

DRUG AND ALCOHOL-FREE WORKPLACE POLICY

1. Purpose and Scope

As a recipient of federal funds, the Falmouth Housing Authority (FHA) is required to comply with the Drug-Free Workplace Act of 1988. In accordance with that Act, the illegal use, distribution, sale, or possession of controlled substances, as defined under the Federal Controlled Substances Act, while on the job or on FHA property is an offense warranting disciplinary action up to and including immediate suspension and termination.

This policy is applicable to all FHA employees and volunteers working on behalf of the, including in an elected capacity. Employees whose employment is governed by a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by law or agreement.

The Falmouth Housing Authority may, at any time and at its discretion, amend, supplement, modify, or change any part of this policy subject to bargaining.

2. Definitions

Alcohol: any beverage, mixture or any preparation, including any medication, containing alcohol.

Controlled substance: In this policy, the term drugs and controlled substances are interchangeable and have the same meaning. Unless otherwise provided, these terms refer to:

- Marijuana (irrespective of its legalization in Massachusetts)
- Cocaine
- Opiates
- Phencyclidine (PCP)
- Amphetamines, including methamphetamines
- Hallucinogens
- Narcotics
- Cannabinoid
- Any substance for which a prescription is required which has not been obtained or followed
- Any substance the use of which impairs the individuals' ability to safely perform the essential functions of their job
- Derivation or combination of any of the substances contained in this list.

3. Policy

The Falmouth Housing Authority values its employees and recognizes the need for a safe, productive and healthy work environment. The Falmouth Housing Authority is committed to providing such a workplace, free of the problems associated with the abuse of alcohol, marijuana, and controlled substances, and to fostering the well-being and health of its employees. Illegal or irresponsible use of alcohol, marijuana, or controlled substances is inconsistent with the behavior expected of FHA employees, particularly where it may increase the risk of

workplace accidents or other failures that would undermine the Falmouth Housing Authority's ability to operate effectively and efficiently, or erode public trust.

Employees of the Falmouth Housing Authority are visible and active members of the communities where they live and work. They are inescapably identified with the Falmouth Housing Authority and are expected to represent it in a responsible and creditable fashion. While the Falmouth Housing Authority does not intend to intrude into the private lives of its employees, the Falmouth Housing Authority does expect employees to report for work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

Individuals under the influence of drugs or alcohol in the workplace pose serious safety and health risks, not only to themselves, but also to all those who encounter them. As a condition of employment, the Falmouth Housing Authority hereby notifies every employee that no alcohol or illegal drugs shall be used or held in possession on any FHA property or equipment by an employee during their or any employee's work shift, including all breaks and lunch periods.

Employees who are under the influence of controlled substances and/or alcohol, either on the job or when reporting for work, or who possess or consume controlled substances not prescribed by their health care provider and/or alcohol during work hours, have the potential for interfering with their own as well as their coworkers' safe and efficient job performance. Such conduct will be just cause for disciplinary action, up to and including immediate suspension and termination, consistent with any just cause provisions of any collective bargaining agreement that pertains to the employee.

4. Procedures

Although medical and recreational use of marijuana has been legalized in the Commonwealth of Massachusetts, this policy and the following procedures still apply to its use.

Prohibited Uses:

- a. **Off Duty:** Any unprescribed use, sale, possession, distribution, dispensation, manufacture, or transfer of controlled substances or marijuana, except, in the case of marijuana, where authorized by Massachusetts Law.
- b. **On Duty:** Any consumption of controlled substances, marijuana (with or without prescription) or alcohol, whether on or off FHA property, or at any other worksite where employees may be assigned, or elsewhere during work hours, or within a period of time prior to work hours that would leave a reasonable likelihood of an adverse residual effect on employee safety or performance.
- c. **Use of controlled substances or marijuana (with or without a prescription), or any use of alcohol on non-working time, to the extent that such use: (i) impairs an employee's ability to perform the employee's job; (ii) adversely impacts the safety of the employee or others; (iii) or affects the reputation of the Falmouth Housing Authority to the general public or otherwise threatens its integrity.**

Employees are expected to follow any directions of their health care provider concerning prescription medications and must immediately notify their supervisor of any prescription medication, which may impair their ability to safely perform their jobs, including operating equipment owned by the Falmouth Housing Authority. In addition, notification must be given at the time of any testing or screening as to any medication being taken. However, nothing in this policy precludes the appropriate use of legally prescribed medications.

