Policy 2507

From Human Resources

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PERSONNEL POLICY MANUAL
MoDOT Personnel Policy Title: Federal Drug-Free Workplace Act **Policy Number**: 2507 **Chapter Title**: Employee Conduct **Effective Date**: January 1, 2009 **Supersedes Policy Number** 2507 **Dated** July 1, 2005
Approved By: Micki Knudsen, Human Resources Director (Signature on file)

POLICY STATEMENT

The department will comply with the Federal Drug-Free Workplace Act of 1988 (Public Law 100-690, effective March 18, 1989) by following requirements described below. Employees who violate this policy may be subject to discipline up to and including dismissal.

PROVISIONS / REQUIREMENTS

1. The department recognizes that unlawful use of controlled substances and drug dependency may result in sub-standard performance, loss of productivity, accidents, and absenteeism. It is the department's intent to provide a drug-free workplace to ensure a safe and healthful environment for employees and the general public.

2. Department employees are strictly prohibited from illegally manufacturing, using, distributing, dispensing, or possessing controlled substances in department facilities, on department property, working at any department worksite on official business, operating official vehicles and equipment, or working in an official capacity.

3. An employee suspected to be in violation of this policy may be suspended without pay while an investigation by law enforcement officials or department personnel is conducted. The employee will be paid for this period of absence if a charge of violating a criminal drug statute is not filed or the department's internal investigation does not conclude the employee violated this policy. If the internal investigation concludes the employee violated this policy, the employee will be dismissed.

4. If a charge of a felony or a misdemeanor violation of a criminal drug statute relating to a violation of this policy is filed, the employee will continue to be suspended until disposition of the allegation (unless the internal investigation results in the employee being dismissed). This suspension will be without pay; however, the employee may elect to use a portion or all of his/her accrued annual leave and/or compensatory time. This time must be used consecutively, not intermittently. See Personnel Policy 2500, "Standard Rules of Conduct," regarding these provisions.

5. If an employee is convicted of a violation of a criminal drug statute (felony or misdemeanor) for an offense occurring in the workplace or while conducting official business, the employee must notify his/her supervisor within five days after such conviction. In considering a criminal drug charge, a plea of guilty, a plea of no contest, a suspended imposition of sentence, or securing a reduced charge through plea bargaining, will be considered the same as a conviction and will result in the employee being dismissed from the department.

6. The department is required to notify the Federal Highway Administration within ten days following notification from an employee of a drug-related workplace conviction. The Human Resources Division is responsible for this notification.

7. An employee charged with violating a criminal drug statute as described above who is found innocent of the charge, or the charge is dropped, will be allowed to return to work, unless the director, department of transportation, determines the employee's return is not in the best interest of the department. No back pay will be awarded to an employee who is allowed to return to work under these circumstances.

8. It is not the intent of this policy to prohibit the possession/use of legally prescribed drugs for medical reasons by employees for whom the medication is prescribed. However, each employee must keep medication secure from other employees and the public and inform his/her immediate supervisor if this medication may impair his/her ability to safely and satisfactorily perform assigned duties.

9. A notification that the department is a drug-free workplace has been distributed to all current employees. All future salaried and wage employees are to be provided with the notification at the time of employment. New employees are also to be provided a copy of this personnel policy during New Employee Orientation.

10. The department is committed to establishing a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace, and of any drug counseling, rehabilitation, and employee assistance programs that are available. Employees needing help in dealing with substance abuse problems are encouraged to voluntarily use the department's Employee Assistance Program. See Personnel Policy 2508, "Drug Testing Program," regarding restrictions and procedures for voluntary rehabilitation.

CROSS REFERENCES

Personnel Policy 2500, "Standard Rules of Conduct"

Personnel Policy 2508, "Drug Testing Program"

Federal Drug-Free Workplace Act of 1988 (Public Law 100-690) (http://www.vec.virginia.gov/docs/generaldocs/documents/drug_free_workplace_act_of_1988.doc)

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