

123:1-76-12

Disciplinary action - federal drug-free workplace act of 1988.

As required by the Federal Drug-Free workplace Act of 1988, each employee in an agency receiving federal grant funds shall be required to notify his/her agency head or the agency head's designee, within five calendar days after he/she is convicted of a violation of any federal or state criminal drug statute, provided such conviction occurred at the workplace or any location where the employee is working at the time of the incident which led to the conviction. Each agency shall be required to notify any federal agency with which it has a contract or grant, within ten calendar days after receiving notice from the employee, of the fact of such conviction. Any employee's failure to report such a conviction will subject such employee to disciplinary action, up to and including termination. An agency head or his/her designee may send the employee to the employee assistance program for referral and treatment, or may take appropriate personnel action against such an employee, up to and including termination. Whatever the case, such action shall be taken within thirty calendar days of the employer's notification of the employee's conviction.

Five Year Review (FYR) Dates: 6/1/2018 and 01/15/2022

CERTIFIED ELECTRONICALLY

Certification

06/01/2018

Date

Promulgated Under: 119.03
Statutory Authority: 124.09
Rule Amplifies: 124.09, 124.34
Prior Effective Dates: 06/14/1992