

**AGREEMENT**  
**BETWEEN**  
**THE CITY OF MIDDLETOWN, CONNECTICUT**  
**AND**  
**TEAMSTERS LOCAL #671**  
**July 1, 2011 THROUGH June 30, 2012**



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- C. That once a request is considered by the Committee, the same request cannot be submitted again for at least one (1) year; and
- D. That selection of candidates for review shall be by lottery.

The Committee will hear and act upon any request for review within sixty (60) days after it is received. Any recommendation of the Committee to change the labor grade placement or job description of a particular job class will be subject to review and approval by the Common Council. The Personnel Director agrees to support the recommendation of the Committee before the Common Council. Should the Common Council reject the recommendation of the Review Committee, the affected employee shall have the ability to appeal the decision to a mutually agreed upon Arbitrator, whose decision shall be final and binding.

**ARTICLE XXIII**  
**DRUG TESTING**

**SECTION 1** The parties recognize the importance to the City, to bargaining unit employees and to the citizens of Middletown that the workforce remain free of the effects of illegal drugs or controlled substances on the job. The City has the right to conduct drug testing under the following circumstances:

- A. The City may require an employee to submit to drug testing if there is a reasonable suspicion that the employee may be under the influence of illegal or controlled substances. If an arbitrator is called upon to determine whether the City had "reasonable suspicion" to conduct a drug test in any given case, he or she shall not be bound by any external definition of that term.
- B. An employee's first confirmed positive test shall not be cause for termination, provided the employee agrees to participate in a treatment program as recommended by the City's EAP, successfully completes such program as well as any recommended follow-up, which may include a requirement of random testing, and provides whatever authorization is necessary to permit the City to verify compliance with the above. Said employee must submit to a fitness for duty exam before returning to work. An employee's second positive test result may be grounds for discharge.
- C. Refusal to submit to testing shall be considered the equivalent of a confirmed positive test result.

**SECTION 2** The City has a right to test employees pursuant to regulations issued by Department of Transportation.

**AGREEMENT**

**Between**

**THE CITY OF MIDDLETOWN**

**-and-**

**LOCAL 466, COUNCIL #4  
AFSCME, AFL-CIO**

**July 1, 2010    June 30, 2014**

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2. An employee's first confirmed positive test shall not be cause for termination, provided the employee agrees to participate in a treatment program as recommended by the City's EAP, successfully completes such program as well as any recommended follow-up, which may include a requirement of random testing, and provides whatever authorization is necessary to permit the City to verify compliance with the above. Said employee must submit to a fitness for duty exam before returning to work. An employee's second positive test result shall be grounds for discharge.
3. Refusal to submit to testing shall be considered the equivalent of a confirmed positive test result.
4. The City has the right to test employees pursuant to regulations issued by the City of Middletown Drug and Alcohol Policy, as said Policy may be amended from time to time in accordance with the Federal Department of Transportation requirements.

**ARTICLE XXIX**  
**MODIFIED DUTY**

**SECTION 1** The transitional modified duty work program seeks to provide temporary assignments to modified duty work for employees who are injured and cannot fulfill their assigned duties. The modified duty program also covers employees released for partial day modified duty work assignments arising from work related injuries.

**SECTION 2** To be eligible for a modified duty assignment under the program, the employee shall furnish the Risk Manager a memo requesting a modified duty assignment. The employee shall attach to the request a certificate from their treating physician, who shall indicate, in the treating physician's professional opinion, that the employee requesting the modified duty assignment;