



Drug-Free Workplace Policy

Purpose

The purpose of this Drug-Free Workplace Policy is to set forth with specificity the Ohio Department of Agriculture's (ODA) prohibitions regarding the unlawful manufacture, distribution, possession, use and/or abuse of controlled substances and alcohol in the workplace. Further, this policy will delineate the circumstances under which employees are subject to testing and set forth the disciplinary procedures for violations of this policy.

Authority

- a. Ohio Revised Code (ORC) § 124.34
- b. Ohio Administrative Code (OAC) § 123:1-76-14

Reference

- a. AFSCME/OCSEA Collective Bargaining Agreement Appendix M
- b. ODA's Employee Assistance Program
- c. ORC §§ 3719.01 and 3719.41, Controlled Substances

Scope

ODA prohibits all employees on official business, on or off the workplace, from purchasing, transferring, using or possessing illegal drugs, abusing alcohol, or abusing prescription drugs in any way that is illegal. Employees are prohibited from possessing alcoholic beverages in the workplace or consuming alcoholic beverages while on official business.

This policy is applicable to all ODA employees, full-time or part-time, temporary employees, contractors, interns, and agents of ODA, unless conflicting provisions exist within the collective bargaining agreement applicable to bargaining unit employees or within the contract as to contractors. In the event of conflicting provisions, the provisions of the collective bargaining agreement or applicable contract control.

Procedures

Employee Assistance

ODA has an Employee Assistance Program (EAP) which refers employees or their families to appropriate substance abuse rehabilitation programs. These programs are often subsidized by the employee's health insurance plan. Employees with substance abuse problems are encouraged to voluntarily contact EAP and enroll in a rehabilitation program certified by the Ohio Department of Alcohol and Drug Addiction Services. Voluntary contact of the EAP or enrollment in a substance abuse program will not adversely affect employment. However, continued unacceptable job performance, attendance, and/or behavioral problems will result in disciplinary action, up to and including termination.

Requirements



All ODA employees are required to report to work in a fit condition to perform their duties. If an employee reports to work under the influence of alcohol or other drugs, or unlawfully possesses controlled substances while in the workplace or on official business, such actions will be considered a violation of this policy. The employee will be subject to disciplinary actions pursuant to ORC § 124.34 and/or the disciplinary provisions of any applicable collective bargaining agreements.

ODA will not hire anyone who is known to currently abuse alcohol and/or other drugs. However, this policy shall not preclude ODA from hiring persons who are in recovery from alcohol and/or other drug addiction.

Managers and supervisors shall be provided training about the policy and the drug testing program. Managers and supervisors shall be responsible for the implementation and enforcement of this policy and the monitoring of their employees for compliance. Further, managers and supervisors shall ensure that this policy and the drug-testing program are administered consistently, fairly, and within applicable laws.

Employees shall be provided with periodic training on the policy, the availability of EAP, the dangers of alcohol and other drug abuse in the workplace, and penalties for violation of this policy.

Contractors and vendors working on state property shall sign a Certificate of Drug-Free Workplace Compliance as a condition of their contract.

Exceptions

ODA recognizes that some prescription medications may cause impairment in judgment, coordination, and physical ability. Reasonable accommodations will be made for any employee who uses a prescribed medication within the guidelines specified by their prescribing physician.

Enforcement

ODA will enforce this policy through management supervision as well as with alcohol and/or other drug testing, including applicant testing, reasonable suspicion testing, and follow-up testing. For a description of these categories of testing, please see the Ohio Department of Administrative Services (DAS) policy as located at:

http://das.ohio.gov/Portals/0/DASDivisions/HumanResources/ORGDEV/pdf/Org_Dev_Drug_Drug-FreeWorkplacePolicy.pdf.

Confidentiality about alcohol and/or other drug test results will be maintained to the extent provided by law, and employees shall have the opportunity to refute the results of any alcohol and/or other drug tests.

A test result which indicates a 0.04% blood alcohol level will be considered a positive test. Any employee who tests at or above 0.02% and below 0.04% shall be immediately removed from duty until the start of the employee's next scheduled shift or for 24 hours, whichever is greater. While the employee is removed from duty, the employee may use any accrued leave or compensatory time at the employee's option, or be placed in a leave without pay status if accrued leave or compensatory time is not available.

Employees who have a confirmed positive alcohol or other drug test may be required to enroll in and successfully complete a substance abuse rehabilitation program certified by the Ohio Department of Mental Health and Addiction Services. If an employee who has a confirmed positive drug or alcohol test refuses to



participate in the substance abuse rehabilitation program or withdraws from the rehabilitation program, the employee will be subject to discipline, up to and including termination. Further, if an employee has a confirmed positive drug test while enrolled in or subsequent to completion of the rehabilitation program, the employee will be subject to discipline, up to and including termination. Notwithstanding this provision, employees who are referred to a substance abuse rehabilitation program or EAP may still be subject to disciplinary action for workplace or job-related incidents which may be directly or indirectly associated with the drug test results.

Reporting and Penalties

The unlawful sale or possession of alcohol, controlled substances, and/or illicit drugs in the workplace or any location where employees conduct official business shall be reported to the Ohio State Highway Patrol or other appropriate law enforcement authorities. Each ODA employee is required to notify the Director within five (5) days after he or she is convicted of a violation of any federal or state criminal drug statute where such violation occurred at the workplace or any location where official business is conducted. For the purposes of this policy, a conviction means a finding of guilty, a plea of no contest (including a plea of *nolo contendere*), or the imposition of a sentence by a judge or jury in any federal or state court. Any employee who fails to report such a conviction will be subject to immediate termination.

After receiving such notification, the Director will take appropriate disciplinary action against such an employee within thirty (30) days of the notification, up to and including termination. The Director may also refer the employee to the EAP for referral and treatment.

Prohibitions

ODA employees are strictly prohibited from unlawfully manufacturing, distributing, dispensing, possessing, or using alcohol or a controlled substance in the workplace. "Controlled substance" means those substances defined in Sections 3719.01 and 3719.41 of the Ohio Revised Code.

Contact

The Human Resources Director is available for consultation or questions regarding the provisions of this Drug-Free Workplace Policy.

This policy supersedes any previously issued directive or policy and will remain effective until cancelled or superseded.

Revision History

Date	Description of Change
8/2012	Initial Policy Issued
7/2015	Revisions to Policy Issued

