

# ***CITY PERSONNEL POLICY***

## **DRUG-FREE WORKPLACE REQUIREMENTS FOR FEDERAL GRANT-FUNDED EMPLOYEES**

Policy # 34

*Approved by Personnel Board: 2/28/02*

*Cecil Hicks, Personnel Director*

*Approved by City Council: 8/27/02*

*Council President Chuck Sigerson*

Pursuant to the Omaha Municipal Code, Section 23-65, the following is declared to be the policy of the City of Omaha. Please check the City's e-mail system in the Public Folders under Personnel Department for the latest amendments to this policy.

Except as specifically altered or changed in this policy, all the provisions of the City's Drug and Alcohol Policy shall apply to all employees (full and part-time) who are paid by various federal grant funding. The purpose of this policy is to comply with 34 CFR §85, Subpart F -- "Drug-Free Workplace Act of 1985 Requirements", which imposes additional requirements for employees whose jobs are funded by a federal grant, hereafter referred to as a "grant-funded employee."

### **POLICY:**

- A. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is strictly prohibited in the workplace or during the performance of any City duty. Any grant-funded employee engaging in such conduct will be subject to disciplinary action, up to and including termination from employment with the City.
- B. Grant-funded employees who receive any criminal drug conviction must notify his or her supervisor, in writing, within 5 calendar days of the conviction. Failure to do so will be grounds for disciplinary action, up to and including termination from employment with the City. The supervisor shall submit this written information to the Labor Relations Director for appropriate action.
- C. Upon notification of a conviction for a criminal drug statute occurring in the workplace, as specified in 34 CFR §85.635, "*Reporting of and employee sanctions for conviction of criminal drug offenses,*" the City of Omaha will provide a written notice to the Director, Grants and Contracts Service, Office of Management. Notification procedures shall follow the guidelines specified in 34 CFR §85.635 and occur within 10 calendar days of receipt of notification.
- D. Appropriate disciplinary action may be taken against the employee as specified in the City's Drug and Alcohol Policy.

- E. The Personnel and/or Finance Departments will maintain a listing of:
1. Departments who receive federal funding.
  2. Employees who fall under this “Drug-Free Workplace” policy.
  3. Completed notification of conviction form.
  4. Disciplinary action taken.
  5. Federal grants information (contact person, identification number, etc.)

## Subpart F -- Drug-Free Workplace Requirements (Grants)

Source: 55 FR 21688, 21699, May 25, 1990, unless otherwise noted.

### §85.600 Purpose.

- (a) The purpose of this subpart is to carry out the Drug-Free Workplace Act of 1988 by requiring that--
  - (1) A grantee, other than an individual, shall certify to the agency that it will provide a drug-free workplace;
  - (2) A grantee who is an individual shall certify to the agency that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in conducting any activity with the act.
- (b) Requirements implementing the Drug-Free Workplace Act of 1988 for contractors with the agency are found at 48 CFR subparts 9.4, 23.5, and 52.2.

### §85.605 Definitions.

- (a) Except as amended in this section, the definitions of §85.105 apply to this subpart.
- (b) For purposes of this subpart--
  - (1) *Controlled substance* means a controlled substance in schedules I through V of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation at 21 CFR 1308.11 through 1308.15;
  - (2) *Conviction* means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;
  - (3) *Criminal drug statute* means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;
  - (4) *Drug-free workplace* means a site for the performance of work done in connection with a specific grant at which employees of the grantee are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance;
  - (5) *Employee* means the employee of a grantee directly engaged in the performance of work under the grant, including:
    - (i) All *direct charge* employees;
    - (ii) All *indirect charge* employees, unless their impact or involvement is insignificant to the performance of the grant; and,
    - (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirements; consultants or independent contractors not on the payroll; or employees of sub-recipients or subcontractors, in covered workplaces);

