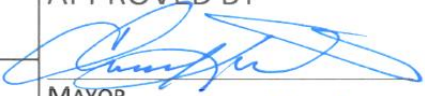




POLICY AND PROCEDURE STATEMENT

SUBJECT ALCOHOLIC BEVERAGES/ DRUGS AND CONTROLLED SUBSTANCES	PAGE 1 OF 8	DATE EFFECTIVE AUGUST 1, 2018		
SECTION/POLICY NO. 5.09	APPROVED BY  MAYOR	SUPERSEDES NEW		
PREPARED BY VILLAGE ADMINISTRATOR & SOLICITOR	 VILLAGE ADMINISTRATOR	APPROVAL DATE	ISSUE DATE 12/31/2017	REVIEW DATE
REFERENCE SECTION DRUG FREE WORKPLACE RULE, PERSONNEL FILES 1.10, & SECTION SIX	 PERSONNEL/BENEFIT COMMITTEE	DISTRIBUTION LIST WEBSITE, MAYOR, COUNCIL CLERK- TREASURER, AND VILLAGE EMPLOYEES		

SCOPE

- I. This Policy applies to Ashville Personnel, Government, Applicants and Contract Staff.

POLICY:

- I. Ashville has a vital interest in maintaining a safe, healthy, and efficient working environment. Being under the influence of a drug, controlled substance, or alcohol on the job poses serious safety and health risks to the user and to all those who work with the user. The use, sale, purchase, transfer, or possession of an illegal drug in the workplace, and the use, possession, or being under the influence of alcohol also poses unacceptable risks for safe, healthy, and efficient operations.
- II. Ashville has the right and obligation to maintain a safe, healthy, and efficient workplace for all of its employees, and to protect the village's property, information, equipment, operations and reputation.
- III. Ashville recognizes its obligations to the village for the provision of services that are free of the influence of illegal drugs and alcohol, and will endeavor through this policy to provide drug-and alcohol-free services.
- IV. Ashville further expresses its intent through this policy to comply with federal and state rules, regulations or laws that relate to the maintenance of a workplace free from illegal drugs and alcohol.
- V. As a condition of employment, all employees are required to abide by the terms of this policy and to notify Ashville's management of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. The Village will establish alcoholic beverages, Drugs, and Controlled Substances protocols.
- VI. Each employee will receive annually an information package containing:
 - a. Information concerning the dangers of drug abuse in the workplace.
 - b. A current copy of the Village's published statement.
 - c. A current copy of the Village's Drug Free Workplace policy.

- d. Information concerning any available drug counseling, rehabilitation, and employee assistance programs.
- e. Information concerning the penalties that will be imposed for the breach of the Village's Drug Free Workplace policy.
- f. Notice to the employee that any work related conviction of any federal or state criminal drug statute must be reported in writing to the Village within five (5) calendar days after such conviction.

PURPOSE:

- I. To have a Drug Free Workplace.
- II. This policy outlines the goals and objectives of Ashville's drug and alcohol testing program and provides guidance to supervisors and employees concerning their responsibilities for carrying out the program through a standardized process.

DEFINITIONS:

- I. Alcohol means any beverage that contains ethyl alcohol (ethanol), including but not limited to beer, wine and distilled spirits.
- II. Village premises or village facilities means all property of Ashville including, but not limited to, the offices, facilities and surrounding areas on village-owned or -leased property, parking lots, and storage areas. The term also includes village-owned or -leased vehicles and equipment wherever located.
- III. Contraband means any article, the possession of which on village premises or while on village business, causes an employee to be in violation of Ashville's work rule or law. Contraband includes illegal drugs and alcoholic beverages, drug paraphernalia, lethal weapons, firearms, explosives, incendiaries, stolen property, counterfeit money, untaxed whiskey, and pornographic materials.
- IV. Drug testing means the scientific analysis of urine, blood, breath, saliva, hair, tissue, and other specimens of the human body for the purpose of detecting a drug or alcohol.
- V. Illegal drug means any drug which is not legally obtainable; any drug which is legally obtainable but has not been legally obtained; any prescribed drug not legally obtained; any prescribed drug not being used for the prescribed purpose; any over-the-counter drug being used at a dosage level other than recommended by the manufacturer or being used for a purpose other than intended by the manufacturer; and any drug being used for a purpose not in accordance with bona fide medical therapy. Examples of illegal drugs are cannabis substances, such as marijuana and hashish, cocaine, heroin, methamphetamine, phencyclidine (PCP), and so-called designer drugs and look-alike drugs.
- VI. Legal drug means any prescribed drug or over-the-counter drug that has been legally obtained and is being used for the purpose for which prescribed or manufactured.
- VII. Reasonable belief means a belief based on objective facts sufficient to lead a prudent person to conclude that a particular employee is unable to satisfactorily perform his or her job duties due to drug or alcohol impairment. Such inability to perform may include, but not be limited to, decreases in the quality or quantity of the employee's productivity, judgment, reasoning, concentration and psychomotor control, and marked changes in behavior. Accidents, deviations from safe working practices, and erratic conduct indicative of impairment are examples of "reasonable belief" situations.
- VIII. Under the influence means a condition in which a person is affected by a drug or by alcohol in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of being under the influence can be established by a professional opinion, a scientifically valid test, such as urinalysis or blood analysis, and in some cases by the opinion of a layperson.

