



Town of Londonderry, New Hampshire

Administrative Policies and Procedures

Policy Title: **Drug-Free and Alcohol-Free Workplace**

Policy Number: **ADM-109**

Original Adoption Date: March 5, 2026

Revision Date: TBD

Approved by: Town Manager

Signed by:

Shawn Mulholland

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Section 1.0: Purpose

In compliance with the Drug-Free Workplace Act of 1988, the Town of Londonderry is committed to providing a safe, quality-oriented, and productive work environment consistent with the standards of the community. Alcohol and drug abuse poses a threat to the health and safety of Town employees and the public, as well as to the security of the Town's equipment and facilities. The Town has a legitimate interest in protecting employee health and safety in part by effectively addressing workplace alcohol and drug misuse. For these reasons, the Town of Londonderry is committed to the elimination of drug and alcohol use and abuse in the workplace. The Town has established an Employee Assistance Program (EAP), which provides confidential assistance to employees dealing with drugs, alcohol, emotional, family, and financial issues, or other personal problems that may affect the employees' job performance. Current programs are available to all Town employees through the Town's insurance carrier.

Section 2.0: Scope

This Policy applies to all employees, and all prospective employees extended a conditional offer for employment with the Town of Londonderry.

Section 3.0: Definitions

The following definitions apply to this Policy:

- **Appropriate Disciplinary Action:** This Policy is not intended to, and does not impair, interfere with, or otherwise modify provisions of applicable collective bargaining agreements (CBA's) and/or Town employment policies. Accordingly, "appropriate disciplinary action" pursuant to this Policy shall be determined in relation to the provisions of the applicable CBA or Town employment Policy.
- **Town Premises:** "Town premises" includes all buildings, offices, facilities, grounds, parking lots, places, equipment, and vehicles owned, leased or managed by the Town on any site on which the Town is conducting business.
- **Illegal Drugs:** "Illegal drugs" are defined as controlled substances in schedules I and II of 21 U.S.C. section 802(6) as well as the provisions of RSA Chapter 318. Illegal drugs include but are not limited to marijuana, cocaine, including crack, and other cocaine derivatives, morphine and heroin. The term "illegal drugs" does not include those controlled substances used pursuant to and in accordance with a valid prescription.
- **Refuse to Cooperate:** "Refusal to cooperate" means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to

promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to appropriate disciplinary action up to and including discharge.

- **Under the Influence of Alcohol:** "Under the influence of alcohol" means a blood alcohol concentration equal to or greater than 0.04 (or 0.02 for any employee under the age of 21). "Under the influence of alcohol" also means actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired to any degree because of alcohol use. "Under the influence of alcohol", as defined by this Policy, is prohibited conduct under this Policy.
- **Under the Influence of Drugs:** "Under the influence of drugs" means a confirmed positive test result for illegal drug/controlled substance use per this Policy. In addition, it means the misuse of legal drugs (prescription and possibly over the counter legal drugs) when there is not a valid prescription from a physician health care provider for the lawful use of a drug in the course of medical treatment. Further, "under the influence of drugs" includes actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired to any degree because of drug use. "Under the influence of drugs", as defined by this Policy, is prohibited conduct under this Policy.

Section 4.0: Policy Detail

4.1 General Policy

It is the policy of the Town of Londonderry to provide employees with a working environment that is free from the problems associated with the use and abuse of alcohol and illegal drugs while on Town business or property. The use of illegal drugs is inconsistent with the behavior expected of employees and subjects the Town of Londonderry to unacceptable risks of workplace accidents or other failures. The Town considers employees who use such substances to be less reliable and stable and lacking in good judgment. The Town shall make a good faith effort to maintain an alcohol and drug-free workplace through implementation of this Policy.

4.2 Prohibited Conduct

The non-prescriptive use, sale, possession, distribution, dispensation, manufacture, trafficking of intoxicants, or transfer of illegal drugs in any amount, in any manner on Town Premises or other work site where employees may be assigned or elsewhere during work hours is strictly prohibited. The use of the Town's property to make, transfer, or traffic intoxicants, illegal drugs, or controlled substances in a manner which has an adverse impact on the Town is prohibited. If a Department Head or supervisor has reason to believe an employee is under the influence or in possession of any illegal drugs, the Londonderry Police Department may be contacted. Employees should hold no reasonable expectation of privacy with respect to their work areas.

Employees shall not report to work or attempt to work while under the influence of alcohol and/or non-prescribed drugs. Reporting to or being at work while suffering from the effects of exceeding the prescribed or directed usage, or in any way otherwise abusing prescription or over the counter drugs or medications or alcohol, is also prohibited. The Town has the right to discipline employees including dismissal, for felony convictions regarding illegal use, possession or trafficking of drugs.

