



CITY OF LOWELL DRUG / ALCOHOL POLICY

STATEMENT OF NEED:

It is recognized that a wide range of problems, not directly associated with one's job function, can have an adverse effect on an employee's health and job performance. The abuse of a controlled substance (alcohol or drugs) is a problem. Aside from the health and performance issues, substance abusers create an increased risk to the safety and morale of all employees. Because it is the responsibility and desire of the City of Lowell to provide a safe work environment for all of its employees and visitors, and to protect its ability to operate efficiently, the following policy has been adopted. It is the City's position that this policy will best serve the interests of our employees, the employee's family, community and the City.

I. CITY PHILOSOPHY:

The City recognizes that employees who become dependent on drugs and/or alcohol have acquired an illness for which treatment is both needed and available. Further, the sooner the disease of dependence is addressed, the better the chances for a successful recovery. Therefore, any employee who voluntarily seeks help for a drug and/or alcohol problem or who is referred by a manager or supervisor for help based upon their unsatisfactory job performance, will receive confidential assistance available through a number of outside treatment services. Employees who conscientiously seek assistance or accept an offer of assistance through management will not jeopardize their job. However, a failure to seek available assistance coupled with continued job performance deterioration and/or behavior, which adversely impacts the health of other employees, or behavior which harms the City's ability to operate efficiently will be cause for disciplinary action up to and including discharge. In addition, the City will provide substance abuse prevention programs to inform employees of the dangers of substance abuse.

II. POLICY:

The City is concerned primarily with job performance, b) the safety of other employees, and/or c) where such use may adversely impact the City's ability to conduct business. There is no intent in this policy to intrude upon the private lives of City employees.

1. The unlawful use, possession, distribution, dispensation, cultivation or manufacture of a Controlled Substance (drugs and/or alcohol), while on the job, at City sponsored events, premises is prohibited. Any violation of this policy is cause of disciplinary action up to and including discharge. Any illegal substance, which may be confiscated, will be turned over to the appropriate law enforcement agency and may result in prosecution. The possession of paraphernalia associated with these substances is also a violation of this policy and will lead to disciplinary action up to and including discharge.
2. Employees who are arrested and convicted for off-the-job drug and/or alcohol involvement may be considered to be in violation of this policy. In deciding what action to take, the Appointing Authority will take into consideration the nature of the charges, the employee's present job assignment, the employee's record with the City

and other factors relative to the impact of the employee's job performance and endangerment to co-workers.

3. Employees who must take prescription medicine during the workday are responsible for their safekeeping. Failure to maintain medicines in a secure manner may be cause for disciplinary action. Legally prescribed controlled substances including stimulants, depressants, and tranquilizers, which are used illegally without being prescribed by an accredited physician or used in excess of the prescribed dose is also in violation of this policy. Offenders will be subject to disciplinary action up to and including discharge.

III. SUPERVISORY RESPONSIBILITY:

It is the Supervisor's responsibility to monitor job performance and to identify patterns of job performance deterioration as they develop. When job performance or safety considerations develop as a problem, the supervisor shall notify the head of the department. The Department Head will contact the Human Relations Office to decide what corrective action to take. Acts of a criminal nature, involving the distribution, manufacture, or possession of controlled substances, will be referred to the appropriate enforcement agency.

IV. SECURITY FUNCTION:

Employees are required to report any conviction under a criminal drug and/or alcohol statute for violations occurring while conducting City business on or off City property. A report of conviction must be made to the Department Head or Human Relations Department within (5) business days after the conviction.

For purposes of this section, the term "conviction" means finding of guilt, including a plea of no contest or imposition of sentence or both by any judicial body, state or federal; the term "criminal drug statute" means any criminal statute involving manufacture, distribution, dispensation, use or possession of any controlled substance. Within (30) days of notification of any employee's drug and/or alcohol conviction, discharge or required participation in an approved drug abuse assistance or rehabilitation program as a condition of continued or future employment.

When appropriate, violation of this policy will be reported or referred to the appropriate law enforcement, licensing and other similar agencies. In the event that an employee working on a government contract is convicted of any criminal drug statute, the City, in accordance with applicable law, will notify the contracting agency within (10) business days of receiving notice of such conviction.

V. CONDITION OF EMPLOYMENT:

As a condition of continued employment with the City, all employees' must abide by the terms of this policy.

This policy does not apply to employees who must take prescription medicine and do so in accordance with such prescription, which has been provided by a licensed physician.

This policy applies to contractors, vendors, and other third parties visiting or conducting business on City property.

This policy is in addition to any existing Collective Bargaining Agreement language that may be in existence between the City and its Unions relative to Drugs and/or Alcohol.