

Drug-free Workplace Policy

Basis for Policy

As a federal contractor, the Research Foundation (RF) must comply with the requirements of the Drug-Free Workplace Act of 1988, which is a part of Public Law 100-690, Anti-Drug Abuse Act of 1988. The federal Drug-Free Workplace Act of 1988 (Section 5152) covers grants and contracts for the procurement of any service with a value of \$25,000 or more.

Drug-Free Workplace Act

To comply with the act, federal agency contractors and federal grant recipients must provide a drug-free workplace. These federal contractors and grant recipients will:

- Publish a statement prohibiting the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs in the workplace and specify the actions that will be taken against employees for violations.
- Distribute a copy of the policy statement to each employee engaged in the performance of a federal grant or contract.
- Notify each employee that compliance with the policy is a condition of employment on such grant or contract and that the employee must abide by the terms of the policy statement. The policy statement includes the requirement that the employee notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- Notify the granting or contracting agency within 10 days after learning of a criminal drug statute conviction.
- Impose a sanction as required under this act on any employee who is so convicted.
- Establish a program of drug-free awareness, informing employees about the organization's policy of maintaining a drug-free workplace, the penalties that may be imposed upon employees for drug-abuse violations, the dangers of drug abuse in the workplace, and any available drug counseling, rehabilitation, and assistance programs.
- Make a good faith effort to continue to maintain a drug-free workplace through implementation of these requirements.

Americans with Disabilities Act

In addition to complying with the federal Drug-Free Workplace Act of 1988, the Research Foundation must comply with the requirements of the Americans with Disabilities Act of 1990 (ADA).

Individuals who currently use drugs illegally are not individuals with disabilities protected under the ADA when an employer takes action because of their continued use of drugs. This includes people who use prescription drugs illegally as well as those who use illegal drugs.

However, people who have been rehabilitated and do not currently use drugs illegally, or who are in the process of completing a rehabilitation program, may be protected by the ADA.

Policy

The Research Foundation, in compliance with the federal Drug-Free Workplace Act of 1988,

has adopted the following policy that must be adhered to as a condition of employment:

- The unlawful use, possession, manufacture, dispensation, or distribution of controlled substances in all RF work locations is prohibited.
- Any RF employee convicted of a criminal drug statute violation occurring in the workplace must notify his or her supervisor of the conviction within 5 days after the conviction. As required by the federal Drug-Free Workplace Act of 1988, the Research Foundation must inform contracting or granting agencies of such convictions within 10 days after receiving notification from the employee or otherwise receiving notice of a conviction.
- Upon receiving such notification, the Research Foundation, in conjunction with the location concerned, will take all steps necessary to assure the proper conduct of sponsored projects and programs. If a decision is reached to allow the affected employee to continue employment with the Research Foundation, the employee must participate in and satisfactorily complete an approved drug abuse assistance or rehabilitation program.

Feedback

Was this document clear and easy to follow? Please send your feedback to webfeedback@rfsuny.org.

Copyright © 2012 The Research Foundation for The State University of New York