



City of Waukesha HR Policy

E8A Driving City or Personally Owned Vehicle Vehicles to Conduct City Business (Non-CDL)

I. Purpose

~~The City of Waukesha is interested in the safety of its employees, minimizing City liability exposure, the protection of its property, and is desirous of promoting a high level of employee safety awareness.~~ The City of Waukesha prioritizes employee safety, strives to reduce liability risks, safeguards its property, and is committed to fostering a strong culture of safety awareness among its workforce for employees conducting business using City or Personally owned vehicles.

II. Summary

A City-Owned Vehicle means any Motor Vehicle that is owned or leased by the City and is covered by the City's automobile liability insurance. City vehicles are any type of vehicle the City assigns to employees to support their transportation needs for their jobs. City vehicles belong to the City and we want to make sure our employees use them properly. On occasion, City employees may be tasked to complete job duties that require them to utilize their personally owned vehicle for business use.

III. Motor Vehicle Records

- A. Department directors will be responsible for requesting and maintaining motor vehicle records from the Police Department for all employees operating either a City owned or their privately-owned non-commercial motor vehicle for business purposes.
- B. The City of Waukesha participates in the "Wisconsin Employer Notification Program" for those operator's subject to the Commercial Motor Vehicle Safety Act of 1986. The Human Resources Department will request and maintain motor vehicle records for those employees.
- C. Departments shall maintain automobile records for City owned and privately-owned vehicles used for City business.
- D. Departments shall maintain driver's license information for all employees who drive for the purpose of City business.
- E. Departments shall maintain automobile insurance and maintenance information for all non-City owned vehicles driven for the purpose of conducting City business.
- F. Departments shall maintain all documentation for driver's incident and accident reporting.

IV. Employees who operate vehicles NOT subject to the Commercial Driver's Safety Act of 1986

- A. Any conviction resulting in revocation or suspension must be reported to the employee's department director and the Human Resources Department before the start of the following business day. Failure to notify the department director and Human Resources will subject the employee to the disciplinary process up to and including termination.
- B. Employees required to operate a motor vehicle in order to perform the duties of their position who are convicted of a violation resulting in suspension or revocation of their driving privileges will have the duties of their position reviewed at that time. If the suspension or revocation hinders the City in the accomplishment of the duties assigned to the position, the employee ~~will~~ may be placed on unpaid leave of absence for a period of 60 calendar days. The City

reserves the right to bypass the unpaid leave option and proceed with immediate termination in the event an employee fails to maintain a license required for the position.

- C. The employee would be expected to seek and obtain an "occupational license" which would give the employee the privilege of driving a motor vehicle during hours and at locations specified in a petition filed with the court.
- D. If the employee is unable to obtain the occupational license within the sixty (60) calendar day period, their employment will be terminated.
- E. Leaves of absence exceeding thirty (30) days shall result in an adjustment of the employee's seniority date.
- F. The City shall terminate from employment any operator of a motor vehicle convicted of operating while under the influence of alcohol or other drugs committed while operating a motor vehicle owned by the City or owned privately for the purpose of City business.

V. If an Employee Reports to Work Impaired or while at work becomes Impaired

- A. No supervisor may knowingly allow any employee to operate a motor vehicle if the supervisor suspects that the employee is in an impaired state; under the influence of alcohol or other drugs. The supervisor shall confront the employee and have another supervisor confirm and document the suspicion of impairment. The supervisor shall have the right to utilize every means possible to determine the employee's condition including drug testing. If the employee is determined to be under the influence, the employee is suspended without pay pending an investigation where appropriate disciplinary action would be determined which would be up to and including termination.
- B. Leaves of absence exceeding thirty (30) days shall result in an adjustment of the employee's seniority date.

VI. Reasonable Suspicion Testing

- A. If at any time there is a reasonable suspicion that an employee is under the influence of drugs and/or alcohol, the employee will be required to submit to a drug and/or alcohol test. Reasonable suspicion will **generally** be determined by two supervisors, when available, however, one supervisor may determine whether there is reasonable suspicion if no other supervisor is available at the time and under particular circumstances. Reasonable suspicion will be based upon observable actions alone or in conjunction with other factors including but not limited to:
 - 1. dangerous accident-prone conduct;
 - 2. unexplained decreased job performance;
 - 3. unexplained increased absenteeism **or tardiness**;
 - 4. complaints from co-employees and other issues with interpersonal relations;
 - 5. **presence of** drug ~~related signs such as~~ paraphernalia;
 - 6. reduced short-term memory
 - 7. physical symptoms ~~such as bloodshot eyes~~ **(e.g., bloodshot eyes, unsteady movements)**;
 - 8. dilated pupils; stuffy or runny nose;
 - 9. **signs of anxiety, agitation, or erratic behavior**;
 - 10. inability to concentrate **or follow instructions**;
 - 11. **odor of alcohol or drugs**; and
 - 12. **slurred or incoherent speech**.

