

DRUG FREE WORKPLACE ACT AND POLICY PROCLAMATION

PURPOSE: Clackamas County government is committed to protecting the safety, health and well being of all employees and the general public in our workplace. To satisfy these responsibilities, the County will maintain a work environment where employees are free from the effects of illegal drugs, alcohol, or other job-impairing substances. The purpose of the Drug Free Workplace Act and Policy Proclamation is to inform Clackamas County employees of the following:

- Employee Responsibility and Requirements
- Employer Responsibility and Requirements
- Prohibited Behavior
- Notification of Convictions
- Employee Sanctions
- Employer Sanctions
- Drug Free Workplace Act and Policy Proclamation Awareness
- Available Assistance

SCOPE: This policy applies to all Clackamas County employees.

POLICY STATEMENT: The Drug-Free Workplace Act of 1988 requires most federal government contractors, as well as recipients of federal grants, to take specific steps to insure a drug-free workplace. The legislation covers all organizations receiving contract awards of \$100,000 or more, all contracts awarded to individuals, and all recipients of federal grants, regardless of grant size.

All employees of Clackamas County are expected to conform to the general provisions of Clackamas County's Drug-Free Workplace Proclamation statement. Those specific departments, and employees therein, who are under federal contract or receive federal grants are further subject to the requirements set forth by the Drug-Free Workplace Act. Therefore, those employees of a grant recipient or contractor "directly engaged" in the performance of work pursuant to the federal grant or contract are responsible for meeting the following requirements:

EMPLOYER RESPONSIBILITIES

To be eligible for contract awards or grants, employers must certify to the federal contracting or granting agency that they meet certain requirements designed to keep their workplaces free of illegal drugs. Specifically, contractors and grantees must agree to:

1. Publish and distribute a policy prohibiting the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances in the workplace.

2. Establish a drug-free awareness program that informs employees about the dangers of workplace drug abuse; the employer's intent to maintain a drug free workplace; the availability of drug counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed upon employees who abuse drugs.
3. Inform employees that they are required, as a condition of employment, not only to abide by the employer's policy, but also to report any criminal convictions for drug-related activity in the workplace in writing within five (5) calendar days of the conviction.
4. Employers of convicted employees must notify the federal contracting, funding or granting agency of any criminal convictions of employees for illegal drug activity in the workplace. Written notice must be provided by the contract or grant recipient within ten (10) calendar days of learning about a conviction. Written notice must include the employee's position title and the identification number(s) for each affected grant or contract.
5. Take appropriate disciplinary action or require the satisfactory participation in an approved treatment program by any employee convicted of a criminal drug offense occurring in the workplace within thirty (30) days of the conviction.
6. Make a "good faith" effort to maintain a drug-free workplace by complying with the law's requirements.

EMPLOYEE SANCTIONS

Employees may also face statutory sanctions against them for violations of the Drug-Free Workplace Act. A federal grant recipient or contractor is required to take personnel action against an employee within thirty (30) days after receiving notice from an employee who has been convicted under a criminal drug statute for activities occurring during the course of their work. Such personnel action shall be appropriate disciplinary action up to and including termination or requirement that the employee participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purpose by a federal, state or local health, law enforcement or other appropriate agency.

DRUG TESTING

Drug testing is not required under this Act.

DRUG POLICY TRAINING

The Drug-Free Workplace Act requires that the County shall establish a drug awareness program that informs employees about the dangers of workplace drug abuse; the employer's intent to maintain a drug-free workplace; the availability of drug counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed on employees who abuse drugs. The Awareness Program includes ongoing distribution of pamphlets and brochures, an Employee Assistance Program brochure, Drug Awareness Policy distribution to all employees, supervisory training on proper detection and handling of substance abuse in the workplace, drug awareness education for employees using videos, workshops, payroll stuffers, etc. The Employee Assistance Program will provide primary program services and is a coordinated effort of Mental Health, Benefits, and Personnel.

EMPLOYER SANCTIONS

Employers who fail to meet the requirements of the Drug-Free Workplace Act risk the suspension of payment under the federal contract, termination of their federal contract or both if they:

1. Falsely certify that they will provide a drug-free workplace.
2. Violate a certification by failing to comply with the law.
3. Report such a large number of employees who have been convicted of illegal drug activity that it appears that the organization has not made a "good faith" effort to maintain a drug-free workplace.

Failure to comply with the Act's requirement also may lead to debarment from participation in future contract or grant activity. Debarment would mean that the contractor or grantee may not receive any federal contract or grant or participate in the federal procurement process for a period of up to five years.

DISTRIBUTION OF POLICY PROCLAMATION

Department heads are responsible to assure that all new employees, subject to the Drug-Free Workplace Act, receive a copy of the policy proclamation at the time of hire. This applies to all employees, including temporary, limited term and part-time employees who are "directly engaged" in the performance of work pursuant to a federal contract or grant.

