RESOLUTION NO. 2003- |

ALCOHOL AND SUBSTANCE ABUSE POLICY RESOLUTION OF THE TOWN OF FORT BRANCH, INDIANA

WHEREAS, it is the policy of the Town Fort Branch, Indiana (Town), to foster a work environment free from both the use and effects of illegal controlled substances and the use and effects of alcoholic beverages and

WHEREAS, the use of drugs illegal controlled substances, and alcohol impair an employee's judgment which may result in increased safety risks, hazards to the public, employee injury, faulty decision making or deceased productivity,

NOW THEREFORE, Be It Resolved by the Town Council of the Town of Fort Branch, Indiana as follows:

COVERAGE

This policy applies to all employees of the Town and its operated facilities and all applicants for such employment.

POLICY

All employees are expected to be in a state of mind and physical condition fit to complete their assigned duties safely and completely during work hours and to do so without use and effect of illegal controlled substances and/or alcoholic beverages.

PRE-EMPLOYMENT SUBSTANCE SCREENING

All applicants for full-time or part time employment with the Town are required to submit to a medical examination prior to their appointment to a Town position. As part of this medical examination, prospective employees will be screened for a range of chemical substances, those chemical substances shall include but not necessarily be limited to the following:

- 1. Amphetamine/Methamphetamine (e.g. Speed)
- 2. Benzodiazepines (e.g. Valum, Librium, Dalmane, Ativan)
- 3. Barbiturates (e.g. Amobarbital, Butabarbital, Pentorbarbital, Phenobarbital) 4. Cocaine
- 5. Methadone
- 6. Methaqualone (e.g. Quaalude)
- 7. Opiates (e.g. Codeine, Heroin, Morphine)
- 8. Phencyclidine (PCP)
- 9. TDC (Marijuana and other cannabanoids)
- 10. Alcohol
- 11. Lysergic Acid Diethylamide (LSD)

These substance groups were selected based upon known abuse in the general area of the Town and the ability of each substance to adversely affect physical and mental performance. All controlled substances listed above are illegal under State and Federal Law.

At the time of the medical examination applicants for full-time or part-time employment will be told of the substance or controlled substance and alcohol screening and will be told and will be required to sign a consent form to permit such screening and provide appropriate bodily fluids for such screening. Applicants who refuse to consent to substance screening, who refuse to provide appropriate bodily fluids for such screening or who attempt to tamper with screening samples will not be eligible for employment with the Town.

Any applicant whose initial substance screen shows a positive result will have that result confirmed by additional studies. If the second screen of the same sample shows a negative result the individual will not be disqualified from Town employment on account of the substance screen. If the second screen confirms the positive test result the applicant may be disqualified from consideration for Town employment. The applicant will be notified of the positive results from the second screen and be given the opportunity, at the applicant's expense, to have a third screen conducted on the same sample within seventy-two (72) hours after the applicant is notified of the results of the second screen. If this final screen again confirms the positive test result the prospective employee will be disqualified from employment with the Town.

All screens will be made on the same sample by a firm selected by the Town. An applicant whose screen shows positive result will have twenty-four (24) hours after receiving such notification of positive screen results to provide verification of a current verification of a current valid prescription in the applicant's name,

The required medical examination, and screening of bodily fluids for chemical substances, except for the third screen as herein provided, shall be at the sole expense of the Town.

To the extent possible, confidentiality will be maintained by the Town for all records and reports of the testing of an applicant's bodily fluids,

EMPLOYEE RESPONSIBILITIES

Employees who have a substance abuse problem are expected to obtain treatment and counseling through the numerous treatment agencies available throughout the area Gibson County, Indiana and the area within 60 miles of the Town.

Given the importance of maintaining a work environment without the presence of alcohol and drugs and the opportunities that employees have to address substance dependencies through treatment. and counseling programs offered through various treatment facilities throughout the area Gibson County, Indiana and the area within 60 miles of the Town, substance abuse which adversely effects job performance will not be tolerated, This applies to on duty employees as well as employees who are on call. Employees whose on or off duty use of substances impacts

job performance will be. appropriately disciplined including but not limited to the sanction of termination from employment with the Town.

