



Employment Policies for the State of North Dakota

DRUG AND ALCOHOL FREE WORKPLACE

Effective Date: 10/1/2018

The State of North Dakota, as the employer, desires to provide a drug-free, healthful, and safe workplace. Employees are required to report to work in a condition to perform their jobs in a safe, efficient, and satisfactory manner. This policy applies to all employees regardless of status.

Any unauthorized or unlawful manufacture, distribution, dispensations, possession, or use of controlled substances or alcohol by any employee at any workplace or in any vehicle used for official state purposes is strictly prohibited. This prohibition applies during all work breaks, during nonworking hours when the effect inhibits the employee's job performance or agency's performance, or while conducting any official business of the state. The use of prescribed drugs is permitted provided it does not impair the employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals, equipment or property in the workplace. No employee may report for work having the odor of an alcoholic beverage on their person or under the influence of alcohol or drugs.

All employees must sign a drug and alcohol free workplace acknowledgement form (SFN 16769) at the time of hire.

A manager may require an employee to leave the workplace if the manager determines the employee has reported to work in an inappropriate condition and cannot perform the essential functions of the job effectively in a safe manner that does not endanger themselves or others. The employee may be required to use annual leave or sick leave. If the manager determines the employee should not operate a motor vehicle, the manager should arrange transportation for the employee. If the employee refuses to accept transportation and insists on operating a motor vehicle, they will be informed by the manager that law enforcement officials will be notified that the employee appears unfit to operate a motor vehicle. Law enforcement officials should then be appropriately notified.

Under the Drug-Free Workplace Act, a state employee who performs work for a government contract or grant must notify the state of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.

When participating in social activities sponsored by the state, a state agency, or which are associated with workplace activities, employees are required to conduct themselves in a manner that they do not represent a danger to themselves, other employees, or the general public, or damage the reputation of the state.

To inform employees about important provisions of this policy, the state has established a drug-free awareness program. The program provides information on the dangers and effects of substance abuse in the workplace, resources available to employees, and consequences for violations of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to use the resources of the Employee Assistance Program. Employees may also wish to discuss these matters or this policy with their supervisor, their Human Resource department or HRMS to receive assistance or referrals to appropriate resources in the community.

Any employee who is determined to have violated this policy will be subject to disciplinary action up to and including termination of employment and participation in a substance abuse rehabilitation or treatment program.

References: [Public Law 100-690](#)