

**SHOP AGREEMENT
ON
ALCOHOL AND OTHER NARCOTICS AT THE WORKPLACE**

**Between
the Agency Chief
and
the Works Council Ramstein I
the following agreement is concluded:**

§ 1

APPLICABILITY

1. The provisions of this agreement apply to all units and organizations and all Local National Employees (LN's) within the representation area of the Works Council Ramstein I. The male terms used in the text refer both sexes.
2. The shop agreement refers to the consumption or non-designated use of narcotics or substances that can cause intoxications or disturbance of the physical, psychic or mental condition or capacity. This includes in particular, but not exclusively:
 - a) alcohol, respectively alcoholic drinks as well as alcoholic mix drinks
 - b) pharmaceuticals and substances with an addictive potential
 - c) all kinds of intoxication substances, that falls under the narcotics law

§ 2

PURPOSE OF THE SHOP AGREEMENT

Principle: Alcohol, drugs and other narcotics have detrimental effects in the work place. Therefore, the purpose of this agreement is:

The Agency Chief and the Works Council agree to permanently take efforts to avoid the abuse of alcohol, drugs or narcotics within the agency. All employees have to refrain from consuming alcohol, drugs or narcotics during the workday. Furthermore, employees having problems due to abuse of alcohol, drugs or narcotics and who are unable to properly perform their duties should be supported in their efforts to overcome their addiction and achieve reliable performance.

§ 3

ABUSE OF ALCOHOL, DRUGS AND OTHER NARCOTICS

Due to safety and protection of employees' health, working atmosphere and discipline, the consumption of alcohol, drugs or narcotics during work hours including breaks on the premises of the employer is prohibited. This provision also applies during TDY's. Furthermore, the bringing of alcohol, drugs, and

other narcotics into the work area for consumption or sale is prohibited. Also the storage of alcohol, drugs, and other narcotics in the work area is prohibited. In regard to the storage the privately owned vehicle (POV) of an employee is not considered as work area even if the POV is used for official business. Furthermore Section 38, German Health and Safety at Work Act applies (UVV - see attachment below).

The parties also agree that in support of the purpose of this agreement after its signature the canteen contract with the German Canteen will be reviewed and revised if necessary.

§ 4

INFORMATION - MOTIVATION – PREVENTION

The principles established under § 2 and the objectives resulting there from can only be achieved by a variety of long term measures within the agency that are tailored for the different functions of the employees and include all official agency levels. This includes such measures as training for employees throughout all management levels, Works Council representatives and other employees involved in internal abuse prevention as well as constant information to the employees. Furthermore prevention of abuse will also be a matter in staff meetings, Works Council meetings, personnel assemblies and training.

§ 5

ADDICTION COUNSELOR

The employer appoints an Addiction Counselor for the agency. The appointment is made in mutual agreement with the Works Council. The Works Council is encouraged to propose eligible candidates.

Through the appointment of an Addiction Counselor, employees and supervisor shall be supported in solving problems occurring through addictive substances at the work place. The Addiction Counselor acts as POC for addicts and potential addicts (and if necessary for their families). The Addiction Counselor's particular duty is to point out support options (contact- and motivation conversations). The Advisor himself can and should be proactive.

The Addiction Counselor will be released from duty with pay for the time necessary to perform his duties. Release from duty requires prior information (without providing personnel related data, however, providing location and approximate duration) to the Agency Chief or the designated representative. . The Addiction Counselor is obligated to duly consider operational interests in his demands for release from duty. If he is performing his advisory functions provably outside regular work hours, he will be granted compensatory time off within one month. He is not entitled to receive overtime supplements.

Due to the voluntary and complementary function, the Addiction Counselor should not suffer disadvantages in operational or job-related matters. Necessary and provable expenses and disbursements arising from his function are to be reimbursed.

§ 6

INHOUSE SUPPORT OFFERS

The agency offers in-house support for its employees:

1. Addiction Counselor;

2. Works Council respectively the announced and specialized representatives;
3. Further POCs, if applicable (e.g. former addicted employees working in the agency, if such are available and agree);
4. Occupational Health Service;
5. Representatives from the responsible CPF

The above mentioned should advise and support employees with an addiction problem, their supervisors and relatives in close cooperation.

All employees have to be informed about the support offered in an appropriate way.

§ 7

EXTERNAL SUPPORT SYSTEM

For the employee's and the agency's benefit, a cooperation should be sought with external support systems (e.g. self help groups, help desks, ambulant or stationary rehabilitation therapy facilities, medical specialists, organizations...).

If necessary those organizations should be used to the extent possible

§ 8

CHECKLIST OF PROVISIONS FOR PERSONS AFFECTED

Step 1

If it comes to the attention of a supervisor that an employee is at risk to be addicted or is addicted already, the supervisor has to discuss the matter with the affected person confidentially.

The first discussion's purpose is to frankly address the presumptions of the employer in respect to flashy conduct and potential problems, to describe and clarify concrete facts and/or observations and to make the person affected aware of his problem.

In addition help will be offered to the person affected. The discussion will not result in any personnel or disciplinary consequences.

Step 2

If no positive change can be observed in the conduct of the person affected, the supervisor will conduct another conversation together with the Works Council, the Addiction Counselor and a representative of the CPO. The person affected is offered further support and further steps which the person affected has to take will be agreed upon and fixed, e.g. consulting an Addiction Counselor Association or undergoing medical treatment. The discussion will not result in any personnel or disciplinary consequences but the person affected will be advised in potential adverse actions (e.g. letter of warning) due to his conduct.

