

## DRUG AND ALCOHOL TESTING POLICY

The Town of Beekman desires to implement and enforce policies regarding a drug and alcohol free workplace, in order to improve the safety of the public at large and all Town employees.

The Town of Beekman explicitly prohibits:

- The use, possession, solicitation for, or sale of narcotics or other illegal drugs, alcohol, or prescription medication without a prescription on Town premises or while performing an act or assignment in furtherance of Town business or in connection with the employee's employment with Town.
- Being impaired or under the influence of legal or illegal drugs or alcohol away from the Town premises, if such impairment or influence adversely affects the employee's work performance and the safety of the employee or of others while the employee is performing an act or assignment in furtherance of Town business or in connection with the employee's employment with Town.
- Possession, use, solicitation for, or sale of legal or illegal drugs or alcohol away from the Town premises, while on duty if such activity or involvement adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk the Town's reputation.
- The presence of any detectable amount of prohibited substances in the employee's system while at work, while on Town premises or while performing an act or assignment in furtherance of Town business or in connection with the employee's employment with Town. "Prohibited substances" include illegal drugs, alcohol, or prescription drugs not taken in accordance with a prescription given to the employee.

The Town of Beekman will conduct drug and/or alcohol testing under any of the following circumstances:

**RANDOM TESTING:** The Town of Beekman will randomly test employees for compliance with its drug and alcohol free workplace policy, at intervals to be determined by the Town Board. As used in this Policy, "random testing" means a method of selection of employees for testing, performed by an outside third party. The selection will result in an equal probability that any employee from a group of employees will be tested. Furthermore, the Town of Beekman has no discretion to waive the selection of an employee selected by this random selection method.

**SCHEDULED PERIODIC TESTING:** The Town of Beekman reserves the right to conduct periodic testing on a regularly scheduled basis for employees in designated departments, classifications or work groups.

**POST REHABILITATION TESTING:** Where the employee has had a confirmed positive test result, or has participated in a drug dependency program, the Town as a condition of continued employment will require the taking and passing by the employee of follow-up drug tests during a probationary period within the two year period after the employee's return to work.

**FOR-CAUSE TESTING:** The Town may ask an employee to submit to a drug and/or alcohol test at any time it feels that the employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances: evidence of drugs or alcohol on or about the employee's person or in the employee's vicinity, unusual conduct on the employee's part that suggests impairment or influence of drugs or alcohol, negative performance patterns, or excessive and unexplained absenteeism or tardiness.

**POST-ACCIDENT TESTING:** Any employee involved in an on-the-job accident or injury will be asked to submit to a drug and/or alcohol test. "Involved in an on-the-job accident or injury" means not only the one who was or could have been injured, but also any employee who potentially contributed to the accident or injury event in any way.

In connection with any or all of these tests, employees must advise testing lab employees of all prescription drugs taken in the past month before the test, and to be prepared to show proof of such prescription to testing lab personnel.

## **ZERO TOLERANCE**

The Town of Beekman will enforce this policy as a "zero-tolerance" policy, whereby one (1) violation of the policy will be sufficient grounds for all disciplinary action, including immediate dismissal. A town employee who acknowledges that he or she has a drug or alcohol problem shall file a report with their immediate supervisor and a town board member. The town employee will be allowed time off from work without pay to enter into a certified treatment program. This action has to be taken prior to and not as an option of submitting to a random drug or alcohol screening. Employees without medical insurance will be responsible for payments and fees. Upon completion of a certified in patient program and participating in an out patient program, the town employee will be allowed to return to work as a new hire. This individual will submit to additional random testing for the next 12 months at the expense of the town.

## **POSITIVE TEST**

If an employee tests positive on any drug or alcohol screening, the employee will be subject to any and all disciplinary action as set forth in Section X of the Personnel Manual. A positive test is grounds for immediate dismissal from employment. Discipline selected by Town of Beekman will depend upon a variety of factors, including the prior work record of the employee; the length

of prior employment; the prior accident and attendance record of the employee; the circumstances which led to the testing; and the proposals by the employee to address the problem. Discipline to be imposed in any circumstance will be at the discretion of the Town Board.

### **REFUSAL TO UNDERGO TESTING**

Employees who refuse to submit to a test are subject to immediate dismissal from employment.

