

<p style="text-align: center;"><b>TOWNSHIP OF VERONA</b> <b>COUNTY OF ESSEX, NEW JERSEY</b></p>  <p style="text-align: center;"><i>POLICIES AND PROCEDURES</i></p>	Policy Title:	Drug and Alcohol Free Workplace
	Policy Reference No:	2-9
	Release Date:	18 November 2020
	Approved By:	Matthew Cavallo, Township Manager
	Authority:	§ 36-1 (C)
	Revision History:	None
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	Applicability:	All Employees & Volunteers

The Township recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees and has a vital interest in maintaining a safe, healthy and efficient working environment. Being under the influence of illegal drugs or alcohol on the job poses serious safety and health risks to the user and to those who work or come in contact with the user in the workplace. Accordingly, the use, sale, purchase, transfer, possession or being under the influence of illegal drugs or alcohol in the workplace poses unacceptable risks for safe, healthy and efficient operations and will be grounds for immediate discipline up to and including termination of employment. The use of prescription drugs in an illegal manner is also deemed a violation of this policy.

The Township further expresses its intent, through this policy, to comply with federal, state and local rules, regulations and/or laws that relate to the maintenance of a workplace free from illegal drugs and alcohol.

All employees are required to notify the Township of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. In addition, any employee arrested for actions related to a drug statute violation shall advise the Township if such arrest shall require jail time while awaiting trial or other restrictions on the employee which may impact on the employee's ability to perform his/her job.

Any employee who is observed by a supervisor to be intoxicated or under the influence of alcohol or drugs during working hours or is under reasonable suspicion of same shall be immediately tested and is subject to discipline up to and including termination. The supervisor will immediately report any reasonable suspicions to the Township Manager.

An employee will be required to submit to alcohol, drug or controlled substance testing when the employee's work performance causes a reasonable suspicion that employee is impaired due to current intoxication, drug or controlled substance use, or in cases where employment has been conditioned upon remaining alcohol, drug, or controlled dangerous substance free following treatment. Refusal to submit to testing when requested may result in immediate disciplinary action, including termination. Supervisors that observe behavior constituting reasonable suspicion are required to institute testing and do not have the option of sending the employee home as an alternative.

The manufacturing, distribution, dispensation, possession, and use of alcohol or unlawful drugs on Township premises or during work hours by employees are strictly prohibited.

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Employees must notify their supervisor within five (5) days of conviction for a drug or alcohol related violation, whether or not the violation occurred in the workplace.

Employees who are required to maintain a Commercial Driver’s License (CDL) are subject to random drug testing as required by federal regulations.

Employees using prescription drugs that may affect job performance or safety must notify his/her supervisor and Township Manager who are required to maintain the confidentiality of any information regarding an employee’s medical condition in accordance with the Health Insurance Portability and Protection Act (HIPPA). Township personnel who hold a Commercial Driver’s License (CDL) are subject to the provisions of the Commercial Driver’s Licenses Drug and Alcohol Testing Policy.

No prescription drug should be used by any person other than the individual to whom it is prescribed. Such substances or non-prescription (over-the-counter) drugs should be used only as prescribed or indicated. Employees are prohibited from consuming prescription drugs that are not prescribed in their name on Township property or while performing Township business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.

This policy applies to all departments, all employees (including all contracted employees) and all job applicants. Employees who are required to maintain a CDL license as an essential function of their job will also be subject to additional procedures (including random testing) pursuant to federal regulations. Police personnel may also be subject to additional testing pursuant to New Jersey Attorney General Guidelines.

Definitions

Alcohol: Any beverage that contains ethyl alcohol (ethanol), including, but not limited to, beer, wine and distilled spirits.

Township Premises/ facilities: All property of the Township, including, but not limited to, the offices, facilities and surrounding areas of Township owned or leased property, parking lots and storage areas. The term also includes all Township owned or leased vehicles and equipment wherever located, and includes all other premises or facilities visited by employees in the course of their employment.

Illegal drug: Any drug which is not legally obtainable; any drug which is legally obtainable, but has not been legally

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obtained; any prescribed drug not legally obtained, not being used for the prescribed purpose or by the prescribed person or not being used in the prescribed dosage or manner; and any drug being used for a purpose not in accordance with bona fide medical therapy. Examples include, but are not limited to, marijuana, hashish, cocaine, heroin, methamphetamine, phencyclidine (PCP), barbiturates and so-called designer or look-alike drugs.

**Reasonable Suspicion:**

A belief based on objective facts sufficient to lead a prudent person to conclude that a particular employee is under the influence of alcohol or drugs. Reasonable suspicion must be directed at a specific person and must be based upon specific and articulable facts and the logical inferences and deductions that can be drawn from those facts. Reasonable suspicion may be based upon things such as: observable phenomena such as the direct observation of the possession or use of a drug or alcohol or the direct observation of physical symptoms of being under the influence of a drug or alcohol such as slurred speech, unsteady gait; a pattern of unusual or abnormal conduct or erratic behavior; information provided by a reliable and credible source; work-related accidents and deviations from safe working practices.

