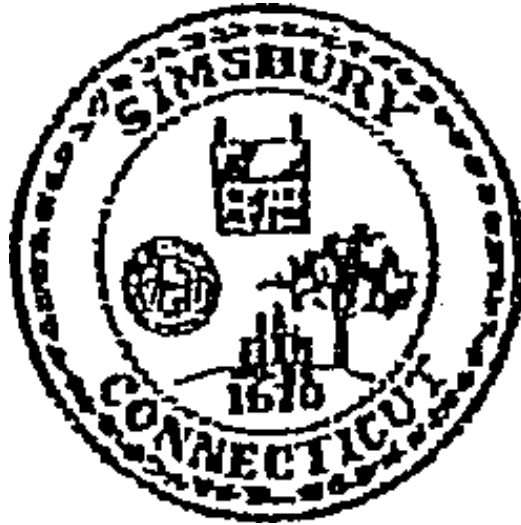


TOWN OF SIMSBURY



DRUG AND ALCOHOL-FREE WORKPLACE POLICY

**TOWN OF SIMSBURY
DRUG AND ALCOHOL-FREE WORKPLACE POLICY**

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I. PURPOSE

The purpose of this document is to outline the policy of The Town of Simsbury to comply with Federal and State of Connecticut requirements to maintain a drug and alcohol free workplace for the employees of the Town. The Town of Simsbury is firmly committed to operating in the safest and most efficient manner possible. As a responsible employer, the Town of Simsbury is also committed to promoting the safety and welfare of its employees and the public. The widespread problem of drug and alcohol abuse in our society is a potential threat to those objectives, endangering not only the public, but also the future of the Town of Simsbury and the personal lives of its employees.

It is the responsibility of each employee to ensure that he/she is drug free in compliance with the requirements outlined in this policy.

II. APPLICABLE FEDERAL AND STATE REGULATIONS

This policy was developed and will be implemented in accordance with the following Federal and State of Connecticut rules and regulations, which are applicable to the Town of Simsbury:

- Title 49 of the Department of Transportation, Federal Highway Administration, and the regulations thereto provide for Controlled Substance Testing: This statute and these regulations provide for testing of all applicants and employees who have the potential to operate commercial motor vehicles with a gross vehicle weight rating (GVWR) over 26,000 pounds, transport 16 or more passengers (including the driver) or transport placarded hazardous materials as deemed by the Town of Simsbury.
- State of Connecticut General Statute §14-261b: Allows testing of employees who drive vehicles with a GVWR of 10,001 pounds or more but not more than 26,000 pounds, mechanics who repair or service such vehicles or a commercial motor vehicle, as defined in Conn. Gen. Stat. §14- 1, or a forklift operator, driver or mechanic to submit to testing as provided by Federal Law. "Driver" means an employee driver or a contract driver under contract for ninety days or more in a period of three-hundred sixty-five days.
- State of Connecticut General Statutes 31-51t through 31-51aa: Allows reasonable suspicion testing of any individual currently employed or formerly employed and currently being rehired by the Town of Simsbury within twelve months of terminating employment including individuals in managerial positions. "Prospective employee" means any individual applying for employment with the Town of Simsbury, other than an individual who terminated employment with the Town of Simsbury within twelve months prior to such application.

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III. TERMS AND DEFINITIONS

Legal Drug - Includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used solely for the purpose for which they were prescribed or manufactured.

Illegal Drugs - Any drug which: (a) is not legally obtainable; (b) may be legally obtainable but has not been legally obtained; or (c) is being used in a manner or for a purpose other than as prescribed. The term "illegal drugs" also refers to mind-altering and/or addictive substances which are not sold as drugs or medicines but are used for mind or behavior altering effect.

Employees - All workers at the Town of Simsbury, including; full and part time, temporary, and contractors.

Job Applicant - A person who has applied for, or is being considered for a position. NOTE; this does not include anyone who has previously worked for the Town within the last 12 months.

