



# STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT

Office of Labor Relations

March 20, 2008

## OLR GENERAL NOTICE 2008-03

**TO: Labor Relations Designees**

**SUBJECT: Connecticut's Drug-Free Workplace Policy**

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In 1989, the United States Congress passed the Drug-Free Workplace Act (Title 41 Chapter 10; 41 U.S. Code §§701 et seq.), which requires any employer that receives any federal grants or has procurement contracts in excess of a specified amount (currently \$100,000) to certify that it will maintain a drug-free workplace. In addition to the information in this general letter, the attached documents pertaining to this act will be needed by State agencies:

- Connecticut's Drug-Free Workplace Policy (rev. 4/07)
- Connecticut Certification of Compliance for Federal Fiscal Year 2007-2008

### **BASIC REQUIREMENTS**

The Act requires that a statement be published to notify employees that the unlawful manufacture, distribution, possession or use of controlled substances is prohibited in the workplace and that disciplinary action will be taken against employees for violation of the prohibition. The Act also requires that employees notify their agency of any criminal drug statute conviction for violations occurring in the workplace within five days of the conviction. The federal granting or contracting agency must be notified within ten days of any such conviction for any employee working on a federal grant or contract. A copy of this notice should also be sent to the Office of Labor Relations.

The Drug-Free Workplace Policy attached to this notice is the same as was issued by this Office last year (OLR General Notice 2007-08). Please ensure that this policy is given to any new employees and is posted. It is suggested that the policy be redistributed to all employees to reinforce its message.

### **AGENCY RESPONSIBILITIES**

1. Notify employees of the State's Drug-Free Workplace Policy. Distribute a copy of the policy to new employees, prominently post the policy and consider redistributing

it annually to all employees to reinforce the message. Maintain documentation about the method(s) of distribution, particularly the receipt of the policy by any employees working on a federal grant or contract.

2. Establish or continue an Employee Assistance Program, and provide drug-free awareness information to employees about the State's policy, the dangers of drug abuse in the workplace and the availability of drug counseling or rehabilitation programs.
3. Through drug-free awareness information, highlight the policy requirement that all employees notify their agency personnel office within five (5) days of any conviction for drug statute violations occurring in the workplace. It is suggested that a particular agency official be designated to receive this conviction information.
4. Notify the federal granting or contracting agency, with a copy to the Office of Labor Relations, of any workplace drug convictions for those employees working on a federal grant or contract within ten (10) days.
5. Provide the Office of Labor Relations with information about any workplace drug convictions that have been reported since October 1, 2006.
6. Make a good faith effort to continue to maintain a drug-free workplace through the efforts described in this letter and in the policy.

### **COMPLIANCE CERTIFICATION**

Applications for federal grants or contracts may require a "compliance certification" to certify that the agency is in compliance with the Drug-Free Workplace Act. The statewide drug-free workplace compliance certification for federal fiscal year 2007-08 is attached. This certification, signed by Governor M. Jodi Rell, applies to all state agencies listed on the certification and will be renewed annually. **Please ensure that the employee(s) in your agency involved in the preparation of federal grants and/or contracts are aware of this certification and have copies of it.**

Employee questions about the policy should be addressed to the Agency Human Resources Office. Inquiries from agency designees about the policy should be addressed to Ellen Carter of this Office at [ellen.carter@ct.gov](mailto:ellen.carter@ct.gov) or (860) 418-6218.

Linda J. Yelmini

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Director of Labor Relations



# STATE OF CONNECTICUT

## DRUG-FREE WORKPLACE POLICY

The State of Connecticut is committed to fighting the problem of substance abuse. Substance abuse jeopardizes a stable family structure, increases crime, impacts worker productivity, and presents a continuing and growing drain of government funds. For our youth, substance abuse is an especially serious threat. Drugs destroy their hopes and dreams and, all too often, their very lives.

The workplace is not immune to the influence of substance abuse. Worker safety, health and efficiency are adversely affected. Therefore, in harmony with Connecticut's three-pronged strategy of education, treatment and enforcement to combat substance abuse and in accordance with federal legislation, this Drug-Free Workplace Policy has been adopted.

Effective March 18, 1989, the federal government enacted the "Drug-Free Workplace Act", (41 U.S. Code §§701 et seq.). This act requires that any employer receiving federal funding must certify that it will maintain a drug-free workplace. Among other things, the act requires that a policy be published notifying employees that the unlawful manufacture, distribution, possession, or use of controlled substances is prohibited in the workplace. It also requires that certain actions be taken if this policy is broken.

### **GENERAL POLICIES**

It is the policy of the State of Connecticut that each employee has a right to come to work and perform his or her job in an environment that is free from the illegal use of drugs. It is also in the interest of the State and the public that employees be able to perform their duties safely and efficiently. The State is firmly committed to promoting high standards of health, safety, and efficient service. Thus, our goal is to maintain a work environment free from the effects of drug abuse.

It is the policy of the State of Connecticut that employees shall not unlawfully manufacture, distribute, dispense, possess or use a controlled substance while on the job or in the workplace, or be under the influence of a controlled substance, not prescribed for him/her by a physician, while on the job or in the workplace. Any employee violating this policy will be subject to discipline, up to and including termination.

It is the policy of the State of Connecticut that employees with substance abuse problems are encouraged to participate in a counseling or rehabilitation program prior to being in a disciplinary situation. Employees should be advised of the Employees Assistance Program provided by the agency and any available drug counseling or rehabilitation programs.

## **EMPLOYEE REQUIREMENTS**

Employees shall not unlawfully use, possess, distribute, dispense or manufacture controlled substances or be under the influence of a controlled substance while on the job or in the workplace. Any employee violating this policy will be subject to discipline, up to and including termination.

“Controlled substances” are specifically defined in federal law and consist of two classes of drugs: (1) those commonly thought of as “illegal” drugs; and (2) certain medications if not being taken under a physician’s prescription or according to a physician’s orders, which the federal government has determined have a potential for abuse, or are potentially physically or psychologically addictive.

Employees must give notification in writing to their agency’s human resources director (or other official serving in that role for the agency) within five (5) calendar days of any conviction for violation of a criminal drug statute if the violation occurred in the workplace. A conviction means a finding of guilt (including a plea of nolo contendere) and/or the imposition of a sentence by a judge or jury in any federal or state court. This reporting requirement is in addition to any agency work rules that require notice of arrests and/or convictions. An employee who is so convicted or who fails to report such a conviction is subject to discipline, up to and including termination.

“Workplace” includes any locations owned, operated or controlled by the State, whether the employee is on or off duty, and any other locations while on duty where State business is conducted, including traveling on State time to or from such work locations.

The agency must notify the appropriate federal agency in writing, as well as the Office of Labor Relations, within ten (10) calendar days of receiving notice that one of its employees funded under a federal grant or contract has been convicted for a violation of a state or federal drug statute occurring in the workplace.

Employees who have substance abuse problems are encouraged to participate in a rehabilitation program and should be notified of the Employee Assistance Program and available drug counseling or rehabilitation programs. The federal act requires that an employer take action within 30 calendar days of receiving notice of a workplace drug conviction to impose discipline upon and/or to require satisfactory participation in a substance abuse rehabilitation program by the convicted employee.

Since it is a federal certification requirement that employees be notified of this policy, each employee will receive a copy of it. The policy will also be available at Agency Human Resources Offices.