



# Clinton-Essex-Franklin Library System *Drug & Alcohol Policy*

*Approved by the Board of Trustees  
August 28, 2006*

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Applies to: Union Employees, Management Confidential Employees and Volunteers

## **PURPOSE:**

This policy outlines **THE CLINTON-ESSEX-FRANKLIN LIBRARY SYSTEM (HEREAFTER REFERRED TO AS THE LIBRARY SYSTEM)** standards on the prohibition of alcohol and drugs in the work place. **THE LIBRARY SYSTEM** has a vital interest in maintaining safe, healthy and efficient work conditions for all. The purpose of this policy is to assist employees in the guiding of their conduct, thereby promoting productivity and protecting **THE LIBRARY SYSTEM** from liability. It will also provide instruction to supervisors when an employee appears impaired at work. This policy is also intended to comply with all applicable federal regulations governing work place alcohol and drug programs. All of these efforts will contribute to a safer work environment and protect our employees and the public from the risks posed by the use of alcohol and prohibited drugs.

## **POLICY:**

This policy is based upon **THE LIBRARY SYSTEM's** continuing effort prohibiting the use of alcohol and drugs on the job, the Federal Drug-Free Workplace Act of 1989, and the Omnibus Transportation Employee Testing Act (OTETA). **THE LIBRARY SYSTEM** will comply with United States Department of Transportation (USDOT) rules which mandate pre-employment, post accident, random, reasonable suspicion, return-to-duty and follow-up drug and alcohol testing of employees in various positions requiring the possession of a commercial driver's license and positions defined as safety sensitive. Employees determined to be in safety sensitive positions will be notified of their status and responsibilities prior to the implementation of any drug and alcohol testing programs. The definition of safety sensitive functions for the purpose of this policy is defined as:

- An employee at a carrier or shipper plant, terminal, facility or other property, or any public property, waiting to be dispatched, unless the driver is relieved from duty by the motor carrier;
- An employee who inspects the following equipment:
  - service brakes, including trailer brake connections
  - parking (hand) brakes
  - steering mechanism
  - lighting devices and reflectors
  - tires
  - horn
  - windshield wipers
  - rear vision mirrors
  - coupling devices

- fire extinguisher
- spare fuses
- warning devices for stopped vehicles
- An employee who inspects, services or conditions any commercial motor vehicle (CMV) at any time;
- An employee who is at the driving controls of a commercial motor vehicle (CMV) in operation;
- An employee who is in or upon any commercial motor vehicle (CMV) except when resting in a sleeper berth;
- An employee who supervises or assists in loading or unloading a vehicle;
- An employee who attends a vehicle being loaded or unloaded;
- An employee who is in readiness to operate the vehicle;
- An employee who is giving or receiving receipts for shipments loaded or unloaded;
- An employee who performs the driver requirement of sections 392.40 and 392.41 of Part 382, Driving Motor Vehicles, relating to accidents;
- An employee who is repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

**THE LIBRARY SYSTEM** 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 LIBRARY SYSTEM** may take appropriate formal disciplinary action which can include penalties up to and including termination of employment. In addition to formal discipline, employees may be referred to **THE LIBRARY SYSTEM**'s Employee Assistance Program (EAP) to aid in dealing with drug or alcohol dependency problems. **THE LIBRARY SYSTEM** maintains an EAP to help, counsel and advise employees with drug abuse, alcohol, personal, social or mental problems. It is completely confidential. It is important to emphasize that employees with drug and/or alcohol problems who wish to avail themselves of rehabilitative services under the EAP or any other rehabilitation program should pursue help before they are determined to be in violation of **THE LIBRARY SYSTEM**'s Drug and Alcohol Policy.

### **EMPLOYEE RESPONSIBILITIES**

It is the policy of **THE LIBRARY SYSTEM** that:

1. No employee shall use, sell, distribute, dispense, possess, or manufacture any alcoholic beverage or illegal drug or any other intoxicating substance on a job site, or department property while on duty; or while in a company vehicle, a vehicle leased for company business, or a privately owned vehicle being used for company business during the employee's work hours.
2. No employee shall report to 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. Effective August 29, 2006, an employee notified of being in a safety sensitive position as defined by the rules of the (OTETA) is further prohibited from the use of alcohol four (4) hours prior to operating a Commercial Motor Vehicle (CMV). No supervisor having knowledge that an employee in such a position has used alcohol within four (4) hours shall permit that employee to operate a Commercial

Motor Vehicle.

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 Director'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 a safety sensitive position. 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 company 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 August 29, 2006, an employee serving in a safety sensitive position shall be required to take post-accident alcohol and drug tests in accordance with the (OTETA). A safety sensitive 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 must notify his/her supervisor of any criminal drug statute conviction which results from a violation occurring in the workplace no later than five days after the date of such conviction. A supervisor notified of such a conviction shall relay that information to the Director.
7. Effective August 28, 2006, an employee notified of being in a safety sensitive position as defined by OTETA 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.  
  
