Cumberland Town Council
Ordinance 2018 – 27
Contractor’s Employee Drug Testing Policy

Whereas, section 00-03-32 of the Town of Cumberland Code of Ordinances details the policies of the Town; and

Whereas, the Indiana State Legislature enacted House Enrolled Act 1004 (HEA 1004) amending local government rules for awarding public works contracts pursuant to Indiana Code § 36-1-12-24; and

Whereas, HEA 1004 requires contractors for certain public works contracts to, prior to being award a contract, submit written plans to the Town Council that the contractor has in effect and in application an employee drug testing program; and

Whereas, the Town Council, at all times, seeks to comply with all state laws regarding awarding public works contracts; and

Whereas, the Town Council finds that it is in the best interest of the Town, and its citizens, to adopt a new section, § 00-03-32-10, of the Town of Cumberland Code of Ordinance, imposing a contractor’s employee drug testing program policy.

Therefore, it is ordained, that a new section, 00-03-32-10, of the Town of Cumberland Code of Ordinance is hereby added and this new section shall read as follows.

“§ 00-03-32-10 Contractor’s Employee Drug Testing Program

(A) Applicability. This section applies to all public work projects estimated, by the Town, to cost at least $150,000.00.

(B) Contractor Employee Drug Testing Program. Each contractor that submits a proposal bid for a public works project in the amount of $150,000 or more is required to submit, with that bid, a written plan for a program to test the contractor’s employees for drugs. The plan shall be in compliance with Indiana Code
§ 4-13-18. The plan must be submitted to the Director of Public Works by email or a physical copy may be mailed to the Public Works Department. This plan must be submitted by the time set for receipt of proposal bids.

(C) If the contractor fails to comply with the requirements of section (B) or if the Town determines that the contractor’s employee drug testing program has not been in effect or has not been applied at the time the contractor submitted the bid, then the contractor shall not be eligible to be awarded the public works contract under this section.”

It is further ordained that this ordinance shall become effective upon adoption.

It is further ordained that any other provision of the Town of Cumberland Code of Ordinances which is not specifically amended by this ordinance shall remain in full force and effect.

Adopted this 7TH day of NOV, 2018.

Cumberland Town Council:

Anna Pea, President

Joe Siefker, Vice President

Brian Gritter, Member

Nicole Bell, Member
Aaron Cutshaw, Member

Attest:

Erica Salmon, Clerk-Treasurer