

**Policy No. 2.09                      Drug and Alcohol-Free Work Place**  
**Date of Issuance:                      May 17, 2012**  
**Revision Date:**

Congress enacted the Drug-Free Work place Act of 1988. This Act places certain responsibilities on the Town of Rome as a recipient of federal grants and contracts. To come into compliance with the Act and the Omnibus Transportation Employee Testing Act of 1991, the Town of Rome adopted a Drug and Alcohol Testing Policy for all employees.

1. It is the policy of the Town of Rome to provide a drug-free work place for all of its employees. The Town requires that employees neither use nor be under the influence of drugs, intoxicants, alcohol, narcotics or any controlled substance(s) and that a zero-tolerance standard shall prevail in the work place. The Town recognizes the importance of maintaining a safe, efficient and healthful work place, as well as the social responsibility to provide assistance to its employees to the extent possible. Therefore, employees are expected to report to work free from any alcohol or controlled substances that could inhibit their ability to perform their duties.

A. Violations

The Town Board will determine the appropriate discipline for a violation of this policy, up to and including discharge, based on the circumstances of each case.

2. Reporting Of Drug Conviction

A. As required by the Drug Free Work place Act, Public Law 100-690, Title V, Subtitle D, all Town employees are hereby notified that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, alcohol or drug paraphernalia is strictly prohibited in the work place.

B. This law makes it a condition of employment that all Town employees abide by the Drug and Alcohol-Free Work place Policy and notify the Town (your immediate supervisor or the Town Administrator) of any criminal drug statute convictions for a violation occurring in the work place no later than five (5) days after such conviction.

C. Within thirty (30) days of notice of work place drug conviction, the Town will, at its' discretion, take the following action:

(1) Require the employee to satisfactorily participate in a Drug or Alcohol Assistance or Rehabilitation Program that is approved by the Town, or

(2) Take appropriate personnel action as identified below.

3. Prevention and Rehabilitation

The goals of this policy are prevention and rehabilitation whenever possible, rather than discipline or termination. The Town provides access to drug and alcohol counseling, rehabilitation and the Employee Assistance Program for all of its regular employees. The Town's group health insurance provides benefits for rehabilitation services, and the Town treats drug and alcohol addiction the same as other illness and provides for leave of absence if required by the Family and Medical Leave Act for treatment of drug related or alcohol-related illness. The Town also recognizes drug and alcohol abuse as a potential health and safety problem. Employees needing help in dealing with such problems are encouraged to use the Employee Assistance Program (See Section 3.03) and health insurance plan as appropriate. Employees may phone the Town EAP provider at for additional information. Conscientious efforts to seek such help will not jeopardize any employee's job; and contacts with the EAP, initiated only by the employee, will not be known nor noted in any personnel record.

4. Leave of Absence

- A. An employee shall be permitted to take a leave of absence for the purpose of undergoing treatment pursuant to a Drug or Alcohol Assistance or Rehabilitation Program approved by the Town for drug and alcohol addiction. The leave of absence must be requested prior to the commission of any act subject to disciplinary action and the employee will be entitled to leave consistent with any Federal or State Family and Medical Leave Laws.
- B. Failure to successfully complete a mandatory rehabilitation program or repeated violations of the drug and alcohol-free work place policy may lead to discipline, up to and including discharge.

5. Reasonable Suspicion Testing

The Town reserves the right to perform reasonable suspicion drug and alcohol testing whenever an employee exhibits physical or behavioral symptoms in the workplace commonly attributed to the use of drugs or alcohol.