Step 3

If no considerable improvement can be observed in the conduct of the person affected, the supervisor, the works council and the Addiction Counselor as well as a representative from the Civilian Personnel Office will conduct another conversation with him. The reasons will be discussed why the person affected did

not follow the steps agreed upon and/or did not use the provided support. The person affected receives a letter of warning, if justified. Further personnel measures might include a detail or physical move or withdrawal of functions, in particular in cases where the performance of certain duties under influence causes a potential hazard for himself and others. The person affected will again receive advice how to obtain support and will be strongly advised to obtain the support. Again it will be exactly fixed what steps the person affected has to take next, e.g. to contact an Addiction Counselor Association or to undergo a medical treatment.

The purpose of these discussions by this time is to frankly address the occurred problem to the person affected, to explain the procedures to start therapeutic treatments as well as to inform the person affected about the fact that the employer on the one hand is prepared to maintain the affected person's workplace, if the person in turn is willing and ready to accept the provided support; on the other hand a termination of the employment can be considered if the person affected violates his obligations resulting from the employment contract and refuses to accept the recommended support.

Step 4

If no change can be observed in the conduct of the person affected, a further meeting has to be scheduled. Supervisors, representatives from the Works Council, Addiction Counselor and a representative from the CPO will attend this meeting. The person affected will be granted one week time of consideration to accept the offered support. The person affected will be threatened of receiving a second letter of warning. If he refuses to accept the support, the letter of warning will be issued. Further personnel measures might include a detail or physical move, withdrawal of functions or assigning other duties.

The discussion's and the disciplinary action's purpose is to make it clear to the person affected that his employment contract is endangered due to his conduct.. He is strongly requested either to accept the offered support or to stop his misconduct respectively the impairment of performance immediately.

Step 5

If the person affected still does not show understanding of the situation after the full use of the support mentioned above and does not change his behavior, the termination process will be initiated in accordance with the legal prerequisites. This section does not affect the coordination procedure IAW the Federal Personnel Representation Law.

§ 9

GENERAL PROVISIONS

If agreed upon between the employer and the Works Council, in individual cases it can be deviated from the steps in the checklist of Art 8 above.

In order to allow an efficient progress, the intervals between the discussions mentioned above should not exceed 2 months. A Memorandum for Record should be made and signed by the supervisor and the person affected.

If the person affected refuses to attend the discussions or refuses to cooperate, the employer is no longer bound to the catalogue of provisions mentioned above.

In case of a relapse after return from a detoxification respectively after return from other remedial measures, after consideration and discussion of the supervisor, Addiction Counselor, a Representative from the Works Council and CPO a decision on the case will be made on an individual bases.

If the person affected is willing to attend a therapy, his position will be kept for the duration of that measure.

Personnel and disciplinary actions that do not relate to the addiction itself are not affected by this shop agreement.

§ 10

RESPONSIBILITY, COMPETENCY, CONFIDENTIALITY

The participants of the internal support system will act on their own responsibility in their advisory function.

The disciplinary actions remain in the responsible department.

The participants of the internal support system treat the information they receive as confidential. Written statements have to be kept as confidential information. Information will only be issued after the affected person's approval.

§ 11

PERIOD OF VALIDITY

This shop agreement becomes effective through signature and replaces already existing agreements pertaining to addiction problems in the work place. This agreement can be terminated by both parties with a notice period of 3 months to the end of the calendar year.

Modifications and/or supplements can be made in mutual agreement without terminating the entire agreement or the agreement becoming invalid. Any supplements or modifications must be in writing and must be signed by both parties, Agency Chief and Works Council.


The agreement does not expire as a result of a change of command or changes in Works Council membership. In case of a termination the agreement will stay in effect until a new shop agreement is concluded, but no longer than one year.

§ 12

RESERVATION OF STATUTORY POWERS

Legal provisions and provisions resulting from the tariff agreement remain unaffected. This applies in particular if compelling legal provisions or compelling provisions resulting from the tariff agreement stipulate measures deviating from the shop agreement (e.g. drivers or members of the military police). The same applies for USAFE Instructions.

FOR THE AGENCY


RAMONA L. DOLSON
Colonel, USAF
Commander

FOR THE WORKS COUNCIL RAMSTEIN I


Thomas M. Meschkat
Chairman, Works Council Ramstein I

Memo Note:

The Undersigned agree that a functional internal Addiction Advice System only can be established on a long term.

Add § 4: It is assumed that it is not possible to train all employees promptly in regard of addiction problems. Training for employees in regard of addiction problems should be integrated in already existing training programs, if possible.

Add §§ 7, 8: By mutual agreement the internal support's challenge basically is limited to inform the persons affected about existing external support systems for addicted persons and introduce them (so-called First aid respectively Support for self help). The Agency is not able to provide care to the addicts to the full extent.

Attachment: § 38 Health and Safety at Work Act

- (1) Insured persons must not through consumption of alcohol put themselves into a condition where they could endanger themselves or others.
- (2) Insured persons who due to the consumption of alcohol or other intoxicating substances are not able to perform their duty anymore without endangering themselves or others must not be allowed to work.