

**TOWN OF ESSEX
DRUG AND ALCOHOL-FREE WORKPLACE POLICY**

I. PURPOSE

This Policy outlines prohibited workplace conduct with respect to controlled substances and alcohol. This Policy complies with the Town's obligations under the Federal Drug-Free Workplace Act, 41 U.S.C. § 8101, et seq.

II. APPLICATION

This Policy applies to all employees of the Town and augments the Policy found in the Town of Essex Personnel Rules & Regulations. Where this Policy and the Regulations differ, this Policy shall dictate. Employees whose employment is governed by a collective bargaining agreement are subject only to those provisions of this Policy and the Regulations not specifically regulated by law or agreement.

III. POLICY

It is the Policy of the Town to provide employees with a working environment that is free of the problems associated with the use and abuse of alcohol and controlled substances. The use of controlled substances is inconsistent with the behavior expected of employees and subjects the Town to unacceptable risk of workplace accidents or other failures that would undermine the Town's ability to operate effectively and efficiently. Although certain uses of marijuana have been decriminalized in the Commonwealth of Massachusetts, this policy and the following procedures apply to marijuana use.

IV. PROCEDURES

- A. The following is prohibited:
- a. The non-prescriptive use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances, marijuana or alcohol.
 - b. On-the-job consumption of controlled substances, marijuana or alcohol, whether on Town property, or at any other worksite where employees may be assigned, or elsewhere during work hours.
 - c. The non-prescriptive use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances, marijuana, or alcohol on non-working time, to the extent that such use: (i) impairs an employee's ability to perform his/her job; (ii) adversely impacts the safety of the employee or others; (iii) or affects the reputation of the Town to the general public or otherwise threatens its integrity.
- B. Employees who are convicted of substance-related violations under state or federal law in the workplace, including alcohol or marijuana related violations, or who plead guilty or *nolo contendere* to such charges, must inform their department head or appointing

authority within five (5) days of such conviction or plea. Department heads or appointing authorities shall immediately notify the Town Administrator.

- C. Employees who are convicted or who plead guilty or *nolo contendere* to such drug-related violations, or are found to have consumed or be impaired by controlled substances, marijuana or alcohol while on-duty, may be required to successfully complete a substance abuse or similar program as a condition of continued employment or re-employment with the Town.
- D. All employees must sign a statement acknowledging that they have been informed of the rules and requirements of the Drug-Free Workplace Act.

V. EMPLOYEE ASSISTANCE PROGRAM

The Town recognizes drug and alcohol dependency as an illness and a major public health problem. To that end, the Town encourages affected individuals to voluntarily seek medical help. Employees who wish to obtain help in dealing with such problems may contact the contact the Town Administrator for a referral to the Town's Employee Assistance Program. The Town may independently refer an employee to the Employee Assistance Program or other substance use/abuse counseling agency or program for help, particularly where there is a pattern of deteriorating job performance or excessive absenteeism of the employee associated with substance use/abuse.

VI. SANCTIONS

Substance use/abuse, however, does not relieve an employee of job performance standards and obligations. Violations of any and all provisions of this Policy may result in disciplinary action, up to and including termination from employment.

DRUG AND ALCOHOL-FREE WORKPLACE POLICY

This acknowledges that I have received and reviewed the Town of Essex’s Drug and Alcohol-Free Workplace Policy (“Policy”). By signing this form, I agree to abide by the Policy and any Guidelines promulgated thereunder, and I agree to review periodically any changes or modifications.

I understand that the unlawful manufacture, distribution, dispensation, possession, impairment or use of a controlled substance, marijuana, or alcohol is prohibited on any property of the Town, or while performing official duties for the Town, and violation of this Policy can subject me to disciplinary action, up to and including termination. I further understand that as a condition of employment, I must abide by the terms of this Policy and will notify my employer of any controlled substance, drug, marijuana, or alcohol related conviction for a violation occurring in the workplace no later than five days after such conviction.

I recognize that the law and associated Policy regarding drugs and alcohol in the workplace are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required.

Print Name: _____

Signature: _____

Date: _____

To be included in employee’s personnel file.