Safety Sensitive Position - Any position which requires the performance of physical or supervisory tasks directly affecting operations which, if performed improperly, could result in injury or death to employees or others or could result in significant property damage. A position may also be classified as sensitive if it involves responsibilities requiring a high degree of trust and confidence. For the purposes of this policy, the Town of Simsbury will recognize all job classifications designated as Safety Sensitive by the Connecticut Department of Labor, as well as the positions of Lifeguard, Seasonal Parks Maintainer and Seasonal Highway Worker.

On Duty - includes all working hours, as well as meal periods and break periods, regardless of whether on premises, and all hours when the employee represents the company in any capacity.

Town Property - Includes work sites, parking lots, vehicles, or offices owned, rented, utilized, or serviced by the Town; or employee-owned or employee-rented vehicles on the property of the Town, and locations where the employee represents the Town in any capacity.

Under the influence - Any behavior of an employee while at work which is inhibited by use of drugs or alcohol.

Use - The presence of illegal drugs and/or alcohol on or in an employee while at work.

Fit for duty - Assumes employees arrive at work able to perform job duties without the influence of any substances.

Medical Review Officer (MRO) - A licensed physician with MRO certification who

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provides consultation and guidance with regard to drug testing and who is responsible for reviewing laboratory results generated by testing agent.

Substance Abuse Professional (SAP) - A licensed physician, a licensed or certified psychologist, a licensed or certified social worker, a licensed or certified employee assistance professional, an alcohol and drug abuse counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission, but not state certified drug and alcohol counselors, who provide a comprehensive assessment and clinical evaluation to determine if an employee requires assistance to resolve drug and/or alcohol misuse problems. When an SAP determines that an employee does require assistance in this regard, the SAP must recommend a course of treatment which the employee must successfully complete before being allowed to return to work.

Designated Employer Representative (DER) - The Town of Simsbury employee assigned the task of maintaining confidential employee files/information on issues of substance abuse in the workplace.

Refused Drug Test - Refusing to consent to drug testing, switching or adulterating a specimen, or failure to complete or sign any drug test related form.

Split Sample Testing - The urine specimen is collected in a sterile, single-use, sealed container which shall be unwrapped in the presence of the employee who is to give the sample. For split sample testing, the procedure shall be followed with both specimen bottles, or if only one collection bottle is to be used, the split sample shall be poured into a second container in the presence of the employee. The second or "split specimen" will be tested for the presence of drugs if the test on the first specimen is positive.

Verified positive test result - A drug test which was conducted using reliable methodology and produced 2 positive results.

Employee Assistance Program (EAP) - A program which functions as a professional, confidential, counseling service for a company's employees.

Counseling - Recognized forms of counseling include individual, group, self-help, religious, family, in-patient, out-patient and any combinations thereof.

Rehabilitation - The process of participating in counseling for the purpose of terminating drug and alcohol abusive behavior.

Successfully Rehabilitated - A person who has successfully completed a counseling program within a defined period of time. (Experience has shown that 18 months is the minimum time frame for successful rehabilitation. Remaining drug free is a life long effort of recovery.)

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IV. CATEGORIES OF TESTING

Detection will be accomplished through the following categories of drug and alcohol testing as outlined in 49 U.S.C. §31306, 49 CFR Part 40 and Part 382, and Conn. Gen. Stat. §§31-51t to 31-151aa:

1. Pre-employment (all employees except safety-sensitive seasonal employees)
2. Random Testing (safety-sensitive employees covered by Federally mandated program and Conn. Gen. Stat. §14-261b only - for example, drivers, forklift operators, mechanics) & safety-sensitive seasonal employees.
3. Reasonable Suspicion (all employees)
4. Post Accident (safety-sensitive employees only = drivers, forklift operators, mechanics)
5. Return-To-Duty (all employees)
6. Unannounced Follow Up Testing (all employees)

The drugs to be tested for are as follows:

Marijuana
Cocaine
Phencyclidine (PCP)
Opiates
Amphetamines

Alcohol - Blood Alcohol Concentration (B.A.C.) levels of .02 or greater will preclude an individual from performing a safety-sensitive function as defined by the Federal Motor Carrier Safety Regulations for a period of 24 hours. Levels \geq .02 are considered positive.

All employees with B.A.C. levels $>$.02 will be provided transportation to their residences by the Town of Simsbury.

