

Drug-Free Workplace

Objective:	To establish a County policy regarding a drug-free workplace.	Policy/Procedure Number:	01-24
Reference: <i>(All applicable federal, state, and local laws)</i>	Federal Drug-Free Workplace Act of 1988 (effective March 18, 1989); Federal Omnibus Transportation Employee Testing Act of 1991 49 Code of Federal Regulations, Part 40; Section 58 of Civil Service Law	Effective Date:	July 11, 1989
Legislative Policy Statement:	Tompkins County maintains a drug-free workplace; As a condition of employment, each County employee is required to abide by the conditions contained in this policy.	Responsible Department:	County Administration
General Information:		Modified Date (s):	July 7, 2009
		Resolution No.:	
		Next Scheduled Review:	

I. Definitions: **Drug-free Workplace** - The unlawful manufacturing, distribution, dispensing, possession, or use of a controlled substance is prohibited in any workplace or work site associated with employment for Tompkins County.

II. Policy: As a federal grant recipient within the meaning of the Drug-Free Workplace Act of 1988, Tompkins County is required to certify to granting federal agencies that it maintains a drug-free workplace.

III. Procedure: As a condition of employment, each employee is required to abide by the conditions contained in the following:

Drug-free Awareness Program

- As part of the Tompkins County Employee Assistance Program (EAP), the County will establish and foster a Drug-Free Awareness Program to inform employees of: the dangers of drug abuse in the workplace; the County's policy regarding a drug-free workplace; the programs available for drug counseling and rehabilitation; and penalties that may be imposed for a workplace drug-abuse violation. The EAP that is totally confidential and available to all employees and their immediate families. The EAP provides professional services to employees whose job performance is, or may be, adversely affected by alcoholism, emotional difficulties, drug dependence, family discord, or other personal problems.

Drug Testing

- The Federal Omnibus Transportation Employee Testing Act of 1991 requires drug and alcohol testing of safety-sensitive transportation employees in aviation, trucking, railroads, mass transit, pipelines and other transportation industries. The U.S. Department of Transportation publishes rules on who must conduct drug and alcohol tests, how to conduct those tests and what procedures to use when testing. These regulations cover all transportation employers, safety-sensitive transportation employees and service agents. Encompassed in 49 Code of Federal Regulations Part 40,

the Office of Drug & Alcohol Policy & Compliance publishes, implements and provides authoritative interpretations of these rules.

- Commercial Drivers' License (CDL) drivers at Public Works are required to participate in random drug and alcohol testing year-round. They are also subject to mandatory post-accident drug and alcohol testing and sign an affidavit annually that they have received training related to this requirement.
- Sheriff's deputies are also subjected to drug and alcohol screening, post-offer of employment, as part of the medical and agility testing requirements of Section 58 of Civil Service Law. They are not subject to ongoing testing after employment begins unless involved in an accident or incident that warrants a direct order for testing from the Sheriff.

Convictions

- Each employee is required to notify the Personnel Office of any criminal convictions involving the use of illegal drugs in the workplace within five (5) days after such conviction.
- If a federal grant, or federal contract over \$100,000, is involved in the work performed, the grant agency will be notified within ten (10) days after receiving notice of conviction.
- Within thirty (30) days after receiving notice of a workplace drug-abuse conviction, the Personnel Office will take appropriate disciplinary action, including but not limited to: requiring the employee to participate in a drug abuse or rehabilitation program approved by the County Personnel office; suspension subject to applicable statutory proceedings; termination subject to applicable statutory proceedings; and any other disciplinary action or combination as determined appropriate.

Further details on County drug-free workplace procedures may be obtained from the Personnel Office.