

CITY OF MANCHESTER, NEW HAMPSHIRE DRUG AND ALCOHOL POLICY

The abuse of drugs or alcohol in the workplace may be detrimental to an employee's health, impair an employee's ability to properly perform his or her work, and present a danger to the employee and others. It is the policy of the City of Manchester to provide a work environment that is free from the illegal use and/or abuse of drugs and/or alcohol.

Definitions

- A. "Alcohol" shall mean "liquor" or "beverage" as defined by RSA 175:1.
- B. To "refuse" shall mean:
 - 1) To fail to provide an adequate breath or urine sample without a valid medical explanation;
 - 2) To fail to sign a testing form or a medical consent form;
 - 3) To not make oneself readily available for testing; or
 - 4) To engage in any other conduct that obstructs or delays the testing process.
- C. "Work hours" shall mean any hours within the basic workday or any other period when an employee is required to perform any other work for the City.

Prohibitions

- A. No employee shall:
 - 1) Engage in any drug–or alcohol–related conduct during work hours, which is unlawful under federal, state, or local law during work hours;
 - 2) Work or report to work under the influence of drugs or alcohol. For the purposes of this prohibition only, "under the influence" shall mean:
 - a) having alcohol concentration as such is defined by RSA 259:3-b, of .04 or greater; or
 - b) having a quantity of drugs in one's system sufficient to meet or exceed the threshold for a positive test under US DOT regulations for holders of commercial driver's licenses.
 - 3) Use any drug in a manner or for a purpose, other than as prescribed by a doctor or the manufacturer, which impairs his or her job performance;
 - 4) Consume alcohol or possess a container of alcohol with a broken seal during work hours; or
 - 5) Refuse to submit to tests.

B. No supervisor shall:

- 1) Having reasonable suspicion that an employee is under the influence of drugs or alcohol or misusing drugs, permit the employee to perform or continue to perform his or her job.
- 2) Permit an employee who is subject to a return-to-duty test to work until the employee successfully completes said test.

Nothing in this policy shall be construed so as to limit the authority of any supervisor to take action he or she deems necessary to protect the health or safety of employees where the use of alcohol or drugs is involved.

Testing

Testing will be in accordance as provided in 49 CFR 382.307 (reasonable suspicion testing). The collection of breath (alcohol) samples and urine (drug) specimens, testing and confirmation procedures shall be conducted in accordance with 49 CFR, Part 40, as it may be amended from time to time by the U.S. Department of Transportation, except that special custody and control forms and alcohol testing forms shall be used.

Pre-employment Testing

All offers of initial employment shall be conditioned upon the successful completion of drug and alcohol testing.

The Human Resources Department shall schedule testing with the City of Manchester provider. The City shall pay costs of pre-employment testing.

Reasonable Suspicion

If a supervisor has personal knowledge of or reasonably trustworthy information of specific facts or circumstances which would reasonably lead him or her to believe that an employee is under the influence of drugs and/or alcohol, that supervisor shall direct that employee to submit to both a drug and alcohol tests.

Under such circumstances, a supervisor shall:

- 1) Direct the employee to submit to a drug and alcohol test;
- 2) Arrange for transportation for the employee to the testing site;
- 3) Arrange for transportation for the employee to his or her home upon completion of testing;
- 4) Document all the facts and circumstances underlying the Supervisor's decision in writing.

Counseling

An employee who tests positive shall be referred to a Substance Abuse Professional (SAP) selected by the City for assessment and shall be required to complete all designated tests and programs to the SAP's satisfaction prior to their eligibility of returning to work.

Employees referred to the Substance Abuse Professional (SAP)) shall be required to complete return-to-duty and/or follow-up testing as outlined by the SAP.

Program Expenses

An employee, who tests positive and has not been terminated, shall be required as a condition of continued employment with the City, at the time each service is rendered, pay all costs associated with Split Specimen Testing (if applicable), Substance Abuse Professional (SAP) assessment, SAP designated follow-up programs and SAP designated follow-up drug and alcohol random testing, unless specifically addressed within their respective collective bargaining agreement.

Confidentiality of Information

The City shall maintain drug and alcohol test results in the Human Resources Department, separate from employee personnel files. Any employee may, upon written request, have access to records relating to his/her drug test.

Except upon written consent of the employee, as required by law, or as otherwise provided herein, the City shall not disclose records relating to drug and/or alcohol tests to any third party.

The City may disclose and rely upon the records relating to drug and alcohol tests in any lawsuit, grievance or other proceeding challenging the test or the resulting discipline or where the employee's intoxication due to drugs and/or alcohol is a defense to liability.

Testing pursuant to this policy is not intended to be used for law enforcement purposes.

Disciplinary Action

Any employee who violates this policy shall be subject to disciplinary action, up to and including termination.

Other Policies

Nothing in this policy shall be construed to repeal or limit the terms of any other City policy.

Effective Date

This policy shall become effective for all employees upon passage by the Board of Mayor and Aldermen.

Revised March 24, 2009
 April 21, 2009