PROCEDURE:

I. EDUCATION

1. Supervisors and other management personnel are to be trained in:
 - a. detecting the signs and behavior of employees who may be using drugs or alcohol in violation of this policy;
 - b. intervening in situations that may involve violations of this policy;
 - c. recognizing the above activities as a direct job responsibility.
2. Employees are to be informed of:
 - a. the health and safety dangers associated with drug and alcohol use;
 - b. the provisions of this policy.

II. PROHIBITED ACTIVITIES

1. Legal Drugs

- a. The undisclosed use of any legal drug by any employee which could impair while performing Ashville's business or while on village premises is prohibited. However, an employee may continue to work even though using a legal drug if Ashville's management has determined, after consulting with Ashville's health and/or officials, that such use does not pose a threat to safety and that the using employee's job performance is not significantly affected. Otherwise, the employee may be required to take leave of absence or comply with other appropriate action as determined by Ashville's management.
- b. An employee whose medical therapy requires the use of a legal drug which may impair must report such use to his or her supervisor prior to the performance of Ashville business. The supervisor who is so informed will contact Ashville's designated officials for guidance.
- c. Ashville at all times reserves the right to consider the effect that a legal drug may have on job performance and to restrict the using employee's work activity or presence at the workplace accordingly.

III. Illegal Drugs and Alcohol

1. Excluding evidence kept in police evidence storage for a legal reason the use, sale, purchase, transfer, or possession of an illegal drug or of alcohol by any employee while on village premises or while performing Ashville business is prohibited.

IV. DISCIPLINE

1. Any employee who possesses, distributes, sells, attempts to sell, or transfers illegal drugs on village premises or while on Ashville business will be discharged, see Section Six.
2. Any employee who is found to be in possession of or under the influence of alcohol in violation of this policy will be subject to discipline up to and including discharge, see Section Six.
3. Any employee who is found to be in possession of contraband in violation of this policy will be subject to discipline up to and including discharge, see Section Six.
4. Any employee who is found through drug or alcohol testing to have in his or her body a detectable amount of an illegal drug or of alcohol will be subject to discipline up to and including discharge except that, depending on the circumstances of the case and the employee involved, the employee may be offered a one-time opportunity to enter and successfully complete a rehabilitation program that has been approved by Ashville. During rehabilitation, the employee will be subject to unannounced drug or alcohol testing. Upon return to work from rehabilitation, the employee will be subject to unannounced drug or alcohol testing for a period of 60 months. Any test that is confirmed as positive during or following rehabilitation will result in discharge.

V. DRUG AND ALCOHOL TESTING OF JOB APPLICANTS

1. All applicants for employment, including applicants for part-time and seasonal positions and applicants who are former employees, are subject to drug and alcohol testing.
2. An applicant must pass the drug test to be considered for employment.
3. An applicant will be notified of [EMPLOYER'S] drug and alcohol testing policy prior to being tested; will be informed in writing of his or her right to refuse to undergo such testing; and will be informed that the consequence of refusal is termination of the pre-employment process.
4. An applicant will be provided written notice of this policy, and by signature will be required to acknowledge receipt and understanding of the policy.
5. If an applicant refuses to take a drug or alcohol test, or if evidence of the use of illegal drugs or alcohol by an applicant is discovered, either through testing or other means, the pre-employment process will be terminated.

