

# City of New Haven

## Drug-Free Workplace Policy

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**Purpose:** The purpose of this policy is to comply with the requirements of the Federal Drug Free Workplace Act of 1988. This act requires that any employer receiving federal funding must certify that it will maintain a drug-free workplace.

**Issuing Authority:** The Chief Administrative Officer is the issuing authority for this policy.

**Enforcement Authority:** Daily administration is the responsibility of the Coordinators, Department Heads and the City's Human Resources Department.

**Notice:** Pursuant to the Federal Drug Free Workplace Act of 1988, this policy serves as notification to all employees of the requirements of that act and of the City's Drug Free Workplace policy.

### Policy

1. All employees, Full-time, part-time, temporary, contractual and seasonal, as a condition of employment, must abide by the terms of this statement. Employees covered by bargaining unit agreements may additionally be subject to drug testing in conjunction with those agreements.

2. **A. Program Statement**

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance, whether the employee is on or off duty, in City workplaces, vehicles and City-owned residences, or while conducting City business off City worksites, is prohibited. It is also prohibited for any employee to be under the influence of a controlled substance, including alcohol, not prescribed for him/her by a physician, while on the job or in the workplace. All employees are expected and required to report to work on time, and in appropriate mental and physical condition for work. Violations of this policy will result in disciplinary action, up to and including termination and certain violations may also have criminal consequences.

**B. Reporting Convictions**

As mandated by the Drug-Free Workplace Act of 1988, employees, as a condition of employment, must report any conviction under a criminal drug statute. **This report must be made within five (5) days after the conviction to the employee's Department Head and to the City's Human Resources Department.** In no case should more than five (5) days elapse between conviction and reporting.

- 1) The Department Head, Human Resources, and the Corporation Counsel shall establish a confidential file and record keeping system for convictions reported pursuant to this policy.

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- 2) Reports of convictions should be in writing and contain the name of the employee, the date of the offense, the nature of the violation(s), the location of the violation, the employee's department and usual work site, the date of the conviction and the charge(s) for which the employee was convicted.
- 3) Within **10 days** of receipt of a report of a conviction the Substance Abuse Coordinator must notify any concerned federal granting/contracting agency of the violation.
- 4) Copy of the notification will be forwarded to the Mayor and the Department Head within **10 days** of receipt of a report of a conviction.

### **C. Penalties for Violations**

Within 30 days of receipt of a report of a conviction appropriate personnel actions must be taken. The nature of the personnel action is described below:

- 5) Conviction for distribution (including sales), manufacture or dispensing of illegal drugs, including conspiracy to distribute, manufacture or dispense, as well as possession with intent to sell, distribute, manufacture or dispense, will result in the **AUTOMATIC TERMINATION** of employment with the City of New Haven.
- 6) First conviction for other narcotic statute violations will require an **AUTOMATIC REFERRAL** to the Employee Assistance Program (EAP) for evaluation and referral to substance abuse treatment.
- 7) A subsequent conviction of violation(s) of the narcotic statutes in City workplaces, vehicles and City-owned residences, or while conducting City business off City worksites will result in the **AUTOMATIC TERMINATION** of employment with the City of New Haven.

3. The City as required by the Drug Free Workplace Act of 1988 has established the following Awareness program to help maintain a drug free workplace.

### **A. Treatment Services:**

The City recognizes drug and/or alcohol dependency as an illness and a major health problem. The City also recognizes drug and/or alcohol abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to use the City's Employee Assistance Program (EAP) and health insurance plans, as appropriate. Conscientious efforts to seek such help will not jeopardize any employee's job and will not be noted in any personnel record. Employees are encouraged to contact the Employee Assistance Program (EAP) provider assigned to his/her department. Contact Human Resources at 946-8252 for current provider telephone numbers.

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You may also call:

Office of Substance Abuse Policy and Prevention	946-8445
Medical Benefits Coordinator/ Employee Assistance Program	946-6341

## **B. Training and Education:**

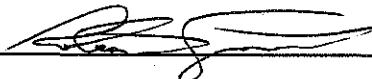
The City of New Haven will be providing on-going training for employees, supervisors and managers through its current EAP Program. These training's will be organized and presented by instructors of the EAP program in consultation with the City's Substance Abuse Coordinator.

## Definitions

**Controlled Substances:** Controlled Substances are specifically defined in federal law and consist of two classes of drugs: (1) those commonly thought of as illegal drugs; and (2) certain medications if not being taken under a physician's prescription or according to a physician's orders, which the federal government has determined have a potential for abuse, or are potentially physically or psychologically addictive.

**Drug-Free Workplace:** The term "drug-free workplace" means a site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, including alcohol, in accordance with the requirements of the law.

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Approved by: 

Effective Date: 12/11/09

Previously Revised:	Date	5/90	11/94	5/96	12/09
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A copy of this policy is available for review at the Department of Human Resources and is also available on the City's computer network at N:\POLICIES or the City's website at <http://www.cityofnewhaven.com/HumanResources/Policies.asp>