The Town of Simsbury will train all appropriate supervisory personnel to recognize the signs and symptoms of substance abuse.

V. POLICY STANDARDS

Employees are prohibited from using, selling, manufacturing, receiving, distributing, dispensing or possessing any illegal drug. No employee may be under the influence of alcohol while on duty. "On duty" includes all working hours, as well as meal periods and break periods, regardless of whether on premises, and all hours when the employee represents the Town of Simsbury in any capacity. The abuse of prescription or over the counter (OTC) drugs is also prohibited. These restrictions apply to employees while on Town property, while operating Town or personal vehicles on Town business, or while representing the Town in an official capacity on or off the Town premises. Possessing any illegal drug or drug paraphernalia in a locker, desk, automobile or other repository on Town premises is prohibited. The illicit use of controlled substances is prohibited at any

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time.

When the Town of Simsbury has any reason to believe that an employee is violating this policy, that employee can be asked by the designated Town official to submit immediately to a search or inspection at any time while on Town property. This includes a search of an employee's person and/or the requirement that the employee make their locker, personal belongings, work station, or vehicles available for inspection. An employee's refusal to consent to a search or inspection when requested by the Town will be regarded as a violation of this policy and is grounds for disciplinary action.

If the Town has a reasonable suspicion that the employee is under the influence of drugs or alcohol, the Town may request that the employee consent to a test for those substances. Any employee who tests positive as indicated by the test and confirmed by the Medical Review Officer will be subject to disciplinary action up to and including termination. In addition, any employee who refuses such a request shall be subject to disciplinary action up to and including termination.

In the event an Employee tests positive for drugs, the Employee has the right to have the "split" specimen analyzed at a different S.A.M.H.S.A. certified laboratory. If requested, this test will be performed at the Employee's expense. In the event an Employee cannot "void" (shy bladder) after consuming 40 fluid ounces over a 3-hour period, the Employee will be evaluated by a medical doctor to determine if this is a physical problem. If not, the test will be classified as a "refusal" i.e. dealt with as a positive.

Any employee who tests positive for alcohol, B.A.C. of .02 or higher, will be subject to disciplinary action up to and including termination.

No employee shall perform safety-sensitive functions within four (4) hours after using alcohol. The Town of Simsbury shall not permit an employee to perform or to continue to perform safety-sensitive functions, while having actual knowledge that a driver has used alcohol within four (4) hours of performing their safety-sensitive function. In the event that an employee cannot perform the breath test (shy lung), he/she will be evaluated by a medical doctor to determine if there is a medical condition that prohibits the employee from performing the breath test. If the doctor determines that there is not an existing medical condition, the test will be classified as a "refusal" i.e. dealt with as a positive.

Any expenses associated with Substance Abuse Professional evaluation and/or rehabilitation services resulting from a positive drug or alcohol test will not be paid for by the Town, except as provided for under the group health insurance benefits provided by the Town.

1. Use of Prescribed and Over the Counter Medication

The Town of Simsbury will permit prescribed and over-the-counter medication and/or the use of medication on the Town premises, specifically prescribed for the employee by his/her physician; that is clearly labeled with the employee's name, the name of the

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medication and the physician's Federal Drug Enforcement Administration license number, provided the substance is used at the dosage prescribed or authorized and it does not impair the employee's ability to perform his or her job or endanger their safety or the safety of others. It is the responsibility of the employee to notify the employee's immediate supervisor that they are using a prescription drug and to produce documentation of this drug prior to commencing work.

The Medical Review Officer will make a good faith judgment with knowledge of the employee's assigned duties and on the basis of the available medical history, that use of the substance by the employee at the prescribed or authorized dosage level is consistent with the safe performance of the employee's duties. Any medication brought on Town property must be carried in its original container.

2. Requirement of Cooperation with Testing Procedure

Each employee required to be tested pursuant to this policy must cooperate with the collection procedures. If a person refused to cooperate with the collection process, the collection site person shall inform the designated employer representative and shall document the non-cooperation on the Urine Custody and Control form.

