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State of Kansas Substance Abuse Policy

The Federal Drug-Free Workplace Act of 1988 requires PSU to maintain a drug-free workplace. The Substance Abuse Policy is established to comply with this federal law. The policy is distributed to all new employees.

Purpose

Employees are the State of Kansas' most valuable resource and, therefore, their health and safety is a serious concern. The State of Kansas will not tolerate substance abuse or use which imperils the health and well-being of its employees or threatens its service to the public.

The use of illegal drugs and abuse of controlled substances, on or off duty, is inconsistent with law abiding behavior expected of all citizens. Employees who use illegal drugs or abuse controlled substances or alcohol, on or off duty, tend to be less productive, less reliable and prone to greater absenteeism resulting in the potential for increased cost, delay and risk in providing services. Ultimately, they threaten the state's ability to serve the public.

Furthermore, employees have the right to work in a drug and alcohol free environment and to work with persons free from the effects of drug or alcohol abuse. Employees who abuse drugs or alcohol are a danger to themselves, other employees and the public. In addition, substance abuse inflicts a terrible toll on the state's productive resources and the health and well-being of Kansas workers and their families.

The State of Kansas is therefore committed to maintaining a safe and healthy workforce free from the influence of substance abuse. The state's goal is to help employees become drug free and return to the workforce as productive members. In addition, the State of Kansas will vigorously comply with the requirements of the Federal Drug-Free Workplace Act of 1988 and implement rules promulgated by the United States Office of Management and Budget.

Policy

It shall be the policy of the State of Kansas to maintain a workforce free of substance abuse.

- Reporting to work or performing work for the state while impaired by or under the influence of illegal drugs or alcohol is prohibited.
- The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace, or while the employee is on duty, official state business or stand-by duty.
- Violation of such prohibitions by an employee is considered conduct detrimental to state service and may result in a referral to the Employee Assistance Program or discipline in accordance with K.S.A. 75-2949d and K.A.R. 1-10-6, or other appropriate administrative regulations.
- Employees are required by federal law to notify the employing state agency head in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

An employee who is convicted of violating any criminal drug statute in such workplace situations as stated above will be subject to discipline in accordance with K.S.A. 75-2949d and K.A.R. 1-10-6, or other appropriate administrative regulations.

- A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury, or both, in any federal or state court.
- Agencies that receive federal grants or contracts must, in turn, notify federal granting agencies in writing, within ten calendar days of receiving notice from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant.
 - # Employees will be given a copy of the Substance Abuse Policy. Employees will be informed that they must abide by the terms of the policy as a condition of employment and of the consequences of any violation of such policy.
 - # Notification of this policy is required as part of new employee orientation. The Substance Abuse Policy Affirmation Form is required for all new employees appointed on or after the effective date of this policy. Refusal by a new employee to sign the Substance Abuse Policy Affirmation form should be documented by the employing state agency.

Assistance Program

The Employee Assistance Program is available to state employees and their families for substance abuse education, counseling or rehabilitation. The State of Kansas encourages voluntary treatment for substance abuse. Use of the Employee Assistance Program is governed by the Division of Personnel Services Bulletin No. 97-01 and related civil service statutes and administrative regulations.

Awareness Program

The State of Kansas will establish a Substance Abuse Awareness Program to assist employees to understand and avoid the perils of drug and alcohol abuse.

The state will use the program in an ongoing educational effort to prevent and eliminate substance abuse that may affect the state workforce. The Substance Abuse Awareness Program will contain provisions to inform employees about the: (1) dangers of alcohol and drug abuse; (2) State of Kansas Substance Abuse Policy; (3) availability of treatment and counseling for employees who voluntarily seek such assistance; and (4) sanctions the state will impose for violations of its Substance Abuse Policy.

Applicability

This Substance Abuse Policy applies to all state agencies. The term employees, as used in this Substance Abuse Policy, means all university support staff and unclassified state employees including student employees at the Regent's institutions. This policy shall not be construed to prohibit or limit the Drug Screening Program for designated positions authorized by K.S.A. 75-4362, K.S.A. 75-4363 and related administrative regulations and policies, or the Alcohol and Drug Testing Program for Commercial Drivers established by K.A.R. 1-2-20, 1-6-33 and 1-9-25 and 1-9-26.

Effective Date

This Substance Abuse Policy is effective May 31, 1989.

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Pittsburg State University