

TOWN OF MILFORD

Drug-Free Workplace and Substance Abuse Policy

1. **Purpose and Goal:** It is the policy of the Town of Milford to provide a drug free workplace for all of its employees and to comply with the provisions of the United States Drug-Free Workplace Act of 1988. The Town of Milford is committed to protecting the safety, health and well being of all employees and individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol-and drug-free environment.
 - This policy recognizes that employee involvement with alcohol and other drugs can be very disruptive, adversely affect the quality of work and performance of employees pose serious health risks to users and others, and have a negative impact on productivity and morale.
 - The Town of Milford encourages employees to voluntarily seek help with drug and alcohol problems.
2. **Covered Workers:** Any individual who conducts business for the Town of Milford or is applying for a position is covered by our drug-free workplace policy. Our policy includes, but is not limited to, full-time employees and part-time employees. Accordingly, the Town of Milford, as a Federal Grant recipient, hereby notifies every employee and applicant for employment that the manufacture, distribution, dispensation, possession, or use of a controlled substance in the workplace is prohibited.
3. **Applicability:** This drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the Town of Milford. This policy applies during all working hours, whenever conducting business on behalf of, or representing, the Town. This policy applies to employees while on call or paid standby. The Town of Milford hereby notifies every subject employee that, as a condition of employment, no alcohol or illegal drugs shall be used or possessed on Town property or Town equipment by an employee during the work shift of any employee, including all breaks and lunch periods. All employees of the Town of Milford, excluding positions under the supervision and control of the Milford School Committee, shall be subject to the provisions of this policy. Employees subject to Massachusetts Civil Service Laws and/or Collective Bargaining Agreements are subject only to those provisions within this policy which are not specifically regulated by law or Agreement.
4. **Prohibited Behavior:** It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants. Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees, or the public, it is the employee's responsibility to use appropriate personnel

procedures (e.g. call in sick, use leave, request change of duty, notify supervisor) to avoid unsafe workplace practices. The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our drug free workplace policy to intentionally misuse and/or abuse prescription medications.

5. **Testing:** Testing of present employees shall only be permitted where there is probable cause to suspect drug or alcohol abuse. Immediate testing shall be permitted upon the probable cause standards hereinafter set forth. Objective facts that may lead or contribute to probable cause shall include but not be limited to the following: Lack of balance, unsteady walking gait, slurred speech, bloodshot eyes, hallucinations, aggressive behavior, and/or odor of alcohol or marijuana on the breath or clothing of the employee. Other criteria that may lead to, or contribute to, a finding of probable cause include a supervisor's observation of employee impairment or incapacity to perform assigned duties, and an excessive number of vehicular accidents. In addition, substantiated possession of drugs or alcohol while on duty shall be deemed to be de facto suspicious.
6. **Consequences:** One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment can be withdrawn. If an employee violates the policy, he or she will be subject to progressive disciplinary action, including but not limited to suspension and/or termination. The Town of Milford may require the employee to participate in an approved drug abuse assistance rehabilitation program. An employee required to enter rehabilitation who fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

7. **Assistance:** The Town of Milford recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.

Offers all employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP),

8. **Confidentiality:** All information received by the Town of Milford through the drug-free workplace program will be considered a confidential communication. Access to this information will be strictly limited to those who have a legitimate need to know in compliance with relevant laws and management policies.
9. **Shared Responsibility:** A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- Inform employees of the drug-free workplace policy.
- Investigate reports of dangerous practices.

10. **Communication:** Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

- All employees will receive a written copy of the policy. The Town of Milford establishes, as a condition of employment, that each employee must abide by the drug-free workplace policies.
- The policy will be reviewed in orientation sessions with new employees.

11. **Notification of Convictions:** Any employee who is convicted of any state or federal criminal drug violation in the workplace must notify their Department Head **in writing** within five (5) calendar days of the conviction. The Town of Milford will take appropriate action, up to and including discharge, within thirty (30) days of notification. Federal contracting agencies will be notified when appropriate.

This policy is effective as of December 1, 2008.

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