

I hereby certify that I was given a copy of the Town of Walpole's Drug and Alcohol Testing Policy, and have been given an opportunity to ask questions of my supervisor about the content of the policy.

\_\_\_\_\_  
Employee's name

\_\_\_\_\_  
Position

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date



SIDE LETTER

BETWEEN THE TOWN OF WALPOLE

AND A.F.S.C.M.E. STATE COUNCIL 93 LOCAL 1997

DEPARTMENT OF PUBLIC WORKS :

The following embodies a Side Letter to the Memorandum of Agreement between the above referenced parties relative to a Collective Bargaining Agreement for July 1, 1995 through June 30, 1998. The Side Letter is effective March 5, 1996.

1. The D.P.W. Union accepts the Town of Walpole Alcohol and Drug Policy as voted by the Board of Selectmen on December 12, 1995.
2. Reasonable suspicion tests of alcohol and controlled substance use will be authorized by only trained/certified Superintendents who receive approval of the Department of Public Works Manager or Assistant Town Administrator who must also be trained/certified.
3. If a split specimen test is requested by the employee, the Union shall incur the cost if positive and the Town if the test is negative.
4. The policy plus this agreement supersedes the specific language found under Article II Management Rights paragraph on Federal Drug Free Work Place Act of 1988 the last sentence only for the purpose of Commercial Drivers License Compliance only.

FOR THE UNION

Philip T. White

Union Pres

DATE: 3/19/96

FOR MANAGEMENT

John A. Ell

Asst. Town Administrator

DATE: 3/19/96

**TOWN OF WALPOLE  
ALCOHOL AND DRUG POLICY**

**I. GENERAL**

The Town of Walpole has a strong commitment to its employees to provide a safe work place and to establish programs promoting high standards of employee health. Consistent with the spirit and intent of this commitment, the Town of Walpole has established this policy regarding drug and alcohol use or abuse. Quite simply, our goal will continue to be one of establishing and maintaining a work environment that is free from the effects of alcohol and drug use.

Employees of the Town of Walpole are visible and active members of the communities where they live and work. They are inescapably identified with the Town and are expected to represent it in a responsible and creditable fashion.

While the Town of Walpole does not intend to intrude into the private lives of its employees, the Town does expect employees to report for work in condition to perform their duties. The Town recognizes that employee off-the-job as well as on-the-job involvement with drugs and alcohol can have an impact on the work place and on our ability to accomplish our goal of an alcohol and drug-free environment.

The following is the Town of Walpole's policy:

1. The illegal use, sale or possession of narcotics, drugs, or controlled substances while on the job or on Town property is an offense warranting discharge. Any illegal substances will be turned over to the appropriate law enforcement agency.
2. Employees who are under the influence of alcohol or narcotics, drugs or controlled substances, either on the job or when reporting for work, or who possess or consume alcohol during work hours, have the potential for interfering with their own, as well as their co-workers' safe and efficient job performance. Such conditions may be proper cause for administrative action up to and including termination of employment.
3. Off-the-job illegal drug activity which could adversely affect an employee's job performance or which could jeopardize the safety of other employees, the public, or Town property or equipment is proper cause for administrative or disciplinary action up to and including termination of employment as additionally provided for in the Omnibus Transportation Act of 1991. In deciding what action to take, Management will take into consideration the nature of the charges, the employee's present job assignment, the employee's record with the Town and other factors relative to the impact of the employee's arrest upon the conduct of Town business.

4. Some of the drugs which are illegal under federal, state or local laws include, among others, marijuana, heroin, hashish, cocaine, hallucigens and/or depressants not prescribed for current personal treatment by a licensed physician.

5. Employees are expected to follow any directions of their health care provider concerning prescription medications, and must immediately notify their supervisor if any prescription drug is likely to have an impact on job performance. In addition, notification must be given at the time of any testing or screening as to any drugs or medicine being taken.

Any employee, while on Town property or during that employee's work shift, including without limitation all breaks and meal periods, who consumes or uses, or is found to have in his or her personal possession, in his or her locker, desk, Town vehicle or other such repository, alcohol or drugs which are not medically authorized, or is found to have used or to be using such alcohol or drugs, will be suspended immediately pending further investigation. If use or possession is substantiated, disciplinary action, up to and including discharge, will be imposed.

This general policy explains and clarifies the Town of Walpole's policy on drug and alcohol use. Employees in need are strongly encouraged to voluntarily seek assistance for any personal drug addiction or alcohol dependency. Employees who voluntarily seek such professional help before the Town determines that they have violated this policy may do so without being subject to disciplinary action. However, should an employee be suspended or placed on leave for violating this policy, then such an employee will be subject to disciplinary action up to and including termination.

