

TOWN OF DUXBURY
Policy Regarding Alcohol and Drugs

1. *Purposes.* The purposes of this policy are as follows:

- (a) to establish and maintain a safe, healthy working environment for all employees;
- (b) to insure the reputation of the Town of Duxbury and its employees as good, responsible citizens worthy of the licenses and franchises entrusted to them;
- (c) to reduce the incidence of accidental injury to person or property;
- (d) to reduce absenteeism, tardiness and indifferent job performance;
- (e) to provide assistance toward rehabilitation for any employee who seeks the Town's help in overcoming any addiction to, dependence upon or problem with alcohol or drugs.
- (f) to maintain a drug free workplace and comply with the requirements of the drug free workplace of 1988.

2. *Benefits; Inconvenience; Cooperation.*

Those employees with drug and alcohol abuse problems make up only a small fraction of the work force, and the Town regrets any inconvenience that may be caused the many non-abusers by the problems of the few. It is believed, however, that the benefits to be derived from the reduction in number of accidents, the greater safety of all employees, and the rehabilitation or termination of those who, because of alcohol or drugs, are a burden upon all other employees, will more than make up for any inconvenience or loss the rest of us must be subject to. The Town earnestly solicits the understanding and cooperation of all employees and employee organizations in implementing the policies set forth herein.

3. *Definitions.*

- (a) *alcohol or alcoholic beverage* - means any beverage that may be legally sold and consumed and that has an alcoholic content in excess of .5% by volume;
- (b) *drug* - means any substance (other than alcohol) capable of altering the mood, perception, pain level, or judgment of the individual consuming it;
- (c) *prescribed drug* - means any substance prescribed for the individual consuming it by a licensed medical practitioner;

(d) *illegal drug* - means any drug or controlled substance, the sale or consumption of which is illegal;

(e) *he or his* - also means "she" or "hers" in appropriate context.

4. *Town of Duxbury Employee Assistance Program.*

(a) Any employee who feels that he or she has developed an addiction to, dependence upon or problem with alcohol or drugs, legal or illegal, is encouraged to seek assistance. Assistance may be sought in confidence through the town's employee assistance program.

(b) Each request for assistance will be treated as confidential.

(c) The executive in charge of each operating or staff unit, or such other person as he may specifically designate, will be responsible for developing contacts with local hospitals and community organizations offering alcohol or drug treatment programs (e.g., Care units, Alcoholics Anonymous, Narcotics Anonymous, Community Health Centers, etc.,) and for referring employees seeking assistance to an appropriate treatment organization.

(d) Rehabilitation itself is the responsibility of the employee. Any employee seeking medical attention for alcoholism or drug addiction will be entitled to benefits under the Town's group medical insurance plans on the same basis and with the same restrictions and limits as for other illnesses. For employees enrolled in a formal treatment program, the Town will grant rehabilitation leave on the following basis:

(1) Up to 30 days - full pay;

(2) Up to an additional 60 days - one-half pay;

(3) Up to a further 90 days - one-quarter pay.

To be eligible for continuation in employment on a rehabilitation pay basis, the employee must have been employed at least one year; must maintain at least weekly contact with the executive to whom he reports; and must provide certification that he is continuously enrolled in a treatment program and actively participating in that program.

(e) Upon successful completion of treatment, the employee will be returned to active status without reduction of pay or seniority.

5. *Rejection of Treatment - Failure of Rehabilitation.*

Any employee suffering from an alcohol or drug problem who rejects treatment or who leaves a treatment program prior to being properly discharged will be immediately terminated. No employee will be eligible for this portion of the Employee Assistance plan (dealing with addiction or dependence on alcohol or drugs) more than one time. The recurrence of an alcohol or drug problem will be cause for termination.

6. *Alcoholic Beverages.*

(a) No alcoholic beverage will be brought into or consumed upon Town premises.