### **SUBSTANCES COVERED BY DRUG/ALCOHOL TESTING**

Employees will be tested for their use of commonly-abused controlled substances, which include: Amphetamines, Barbiturates, Benzodiazepines, Opiates, Cannabinoids, Cocaine, Methadone, Methaqualone, Phencyclidine (PCP), Propoxyphene, and chemical derivatives of these substances, as well as alcohol. Should prescription medication be taken without proof of a valid prescription, same will be considered the equivalent of a banned substance.

### **TESTING METHODS, LOCATIONS AND PROCEDURES**

All testing will be conducted by a licensed independent medical laboratory, which will follow testing standards established by the State or Federal government. Testing will be conducted on a urine sample provided by the employee to the testing laboratory under procedures established by the laboratory to insure privacy of the employee, while protecting against tampering/alteration of the test results.

Employees will be considered to be engaged at work for the time spent in taking any tests, and will be compensated for such time at their regular rate.

For all those employed with the Highway Department, as well as the Superintendent of Highways, those individuals shall have their testing administered at the Town of Beekman Highway Garage. For all other Town employees, those individuals shall have their testing administered at the Town of Beekman Town Hall.

The Town of Beekman will pay for the cost of the initial testing. The testing lab will retain samples in accordance with State law, so that an employee may request a retest of the sample at his/her own expense if the employee disagrees with the test result.

### **CONFIDENTIALITY REQUIREMENTS AND PROVISION OF TEST RESULTS**

All records concerning test results will be kept in medical files which are maintained separately from the personnel file of the employee. HIPAA protected.

The third party testing company will provide test results for all employees of the Highway Department and the Highway Superintendent to both the Highway Superintendent and the Town Supervisor. The third party testing company will provide test results for all Town employees to the Town Supervisor. The Town Supervisor has the discretion as he/she sees fit to share these

results with the Town Board as necessary to promote and protect the general health, well-being, and safety of any employee or the public at large and in order to take the appropriate disciplinary action.

Testing laboratories may conduct testing only for substances included on the disclosure list provided to the individual, and may not conduct general testing related to the medical conditions of the individual which are unrelated to drug usage.

### **RETESTING**

Employees may request a retest of their positive test results, within five (5) working days after notification by the Town of Beekman of such positive test result. This retest is at the sole expense of the individual.

Where the employee/applicant believes that the positive test result was affected by taking of lawful or prescribed substances, the individual shall be suspended without pay pending receipt of confirming information to substantiate the claims of the individual. Normally, the individual will be provided no more than five (5) business days in which to provide this additional information.

Once the Town of Beekman has determined whether or not there is evidence to indicate that the test results are incorrect, the Town of Beekman will advise the individual of its decision.

### **RIGHT TO EXPLAIN TEST RESULTS**

All employees and applicants have the right to meet with the testing laboratory personnel, and with the Town of Beekman, to explain their test results. These discussions shall be considered confidential except that information disclosed in such tests will be communicated to personnel within the Town of Beekman or within the Lab who need to know such information in order to make proper decisions regarding the test results or regarding the employment of the individual.

### **RIGHT TO REVIEW RECORDS**

Employees have a right to obtain copies of all of their own test results from the testing laboratory, or from the Town of Beekman. When the individual disagrees with the test results, the individual may request that the testing laboratory repeat the test. Such repeat test shall be at the sole expense of the individual.

### **REHIRE**

If an employee tests positive on any drug or alcohol screening, and the employee is terminated, he/she can reapply only after showing that he/she has remained drug free for a period of one year or more. Upon rehire, the employee will be subject to drug and alcohol testing under a program to be determined by the Town Board.

# Town of Beekman Drug and Alcohol Policy

## Receipt for Drug and Alcohol Policy

\_\_\_\_\_  
Employee's Full Name----Please Print

I have received a copy of the Town of Beekman Drug and Alcohol Policy. I understand that this Drug and Alcohol Policy, rules and benefits to which it refers may be amended, modified or discontinued at any time by the Town of Beekman at its discretion. I understand these tests will be done at random and understand that if I refuse a drug and or alcohol test it is subject to immediate dismissal from employment with the Town of Beekman.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Parent /Guardian Signature (if employee is under 18)

**\*\*\*Please note: A copy of the Drug and Alcohol Policy must be given to each Town employee and elected official. A FULLY EXECUTED RECEIPT MUST BE FILED FOR EACH PERSON WHO RECEIVES A COPY OF THE DRUG AND ALCOHOL POLICY.**