

Introduced by: Council Present

**AN ORDINANCE OF THE CITY OF BERKELEY, MISSOURI, AMENDING THE  
EMPLOYEE HANDBOOK OF PERSONNEL RULES AND REGULATIONS,  
POLICIES, AND BENEFITS IN SECTION 16.01: ALCOHOL AND DRUG POLICY  
RELATING TO MEDICAL MARIJUANA**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERKELEY,  
MISSOURI, AS FOLLOWS:**

**Section 1.** Section 16.01: Alcohol and Drug Policy, will be amended to the following:

The City of Berkeley is committed to providing a safe, dependable, and economical service to its citizens and to provide a healthy, satisfying, working environment for its employees and to comply with the requirements of federal law and regulations related to the **Drug Free Work Place Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991**. *The City of Berkeley has a zero tolerance drug free policy. Missouri's Amendment 2 legalized the use of medical marijuana to some degree but does not change federal law, which classifies marijuana illegal, even if used for medical reasons.*

Therefore, it is the policy of The City of Berkeley to:

1. Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner,
2. Create a workplace environment free from the adverse effects of drug and alcohol substance abuse or misuse,
3. Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substance,
4. Any employee of the City of Berkeley who is found to be under the influence of any illegal drugs *including prescribed or illegal marijuana* while on duty shall forfeit his/her position with the City. *If, however, an employee or potential job applicant has been tested positive for marijuana and they say they are taking medical marijuana (even with verification of such) but does not appear to be "high" at work or during the pre-hire drug test process, the City of Berkeley reserves the right to enforce its zero tolerance drug policy and respond accordingly.*
5. Any employee of the City of Berkeley who is found to be under the influence of alcohol shall forfeit his/her position with the City. Having four-hundredths (0.4) of one percent or more by weight alcohol in a person's blood shall be a presumption that the person is under the influence of alcohol.

6. Any employee of the City of Berkeley who is found to be in possession of alcohol or illegal drugs while in the duty shall forfeit his/her position with the City. Alcohol shall mean any beverage that has an alcoholic content above 0.1 percent by weight or volume.

**Section 2.** That all ordinances and parts of ordinances in conflict herewith are hereby repealed for purposes of this ordinance only, and only to the extent of the conflict.

**Section 3.** This Ordinance shall be in full force and effect from and after its passage.

1st Reading, this \_\_\_\_\_ day of \_\_\_\_\_ 2019

2nd Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2019

3rd Reading, PASSED and APPROVED, this \_\_\_\_\_ day of \_\_\_\_\_ 2019

\_\_\_\_\_  
Theodore Hoskins, Mayor

ATTEST:

\_\_\_\_\_  
Deanna L. Jones, City Clerk

\_\_\_\_\_  
Approved As To Form:  
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Hoskins	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Mitchell	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Williams	Aye	___	Nay	___	Absent	___	Abstain	___
Councilman-at-Large Greene	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Hindeleh	Aye	___	Nay	___	Absent	___	Abstain	___
Vacant	Aye	___	Nay	___	Absent	___	Abstain	___