Any person who refuses to cooperate in providing a sample or is found to have, in any way, tampered with or substituted a sample shall be terminated

VI. EMPLOYEE AWARENESS PROGRAM/SUPERVISOR TRAINING PROGRAM

A major tool in the battle against drug use is education and awareness. Accordingly, the Town of Simsbury will educate its employees about the dangers of drugs, their effects and consequences. The education program will help motivate employees to understand the problems associated with using drugs, the misuse of alcohol and the ways such use could compromise their personal functioning as well as their functioning on the job. To accomplish this objective, a number of approaches will be taken to include the following:

- An employee education and training program for all employees. The education component shall include: Informational material on the dangers of drug and alcohol abuse on personal health, safety and the work environment, and the manifestations and behavioral patterns that may indicate drug or alcohol abuse.
- The Town of Simsbury Drug and Alcohol-Free Workplace Policy including the consequences of violating the drug and alcohol policy.
- The resources available including: drug and alcohol counseling, rehabilitation, and Employee Assistance Programs (EAP).

Supervisory employees who will be determining when an employee is subject to drug and alcohol testing based on reasonable suspicion under this policy shall receive at least one (1) hour of additional training on the physical, behavioral, and performance

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indicators of probable drug use and one (1) hour on the symptoms of the abuse of alcohol. Supervisors and managers will be trained in the following:

- Work related performance behaviors in relation to drug and alcohol, including intervention techniques with employees with substance abuse problems.
- How to use the EAP and/or community resources.
- How to supervise an employee with performance problems.
- What to expect from those employees in substance abuse rehab programs.

VII. TESTING METHODOLOGY

All drug testing conducted pursuant to this policy will be performed via urinalysis. Alcohol tests may be conducted by the use of an initial screen (non-evidentiary test) and if the presence of alcohol is detected, the confirmation test will be conducted on an Evidentiary Breath Testing unit (E.B.T.). In the absence of a non-evidentiary test the screening test will be conducted on an E. B. T. The E. B. T. will be operated by a Breath Alcohol Technician (B.A.T.). All of the above procedures will be consistent with 49 CFR Part 40 and Conn Gen. Stat. §31-51t et. seq.

1. Pre-Employment (all employees except safety-sensitive seasonal employees)

All final applicants for employment as employees are required to submit to a drug test. The applicant will be informed that the urine specimen being collected will be tested for drugs to include Marijuana, Cocaine, Opiates, Phencyclidine (PCP) and Amphetamines. Final applicants will be required to sign a form (see attached) consenting to the drug test and authorizing the release of any drug and/or alcohol test results to the Town of Simsbury.

Any applicant who decides not to cooperate in the pre-employment drug test may withdraw his/her application. No record will be maintained of the declination. Final applicants who test positive for drugs will be rejected for employment. The Town of Simsbury will follow the DOT guidelines as far as how alcohol tests should be administered as well as the confidentiality and integrity of the results and record keeping.

2. Random Testing (safety-sensitive employees covered by the Federally mandated program and Conn. Gen. Stat. § 14-261b only-drivers, forklift operators, mechanics, and as defined by the Town of Simsbury in Section III of this policy).

A. Safety Sensitive Employees

All employees as defined in the Federally mandated Program and Conn. Gen. Stat. §14-261b, will be subject to random drug and alcohol testing. Selection of

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employees to be tested will be administered by a Third party Management Company utilizing a validated computerized random selection program. This program ensures that every covered employee has an equal opportunity of being selected at any given time. The annual testing rate for drugs is 50% of the total covered employees and 25% for alcohol.

Notification of an employee's selection will not be provided until the employee's tour of duty in which the drug and alcohol test is to be conducted. Immediately upon notification of being randomly selected the employee is to proceed to the collection facility.

There will be two (2) separate pools one of which will be for the Federally mandated employees and the other pool will be for the Connecticut General Statutes § 14-261b covered employees.

B. Safety-Sensitive Seasonal Employees

New and returning safety-sensitive seasonal employees shall be subject to random testing for illegal drugs as defined in Section IV. Safety-sensitive seasonal employees shall be required to sign a Letter of Understanding (see Attachment A) indicating their compliance with this policy. Those employees under the age of 18 will be required to have a parent or guardian co-sign the Letter of Understanding. In lieu of pre-employment drug screening, Human Resources reserves the right to perform a criminal history check on all new seasonal employees in accordance with Section 5.20 B of the Town of Simsbury Personnel Rules and Regulations.