Employee Responsibilities

Each employee has the responsibility to:

- 1) Report to work at all times free of alcohol or illegal drugs and their effects;
- 2) Be aware of the Township's Alcohol-Free and Drug-Free Workplace Policy;
- 3) Seek assistance for alcohol and other drug abuse or related problems through an approved program before job performance is impacted;
- 4) Support the Township's efforts to eliminate alcohol and other drug abuse among employees.
- 5) Report to your supervisor the use of prescription drugs that may impact your work or the safety of you or your co-workers or the public.

Supervisors and other management personnel will be trained in detecting the signs and behavior of employees who may be using illegal drugs or alcohol at work.

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Authorized Use of Prescribed Medication

An employee undergoing prescribed medical treatment with any drug that may impair his/her ability to perform his/her job without posing a safety risk to himself/herself or others must report this treatment to his/her supervisor. An employee may continue to work under the influence of a prescribed drug only if, after consultation with the Township medical professional, it is determined that such use does not pose a safety risk and the employee's job performance is not negatively impacted and/or cannot be reasonably accommodated.

If justified by medical information and the employee's work performance, the Township may restrict an employee's work activity, place the employee on a leave of absence, or take other appropriate action in compliance with law.

Employees needing to take prescription medication while on working time, shall keep all prescription medication in the prescription bottles (or with a photocopy of the prescription on his/her person) so that upon a reasonable request, the Township may verify the use of the prescription medication is legal and does not pose a risk to the health and safety of the employee, other employees or members of the public. All medical information shall be maintained in strict confidence.

Reasonable Suspicion Testing

Whenever the Township has reasonable individualized suspicion that an employee is under the influence of alcohol or illegal drugs, the following procedures shall be applied:

- 1) An employee reasonably believed to be under the influence of alcohol or illegal drugs shall be immediately prevented from engaging in further work by his/her supervisor and shall be prohibited from returning to work until negative test results are received. Any employee removed from a job for suspected drug or alcohol use will suffer no loss in pay provided the test result is negative.
- 2) The decision to test an employee shall be made by the supervisor after consultation with the Township Manager.
- 3) If the Township determines to test an employee, the employee will be given a direct order to submit to the test. Unionized employees shall be given the opportunity to have a union representative present if requested. The test will not be unreasonably delayed waiting for the attendance of a union representative. Refusal on the part of the employee to submit to a test shall be considered as having tested positive and may be subject to termination or may elect to attend rehabilitation.
- 4) The employee shall be transported in a reasonable amount of time to a qualified testing facility where a drug and/or alcohol screening will be administered. The employee will be required to sign a consent form prior to the test. Refusal to sign the consent form or intentional interference with the effective operation of the test shall be considered misconduct and shall be grounds for termination.

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- 5) The Township will afford the employee subject to testing the opportunity to list all prescription and non-prescription drugs they have used or recently used and the circumstances surrounding the use of such drugs and controlled substances.
- 6) The Township will allow a split sample to be taken so the employee may independently test the specimen at his/her own expense.
- 7) All alcohol and drug testing reports shall be treated in a confidential fashion and will only be revealed to those with a business need to know.

#### Disciplinary Action

Any person violating any of the provisions of this policy, including testing positive for illegal drugs and/or alcohol, will be subject to discipline up to and including termination of employment.

At its discretion based on the individualized circumstances of the case, the Township may provide a one-time opportunity to the employee to enter and successfully complete a rehabilitation program that has been approved by the Township at the employee's own expense. Costs not covered under the employee's health insurance plan shall be paid for by the employee. During rehabilitation, the employee will be prohibited from working and will be required to submit periodic updates to the Township. Upon successful completion of rehabilitation, the employee will be subject to unannounced drug and/or alcohol testing for a period of 36 months. In the event the employee fails to successfully complete the rehabilitation program or tests positive in a test conducted after rehabilitation, the employee will be terminated.

#### Voluntary Self-Identification

Employees who come forward and identify themselves as having a drug and/or alcohol abuse problem prior to being requested to take a test by the Township based on reasonable suspicion, may be provided the opportunity to successfully complete a rehabilitation program at his/her own expense.

#### Applicant Testing

All applicants for employment are subject to drug testing after a job offer has been given, but prior to the employee accepting employment. If an applicant refuses to take a drug test, or if evidence of the use of illegal drugs by an applicant is discovered, either through testing or other means, the pre-employment process will be terminated. Applicants who have been given a conditional offer of employment, and who thereafter refuse to take a drug test shall be treated as if they tested positive for illegal drugs and such offer shall be withdrawn. The Township shall abide by all laws, rules and regulations regarding testing of applicants, including the withdrawal of conditional offers of employment.

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