The Drug-Free Workplace Policy is discussed and distributed to new probationary/regular employees at the County's new employee orientation workshops.

Attachments

TO: All Employees
FROM: Department of Employee Services
DATE: March 09, 2007
SUBJECT: Drug-Free Workplace Act

The Drug-Free Workplace Act of 1988 requires most federal government contractors, as well as recipients of federal grants, to take specific steps to assure a drug-free workplace. The legislation covers all organizations receiving contract awards of \$100,000 or more, all contracts awarded to individuals, and all recipients of federal grants regardless of grant size. The County must now comply with the standards set forth in the law and regulations in order to receive any federal grants.

The law requires the County to notify employees of its Drug-Free Workplace Policy, the penalties for violation, and available counseling and rehabilitation services. The law requires that employees, falling under the Drug-Free Workplace Act, must notify the County of any criminal drug conviction for activities occurring in the workplace.

A copy of the County's DRUG-FREE WORKPLACE POLICY PROCLAMATION is attached. County employees are required to read and comply with the policy proclamation. The attached Drug-Free Workplace Policy also identifies treatment resources available for employees and provides information about the County's Drug-Free Workplace Awareness Program.

If you have any questions about the federal regulation or the County's policy, please talk with your supervisor or call the Department of Employee Services, Personnel Division.

DRUG-FREE WORKPLACE POLICY PROCLAMATION

TO: All Employees

FROM: Board of County Commissioners

DATE: March 09, 2007

SUBJECT: Policy on Drug-Free Workplace

This is to reiterate, and state in a formal way, our policy regarding the work related effects of illegal drug use and the unlawful possession of controlled substances on County premises. The County has a responsibility to employees and to the public in general to insure an efficient and productive work force and safe working conditions for employees. To satisfy these responsibilities, the County will maintain a work environment where employees are free from the effects of illegal drugs, alcohol, or other job-impairing substances. Policy is as follows:

1. It is our intent and obligation to provide a drug-free, healthful, safe, and secure work environment. All employees are expected and required to report for work in a mental and physical condition that promotes a productive, safe, healthful, secure, drug-free work environment.
2. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on County premises or while conducting County business on or off County premises is prohibited. Furthermore, the use of alcohol in or on County premises or assigned workplace is prohibited. Violations of this policy may result in disciplinary action, up to and including termination, and may have legal consequences. Violation of this policy is hereby deemed to be a violation of 2.05.180 of the County's Personnel Ordinance.
3. The County recognizes drug/alcohol dependency as an illness and a major health problem. The County also recognizes drug/alcohol abuse as a potential health, safety, and security problem. Probationary and regular employees needing help in dealing with such problems are encouraged to use our Employee Assistance Program and health providers as appropriate. Conscientious voluntary efforts to seek and utilize such help will not jeopardize the employee's job, and will not be noted in any personnel record provided disciplinary measures have not been warranted.
4. All employees directly engaged in the performance of work pursuant to the federal grant or contract must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug statute for violations occurring on or off County premises while conducting County business. The report of a conviction must be made in writing within five (5) calendar days after the conviction and will be made to the County department director, who is accountable for the grant or contract. (This requirement is mandated by the Drug-Free Workplace Act of 1988.) Failure to report may result in disciplinary action up to and including termination.

As an option to disciplinary sanctions, employees may be given the opportunity to voluntarily participate in a drug or alcohol treatment program. The participating employee will provide verification of participation and verification of "fitness" for duty. Failure to complete the treatment program will be deemed as reasonable cause to impose sanctions that were suspended in lieu of treatment.

Available Treatment

The County recognizes ongoing commitment and responsibility to employees by seeking to provide, through an Employee Assistance Program (EAP), an opportunity for employees to eliminate drug and alcohol related problems. Any probationary or regular employee who voluntarily requests assistance in dealing with a personal drug and/or alcohol problem may do so through the Employee Assistance Program in confidence and without jeopardizing employment with the County. The County Employee Assistance Program provides telephone and face-to-face assessment and counseling services utilizing a master's level Member Advocate from Horizon Health EAP Services. You can contact the Horizon Health EAP Services by calling the toll-free number (1-877-851-1631). Be sure to state you are calling about the Employee Assistance Program.

Other treatment programs for drug and alcohol problems may be available through the medical health insurance providers selected by individual employees. The County's medical health insurance carriers provide benefits for both inpatient and outpatient treatment for alcohol/chemical dependency. Information on available resources can be reached by calling the Providence Health Plan, or Kaiser Permanente.

INTERNET LINKS

County Ordinance (<http://www.clackamas.us/code/documents/title2.pdf>)
EPP 6 – Employee Assistance Program
(<http://www.clackamas.us/des/documents/epp/epp06.pdf>)