

TOWN OF BERKLEY
DRUG AND ALCOHOL-FREE WORKPLACE POLICY

I. PURPOSE

This Policy outlines prohibited workplace conduct with respect to controlled substances (drugs) and alcohol to ensure a workplace environment free from use and abuse of alcohol and controlled substances. This Policy further 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, excluding those employees under the supervision and control of the School Committee. Employees whose employment is governed by a collective bargaining agreement are subject only to those provisions of this Policy 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.

IV. PROHIBITED CONDUCT

- a. The non-prescriptive use of controlled substances as defined by Schedules I through III of the Controlled Substance Act (21 U.S.C. § 812) ("Controlled Substances") and on-the-job consumption of alcohol, on Town property, at any worksite where employees may be assigned or elsewhere during work hours, is strictly prohibited. Although the non-medical use of small amounts of marijuana has been decriminalized in the Commonwealth of Massachusetts, the use of marijuana on Town property, at any worksite where employees may be assigned or elsewhere during work hours, remains strictly prohibited.
- b. The sale, possession, dispensation, manufacture, or transfer of Controlled Substances, including marijuana, during working hours is strictly prohibited.
- c. The non-prescriptive use, sale, possession, distribution, dispensation, manufacture, or transfer of Controlled Substances, including marijuana, or the consumption of alcohol, during working or non-working hours, which in a conviction or plea of guilty or *nolo contendere*, is strictly prohibited. The Town considers said activity to impair an employee's ability to perform his/her job, to affect the reputation of the Town to the general public and to threaten its integrity.

V. PROCEDURES

- a. Employees who are convicted of controlled substances-related and/or alcohol-related violations under state or federal law, 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.

- b. Employees who violate this policy, may be required to successfully complete a drug/alcohol abuse or similar program as a condition of continued employment or reemployment with the Town.
- c. All employees must sign a statement acknowledging that they have been informed of the rules and requirements of this Policy.

VI. EMPLOYEE ASSISTANCE PROGRAM

The Town recognizes drug and alcohol dependency as an illness and major public health problem. The Town's objective is to prevent conviction for drug-related offenses prior to their occurrence. Employees who wish to obtain help in dealing with such problems are encouraged to contact the Town Employee Assistance Program or their healthcare provider for assistance. The Employee Assistance Program is strictly confidential so that employees can avail themselves of services without jeopardizing his/her employment with the Town.

VII. SANCTIONS

Violations of any and all provisions of this Policy may result in disciplinary action, up to and including termination from employment.