CHAPTER 2-120
DRUG-FREE WORKPLACE REQUIREMENTS

2-120-00 What is the purpose of this chapter?

This chapter explains government-wide, Department of the Interior, and Office of Surface Mining Reclamation and Enforcement (OSMRE) policies and procedures for compliance with the Drug-Free Workplace Act of 1988.

2-120-10 What transactions do these policies apply to?

These requirements apply to all the financial assistance agreements awarded by us, OSMRE. These requirements do not apply to contracts and subgrants awarded by you, the recipient of our grant, or cooperative agreement.

2-120-20 What must you do to comply with the drug-free workplace requirements?

A.   You must make a good faith effort on a continuing basis to maintain a drug-free workplace. You must agree to do so as a condition for receiving financial assistance. Below are three general requirements that should be part of this effort:

1.   You must publish a drug-free workplace statement that tells employees that unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace. The statement must specify the actions you will take against employees for violating that prohibition. The statement must also inform employees that, as a condition of employment under any award, they must abide by the terms of the drug-free statement and must notify you in writing if ever convicted for a violation of a criminal drug statute occurring in the workplace. You must give a copy of this statement to all employees working under an assistance agreement.

2.   You must establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace, your policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation and employee assistance programs, and the penalties for drug abuse violations occurring in the workplace. You are not required to provide or pay for drug rehabilitation programs.

3.   You must identify all known workplaces under your Federal awards.

B.   You must include in your drug-free workplace policy a requirement that employees notify you of any criminal drug statute conviction for a violation occurring in the workplace within five calendar days. You must notify OSMRE in writing within ten days after receiving notice of such a conviction. Within 30 days of notice of an employee's conviction for a drug violation in the workplace, you must take one of the following actions:

     1.   Take appropriate personnel action against the employee, up to and including termination.

     2.   Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program that is approved by a Federal, state or local health, law enforcement or other appropriate agency.

2-120-30 How will we determine if you are in violation of the drug-free workplace requirements?

You will be in violation of the drug-free workplace requirements if we find that any of the following circumstances have occurred:

A.   You violated these requirements.

B.   The number of convictions of your employees for violating criminal drug statutes in the workplace is large enough to indicate that you failed to make a good faith effort to provide a drug-free workplace.

2-120-40 What will we do if we determine that you are in violation?

If our awarding office determines that you are in violation of the drug-free workplace requirements, we may take one or more of the following actions.

A.   Suspend payments under the award.

B.   Suspend or terminate the award.

C.   Suspend or debar you from all Federal transactions for a period not to exceed five years. See Chapter 2-110 for more information on debarment and suspension actions.