- (6) *Federal agency or agency* means any United States executive department, military department, government controlled corporation, any other establishment in the executive branch (including the Executive Office of the President), or any independent regulatory agency;
- (7) *Grant* means an award of financial assistance, including a cooperative agreement, in the form of money, or property in lieu of money, by a Federal agency directly to a grantee. The term grant includes block grant and entitlement grant programs, whether or not exempted from coverage under the grants management government-wide common rule on uniform administrative requirements for grants and cooperative agreements. The term does not include technical assistance that provides services instead of money, or other assistance in the form of loans, loan guarantees, interest subsidies, insurance, or direct appropriations; or any veteran benefit to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States;
- (8) *Grantee* means a person who applies for or receives a grant directly from a Federal agency (except another Federal agency);
- (9) *Individual* mean a natural person;
- (10) *State* means any of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency of a State, exclusive of institutions of higher education, hospitals, and units of local government. A State instrumentality will be considered part of the State government if it a written determination from a State government that such State considers the instrumentality to be an agency of the State government.

**§85.610 Coverage**

- (a) This subpart applies to the grantee of the agency.
- (b) This subpart applies to any grant, except where application of this subpart would be inconsistent with the international obligations of the United States or the laws or regulations of a foreign government. A determination of such inconsistency may be made only by the agency head or his/her designee.
- (c) The provisions of subparts A, B, C, D, and E of this part apply to matters covered by this subpart, except where specifically modified by this subpart. In the event of any conflict between provisions of this subpart and other provisions of this part, the provisions of this subpart are deemed to control with respect to the implementation of drug-free workplace requirements concerning grants.

**§85.615 Grounds for suspension of payments, suspension or termination of grants or suspension or debarment.**

A grantee shall be deemed in violation of the requirements of this subpart if the agency head or his or her official designee determines, in writing, that--

- (a) The grantee has made a false certification under §85.630;
- (b) With respect to a grantee other than an individual--

- (1) The grantee has violated the certification by failing to carry out the requirements of paragraphs (A)(a)-(g) and/or (B) of the certification (Alternate I to Appendix C) or
  - (2) Such a number of employees of the grantee have been convicted of violations of criminal drug statutes for violations of criminal drug statutes for violations occurring in the workplace as to indicate that the workplace as to indicate that the grantee has failed to make a good faith effort to provide a drug-free workplace.
- (c) With respect to a grantee who is an individual--
- (1) The grantee has violated the certification by failing to carry out its requirements (Alternate II to Appendix C); or
  - (2) The grantee is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity.

**§85.620 Effect of violation.**

- (a) In the event of a violation of this subpart as provided in §85.616, and in accordance with applicable law, the grantee shall be subject to one or more of the following actions:
- (1) Suspension of payments under the grants;
  - (2) Suspension or termination of the grant; and
  - (3) Suspension or debarment of the grantee under the provisions of this part.
- (b) Upon issuance of any final decision under this part requiring debarment of a grantee, the debarred grantee shall be ineligible for award of any grant from any Federal agency for a period specified in the decision, not to exceed five years (see §85.320(a)(2) of this part).

**§85.625 Exception provision.**

The agency head may waive with respect to a particular grant in writing, a suspension of payments under a grant, suspension or termination of a grant, or suspension or debarment of a grantee if the agency head determines that such a waiver would be in the public interest. This exception authority cannot be delegated to any other official.

**§85.630 Certification requirements and procedures.**

- (a)
- (1) As prior condition of being awarded a grant, each grantee shall make the appropriate certification the Federal agency providing the grant, as provided in Appendix C to this part.
  - (2) Grantees are not required to make a certification in order to continue receiving funds under a grant awarded before March 18, 1989, or under a not-cost time extension of such a grant. However, the grantee shall make a one-time drug-free workplace certification for a non-automatic continuation of such a grant made on or after March 18, 1989.
- (b) Except as provided in this section all grantees shall make the required certification for each grant. For mandatory formula grants and entitlements that have no application process, grantees shall submit a one-time certification in order to continue receiving awards.
- (c) A grantee that is a State may elect to make one certification in each Federal fiscal year. States that previously submitted an annual certification are not required to make a

certification for Fiscal Year 1990 until July 31, 1990. Except as provided in paragraph (d) of this section, this certification shall cover all grants to all State agencies from any Federal agency. The State shall retain the original of this statewide certificate in its Governor's office and, prior to grant award, shall ensure that a copy is submitted individually with respect to each grant, unless the Federal agency has designated a central location for submission.