## **II. OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991: TESTING FOR DRUGS AND ALCOHOL**

It is the policy of the Town of Walpole to comply fully with the Rules issued by the U.S. Department of Transportation under the 1991 Omnibus Transportation Employee Testing Act dealing with limitations on alcohol and drug use by transportation workers, drug and alcohol testing of such workers and the reporting/record-keeping requirements relative to such testing. The Rules found at 49 C.F.R. section 382.100 et seq. apply to all interstate and intrastate truck and motor coach operators, including but not limited to school bus drivers and all Town employees with commercial drivers licenses.

The following conduct is prohibited:

1. Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions with a breath/blood alcohol content of 0.04 percent (or higher).

2. Use of alcohol within the four (4) hours prior to performing a safety-sensitive function like driving.
3. Use of alcohol on the job.
4. Use of alcohol during the eight (8) hours following an accident.
5. Possession of any medication or food containing alcohol while driving a vehicle.
6. Refusal to take a required test.
7. Use of controlled substances on or off duty unless a doctor has prescribed the controlled substance and the doctor has informed the employee that the substance does not adversely affect the employee's ability to operate a vehicle safely.

### III. PROCEDURES - ALCOHOL AND DRUG TESTING PURSUANT TO 49 C.F.R

Section 382.100 et. seq.

#### A. Types of Tests. The following tests are require:

1. Pre-Placement Testing for Controlled Substances and Alcohol: All applicants for employment in covered positions, or candidates for transfer or promotion to such positions, as well as those covered employees returning from layoff, are subject to screening for use of alcohol or controlled substances. Individuals who test positive will either not be offered a position with the Town or will be subject to disciplinary action depending on whether or not the test was for original hire or transfer/promotional purposes.
2. Post Accident. All covered employees shall be tested after accidents involving safety sensitive vehicles where there has been a citation for a moving traffic violation, or there is a fatality, even if the driver is not cited for a moving traffic violation. Tests for alcohol use shall be conducted within two (2) hours, but in no case more than eight (8) hours of the accident, while tests for controlled substances shall be conducted within 32 hours of the accident. Employees must refrain from all alcohol and controlled substance use until the test is complete. Employees are obligated to cooperate in such testing or will be deemed to have refused. It is the employee's responsibility to make him/herself available for testing. Generally, the employees will be accompanied to/from the testing site by a Town of Walpole employee/supervisor.
3. Reasonable Suspicion. An employee shall be tested

when a trained supervisor or manager observes behavior, speech, appearance or odor that leads to a reasonable suspicion that the employee has violated Numbers 1-7 of Section II above or has been or is using controlled substances without a doctor's prescription. In the case of alcohol use, the observation shall be made during, preceding or after the workday. No such limitations are placed on observations for impermissible use of controlled substances. Tests for alcohol use shall be conducted within two (2) hours, but in no case more than eight (8) hours after the observation is made. If a test cannot be administered, the driver must be removed from performing safety sensitive duties for at least 24 hours.

4. Random. Employees shall be tested for the use of alcohol and controlled substances on a random, unannounced basis just before, during or after performance of safety sensitive functions for alcohol or at any time for controlled substances. Each year, the number of random alcohol tests conducted by the Town must equal at least 25% of all the covered employees. Random drug tests conducted by the Town must equal at least 50% of all covered employees.

5. Return to Duty and Follow-up. An employee who has violated the prohibited alcohol or drug standards shall be tested for alcohol and/or drug use prior to his/her return to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after an employee returns to duty. In certain circumstances the Town may extend the follow-up testing for up to sixty (60) months following an employee's return to duty.

## B. Conducting Tests

1. Alcohol. DOT rules require breath testing using evidential breath testing (EBT) devices. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a confirmation test must be conducted. Refusal of an employee to complete and sign the breath alcohol testing form shall be deemed to be a refusal to test. In addition, blood alcohol testing can be used in reasonable suspicion and post-accident testing where an evidentiary breath testing device is not available to where an employee is not capable of producing adequate breath.

2. Drugs. Drug testing is conducted by analyzing a driver's urine specimen, and must be conducted through a U.S. Department of Health and Human Services certified



facility. Specimen collection procedures and chain of custody requirements ensure that the specimen's security, proper identification and integrity are not compromised.

