



## VILLAGE OF SARANAC LAKE DRUG-FREE WORKPLACE POLICY

This Bulletin outlines the Village of Saranac Lake's standards on the prohibition of alcohol and drugs in the workplace. It will assist employees in the guidance of their conduct, thereby promoting productivity and protecting the Village from criticism and liability. It will also provide instruction to Supervisors when an employee appears impaired at work. All of these efforts will contribute to a safer work environment for all.

This policy is based upon the Village of Saranac Lake's long standing practice and policy prohibiting the use of alcohol and drugs on the job, the Federal Drug-Free Workplace Act of 1989, the State of New York's Policy on Alcohol and Controlled Substances in the Workplace and the Omnibus Transportation Employee Testing Act (OTETA). The OTETA is scheduled to take effect for the Village of Saranac Lake during 1996 and the Village of Saranac Lake will comply with USDOT rules which mandate pre-employment, reasonable suspicion, post-accident, random, follow-up and return to duty drug and alcohol testing of employees in various positions requiring the possession of a Commercial Driver's License (CDL) and others who operate Village vehicles and equipment. Employees determined to be in this category will be notified of their status and responsibilities prior to the implementation of any drug and alcohol testing program.

The Village of Saranac Lake will assist employees who have a drug or alcohol dependency problem to recover from such addictions provided the employees seek or accept assistance. However, the Village of Saranac Lake may take appropriate formal disciplinary action which can include penalties up to, and including, termination of employment to resolve drug or alcohol related job performance and/or misconduct problems. It is important to emphasize that employees with drug and/or alcohol problems who wish to avail themselves of rehabilitative services or any rehabilitation program should pursue help before they are determined to be in violation of the Village of Saranac Lake's Drug-Free Workplace Policy.

## **EMPLOYEE RESPONSIBILITIES**

**It is the policy of the Village of Saranac Lake that:**

1. No employee shall use, sell, distribute, dispense, possess, or manufacture any alcoholic beverage or illegal drug or any other intoxicating substance on the job site, or Village property while on duty; or while in a Village vehicle, or a privately owned vehicle being used for Village business during the employee's work hours.
2. No employee shall report for work unfit for duty at the beginning of a shift or upon returning from any break, lunch or rest period, as a result of consuming alcohol, illegal drugs or other intoxicant. Further, no employee notified of being in a safety sensitive position as defined by the Omnibus Transportation Act of 1991 shall report to work in a condition that violates that Act and the corresponding rules.
3. An employee that operates any village owned motorized vehicle or equipment is further prohibited from the use of alcohol for (4) hours prior to operating that vehicle or equipment. No Supervisor having knowledge that an employee in such a position has used alcohol within four (4) hours shall permit that employee to operate Village owned vehicles or equipment.
4. While prescription drugs are not prohibited, they should not render an employee unfit for duty. Situations of this nature should be brought to the supervisor's attention by the employee, especially if the employee's job responsibilities have an impact on the health and safety of others and/or has been identified as an employee who normally operates vehicles or equipment. These situations should be addressed confidentially on a case-by-case basis, and it may be necessary for the employee's physician to certify that the substance does not adversely affect the employee's fitness for duty.
5. Any work-related accident or injury involving Village of Saranac Lake vehicles, equipment and/or property where it can be demonstrated that the use of alcohol, drugs, or other intoxicants may have been a contributing factor, will result in formal discipline which can include penalties up to and including termination of employment. Further, effective January 1, 1996 an employee operating village owned vehicle or equipment shall be required to take post-accident alcohol and drug tests in accordance with the OTETA. Such an employee shall not use alcohol for eight (8) hours following an accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.
6. An employee shall notify his/her supervisor of any criminal drug statute conviction no later than five days after the date of such conviction. A supervisor notified of such a conviction shall relay that information to the Village Manager.

7. An employee may be directed to undergo a medical examination under Section 72 of the New York State Civil Service Law if a Supervisor has a reasonable suspicion that the employee is not able to perform his or her duties as a result of a disability which may be caused by alcohol or a controlled substance. Furthermore, effective January 1, 1996, an employee who operates a Village owned vehicle or equipment must be directed to undergo alcohol and/or drug testing when the Supervisor has "reasonable suspicion" to believe the employee violated the alcohol or drug prohibitions of the Act. A reasonable suspicion must be based on specific reliable observations about the employee's appearance, behavior, speech, or body odors. Some examples would be unsteady gait, odor of alcohol on the breath, thick or slurring speech, aggressive or abusive language or behavior, disorientation or lethargy. Other factors to consider include employee's time and attendance patterns, on-the-job accidents, difficulty remembering instructions or conversations, poor relationships with co-workers and Supervisor, and other variations in productivity. Usually reasonable suspicion will be based upon a combination of these factors.
8. Such designated employees shall be subject to random testing for drug and/or alcohol use.
9. Violation of these rules may result in a disciplinary action up to and including termination of employment.

