

PUBLIC SCHOOLS OF BROOKLINE POLICY MANUAL

G 1 d. Drug Free Workplace: (Voted 9/11/91, #91-327; 3/2/17, #17-24)

Purpose and Goal

The Town of Brookline (Town) and the Public Schools of Brookline (PSB) are committed to protecting the safety, health and well-being of all Town/PSB employees and other individuals, including the public. We recognize that alcohol and drug abuse pose a significant threat to these goals. We have established this Drug-Free Workplace Policy as a commitment to maintaining an alcohol and drug-free environment, in accordance with the Drug Free Workplace Act and any other applicable laws and/or guidelines.

In addition to being subject to this Drug-Free Workplace Policy, all employees who must hold a commercial driver's license (CDL) as a requirement of their job or to perform their duties (including casual, intermittent or occasional drivers) are also covered under the Town of Brookline's Controlled Substances and Alcohol Use and Testing Policy Applicable to Holders of Commercial Drivers Licenses, in accordance with the provisions of the Omnibus Transportation Employee Testing Act of 1991 and the rules of the Federal Motor Carrier Safety Administration.

Scope

This Policy applies to Town/PSB employees, contractors and subcontractors and employees thereof, volunteers, interns, and, where applicable, appointed and elected officials (collectively, "employees").

Prohibited Behavior and Other Requirements

The Town and the PSB strictly prohibit during work hours or on Town or PSB property the illicit use, possession, sale, conveyance, distribution, or manufacture of illegal drugs and controlled substances as defined by law (including marijuana (THC), cocaine, opiates, phencyclidine (PCP), amphetamines (including methamphetamines)).

In addition, the Town and the PSB strictly prohibit employees from reporting to work under the influence of alcohol or illegal drugs/controlled substances.

These prohibitions do not apply to the use of prescription drugs taken under medical supervision that do not prevent the employee from safely and competently performing his or her duties. The Town and the PSB will reasonably accommodate persons taking prescription drugs under medical supervision in conformity with applicable law and Town and PSB policies.

Employees must provide written notification of a drug conviction for a violation occurring in the workplace within 5 calendar days of the conviction. Within 30 calendar days of receiving such written notice, the Town/PSB will take appropriate action, which may be (1) taking disciplinary action against the employee up to and including termination consistent with legal and collective bargaining agreement requirements, and (2) requiring the employee's satisfactory participation in a drug abuse assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency.

Consequences

Employees found in violation of this Policy will be subject to appropriate disciplinary action up to and including termination of employment and referral for prosecution, to the extent permitted by

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law. Discipline taken pursuant to this Policy shall be taken in conformity with applicable law and collective bargaining agreements. The Town and PSB will also take appropriate corrective action against any contractor or subcontractor or employee thereof found to have violated this Policy.

Assistance

One of the goals of this Drug-Free Workplace Policy is to encourage employees to voluntarily seek help with alcohol and/or drug problems. To support employees, a comprehensive benefits package and an easily accessible Employee Assistance Program (EAP) are offered which provide employees and their immediate family members with supportive resources, referrals and short-term counseling services free of charge.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

Confidentiality

All information received by the Town and/or the PSB pursuant to this Policy is considered confidential. Access to this information is limited to those who have a legitimate need to know in compliance with applicable law and Town and PSB policies.

Shared Responsibility

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

Employees whose ability to perform their job duties is impaired due to on- or off-duty use of alcohol or other drugs should not report to work or be subject to duty.

Pursuant to this policy, **employees** are asked to:

- Be concerned about, and contribute to, a working in a safe environment.
- Support fellow workers in seeking help.
- Report dangerous behavior to their supervisor/s.

Pursuant to this policy **supervisors** are responsible for:

- Observing employee performance.
- Reporting reasonable suspicion of on-duty employee alcohol or drug impairment
- Preventing an employee from reporting for duty if there is a suspicion of drug or alcohol impairment
- Investigating or cooperating with investigations into reports of dangerous practices as may be determined by Human Resources.
- Documenting negative changes and problems in performance.

Communication

Communicating our Drug-Free Workplace Policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program, all employees will receive a written copy of the Policy and the Policy will be reviewed in new employee orientation sessions. This Policy will also be posted on the Town's/PSB's website.

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LEGAL REFERENCES: Drug-Free Workplace Act of 1988, 41 U.S.C. § 8102, 49 C.F.R. Part 32.
