

**NAUGATUCK FIRE DEPARTMENT
DRUG and ALCOHOL FREE WORKPLACE POLICY**

PURPOSE

As a part of its commitment to safeguard the health and safety of its employees and the residents of the Borough of Naugatuck (the "Borough"), and to promote a drug-free working environment, the Borough, Fire Chief, Deputy Fire Chief and the members of Local 1219 of the IAFF, AFL-CIO have agreed to establish this policy relating to the illegal use of drugs and/or being under the influence of drugs or alcohol while on duty by Borough uniformed employees. This program is intended to as closely as possible follow the Department of Transportation (DOT) and the Highway Traffic Safety Administration (NHTSA) drug policy, which shall be a guideline for this policy. Substance abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems including increased injuries on the job, increased absenteeism, increased health and benefit costs, increased theft, decreased morale, decreased productivity and a decline in the quality of services provided.

SCOPE

All uniformed fire personnel, permanent or probationary employees, including the Fire Chief and Deputy Fire Chief, employed by the Borough are covered by this policy and, as a condition of employment, are required to abide by the terms of this policy. Any employee in doubt of the procedures applicable to his/her situation may contact the Director of Human Resources for clarification.

POLICY

It is the policy of the Naugatuck Fire Department that being under the influence of and/or using alcohol or drugs while on duty are strictly prohibited. Any appropriate discipline issued pursuant to this policy may be considered just cause within the collective bargaining agreement for bargaining unit employees.

DEFINITIONS

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl or isopropyl alcohol.

Alcohol Concentration: The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under this policy.

Breath Alcohol Technician (BAT): An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device.

Chain of Custody: Procedures to account for the integrity of each specimen by tracking its handling and storage from point of collection to final disposition.

Naugatuck Fire Department Motor Vehicle: A motor vehicle or combination of motor vehicles in commerce to transport Naugatuck Fire Department employees. Such motor vehicles shall include Fire Department vehicles, vehicles from other Borough departments, leased and/or rented vehicles operated by Borough uniformed employees to transport Naugatuck Fire Department employees.

Confirmation Test: In drug testing, a second analytical procedure, performed in compliance with Department of Transportation (DOT) and the Highway Traffic Safety Administration (NHTSA) drug policy, used specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of the screening test in order to insure reliability and accuracy. In alcohol testing, a second test following a screening test with a result of .04 or greater that provides quantitative date of alcohol concentration.

Covered Employees: All uniformed, permanent or probationary employees, including the Fire Chief and Deputy Fire Chief, employed in the Naugatuck Fire Department.

Evidential Breath Testing Device (EBT): An EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "conforming product list of evidential breath testing device".

Medical Review Officer (MRO): A licensed physician, in compliance with Department of Transportation (DOT) and the Highway Traffic Safety Administration (NHTSA) drug policy, responsible for receiving laboratory results generated by an employer's drug testing program that has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information. If an employee's test result is positive, the MRO will contact the employee to discuss the test to determine if the positive result is valid and to notify the employee that has seventy-two (72) hours to request a test of the split specimen.

Reasonable Objective Suspicion: Reasonable objective suspicion of being under the influence of and/or using drugs or alcohol will be based on specific, contemporaneous, objective, articulable facts, such as behavior, speech or body odors. "Reasonable Suspicion" of drug use may also include any reasonable inference that may be drawn from this observation.

Refusal to Submit: When any person covered by this policy engages in conduct that obstructs the testing process. This includes, but is not limited to, the refusal to sign consent forms; the failure to provide adequate breath testing; the failure to provide adequate urine for controlled substance testing, except for "shy bladder syndrome" as defined by the Department of Transportation (DOT) and the Highway Traffic Safety Administration (NHTSA) drug policy, the refusal to take a required test, the failure to make oneself available while on duty to a test as required by this policy.

Safety Related: Any activity that poses a risk of injury to oneself, ones fellow employees, or the general public.

Safety Sensitive Function: Any function that affects the safety of employees and the safe operation of Naugatuck Fire Department motor vehicles including but not limited to the following:

- Any time that a Naugatuck Fire Department employee is on duty.

