

ATTACHMENT A
DRUG FREE WORKPLACE POLICY

Adopted: December 9, 1993
Amended: April 2, 2019

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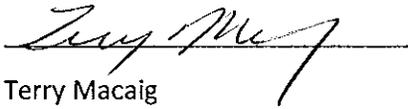
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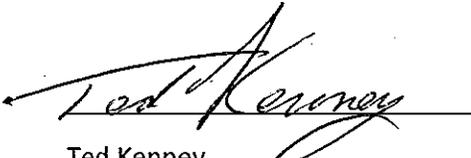
Amended this 2nd day of April, 2019.


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1. DRUG FREE WORKPLACE POLICY

1.1. Purpose and Policy Statement:

As an employer, the Town of Williston is responsible for maintaining safe, efficient working conditions for its employees by providing a drug-free workplace. Therefore, municipal employees shall not engage in the unlawful manufacture, distribution, possession or use of controlled substances (drugs) on the job or on any municipal 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 also to co-workers and the general public at large.

1.2. Definitions:

Controlled Substance: as used in this policy shall mean a controlled substance in Schedule I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined in regulation at 21 CFR 1300.11 - 1300.15.

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 of, 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 purposes of this policy, that the employee is noticeably affected by a drug.

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

1.3. Applicability and General Policy Conditions

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

- 1.3.1. Employees shall be required, as a condition of their employment, to abide by the terms and conditions of this Drug-Free Workplace Policy.
- 1.3.2. Any employee of the Town who is convicted of violating any criminal drug statute must inform his or her supervisor within 5 days after the conviction. The criminal conviction of any employee of this Town for the use, possession, sale or distribution of a controlled substance may be considered grounds for review and termination of employment at the discretion of the employee's supervisor.
- 1.3.3. If an employee who is convicted of violating any criminal drug statute works in a federally funded program, the municipality shall notify the agency that provides the federal funding within ten (10) days of the municipality's receiving the notice of the conviction. In the case of the Vermont Community Development Program, notify the Department of Housing and Community Development.
- 1.3.4. 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, shall be immediately dismissed for the first offense.
- 1.3.5. 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 shall be subject to immediate dismissal for the first offense if convicted of a felony. If the conviction is not a felony, discipline up to and including dismissal may be imposed, including for the first offense.
- 1.3.6. 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. Any disciplinary action must comply with the collective bargaining agreement, Section 504 of the Rehabilitation Act of 1978, and the Americans with Disabilities Act, if applicable.
- 1.3.7. An employee not convicted under any criminal drug statute, but who engages in the illegal manufacture, distribution, dispensation, possession or use of controlled substances in any municipal workplace while on or off duty, or on duty away from the workplace, shall be subject to discipline up to and including dismissal for the first occurrence. An employee engaging in such actions while off duty and away from the workplace may be subject to discipline, up to and including dismissal, including for the first offense.

- 1.3.8. Any employee on municipal 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 municipal premises, may be temporarily relieved from duty pending further investigation.
- 1.3.9. If the use of legal drugs endangers safety, management may (but is not required to) reassign work on a temporary or permanent basis.
- 1.3.10. Employees must observe other work rules established by their employing departments regarding the use, possession or presence of drugs involving their employment.
- 1.3.11. Each employee of the municipality will make a good faith effort to maintain a drug-free workplace and uphold and promote this policy.

1.4. Use of Drugs

- 1.4.1. 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 their immediate supervisor.
- 1.4.2. Illegal Drugs: The illegal use, possession, sale, distribution, or manufacture of controlled substances in or on property belonging to the Town, while performing municipal business or while on the job is prohibited and is considered to be grounds for review and termination of employment at the discretion of the employee's supervisor. 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.
- 1.4.3. Any employee of the municipality who has a controlled substance dependency, or any other controlled substance-related problem, shall immediately seek professional assistance or counseling.

1.5. Responsibilities:

- 1.5.1. Employer: It is the responsibility of each municipal Supervisor/Manager 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.

- 1.5.2. Employee: All current and future employees shall be informed of this policy and shall acknowledge in writing their understanding and acceptance of this policy.
- 1.5.3. Administration: It is the responsibility of the Town Manager to ensure that managers, supervisors, and employees receive training and orientation regarding the implementation of this policy.

