

Notice of Amendment of Employee Personnel Policy

November 29, 2011

Re: Employee Substance Abuse Policy

To All Town of Westport Employees:

Please take notice of the following amendment regarding the Employee Personnel Policy Handbook (hereinafter EPP) as enacted January 1, 1997.

Said amendment to that EPP as authorized under the aforementioned Employee Personnel Policy Handbook and shall supplement the existing and current EPP which is incorporated herein by reference.

Please be advised that the attached policy has been implemented by the Town of Westport and is effective as of the date of this correspondence of said policy. The following policy shall apply to all employees of the Town of Westport regardless of date of hire. If any policy provision is found to be in violation of any State or Federal law, said provision shall be stricken from the policy and practices of the Town of Westport.

Each department supervisor shall post said policy in their respective offices and visible in a conspicuous location. The Town Clerk shall post the attached notice in relevant break areas and the location where mandatory employment law notifications are provided. In addition, each employee shall receive a copy of said policy from the Town Clerk and the same is available upon request.

The Town Council, on behalf of the Town of Westport is committed to providing a safe working environment for all employees and expects its employees to report to their jobs physically and mentally fit for work. Furthermore, the Town is committed to maintain and operate as a responsible governmental institution.

To achieve these goals, the Town of Westport must take a firm and positive stand against drug and alcohol abuse. This policy is intended to ensure a drug free environment for our employees and visitors.

I welcome any questions to ensure that each employee has a firm understanding of this important policy amendment(s) for the Town of Westport.

With Respect,



Bryan Gatewood,
President, Town Council

EMPLOYEE SUBSTANCE ABUSE POLICY

The Town of Westport is committed to providing a safe working environment and, likewise, expects its employees to report to their jobs physically and mentally fit for work. Furthermore, the Town is committed to assuring its continued representation as a responsible governmental institution. To achieve these goals, the Town of Westport must take a firm and positive stand against drug and alcohol abuse. This policy is intended to ensure a drug free environment for our employees and visitors.

The Town of Westport is prepared to help and support employees requesting assistance in dealing with drug or alcohol problems. Employees who seek help in dealing with drug or alcohol problems are provided services that may include outside treatment at rehabilitation facilities.

In addition, the Town of Westport is in compliance with and supports Indiana state laws regarding the possession and consumption of alcoholic beverages and illegal drugs.

Policy Requirement

1. The use, possession, sale, or transfer of an illegal drug by any employee on the Town of Westport premises or under control of town owned personal property or equipment, in the performance of Town business, or at Town sponsored events, is strictly prohibited.
2. The use of any legally obtained drug by any employee while performing Town business or while on premises or under control of Town owned personal property and/or equipment is prohibited to the extent that such use may adversely affect the safety of the employee or others, the employee's job performance or the Town's reputation in the community. Employees who have been informed or have discovered that the use of a legal drug may adversely affect job performance or behavior are to report such drug use and possible side effects to their respective department supervisor or director of human resources for the Town.
3. Possession, distribution, or consumption of alcoholic beverages while while on premises or under control of Town owned personal property and/or equipment is not permitted.
4. The use of alcohol by employees while conducting Town business, attending Town sponsored business or social functions, or otherwise representing the Town of Westport off Town premises is permitted only to the extent that it is not unlawful and does not adversely affect the safety of the employee or others, the employee's job performance, or the Town's regard or reputation in the community.

5. The presence in specified amounts (producing positive test results) of any illegal drug or alcohol in an employee's system while on Town premises or while otherwise performing Town business is prohibited.

Testing and Treatment

1. All prospective new employees will be tested for the use of illegal drugs and controlled substances. No offer of employment will be made to an applicant until he or she completes the necessary drug information and testing consent forms and passes the pre-employment drug test. Applicants who refuse to complete the necessary paperwork and test or who test positive on the drug screen will not be offered employment.
2. The Town of Westport may require a drug/alcohol test whenever:
 - a) The Town of Westport suspects that an employee's work performance or on-the-job behavior may have been affected in any way by alcohol or drugs, or that an employee has otherwise violated the substance Abuse Policy. An employee must complete the necessary drug information and consent forms prior to the testing.
 - b) Credible information obtained from other employees based on their observations of slurred speech, excessive physical and verbal arguments, confusion, disorientation, personality changes, or odor of marijuana or alcohol.
 - c) An employee has been involved in an on-the-job accident resulting in property damage or personal injury requiring medical attention.
 - d) An employee has been arrested in association with drugs or alcohol.
 - e) The Town may also require periodic, unannounced testing on an employee following the employee's return from an approved drug or alcohol rehabilitation program or medical leave.
 - f) An employee who tests positive for alcohol or drugs during the employee's first 90 days of employment will be discharged immediately for violation of the Town's Substance Abuse Policy.
 - g) After the employee's first 90 days of employment, an employee whose alcohol or drug test is positive may be subject to the following rehabilitative procedure:
 - 1) First Offense: The employee is to be placed on an immediate leave of absence. The employee cannot return until a Town

approved counselor or physician releases the employee to return to work and complete job duties and responsibilities of her/his position.

- 2) Second Offense: If within one year of release from a treatment program an employee again tests positive for either alcohol or drugs, the employee will be terminated for the positive test result.
6. The leave of absence that must be taken after a positive alcohol or drug test is without pay. However, an employee may use any accrued, unused vacation, personal days, or sick days to receive compensation during the leave. Current benefit coverage will continue during the leave.
7. All test results, assistance requests, and treatment records will be maintained in files separate from the employee's personnel file and will be held in the strictest of confidence, disclosed only to those having a legitimate need to know such information.

Disciplinary Action

1. Depending upon the seriousness of the offense, any violation of the policy requirements of the Substance Abuse Policy will result in discipline, up to and including termination, even for a first offense.
2. The failure or refusal to complete the necessary paperwork, to submit to a drug test, or to undergo treatment pursuant to the requirements of the Substance Abuse Policy will be grounds for immediate termination.

As Approved by the Westport Town Council

Bryan S. Gatewood - President
11/30/2011