



TOWN OF ERVING

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ADM-110

Policy

Drug & Alcohol-Free Workplace Policy

Approved:  Date: August 29, 2022
Select Board Chair, Jacob A. Smith

Table of Contents

.01	Issue Date / Effective Date.....	1
.02	Purpose.....	1
.03	Application.....	1
.04	Policy	1
.05	Procedures.....	2
	Acknowledgment of Receipt of the Drug & Alcohol-Free Workplace Policy	3

.01 Issue Date / Effective Date

This policy is issued and effective on August 29, 2022.

This policy supersedes the Drug Free Workplace Policy issued on February 13, 2017, which replaced the Town of Erving Drug Free Workplace Policy and Town of Erving Drug Free Workplace Policy Statement previously issued on November 23, 2015.

.02 Purpose

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

.03 Application

This Policy applies to all employees of the Town of Erving. Employees whose employment is governed by a collective bargaining agreement are subject only to those provisions of this Policy that are not in conflict with any specific provisions contained within such collective bargaining agreements.

.04 Policy

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

.05 Procedures

- A. The following is prohibited:
 - I. Off-Duty: Any use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances or marijuana, except, in the case of marijuana, where authorized by Massachusetts law.
 - II. On Duty: Any consumption of controlled substances, marijuana (with or without prescription) or alcohol, whether on or off Erving's property, or at any other worksite where employees may be assigned, or elsewhere during work hours.
 - III. The use of controlled substances or marijuana (with or without a prescription), or any use of alcohol on non-working time, to the extent that such use:
 - i. impairs an employee's ability to perform the employee's job;
 - ii. adversely impacts the safety of the employee or others;
 - iii. or affects the reputation of Erving 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 then immediately notify the chief executive and administrative officer.
- C. Employees who are convicted or who plead guilty or nolo contendere to such drug-related violations, or who are found to have consumed or be impaired by controlled substances, marijuana or alcohol while on-duty, may be disciplined, up to and including termination from their employment with the Town of Erving; and, if not so disciplined up to and including terminated from employment, may be required to successfully complete a substance abuse or similar program as a condition of continued employment or re-employment with Erving.
- D. All employees must sign a statement acknowledging that they have been informed of the rules and requirements of the Drug-Free Workplace Act.

Acknowledgment of Receipt of the Drug & Alcohol-Free Workplace Policy

I acknowledge receipt of this *Drug & Alcohol-Free Workplace Policy* from the Town and I have read its contents.

Employee's Name (Please Print)

Employee's Signature

Date

This signed Acknowledgement is to be returned to the Town Administrator's Office within five (5) business days after receipt of this Policy.