



# Policy 3282 Drug, Alcohol, and Cannabis-Free Workplace

**Version:** 6.0

**Effective Date:** 08/01/2023

**Board or Administrative:** Board

## Policy Statement

The County is committed to protecting the safety, health, and well-being of all employees and individuals in the workplace. Alcohol, drug, and cannabis use pose a significant threat to job performance and the safety and security of our operation. The County has established a drug, alcohol, and cannabis-free workplace program that balances our respect for individuals with the need to maintain a drug, alcohol, and cannabis-free environment.

## Definitions

- **Cannabis:** marijuana, tetrahydrocannabinol, cannabis flower as defined in Minnesota Statutes Section 342.01, subdivision 16, cannabis products as defined in Minnesota Statutes Section 342.01, subdivision 20, lower-potency hemp edibles as defined in Minnesota Statutes Section 342.01, subdivision 50, hemp-derived consumer products as defined in Minnesota Statutes Section 342.01, subdivision 37, cannabis concentrate as defined in Minnesota Statutes Section 342.01, subdivision 15, edible cannabis as defined in Minnesota Statutes Section 342.01, subdivision 31, and intoxicating cannabinoids as defined in Minnesota Statutes Section 342.01, subdivision 46.
- **Drug:** a controlled substance as defined in Minnesota Statutes Section 152.01, subdivision 4, but not cannabis.
- **Workplace:** Any building, facility, property, telework location, or other locale constituting the worksite of one or more County employees irrespective of whether the employees present are on duty.

## Source

Minnesota Human Rights Act (Minn. Stat. Chapter 363)

Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq., 5 U.S.C. Sections 552 to 556).

## General

### **DRUGS, ALCOHOL, AND CANNABIS**

During the time(s) the employee is scheduled to work and/or is actually performing work for the County at the workplace, performing County-related work offsite, or operating a County vehicle, employees are strictly prohibited from:

1. Using, possessing, buying, selling, manufacturing, or dispensing drugs.
2. Possessing drug or cannabis paraphernalia.
3. Consumption or being under the influence of drugs, alcohol, or cannabis including prescription medication not used by the person for whom prescribed or used in a manner other than prescribed.
4. Violating any law relating to the manufacturing, distribution, dispensing, possession, or use of drugs, alcohol, or cannabis.

Employees must notify the County within five (5) if they are convicted of a violation of a criminal drug or cannabis statute that occurred in the workplace.

This policy does not prohibit employees from the lawful use and possession of medication (other than medically prescribed cannabis) at the workplace so long as such use or possession does not endanger the safety of employees or others. Employees are strictly prohibited from using, possessing, or being impaired by cannabis including, but not limited to, medically prescribed cannabis, at the workplace during their hours of employment.

Employees must consult with their doctors about the effects their prescription medications may have on their fitness for duty and ability to work safely, and promptly disclose any work restrictions to their supervisor. Employees should refrain from disclosing any underlying medical conditions to their supervisor, however.

Employees in violation of this policy are subject to disciplinary action up to and including dismissal. Employees convicted of a criminal drug, alcohol, or cannabis violation occurring at the workplace may be required to participate in a drug, alcohol, or cannabis abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health or law enforcement agency.

### **DRUG, ALCOHOL, AND CANNABIS AWARENESS PROGRAM**

The Employee Relations Department is responsible for the administration of the County's Drug, Alcohol, and Cannabis Awareness Program. This program provides employees with:

1. A copy of the County's Drug, Alcohol, and Cannabis Free Workplace Policy.
2. Information regarding the dangers of drug, alcohol, and cannabis use in the workplace.
3. Information regarding the availability of drug, alcohol, and cannabis counseling, rehabilitation, and employee assistance programs.

- Information regarding the employment consequences that may be imposed upon employees for drug, alcohol, and cannabis abuse violations in the workplace.

## FEDERAL REPORTING REQUIREMENTS

Departments with positions subject to the requirements of the Drug-Free Workplace Act of 1988 will, as required by law, notify the applicable agency of any covered employees who are convicted of criminal drug statute violations occurring at the workplace. Departments will also supply the applicable agencies with "Place of Performance" reports as required, including required revisions.

## History

| Version | Revision Date |
|---------|---------------|
| 1.0     | 11/29/2005    |
| 2.0     | 12/19/2016    |
| 3.0     | 2/14/2002     |
| 4.0     | 9/22/2015     |
| 5.0     | 9/6/2022      |
| 6.0     | 8/1/2023      |

## Related Policies

- Policy 3200 Pay Practices
- Policy 3182 Telework (Telework Location)

## Contact

Andy Benish  
Employee Resources Director  
Andrew.Benish@co.dakota.mn.us

## Approval

Resolution No. 23-346; August 1, 2023