

RESOLUTION NO. 70 – 2011

TITLE: ADOPTING DRUG FREE WORKPLACE PROCEDURES

OFFERED BY: Roy Bilby , who moved its adoption.

SECONDED BY: Bill Lancaster .

WHEREAS, the Town of Richmondville is the recipient of funding under the U.S. Department of Housing and Urban Development Community Development Block Grant program pursuant to the Housing and Community Development Act of 1974, as amended; and

WHEREAS, recipients of such funding are required to comply with the provisions of the Federal Drug-Free Workplace Act of 1988;

NOW, THEREFORE, BE IT RESOLVED the Town of Richmondville hereby adopts a Drug-Free Workplace Policy Statement, a Drug Free Awareness Program, Drug-Free procedures, and directs the posting and distribution of notices as required by the Drug-Free Workplace Act of 1988.

Dated: December 28th, 2011.

Filed: December 29th, 2011.

Maggie A. Smith
Town Clerk

STATE OF NEW YORK: COUNTY OF SCHOHARIE: ss.:

I, the undersigned Town Clerk of the Town of Richmondville, **DO HEREBY CERTIFY**, that I have compared the above copy of a resolution with the original resolution adopted by the Town Board of said Town on the 28th day of December 2011, at a special meeting of said Board, and said copy is a true copy of said resolution and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Board this 29th day of December 2011.

Maggie A. Smith, Town Clerk
Town of Richmondville

**TOWN OF RICHMONDVILLE
NOTICE TO TOWN EMPLOYEES
DRUG FREE WORK PLACE STATEMENT**

As a recipient of federal grant funds, the Town of Richmondville is required to comply with the provisions of the Drug-Free Workplace Act of 1988. The statement shall serve as notice to all employees that the Town is carrying out those required steps to ensure compliance with the Act. All Town of Richmondville employees are notified as follows:

1. All employees are hereby notified that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace.
2. The following are actions that will be taken against any employee for violation of the above provisions:
 - a.) All appropriate personnel actions against an employee, up to and including termination of employment. Specifically, an employee may be terminated for a conviction of unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace.
 - b.) At the option of the Town of Richmondville, the Town may require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health or law enforcement agency in lieu of termination of employment.
3. Employees are notified that as a condition of employment that:
 - a.) Employees must abide by the terms of this statement.
 - b.) Employees are required to notify the Town of Richmondville of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Such notice is to be delivered to the Town Clerk.
4. This notice is being posted in prominent locations in the Town of Richmondville work places and is being distributed to all Town Employees.

**TOWN OF RICHMONDVILLE
DRUG FREE AWARENESS PROGRAM**

The Town of Richmondville has instituted a drug-free awareness program under the provisions of the Drug-Free Workplace Act of 1988. Under the provisions of that act the Town wants to make employees aware of the following:

1. All employees should be aware of the dangers of drug abuse in the workplace. Information on those hazards is available in the Town Clerk's Office.
2. The Town wants all employees to be aware of the Town policy of maintaining a drug-free workplace.
3. Information is available on drug counseling, rehabilitation, and employee assistance programs in the Town Clerk's office.
4. The Town wants all employees to be aware of the penalties imposed for a drug abuse violation in the workplace. The following are actions that will be taken against any employee for violation of the drug-free workplace provisions:
 - a.) All appropriate personnel actions against an employee, up to and including termination of employment. Specifically, an employee may be terminated for a conviction of unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace.
 - b.) At the option of the Town of Richmondville, the Town may require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health or law enforcement agency in lieu of termination of employment.
5. Questions relating to the Drug-Free Workplace Act may be answered at the Town Clerk's Office.

**TOWN OF RICHMONDVILLE
DRUG-FREE WORKPLACE REQUIREMENTS**

The following steps need to be undertaken to meet the Drug-Free Workplace Requirements under 34 CFR, Subpart F, Part 85, Sections 85.615 and 85.620:

1. The Town must post a statement notifying all employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace. The notice must also specify the actions that will be taken against employees for violation of such provision.

Attached is a notice which should be posted in a prominent location, such as bulletin Boards in the Town Hall.

2. The Town must establish a drug-free awareness program to inform employees concerning:
 - The dangers of drug abuse in the workplace
 - The Town's policy of a drug free workplace
 - The availability of drug counseling, rehabilitation, and employee assistance programs
 - Penalties imposed for drug abuse violations in the workplace

This is to be accomplished by distributing a notice to all Town employees. (See attached notice).

3. The Town must notify HUD within 10 days after receiving notice of a conviction for a violation a criminal drug statute occurring in the workplace.
4. The Town Board should, after appropriate review and modifications, formally adopt the above procedures by resolution. A sample resolution is attached.