

TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: (508) 349-7004 Fax: (508) 349-5505

Policy Memorandum #25

Date: November 3, 1998; Revised October 24, 2017; Revised September 13, 2022

*This policy was revised at the September 13, 2022 Select Board meeting solely to reflect the titles used in the Town Charter for the Town Manager and Select Board and to modify language to be gender neutral. No changes were made to the content of the Policy at that meeting.

Subject: **DRUG FREE WORKPLACE POLICY**

1. The Town of Truro is committed to providing a safe and productive working environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any employee abuses the use of drugs, controlled substances and other mind-altering substances (hereinafter referred to separately and jointly as controlled substances) or alcohol (alcohol) on the job, comes to work under their influence, or possesses, distributes or sells controlled substances or alcohol in the workplace. Therefore, the Town of Truro has established the following policy to help attain our goal of establishing and maintaining an alcohol and drug-free work environment.
2. As a recipient of Federal funds and as a Federal contractor, the Town of Truro is required to comply with the Drug-Free Workplace Act of 1988. In accordance with that Act, the illegal use, distribution, sale, or possession of controlled substances, as defined under the Federal Controlled Substances Act, while on the job or on Town property is an offense warranting disciplinary action up to and including immediate suspension and termination, except as provided by paragraph 9 of this policy.
 - a. Alcohol Use: This means any beverage, mixture or any preparation, including any medication, containing alcohol.
 - b. Controlled substances: In this policy, the terms drugs and controlled substances are interchangeable and have the same meaning. Unless otherwise provided, these terms refer to:
 - * Marijuana (irrespective of its legalization in Massachusetts)
 - * Cocaine
 - * Opiates
 - * Phencyclidine (PCP)
 - * Amphetamines, including methamphetamines

Policy Memorandum #25

Drug Free Workplace Policy

November 3, 1998; Revised October 24, 2017; Revised September 13, 2022

- * Hallucinogens
- * Narcotics
- * Cannabinoid
- * Any substance for which a prescription is required which has not been obtained or followed.
- * Any substance the use of which impairs the individuals' ability to safely perform the essential functions of their job.
- * Derivation or combination of any of the substances contained in this list.

3. Employees of the Town of Truro are visible and active members of the communities where they live and work. They are inescapably identified with the Town and are expected to represent it in a responsible and creditable fashion. The vast majority of employees reflect credit upon themselves and the Town of Truro which they represent. While the Town has no intention of intruding into the private lives of its employees, the Town does expect employees to report for work in condition to perform their duties. The Town recognizes that employee off-the-job as well as on-the-job involvement with controlled substances and alcohol can have an impact on the work place and on our ability to accomplish our goal of an alcohol and drug-free environment.

4. As a condition of employment:

- a. Employees must abide by this policy and must notify the Town in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.
- b. The Town has an obligation to notify the appropriate Federal agencies within ten (10) days after receiving such notice from an employee or otherwise receiving actual notice of such conviction.
- c. The Town also has an obligation to take appropriate personnel action within thirty (30) days after receiving such notice against such employee up to and including immediate suspension and termination; or the Town may require such employee to satisfactorily participate in a drug or alcohol abuse assistance or rehabilitation program approved for such purposes by the Town's Employee Assistance Program (EAP) Substance Abuse Professional (S.A.P.); and the Town will allow the employee to use accrued vacation, sick leave, or an unpaid leave of absence pending successful completion of the above approved assistance or rehabilitation program.

5. Employees who are under the influence of controlled substances and/or alcohol, either on the job or when reporting for work, or who possess or consume controlled substances not prescribed by their health care provider and/or alcohol during work hours, have the potential for interfering with their own as well as their co-workers safe and efficient job performance. Such conduct will be just cause for disciplinary action, up to and including immediate suspension and termination, consistent with any just cause provisions of any collective bargaining agreement that pertains to the employee.

6. Employees are expected to follow any directions of their health care provider concerning prescription medications, and must immediately notify their supervisor of any prescription medication which is likely to have an effect on job performance. In addition, notification must

Policy Memorandum #25

Drug Free Workplace Policy

November 3, 1998; Revised October 24, 2017; Revised September 13, 2022

be given at the time of any testing or screening as to any medication being taken. However, nothing in this policy precludes the appropriate use of legally prescribed medications.

7. Any employee, during the employee's work shift, including without limitation all breaks and meal periods, who manufactures, distributes, sells, uses, possesses or is found to have in the employee's locker or desk or other such repository, alcohol or controlled substances, which are not medically prescribed, will be suspended immediately pending further investigation, except as provided by paragraph 9 of this policy. If use or possession is substantiated, disciplinary action, up to and including termination, will be imposed. In deciding what action to take, the Town will take into consideration the nature of the charges, the employee's present job assignment, the employee's record with the Town, and other factors relative to the impact of the employee's use or possession.

8. The Town of Truro is committed to the treatment and rehabilitation of employees with alcohol and controlled substance problems and encourages employees to come forward voluntarily and seek assistance for those problems before they impair performance and/or jeopardize the employee's continued employment.

a. It is the responsibility of the Town's Department Heads and supervisors to counsel employees whenever they see changes in performance or behavior that suggest an employee may have an alcohol or drug problem. Although it is not the Department Head or supervisor's job to diagnose personal problems, they should encourage such employees to seek help and advise them about available resources for getting help. Everyone shares responsibility for maintaining a safe working environment and co-workers should encourage anyone who may have a drug or alcohol problem to seek help.

b. If at any time an employee volunteers to enter an alcohol or drug treatment or rehabilitation program, they will enter without fear of disciplinary action being taken against the employee as a result of seeking treatment, provided the employee stops any and all involvement with the substance being abused, and maintains adequate job performance. Such a program is designed to provide care and treatment to employees who are in need of rehabilitation.

c. The Town of Truro has established an Employee Assistance Program (EAP). This program is an evaluation and referral service which assists employees in obtaining treatment for a wide range of problems. There is no cost for this service to employees and all services provided are kept confidential between the EAP provider and the employee. All employees may request assistance in dealing with alcohol or controlled substance problems from the EAP provider. While the EAP is a valuable resource in dealing with personal problems, participation in the program will not prevent disciplinary action for a violation of this policy.

9. The prohibitions against possession of alcohol or controlled substances shall not apply to employees required to possess alcohol or controlled substances as part of their work duties.

10. The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive, alcohol and drug-free environment. The intent of this policy is to offer a

Policy Memorandum #25

Drug Free Workplace Policy

November 3, 1998; Revised October 24, 2017; Revised September 13, 2022

helping hand to those who need it, while sending a clear message that the use of alcohol and the illegal use of controlled substances is incompatible with employment in the Town of Truro.



Kristen Reed, Chair



John Dundas, Clerk



Stephanie Rein



Robert Weinstein, Vice Chair



Susan Areson

Select Board
Town of Truro