VII. Disciplinary Procedures

- A. Any employee who tests positive as a result of a reasonable suspicion drug and/or alcohol test or refuses to be tested will be immediately removed from active duty until such time as the medical review officer is able to provide a final result. If the positive test is confirmed, the employee will be subjected to discipline up to and including termination.
1. **Positive Test Result**
 - (a) A confirmed positive test result may result in disciplinary action up to and including termination of employment.
 - (b) The City may, at its discretion, offer the employee the opportunity to participate in a substance abuse evaluation and/or rehabilitation program as a condition of continued employment.
 2. **Refusal to Test**
 - (a) Refusal to submit to testing, failure to cooperate, or attempts to dilute, taint, or substitute a sample will result in disciplinary action up to and including termination.
 3. **Policy Violations**
 - (a) Any violation of the City's drug and alcohol policy, including reporting to work under the influence, may result in disciplinary action up to and including termination.
 4. **Return-to-Work Conditions (if applicable)**
 - (a) Employees who are allowed to return to work following a positive test may be subject to:
 - (i) A signed Last Chance Agreement
 - (ii) Mandatory participation in a rehabilitation program
 - (iii) Unannounced follow-up testing
 - (iv) Ongoing performance monitoring

VIII. Collection of Specimens

- A. Specimens to be tested ~~may vary but will typically include~~ will be urine in the case of a drug test and breath in the case of a test for alcohol where there is reasonable suspicion of alcohol misuse or impairment on the job. All testing will take place at ~~the City's contracted~~ a testing facility ~~chosen by the City~~.
- B. Drug and breath alcohol testing will be conducted by a laboratory certified by DHHS (Department of Health and Human Services) according to DHHS protocol at the City's expense.

IX. Negative but Diluted Test Results

- A. Test results reported as negative but dilute, (<1.003 sg & <20mg/dl creatinine) are inconclusive and will require re-collection and testing immediately upon receiving initial test results. Re-collection will not be observed. The second test result will be final. If a negative but dilute result is reported for the second test and the test was required for a pre-employment exam, the offer of employment will be rescinded. If the second test result is negative but dilute for a random test, reasonable suspicion, or post-accident test, the employee will be subjected to discipline up to and including termination.

X. Drug Testing Procedure

- A.** All post offer applicants and employees requested to take a test because of reasonable suspicion will proceed to the City's contracted testing facility and will cooperate fully.
- B.** Specimens will be screened for six classes of drugs - amphetamines, benzoylecgonine (cocaine metabolites), opiates, semi-synthetic opioids (hydrocodone, hydromorphone, oxycodone) PCP and THC (marijuana metabolites; and confirmation by Gas Chromatography/Mass Spectrometry (GC/MS). However, the City reserves the right to perform tests for other illegal substances as well.

XI. Reporting Results

- A.** All test results will be reported to the Human Resources Department. If the test is positive, the medical review officer will contact the applicant or employee. If, when the medical review officer contacts the employee, the employee can provide substantiation of legitimate use, the positive test will be reported to the City as "negative". If no legitimate reason for the positive is found, that positive result will be provided to the City.

XII. Prescription Medication

- A.** Nothing in this policy prohibits the appropriate use of prescription medication legally prescribed by a licensed medical provider. It is the employee's responsibility to discuss with the supervisor any effects that a medication may have on their ability to safely perform the duties required of their position. Failure to do so may result in discipline up to and including termination.

XIII. Confidentiality

- A.** Results of all drug/alcohol tests will be kept separate from personnel files and treated as confidential information and access to such results shall be limited.

XIV. Training Requirement

- A.** Supervisors responsible for determining reasonable suspicion should receive training on recognizing signs and symptoms of substance use to ensure consistent and objective application of this policy.

XV. Emergency Snow Plowing

- A.** When employees are called into work for emergency work or a snow plowing operation for other than their regular work hours, they will be required to sign in. The form they are required to sign states that the employee ensures they have not ingested any alcohol or other drug that would impair them in performing the essential function of the job. This information is necessary in order for the City to comply with the law. There will be no exceptions.

If the employee declines to come into work because he or she has ingested alcohol or other drugs that would impair them they would be technically "out of service" for twenty-four hours from the time (s)he states (s)he ingested alcohol or other drugs. If the next regularly scheduled shift is in excess of four (4) hours from the time the employee ingested alcohol, the employee should report for work at the next regularly scheduled shift. (S)he may report for work as long as (s)he is in a fit physical condition.

Passed by the Council this X day of MONTH, 2026.

Mayor

ATTEST:

City Clerk