



June 28, 1990

GBLS STATEMENT OF COMPLIANCE WITH FEDERAL DRUG FREE WORKPLACE LAW

INTRODUCTION

The GBLS policy on drugs in the work place follows. Please review and support it. It includes a description of prohibited substances, the types of assistance we may render to employees with a substance abuse problem, employee obligations, and the steps we will take if an employee is found to be in violation of the policy.

POLICY STATEMENT

It is the policy of Greater Boston Legal Services to maintain a drug free work environment at each of its offices, for all its employees. The use of prohibited substances by any one employee may pose a threat to the safety of other employees, interfere with the effective discharge of our duties to our clients, and jeopardize the standing of GBLS with the community and our funding sources. The purpose of this policy, therefore, is to lay out GBLS' response to drug use in the work place, to assist employees with substance abuse problems to become drug free, to prohibit the use (or being under the influence) of illegal or controlled substances (except as prescribed by a health care professional), and to prohibit possession or distribution of any illegal drug on GBLS property.

DESCRIPTION OF PROHIBITED SUBSTANCES

Federal law defines "controlled substances" as those drugs and chemicals listed in the Controlled Substances Act, 21 U.S.C. 812, §§202, Schedules I through V. These schedules are available for review in the Personnel Manager's office. "Controlled substances" include those that are illegal (that is, unlawful to possess, use or distribute under any circumstances), and those that are available by prescription only (that is, unlawful to possess, use or distribute except when, and as, prescribed by a physician).

"Prohibited substances" in the context of this policy include all controlled substances listed in Schedules I through V, except where prescribed by a physician to treat a specific medical condition. Furthermore, the use (or being under the influence) of alcoholic beverages on GBLS premises, other than those provided at GBLS unit or office functions, is prohibited.

The list below contains some common examples and categories of controlled substances. A more detailed list, along with information regarding the effects of various drugs, is available from the Personnel Manager upon request:

Opium and its derivatives

LSD, PCP and other hallucinogens

Marijuana and hashish

Cocaine, crack and other products of coca leaves

Heroin, methadone, morphine, percodan and other narcotics

GBLS RESPONSES TOWARDS EMPLOYEE SUBSTANCE ABUSE ISSUES

All employees are expected to perform their jobs satisfactorily, and to maintain their attendance and timeliness at acceptable standards. Job performance problems -- whether they are related to substance abuse or not -- shall be addressed by the means provided in the union contract for union members (for example, Performance Improvement Plan or disciplinary notice). However, an employee with a substance abuse problem -- whether or not it has begun to affect performance -- may also take advantage of the provisions below.

How to Implement the Assistance Provisions. An employee with a substance abuse problem is encouraged to seek professional treatment before his/her work is affected. To take advantage of the provisions in this section, the employee may wish to initiate a discussion with the managing attorney or the Director of Human Resources. This discussion will be kept confidential, except as outlined in the specific provisions below.

If poor performance is already a problem, the Manager may initiate a discussion about the performance deficit. If the employee chooses to acknowledge that substance abuse contributes to his/her performance problem, then s/he may take advantage of the provision in this policy while working to improve the performance deficit.

The availability of the following assistance to the employee presupposes his/her acknowledgement that s/he has a substance abuse problem, and that s/he is obtaining treatment. If an employee does not acknowledge that there is a substance abuse problem, then any performance problem will be dealt with pursuant to the contract, in the same way as any performance deficit without reference to a substance abuse problem. These provisions are not intended to exempt the employee from the obligation to raise his/her performance to acceptable standards, but to support him/her in those efforts.

Description of the Assistance Provisions

GBLS will make the following provisions for employees who have a substance abuse problem and who wish to obtain treatment. Specifically:

The employee may use available fringe time, including sick time, to attend drug counseling sessions.

Subject to the needs of the unit or office, the managing attorney (in consultation with Personnel) may allow a temporary flextime or parttime schedule. Such schedule alterations shall be made specifically to allow the employee to attend scheduled drug counseling sessions, and the managing attorney may require periodic documentation of attendance and progress before allowing the schedule alteration to continue.

Should the employee's doctor or drug counselor recommend inpatient treatment, the employee may make use of the disability leave provisions in his/her contract. Management may require documentation of the successful completion of the treatment before allowing the employee to return to active employment, especially if the drug problem was interfering with the employee's performance prior to the leave of absence.

Job Performance Issues. An employee with a substance abuse problem is encouraged to seek professional treatment before the problem affects his/her performance.

If the substance abuse problem begins to interfere with an employee's performance or attendance, GBLS must balance its obligation to assist and encourage the employee with its obligation to provide quality services to clients, and a positive, drug free work environment for other employees. In such cases GBLS will provide assistance to the troubled employee -- such as described in the preceding section -- but will also address the performance deficit.

Performance issues in general are addressed by the contracts, and unsatisfactory performance related to substance abuse shall generally be no exception. However, if the employee's doctor or drug counselor believe that the added stress of a performance improvement plan or other disciplinary action may actually exacerbate the employee's condition, the employee may instead request a disability leave of absence to obtain treatment, pursuant to the preceding section. A performance improvement plan may be postponed until the employee's return from leave.

No employee will be permitted to work who appears unfit for his/her duties by virtue of being under the influence of a prohibited drug or alcohol.

Serious Misconduct: An employee's substance abuse may result in behaviors that are more serious than unsatisfactory job performance. Harassment of, or physical violence to clients or staff, theft or destruction of property, deliberate disregard of significant job responsibilities, and other misconduct of similar gravity warrant disciplinary action whether or not the behavior is related to drug use.

POSSESSION OF ILLEGAL SUBSTANCES ON GBLS PROPERTY

An employee who brings illegal substances into the work place, either for use or distribution, violates federal law. S/he threatened the well being of fellow workers and GBLS clients. By jeopardizing GBLS' standing with the funding sources and its reputation within the community, s/he acts in blatant disregard of GBLS' interests. Therefore, any employee using or distributing illegal substances on GBLS premises will be subject to immediate disciplinary actions.