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. Refusing to submit to an alcohol or controlled substances test at any time will result in a positive test result for controlled substance and a .04 test result for alcohol.
9. Every employee that performs safety sensitive functions will receive a sixty (60) minute training class on **THE LIBRARY SYSTEM's** Alcohol and Drug Policy, the Employee Assistance Program (EAP) and the signs and effects of drug use in the workplace.
10. Violation of these rules may result in disciplinary action up to and including termination of employment.

## SUPERVISORY RESPONSIBILITIES

It is the policy of **THE LIBRARY SYSTEM** that:

1. Supervisors will receive a minimum of one (1) hour of training on alcohol misuse symptoms and indicators used in making determinations for reasonable suspicion testing and a minimum of one (1) hour training on drug misuse symptoms and indicators used in making determinations for reasonable suspicion testing.
2. 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 Responsibilities Section.)
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. Clearly any employee who is impaired should not be allowed to drive home from the workplace. (See #4 below for further direction.)
4. Employees who are suspected of being unfit for duty as a result of alcohol or drug use should be irected for reasonable suspicion-based drug and/or alcohol testing for those employees serving in safety sensitive positions with the OTETA. Supervisors should immediately bring their observations to the attention of the Director so that medical 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 or 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 by the supervisor's designee in a company vehicle.
6. The fact that an 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, managers should discuss the specifics of the situation to review which actions are appropriate, depending on the test results.
7. When an employee displays dangerous, aggressive or abusive behavior due to the suspected influence of alcohol or a controlled substance, which constitutes a danger to that employee or others, and the employee resists voluntarily leaving the workplace, the supervisor should immediately bring this to the attention of a manager. Employees may be subject to disciplinary actions. 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 local law enforcement authorities 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.

## MANAGEMENT RESPONSIBILITIES

It is the policy of **THE LIBRARY SYSTEM** 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 subordinate managers and supervisors who fail to perform their duties and responsibilities as outlined in this policy.
3. The Director 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 assistance through the Employee Assistance Program (EAP).
4. After August 28, 2006, the Director will direct employees in designated safety sensitive positions to mandatory pre-employment/pre-duty, reasonable suspicion, random, post-accident, return-to-duty and follow-up testing in accordance with the OTETA.
5. All employees and supervisors understand its Drug-Free Workplace policies and Drug Testing Procedures. All supervisors will be trained how to recognize behaviors that indicate reasonable suspicion for requesting medical examinations, including drug and/or alcohol tests.

## **TYPES OF TESTING**

Pre-employment Testing: Prior to the first time an employee performs a safety-sensitive function with **THE LIBRARY SYSTEM**, he/she shall be subject to a controlled substance test when the position requires that employee to perform safety sensitive functions. Refusal to submit to such test or provide the previous 36 months' worth of testing results from previous employers or potential employers will foreclose any further action on the applicant's employment for six (6) months.

All employees performing safety sensitive functions will be subject to screening under the circumstances below. Before the implementation of any such substance screening, each employee will be notified of their classification and if they are subject to the alcohol and drug policy.

Post Accident Alcohol and Controlled Substances Testing: Any employee in an accident involving a commercial motor vehicle shall be subject to alcohol and controlled substances testing when either: the accident involved a fatality or the driver receives a citation under state or local law for a moving traffic violation arising from the accident. For the purpose of the policy the definition of an accident is defined as an incident involving a commercial motor vehicle in which there is (1) a fatality or (2) a moving citation is issued or pending and an injury requiring medical treatment away from the scene or (3) a moving citation is issued or pending and towing resulted of one or more vehicles from the scene.

Reasonable Suspicion Alcohol and Controlled Substances Testing: When there is reasonable evidence to suspect that an employee has reported to work impaired, or is working impaired, the employee may be subject to alcohol and controlled substance testing. (See #7 of Employee Responsibilities Section)

Random Alcohol and Controlled Substance testing: Any employee performing a safety sensitive function will be subject to alcohol and controlled substance testing at any time on a random basis. Random selection shall be determined by Employee Assistance Services by notifying the company contact. Employees selected for the random testing must proceed immediately to the testing site upon notification of selection. Random controlled substances testing shall be administered at a minimum annual rate of 50% of the average number of employees in safety sensitive positions. Controlled substance testing will be testing for the presence of marijuana, cocaine, opiates, amphetamines and phencyclidine. Random alcohol testing shall be administered at a minimum annual rate of 10% of the average number of employees in safety sensitive positions. An employee shall be tested only while performing safety sensitive functions, immediately prior to performing or immediately after performing safety sensitive functions.

