

Cannabis-Free Work Environment

Objective:	To establish a County policy regarding a cannabis-free environment.	Policy/Procedure Number:	01-53
Reference: <i>(All applicable federal, state, and local laws)</i>	New York Labor Law, 201-d, New York State Public Employee Safety and Health Act of 1980; New York State Civil Service Law, Section 72 and 75; Federal Omnibus Transportation Employee Testing Act of 1991 49 Code of Federal Regulations, Part 40; Public Health Law Article 13-E, New York State Clean Indoor Air Act; US. DOT, Omnibus Transportation Employee Testing Act of 1991, the Federal Highway Administration (FHWA) regulations (49 U.S.C. 521), and the Federal Motor Carrier Safety Administration (FMCSA) regulations (49 CFR Part 40, as amended and 49 CFR Part 382-383).	Effective Date:	June 18, 2024
		Responsible Department:	County Administration
		Modified Date (s):	
		Resolution No.:	2024-124
		Next Scheduled Review:	June 2029
Legislative Policy Statement:	Tompkins County is committed to protecting the health, safety, and welfare of its employees and the public that it serves. Cannabis use in the work environment, in County facilities, or on County property may pose a significant threat to these goals. Each County employee, intern, volunteer, vendor, contractor, visitor, and/or the public are required to abide by the conditions contained in this policy.		
General Information:	Policy violations by employees may result in disciplinary action but will also be considered an opportunity for the County to help employees find appropriate services and treatment for cannabis abuse. All employees have a personal responsibility to adhere to all applicable laws, policies, and regulations concerning the use of drugs. Employees that hold a Commercial Driver License (CDL) as required for their job duties are additionally subject to adherence of federal regulations which include the NYS Department of Transportation's (DOT) regulations regarding workplace drug and alcohol testing for the Federally regulated transportation industry.		

I. Definitions:

Cannabis - Refers to the psychoactive dried flower buds, leaves, extract, resin, or chemicals (such as THC) derived from the cannabis plant that are intended for human consumption or use, which also includes medical marijuana. Cannabis contains active chemicals called cannabinoids that cause drug-like effects all through the body, including the central nervous system. Also known as marijuana.

Employee - All persons filling positions of any rank within County government, including elected or appointed officials, paid staff, and members of any administrative board, commission, or agency of that government, interns, whether paid or unpaid, and volunteers.

Facilities and Property (leased or owned) – Includes, but not limited to, Tompkins County maintained buildings, rooms, land, parking lots, entrance lanes, sidewalks, structures, County owned vehicles, and other facilities leased, owned, or maintained by Tompkins County.

Work Hours - All time that an employee is being paid and is suffered, permitted or expected to be engaged in work, and all paid time the employee is actually engaged in work. This includes any time that an employee is on call and all breaks during the scheduled workday or while representing or conducting business for the County.

Workplace/Work Environment - Any office or property owned, leased, or operated by the County or any other worksite off County property where employees are representing the County in an official capacity.

II. Policy:

- A.** Employees, interns, volunteers, vendors, contractors, visitors, and/or the members of the public may not consume cannabis while in a County facility or on County property.
- B.** Employees may not be impaired by the use of cannabis during work hours. Work hours include breaks and periods of being on-call.
- C.** Employees who violate this policy shall be subject to disciplinary actions up to and including termination, in accordance with relevant provisions of the NYS Civil Service Law and applicable Collective Bargaining Agreements. Such behavior is a threat to the safety and health of the work environment.
- D.** Employees certified as patients in the Medical Cannabis Program are treated as individuals with qualifying disabilities under the Americans with Disabilities Act. Nothing in this Policy is intended to prohibit an employee who uses medical cannabis or cannabis products from being considered for a reasonable accommodation for such disability, which may or may not include authorization of use during working hours if deemed proper under the County's Reasonable Accommodations policy (*See Administrative Policy 02-44*).

Employees who require consideration of medical cannabis use during work hours must submit their request for accommodation under *Administrative Policy 02-44: Reasonable Accommodations*.

III. Procedure:

A. Responsibilities

Department Heads and/or Supervisors must:

- 1. Adhere to the Cannabis-Free Work Environment policy;
- 2. Promote and inform employees of the Cannabis-Free Work Environment policy;
- 3. Address and/or report issues as they arise to protect the safety, health and well-being of all employees and individuals in the work environment;
- 4. Refer or encourage employees impacted by cannabis use or abuse to utilize the services offered by the Employee Assistance Program (EAP); and
- 5. Clearly state consequences of policy violations to employees.

Employees must:

- 1. Adhere to the provisions of the Cannabis-Free Work Environment policy;
- 2. Report to their work environments prepared to perform their required duties without being under the influence of cannabis;
- 3. Report any suspected or witnessed violations of this policy to their Department Head and/or Supervisor;
- 4. Cooperate with the County in the enforcement of this policy; and
- 5. Seek help with cannabis use problems as necessary.

B. Employee Assistance

The Cannabis-Free Work Environment policy encourages employees to voluntarily and confidentially seek help with cannabis use problems. Tompkins County recognizes that issues with addiction are treatable. The County also recognizes that early intervention and support improves the success of rehabilitation. This policy:

- Encourages employees to seek help if they are concerned that they may have a cannabis use problem;
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected cannabis use problems and identify appropriate sources of help; and
- Offers all employees assistance with cannabis use problems through the Employee Assistance Program (EAP). The Employee Assistance Program is a referral service and should the employee have an cannabis use-related problem, EAP would provide the employee with a list of places which treat such conditions.

Note: For more information on EAP, contact the Department of Human Resources. No discipline or discrimination will result from an employee asking for such assistance. In recognition of the personal nature of EAP, employee information and requests for EAP information will remain confidential.