

## The State of Ohio Drug-Free Workplace Policy

1. State of Ohio employees are 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.
2. Ohio currently has an Employee Assistance Program 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 the Employee Assistance Program 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.
3. Managers and supervisors shall be provided training about the Drug-Free Workplace Policy and the drug testing program and shall be responsible for implementation, enforcement and monitoring of the Policy and program to ensure that they are administered consistently, fairly and within appropriate Constitutional parameters.
4. State of Ohio 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, it will be considered a violation of the State's drug-Free Workplace Policy. The employee will be subject to disciplinary actions pursuant to ORC Section 124.34, the disciplinary provisions of any applicable collective bargaining agreements, and employing agency work rules, policies and procedures.
5. The State of Ohio will not hire anyone who is known to currently abuse alcohol and/or other drugs. However, this policy shall not preclude the State from hiring persons who are in recovery from alcohol and/or other drug addiction.
6. The State of Ohio prohibits all employees on official business, on or off the workplace, from purchasing, transferring, using or possessing illegal drugs, or abusing alcohol, or abusing prescription drugs in any way that is illegal.
7. The State 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.
8. The State of Ohio will enforce the Policy through management supervision and alcohol and/or other drug testing. The drug testing program will include the following components:
  - a. Applicant Testing: Final applicants for testing-designated positions with the State of Ohio will undergo drug testing prior to hiring.
  - b. Reasonable Suspicion Testing: Any employee may undergo alcohol and/or other drug testing based on a for-cause determination by Management. Any employee involved in a significant incident in which the health or safety of himself, herself, or other individuals is involved, or in which extensive property damage has occurred, will undergo alcohol and/or other drug testing according to requirements of any governing collective bargaining agreement(s) or the Director of the Department of Administrative Services.
  - c. Follow-up Testing: Any employee referred through administrative channels to a counseling or rehabilitation program as a result of that employee's on-the-job substance abuse may be subject to follow-up testing according to specifications and provisions of any governing collective bargaining agreement(s) or the Director of the Department of Administrative Services.
9. 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.
10. Employees who are found to be under the influence of alcohol and/or other drugs while on official business, on or off the workplace, are subject to discipline provisions of the various state collective bargaining agreements, employing agency work rules, policies, and procedures and ORC Section 124.34, as applicable.

11. 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 Alcohol and Drug Addiction Services. 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 dismissal. Notwithstanding this provision, employees 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.
12. The sale or possession of alcohol 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. Any criminal drug conviction occurring in the workplace will be reported to federal granting authorities. Employees who possess or sell alcohol or illicit drugs in the workplace or any location where employees conduct official business will be appropriately disciplined pursuant to ORC Section 124.34, the discipline provisions of the various state collective bargaining agreements, and employing agency work rules, policies and procedures. Sale of illicit drugs in particular will result in the strongest form of discipline possible, up to and including termination.
13. Each employee is required to notify the Appointing Authority of his/her agency 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. A conviction means a finding of guilty, 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. The employing state agency has an obligation to notify the U.S. government agency with which it has a contract or grant within ten (10) days after receiving notice from the employee or otherwise actual notice of such conviction. Any employee who fails to report such a conviction will be subject to immediate termination.

Within thirty (30) days of such notification, the Appointing Authority will be required to take appropriate disciplinary action against such an employee, up to and including termination. The Appointing Authority may also refer the employee to the Employee Assistance Program for referral and treatment.

14. All State of Ohio employees will be provided with periodic Drug-Free Workplace training. The training will include information regarding:
  - a. the dangers of alcohol and other drug abuse in the workplace;
  - b. the State of Ohio Drug-Free Workplace Policy;
  - c. the Employee Assistance Program and other available treatment programs; and
  - d. penalties that may be imposed upon employees for alcohol and/or other drug abuse violations occurring at the workplace or any location where official business is conducted.
15. Outside contractors or vendors who are working on state property shall sign a Certificate of Drug-Free Workplace Compliance as a condition of such contract.