3. Reasonable Suspicion Testing (all employees)

Under this type of testing, the employee will be removed from service without pay pending the outcome of the test(s). The employee will be returned to service with back pay if the outcome of the test(s) is negative.

In all cases where an employee is subject to reasonable suspicion testing, an evidentiary report of reasonable suspicion must be completed and signed by a supervisor before the test results are released or within 24 hours of the observed behavior, whichever is earlier. Supervisory employees must receive at least one (1) hour on drug and one (1) hour on alcohol training in the physical, behavioral, and performance indicators of probable drug and alcohol use if they will be determining when an employee is subject to testing based on reasonable suspicion under this section.

Reasonable Suspicion Alcohol - an employer shall require an employee to submit to an alcohol test when the employer has reasonable suspicion to believe that the employee has violated the prohibitions of this policy and the FHWA guidelines subpart "B" concerning alcohol. The employer's determination that reasonable suspicion exists to require the employee to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of

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the employee.

Reasonable Suspicion Controlled Substances - an employer shall require an employee to submit to a controlled substance test when the employer has reasonable suspicion to believe that the employee has violated the prohibitions of this policy and the FHWA guidelines subpart "B" concerning controlled substances. The employer's determination that reasonable suspicion exists to require the employee to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. The observations may include indications of chronic and withdrawal effects of controlled substances. The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a trained supervisor or a trained Town of Simsbury official.

Reasonable suspicion does not require certainty. Mere hunches or "gut feelings", however, are not valid in making a reasonable suspicion determination. If supervisors with training in the identification of the signs and symptoms of drug and alcohol use reasonably conclude that there are objective facts indicative of use of drugs and or alcohol, this is sufficient justification for testing.

A. Drug Test

Employees of the Town of Simsbury are required to submit to a urine analysis for the purpose of detecting the presence of controlled substances (drugs) when a supervisory employee has reasonable suspicion as defined above.

B. Alcohol Test

Employees of the Town of Simsbury are required to submit to a breath alcohol test for the purpose of detecting the presence of alcohol when a supervisory employee has reasonable suspicion as defined above.

Under this type of testing, the employee will be removed from service without pay for 24 hours if the confirmation alcohol test result is .02 to .039 B.A.C. (an alcohol confirmation test result of .02 or greater is considered a positive by the Town of Simsbury).

If the confirmation alcohol test result is .04 or greater the employee is deemed to be positive for alcohol and must be removed from their safety sensitive function immediately. The employee is no longer qualified to perform his/her safety sensitive function until evaluated by a SAP who determines that the employee has properly followed any rehabilitation program recommended and takes a Return-To-Duty test with a negative result (the cost of the SAP evaluation, rehabilitation services and Return-To-Duty drug test will be paid for by the employee). The employee will be subject to unannounced follow up testing with a minimum of six (6) tests in the first 12 months (Follow up testing will be scheduled and paid for by the Town of Simsbury).

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4. Post Accident Testing (safety-sensitive employees covered under the Federally mandated program. only - drivers, forklift operators, mechanics)

Under this type of testing, employees may be removed from service without pay pending the outcome of the test(s). The test(s) must take place within 32 hours of an accident as defined below: The alcohol test should be conducted within 2 hours, but no later than 8 hours after the accident. If the test is not conducted within these parameters, the reason must be documented. The employee will be returned to service with back pay if the outcome of the test(s) is negative. Post-accident drug testing is required of any employee involved in an accident as defined below:

“Accident” means an occurrence associated with the operation of a commercial vehicle, if.

- There is a fatality (Test is mandatory);
- A vehicle is towed from the scene (if the accident and a citation (includes a written warning) is issued to the employee, and
- Medical treatment is administered away from the scene of the accident and a citation (includes a written warning) is issued to the employee.

(Except in cases involving fatalities, a test is not required if a citation (includes a written warning) is not issued to the employee).

