

BERKELEY-CHARLESTON-DORCHESTER COUNCIL OF GOVERNMENTS

Personnel Policies and Procedures

Subject: **Drug-Free Workplace Policy**

Effective Date/Approved Date: **July 1, 2010 / May 24, 2010**

A. Drug Free Policy

The Berkeley-Charleston-Dorchester COG has adopted the following drug-free policy:

1. The illegal manufacture, distribution, dispensation, possession, or use of any controlled substances is strictly prohibited on all BCDCOG premises, including any site for the performance of work done in connection with any federal grant (hereafter “the workplace”). Illegal drug use includes using prescription drugs which are not prescribed for the employee’s use. The prohibitions against illegal drug use apply at any time, both on-the-job and off-the-job.
2. “Controlled substance” means any controlled substance listed in Schedules I through V of Section 202 of the Federal Controlled Substances Act, Title 21, United States Code, Section 812 or other applicable Federal or State acts.
3. Violation of this policy by any employee of BCDCOG may result in his/her immediate discipline up to and including discharge, without regard to how it has treated other employees and without regard to how it has handled similar situations.
4. Each employee is herewith given a copy of this policy and required to sign the attached form acknowledging its receipt (Exhibit A). By continuing to work, the employee agrees that he/she will abide by the policy as a condition of employment. Failure to sign the form or abide by the policy may result in discipline up to and including discharge.
5. Employees are required to notify the Executive Director within five calendar days after any criminal conviction for the manufacture, distribution, dispensation, possession, or use of any controlled substance at the workplace. Criminal conviction means a finding of guilt, including a plea of no contest (nolo contendere), or imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of Federal or State criminal drug statutes.
6. On the form attached hereto as Exhibit B, the Executive Director is required to notify all federal contracting agencies or grantors of such conviction within ten days after receiving notice of the conviction.

7. Law enforcement authorities may be notified whenever illegal drugs are found in the workplace.

B. Drug Free Awareness Program

1. Drug abuse is dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury or possible death.
2. In order to prevent these consequences of drug abuse, the BCDCOG has implemented the above policy to ensure that the workplace and employees remain drug free.
3. The following local organizations have drug counseling, rehabilitation, and/or employee assistance programs:
 - MUSC Institute of Psychiatry Center for Drug and Alcohol Program
 - Charleston County Alcohol and Other Drug Abuse Services
 - Berkeley County Alcohol and Drug Abuse Commission
 - Dorchester County Alcohol and Drug Abuse Commission
 - Employee Group Health Insurance Plans, if applicable
4. Violations of any provision(s) of this policy may result in immediate and appropriate disciplinary action against the employee, up to and including discharge (Exhibit C).
5. In lieu of or in addition to discipline for a drug-related conviction occurring in the workplace, BCDCOG may, in the sole discretion of the Executive Director, consider the employee's agreement to enroll and complete a BCDCOG approved counseling rehabilitation program. When an employee agrees to undergo counseling or rehabilitation, it is at the employee's expense, and any absences necessitated thereby may be handled in accordance with then-existing agency policy regarding sick leave and/or unpaid leave of absence.
6. When an employee agrees to counseling or rehabilitation, he/she cannot be reinstated to full employment until he/she achieves a negative test for controlled substances, as determined by a laboratory approved by the BCDCOG. If an employee is unsuccessful in achieving rehabilitation, termination may follow.
7. In order to ensure that the workplace and employees remain drug free, the BCDCOG reserves the right to test employees for drug use for reasonable suspicion.

EMPLOYEE ACKNOWLEDGEMENT OF DRUG-FREE WORKPLACE ACT

(Pub. L. 100-690)

I have received a copy of a statement that the unlawful manufacture, use, distribution, or possession of drugs or other controlled substances is absolutely prohibited on BCDCOG premises, and agree to abide by the terms of this statement. I further understand and agree that I must notify the Executive Director if I am convicted in a criminal court violating any drug laws. This notification must be given no more than five days after the conviction. I agree that my compliance with these terms of my employment is required as long as I work for the Berkeley-Charleston-Dorchester Council of Governments. My failure to comply will result in discipline up to and including discharge.

Date

Employee Signature

Exhibit A

NOTIFICATION FORM

USE OF DRUGS IN THE WORKPLACE

The Berkeley-Charleston-Dorchester Council of Governments (“BCDCOG”) is a federal grant recipient. Pursuant to the Drug-Free Workplace Act, Pub. L. 100-690, Title V, Subtitle D, Section 5153 (a) (1) (E), the BCDCOG is notifying all federal granting agencies, including yours, that its employee, _____ was convicted of the unlawful manufacture, distribution, possession or use of a controlled substance in the workplace. The BCDCOG learned of this conviction less than ten days ago.

Date

Authorized Signature

Exhibit B

NOTICE OF DISMISSAL FOR VIOLATION OF DRUG FREE WORKPLACE ACT

You have been convicted of violating drug abuse laws while an employee of the Berkeley-Charleston-Dorchester Council of Governments. Your use of drugs violates the BCDCOG drug free workplace policy. You received a copy of this policy and were obliged to comply with it. Under the policy, your conviction warrants your immediate dismissal or entry into a drug rehabilitation program. You are hereby (discharged) (required to complete a rehabilitation program).

Date

Authorized Signature