

3.8 Drug-Free Workplace

(U.S. Drug Free Workplace Act of 1988; Governor's Executive Order 89-2; approved by the Campus Council, April 27, 1989)

State agencies, boards, commissions and institutions are required to certify that they are in compliance with the Drug Free Workplace Act of 1988. If you were hired in May, 1989 or later, you were asked, on or before your first day of work, to read and sign an acknowledgment of receipt of information about the university's drug-free workplace policy. The text of that policy follows:

Drug Free Workplace Policy

Drug abuse and use at the workplace are subjects of immediate concern in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, the users of drugs may impair the well-being of all employees, the public at large, and result in damage to state property. Therefore, it is the policy of the State of Arkansas that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in a state agency's or institution's workplace is prohibited. Any employees violating this policy will be subject to discipline up to and including termination. The specifics of this policy are as follows:

State agencies will not differentiate between drug users and drug pushers or sellers. Any employee who gives or in any way transfers a controlled substance while on the job or on agency premises will be subject to discipline up to and including termination.

The term "controlled substance" means any drug listed in 21 U.S.C. Section 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to, heroin, marijuana, cocaine, PCP, and "crack." They also include legal drugs which are not prescribed for the individual using them by a licensed physician.

Each employee is required by law to inform the University within five days after he or she is convicted for violation of any federal or state criminal drug statute where such violation occurred on the University's premises. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal court, state court, or other court of competent jurisdiction.

The University of Arkansas, Fayetteville, must notify the U.S. government agency with which the contract was made within ten days after receiving notice from the employee or otherwise receiving actual notice of such a conviction.

If an employee is convicted of violating any criminal drug statute while in the workplace, he or she will be subject to discipline up to and including termination. Alternatively, the University may require the employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution.

As a condition of further employment on any federal government contract, the law requires all employees to abide by this policy.

Note: At the University of Arkansas, Fayetteville, sections 3 and 4 of the Drug Free Workplace Policy will be carried out by requiring the convicted employee to inform his or her department head, director, or other appropriate supervisor of the conviction immediately and by having that supervisor report the conviction immediately to the vice chancellor to whom she or he reports. The vice chancellor so notified will convey the information, on behalf of the University, within the required ten-day period, to the U.S. agency with whom the federal contract in question is held.

Further information about controlled substances and about the health risks associated with the use and abuse of alcohol and other drugs is available from Human Resources and the University Health Center. Information about locally-available sources of substance-abuse counseling is available from the University Health Center and from the Employee Assistance Program.

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