Screening Test:

- In drug testing an immunoassay screen to eliminate negative urine specimens from further analysis.
- In alcohol testing, an analytic procedure to determine whether a driver may have a prohibited concentration of alcohol in his/her system.
- In controlled substance testing it means an immunoassay screen to eliminate “negative” urine specimens from further consideration.

Supervisor: All employees assigned to a position having day-to-day responsibility for supervising subordinates.

Shy Bladder Syndrome: When an individual is unable to produce a urine specimen or provides a specimen that is less than 45 ML.

Drug Free Workplace Dissemination

- A. The Borough will provide a general one-time notice to all Naugatuck Fire Department employees notifying them that this policy applies to all uniformed fire personnel, permanent or probationary employees, including the Fire Chief and Deputy Fire Chief, employed by the Borough and that the Borough prohibits its employees covered by this policy from illegally or improperly using, possessing, selling, manufacturing, or distributing drugs on its’ property, or while its employees are at work; that it is against Borough policy to report to work or to work under the influence of drugs or alcohol; and that it is a condition of employment to refrain from illegally using drugs, or alcohol on the job, or abusing legal drugs on or off the job such that it affects their performance, and that a drug testing program is being implemented. No less than one hundred twenty (120) days will elapse between the notice and any employee drug testing implemented pursuant to this policy.
- B. Prior to implementation and testing either Naugatuck Fire Department employees or applicants for Department positions, such individuals will be given a copy of this policy, a summary of the drugs which may alter or affect a drug test, a list of local employee assistance programs and a list of local alcohol and drug rehabilitation programs. All Naugatuck Fire Department employees who are covered by this policy will attend training which is mutually accepted

by Local 1219 and the Borough with regard to drug and alcohol use and the physical, behavioral and performance indicators of possible drug and alcohol use that will be used in determining whether an employee is subject to the reasonable suspicion testing as outlined in this policy.

- C. A notice of drug testing will be included with all job vacancy announcements for all bargaining unit, Deputy Fire Chief and Fire Chief positions. A notice of the Borough's drug testing policy will also be posted in appropriate and conspicuous locations at all fire stations as well with the Director of Human Resources.

**PROHIBITED CONDUCT ON DUTY
PROGRESSIVE ACTION FOR VIOLATIONS**

- 1) Discipline in accordance with the "progressive action for violations" section of this policy can be imposed only for the illegal use of or being under the influence of controlled substances or alcohol while on-duty.
- 2) A blood alcohol level of .04 or greater is prohibited during the performance of any safety sensitive function. An employee with a test result showing a blood alcohol level less than .04 will not be considered in violation of this policy for disciplinary reasons.
- 3) The performance of any safety sensitive function while using legally prescribed drugs is prohibited unless the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the ability to safely drive a Naugatuck Fire Department vehicle or perform the employee's duties.
- 4) Refusal to submit to a drug or alcohol test, administered in strict compliance with this policy is strictly prohibited. The employee is required to cooperate with the laboratory personnel and provide them with the following:
 - a. An adequate and complete sampling, except in medically documented cases of "shy bladder syndrome."
 - b. Assistance in completing the required documentation for chain of custody.
 - c. Marking and sealing the specimen.
- 5) It is a violation of this policy to report to work under the influence of alcohol. Discipline, in accordance with the "progressive action for violations" section of this policy, can only be imposed if the employee actually reports for duty with a blood alcohol level of .04 or greater.

EMPLOYEES SUBJECT TO TESTING & TYPES OF SUBSTANCES

All uniformed, permanent or probationary employees, including the Chief and Deputy Chief, employed in the Naugatuck Fire Department will be subject to this Drug and Alcohol Free Workplace Policy.

