

| | | |
|---|--------------------------|-------------------------------------|
|  | Agency Name | Department of Social Services (DSS) |
| | Chapter No./Name | DSS Policy Manual |
| | Part No./Name | 4/Human Resources |
| | Section No./Name | 4-08/Drug-Free Workplace |
| | Document No./Name | 4-08/Drug-Free Workplace |
| | Effective Date | 10/27/04 |

I. STATEMENT OF POLICY AND BACKGROUND

It is the policy of the Department of Social Services (DSS) to have and promote a drug-free workplace.

The Drug-Free Workplace Act of 1988 (P.L. 100-690) requires all grantees receiving grants from any federal agency to certify to that agency that they will maintain a drug-free workplace. Making the required certification is a precondition for receiving a contract or grant from a federal agency. Violation of this Act can result in one or more of the following actions: suspension of payments under the grant; suspension or termination of the grant; suspension or debarment of the grantee, and ineligibility for award of any grant from any federal agency for a specified period of time.

II. STATEMENT OF PURPOSE AND SCOPE

The Department of Social Services submits an annual drug-free workplace certification to each federal agency from which the department obtains grants in a format approved by the federal agencies and the Secretary of DSS. Certifications are made annually prior to the first of October of each year.

III. DSS CERTIFICATION

In accordance with the Drug-Free Workplace Act of 1988, the Department of Social Services hereby certifies that it will provide a drug-free workplace and further, that it will make a good faith effort to continue to maintain a drug-free workplace, by means of the following actions:

- Requiring that all employees be given a copy of the DSS Drug-Free Workplace Statement on prohibition of unlawful use of drugs in the workplace and the consequences of violation of this prohibition.
- Requiring that all employees, as indicated by their signature on the above statement, agree to abide by the terms of the DSS statement and to notify DSS of any criminal drug statute conviction for a violation occurring in the workplace within five (5) days after such conviction. Employees shall notify their organizational unit manager of such convictions. The manager shall notify the DSS Division of Human Resources immediately by telephone of such convictions as well as notify his/her superiors in accordance with normal operating procedures. The Division of Human Resources shall immediately inform the Secretary and the Division of Fiscal Services of any such convictions reported in accordance with the above procedures.
- Notifying the appropriate federal agency of such conviction within ten (10) days after receiving employee's notice. The Division of Fiscal Services shall make the notification to the appropriate federal agency within the prescribed time limits.

| | | |
|---|--------------------------|-------------------------------------|
|  | Agency Name | Department of Social Services (DSS) |
| | Chapter No./Name | DSS Policy Manual |
| | Part No./Name | 4/Human Resources |
| | Section No./Name | 4-08/Drug-Free Workplace |
| | Document No./Name | 4-08/Drug-Free Workplace |
| | Effective Date | 10/27/04 |

- Taking one of the following actions (action is taken by the appointing authority) within thirty (30) days of receiving notice of such conviction
 - (1) Taking appropriate personnel action against the employee, up to and including termination; or
 - (2) Requiring the employee to participate satisfactorily 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.
- Establishing a drug-free awareness program (See Section V).

IV. DEFINITIONS

Controlled dangerous substance - any drug substance or immediate precursor as listed in Schedules I through V of La. [R.S. 40:964](#) or [21 USCS Section 812](#). The term shall not include distilled spirits, wine, malt beverages or tobacco.

Conviction - a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility of determining violations of the federal or state criminal drug statutes.

Drug-free workplace - a site for the performance of work done in connection with a special grant at which employees of the grantee are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

Criminal drug statute - a federal or non-federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance.

Employee - the employee of a grantee directly engaged in the performance of work pursuant to the provision of the grant.

Federal agency or agency - any United States executive department, military department, government corporation, government controlled corporation, any other establishment in the executive branch (including the Executive Office of the President), or any independent regulatory agency.

Grant - an award of financial assistance, including a cooperative agreement, in the form of money or property in lieu of money, by a federal agency directly to a grantee. The term grant includes block grant and entitlement grant programs, whether or not exempted from coverage under the grants management government wide regulation ("Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments").

| | | |
|---|--------------------------|-------------------------------------|
|  | Agency Name | Department of Social Services (DSS) |
| | Chapter No./Name | DSS Policy Manual |
| | Part No./Name | 4/Human Resources |
| | Section No./Name | 4-08/Drug-Free Workplace |
| | Document No./Name | 4-08/Drug-Free Workplace |
| | Effective Date | 10/27/04 |

The term does not include technical assistance which provides services instead of money, or other assistance in the form of loans, loan guarantees, interest subsidies, insurance, or direct appropriations; or any veterans' benefits to individuals, *i.e.*, any benefits to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States.

Grantee - a person who applies for or receives a grant directly from a federal agency.

Individual - a natural person.

Workplace - any structure, building, watercraft, vehicle or place where a department employee is considered to be performing duties or activities within the course and scope of his employment or any other official designation which may from time to time be made by the Secretary of the Department of Social Services.

V. DRUG FREE AWARENESS PROGRAM

The Division of Human Resources (DHR), of the DSS Office of Management and Finance, maintains a drug-free awareness program. The program consists of notification (at least annually) to all employees of the dangers of drugs in the workplace, the DSS policy on a drug-free workplace, the penalties for violation of this policy, and the availability of drug abuse assistance and/or rehabilitation programs. This notification may be in the form of an announcement in the departmental newsletter, a memo to all employees, etc. The DHR maintains a current statewide listing of drug abuse assistance and/or rehabilitation programs approved by the state drug abuse agency and/or local law enforcement agencies. Information from this listing will be made available to cost center managers or any employee upon request.

*As further support of the federal drug-free workplace requirements, DHR maintains and enforces [DSS Policy 4-3, Drug Testing for DSS Employees](#), which was implemented as a result of laws enacted by the Louisiana legislature that provided for the creation of drug testing programs for state employees. DHR also maintains the [DSS Employee Handbook](#) which includes statements prohibiting the use of illegal drugs or alcohol during working hours.**