

Town of Arnaudville  
Ordinance 05-2019  
An Ordinance Amending Ordinance 2-97 Section L  
Adopted :June 25, 2019-6:00 P.M.  
Public Hearing :June 25, 2019-5:30 P.M

Ordinance 2-97 adopted on April 8, 1997)

Section 2:91 Drug and alcohol testing

A. The town desires to maintain a safe, healthful, productive, and efficient environment and workplace for its employees and volunteers and the public they serve. The town acknowledges that substance abuse increases the potential for accidents, absenteeism, substandard performance, poor employee morale, and damage to the town's reputation. Therefore, the town adopts a policy against substance abuse, and places in effect a testing program for applicants, employees, and volunteers, as outlined in this Section.

B. As used in this Section, the following terms have the following meaning:

- (1) "Applicant" means a person (a) seeking full-time employment with the town or  
(b) seeking to perform volunteer service to the town which involves operating a town motor vehicle or equipment or carrying a weapon.
- (2) "Appointing authority" means the town officer or the town body which has the authority to appoint or employ the employee or volunteer.
- (3) "Controlled substance" means a controlled substance as defined in 21 U.S.C. 812 in Schedules I through V.
- (4) "Controlled dangerous substance" means a drug or other substance or immediate precursor listed in R.S. 40:964 in Schedules I through V.
- (5) "Drug" means and includes controlled substances, controlled dangerous substances, and alcohol.
- (6) "Employee" means a person employed on a full-time basis by the town.
- (7) "Physician" means a physician licensed to practice medicine in this state.
- (8) "Volunteer" means a person who provides volunteer service to the town by operating a town motor vehicle or equipment or by carrying a firearm.

C. This Section applies to all employees, volunteers, and applicants.

D. (1)(a) The mayor shall establish a drug free awareness program to inform employees and volunteers about:

- (i) The dangers of drug abuse in the workplace.
- (ii) The town policy of maintaining a drug free workplace.
- (iii) Any available drug counseling, rehabilitation, and employee assistance programs.

medicine is prescribed by a physician, and such medicine shall be used only in the manner, combination, and quantity prescribed.

(2) Any employee or volunteer required to take a prescription medicine or any other medication shall notify his department head of the type of medication prescribed and the purpose for the prescription and may be required to provide written verification from the prescribing physician.

(3) No employee or volunteer shall operate a town motor vehicle or equipment or carry a firearm while taking prescription medicine, unless the prescribing physician advises the employee's or volunteer's department head in writing that the medication will not impair his abilities.

(4) Any employee or volunteer required to take prescription medicine that may impair his ability to operate a motor vehicle or equipment, carry a firearm or to make split-second decisions shall report this to his department head who shall alter the employee's or volunteer's assignment without retribution to the employee or volunteer.

K. Purchasing. An employee may initiate a request for goods or services through his department head using the form provided by the town.

L. Unlawful and/or sexual harassment.

(1) Unlawful and/or sexual harassment of or by an employee is prohibited. The Town of Arnaudville is committed to providing a safe environment for all its employees free from unlawful or sexual harassment. Any form of harassment or discrimination that violates federal, state or local law, including but not limited to that which is related to an individual's race, religion, color, sex, sexual orientation, national origin, pregnancy, age, disability, or other traits, characteristics, or activities that are protected by law, is a violation of this policy. Any employee who engages in, or who perpetuates or condones any unlawful and/or sexual harassment while in the course and scope of their employment with the town is subject to disciplinary action up to and including discharge.

(2) Sexual harassment means any unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical, or visual conduct of a sexual nature when:

(a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

(b) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or

(c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal, non-verbal or visual, and may include, but is not limited to the following:

Verbal: sexual innuendos, suggestive comments, threats, sexual humor;

Non-verbal: leering, whistling, obscene gestures;

Visual: sexually suggestive cartoons, drawings, diagrams, or computer images

Physical: touching, brushing the body, coerced sexual activity, assault.

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed. In addition, sexual harassment is prohibited whether it takes place within Town of Arnaudville premises or outside, including at social events, business trips, training sessions or conferences.

(3) (a) All employees have the right to file a complaint concerning unlawful and/or sexual harassment, and this right applies even if the employee is unsure if the conduct violates this policy. If a person's behavior makes an employee uncomfortable, the employee should feel free to immediately advise the person that, in the employee's opinion, the behavior is inappropriate and that the employee would like it stopped.

