



To: CODE Employees
From: CODE Board
Re: City Drug Use Policy
Date: October 4, 2023

Dear CODE Bargaining Unit,

The CODE Board has recently received questions related to the City of Cincinnati's policy regarding drugs and drug testing. As you know, the City maintains a "Drug Free Workplace" policy, governed in large part by Administrative Regulation 52.

The City prohibits employees from using marijuana in all its forms, including "vapes" and "edibles." Even though marijuana is lawful for medical purposes in Ohio (with a valid prescription), and for recreational purposes in other states, the federal government still considers it a Schedule I controlled substance.

City employees who test positive for marijuana may be subject to corrective action. This includes employees who consume marijuana in a state where it is legal for recreational purposes. If you are required to submit to a drug test and are found to have marijuana in your system, having consumed that marijuana in a state where it is lawful to do so is likely not a defense.

Additionally, CODE employees who are considered "CDL Covered Employees" are subject to random drug tests pursuant to Administrative Regulation 52, Section 8, Sub-Section E. If the employee is either required or designates themselves to be a "CDL Covered Employee," they are not permitted to "drive a City vehicle requiring CDL licensing unless they are included in the random testing pool, **regardless of the infrequency of driving such vehicles.**" Put simply, if you elect to be a CDL Covered Employee, you are subject to random drug testing.

Finally, if you are struggling with a substance abuse issue, the City has many available resources to get help. Administrative Regulation 52, Section 13 outlines the procedure for employees to self-identify if they are experiencing problems with drugs and alcohol.

Critically, an "employee who self-identifies to their supervisor and complies with the PEAP counselor's recommendation is NOT subject to disciplinary action for self-identifying." **However, an employee cannot self-identify if: 1) the employee is selected for testing prior to enrolling in the rehabilitation program; 2) reasonable suspicion exists that the employee is under the influence of drugs/alcohol; 3) the employee attempts to self-identify during their**

work shift. If you self-identify under the three circumstances described above, it will not preclude possible corrective action. (Administrative Regulation 52, Section 13)

CODE urges all employees experiencing problems with drugs or alcohol to seek assistance. An employee who needs help navigating the City process can **confidentially** reach out to CODE and a Board member will assist you. The information will not be shared with your co-workers or anyone outside the necessary reporting structure.

CODE wants all its employees to be safe, healthy, and happy.

Sincerely,

/s/ Kathleen L. Schulte

Kathleen L. Schulte, CODE President
on behalf of the CODE Board

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