

POLICY MEMORANDUM

To: All Town Employees & Volunteers
From: John Carrington, Interim Town Manager
Date: May 7, 2020 (Revised), September 6, 2012 (Revised), August 17, 1992 (Original)
Subject: Drug Free Workplace Policy

I. PURPOSE

The Town of Mansfield (the "Town") recognizes that substance abuse poses a threat to the health, safety and wellbeing of all employees, volunteers and other individuals in the workplace. Therefore, the Town is committed to a drug-free workplace to maintain a safe, healthy and productive work environment.

II. APPLICABILITY

All employees and volunteers who conduct business for the Town and/or conduct business on the Town's property are covered by the Drug-Free Workplace Policy. This policy applies at all times when employees and/or volunteers are engaged in activities or functions for and/or on behalf of the Town. For employees, this policy applies during all working hours for the Town (including but not limited to regular, overtime and on-call hours).

Employees subject to the Federal Motor Carrier Safety Administration (FMCSA) regulations that requires random drug and alcohol testing for certain safety-sensitive individuals (commercial drivers) who drive or are available to drive commercial motor vehicles are also subject to the Town's Drug and Alcohol Testing Policy dated March 11, 2008, which may be amended from time to time.

III. EFFECTIVE DATE

This policy shall be effective immediately, and shall remain in effect until revised or rescinded.

IV. STATEMENT OF POLICY & PROHIBITED CONDUCT

A safe and productive drug-free workplace is achieved through the cooperation and shared responsibility of employees, volunteers and management. In accordance with the Drug-Free Workplace Act of 1988, which may be amended from time to time, the Town prohibits the use, possession, sale, trade, manufacturing, and/or offer for sale alcohol, illegal drugs or intoxicants, or misuse of controlled substances as defined in C.G.S. 21a-240 while an employee is conducting business for the Town and/or conducting business on the Town's property. Any employee who engages in such conduct will be subject to discipline up to and including immediate termination.

V. RESPONSIBILITIES OF EMPLOYEES, SUPERVISORS AND MANAGERS

A. Fitness for Duty

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 and controlled substances. If an employee reports to duty and there is reasonable suspicion that the employee is impaired, the employee will be removed from duty and/or subject to a drug and/or alcohol test as appropriate.

B. Notification of Criminal Drug Violation in the Workplace

Any employee who is convicted of a criminal drug violation or who submits a plea of guilty or plea of "nolo contendere" for a violation occurring on the Town's premises or in any location where the employee or volunteer is performing work or engaged in activities for the Town must notify the Director of Human Resources in writing within five calendar days of the conviction or guilty plea. The Town will take appropriate action within 30 days of notification; such action may include serious disciplinary action including suspension or termination of employment since violations of this policy constitutes grave misconduct.

C. Employees Who Witness Prohibited Conduct in the Workplace

Any employee who witnesses prohibited conduct as defined in Section IV of this policy or becomes aware of such activity shall immediately report the conduct to their immediate Supervisor, Department Head, Director of Human Resources, or the Town Manager. The Town strictly forbids retaliation against employees who report prohibited conduct or who participate in any internal or external investigations of prohibited activity. The Town will not engage in any such retaliation nor will it permit employees or volunteers to do so. All employees shall report instances of retaliation to their immediate Supervisor, Department Head, Director of Human Resources or the Town Manager.

Disciplinary action may be imposed if the Town determines that a knowingly false statement of prohibited conduct was made under this policy.

D. Supervisors and Managers

Any Supervisor or Manager who receives information that an employee may be engaging in prohibited conduct as defined in Section IV of this policy or who believes that someone is engaging in said prohibited activity shall immediately report it to the Director of Human Resources or Town Manager. Ignoring such conduct and/or failure to report such conduct in accordance with the requirements of this policy is not acceptable and may subject the Supervisor or Manager to disciplinary action.

E. Seeking Help

To support employees whom believe they have a problem with alcohol, controlled substances, or illegal drugs the Town:

- Encourages employees to seek help if they are concerned that they or their family member(s) may have a drug and/or alcohol problem.
- 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). Employees may contact the Town's EAP vendor, United Services, at 860-456-2261 (Mansfield Office) or 860-774-2020 (Dayville Office). When contacting the EAP, employees should identify themselves as a Town of Mansfield employee or family member domiciled in the household of the employee. The EAP provides eligible persons with assessments, short-term problem resolution and referrals at no cost to the employee. Additional treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

VI. INVESTIGATING REPORTS OF PROHIBITED CONDUCT

The Town takes all reports of prohibited conduct under this policy seriously. All reports will be investigated promptly, impartially and discreetly. Once a report is received, an investigation will be undertaken immediately and all necessary steps taken to resolve the problem. Employees and volunteers have a duty and are obligated to participate in investigations when asked. Investigation of such matters will usually entail conferring with involved parties and any named or apparent witnesses. Where an investigation confirms that prohibited activity has occurred, the Town will promptly take corrective action. Discipline up to and including discharge from Town service, banning from Town facilities or property, or legal action may be implemented by the Town after the respondent to a report has had a chance to present his/her side of their case, and to rebut the claims made against him/her. In this context, depending on the circumstances, due process includes, but is not limited to, the right to sufficient notice of the claims against the respondent, the right to counsel paid for by the respondent and the opportunity to rebut the allegations of the complaint in the presence of a fair and impartial decision maker.

VII. CONSEQUENCES OF ENGAGING IN PROHIBITED CONDUCT

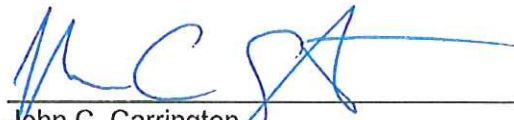
One of the goals of the Town's drug-free workplace policy is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious. If an employee violates the policy, he or she will be subject to disciplinary action up to and including termination and may be required to enter a rehabilitation program. An employee who is required to enter a rehabilitation program and 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.

A. Return-to-Work Agreements

Following a violation of the drug-free workplace policy, an employee may, in the sole discretion of the Town Manager or his/her designee, be offered an opportunity to participate in rehabilitation. In such cases the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

All information received by the Town through the rehabilitation program will be considered confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies. .

May 12, 2020



John C. Carrington
Interim Town Manager

