

1 **TO: Human Resources Board**
2 **FR: Marie Larsen**
3 **DT: October 10, 2023**
4 **RE: DRAFT DRUG & ALCOHOL POLICY for HRB Meeting October 12, 2023**

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6 **INTRODUCTION**

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8 The Town desires to provide a drug-free, healthy and safe workplace.

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10 To promote this goal, employees are required to report to work in appropriate mental
11 and physical condition to perform their jobs in a satisfactory manner. Individuals under
12 the influence of drugs or alcohol in the workplace pose serious safety and health risks,
13 not only to themselves, but also to all those who surround or come into contact with
14 them.

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16 **APPLICATION**

17 Any individual while conducting business for the Town, or conducting business on the
18 Town's property is covered by the drug-free policy.

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20 **VIOLATIONS**

21 It is a violation of the Town's drug-free policy to use, possess, sell, trade, and/or offer for
22 sale controlled substances or alcohol while on duty or on town property.

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24 It is a violation of this policy to operate any town vehicle, vessel, or equipment while
25 under the influence of, or while consuming, drugs or alcohol.

26
27 It is a violation of this policy to wear recognizable town uniform components while
28 consuming alcohol in any public or private setting.

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30 It is not a violation of this policy to possess or transport prohibited items in the
31 performance of an employee's official duties.

32
33 **REQUIREMENTS**

34 Employees who are convicted of controlled substance or alcohol-related violations
35 under state or federal law must inform their Department Head or appointing authority
36 within 5 days of such a conviction or plea. Such as, but not limited to, OUI, Distribution
37 of Alcohol to minors, or Domestic Assault while intoxicated.

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39 Employees who are convicted of such drug/alcohol-related violations may be required to
40 successfully complete a drug/alcohol abuse or similar program through the Employee
41 Assistance Program (EAP), as a condition of continued employment or re-employment.

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43 The Town of Chilmark offers confidential counselling through our EAP. The EAP is
44 designed to help employees, through individually tailored treatment programs, to
45 overcome serious problems they may be having with drug and/or alcohol abuse, and/or
46 other personal problems that may negatively affect their job performance.

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48 **MEDICATIONS**

49 Nothing in this policy is intended to prohibit the legal use of over-the-counter or
50 prescription medications.

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52 Employees using prescription medication that may impair their ability to safely perform
53 their jobs should contact their supervisor to discuss the issue of reasonable
54 accommodation.

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56 **DRUG TESTING**

57 All Town employees, as a condition of employment, may be required to participate in
58 reasonable suspicion testing and as follows:

59

60 All Town employees will be subject to drug or alcohol screen as a result of:

- 61 1. Involvement in a serious workplace accident or serious safety-related
62 incident as determined by the Town as follows:
- 63 • A serious workplace accident is any accident resulting in a lost-time
64 injury to any employee and/or in an accident resulting in the lost-time
65 injury of another individual and/or property damage.

66 • A serious workplace incident is any incident presenting a possibility of
67 a substantial risk of lost-time injury and/or property damage.

68
69 2. Being identified as unfit for work (being under the influence of drugs or
70 alcohol) or subject to reasonable suspicion of being under the influence of drugs
71 or alcohol.

72 • Unfit for work involves the identification of the employee not safely or
73 competently performing their job and presenting unnecessary risk to
74 themselves and/or to others.

75 • The cause for reasonable suspicion drug testing exists when an
76 employee's observed behavior or physical appearance suggests drug
77 and/or alcohol use or possession of drugs and/or alcohol.

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79 3. In the case of pre-employment testing, if the individual violates the drug-
80 free policy, the offer of employment can be withdrawn by the Town. The applicant
81 may reapply after a year and must successfully pass a pre-employment drug test.

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83 If an employee's drug screening returns as positive for prescription drugs, the employee
84 will be asked to present a valid prescription for the medication. If a prescription cannot
85 be presented, then the employee will be considered in violation of the drug free policy
86 and subject to the consequences of a positive test.

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88 **ACTIONS**

89 Violations of any and all provisions of this policy may result in disciplinary action up to
90 and including termination.

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92 Any employee unable to pass alcohol and drug screening will be immediately removed
93 from work, referred to the EAP for assessment and recommendations and required to
94 pass a Return-to Duty test and sign a Last Chance (return-to-work) Agreement.

95
96 Employees will be subject to the same consequences of a positive test if they refuse the
97 screening or the test, adulterate or dilute the specimen, substitute the specimen with

98 that from another person or send an imposter or refuse to cooperate in the testing
99 process in such a way that prevents the completion of the test.

100

101 The employee, upon returning to work, may be required to undergo unannounced drug
102 testing over a twelve (12) month period. Subsequent violations may result in discipline,
103 up to and including termination.

104

105 The Town recognizes that drug dependency is an illness and a major health problem.

106 The Town's objective is to prevent conviction for drug related offenses prior to their
107 occurrence. Employees who wish to obtain help in dealing with such problems are
108 encouraged to contact their Department Head or their health insurance provider for
109 assistance. Conscientious effort to seek such help will not jeopardize an employee's job.