

**City of Holyoke
Office for Community Development
Drug Free Workplace Policy**

The City of Holyoke is committed to winning the battle against substance abuse. Substance abuse jeopardizes a stable family structure, exacerbates crime, impacts worker productivity and presents a continuing and growing drain of government funds. For our youth, substance abuse is an especially serious threat. Drugs destroy their hopes and dream and, all too often, their very lives.

The workplace is not immune to the influence of substance abuse. Worker safety, health, and efficiency are adversely affected. Therefore, in harmony with the City's three-pronged strategy of education, treatment, and enforcement to combat substance abuse, and in accordance with the federal legislation, the Drug-Free Workplace Policy has been adopted.

Effective March 28, 1989, the federal government enacted the "Drug-Free Workplace Act," 41 U.S.C.A. 701 et seq.). This act requires any employer receiving federal funding must certify that it will maintain a drug-free workplace. Among other things, the act requires that a policy be published notifying employees that the unlawful manufacture, distribution, possession, or use of controlled substances is prohibited in the workplace. It also requires that certain actions be taken if this policy is broken.

It is the policy of the City of Holyoke that each employee has a right to come to work and perform his or her job in an environment that is free from the illegal use of drugs. It is also in the interest of the City and the public that employees be able to perform their duties safely and efficiently. The City is firmly committed to promoting high standards of health, safety, and efficient services. Thus, our goal is to maintain a work environment free from the affects of drug abuse.

It is the policy of the City of Holyoke that employees shall not unlawfully manufacture, distribute, dispense, possess or use a controlled substance while on the job or in the workplace, or be under the influence of a controlled substance, not prescribed for him/her by a physician, while on the job or in the workplace. Any employee violating this policy will be subject to discipline, up to and including termination.

It is the policy of the City of Holyoke that the employees with substance abuse problems are encouraged to participate in a counseling or rehabilitation program prior to being in a disciplinary situation. Employees should be advised of the Employees Assistance Program and any available drug counseling or rehabilitation program.

Employees shall not unlawfully use, possess, distribute, dispense or manufacture controlled substances or be under the influence of a controlled substance while on the job or in the workplace. Any employee violating this policy will be subject to discipline, up to and including termination.

"Controlled substances" are specifically defined in federal law. They consist of two classes of drugs: 1(those commonly thought of as "illegal" drugs; and 2) certain medications if not being taken under a physician's prescription or according to a physician's orders, which the federal government has determined have a potential for abuse, or are potentially physically or psychologically addictive.

Employees must give notification in writing to their agency's personnel director (or other official serving in that role for the agency) within five (5) calendar days of any conviction

for violation of a criminal drug statute if the violation occurred in the workplace. A conviction means finding of guilt (including a plea of nolo contendere) and/or the imposition of a sentence by a judge or jury in any federal or state court. This reporting requirement is in addition to any agency work ruled that require notice of arrests and/or convictions. Any employee who is so convicted or who fails to report such conviction is subject to discipline, up to and including termination.

“Workplace” includes any locations owned, operated or controlled by the City of Holyoke, whether the employee is on or off duty, and any other locations while on duty where City of Holyoke business is conducted, including traveling on City time to or from such work locations.

The City must notify the appropriate federal agency in writing within ten (10) calendar days of receiving notice that one of its employees funded under a federal grant or contract has been convicted for the violation of a state or federal drug statute occurring in the workplace.

Employees who have substance abuse problems are encouraged to participate in a rehabilitation program and should be notified of the Employee Assistance Program and available drug counseling or rehabilitation programs. The federal act requires that an employee take action within 30 calendar days of receiving notice of a workplace drug conviction to impose discipline upon and/or require satisfactory participation in a substance abuse rehabilitation program by the convicted employee.

Since it is a federal certification requirement that employees be notified of this policy, each employee will receive a copy of it. This policy will also be available at the Office for Community Development.

Alex B. Morse, Mayor, City of Holyoke