

## INTRODUCTION

The Drug-Free Workplace Act of 1988 (DFWA) requires some Federal contractors and all Federal grantees to agree that they will provide drug-free workplaces as a precondition of receiving a contract or grant from a Federal agency.

The DFWA applies to the Northwest Arkansas Regional Planning Commission (NWARPC) as a direct recipient of FTA funds. NWARPC does not employ “safety sensitive” employees, therefore FTA drug and alcohol testing requirements do not apply to NWARPC.

As a direct recipient grantee, NWARPC is required to have and distribute to grant-related employees a written policy statement informing them that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees who violate the policy. This policy statement as it appears below is included in the NWARPC Employee Handbook supplied to all NWARPC employees. Signed and dated Policy Statement Acknowledgements are kept in individual employee files.

### A. NWARPC DRUG-FREE WORKPLACE AWARENESS POLICY STATEMENT:

- I. The ultimate goal of this policy is to balance respect for individual privacy with the need to keep a safe, productive, drug-free environment. NWARPC encourages those who use illegal drugs or abuse alcohol to seek help in overcoming their problem.
- II. In compliance with DFWA, NWARPC has a commitment to provide a safe, quality-oriented and productive work environment consistent with the standards of the community in which the agency operates. Alcohol and drug abuse poses a threat to the health and safety of NWARPC employees and to the security of the agency’s equipment and facilities. For these reasons, **NWARPC is committed to the prevention of drug and alcohol use and abuse in the workplace, and will make an ongoing, good faith effort to maintain a drug-free workplace by meeting the requirements of DFWA.**
- III. The NWARPC Drug-Free Workplace Awareness Policy applies to all employees of NWARPC, and all employees will be given a copy of this policy statement. Each employee will sign a statement acknowledging receipt of the policy. **Employees:**
  - a. **Must abide by the terms of the policy statement as a condition of employment; and**
  - b. **Must notify NWARPC, within five calendar days, if he or she is convicted of a criminal drug violation in the workplace.**
- IV. NWARPC will notify the FTA within ten calendar days if it receives notice of an employee’s criminal conviction for a drug statute violation that occurred in the workplace, providing the individual’s position title and the grants in which the individual was involved.

- V. Upon receiving notice of an employee's conviction of a criminal drug statute occurring in the workplace, NWARPC will take appropriate action within 30 calendar days. Options include:
- a. Taking appropriate personnel action against the employee up to and including termination (consistent with requirements of the Rehabilitation Act of 1973, as amended); or
  - b. Requiring the employee's satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, state or local health, law enforcement or other appropriate agency.
  - c. All actions by NWARPC will be applied consistently and fairly, and each case will be evaluated individually, while treating similar offenses with similar consequences.
- VI. All controlled substances are prohibited. Any use of controlled substances and/or alcohol or the inappropriate use of prescription drugs is prohibited on the job. In the case of medicinal marijuana use, a doctor's note is required.
- VII. While NWARPC understands that employees under a physician's care may be required to use prescription drugs, abuse of prescribed medications will be dealt with in the same manner as the abuse of illegal substances.
- a. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor.
  - b. Employees should not, however, disclose to NWARPC underlying medical conditions unless directed to do so.
- VIII. All employees are given notice at time of hiring that it is a violation of NWARPC policy for any employee to report to work under the influence of illegal drugs and/or to possess in his or her body, illegal drugs in any detectable amount.
- IX. The **consequences of violating this policy** involve:
- a. **Appropriate personnel action up to and including termination (consistent with the Rehabilitation Act of 1973, as amended); or**
  - b. **Requiring the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes.**
    - i. NWARPC will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline or termination under this or other NWARPC policies. Such employees will be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law.
    - ii. Such employees may be required to document that they are successfully following prescribed treatments.

**B. NWARPC DRUG-FREE WORKPLACE AWARENESS PROGRAM:**

- I. The purpose of the Drug-Free Awareness Program is to make employees aware of:
  - a. The dangers of drug abuse in the workplace;
  - b. The NWARPC policy of maintaining a drug-free workplace;
  - c. Any available drug counseling, rehabilitation, and employee assistance programs;
  - d. The penalties that may be imposed upon employees for drug abuse violations; and
  - e. Educate employees about the specifics of NWARPC's policy statement.
  
- II. The educational program is on-going with formal training occurring in July, the beginning of the Fiscal Year.
  
- III. Options for a continuing drug-free workplace educational program include:
  - a. Educational seminars delivered by a substance professional, local law enforcement official, and/or agency staff;
  - b. Brochures and/or posters;
  - c. Video materials;
  - d. Interactive computer programs;
  - e. Home mailings and/or payroll stuffers;
  - f. Or any combination of these.
  
- IV. Although NWARPC does **not** maintain an Employee Assistance Program (EAP), NWARPC does maintain a list of local providers of drug and alcohol treatment and family services that an employee may access without the agency's involvement.
  - a. It is the responsibility of an employee to seek assistance **before** alcohol and drug problems lead to disciplinary actions. Once a violation of this policy occurs, subsequently seeking treatment on a voluntary basis will not necessarily lessen disciplinary action and may, in fact, have no bearing on the determination of disciplinary action.
  - b. A medical provider can give an appropriate assessment, evaluation and counseling and/or referral for treatment of drug and alcohol abuse. Employees may be granted leave with a conditional return to work, depending on successful completion of the agreed-upon treatment regimen.
  - c. The cost of seeking assistance will be the responsibility of the employee and is subject to provisions of NWARPC's health insurance plan, if any. Please consult the provider for specifics concerning this issue.

APPROVED ON \_\_\_\_\_, 2017 BY RESOLUTION # \_\_\_\_\_

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**NWARPC DRUG-FREE WORKPLACE POLICY AND PROGRAM ACKNOWLEDGEMENT**

I hereby acknowledge that I have received and read the Northwest Arkansas Regional Planning Commission’s Employee Handbook, including the Drug-Free Workplace Policy and Program contained therein.

I have had an opportunity to have all aspects of this material fully explained.

I understand that I must abide by the Drug-Free Workplace Policy and Program as a condition of initial and/or continued employment, and any violation may result in disciplinary action up to and including termination.

The undersigned further states that he/she has read and understands the above acknowledgement and signs below of his/her own free will.

\_\_\_\_\_  
EMPLOYEE SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EMPLOYEE PRINTED NAME

\_\_\_\_\_  
WITNESS SIGNATURE

\_\_\_\_\_  
DATE