VI. DRUG AND ALCOHOL TESTING OF EMPLOYEES

1. Ashville will notify employees of this policy by:
 - a. Providing to each employee a copy of the policy, and obtaining a written acknowledgement from each employee that the policy has been received and read.
 - b. Announcing the policy in various written communications and making presentations at employee meetings.
2. Ashville may perform drug or alcohol testing:
 - a. Of any employee who manifests "reasonable belief" behavior.
 - b. Of any employee who is involved in an accident that results or could result in the filing of a Workers' Compensation claim.
 - c. On a random basis of any employee.
 - d. Of any employee who is subject to drug or alcohol testing pursuant to federal or state rules, regulations or laws.
3. An employee's consent to submit to drug or alcohol testing is required as a condition of employment and the employee's refusal to consent may result in disciplinary action, including discharge, for a first refusal or any subsequent refusal.
4. An employee who is tested in a "reasonable belief" situation may be suspended pending receipt of written tests results and whatever inquiries may be required.

VII. APPEAL OF A DRUG OR ALCOHOL TEST RESULT

1. An applicant or employee whose drug or alcohol test reported positive will be offered the opportunity of a meeting to offer an explanation. The purpose of the meeting will be to determine if there is any reason that a positive finding could have resulted from some cause other than drug or alcohol use. Ashville, through its health and/or appointing authority, will judge whether an offered explanation merits further inquiry.
2. An employee whose drug or alcohol test is reported positive will be offered the opportunity to:
 - a. Obtain and independently test, at the employee's expense, the remaining portion of the urine specimen that yielded the positive result;
 - b. Obtain the written test result and submit it to an independent medical review at the employee's expense.

3. The employee may use Ashville's medical benefits, to the extent that coverage may apply, for meeting the costs of 2 (a) and (b);
4. During the period of an appeal and any resulting inquiries, the pre-employment selection process for an applicant will be placed on hold, and the employment status of an employee may be suspended. An employee who is suspended pending appeal will be permitted to use any available annual leave in order to remain in an active pay status. If the employee has no annual leave or chooses not to use it, the suspension will be without pay.

VIII. REHABILITATION AND EMPLOYEE ASSISTANCE

1. Rehabilitation assistance in lieu of discharge may be offered:
 - a. To any employee who has requested rehabilitation assistance, provided that the request is unrelated to an identification of the employee as a violator of this policy.
 - b. To any employee who has violated this policy, provided that the violation does not involve selling or transferring illegal drugs, or serious misconduct.
2. An employee who is in rehabilitation will be suspended, except that--when indicated by the circumstances of the case and the written recommendation of a licensed physician or recognized rehabilitation professional--an employee may be permitted to work while undergoing rehabilitation on an outside-of-work basis. The written recommendation must include a statement to the effect that the employee's presence in the workplace will not constitute a safety hazard to the employee, co-workers or others.
3. An employee whose rehabilitative therapy involves drug maintenance, hospitalization or detoxification will not be considered for the exception from suspension described in 2.
4. An employee who is in rehabilitation or who has completed rehabilitation will be allowed to return to work upon presentation of a written release signed by a licensed physician or recognized rehabilitation professional. The release must include a statement to the effect that the employee's presence in the workplace will not constitute a safety hazard to the employee, co-worker or others.
5. Rehabilitation assistance given by Ashville will be:
 - a. Limited to those medical benefits that may be available in the employee's medical benefits plan.
 - b. Obtained through a rehabilitation program that has been pre-approved by Ashville.
 - c. Obtained by the employee during times that will not conflict with the employee's work time, except that the employee may use any available sick leave or annual leave to be absent from the job with pay.
6. Ashville will provide to any employee, upon request and at no cost to the employee, information concerning local resources that are available for the treatment of drug and alcohol related problems.

IX. INSPECTIONS AND SEARCHES

1. Ashville may conduct unannounced general inspections and searches for drugs or alcohol on Ashville premises or in Ashville vehicles or equipment wherever located. Employees are expected to cooperate.
2. Search of an employee and his or her personal property may be made when there is reasonable belief to conclude that the employee is in violation of this policy.
3. An employee's consent to a search is required as a condition of employment, and the employee's refusal to consent may result in disciplinary action, including discharge, even for a first refusal.