DOT rules require a split specimen procedure. Each urine specimen is subdivided into two bottles labeled as primary and split. Both bottles are sent to the laboratory. Initially, only the primary specimen is opened and used for the urinalysis. The split specimen remains sealed at the laboratory. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.

Testing is conducted using a two-stage process. First, a screening test is performed. If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug. Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.

All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the employer. If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen. For all the drugs listed above, except for PCP, there are some limited legitimate medical uses that may explain a positive test result. If MRO determines that the drug use is legitimate, the test will be reported to the Town as a negative result.

3. Refusal to Participate/Tampering. Any refusal to participate in any of the types of alcohol and or drug tests authorized in this policy will be treated as indicative of a positive result.

If there is any evidence that an employee engaged in sample tampering, such conduct shall be treated as a refusal to participate in testing for purposes of imposing discipline.

#### C. Consequence of Alcohol/Drug Misuses

1. Employees who have any alcohol concentration (defined as 0.02 or greater) when tested just before, during or just after performing safety and sensitive functions must be removed from performing such duties for 24 hours, and will be sent home without pay and subject to disciplinary action.



2. Employees who engage in prohibited alcohol or drug conduct (that is, who test positive for alcohol or drug use) must be immediately removed from safety sensitive functions, must be evaluated by a substance abuse professional and must undergo a treatment program as defined by the professional.

3. Employees who wish to continue employment with the Town of Walpole must be evaluated by a substance abuse professional and comply with any treatment recommendations to assist them with an alcohol or drug problem. Employees will be placed on non-occupational sick leave or leave without pay status during the treatment period at the sole discretion of the Town.

4. Employees who have been evaluated by a substance abuse professional, who comply with any recommended treatment, who have taken a return to duty test with a result less than 0.02 and/or a urine drug test which is negative who are then subject to unannounced follow-up tests, may return to work, provided that the instant action was the employee's first violation.

5. Employees who have returned to work under these conditions and who subsequently test positive for alcohol or drugs in accordance with this policy may be subject to discipline up to and including termination.

6. Employees who fail to fully comply with any recommended treatment shall be subject to disciplinary action up to and including termination.

#### D. Information/Training

1. All current and new employees will receive written information about the testing requirements and how and where they may receive assistance for alcohol or drug misuse. All employees must receive a copy of this policy and sign the Confirmation of Receipt (Attachment 1).

Employees who fail to fully comply with any recommended treatment shall be subject to disciplinary action up to and including termination.

2. All supervisory and management personnel in the Department of Public Works must attend at least two hours of training on alcohol and drug misuses symptoms and indicators used in making determinations for reasonable suspicion testing.

#### E. Record Keeping

1. The Town is required to keep detailed records of its alcohol and drug misuse prevention program.

2. Driver alcohol and drug testing records are confidential. Test results and other confidential information may only be released to the employer, the substance abuse professional, the MRO, and any arbitrator of a grievance filed in accordance with this policy. Any other release of this information may only be made with the driver's consent.

#### **F. Pre-employment References**

1. The Town must obtain and review the following information from each employer that the prospective driver worked for, in a safety sensitive position, during the previous two years: information about a test in which the employee's blood alcohol was 0.04 or greater; information about a positive drug test; and information about any refusal to participate in the alcohol and drug testing program.

2. The prospective employee must provide the former employer with a written release allowing the release of this information or he/she may not be hired.

3. If the previous employer indicates that a positive result was received, or that the employee refused to participate when selected for an alcohol or drug test, the applicant may not be appointed unless he/she has consulted with a substance abuse professional, received recommended treatment, and tested negative in a return to duty test.

4. The Town of Walpole must provide the same information to subsequent employers of current Town employees when provided with a written release.

#### **G. Questions**

Questions about this policy should be referred to the employee's Supervisor, the Director of Public Works, and/or the Town's Assistant Town Administrator.

