

RESOLUTION NO. 9-01 OF 2009

A Resolution Adopting an Employee Drug-Free Workplace Policy

BE IT RESOLVED and enacted by the Board of Supervisors of the Township of Pittston, Luzerne County, Pennsylvania, and it is hereby enacted and resolved, by the authority of the same;

Whereas the Board of Supervisors have determined that a formal written Employee Drug-Free Workplace Policy is necessary to ensure a safe, healthy, productive and efficient work environment for the benefit of all Township employees and the public.

Now, therefore, it is hereby resolved that the Township adopts the attached and such Policy shall apply to and control all current and all prospective Township employees.

Duly resolved, adopted and enacted, this 21st day of Sept., 2009 by the Board of Supervisors of the Township of Pittston, Luzerne County, Pennsylvania in lawful session duly assembled.



BARBARA ATTARDO



JOSEPH ADAMS



RON MARCELLINI

ATTEST:



John Bonita

Seal

PITTSTON TOWNSHIP EMPLOYEE DRUG-FREE WORKPLACE POLICY

I. PURPOSE:

The Township has a vital interest in maintaining a safe, healthy and efficient workplace for the benefit of its employees and the public. The use of performance impairing drugs can cause avoidable injuries, damage to property and productivity losses.

II. STATEMENT OF POLICY:

To ensure a safe and productive work environment, all Township employees are prohibited from:

- A. Unlawfully manufacturing, distributing, dispensing, possessing, or using drugs and/or controlled substances in the workplace, or misusing or abusing prescribed or over the counter drugs in the workplace.
- B. Having present in their bodies detectable levels of illegal drugs during working hours.
- C. Violating any Federal or State law relating to drugs in the workplace.

The exception to this policy is the authorized possession, use and transportation of drugs prescribed by a physician and used according to prescription instructions, unless such use would pose a safety risk to the employee, other employees or the public.

III. EMPLOYEE RESPONSIBILITIES:

As a condition of employment, each Township employee must:

- A. Abide by this Drug-Free Workplace Policy;
- B. Notify the Township of any criminal drug statute conviction for a violation which occurred in the workplace no later than five (5) days after such conviction; and
- C. For all Township employees who are required to submit to drug testing, agree to accept, at the Township's discretion, transportation to a location where the test will be conducted and to their residence.

Any employee who fails to provide timely notice to the Township of a criminal drug statute conviction for a violation which occurred in the workplace shall be subject to appropriate disciplinary action, up to and including termination.

IV. SUPERVISORY RESPONSIBILITY:

All supervisors are required to notify management if there is any suspicion that an employee is in violation of this policy. Failure to do so may result in discipline, up to and including termination.

V. PENALTIES:

Within thirty (30) days of receipt of Notice that a Township employee violated this Drug-Free Workplace Policy, the Township shall:

- A. Take appropriate disciplinary action against the employee, up to and including termination, and/or
- B. Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved by a Federal, State or local health, law enforcement or other appropriate agency.

Nothing in this policy changes the at-will employment relationship of at-will Township employees and at-will Township employees may be terminated at any time with or without cause or notice.

VI. DEFINITIONS:

- A. DRUG: Any substance that has known mind or function altering effects on a person, including psychoactive substances prohibited or controlled by Federal or State controlled substance laws.
- B. PRESCRIBED DRUGS: Any substance prescribed for use by the employee by a licensed Medical practitioner.
- C. SAMPLE: Means oral fluid, urine, hair or blood.

VII. DRUG TESTING POLICY:

Other than pre-employment testing of all employment applicants, the testing of employees authorized by this Section only applies to Township employees who are not covered by the Fire and/or Police Collective Bargaining Agreements.

- A. Pre-Employment Testing:
 - 1. Each applicant for a position in the Township will be subject to the Township's Substance Abuse Policy.
 - 2. All offers of employment to applicants will be contingent upon the applicant passing a drug test in accordance with the Township's Drug-Free

Workplace Policy. Each prospective employee must go to the designated collection area or test location and submit a sample for drug testing.