EMPLOYEE RESPONSIBILITIES include but are not necessarily limited to the following:

- A. An employee must not report to work or be subject to duty while his/her utility to perform job duties is impaired due to alcohol or illegal drug or substance use, on or off duty;
- B. An employee shall not possess or use illegal drugs or illegal substances during working hours, on breaks, during meal periods, while on Town property in an official or unofficial capacity or while operating any Town vehicle or machinery;
- C. An employee shall not possess or use an alcoholic beverage or have the odor of an alcoholic beverage on his/her breath during working hours, on breaks, during meal periods, while on Town property in an official or unofficial capacity or while operating any Town vehicle or machinery;
- D. An employee shall not directly or through a third party sell or provide illegal drugs or substances or alcoholic beverage to any person or to any other employee while either or both employees are on duty during working hours, on breaks, during meal periods, while on Town property in an official or unofficial capacity, while operating any Town vehicle or machinery, or on call;
- E. An employee shall submit immediately to reasonable request for alcohol or drug analysis when requested by a first line supervisor and/or department head;
- F. An employee shall notify his or her supervisor before beginning work, when taking any medication or drugs, (prescription, or non-prescription) which may interfere with the safe and effective performance of duties or operations of the Town equipment;
- G. An employee shall provide within twenty-four (24) hours of request, a current valid prescription for any drug or medication identified when that employee's drug screen/analysis is positive. The prescription must be in the employee's name.
- H. An employee shall notify his/her supervisor or department head of any conviction of a federal or state criminal drug statue for a violation occurring in the employee's workplace, not later than five (5) days after such conviction.

SUBSTANCE SCREENING FOR CURRENT EMPLOYEES

Town employees are subject to substance screening if there is a reasonable suspicion that while on duty they are impaired. Impaired is defined as being unable to perform duties safely and completely due to the use of alcohol and/or controlled substances. Reasonable suspicion is a belief based on objective fact sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs and/or alcohol so that the employee's ability to perform the functions of the job is impaired or so the employees ability to perform his job safely is

reduced. Observations which constitute a factual basis for determining reasonable suspicion may include but are not limited to the following:

- 1. Odor of alcoholic beverage upon the employee's breath
- 2. Erratic behavior
- 3. Violent mood swings
- 4. Excessive absenteeism
- 5. Repeated tardiness
- 6. Inability to walk a straight line
- 7. Open and obvious possession of alcohol and/or illegal controlled substances
- 8. Slurred speech
- 9. An accident which is caused by the apparent action or inaction of the employee under circumstances giving rise to a reasonable inference that the accident was caused or was a result of the use of alcohol and/or illegal controlled substances
- 10. Possession of drug paraphernalia or alcohol beverage containers
- 11. A report of a reliable witness indicating use or possession of drugs or alcohol.

A supervisor who has reasonable suspicion that an employee is impaired by alcohol or other illegal controlled substances on the job will, with the approval of the department head, immediately arrange for a substance screening through a medical facility that has been designed to perform such screening through a medical facility that has been designated to perform such screening for the Town.

Employees who are scheduled for a substance screening must be transported to the designated medical facility by the employee's first line supervisor and/or department head. The employee to be tested shall sign a consent form to permit such screening and shall provide appropriate bodily fluids for such screening. The screening for substances will be made on a sample provided at the clinic. The procedures for such sample collection and testing will be made based upon the medically accepted procedure developed by the chosen medical facility and in order to ensure results of tests no less than a highly sensitive methodology shall be utilized. Such testing shall be based on medically acceptable testing procedures and shall include but not necessarily be limited primarily to tests utilizing enzyme amino acid techniques followed up by more specific confirmation testing such as gas chromatography (GC) or gas chromatography/mass spectrophotometry (GCMS) or other highly sophisticated methods which are accepted by the medical facility and/or by the Courts. After the sample is given as outlined above, the supervisor will see to it that the employee is safely transported home. In addition, for alcoholic beverage testing, the facilities as the Gibson County Sheriff Department or the Indiana State Police and the use of that Department's breath test instrument shall be a sufficient determination for blood alcohol content provided statutorily approved procedures are followed.

At the testing as outlined above, if the sample provides a negative result the conclusion will be that the sample contains no alcohol and/or a controlled substance. However, if the first screen shows a positive result, and a second screen using a more sophisticated testing technique shows a positive result then the employee will be assumed to be under the influence of alcohol and/or illegal controlled substances. An employee whose test shows a positive result will have twenty-four (24) hours after receiving notification of the positive result to provide a bona fide and

verified current valid prescription which may. have caused the positive result. The prescription must be in the employee's name.

