Policy: DRUG-FREE WORKPLACE

3. Each employee of the municipality will make a good faith effort to maintain a drug-free workplace and uphold and promote this policy.

USE OF DRUGS

Legal Drugs: For certain positions, the legal use of a drug can pose a significant risk to the safety of the employee or others. Employees who feel or have been informed that the use of such a drug may present a safety risk, are to report such drug use to their immediate supervisor.

Illegal Drugs: The use, sale, purchase, transfer or possession of an illegal drug by an employee while in a municipal facility, while performing municipal business, or while on the job is prohibited. Being under the influence of any illegal drug while conducting municipal business, while on municipal property or in a municipal facility, or while operating an municipal vehicle or equipment is prohibited. Misuse of prescription drugs is considered to be the illegal use of drugs. This includes both the use of such drugs in a manner inconsistent with the prescribed use and any use of prescription drugs by persons for whom they are not prescribed.

RESPONSIBILITIES:

Employer: It is the responsibility of each municipal Supervisor/Manager to advise each employee of this policy; to post the policy annually at each worksite; to include a copy of this policy in each new employee's orientation.

Employee: It is the responsibility of each employee to be aware of and to abide by this policy.

Administration: It is the responsibility of the Town Manager to ensure that supervisors and employees receive training and orientation regarding this implementation of this policy.

Approved
Legislative Body:

John Lulek

Jay M Brown

Tom [illegible]

Robt J Richard

Joanne M. Caeir

12/8/92
Date of Adoption

THE SLATE CENTER OF THE NATION • CHARTERED OCT. 27, 1779

Town of Fair Haven

TOWN OFFICE • MUNICIPAL BUILDING • NORTH PARK PLACE • FAIR HAVEN, VERMONT 05743 • TELEPHONE (802) 265-3010

PERSONNEL POLICIES

Subject: DRUG-FREE WORKPLACE POLICY
Applicable to: All municipal employees.
Issued By: Patricia J. Paolillo, Town Manager
Approved By: Board of Selectmen
Effective Date : December 8, 1992

PURPOSE AND POLICY STATEMENT

As an employer, the Town of Fair Haven is responsible for maintaining safe, efficient working conditions for its employees by providing a drug-free workplace. Therefore, municipal employees shall not engage in the unlawful manufacture, distribution, possession or use of controlled substances (drugs) on the job or on any municipal work site.

An employee who is under the influence of any drug on the job may pose serious safety and health risks not only to the user but to co-workers and the general public at large.

DEFINITIONS

Controlled Substance: as used in this policy shall mean a controlled substance in schedules I through V of section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined in regulation at 21 CFR 1300.11 - 1300.15.

Conviction: means a finding of guilt (including a plea or nolo contendre) or imposition of sentence, or both , by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

Criminal Drug Statute: means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use of possession of any controlled substance.

Illegal Drug: any drug which is not legally obtainable, or which is legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and not being used for prescribed purposes.

Legal Drug: includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

Policy: DRUG-FREE WORKPLACE

Under the Influence: means, for the purpose of this policy, that the employee is noticeable affected by a drug.

Workplace: is defined to include non-municipally owned property which is used in the conduct of municipal business, including property used temporarily for business related purposes, such as lodging sites rented for seminars, training, or other municipal activities.

APPLICABILITY AND GENERAL POLICY CONDITIONS

The following conditions shall be applicable to all employees of the Town of Fair Haven:

1. Employees shall be required, as a condition of their employment, to abide by the terms and conditions of this Drug-Free Workplace Policy.

2. An employee shall notify his Supervisor/Manager of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Failure to do so will result in discipline, up to and including dismissal.

3. If a convicted employee works in a federally funded program, the involved federal grant agency shall be notified of the conviction within ten (10) days of the municipality's receiving the notice of the conviction. In the case of the Vermont Community Development Program, notify the Department of Housing and Community Affairs.

4. If an employee is convicted under any criminal drug statute for a violation occurring in the workplace, while on or off duty, or on duty away from the workplace, one of the following actions will be taken:
   (a) employee shall be immediately dismissed for the first offense;
   (b) employee shall be required to participate satisfactorily 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.
   (c) employee shall be suspended from duty with or without pay.

5. Appropriate disciplinary and/or corrective action is to be taken within thirty (30) days after the employer receives notice of a conviction. This, however, is not to be construed to limit the authority of the employer to take such action thereafter. Any disciplinary action must comply with the collective bargaining agreement, Section 504 of the Rehabilitation Act of 1978, and the Americans with Disabilities Act, if applicable.

6. Any employee on municipal premises who appears to be under the influence of, or who possesses illegal or non-medically authorized drugs, or who has used such drugs on municipal premises, may be temporarily relieved from duty pending further investigation.

7. If the use of legal drugs endangers safety, management may (but is not required to) reassign work on a temporary or permanent basis.