## **SUPERVISORY RESPONSIBILITIES**

**It is the policy of the Village of Saranac Lake that:**

1. Supervisors are responsible for determining through direct observation, whether an employee is capable of performing his/her assigned duties. Symptoms of being under the influence of alcohol and drugs include incoherent or belligerent speech, smell of alcohol, difficulty working, or erratic or unusual behavior uncommon to the employee. (See #7 of Employee Responsibility Section.)
2. Supervisors who suspect that an employee is under the influence of alcohol or drugs must follow steps 4 & 5 below or face disciplinary action.
3. Employees who are suspected of being unfit for duty may not remain at the workplace. Such incidents and situations as described in #1 above should be witnessed and documented in writing immediately, and the department head or Village Manager consulted. Clearly, an employee who is impaired should not be allowed to drive home from the workplace. (See #5 below for further direction.)

4. Employees who are suspected of being unfit for duty as a result of alcohol or drug use should be directed for reasonable suspicion based drug and/or alcohol testing in accordance with Section 72 of the Civil Service Law. Supervisors should immediately bring their observations to the attention of their department head so that through consultation with the Village Manager examination and/or testing arrangements can be made as soon as practical.
5. After reasonable suspicion testing issues have been resolved, the Supervisor should arrange to send the unfit employee home with a member of the employee's family, friend of the employee, or in a taxi at the employee's expense. If all other alternatives are exhausted, a Supervisor may allow an employee who is unfit for duty to be driven home in a village vehicle.
6. The fact that an unfit employee under the influence of alcohol or drugs was not allowed to remain at work is not considered a disciplinary suspension. After a removal is achieved, Supervisors and department heads should discuss the specifics of the situation with the Village Manager to review whether disciplinary charges and suspension or other administrative actions are appropriate. Each situation will be evaluated on a case-by-case basis.
7. When an employee displays dangerous, aggressive or abusive behavior which constitutes a danger to that employee or others and the employee resists voluntarily leaving the workplace, clearance to suspend under the disciplinary procedure should be immediately sought through appropriate channels from the Village Manager. In cases where the employee does not comply with disciplinary suspension or due to the time of day disciplinary suspension approval could not be obtained and the employee continues to display aggressive and/or abusive behavior which constitutes a danger in the workplace, the Supervisor may have to contact Village Police to remove the employee from the workplace. Law enforcement intervention should only be taken if it is believed an immediate danger to persons or property exists and the other measures described above were unsuccessful in controlling the situation.
8. An employee who reports to work unfit for duty and is sent home may use sick leave or leave with no pay to cover the absence, and may be subject to medical examination by a physician at the Village of Saranac Lake's expense as a condition of returning to work. In such cases, the Village Manager, in conjunction with the Union representative should be consulted for advice. (See #7 of the Employee Responsibilities Section.)

## **MANAGEMENT RESPONSIBILITIES**

**It is the policy of the Village of Saranac Lake that:**

1. A drug and alcohol free workplace be maintained through the efforts and personal example of management.
2. Appropriate corrective actions be taken with Managers and Supervisors who fail to perform their duties and responsibilities as outlined in this policy.
3. Managers and Supervisors discuss with subordinate employees any behavior or job performance factors that may indicate the use of drugs, alcohol or other violations of this policy and when appropriate suggest that employees seek appropriate assistance.
4. Managers will direct employees who operate village owned vehicles and equipment to mandatory pre-employment, pre-duty, reasonable suspicion, random, post-accident, return-to-duty and follow-up testing in accordance with this policy. Managers should also direct other employees believed to be unfit for duty for medical examination and possible alcohol and/or drug testing in accordance with Section 72 of the New York State Civil Service Law.
5. All employees and supervisors understand its Drug-Free Workplace policies and Drug Testing Procedures. The Village of Saranac Lake will also train Supervisors how to recognize behaviors that indicate reasonable suspicion for requesting medical examinations, including drug and/or alcohol tests.

In summary, it is the policy of the Village of Saranac Lake that all employees remain free of any drug and/or alcohol induced impairments while on duty, refrain from the use of illegal drugs and/or alcohol while on duty, and while operating any village vehicles or equipment, and undergo any drug and/or alcohol testing that is required.