

Chapter 11 SMOKE AND DRUG FREE WORKPLACE POLICY

SMOKE FREE WORKPLACE

Public Law 103-227, also known as the Pro-Children Act of 1994, requires that smoking not be permitted in any portion of any indoor facility owned, leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, early childhood development services, and education or library services to children under the age of 18. Smoking is not permitted in locations where services are funded by Federal programs either directly or through State or local guarantee. The law also applies to children's services that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds.

The law does not apply to children's services provided in private residences; portions of facilities used for inpatient drug or alcohol treatment; service providers whose sole source of applicable Federal funds is Medicare or Medicaid, or facilities where WIC coupons are redeemed. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000.00 for each violation and/or the imposition of an administrative compliance order on the responsible entity.

The Virginia Department of Health has certified to the Health Resources and Services Administration that it will comply with the Act. Each contractor receiving Federal funds must also comply.

DRUG FREE WORKPLACE

Grantees will provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against the employees for violations of such prohibition;
2. Establishing a drug-free awareness program to inform employees about
 - a) The dangers of drug abuse in the workplace
 - b) The grantee's policy of maintaining a drug-free workplace
 - c) Any available drug counseling, rehabilitation, and employee assistance programs
 - d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (1) above;
4. Notifying the employee in the statement required by paragraph (1), above, that as a condition of employment under the grant, the employee will
 - a) Abide by the terms of the statement and
 - b) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
5. Notifying the agency within ten days after receiving notice under subparagraph 4(b) above, from an employee or otherwise receiving actual notice of such conviction;
6. Taking one of the following actions, within 30 days of receiving notice under sub-paragraph 4(b), above, with respect to any employee who is so convicted
 - a) Taking appropriate personnel action against any such employee, up to and including termination, or
 - b) Requiring such 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;
7. Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (1), (2), (3), (4), (5), and (6), above.