The discipline for failing to sign a consent form to permit screening for failure to provide appropriate bodily fluids for screening or for being under the influence of alcohol and/or nonprescribed controlled substances will be the basis for appropriate employee sanctions including the sanction of termination. Such determination will be made on the basis of the employee's prior work related history, previous disciplinary actions, and any prior identification of substance abuse problems. An employee who receives a positive result in substance abuse screening will receive at a minimum of five (5) day suspension without pay. An employee who refuses to sign a consent form to permit screening, or who fails to provide appropriate bodily fluids for screening will receive at a minimum of a five (5) day suspension without pay. In addition to the disciplinary procedure as outlined above and if an employee substance abuse problem has been identified, the supervisor and/or department head will immediately refer the employee to a reputable substance abuse entity for an evaluation. Based on the determination of that substance abuse entity, the employee may be required to undergo a drug or alcohol evaluation and treatment program as a condition of continued employment any and all expenses incurred as a result of the evaluation and/or treatment program undertaken by the employee as a condition of its continued employment, shall be paid by the employee.

If the Town receives notification of any employee conviction of a drug offense which occurred in the employee's work place, or if the Town receives notification of an employee violation of the terms of the Policy herein stated, the Town shall, within thirty (30) days after receipt of said notice either;

- 1. Impose a sanction on the employee, which may include employee termination; or
- 2. Require the employee to satisfactorily participate in a drug or alcohol abuse assistance or rehabilitative program approved by the Town Council of the Town.

CONSEQUENCES OF SALE DISTRIBUTION OR USE OF ILLEGAL SUBSTANCES

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or illegal substance by an employee during working ,hours while on duty, during meal periods, during breaks or at any time while the employee is on the Town's work site or on Town working time, constitutes cause for dismissal. Appropriate law enforcement agencies will be notified of any such unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or illegal substance by employees.

USE OF MEDICATION AND PRESCRIPTION DRUGS

All employees who are using a prescription or non-prescription drug which may in any way impact their job performance must notify their first line supervisor. The department head, and/or first line supervisor may require a doctor's statement if the employee indicates that there is need to use the prescription drug for an extended period of time.

CONFIDENTIALITY

The confidentiality of laboratory reports or test results shall appear in employee's confidential file. Reports or test results may be disclosed to Town department heads and first line supervisors on a strictly need to know basis and to the tested employee upon request. Disclosures without employee consent may also occur when (1) the information is compelled by law or by judicial or administrative process, (2) the information has been placed at the issue and there is a formal dispute between the employer and employee, (3) the information is to be used in administering any employee benefit plan and (4) information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize such disclosure.

SEVERABILITY

The provisions of the policy are severable and if any of its provisions shall be held invalid by any court with competent jurisdiction, the decision of such court shall not affect or impair any remaining provision.

PASSED AND ADOPTED by the Council of the Town of Fort Branch, Indiana, this 12th day of February, 2003.

	OF FORT BRANCH, INDIANA
	DONALD J. GRIES, President
	DOMALD E COMED M
	RONALD E. COKER, Member
	WARRENE ELEETWOOD M. I
ATTEST:	WARREN E. FLEETWOOD, Member
CONNIE OSBORNE, Clerk-Treasurer	

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Princeton - Hospital - 3ND f. Health lave — WANCY. HODIET

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THE COST WILL BE \$42.00 DRUG 6 CHAIN OF CUSTODY WILL BE PERFORMED DRUGS INCLUDED THC COCAINE OPIATE BENZODIAZ BARBITURITES AMP/METAMPHETMIN

WE CAN PERFORM NEW HIRE AND RANDOMS WHEN A DRUG SCREEN COMES BACK (-) WE WILL SEND YOU WRITTEN CONFIRMATION OR YOU CAN BE CALLED WHICH EVER YOU WOULD LIKE US TO DO IF THE DRUG SCREEN IS POSTITIVE IT WILL BE SENT OFF FOR FUTHER TESTING TO SOUTH BEND MEDICAL CENTER AND WHEN RESULTS RETURN BACK TO US WE WILL EITHER SEND WRITTEN OR CALL IF NEEDED

IF YOU NEED ANY ADDITONAL INFORMATION PLEASE CALL ME 812 450 6104

VICKI DOHRN DEACONESS REGIONAL LAB

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