



TOWN OF HANOVER
550 HANOVER STREET, SUITE 29
HANOVER, MASSACHUSETTS 02339
781-826-5000 ext. 1084

Brian Barthelmes, Chairman
Susan Setterland, Vice Chair
Robert O'Rourke
David Delaney
John Tuzik

DRUG & ALCOHOL-FREE WORKPLACE POLICY

POLICY #00-02

(Supersedes Policy 00-02 dated 02/07/00)

PURPOSE

To maintain an alcohol-free and drug-free workplace and comply with the requirements of the Drug-Free Workplace Act of 1988. This POLICY applies to all employees of the Town except for employees in a collective bargaining unit that has a negotiated Drug and Alcohol Policy in existence that covers all employees in the bargaining unit.

POLICY

1. Covered substances.

This policy covers the following substances:

- Alcoholic beverages of any kind.
- Controlled or illegal drugs or substances, which include all forms of narcotics, hallucinogens, depressants, stimulants, and other drugs whose use, possession, or transfer is restricted or prohibited by state or federal law.

2. Exceptions.

Drugs prescribed by a physician, dentist, or other person licensed to prescribe or dispense controlled substances or drugs used in accordance with their instructions are not subject to this policy, **however, each employee is obligated** to inform his/her immediate supervisor or department head of the use of any medications which may cause drowsiness or other side effects which may impair an employee's ability to perform their job properly or safely. It is the position of the Town that both medical and recreational marijuana are prohibited under this policy in all cases regardless of the status of marijuana under state law. The Town does reserve the right on a case by case basis to approve, or deny, the use of medical marijuana. Any employee who is prescribed medical marijuana must notify the Town of the prescription prior to ingesting any marijuana. The Town will review each specific situation and determine whether or not to permit the ingestion of the medical marijuana. If an employee is found to possess or have ingested marijuana with the prior approval of the Town, the employee will be determined to have violated this policy regardless of the existence of a prescription.

3. Use prohibited on Town premises.

The following activities are prohibited while an employee is on the Town's premises or otherwise engaged in Town business:

- The manufacture, possession, use, sale, distribution, dispensation, receipt, or transportation of any controlled substance or illegal drug.
- The consumption of alcoholic beverages on Town premises or while otherwise engaged in Town business. Unless authorized by the Town Manager.

- Being under the influence of alcohol, marijuana or illegal substances during business hours.
- Performing duties while under the influence of alcohol, marijuana or controlled and/or illegal substances whether on or off Town premises.

An employee who engages in such behavior will be subject to disciplinary action, up to and including immediate dismissal, or, as a condition of continued employment, may be required to successfully complete drug or alcohol abuse counseling or rehabilitation program. Any discipline imposed under this Policy shall be for a violation of this Policy. The Town retains the right to independently impose discipline, up to and including the termination of employment, for any underlying conduct, misconduct or actions that is in any way related to a violation of this Policy.

4. Counseling.

Any employee who wishes to receive information about counseling, rehabilitation and the Town's Employee Assistance Program may request the information from their supervisor.

5. Testing employees for substance abuse.

The Town may require employees to undergo appropriate tests designed to detect the presence of alcohol or drugs (e.g., blood test or urinalysis) where the Town has reasonable suspicion that an employee may appear to be under the influence of or impaired by alcohol or drugs. For the purposes of this policy “under the influence” is a management determination based on the judgment and or observation that an employee is showing observable signs and symptoms that lead the employee’s supervisor to believe that an employee may pose a danger to him/herself, other employees or the public. The Town also may require such tests whenever necessary to protect the safety and health of its employees - for example, when an employee is involved in an accident during the performance of Town business or on Town property that result in injuries to the employee or others or damage to property.

If there is reason to believe an employee is suspected of drug or alcohol abuse while on Town premises or otherwise engaged in Town business, he/she will be transported by their supervisor (after obtaining coverage), immediately to the testing facility for testing. The time away from the job will be paid for by the Town until a determination is made. If the testing results are positive, the employee will be placed on leave of absence, using his/her accumulated sick, vacation, personal and/or compensatory time to take corrective measures or to enter rehabilitation.

Consent to submit to such tests as the Town may require constitutes a condition of employment. Refusal to consent to a test when such test is required, based on reasonable suspicion, will result in disciplinary action in accordance with the applicable rules, regulations, contracts, or policies, which the employee is under. An Employee will be subject to the same consequences of a positive test if he/she:

- Refuses the testing
- Adulterates or dilutes the specimen
- Substitutes the specimen with that from another person

- Refuses to cooperate in the testing process in such a way that prevents completion of the test

All drug and alcohol testing will be conducted in accordance with applicable federal, state, or local laws.

All drug and alcohol testing will be conducted by the Town's physician, at the Town's expense.

ALCOHOL POLICY

Voluntary Disclosure by an employee who is not in violation of this policy.

If an employee of the Town of Hanover admits to having a dependence on alcohol it shall be treated as an illness and the employee shall be placed on administrative leave with pay. The employee shall be required to attend a rehabilitation program at the expense of the employee's health insurance and the Town of Hanover. Upon successful completion of the prescribed program and medical clearance given, the employee will return to work.