4. Illegal drugs, drugs believed to be illegal, and drug paraphernalia found on Ashville property will be turned over to the appropriate law enforcement agency and the full cooperation given to any subsequent investigation. Substances that cannot be identified as an illegal drug by a layman's examination will be turned over to a forensic laboratory for scientific analysis.
5. Other forms of contraband, such as firearms, explosives, and lethal weapons, will be subject to seizure during an inspection or search. An employee who is found to possess contraband on Ashville property or while on Ashville business will be subject to discipline up to and including discharge.
6. If an employee is the subject of a drug-related investigation by Ashville or by a law enforcement agency, the employee may be suspended pending completion of the investigation.

X. CONFIDENTIALITY

1. All information relating to drug or alcohol testing or the identification of persons as users of drugs and alcohol will be protected by Ashville as confidential unless otherwise required by law, overriding public health and safety concerns, or authorized in writing by the persons in question.

XI. DRUG FREE WORKPLACE RULE, See Exhibit



Village of Ashville



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Ashville, OH 43103

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ASHVILLE'S DRUG FREE WORKPLACE RULE

Name _____ Title _____

A. Notice Upon Hiring

1. As a condition precedent to hiring, all prospective employees will receive a copy of the Village's Policy concerning Alcoholic Beverages, Drugs, and Controlled Substances; and will be required to sign a receipt which will become a permanent part of the employee's personnel file.
2. In addition, as a further condition precedent to hiring, all prospective employees will be required to sign a written statement to the effect that:
 - a. They understand and support the Village's Drug Free Workplace Rule and Alcoholic Beverages, Drugs, and Controlled Substances Policy;
 - b. They agree to refrain from violating policy while in the employ of the Village.
 - c. They acknowledge in advance that they understand that the penalty for breach can be discharge and agree that it is appropriate when supported by evidence.

B. Current Distribution of Drug Free Workplace Rule

1. All current employees will receive a copy of the Village's Drug Free Workplace statement and policy; and will be required to sign a receipt for it, which will become a permanent part of the employee's personnel file.
2. All current employees will be asked to voluntarily sign a statement supporting the enforcement of this rule and policy.

C. The Drug Free Workplace Rule

1. Definitions: For purposes of this rule:
 - a. Employee - means any person; i.e., management, supervisory, or non-supervisory, who is paid in whole or in part by the Village.
 - b. Controlled Substance - means any controlled substance contained in Schedules I through V of Section 202 of the Controlled Substance Act (21 USC 812; or as defined in 3719.01 Ohio Revised Code (O.R.C.)).
 - c. Conviction - means any finding of guilt, including a plea of nolo contendere (no context) or the imposition of a sentence or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

- d. Criminal drug statute - means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance. For purposes of this policy all definitions will be consonant with 3719.01 et seq. O.R.C.
2. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee which takes place in whole or in part in the Village's workplace is strictly prohibited and will result in criminal prosecution and employee discipline which may include termination from employment.
 3. Any employee convicted of any federal or state criminal drug statute must notify the Village of that fact within five (5) calendar days of the conviction.
 4. Any employee who reports for duty in an altered or impaired condition which is the result of the illegal use of controlled substances will be subject to disciplinary action. Any decision to take disciplinary action may be held in abeyance pending the completion by the employee of a drug rehabilitation program, see section of Policy 5.09 IV Discipline 4 and VIII Rehabilitation and Employee Assistance.
 5. Any employee convicted of a workplace related drug offense, who fails to report the conviction as required by the above will be:
 - a. Terminated from employment.
 - b. Forever barred from future employment.
 - c. Held civilly liable for any loss of federal funds resulting from the failure to report the conviction.

D. Training

The Village will conduct training for supervisors and department heads in the enforcement and implementation of the Village's Drug Free Workplace program.

By signing this document you have read and understand the above and will comply with this policy.

Print Name: _____

Signature: _____ Date: _____

These rules require strict adherence. Any infraction thereof could result in disciplinary action. Disciplinary actions range from verbal warnings to termination; the severity of the misbehavior governs the severity of the disciplinary action, see Section Six.