(b) If the employee is not comfortable discussing the issue with the person, or if the person fails to respect an employee's request, the employee should report the incident to his or her department head. If, for whatever reason, the employee does not feel that the department head would be a suitable person to whom to report the incident the employee may report the complaint to the Mayor. It is not necessary to complain to an offending supervisor in order to report unlawful or sexual harassment. In addition, any employee who witnesses harassment, has the responsibility to report such actions. If the harassing behavior is committed by the Mayor, the employee should contact any member of the Board of Aldermen.

(c) Complaints of unlawful and/or sexual harassment may initially be made orally, but thereafter shall promptly be documented in writing. A complainant is strongly encouraged to consult initially with his department head to attempt informal resolution, but failure to do so will in no way limit the right to utilize fully this grievance procedure if resolution cannot be accomplished through the department head. Complaints must be made within one year after occurrence of the alleged prohibited conduct.

(d) All complaints of unlawful and/or sexual harassment, and information and proceedings relating thereto, shall be kept in as confidential manner as possible, given the need to investigate the complaint.

(4)(a) If a complaint is made to the department head, the department head shall, in a timely manner, notify the Mayor of same. The Mayor will determine the manner in which any complaint is to be investigated. The Mayor may have the department head conduct such investigation or the Mayor may opt to conduct the investigation himself or appoint a designee to conduct the investigation. The Mayor will determine the nature and scope of the investigation. The investigation will be conducted in a prompt and timely basis, and depending on the circumstances, may include, interviewing or obtaining written, recorded or videotaped statements from appropriate persons, examining relevant records, and consulting with and utilizing any appropriate town, employee or outside sources. The Mayor may consult the Town Attorney for assistance in determining whether conduct which has occurred does in fact constitute unlawful or sexual harassment. In the event the Mayor determines that the department head should conduct the investigation, the department head shall keep the Mayor closely apprised of the status of the investigation. All employees must cooperate with any such investigation.

(5)(a) Violations will be dealt with promptly, appropriately and proportionally. Any employee, manager or supervisor found to have unlawfully harassed, sexually harassed or otherwise unlawfully

discriminated against, or unlawfully retaliated against another employee will be subject to appropriate discipline, which may include training, reprimand, warning, reassignment, suspension, or termination. The nature, type and duration of any disciplinary action shall depend on the circumstances and variables of each individual situation.

(6) No employee shall be subject to retaliation in any form as a result of an employee in good faith reporting an incident of suspected harassment or testifying or assisting in a grievance brought pursuant to this procedure. The Mayor or whoever he may designate to conduct the investigation will work to establish mutually agreed upon safeguards against retaliation while attempting to mediate or investigate any unlawful or sexual harassment complaint. Any complaint of such retaliation should be directed to the appropriate department head or to the mayor.

(7) No employee or volunteer shall make an intentionally false complaint. In addition, any person who knowingly gives false, misleading statement, and/or is deliberately untrue during the course of an investigation shall be subject to disciplinary action up to and including discharge.

(8) All employees are expected to avoid any behavior or conduct toward another employee that could be interpreted as unlawful and/or sexual harassment.

(9) Employees should discuss any questions regarding this policy with the applicable department head or the Mayor.

(10) This policy will be posted on the Town's website and posted conspicuously in each municipal building. Each department head is responsible for insuring that all of their respective employees receive the training required by La. R.S. 42:341, et seq, and as same may be revised or amended, and that appropriate records of such training are maintained.

M. Solicitation. Solicitation by and of employees on town premises is prohibited. However, solicitation for gifts for town employees (resignation, retirements, weddings, births, etc.) are permitted.

N. Except as otherwise specifically provided, a violation of this Section shall be grounds for disciplinary action, including dismissal.

(Ordinance 2 of 1986 adopted June 3, 1986; Ordinance 2.95 adopted March 14, 1995, Section 10;

Ordinance 2-97 adopted on April 8, 1997)

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Moved by Jamie Huval seconded by Cynthia Stelly and Debbie Kidder  
Yeas: Kevin Robin, Cynthia Stelly, Jamie Huval, Debbie Kidder, Suzanne Stelly  
Roll Call:  
Yeas: Kevin Robin, Cynthia Stelly, Jamie Huval, Debbie Kidder, Suzanne Stelly  
Nays: O  
Absent: O  
Abstain: O

Attest:

Dolores R. Quebedeaux  
Town Clerk

Todd Meche  
Mayor