

DRUG FREE WORKPLACE POLICY AND COMPLIANCE WITH FEDERAL LAW

I. Purpose

We, the Town of Wilbraham, value our employees and recognize each person's need for a safe and healthy work environment. Employees who use illegal drugs and abuse alcohol tend to be less productive, less reliable, more prone to accidents, and more prone to greater absenteeism, resulting in the potential for increased accidents, costs, and risks to the Town of Wilbraham, its employees, and the public. We are committed to maintaining a safe workplace for our employees and visitors to our premises, and to keeping the workplace free from illegal drug use and misuse of alcohol. As a government contractor (or grantee) with contracts that equal or exceed \$25,000, the Town of Wilbraham is required under the federal Drug Free Workplace Act to ensure it maintains a drug free workplace.

II. Scope

This policy applies to all existing and newly hired part and full time employees unless restricted or modified in a labor agreement. As a condition of employment, employees must agree to abide by this policy and must agree to notify the Town Administrator if convicted of any criminal drug statute for a violation occurring in the workplace, within five (5) days after the conviction.

III. Policy

The Town of Wilbraham prohibits the unlawful manufacture, distribution, dispensing, possession or use of any controlled substance in the workplace. Any employee who violates such prohibitions may be, depending on the circumstances, subject to discipline up to and including discharge. If an employee is convicted of a criminal drug statute for a violation occurring in the workplace, the employee will be required to satisfactorily complete a drug abuse assistance program designed by the Town. The employee may also be subject to discipline depending on the circumstances of each case. The Town recognizes drug dependency as a major health problem. The Town also recognizes drug abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to approach their supervisors.

IV. Definitions

The terms used in the certification requirements stated below are defined by the regulations as follows:

"Controlled Substance" means a controlled substance as provided in subsections 1 through 5 of Section 202 of the "Controlled Substances Act", a copy of which is attached.

"Conviction" means a finding of guilt or imposition of sentence or both by any judicial

body charged with responsibility to determine violations of federal or state criminal drug statutes.

"Criminal Drug Statute" means a federal or nonfederal criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.

"Employee" means any full or part time employee of the Town of Wilbraham and expressly concerns an employee of a contractor or grantee directly engaged in the performance of work under a government contract or grant.

V. Procedure

We, the Town of Wilbraham, reserve the right to test employees for alcohol or drug Abuse, and will comply with the requirements for testing of the U.S. Department of Transportation and other Federal and State laws and regulations. Employees working under or supporting certain grant activities will be required to comply with the rules of the Federal Drug Free Workplace law. We therefore forbid unlawful use or possession of alcohol and controlled substances. Also forbidden is the unauthorized possession in Town vehicles or on Town premises of alcohol and controlled substances. Finally, of course, we forbid the use of or working under the influence of alcohol or controlled substances while on duty on Town premises, or in a Town vehicle.

To meet the certification requirements of the Act, the Town will provide a drug free workplace by doing the following:

- a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the contractor's workplace, and specifying the actions that will be taken against employees for violation of such prohibition;
- b) Establishing a drug free awareness program to inform employees about: (1) the dangers of drug abuse in the workplace; (2) the Town policy of maintaining a drug free workplace; (3) any available drug counseling, rehabilitation, and employee assistance programs; and (4) the penalties that must be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Providing all employees engaged in the performance of the contract or grant with a copy of the statement required by subparagraph (a);
- (d) Notifying all employees that, as a condition of employment on a covered contract, or under the grant, the employee will: (1) abide by the terms of this statement; and (2) notify the Town of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction;
- (e) Notifying the contracting officer or granting agency within ten (10) days after receiving notice from an employee or otherwise receiving actual notice of such

conviction;

- (f) Within thirty (30) days after receiving notice of a conviction, imposing the following sanctions or remedial measures on an employee who is convicted of drug abuse violations occurring in the workplace: (1) taking appropriate personnel action against such an employee, up to and including termination; or (2) requiring such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

VI. Breaches of Standard of Conduct

PENALTIES FOR VIOLATIONS OF THE ACT:

The penalties that can be imposed upon contractors and grantees who violate the Drug Free Workplace Act include:

- (a) Suspension of payments under the contract or grant;
- (b) Suspension or termination of the grant or contract itself; or
- (c) Department of the contractor or grantee for a period not to exceed five (5) years.

ACTIVITY THAT WILL GIVE RISE TO A PENALTY:

- (a) Making a false certification;
- (b) Failing to comply with the certification requirements;
- (c) Having a number of convictions for workplace drug violations as to indicate that the contractor or grantee has failed to make a good faith effort to provide a drug free workplace.

ADOPTED:	Board of Selectmen's Meeting April 9, 1996
AMENDED:	
ATTACHMENT:	Subsections 1-5 of section 202 of the "Controlled Substances Act"
FORM:	Employee Notice - Sign off sheet

The terms of collective bargaining agreements supercede any provisions of any personnel policies the town establishes. If a collective bargaining agreement is silent on a topic or a subject matter within a topic these policies are intended to apply. Where the provision of a collective bargaining agreement between the town and a union conflict with a provision of a town personnel policy, the collective bargaining agreement provision will govern for those employees covered by the agreement.

Town of Wilbraham

DRUG FREE WORKPLACE NOTICE

The Drug-Free Workplace Act of 1988 requires federal government contractors and grantees to take specific and affirmative steps to ensure a drug-free workplace. One of the Act's central provisions requires employers to prepare and distribute an anti-drug policy statement prohibiting any drug related activity in the workplace. The Town of Wilbraham's policy regarding drug use and the unlawful possession of controlled substances on Town property is as follows:

It is the intent and obligation of the Town to provide a drug-free, healthful, safe and secure work environment. Employees are expected and required to report to work on time, in appropriate condition for work and free from the influence of illegal drugs.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on Town property or while conducting Town business off Town property is absolutely prohibited. Violation of this policy will result in disciplinary action, up to and including termination of employment, and may involve legal action.

As mandated by the Drug-Free Workplace Act employees must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug statute for violations on or off Town property while conducting Town business. A report of a conviction must be made within five (5) days after the conviction.

The Town recognizes drug dependency as an illness and a major health problem. The Town also recognizes drug abuse as a potential health, safety and security problem. The Town will provide assistance to an employee having a dependency or use problem by referral to a rehabilitation agency. Employees are encouraged to use this assistance when needed.

Signature

Date

Please print:

Name, Title

Department, Committee