Return to duty testing: Any employee returning to duty requiring the performance of a safety sensitive function, after engaging in prohibited conduct regarding alcohol misuse, will be required to undergo a return to duty alcohol test. Test must result in a breath alcohol concentration of less than .02 to return to duty. Any employee returning to duty requiring the performance of a safety sensitive function after engaging in prohibited conduct regarding controlled substance use, will be required to undergo a return to duty controlled substances test. The test must result in a negative result for controlled substances use. Any employee who reports to work unfit for duty and is sent home, may be subject to medical examination by a physician **at the employee's expense** as a condition of returning to work.

Follow-up Testing: Following a determination an employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the employee is subject to unannounced follow up alcohol and/or controlled substances testing as directed by the substance abuse professional with a minimum of six follow-up tests scheduled within one year. The **employee** will be responsible for payment of the doctor and lab charges.

## **PROCEDURES FOR POLICY ENFORCEMENT**

Alcohol Concentration of .02 but less than .04: Any employee having a test result of an alcohol concentration of .02 but less than .04 will be immediately removed from performing safety sensitive functions and removed from duty for a period of 24 hours and be required to make an appointment and be seen by a Substance Abuse Professional at EAS. An employee sent home shall be suspended without pay. Sick leave credits and vacation leave will be available to the employee during these suspension periods. Upon a second offense, an employee will be terminated.

Covered drivers/employees shall be subject to the above pre-determined and agreed upon penalties, with no recourse through the collective bargaining agreement (CBA) grievance or binding arbitration provisions to challenge the harshness of the penalty. Rather, any challenge to the above listed disciplinary penalties is limited to invalidity of the test because of the failure to follow procedural requirements and testing procedure under the Department of Transportation regulations and/or any specific due process protections, if any, provide under the collective bargaining agreement.

Alcohol Concentration of .04 and Greater: Any employee having a test result of an alcohol concentration of .04 or greater will be removed from duty and referred to the Substance Abuse Professional at the EAP. Return to duty will be determined by the Substance Abuse Professional. An employee sent home shall be suspended without pay. Sick leave credits and vacation leave will be available to the employee during these suspension periods. Failure to participate in the recommendations of the Substance Abuse Professional, an employee will be subject to disciplinary charges including termination of employment. An employee returning to duty will be subject to a minimum of six follow-up tests in a period of one (1) year and any number determined by the Substance Abuse Professional up to five years. Upon a second offense, of a test result of an alcohol concentration of .04 or greater, the employee will be terminated.

Covered drivers/employees shall be subject to the above pre-determined and agreed upon penalties, with no recourse through the collective bargaining agreement (CBA) grievance or binding arbitration provisions to challenge the harshness of the penalty. Rather, any challenge to the above listed disciplinary penalties is limited to invalidity of the test because of the failure to follow procedural requirements and testing procedure under the Department of Transportation regulations and/or any specific due process protections, if any, provide under the collective bargaining agreement.

Controlled Substance: Any employee having a positive test result for controlled substances will be removed from duty and referred to the EAP. Return to duty will be determined by the Substance Abuse Professional and

a negative test result for controlled substances. An employee sent home shall be suspended without pay. Sick leave credits and vacation leave will be available to the employee during these suspension periods. Failure to participate in the EAP, an employee will be subject to disciplinary charges including termination of employment. An employee returning to duty will be subject to a minimum of six follow up tests in a period of one (1) year and any number determined by the Substance Abuse Professional up to five years. Upon a second offense of a positive test result for controlled substances, the employee will be terminated.

Covered drivers/employees shall be subject to the above pre-determined and agreed upon penalties, with no recourse through the collective bargaining agreement (CBA) grievance or binding arbitration provisions to challenge the harshness of the penalty. Rather, any challenge to the above listed disciplinary penalties is limited to invalidity of the test because of the failure to follow procedural requirements and testing procedure under the Department of Transportation regulations and/or any specific due process protections, if any, provide under the collective bargaining agreement.

In summary, it is the policy of **THE LIBRARY SYSTEM** 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 serving in a designated safety sensitive position, undergo any drug and/or alcohol testing in accordance with OTETA.

**ACKNOWLEDGEMENT OF RECEIPT OF THE LIBRARY SYSTEM'S  
ALCOHOL & DRUG POLICY**

I have received a copy of **THE LIBRARY SYSTEM**'s Alcohol & Drug policy and understand its requirements. If I have any questions, I can contact either the Director at my place of employment or EAS at 563-8293 or 1-800-724-0747.

\_\_\_\_\_  
Employee Signature/Print Name

\_\_\_\_\_  
Date

This form will be filed in the employee's personnel record.

Policy adopted by the CEFLS Board of Trustees August 28, 2006