- (1) If a State elects to make one certification in each Federal fiscal year as specified in paragraph (c) of this section it must forward its certification to: Office of Intergovernmental and Interagency Affairs.
- (d)
  - (1) The Governor of a State may exclude certain State agencies from the statewide certification and authorize these agencies to submit their own certifications to Federal agencies. The statewide certification shall name any State agencies so excluded.
  - (2) A State agency to which the statewide certification does not apply, or a State agency in a State that does not have a statewide certification, may elect to make one certification in each Federal fiscal year. State agencies that previously submitted a State agency certification are not required to make a certification for Fiscal Year 1990 until July 31, 1990. The State agency shall retain the original of this State agency-wide certification in its central office and, prior to grant award, shall ensure that a copy is submitted individually with respect to each grant, unless the Federal agency designates a central location for submission.
    - (i) If a State agency elects to make one certification in each Federal fiscal year as specified in paragraph (d) of this section it must forward its certification to: Office of Intergovernmental and Interagency Affairs.
  - (3) When the work of a grant is done by more than one State agency, the certification of the State agency directly receiving the grant shall be deemed to certify compliance for all workplaces, including those located in other State agencies.
- (e)
  - (1) For a grant of less than 30 days performance duration, grantees shall have this policy statement and program in place as soon as possible, but in any case by a date prior to the date on which performance is expected to be completed.
  - (2) For a grant of 30 days or more performance duration, grantees shall have this policy statement and program in place within 30 days after award.
  - (3) Where extraordinary circumstances warrant for a specific grant, the grant officer may determine a different date on which the policy statement and program shall be in place.

[55 FR 21688, 21699, May 25, 1990, as amended at 55 FR 21699, May 25, 1990]

**§85.635 Reporting of and employee sanctions for convictions of criminal drug offenses.**

- (a) When a grantee other than an individual is notified that an employee has been convicted for a violation of a criminal drug statute occurring in the workplace, it shall take the following actions:
  - (1) Within 10 calendar days of receiving notice of the conviction, the grantee shall provide written notice, including the convicted employee's position title, to every grant officer, or other designee on whose grant activity the convicted employee

was working, unless a Federal agency has designated a central point for the receipt of such notifications. Notification shall include the identification number(s) for each of the Federal agency's affected grants.

- (i) A grantee must report convictions as specified in paragraph (a)(1) of this section to the Director, Grants and Contracts Service, Office of Management.
- (2) Within 30 calendar days of receiving notice of the conviction, the grantee shall do the following with respect to the employee who was convicted.
  - (i) Take appropriate personnel action against the employee up to and including termination, consistent with requirements of the Rehabilitation Act of 1973, as amended; or
  - (ii) 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, law enforcement, or other appropriate agency.
- (b) A grantee who is an individual show is convicted for a violation of a criminal drug statute occurring during the conduct of any grant activity shall report the conviction, in writing, within 10 calendar days, to his or her Federal agency grant officer, or other designee, unless the Federal agency has designated a central point for the receipt of such notices. Notification shall include the identification number(s) for each of the Federal agency's affected grants.
  - (1) A grantee must report convictions as specified in paragraph (b) of this section to the Director, Grants and Contract Service, Office of Management.

**[55 FR 21688, 21699, May 25, 1990, as amended at 55 FR 21699, May 25, 1990]**

## **APPENDIX A TO PART 85 -- CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS -- PRIMARY COVERED TRANSACTIONS**

### ***Instructions for Certification***

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms *covered transaction*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *proposal*, and *voluntarily excluded*, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequently by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a systems of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.



10. Except for transactions authorized paragraph 6 of these instructions, if a participants in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR, part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

*Certification Regarding Debarment, Suspension, and Other Responsibility Matters -- Primary Covered Transactions.*

- (1) The prospective primary participants certifies to the best of its knowledge and belief, that it and its principals:
  - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
  - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attached an explanation to this proposal.