The drug testing outlined in this policy will test for the following substances:

- 1) Marijuana
- 2) Cocaine
- 3) Amphetamines
- 4) Opiates
- 5) Phencyclidine (PCP)

TESTING

1) Pre-employment Testing:

Prior to employment with the Naugatuck Fire Department, an applicant for all bargaining unit, Deputy Fire Chief and the Fire Chief positions, shall undergo testing for alcohol and controlled substances, as part of their pre-employment medical examination. As part of the application for the Naugatuck Fire Department, the Borough of Naugatuck shall notify all applicants of this policy. Refusal to take the test, or test results reporting a presence of illegal drugs or narcotics, or the use of non-prescription drugs, shall be the basis for discontinuing an applicant in the selection process.

2) Reasonable Suspicion Testing:

- A. When “reasonable suspicion” is determined indicating that an employee is using and/or under the influence of drugs or alcohol, the employee will be tested pursuant to procedures set forth in this policy. “Reasonable suspicion” of using and/or being under the influence of drugs or alcohol will be based on specific, contemporaneous, articulable and objective facts such as, behavior, speech or body odors.
- B. An employee tested under “reasonable suspicion” shall be placed on paid administrative leave until such time as the MRO determines the result of the test. In the event the test is negative, the employee shall be made whole for any monetary loss.
- C. Circumstances which constitute a basis for determining reasonable suspicion may include:
 - 1 Direct observation of drug or alcohol use on-duty;
 - 2 The employee’s body shows evidence of drug use (e.g. track marks);
 - 3 The employee is found to be illegally in possession of drugs or alcohol while on duty;
 - 4 Spontaneous, unusual, abnormal, erratic or unacceptable behavior;

- 5 The presence of symptoms of drug and/or alcohol use (e.g. glassy or blood shot eyes, the odor of alcohol on the breath, slurred speech, poor coordination and/or reflexes, etc.
- D. The required observations for alcohol and/or controlled substance reasonable suspicion testing shall immediately be reported to or made by a supervisor who is trained in the detection of alcohol and/or controlled substance use.
 - E. The supervisor shall report the basis for his/her reasonable suspicion in writing to the Fire Chief or the Deputy Fire Chief. The Fire Chief or the Deputy Fire Chief shall decide whether to direct the employee to testing. All supervisors initiating reasonable suspicion testing will be required to detail in writing the specific facts, symptoms or observations which formed the basis for their determination that reasonable suspicion existed to warrant the testing of the employee.
 - F. If an employee believes his/her supervisor may be impaired on duty by the use of illegal drugs or alcohol, he/she shall immediately notify the individual's superior officer in the chain of command. The employee believed to be under the influence shall be governed by the same rules and standards set forth under this policy.

3) Post Motor Vehicle Accident Testing:

- A. The operator may be tested for controlled substances, illegal drugs and/or alcohol if the employee was involved in an accident while performing a safety sensitive function with respect to that vehicle (including any accident in the fire station). All testing under this subsection shall be done in accordance with applicable DOT regulations, NHTSA regulations and/or Connecticut state laws related to accident investigations, as determined by the investigating police officer/State Trooper. In the event that DOT regulations, NHTSA regulations and/or Connecticut state laws related to accident investigations do not apply to an accident involving the employee, the employee may be tested if there is reasonable suspicion that the employee is under the influence of and/or using drugs or alcohol, as set forth under Section 2 herein.
- B. Any bargaining unit employee who is subject to post accident testing shall remain on administrative leave and be paid until he returns to the fire station, except in the event that the employee is admitted to the hospital (beyond admission to the emergency room). Under such circumstances, the employee shall be paid through the end of his/her shift.

In the event that an employee is tested and his/her shift is not over, the employee is expected to return to duty after the test is administered, unless excused, in writing, for the remainder of such shift by the attending physician. Nothing in this section shall require the delay of necessary medical attention following an accident.

4) Return to Duty Testing:

- A.** Before an employee who has violated this policy concerning alcohol returns to duty requiring the performance of a safety sensitive function, the employee shall undergo a return to duty alcohol test with a result indicating a blood alcohol level of less than .04. The bargaining unit employee shall be paid from the time the employee leaves for the drug test until the test is administered.
- B.** Before an employee who has violated this policy concerning illegal drugs returns to duty requiring the performance of a safety sensitive function, just before such function, the employee shall undergo a return to duty illegal drug test with a result indicating a verified negative result for illegal drugs. The bargaining unit employee shall be paid at his/her applicable compensation rate from the time the employee leaves for the drug test until the test is administered.