Employees who are convicted of substance-related violations under state or federal law in the workplace, including alcohol or marijuana related violations, or who plead guilty or nolo contendere to such charges, must inform their department head or supervisor within five (5) days of such conviction or plea. Department heads or supervisors shall immediately notify the Falmouth Housing Authority Administrator. The Falmouth Housing Authority shall notify all appropriate federal and state agencies (i.e. MassDOT) if applicable, and further shall have up to thirty (30) days from the time of notification by the employee of such a conviction to take appropriate personnel action up to and including termination. The Falmouth Housing Authority may also require, as a condition of continued employment, that the employee participate in an approved substance abuse assistance rehabilitation program as described in this policy.

Employees who are found to have consumed or be impaired by controlled substances, marijuana or alcohol while on-duty, may be required to successfully complete a substance abuse or similar program as a condition of continued employment or reemployment with the Falmouth Housing Authority.

Employees subject to random drug testing and screening as a part of their employment or any licenses that they hold that are necessary to do their job, or employees that drive FHA vehicles will be subject to higher standards and are forbidden to operate FHA-owned equipment under the influence of controlled substances or alcohol. The Falmouth Housing Authority reserves the right, within the limits of federal and state laws, to test any employee for the presence of controlled substances and/or alcohol should the Falmouth Housing Authority believe work performance and/or the safety of the employee or others is at risk. All employees are prohibited from switching, tampering with, or adulterating a urine, blood, saliva or breath specimen, or otherwise interfering with the collection and testing process. Such conduct will be viewed as serious misconduct and will result in further disciplinary action, up to and including termination.

All employees must sign a statement acknowledging that they have been informed of the rules and requirements of the Drug-Free Workplace Act.

5. Employee Assistance Program

The Falmouth Housing Authority recognizes drug and alcohol dependency as an illness and a major public health problem. To that end, the Falmouth Housing Authority encourages affected individuals to voluntarily seek medical help. Employees who wish to obtain help in dealing with such problems may contact the Falmouth Housing Authority.

Note that the Falmouth Housing Authority may independently refer an employee to the Employee Assistance Program or other substance use/abuse counseling agency or program for help, particularly where there is a pattern of deteriorating job performance or excessive absenteeism of the employee associated with substance use/abuse. In such an instance, the employee's engagement with this resource would remain a confidential matter.

Employees voluntarily entering alcohol or drug treatment or rehabilitation program shall do so without fear of disciplinary action being taken against the employee as a result of seeking treatment, provided the employee stops any and all involvement with the substance being abused, and maintains adequate job performance. Employees are encouraged to come forward voluntarily to seek assistance for any problems or concerns before they impair performance and/or jeopardize the employee's continued employment.

6. Sanctions

Any employee during their work shift, including without limitation all breaks and meal periods, who manufactures, distributes, sells, uses, possesses or is found to have in the employee's locker or desk or other such repository, alcohol or controlled substances, which are not medically prescribed, will be suspended immediately pending further investigation, except as provided in item 1 of this policy. If use or possession is substantiated, disciplinary action up to and including termination will be imposed. In deciding what action to take, the Falmouth Housing Authority will consider the nature of the charges, the employee's present job assignment, the employee's record with the Falmouth Housing Authority, and other factors relative to the impact of the employee's use or possession. The Falmouth Housing Authority will also require that the employee sign a Return-to-Work Agreement. The Falmouth Housing Authority will use termination as a last-resort, or will reserve termination for a highly egregious incident.

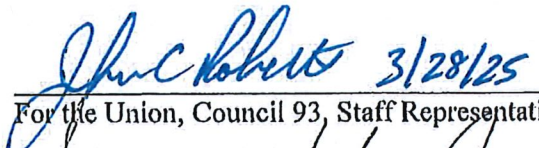
The Falmouth Housing Authority may require that an employee in violation of this policy participate in a drug or alcohol abuse assistance or rehabilitation program approved for such purposes by the Falmouth Housing Authority. An Employee Assistance Program (EAP), the Falmouth Housing Authority and said participation could be a condition of continued employment. The Falmouth Housing Authority will allow the employee to use accrued vacation, sick leave, personal leave, compensatory time, or an unpaid leave of absence for an approved assistance or rehabilitation program. Employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or require driving.

Notwithstanding the language outlined in this policy, it shall not void, change, or supersede any law, act, regulation, or collective bargaining agreement.

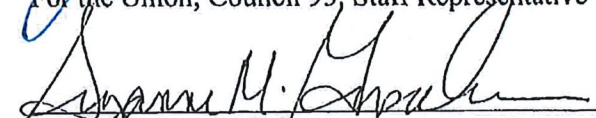
Additionally, all items within this policy shall be subject to the grievance and arbitration provisions specified in the collective bargaining agreement.

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Adopted by a vote of the Falmouth Housing Authority and approval of the Union (AFSCME Council 93 and Local 1636).

 3/28/25


For the Union, Council 93, Staff Representative For FHA



President, Local 1636



Steward



Steward

Effective 3/5/2025