If an employee who has disclosed he/she has a dependence on alcohol, successfully completed the prescribed program, has been given medical clearance to return to work, and subsequently tests positive, it shall be treated as a First Offense under the terms of this Alcohol Policy.

First Offense:

If an employee of the Town of Hanover tests positive for alcohol in violation of this policy that employee shall be suspended for four (4) days without pay and be required to attend a rehabilitation program at the expense of the employee's health insurance and the Town of Hanover. Said employee will be required to use all accumulated sick, compensatory, personal and/or vacation time to attend medical treatment. Upon successful completion of the prescribed program and medical clearance given, the employee will return to work. Follow up testing will continue for one (1) year.

Second Offense:

If an employee of the Town of Hanover tests positive for alcohol in violation of this policy that employee shall be suspended for eight (8) days without pay and be required to attend a rehabilitation program at the expense of the employee's health insurance and the Town of Hanover. Said employee will be required to use all accumulated sick, compensatory, personal and/or vacation time to attend medical treatment. Upon successful completion of the prescribed program and medical clearance given, the employee will return to work. Follow up testing will continue for two (2) years.

Third Offense:

If an employee of the Town of Hanover tests positive for alcohol in violation of this policy that employee shall be subject to disciplinary action, including suspension without pay for a minimum of twelve (12) days, up to and including termination. If the Town of Hanover in its discretion chooses not to terminate the employee's employment with the Town of Hanover, said employee will be required to attend a rehabilitation program at the expense of the employee's health insurance and the Town of Hanover. Said employee will be required to use all accumulated sick, compensatory, personal and/or vacation time to attend medical treatment. Upon successful completion of the prescribed program and medical clearance given, the employee will return to work. Follow up testing will continue for three (3) years.

DRUG POLICY

Voluntary Disclosure by an employee who is not in violation of this policy.

If an employee of the Town of Hanover admits to having a dependence on drugs it shall be treated as an illness and the employee shall be placed on administrative leave with pay. The employee shall be required to attend a rehabilitation program at the expense of the employee's health insurance and the Town of Hanover. Upon successful completion of the prescribed program and medical clearance given, the employee will return to work.

If an employee who has disclosed he/she has a dependence on drugs, successfully completed the prescribed program, has been given medical clearance to return to work, and subsequently tests positive, it shall be treated as a First Offense under the terms of this Drug Policy.

First Offense:

If an employee of the Town of Hanover tests positive for drugs in violation of this policy that employee shall be suspended for eight (8) days without pay and be required to attend a rehabilitation program at the expense of the employee's health insurance and the Town of Hanover. Said employee will be required to use all accumulated sick, compensatory, personal and/or vacation time to attend medical treatment. Upon successful completion of the prescribed program and medical clearance given, the employee will return to full duty work. Follow up testing will continue for eighteen (18) months.

Second Offense:

If an employee of the Town of Hanover tests positive for drugs in violation of this policy that employee shall be suspended for twelve (12) days without pay and be required to attend a rehabilitation program at the expense of the employee's health insurance and the Town of Hanover. Said employee will be required to use all accumulated sick, compensatory, personal and/or vacation time to attend medical treatment. Upon successful completion of the prescribed program and medical clearance given, the employee will return to work. Follow up testing will continue for two (2) years.

Third Offense:

If an employee of the Town of Hanover tests positive for drugs in violation of this policy that employee shall be subject to disciplinary action, including suspension without pay for a minimum of sixteen (16) days, up to and including termination. If the Town of Hanover, in its discretion, chooses not to terminate the employee's employment with the Town of Hanover, said employee will be required to attend a rehabilitation program at the expense of the employee's health insurance and the Town of Hanover. Said employee will be required to use all accumulated sick, compensatory, personal and/or vacation time to attend medical treatment. Upon successful completion of the prescribed program and medical clearance given, the employee will return to work. Follow up testing will continue for three (3) years.

PROCEDURE

Each current employee is to be provided with a copy of this policy and the attached acknowledgment form and be asked to sign the form and return it immediately to the employee's supervisor.


Each new employee shall, at the time of hire, be provided with a copy of the policy and acknowledgment form. The new employee is to read the policy and sign the form before being permitted to work.


EFFECTIVE DATE: This policy was approved by the Board of Selectmen on March 27, 2017 and is effective immediately.

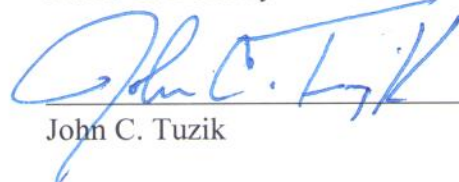
BOARD OF SELECTMEN


Brian E. Barthelmes, Chairman


Susan M. Setterland, Vice-Chair


Robert S. O'Rourke


David R. Delaney


John C. Tuzik

POLICY ACKNOWLEDGEMENT FORM

I have received and read a copy of the Town's Drug & Alcohol-Free Workplace Policy.

Employee's Signature: _____ Date: _____

Employee's Name Printed: _____
