

TOWN OF BARRINGTON

SUBSTANCE ABUSE/DRUG FREE WORKPLACE POLICY

Declaration of Policy

The use of illegal drugs and the abuse of **over the counter or prescribed drugs and/or** alcohol by employees of the Town of Barrington is a serious threat to the health, safety, and welfare of not only the employees of the Town but also the citizens of the Town. The Town has a legitimate concern that alcohol and drug abuse has impaired and will continue to impair job performance, diminish work productivity, threaten the safety of Town employees and the general public, and expose the Town to increased liability and other costs.

It is therefore the policy of the Town of Barrington to maintain an alcohol and drug free workplace by prohibiting the use of illegal drugs, the abuse of over-the-counter or prescribed drugs, and the abuse of alcohol by employees at the workplace or during work hours and during non-working hours to the extent that such use of illegal drugs or alcohol impairs the employee's ability to perform his or her job.

The Town of Barrington will comply with the controlled substance and alcohol testing requirements of the United States Department of Transportation and other applicable federal and state laws and regulations. Violation of this policy or applicable federal laws or regulations, by any Town employee, may result in severe disciplinary action, up to and including termination of employment, at the sole discretion of the Town of Barrington.

Prohibited Conduct by Employees

A. Controlled Substance Prohibitions:

No employee shall report for duty or remain on duty when the employee uses or possesses any controlled substance, except when such use or possession is pursuant to the instructions of a physician who has advised the employee that the substance will not adversely affect the employee's ability to perform his or her job safely. No employee shall report to duty or remain on duty if the employee tests positive for controlled substances. According to this policy, an employee shall be guilty of misconduct and shall be subject to discipline, including suspension without pay or discharge from employment, even for a first offense.

B. Alcohol Prohibitions:

An employee who is under the influence of alcohol at any time while on Town business, or at any time during the hours between the beginning and ending of the employee's work day, shall be guilty of misconduct and subject to discipline, including suspension without pay or discharge from employment, even for the first offense. An employee is considered to be under the

influence of alcohol if the employee's normal faculties are impaired due to consumption of alcohol or if alcohol testing reveals an alcohol concentration of 0.04 or greater.

C. General Prohibitions:

No employee shall refuse to submit to a reasonable suspicion alcohol or controlled substances test required under 49 C.F.R. Section 382.307, or a follow up alcohol or controlled substances test required under 49 C.F.R. Section 382.311.

Consultation and Testing Procedures

A. Management/Employee Responsibilities

An employee reporting to work visibly impaired is unable to properly perform required duties and will not be allowed to work. If possible, the supervisor should first seek another supervisor's opinion of the employee's status. Then the supervisor should consult privately with the employee to rule out any problems that may have been caused by prescription drugs or medical conditions.

Drugs prescribed by the employee's physician may be taken during working hours. The employee shall notify a supervisor if the use of properly prescribed prescription drugs may affect the employee's work performance.

If, in the opinion of the supervisor, the employee is considered impaired, the employee shall be sent home or to a medical facility by the supervisor by a safe transportation alternative, accompanied by the supervisor or another employee. An impaired employee shall not be allowed to drive.

B. Controlled Substances and/or Alcohol Testing

The required observations for reasonable suspicion testing for controlled substances or alcohol must be made by a supervisor, a department head, a division head or other Town official. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test cannot conduct the alcohol test of the employee. An employee must submit to an alcohol or controlled substances test when the Town has reasonable suspicion to believe that the employee has violated the alcohol and controlled substances prohibitions listed in this policy.

"Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the function of the job is impaired or so that the employee's ability to perform his/her job safely is reduced. "Objective facts" are those specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee which have been made by the supervisor or other Town official. Observations for a controlled substances test may include indications of the chronic and withdrawal affects of controlled substances.

Reasonable suspicion alcohol testing may only be performed if the observations are made during, just preceding, or just after the period of the work day that this employee is required to be in compliance with this policy. These same alcohol tests will be performed within eight hours of the determination that such testing is required.

Notwithstanding the absence of a reasonable suspicion alcohol test, no employee shall report for or remain on duty while he or she is under the influence of or impaired by alcohol as shown by the behavioral speech and performance indicators of alcohol misuse until: a) an alcohol test is administered and the employee's alcohol concentration measures less than 0.02; or b) 24 hours have elapsed following a reasonable suspicion determination, as outlined above, or the belief that the employee has violated the prohibitions concerning the use of alcohol.

C. Testing Procedure:

Testing will be conducted pursuant to applicable federal laws and regulations including but not limited to 49 C.F.R. Part 40. The procedures used to test for the presence of controlled substances and alcohol are designed to protect the employee and the integrity of the testing processes, safeguard the validity of the test results, and make sure that those results are attributed to the correct employee. The D.O.T. regulations in 49 C.F.R. Part 40 specifically set forth how this is accomplished.

A urine, breath, blood or other appropriate test may screen for any substances which could impair an employee's ability to effectively and safely perform the functions of his/her job, including, but not limited to, prescription medications, alcohol, heroin, cocaine, morphine and its derivatives, P.C.P., methadone, barbituates, amphetamines, marijuana and other cannabinoids.

D. Return to Duty and Follow up Testing:

Before an employee returns to duty after engaging **in** the alcohol prohibitions listed in this policy, the employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02. Before an employee returns to duty after engaging **in** the controlled substances prohibitions listed in this policy, the employee shall undergo a return-to-duty controlled substances test with a verified negative result for controlled substances use.

It is the responsibility of the Town Manager and the Department Head to counsel an employee whenever they see changes in performance that suggest an employee problem, or have knowledge of substance abuse related behavior which would negatively affect either job performance or Town standards. It is the responsibility of the employee to report any substance abuse related arrest or public incident on or off the job.

Disciplinary Procedure

Violation of this policy, federal or state laws or regulations, by any Town employee may result in severe disciplinary action, up to and including termination of employment, at the sole discretion of the Town **Manager**. Such disciplinary action will be based upon the recommendation of the Town Manager.

Confidentiality

The Town **Manager and the employee's supervisor** shall keep confidential under federal and state laws, and to the furthest extent feasible, any actions taken by **them** under this Policy including the identity of any employee confronted or tested and the result of any drug test. This paragraph shall not prevent the Town **Manager** from disclosing any information for the following purposes:

- to defend **the Town** from any suit, claim, or grievance brought by an employee or his or her representative; or
- to inform those persons who need to know about the actions taken by the Town or the test results.

File Source:
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ACKNOWLEDGEMENT AND CERTIFICATION

I hereby acknowledge and certify that I have received a copy of the Town of Barrington's **Substance Abuse/Drug Free Workplace Policy.**

Employee Name

Employee Signature

Witness Signature

Date

Original acknowledgment and certification to be kept on file with employer. Copy of the acknowledgment and certification to employee.