Section 5.0: Procedures

5.1 Employee Assistance

Employees facing drug and/or alcohol misuse problems are encouraged to seek help, including utilizing the Town's Employee Assistance Program (EAP). The Town will assist and support employees who voluntarily seek help. Such employees may be allowed to use accrued paid time off, be placed on leaves of absence, or otherwise be reasonably accommodated as required by law. They may be required to provide documentation of following a treatment plan and pass follow-up tests.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs, medications and/ or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their health care provider(s) about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor. Employees are not required to disclose to the Town underlying medical conditions unless directed to do so by their health care provider.

5.2 Workplace Rules

1. As a condition of employment, all Town employees are required to adhere to the terms and conditions of this Policy.
2. Whenever employees are working, operating Town equipment, present on premises, or conducting Town work offsite, they are prohibited from:
 - Using, possessing, buying, selling, manufacturing, transporting, or dispensing illegal drugs (including paraphernalia).
 - Being under the influence of alcohol or any drug that adversely affects performance or safety is prohibited. The presence of any detectable amount of illegal drug in an employee's body while performing work duties is prohibited.
3. Employees are encouraged to exercise caution with prescribed medications and speak with health care providers regarding potential adverse effects on job performance.
4. Employees are urged to report questionable behavior indicating possible impairment of fellow employees to a supervisor.

5.3 Consent to Testing

Testing will not be conducted without prior written consent. However, employees and prospective employees must submit to tests as a condition of employment. Refusal will result in disciplinary action up to and including discharge (or denial of a final job offer). For employees under 18, a parent/guardian must provide consent, but results will be disclosed to the minor employee, not the parent/guardian.

5.4 Required Types of Testing

- **Post conditional offer of employment:** Pre-employment drug testing is required for all prospective employees seeking positions subject to FMCSA and DOT regulations, including those required to hold a Commercial Driver's License (CDL) or operate a Commercial Motor Vehicle (CMV) as defined by Part 382.103. Detailed procedures for these employees are found in the Town of Londonderry Drug and Alcohol Policy for Federal Motor Carrier Safety Administration Regulated Drivers.

- **Reasonable suspicion:** Based on individualized suspicion (physical signs, abnormal conduct, deterioration in performance), employees may be subject to testing. The Town Manager will be consulted before testing. All decisions to test shall be fully documented as set forth in this policy.
- **Post-accident:** Employees may be subject to testing if involved in an accident that seriously damages Town property or results in injury requiring offsite medical attention where there is a reasonable possibility that drug/alcohol use may have been a factor. Investigation and testing must occur within two hours. Under no circumstances shall the employee be allowed to drive to the testing facility and the employee shall be immediately relieved of his/her job duties and will be directed to submit to the appropriate drug/alcohol testing. All decisions to test shall be fully documented as set forth in this policy.
- **Return to duty testing:** A verified negative result is required for any employee who previously tested positive before returning to their job.
- **Confirmation testing:** A retest (including split-specimen) may be requested within 72 hours of the initial result.
- **Follow-up:** Employees returning to work after a violation may be subject to random tests for 12 months upon employee's return to work.

5.5 Collection and Testing Procedures

Employees subject to testing shall be immediately relieved of duties and driven by a Town management liaison to a designated facility for blood specimen testing.

5.6 Consequences

Refusal to cooperate or violations of this policy may lead to disciplinary action up to and including discharge. If a supervisor believes an employee is impaired even if they refuse testing, they will not be allowed to drive home or return to work for at least 24 hours.

5.7 Confidentiality

Law enforcement personnel should be notified, as appropriate, when criminal activity is suspected.

Records of positive test results and medical dependencies shall be kept confidential and maintained in secure files separate from normal personnel files. Disclosure is limited to a need-to-know basis among managers or when relevant to legal proceedings.

5.8 Crimes Involving Drugs

Employees arrested for or convicted of crimes involving alcohol or controlled substances must report this to their Department Head within five (5) days. Failure to comply may result in discharge.

5.9 Reasonable Suspicion and Post-Accident Testing Protocol

1. Employee will be advised of the individualized suspicion and shall be removed from his or her job duties.
2. Employee will be transported to a facility by a management liaison; they may not drive themselves.
3. Facility will be notified in advance.
4. Employees must present photo ID and sign a consent form.

5. Employer shall arrange for transportation of the employee to his or her home upon completion of testing. The Department Head shall fully document in writing within 24 hours the circumstances, conditions, and observations that result in the removal of the employee from his/her job duties and being directed to submit to drug/alcohol testing.
6. Employees will be paid for time spent in alcohol or drug testing and then suspended with pay pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled to discuss the results of the test with employee, town manager and department head.

Section 6.0: References

1. 21 U.S.C. Section 802 (6)
2. RSA Chapter 318
3. Drug Free Workplace Act, 41 U.S.C. §701 et seq.

Section 7.0: Policy & Procedure Revision History

| Original Adoption Date: 03/05/2026 | | |
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| Section | Description of Revision | Date |
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