~

- (a) Refusal to submit to random testing or testing for cause (including, but not limited to, Section IV ~~(b) and (c) b(3) and IV(b)(45))~~ shall be grounds for dismissal.
- (b) When a confirmatory positive drug test is reported by the vendor for any employee, the employee shall be required to: (1) obtain a substance abuse evaluation, (2) obtain immediate substance abuse counseling, and (3) submit to any treatment deemed necessary by the counselor. It shall be the responsibility of the employee to provide documentation to ~~the personnel officer his supervisor~~ when he has (a) initiated the required counseling and/or treatment and (b) completed the required counseling and/or treatment.
- (c) The counseling may be obtained from a public or private medical or mental health facility of the employee's choice. Any treatment program must be completed within six (6) months. At the end of the six (6)-month treatment program, the employee will only be allowed to return to full duty following a negative drug screen and substance abuse evaluation. The parish does not assume responsibility for arranging or paying for the counseling or treatment program.
- (d) It is within the reasonable discretion of the parish to allow an employee to remain on the job while undergoing counseling and/or treatment but must complete the course of counseling and/or treatment recommended by the counselor within the time stipulated in paragraph (c) of this ~~sub~~Section V. The employee may be called upon to prove that he is following the recommendations of his counselor. This may include additional random drug screening during and after treatment. It will be the employee's responsibility to document that treatment was successfully completed.

Failure to: 1) follow the recommendations of the counselor/treatment program, and 2) pass a drug test following the completion of counseling and/or treatment, shall result in dismissal.

- (e) In the event that an employee has tested positive for drug and alcohol abuse, and has either completed counseling and/or treatment or returned to work, tests positive for drugs or alcohol a second time, either as the result of random testing or testing for cause, the employee shall be immediately dismissed from employment.
- (f) While undergoing counseling and/or treatment as a result of a positive drug screen, the employee will not be eligible to bid on open positions. Following both completion of any counseling or treatment and a negative drug screen, the employee's eligibility to bid on open positions will be reestablished.
- (g) While a first-time confirmatory positive drug test alone will may not result in immediate termination, unless the employee is within the six (6) month probationary period, the parish reserves its right to terminate any employee whose actions while under the influence of drugs and/or alcohol also resulted in any misconduct, which alone would justify immediate termination, including, but not limited to, any accident or incident which: (a) causes damage to public or private property or (b) results in bodily injury to the employee or others.
- (h) All actions taken shall be in accordance with civil service rules or other disciplinary rules already in effect. Any employee who is in the civil service system and is disciplined as a result of drug or alcohol testing shall have the right to appeal to the civil service board.
- (i) If an employee chooses to terminate his or her employment with the parish following a first-time confirmatory positive drug test and later wishes to be rehired by the parish, the employee will be required to re-apply for a job with the parish in the same manner as any other applicant applying for a job with the parish, and such employee would also have to provide, post-offer, proof of completion of a drug or alcohol treatment program.

VI. Miscellaneous Provisions.

- (a) All information obtained by the parish through this section, including but not limited to the result of drug or alcohol test, information concerning prescription drugs legally used by employees, and information concerning substance abuse counseling undergone by employees, shall be kept confidential. Such information shall be transmitted only to those people who must have it for: 1) use in administrative or disciplinary proceedings or hearings, 2) civil litigation where drug use by the tested employee is relevant, or 3) other personnel matters.
- (b) Upon written request made within seven (7) working days of a confirmatory drug test, an employee may have access to any records relating to the employee's drug tests and any records relating to the results of any relevant certification, review, or suspension/revocation-of-certification proceedings.
- (c) All results of drug and alcohol testing shall be reported by the testing laboratory or agent to the personnel officer, who will advise the parish president and the employee's immediate supervisor of all testing results. The recipients of the test results shall insert the record of the results into a secured file in the personnel department.
- (d) The Parish may initiate and conduct immediate-administrative searches and inspections within the Parish facilities, equipment, employee-assigned storage lockers, and within employee property, including, but not limited to, vehicles, lunch boxes, briefcases, sacks, or purses while on Parish property where reasonable suspicion exists that such an administrative inspection will provide evidence that an employee has violated this substance abuse policy. The parish may also initiate random searches for illegal substances on parish property in coordination with proper authorities.
- (e) Any urine sample which proves to be positive upon confirmation shall be held for a period of at least one (1) year.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this ____ day of _____, 2026, to become effective (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED : _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

