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Federal Drug Free Workplace Requirements

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Table of Contents

Federal Drug Free Workplace Requirements	3
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Federal Drug Free Workplace Requirements

Reference Number: CTAS-1073

The Drug Free Workplace Act of 1988 requires local governments that are federal grant recipients or contractors to maintain a drug-free workplace as a condition of receiving funds. The Act requires covered organizations to do the following:

1. Publish and give a policy statement to all covered employees informing them that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace and specifying the actions that will be taken against employees who violate the policy.
2. Establish a drug-free awareness program to make employees aware of the dangers of drug abuse in the workplace; the policy of maintaining a drug-free workplace; any available drug counseling, rehabilitation and employee assistance programs; and the penalties that may be imposed upon employees for drug abuse violations.
3. Notify employees that as a condition of employment on a federal contract or grant, the employee must abide by the terms of the policy statement; and notify the employer, within five calendar days, if he or she is convicted of a criminal drug violation in the workplace.
4. Notify the contracting agency within 10 days after receiving notice that a covered employee has been convicted of a criminal drug violation in the workplace.
5. Impose a penalty on, or require satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is convicted of a reportable workplace drug conviction.
6. Make an ongoing, good faith effort to maintain a drug-free workplace by meeting the requirements of the Act.

The Drug Free Workplace Act of 1988 neither requires nor authorizes a government employer to test its employees for drugs or alcohol. Drug testing is constitutionally permissible for governmental employees only under certain circumstances, and specific policies and procedures must be developed for testing programs. See "Government Employee Drug Testing - the Constitutional Issues" for more information.

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