(b) Drinking or being under the influence of alcoholic beverages while on duty is cause for termination.

(c) Any employee whose off-duty abuse of alcohol results in excessive absenteeism or tardiness or is the cause of accidents or poor work will be referred to the Employee Assistance Program for rehabilitation. If the employee refuses or fails rehabilitation, he/she shall be terminated.

(d) EVIDENCE stored by and under the control of the Duxbury Police Department shall be exempt from this policy.

7. *Prescription Drugs.*

(a) No prescription drug shall be brought upon Town premises by any person other than the person for whom the drug is prescribed by a licensed medical practitioner, and shall be used only in the manner, combination and quantity prescribed.

(b) Any employee whose abuse of prescription drugs results in excessive absenteeism or tardiness or is the cause of accidents or poor work, will be referred to the Employee Assistance Program for rehabilitation. If the employee refuses or fails rehabilitation, he/she shall be terminated.

8. *Illegal Drugs.*

(a) The use of an illegal drug or controlled substance or the possession of same *on or off duty* is cause for termination.

(b) The sale, trade or delivery of illegal drugs or controlled substances by an employee to another person is cause for termination and for referral to law enforcement authorities.

(c) The "occasional", "recreational", or "off-duty" use of illegal drugs will not be excused. The Town's experience in recent years indicates that employee involvement with illegal drugs, even "recreationally", may be expected to result in:

(1) Financial and domestic difficulties, and as a result:

(i) unstable performance

(ii) theft

(2) Embarrassment to the Town due to:

(i) arrests of employees

(ii) poor customer relations, unsatisfactory work, short tempers, etc.

(3) A growing ring of drug use as users supply others.

(d) EVIDENCE stored by and under the control of the Duxbury Police Department shall be exempt from this policy.

9. Employment of Persons Addicted to or Dependent Upon Alcohol or Drugs.

(a) A person presently using illegal drugs or having a history of alcohol or drug dependency will not be knowingly employed unless there is evidence of rehabilitation satisfactory to the Town.

(b) All applicants for employment will be required to take a pre-employment physical examination (including urinalysis and/or blood test). Pre-employment polygraph examinations may, at the discretion of local management, be utilized where local laws permit. Applicants whose examinations and interviews, combined with general reference and background checks, indicate present alcohol or drug abuse will not be hired.

10. Safety of Work Force; Work Rules; Blood and Urine Tests.

(a) In order to insure the safety of the workplace and the work force, the following work rules will apply to all employees effective upon receipt of notice of this policy.

(1) Each employee, as a condition of continued employment, will be required, upon request of Town supervisory personnel, to:

(i) submit to search of any vehicle brought upon or parked upon

Town premises;

(ii) submit to search of any pocket, package, purse, briefcase, toolbox or other container brought upon Town premises;

(iii) submit to search of desk, file cabinet, etc.

(b) Each employee, as a condition of employment will also be required, upon request of Town supervisory personnel, to submit to blood and/or urine tests for determining use of alcohol and/or drugs.

(c) Each employee, as a condition of employment will also be required, from time to time, to supply the form of "Certification and Declaration" that illegal drugs are not being used attached as Exhibit "A".

11. *Effective Date - Notice to Employees - State Laws.*

(a) The policies set forth in this Policy Guide are effective immediately upon notice to employees. Each present employee will be furnished a copy of this policy and will sign a receipt for same. Later-hired employees will each be furnished a copy before hiring.

(b) These policies will be implemented in a manner that will comply with all applicable federal and state laws.

12. *Confidentiality.*

EXHIBIT "A"

CERTIFICATION AND DECLARATION

1. I have been provided a written copy of the Town of Duxbury policy regarding alcohol and drugs. I am aware that this policy forbids the use of or dealing in illegal drugs, on or off duty, and that violation of this policy is cause for termination.
2. I have not at any time since receiving a copy of this policy used any illegal drug, on or off duty.

Employee Signature

Date