

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE DRUG AND ALCOHOL TESTING POLICY OF THE TOWN OF BLUFF CITY, TENNESSEE BY ADDING SWORN POLICE OFFICERS TO THE LIST OF THOSE WHO MAY BE RANDOMLY TESTED.**

**WHEREAS**, the Federal Drug-Free Workplace Act of 1988 ensures employees the right to work in an alcohol and drug-free environment and to work with persons free from the effects of alcohol and drugs; and

**WHEREAS**, the Federal Highway Administration (FHWA) rules require drug and alcohol testing for persons required to have a commercial driver's license (CDL); and Division of Transportation (DOT) rules include procedures for urine drug testing and breath alcohol testing; and

**WHEREAS**, the Omnibus Transportation Employee Testing Act of 1991 requires alcohol and drug testing of safety-sensitive employees; and

**WHEREAS**, Tennessee Code Annotated § 50-9-101, et seq. allows towns of Tennessee to randomly test safety-sensitive positions for drug and alcohol abuse if they so desire; and

**WHEREAS**, the Town of Bluff City adopted a drug and alcohol testing policy, which became effective on January 1, 1996, and which is based on the requirements of the laws listed before this statement; and

**WHEREAS**, The Town of Bluff City desires to strengthen its drug and alcohol policy;

**NOW THEREFORE BE IT ORDAINED BY THE TOWN OF BLUFF CITY, TENNESSEE, AS FOLLOWS:**

**Section 1.** Title 4, Section 3. 4-306-1e. of the Bluff City Municipal Code is hereby deleted in its entirety and a new Title 4. Section 3-4-306-1e is hereby established to read as follows:

Random testing. The Town of Bluff City shall randomly drug test employees required to have a commercial driver's license (CDL) who operate a Commercial Motor Vehicle. The Town may also randomly test sworn personnel of the police department; and other employees who work in a safety-sensitive position. It is the policy of the Town of Bluff City to annually randomly test at least 50 percent of the total number of drivers possessing a commercial driver's license (CDL) who operate a Commercial Motor Vehicle.

**Section 2.** Title 4, Section 3. 4-307-1c. of the Bluff City Municipal Code is here by deleted in its entirety and a new Title 4. Section 3. 4-307-1c is here by established to read in its entirety:

Random testing. The Town of Bluff City shall randomly test for alcohol abuse among employees required to have a commercial driver's license (CDL) who operate a Commercial Motor Vehicle.

The Town may also randomly test sworn personnel of the police department; and other employees who work in a safety-sensitive position. It is the policy of the Town of Bluff City to annually randomly test for alcohol for at least 25 percent of the total number of drivers possessing a commercial driver's license (CDL) who operate a Commercial Motor Vehicle.

**Section 3.** Title 4, Section 3. 4-313 of the Bluff City Municipal Code is hereby amended by adding an additional definition, as follows: "Safety-Sensitive Positions." Sworn police officers.

**Section 4- Effective Date.** This ordinance shall take effect upon being read on two (2) different days in open session before its adoption and not less than (1) week shall elapse between the first and second readings; ten (10) days following of its publication, or the publication of the caption, in a newspaper of general circulation in town following its final passage; and sixty (60) days, per T.C.A. Section 50-9-105, following its final passage to allow for the Town of Bluff City to notify its employees of the changes, by providing the employees a copy of the new policy, and to collect signatures of the employees for consent.

DATE ADOPTED: \_\_\_\_\_, 2015

\_\_\_\_\_  
MAYOR

ATTEST:  
\_\_\_\_\_  
CITY RECORDER / CLERK

APPROVED AS TO FORM:

Date Notice Published:

\_\_\_\_\_  
CITY ATTORNEY

\_\_\_\_\_

PASSED ON FIRST READING: \_\_\_\_\_

PASSED ON SECOND READING: \_\_\_\_\_