

## **TOWN OF NEW DURHAM ALCOHOL AND DRUG POLICY**

The Town of New Durham is committed to providing a safe work environment that is free from the effects of drugs and alcohol.

Drug and alcohol use in the workplace can create health, safety, and security issues for our employees, citizens and visitors. The Town of New Durham is committed to providing a safe work environment that is free from the effects of drugs and alcohol. In support of our commitment, the Town of New Durham prohibits the following conduct and other conduct which, in our determination, is inconsistent with our commitment:

- The manufacture, distribution, sale, dispensation, possession, storage, or use of a controlled substance, unauthorized prescription drug, or drug paraphernalia at any time on the Town of New Durham premises, on the Town of New Durham business, or during working hours;
- The use, possession, storage, manufacture, distribution, dispensation, or sale of alcohol at any time while on the Town of New Durham premises, on the Town of New Durham business, or during work hours;
- Reporting to work or otherwise working under the influence of legal drugs that may impair your ability to safely perform your job functions or under the influence of illegal drugs or alcohol, or;
- Reporting to work in a condition that makes you unfit for work. In addition to being under the influence of drugs or alcohol, indications of a lack of fitness for duty are smelling of alcohol, appearing to be hung over, or otherwise appearing or being unable to effectively interact with citizens, visitors and co-workers and to work safely and properly without impairment;
- Failing to submit to a required fitness for duty exam.

The Town of New Durham also maintains the following reporting requirements:

- Any employee who is taking medication that may impair his or her ability to safely perform job functions must inform his or her supervisor immediately, and must not perform any work until authorized to do so by a licensed Health Care Practitioner;
- If any employee is involved in drug misconduct (including the use or possession of illegal drugs or unauthorized use of prescription drugs) on the Town of New Durham premises or while working for the Town of New Durham, the Town reserves the right to report the incident to law enforcement authorities;

- If any person observes an employee exhibiting behavior that may be indicative of impairment by drug or alcohol use, he or she should immediately report the behavior to their Supervisor.
- If any person observes an employee exhibiting behavior that may be indicative of impairment by drug or alcohol use but has reason to suspect that the behavior is due to a medical condition they shall contact 911 immediately.

**Conditional Offer of Employment:**

A conditional offer of employment from the Town of New Durham shall require the candidate to successfully complete an alcohol and drug test prior to beginning employment. These tests will be completed at the time of the candidate's employment physical at the expense of the Town.

**Investigations and Searches:**

When a Department Head or Supervisor determines that there is reasonable cause to suspect that an employee has violated this policy, the Town of New Durham reserves the right to inspect, without prior notice, lockers, work areas, desks, cabinets, purses, bags, briefcases, other belongings, and vehicles brought on the Town of New Durham premises or at locations where work-related activities are being conducted.

**Violations of this Policy:**

Employees must, as a condition of employment, abide by the terms of this policy. Violations of this policy will result in disciplinary action, up to and including termination, and may also have legal consequences.

**Fitness for Duty Exams:**

The Town of New Durham reserves the right to require any employee to submit to a fitness for duty exam when there is a reasonable basis for the Town of New Durham to believe that the employee may be under the influence of alcohol or drugs or may be otherwise unfit for duty. Fitness for duty exams may include, but not be limited to, tests for the presence of drugs or alcohol. Employees must consent to fitness for duty exams as a condition of employment. The cost of any such fitness for duty exams will be covered by the Town of New Durham. Within the Town of New Durham's discretion, an employee may be placed on paid or unpaid administrative leave or suspension pending the results of the drug/alcohol test.

**Commercial Driver's License Testing:**

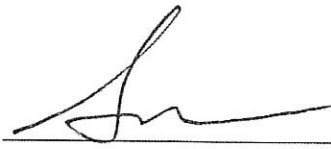
Under the federal Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. 31301 et seq., people who operate commercial motor vehicles (those with a total gross vehicle weight of 26,001 pounds or more, or which carry 16 or more people, including the driver, or which are used to transport hazardous materials) are required to have a commercial driver's license (CDL). Federal regulations not only prohibit the operation of any commercial motor vehicle while using drugs or alcohol, but also require employers, including municipalities, to perform drug and alcohol testing of these employees in certain situations.

These situations include:

- The first time a driver reports to work for the employer;
- Optional pre-employment testing after a conditional offer of employment is made if all prospective employees are tested in exactly the same manner,
- Post-accident testing;
- Testing upon reasonable suspicion of drug and/or alcohol use (based on specific, contemporaneous, articulable observations of the person's appearance, behavior, speech or body odors); and
- Return-to-duty testing after a violation. 49 C.F.R. Part 382, Subpart C.

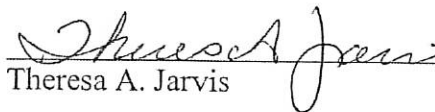
In addition, CDL drivers are required to submit to random testing for drug and alcohol use. (See 49 C.F.R. §382.503(a)). The regulations provide detailed instructions for the selection of employees for testing, the frequency of testing and the manner in which tests are to be conducted. There is also an option for states to exempt certain drivers from the testing requirements and the CDL licensing requirements. (See 49 C.F.R. §103(d) and 49 C.F.R. §383.3(d).)

The state of New Hampshire has chosen to exempt fire service personnel driving emergency vehicles assigned or registered to a department or fire service organization in pursuit of fire service purposes. (See NH Admin. Rule Saf-C 1801.02(a) (1)). This means that the random testing otherwise applicable to CDL drivers does not apply to firefighters who operate emergency or fire service vehicles.



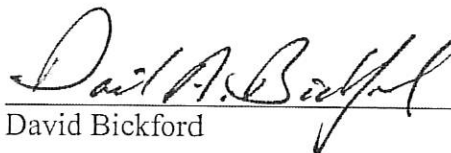
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David Swenson, Chair



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Theresa A. Jarvis



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David Bickford

Approved November 3, 2014