5) Random Drug Testing

Random drug and alcohol testing shall be administered by a system and method adopted by the outside vendor, a copy of which shall be provided to all employees.

PROGRESSIVE ACTION FOR VIOLATIONS

In the event that an employee tests positive for the use of illegal drugs, the following will apply:

- On the first occasion, the employee shall commence a rehabilitation program under the supervision of a medical doctor and/or employee assistance program consultant (“EAP consultant”) selected and paid for through the employee’s health insurance carrier. In the event it is determined that the employee is to be absent from work during the rehabilitation program, during such rehabilitation program, the employee may use available sick days and/or vacation days in order to continue to receive remuneration. In the event the employee does not have available sick days and/or vacation days, such time shall be unpaid. Reinstatement shall be determined by the medical doctor and/or EAP consultant and contingent upon the employee’s continued participation in the recommended rehabilitation program. The Borough will be provided with periodic reports by the medical doctor and/or EAP consultant during the recommended program, which reports shall be limited to notice of the employee’s continuing participation and/or completion of the rehabilitation program. Upon reinstatement, the employee may be required to submit to drug testing six (6) times within the first twelve (12) months and four (4) times within the next twelve (12) months.
- On the second occasion (within two years of the first occasion), the employee shall receive a ten (10) day suspension from work without pay. Reinstatement at the end of the suspension period shall be contingent upon the employee's participation in a rehabilitation program under the supervision of a medical doctor and/or EAP consultant. The Borough will be provided with periodic reports by the medical doctor and/or EAP

consultant during the recommended program, which reports shall be limited to notice of the employee's continuing participation and/or completion of the rehabilitation program. Upon reinstatement, the employee may be required to submit to drug testing six (6) times within the first twelve (12) months and four (4) times within the next twelve (12) months.

- On the third occasion (within two years of the first occasion) or in the event the employee fails to satisfactorily complete any of the aforementioned rehabilitation program(s), the employee shall be discharged.

In the event that an employee's alcohol test contains a blood alcohol level of .04 to .079, the following procedure will apply:

- On the first occasion, the employee shall commence a rehabilitation program under the supervision of a medical doctor and/or employee assistance program consultant ("EAP consultant") selected and paid for through the employee's health insurance carrier. In the event it is determined that the employee is to be absent from work during the rehabilitation program, during such rehabilitation program, the employee may use available sick days and/or vacation days in order to continue to receive remuneration. In the event the employee does not have available sick days and/or vacation days, such time shall be unpaid. Reinstatement shall be determined by the medical doctor and/or EAP consultant and contingent upon the employee's continued participation in the recommended rehabilitation program. The Borough will be provided with periodic reports by the medical doctor and/or EAP consultant during the recommended program, which reports shall be limited to notice of the employee's continuing participation and/or completion of the rehabilitation program. Upon reinstatement, the employee may be required to submit to drug testing six (6) times within the first twelve (12) months and four (4) times within the next twelve (12) months.
- On the second occasion (within two years of the first occasion), the employee shall receive a ten (10) day suspension from work without pay. Reinstatement at the end of the suspension period shall be contingent upon the employee's participation in a rehabilitation program under the supervision of a medical doctor and/or EAP consultant. The Borough will be provided with periodic reports by the medical doctor and/or EAP consultant during the recommended program, which reports shall be limited to notice of the employee's continuing participation and/or completion of the rehabilitation program. Upon reinstatement, the employee may be required to submit to drug testing six (6) times within the first twelve (12) months and four (4) times within the next twelve (12) months.
- On the third occasion (within two years of the first occasion) or in the event the employee fails to satisfactorily complete any of the aforementioned rehabilitation program(s), the employee shall be discharged.

