

RESOLUTION NO. R 029 89

DRUG-FREE WORKPLACE REQUIREMENTS FOR SUSSEX COUNTY EMPLOYEES

WHEREAS the Sussex County Council believes illegal drugs have no place in the work environment, and

WHEREAS the Congress passed the Drug-Free Workplace Act of 1988, requiring the certification of federal grantees of a drug-free workplace, and the Sussex County Council supports the Act,

NOW THEREFORE, the Sussex County Council adopts the following regulations of drug-free workplace requirements for Sussex County employees:

(a) The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in any Sussex County offices, in all places where its employees work, including all County-owned vehicles, and in carrying out any federal grant activity. As a condition of employment, all employees shall abide by this prohibition. Violation of such prohibition shall result in personnel action against the employee, as set out in the attached schedule, which shall include action up to and including termination, and/or satisfactory participation in an approved drug abuse assistance or rehabilitation program.

All violations of the above policy shall be reported to the Sussex County Administrator or, in his absence, to the Sussex County Personnel Director who shall report the violation to the appropriate police authority. Personnel action shall be taken in all cases of a chargeable offense under 16 Del.C. ch.47 or comparable federal law, however a conviction of the charged offense shall not be necessary to take personnel action against the employee for a violation of the policy. The employee against whom such a personnel action is taken shall be entitled to due process pursuant to applicable law, and the rules and regulations of the Sussex County Personnel Department.

(b) All employees shall notify the County Administrator in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Failure of the employee to make such notification shall lead to discipline in keeping with the attached schedule. Within ten days of receiving notice of any employee convicted as described above, the Sussex County Council shall notify the Federal agencies providing grants to and through the Sussex County Council and any other necessary agency.

(c) Within thirty days of receiving notice of any employee convicted as described in section (b), the Sussex County Council will:

- (1) Take appropriate personnel action against such an employee, up to and including termination; or
- (2) Require 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.

Such action may be taken by the County prior to conviction.

(d) By October 31, 1989, the County Personnel Department shall give each employee a copy of the statement set out in sections (a), (b) and (c), above, and post it prominently throughout the areas where County employees work. Each employee shall sign duplicate copies of the statement; one copy shall be placed in the employee's personnel file, and the other shall be placed in a compliance file for purposes of audit.

(e) The Sussex County Council will establish, and implement by October 31, 1989, a program to inform employees about:

- (1) The dangers of drug abuse in the workplace;
- (2) The County Councils policy of maintaining a drug-free workplace;
- (3) Any available drug counseling; rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

(f) The Sussex County Council shall make a good faith effort to continue to maintain a drug-free workplace through the implementation of this policy, and ensuring that all new employees are informed of the policy through the measures set out in sections (d) and (e).

BE IT FURTHER RESOLVED that the effective date of this Resolution shall be October 31, 1989.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 029 89 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 10TH DAY OF OCTOBER, 1989.


DORIS E. ROGERS
CLERK OF THE COUNTY COUNCIL