# Your Medical Benefits

Covered Services	Your Cost
<b>Outpatient Care</b>	
Emergency room visits	\$75 per visit (waived if admitted or for observation stay)
Well-child care visits	Nothing
Preventive dental care for children under age 12 (one visit each six months)	Nothing
Routine adult physical exams, including related tests	Nothing
Routine GYN exams, including related lab tests (one per calendar year)	Nothing
Routine hearing exams	Nothing
Routine vision exams (one per calendar year)	Nothing
Family planning services—office visits	Nothing
Mental health and substance abuse treatment	\$15 per visit
Office visits	\$15 per visit
Chiropractors' office visits	\$15 per visit
Short-term rehabilitation therapy—physical and occupational (up to 60 visits per calendar year*)	\$15 per visit
Speech, hearing, and language disorder treatment—speech therapy	\$15 per visit
Diagnostic X-rays, lab tests, and other tests, including CT scans, MRIs, PET scans, and nuclear cardiac imaging tests	Nothing
Home health care and hospice services	Nothing
Oxygen and equipment for its administration	Nothing
Durable medical equipment—such as wheelchairs, crutches, hospital beds	20% coinsurance**
Prosthetic devices	20% coinsurance
Surgery and related anesthesia	
• Office setting	\$15 per visit***
• Ambulatory surgical facility, hospital, or surgical day care unit	\$125 per admission
<b>Inpatient Care (including maternity care)</b>	
General hospital care (as many days as medically necessary)	\$250 per admission
Chronic disease hospital care (as many days as medically necessary)	\$250 per admission
Mental health and substance abuse facility care (as many days as medically necessary)	\$250 per admission
Rehabilitation hospital care (up to 60 days per calendar year)	Nothing
Skilled nursing facility care (up to 100 days per calendar year)	Nothing

\* No visit limit applies when short-term rehabilitation therapy is furnished as part of covered home health care or for the treatment of autism spectrum disorders.

\*\* Cost share waived for one breast pump per birth.

\*\*\* Copayment waived for restorative dental services and orthodontic treatment or prosthetic management therapy for members under age 18 to treat conditions of cleft lip and cleft palate.

Covered Services	Your Cost In-Network	Your Cost Out-of-Network
<b>Inpatient care (including maternity care)</b> General or chronic disease hospital care (as many days as medically necessary)	Nothing	20% coinsurance after deductible
Mental hospital or substance abuse facility care (as many days as medically necessary)	Nothing	20% coinsurance after deductible
Rehabilitation hospital care (up to 60 days per calendar year)	Nothing	20% coinsurance after deductible
Skilled nursing facility care (up to 100 days per calendar year)	Nothing	20% coinsurance after deductible
<b>Prescription Drug Benefits*</b>		
<b>Calendar-year out-of-pocket maximum</b>	\$1,000 per member \$2,000 per family	None
At designated retail pharmacies (up to a 30-day formulary supply for each prescription or refill)	\$10 for Tier 1** \$20 for Tier 2 \$35 for Tier 3	Not covered
Through the designated mail service pharmacy (up to a 90-day formulary supply for each prescription or refill)	\$20 for Tier 1** \$40 for Tier 2 \$70 for Tier 3	Not covered

\* Cost share waived for certain orally-administered anticancer drugs.

\*\* Cost share waived for birth control.

## Get the Most from Your Plan.

Visit us at [www.bluecrossma.com/membercentral](http://www.bluecrossma.com/membercentral) or call 1-800-782-3675 to learn about discounts, savings, resources, and special programs like those listed below that are available to you.

<b>Wellness Participation Program</b> <b>Reimbursement for a membership at a health club or for fitness classes</b> This fitness program applies for fees paid to: privately-owned or privately-sponsored health clubs or fitness facilities, including individual health clubs and fitness centers; YMCAs; YWCAs; Jewish Community Centers; and municipal fitness centers. (See your benefit description for details.)	\$150 per calendar year per policy
<b>Reimbursement for participation in a qualified weight loss program</b> This weight loss program applies for fees paid to: a qualified hospital-based weight loss program or a Blue Cross Blue Shield of Massachusetts designated weight loss program. (See your benefit description for details.)	\$150 per calendar year per policy
Blue Care Line <sup>SM</sup> —A 24-hour nurse line to answer your health care questions—call 1-888-247-BLUE (2583)	No additional charge

## Questions? Call 1-800-782-3675.

For questions about Blue Cross Blue Shield of Massachusetts, visit the website at [www.bluecrossma.com](http://www.bluecrossma.com).

Interested in receiving information from Blue Cross Blue Shield of Massachusetts via e-mail?

Go to [www.bluecrossma.com/email](http://www.bluecrossma.com/email) to sign up.

**Limitations and Exclusions.** These pages summarize the benefits of your health care plan. The benefit description and riders define the full terms and conditions in greater detail. Should any questions arise concerning benefits, the benefit description and riders will govern. Some of the services not covered are: cosmetic surgery; custodial care; hearing aids for members over age 21; most dental care; and any services covered by workers' compensation. For a complete list of limitations and exclusions, refer to your benefit description and riders. **Please note:** Blue Cross and Blue Shield of Massachusetts, Inc. administers claims payment only and does not assume financial risk for claims.