In the event that an employee alcohol test contains a blood alcohol level of .08 or greater, the following will apply:

- On the first occasion, the employee shall receive a three (3) day suspension from work without pay and shall commence a rehabilitation program under the supervision of a medical doctor and/or employee assistance program consultant (“EAP consultant”) selected and paid for through the employee’s health insurance carrier. In the event it is determined that the employee is to be absent from work during the rehabilitation program, during such rehabilitation program, the employee may use available sick days and/or vacation days in order to continue to receive remuneration. In the event the employee does not have available sick days and/or vacation days, such time shall be unpaid. Reinstatement shall be determined by the medical doctor and/or EAP consultant and contingent upon the employee’s continued participation in the recommended rehabilitation program. The Borough will be provided with periodic reports by the medical doctor and/or EAP consultant during the recommended program, which reports shall be limited to notice of the employee’s continuing participation and/or completion of the rehabilitation program. Upon reinstatement, the employee may be required to submit to drug testing six (6) times within the first twelve (12) months and four (4) times within the next twelve (12) months.
- On the second occasion (within two years of the first occasion), the employee shall receive a ten (10) day suspension from work without pay. Reinstatement at the end of the suspension period shall be contingent upon the employee’s participation in a rehabilitation program under the supervision of a medical doctor and/or EAP consultant. The Borough will be provided with periodic reports by the medical doctor and/or EAP consultant during the recommended program, which reports shall be limited to notice of the employee’s continuing participation and/or completion of the rehabilitation program. Upon reinstatement, the employee may be required to submit to drug testing six (6) times within the first twelve (12) months and four (4) times within the next twelve (12) months.
- On the third occasion (within two years of the first occasion) or in the event the employee fails to satisfactorily complete any of the aforementioned rehabilitation program(s), the employee shall be discharged.

In the event that an employee is randomly tested during the twenty-four (24) month period set forth above, such random test shall count as a test under the tests the employee is subject to upon reinstatement to employment.

In order to encourage successful rehabilitation, whenever an employee successfully completes: (1) the recommended rehabilitation program; (2) the follow-up testing; and (3) has no further incidents for a period of thirty (30) months from the date of the last positive test, the record of the incident shall be removed from the employee’s personnel file and placed in his/her medical file and shall not be used as part of any subsequent discipline.

VOLUNTARY DISCLOSURES

The Borough of Naugatuck believes that successful rehabilitation depends on an employee’s willingness to rehabilitate and the admission that a problem exists. Therefore, the Borough will

encourage voluntary disclosure and offer assistance to any employee who seeks help on a voluntary basis. Any employee who voluntarily discloses that he has a problem with drug or alcohol dependency and seeks assistance, will not be disciplined and will be afforded an opportunity to utilize his/her accrued sick time to achieve his/her goal of rehabilitation.

An employee who voluntarily discloses his/her drug and/or alcohol problem will be subject to the same return to duty requirements as an employee who tests positive including follow up testing.

In the event an employee voluntarily discloses that he/she has a problem with drug or alcohol dependency, the employee shall be immediately placed on sick leave and shall be required to commence a rehabilitation program under the supervision of a medical doctor or EAP consultant selected and paid for through the employee's health insurance carrier. The Borough will be provided with periodic reports by the medical doctor and/or EAP consultant during the recommended program, which reports shall be limited to notice of the employee's continuing participation and/or completion of the rehabilitation program.

In the event an employee voluntarily discloses that he/she has a problem with drug or alcohol dependency, the employee shall not be subject to discipline as a first offense. Reinstatement shall be determined by the medical doctor and/or EAP consultant and contingent upon the employee's continued participation in the recommended rehabilitation program.

"Voluntary disclosure and/or voluntary discloses" for purposes of this section shall mean that the employee discloses that he/she has a problem with drug or alcohol dependency prior to the commencement of: (1) a rehabilitation program in accordance with the "progressive action for violations" section set forth above; (2) disciplinary action; (3) an internal investigation; (4) the employee was involved in an accident; (5) Prior to the employee being ordered for drug and/or alcohol test; or (6) Prior to the employee becoming aware of an impending test.

