

Reference: HUMAN RESOURCES
Section: WORK ENVIRONMENT
Title: USE OF ALCOHOL AND/OR DRUGS ON THE JOB
Policy Number: 04-03-04
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I. PURPOSE

The purpose of this policy is to discourage the use of alcohol and/or drugs and of being under the influence or such substances in the workplace. It further serves to offer appropriate treatment to an employee of the Niagara Frontier Transportation Authority and the Niagara Frontier Transit Metro System, Inc. (collectively referred to as "NFTA" or "Authority") when it has been determined, via the Employee Assistance Program (EAP), that such treatment is clearly indicated. Reference is also made to the Drug and Alcohol policy as stated in Policy Number 4-03-03.

II. POLICY

The use of or being under the influence of alcohol and/or drugs by an employee while on duty on Authority premises is prohibited. Any employee found to be in violation of this provision will ordinarily be subjected to disciplinary procedures as they are stated in the Authority's work rules.

The Authority, however, recognizes that alcoholism and drug dependency are treatable diseases and hereby establishes the following policy:

A) Any employee who might be under the influence of alcohol and/or drugs while on the job or on Authority properties:

- i. Will be immediately suspended.
- ii. Will be directed to set up an appointment and meet with the EAP staff for an interview, assessment and referral to an appropriate treatment program.

B) Any employee, under this policy referred for treatment must:

- i. Successfully complete an appropriate treatment regime (e.g., treatment plan, including appropriate after-care as developed by the treatment program in consultation with EAP staff).
- ii. Become certified, by the treatment facility's medical staff or other appropriate staff, to return to work in the same job capacity or another job capacity.
- iii. Continue to be alcohol and/or drug free after returning to work and thereafter.
- iv. Continue to maintain monthly contact with the EAP staff for a period of not less than twelve (12) months at the date of discharge from the treatment program.

Said employee, not in compliance with any of i-iv above will be subject to disciplinary action.

Any employee, as defined under "A" above, electing not to use the EAP services will be subject to disciplinary action as set forth in the Authority's work rules.

Employees who may be experiencing problems involving the use of alcohol and/or drugs are strongly encouraged to use the EAP services in strictest confidence and without fear of losing their job as a result of their participation.

Employees who know of other employees using or under the influence of alcohol and/or drugs on the job should act in such a way to encourage their co-worker to immediately seek the help of the EAP without fear of reprisal.

Front line supervisors and union representatives who know of employees using or under the influence of alcohol and/or drugs, on the job or on company property, will be responsible for directing such employees to the EAP.

In general, management and labor, when aware of such problems, will encourage those affected to seek appropriate help as an alternative to termination.

In the case where an employee is charged with or convicted of a felony, in relation to alcohol and/or drugs, including sale and/or possession of a controlled substance, these policies will not apply.

In such cases disciplinary action, as defined by the Authority's work rules, will prevail.

This policy does not have any bearing on Department Managers' exclusive rights of management of the departments and direction of employees therein; including the right to fix hours of employment, hire, suspend, discharge or to transfer, together with the right to exercise such disciplinary action as it deems appropriate.

This policy does not supersede, by-pass or in any way impact on union negotiated and bargained contractual agreements.

The EAP staff will continue to diligently and conscientiously carry out its function in such a manner as to guard against misuse or inappropriate use of the EAP by any employee.