If an alcohol test required under this section is not administered within two hours following the accident, the employer shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If the alcohol test is not administered within eight hours following the accident, the employer shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test. Records of tests that could not be completed within eight hours shall be submitted to the FHWA in Washington, DC., upon request of the Associate Administrator. If a controlled substances test is required under this section and is not administered within 32 hours following the accident, the employer shall cease attempts to administer a controlled substances test and shall prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FHWA in Washington, D.C., upon request of the Associate Administrator.

If the Town of Simsbury's employee has not received a citation (includes a written warning) immediately, the Town of Simsbury representative should follow up with the local law enforcement agency at a minimum of four times within the first eight hours of the accident via telephone and fax communication to verify if the Town's driver will be issued a citation (includes a written warning) and document such communications and maintain on file. If the Town representative does not receive a conclusive report from such law enforcement agency, the Town representative should continue the communication follow up until either a final conclusion is determined or 32 hours has

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elapsed from the time it was determined that the accident could possibly meet the definition of an accident as stated in this section.

5. Return-To-Duty Testing

After being evaluated by a Substance Abuse Professional (SAP) to determine that the employee has properly followed any rehabilitation treatment/assistance program, any employee who tested positive must have a negative Return-To-Duty drug and/or alcohol test result before returning to work.

6. Unannounced Follow Up Testing

Upon returning to work (after a negative Return-To-Duty test) the MRO or SAP will schedule unannounced Follow Up tests for up to 60 months. For alcohol at least 6 tests must be conducted in the first 12 months upon reporting to work.

VIII. URINE COLLECTION AND ALCOHOL TESTING PROCEDURES

All aspects of urine analysis, drug and alcohol testing, collection and Chain of Custody procedure shall be conducted in strict accordance with the Town of Simsbury's Substance Abuse Testing Procedures and the Department of Human and Health Services (D.H.H.S.) standards as outlined in 49 CPR Part 40.

IX. EMPLOYEES ADMITTING TO DRUG AND/OR ALCOHOL ABUSE PRIOR TO NOTIFICATION OF TEST

In accordance with and subject to other applicable policies and procedures, any employee who admits to Controlled Substance Abuse and/or Alcohol Abuse prior to notification that a drug and or alcohol test is required, may avoid termination on the basis of Drug Abuse or Alcohol Misuse and be allowed the opportunity to reform. Any employee who seeks assistance as stated above must be evaluated by a Substance Abuse Professional (SAP) to determine if assistance is needed. If assistance is needed, the employee shall submit to rehabilitation treatment/assistance as a condition for continued employment with the Town of Simsbury, and the employee further agrees that any such continued employment with the Town is contingent upon successful completion of any rehabilitation treatment/assistance as well as take a return to duty drug or alcohol test and be subjected to unannounced follow up testing, as required by the Employee Assistance Program (EAP). The Town of Simsbury must receive in writing a signed original letter by the SAP of their evaluation and the Town reserves the right to speak with the SAP with regards to their evaluation. Any rehabilitation costs will be paid for by the employee.

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X. AMENDMENTS TO POLICY

The Town of Simsbury reserves the right to amend this policy at any time, at its discretion or in accordance with any applicable law.

As Amended By The Board of Selectmen, May 30, 2012

Attachment A



Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

SAFETY-SENSITIVE SEASONAL EMPLOYEES

LETTER OF UNDERSTANDING

Simsbury Drug and Alcohol-Free Workplace Policy & Random Drug Testing of Safety-Sensitive Seasonal Employees

I freely and voluntarily agree to submit to random drug screenings as part of my employment with the Town of Simsbury and in accordance with the Town of Simsbury Drug and Alcohol-Free Workplace Policy. I understand that either refusal to submit to the screening, or failure to pass the test according to the minimum standards established by the State of Connecticut for this screening, will result in immediate disciplinary action up to and including termination.

I have read in full and understand the above statement and condition of employment. I have also received, read and agreed to comply with the Town of Simsbury Drug and Alcohol-Free Workplace Policy.

Name: (please print): _____

Signature: _____

Date: _____

For applicants under the legal age of eighteen (18), written parental or legal guardian permission is required. Please sign below if you agree to give your permission to have your under-age child submit to random drug screenings as a condition of their employment.

Name of Parent or Legal Guardian (please print): _____

Signature: _____