

**TOWN OF GLOVER, VERMONT
DRUG-FREE WORKPLACE POLICY**

Effective Date: Upon adoption
Applicable to: All employees
Approved by: Selectmen of the Town of Glover

PURPOSE AND POLICY STATEMENT

As an employer, the Town of Glover is responsible for maintaining safe, efficient working conditions for its employees by providing a drug-free workplace. Therefore, employees shall not engage in the unlawful manufacture, distribution, possession or use of controlled substances (drugs) on the job or on any organizational work site.

An employee who is under the influence of any drug on the job may pose serious safety and health risks not only to the user but to co-workers and the general public at large.

DEFINITIONS

Controlled Substance: as used in this policy shall mean a controlled substance in schedules I through V of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation at 21 CFR 1308.11 through 1308.15.

Conviction: means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

Criminal Drug Statute: means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.

Illegal Drug: any drug which is not legally obtainable, or which is legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and not being used for prescribed purposes.

Legal Drug: includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

Under the Influence: means, for the purpose of this policy, that the employee is noticeably affected by a drug.

Workplace: is defined to include non-organizationally owned property which is used in the conduct of organizational business, including property used temporarily for business related purposes, such as lodging sites rented for seminars, training, or other organizational activities.

APPLICABILITY AND GENERAL POLICY CONDITIONS

The following conditions shall be applicable to all employees of the Town of Glover:

1. Employees shall be required, as a condition of their employment, to abide by the terms and conditions of the Drug-Free Workplace Policy.
2. An employee shall notify the Selectmen of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Failure to do so will result in discipline, up to and including dismissal.
3. If a convicted employee works in a federally funded program, the involved federal grant agency shall be notified of the conviction within ten (10) days of the organization's receiving the notice of the conviction. In the case of the Vermont Community Development Program, notify the Department of Housing and Community Affairs.
4. An employee convicted under any criminal drug statute for a violation occurring in the workplace, while on or off duty, or on duty away from the workplace, may be immediately dismissed for the first offense, and shall be subject to further disciplinary actions and shall be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
5. In the absence of compelling mitigating circumstances, an employee convicted under any criminal drug statute for a violation not occurring in the workplace while not on duty may be subject to immediate dismissal for the first offense if convicted of a felony, and shall be subject to further disciplinary actions and shall be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency. If the conviction is not a felony, discipline up to and including dismissal may be imposed, including for the first offense, provided that there is a nexus between the offense and the job of the employee.
6. Appropriate disciplinary and/or corrective action is to be taken within thirty (30) days after the employer receives notice of a conviction. This, however, is not to be construed to limit the authority of the employer to take such action thereafter.
7. Any employee on organizational premises who appears to be under the influence of, or who possesses illegal or non-medically authorized drugs, or who has used such drugs on organizational premises, may be temporarily relieved from duty pending further investigation.
8. If the use of legal drugs endangers safety, management may (but is not required to) reassign work on a temporary or permanent basis.
9. Each employee of the organization will make a good faith effort to maintain a drug-free workplace and uphold and promote this policy.

USE OF DRUGS

Legal Drugs: For certain positions, the legal use of a drug can pose a significant risk to the safety of the employee or others. Employees who feel or have been informed that the use of such a drug may present a safety risk, are to report such drug use to the Selectmen.

Illegal Drugs: The use, sale, purchase, transfer or possession of an illegal drug by an employee while in an organizational facility, while performing organizational business, or while on the job, is prohibited. Being under the influence of any illegal drug while conducting organizational business, while on organizational property or in an organizational facility, or while operating any organizational equipment is prohibited. Misuse of prescription drugs is considered to be the illegal use of drugs. This includes both the use of such drugs in a manner inconsistent with the prescribed use and any use of prescription drugs by persons for whom they are not prescribed.

RESPONSIBILITIES:

Employer: It is the responsibility of the Selectmen to advise each employee of this policy; to post the policy annually at each worksite; to include a copy of this policy in each new employee's orientation.

Employee: It is the responsibility of each employee to be aware of and to abide by this policy.

Administration: It is the responsibility of the Selectmen to ensure that employees receive training and orientation regarding the implementation of this policy.

Approved by the Town of Glover Selectmen on 2/11/99.

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