Upon reinstatement, an employee with previous drug and/or alcohol dependency shall submit to drug and alcohol testing bi-monthly for the first twelve (12) months and quarterly for the next twelve (12) months. The employee must submit to drug and alcohol testing at the time stated in the notice. Failure to do so shall be deemed evidence of the use of an illegal drug or alcohol. A positive test (within two (2) years) after reinstatement is just cause for discharge and shall result in the employee's discharge.

The EAP is available to all Borough employees and will provide counseling and referral services to any employee who seeks treatment. The EAP services are provided by the Borough at no charge. Any required treatment that is not covered by the Borough's EAP program or insurance shall be borne by the employee. EAP enrollment and counseling is confidential.

ALCOHOL & DRUG TESTING PROCEDURES

- 1) Alcohol testing will be performed by using Evidential Breath Testing (hereafter EBT) devices approved by the NHTSA. The test will be conducted by a Breath Alcohol Technician (hereafter BAT). Two (2) breath tests will be required to determine if a

person has a prohibited alcohol concentration. If the first test result is less than .04 the test will be considered negative. If the test shows an alcohol concentration of .04 or greater, a second confirmation test will be conducted. The second test result will determine what action if any need be taken.

- 2) In order to ensure that an EBT is working properly, the BAT will run an air blank test which shows a reading of zero before a test is performed. A fifteen (15) minute waiting period is required between the screening and confirmation test. The BAT will run an air blank test which shows a reading of zero before the confirmation test is performed.
- 3) Drug testing will be performed by providing a urine sample at a site to be determined by both parties and meets the requirements of the DOT 49CFR part 40 and The Department of Health and Human Services.
- 4) Specimen collection procedures require security for the collection site, chain of custody documentation, use of authorized personnel, privacy during collection, integrity and identity of the specimen, and transportation to the laboratory. Only those laboratories certified by the federal government, and the Department of Health and Human Services and that have these procedures in place will be used.
- 5) All personnel subject to testing shall present proper identification upon appearing at the laboratory.
- 6) Once the urine specimen is collected, it will be forwarded to the laboratory. The accuracy of the test shall be drug specific. The initial test shall employ a methodology different from the second test. The initial screening shall use the EMIT Immunoassay Process. If the test is negative no further test will be required. If the result is positive, a second confirmation test will be conducted. The confirmation test is performed using a Gas Chromatology/Mass Spectrometry (GC/MS) technique.
- 7) The testing facility will be continuously bound to make provisions to properly preserve, store and secure an aliquot of the original urine specimen, to be reserved and made available for the purpose of an independent confirmation. This independent confirmation will be authorized by the employee, using the lab of his/her discretion. Any employee requesting a testing of the split sample, must do so within seventy (72) hours, provided the employee is properly notified by the MRO. Also the Laboratory will make available to the employee, for his/her inspection, all records of the primary and secondary confirmation testing done by the lab in the urine sample provided by the employee.
- 8) Only confirmed positive results are reported. The Human Resource Director shall be notified immediately following a positive test result. The Human Resource Director is the only person to be notified of a positive test.
- 9) The laboratory must continue the uninterrupted chain-of-custody procedure from receipt of the specimen and maintain internal chain-of-custody procedures which establish

fundamental accountability and reliability of testing from a legal viewpoint. The chain-of-custody procedure must be stringent and confidential in all phases of the process:

- Handling of the specimen
- Testing the specimen
- Storing of the specimen
- Reporting of the test results

10) The Borough shall assure that the existing laboratory will be subject to appropriate external auditing procedures to evaluate quality assurance, evaluation of testing procedures and overall performance.

The following table reflects the positive levels for the five classes of drugs listed below.

DRUGS	INITIAL TEST LEVELS (NG/ML)	CONFIRMATION TEST LEVELS (NG/ML)
Marijuana	50	15
Cocaine	300	150
Opiates	300	
Phencyclidine (PCP)	25	25
Amphetamines	1000	500
Methamphetamine		500

COMPENSATION OF EMPLOYEE

All off-duty bargaining unit employees shall be paid his/her applicable straight time hourly rate of pay for reasonable and necessary travel time from the time the employee leaves his/her home for the drug test until he/she returns to his/her home from the drug test for all follow-up drug and/or alcohol testing conducted under the “progressive actions for violations” section of this Policy, except that no employee shall be paid for testing conducted during the employee’s rehabilitation program, as set forth in the “progressive action for violations” section.