[60 FR 33042, 33056, June 26, 1995]

## **APPENDIX B TO PART 85 -- CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION -- LOWER TIER COVERED TRANSACTIONS**

### *Instructions for Certification*

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms *covered transaction*, *debarred*, *suspended*, *ineligible*, *person*, *primary covered transaction*, *principal*, *proposal*, and *voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 0.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith, the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

*Certification Regarding Debarment, Suspension Ineligibility an Voluntary Exclusion -- Lower Tier Covered Transactions*

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**[60 FR 33042, 33056, June 26, 1995]**

## APPENDIX C TO PART 85 -- CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

### *Instructions for Certification*

1. By signing and submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identify of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identification must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Non-procurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:
  - Controlled substance* means a controlled substance in Schedules I through V of the Controlled Substances Act 21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);
  - Conviction* means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;
  - Criminal drug statute* means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;
  - Employee* means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All *direct charge* employees; (ii) All *indirect charge* employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of sub-recipients or subcontractors in cover workplaces).

***Certification Regarding Drug-Free Workplace Requirements***

***Alternate I. (Grantees Other Than Individuals)***

- A. The grantee certifies that it will or will continue to provide a drug-free workplace by:
- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - (b) Establishing an on-going drug-free awareness program to inform employees about--
    - (1) The dangers of drug abuse in the workplace;
    - (2) The grantee's 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;
  - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
  - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will--
    - (1) Abide by the terms of the statement; and,
    - (2) Notify the employer 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;
  - (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) 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;
  - (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted--
    - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or,
    - (2) Requiring such employee to participate satisfactorily in a drug assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
  - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).
- B. The grantee may insert in the space provide below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

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Check  if there are workplaces on file that are not identified here.

***Alternate II. (Grantees Who Are Individuals)***

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[55 FR 21690, 21699, May 25, 1990]

## DRUG-FREE WORKPLACE PROGRAM NOTIFICATION OF CRIMINAL CONVICTION

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

CLASSIFICATION TITLE: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_ DIVISION: \_\_\_\_\_

IMMEDIATE SUPERVISOR: \_\_\_\_\_

As an employee with the City of Omaha, who is paid by federal funding, I understand that I must notify my supervisor of any criminal drug conviction. Furthermore, I understand that notification of this conviction must be done within 5 calendar days of the conviction.

Pursuant to this responsibility, I am hereby notifying you of the following:

Type of Conviction: \_\_\_\_\_

\_\_\_\_\_

Date of Conviction: \_\_\_\_\_

Court Docket Number: \_\_\_\_\_

Court Decision: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Further, I understand that this document is an official City of Omaha record, and that falsification of this document, or failure to report conviction(s) is grounds for my being disciplined up to and including termination from employment with the City of Omaha.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Employee Signature: \_\_\_\_\_

### Personnel Department Use Only

Federal Grant Title: \_\_\_\_\_

Grant Identification Number: \_\_\_\_\_

Agency Notified: \_\_\_\_\_

## DRUG-FREE WORKPLACE PROGRAM ACKNOWLEDGEMENT OF TRAINING

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

CLASSIFICATION TITLE: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_ DIVISION: \_\_\_\_\_

IMMEDIATE SUPERVISOR: \_\_\_\_\_

DATE OF TRAINING: \_\_\_\_\_

The Drug-Free Workplace Act of 1988, ensures that employers, who are recipients of the federal grants, prohibit any drug related activity and maintains a drug-free work environment.

I have been informed of the following:

- (1) The dangers of drug abuse in the workplace;
- (2) Received a copy of the drug-free workplace policy for grant employees, and the City's Drug & Alcohol Policy;
- (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;
- (5) The City of Omaha procedures/guidelines for reporting any drug related conviction.

Furthermore, I understand that as an employee with the City of Omaha I am strictly prohibited from engaging in the following activity: the unlawful manufacturing, distributing, dispensing, possession, or use of a controlled substance in my workplace or during the performance of my duties as a City of Omaha employee. I understand that disciplinary actions will be taken against me for violation of such prohibition.

I understand that this document is an official City of Omaha record, and that falsification of this document, or failure to report conviction(s) is grounds for my being disciplined up to and including termination from employment with the City of Omaha. I understand that this acknowledgment form will be placed in my personnel file.

Dated this: \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Employee Signature: \_\_\_\_\_