3. An applicant who refuses to submit to pre-employment testing when requested, or refuses to sign the Township's Drug-Free Workplace Policy consent form, will not be employed by the Township.
4. If an applicant's test is positive for any prohibited drug and/or controlled-substance, the applicant shall not be hired by the Township.

B. Random/Periodic Testing

1. The Township, at its discretion, may institute a program of random testing of current employees. This program may include testing of all personnel or a random selection of employees subject to testing throughout the year.
2. If selected for a random test, the employee must go immediately to the collection area and submit a sample for drug testing.
3. Refusal to submit a sample or to properly complete documentation for a random test will be considered a refusal to test which will result in discipline up to and including termination.

C. Post Accident Testing

1. Employees subject to testing involved in a work related injury, regardless of severity, that requires professional medical treatment, will be subject to an immediate drug test.
2. Employees subject to testing involved in an accident or safety-related incident of any kind while in a Township vehicle or while on Township time or on Township property, will be subject to an immediate drug test.
3. The Township may require any employee subject to testing who is suspected of causing or contributing to the cause of an accident to be tested immediately if there is reasonable cause to believe that the accident may have resulted from the use of drugs.
4. An employee's refusal to submit an immediate sample or to properly complete documentation for a post accident test will be considered a refusal to test which will result in discipline up to and including termination.

D. Reasonable Suspicion Testing

1. When the Township has a reasonable belief that an employee subject to testing may be under the influence of a controlled substance or drug, a drug test may be conducted immediately.
2. When an employee subject to testing is found or suspected to be in possession of drugs on Township property or on Township time, a drug test may be conducted immediately.
3. Employees subject to testing suspected of being unfit for duty will be escorted by a supervisor or designated Township representative to the authorized testing location. The employee's cooperation with the escort and the collection procedures will be required.
4. Refusal to cooperate in the collection procedure or refusal to take the test will result in discipline up to and including termination.

VIII. CONFIDENTIALITY:

Only those persons authorized to receive test results from the laboratory will be allowed to discuss the results with the supervisor or the employee. Individuals within the Township will be notified of the results on a limited need-to-know basis.

Drug test results may be released to a decision maker in a lawsuit, grievance or other proceeding (such as for a Workers' Compensation or Unemployment Insurance Claim) initiated by or on behalf of the donor upon request.

IX. USE OF PRESCRIPTION DRUGS:

In the event an employee is under the care of a physician and is taking prescribed medication that might impair the ability to perform a job safely, the employee must notify management in advance of starting work. It is at management's discretion as to whether the employee may continue to perform the normal assigned duties or be designated non-safety sensitive duties (if available) until the employee provides a physician release to perform normal duties.

X. DRUG-FREE AWARENESS PROGRAM:

Pittston Township will establish a Drug-Free Awareness Program to inform employees about the dangers of drug abuse in the workplace, Pittston Township's policy of maintaining a drug-free workplace, and any drug counseling, rehabilitation, and employee assistance programs which are available to assist employees.

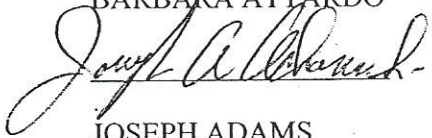
XI. GOOD FAITH IMPLEMENTATION:

Pittston Township will make a good faith effort to continue to maintain a drug-free workplace through implementation of this Drug Free Workplace Policy

Adopted this 21ST day of Sept, 2009



BARBARA ATTARDO

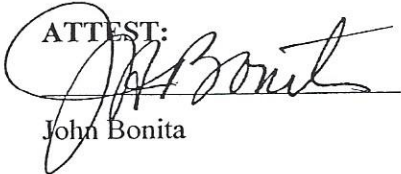


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