RIGHT OF UNION PARTICIPATION

At any time, the Union, upon request will have the right to inspect any aspect of this drug and alcohol testing policy with the exception of individual test results. The Union may inspect individual test results if the release of this information is authorized by the employee involved.

CHANGES IN TESTING PROCEDURES

In the event that either the Borough of Naugatuck or the Union wishes to change any part of the testing procedure or test administrator, both parties will discuss whether to amend this policy to include such changes. In the event the parties are unable to resolve the issue of the proposed

changes, such proposals are subject to arbitration under the provisions of the Collective Bargaining Agreement.

OTHER

If an employee believes his/her supervisor may be impaired on duty by the use of illegal drugs or alcohol, he shall immediately notify the individual's superior officer in the chain of command. The individual believed to be under the influence shall be governed by the same rules and standards set forth under this policy.

Any employee who has begun the process set forth under this policy by notifying a superior officer that an employee of the Naugatuck Fire Department appears to be under the influence of illegal drugs or alcohol, he/she shall submit in writing within twenty-four (24) hours, a confidential report of the physical, behavioral, and performance indicators observed which shall be considered within this process. Failure to follow any of these procedures in this policy shall result in the elimination of the test results as if no test had been administered. The test results shall be destroyed and no discipline shall be levied against the employee.

In the case involving the Fire Chief or Deputy Fire Chief, the Mayor will be notified and the reasonable suspicion portion of this policy will be followed.

INDEMNIFICATION OF UNION

In the event that the Union is named as a party defendant by an employee governed by this policy in a suit involving the application of the Naugatuck Fire Department Drug Free Workplace Policy, the Borough agrees to provide legal counsel to the Union. The legal counsel selected by the Borough must be agreed to by the Union.

CONFIDENTIALITY

Absolute confidentiality must be maintained during the entire process. No individual involved in the process shall reveal any of the details or particulars of any incident. Any violation of this confidence will subject the violator to disciplinary action. It is also recognized that anyone knowingly bringing false charges against an individual or using this procedure for harassment or personal reasons will be subject to disciplinary action. Nothing shall prevent or prohibit any individual who is willfully, wantonly or maliciously falsely accused from pursuing legal action against their accuser, though it is understood that any such legal action may tend to compromise the confidentiality of the process. The Borough will be required to keep the results confidential and it shall not be released to the public, unless ordered by the courts.

CONTACT PERSON

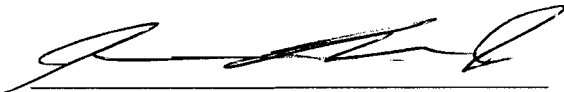
Any questions concerning this policy shall be directed to the Human Resource Director.

CONFLICT

This policy is not intended to eliminate any rights or protections an employee has under either state or federal law. Unless abridged by the policy and in the event this policy omits any aspect of the testing procedure, the testing procedure shall follow the DOT drug testing.

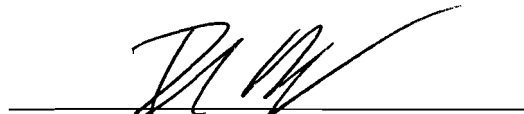
DURATION

The Borough and Union agree that this Drug and Alcohol Free Workplace Policy shall be an Addendum to the collective bargaining agreement between the parties dated July 1, 2005 through June 30, 2009 (and extended via a Memorandum of Agreement through June 30, 2012). Accordingly, it shall remain in full force and effect until a successor agreement is reached. The parties further agree that this Drug and Alcohol Free Workplace Policy may be reopened prior to such date: (1) by mutual written agreement of the parties; (2) if changes in applicable state or federal law require changes to it; or (3) if changes to DOT and/or NHTSA drug policy impact the provisions for testing set forth herein.



For Naugatuck Fire Fighters Local 1219

Dated: 6/3/2010



For the Borough of Naugatuck

Dated: 6/3/2010