

Drug and Alcohol Free Workplace Policy

The State of South Dakota (“State”) is committed to maintaining a workplace free from the effects of illegal drugs or alcohol to protect the health and safety of our employees, citizens, and visitors. To promote this goal, all employees must report to work in a condition to perform their very best.

The dangers of illegal drug and alcohol abuse in the workplace include accidents and injuries; reduced productivity; absenteeism and increased healthcare costs; loss of public confidence in the State; and adverse effects on the affected employee, co-workers, and persons receiving services from the State.

For the purposes of this policy, “illegal drugs” means:

- Any controlled substance, including but not limited to, heroin, cocaine, marijuana, morphine, phencyclidine, amphetamines, barbiturates, or hallucinogens (or metabolites of any such drug);
- Any prescription drug containing a controlled substance and is being used by a person, other than for whom it is prescribed; or
- Any prescription drug containing a controlled substance and is being used for a purpose other than that for which such drug was prescribed.

This policy applies to all State employees. As a condition of your employment with the State, you are required to abide by the terms of this policy. If you violate this policy, you may be subject to disciplinary action, up to and including termination of employment.

As an employee, you are prohibited from the distribution, unlawful manufacture, dispensation, possession, sale, transfer, use, or being under the influence of alcohol or illegal drugs in the workplace when you are:

- Reporting for work;
- Working on State premises or while conducting State-related business off of State premises, unless performing required job duties, like law enforcement; or
- Operating any State vehicle, machinery or equipment.

During working hours, drinking alcohol at mealtime is prohibited, regardless of whether you are on or off State premises.

If you are convicted of a violation of a criminal drug law or admit in court to a criminal drug law violation, you will be subject to appropriate disciplinary action, which may include termination. You must comply with the arrest policy as described in the Employee Handbook.

Limited Exclusion for Employees Off-Duty at State-Sponsored Events

This policy does not prohibit the consumption of alcohol at State-sponsored events, where the State has authorized alcohol to be served. Employees are not considered to be within the scope of employment while attending these events when participation is voluntary. In no case are employees permitted to bring any alcohol or illegal drugs to a State-sponsored event. Employees are expected to act responsibly, use good judgment, and obey legal limits. If an employee consumes alcohol at a State-sponsored event, he or she is encouraged to use alternative transportation when leaving.

Federal Contracts and Grants Drug Free Requirements

An employee who works on any activity under a federal contract of a value in excess of \$100,000, or under a federal grant, as a condition of employment, is required to:

- Comply with this policy regarding a Drug and Alcohol Free Workplace; and
- Provide his or her supervisor, manager or Human Resources Manager with written notification of any criminal drug statute conviction for a violation occurring in the workplace, within five days after the conviction.

When the Bureau of Human Resources receives notice of a conviction under a criminal drug statute for a violation occurring in the workplace, the following actions will be taken by the State as the employer:

- The State will notify each federal contracting or granting agency with which the employee works, within 10 days after receiving such notice; and
- The State, within 30 days after receiving notice from an employee of a conviction, will:
 - Take appropriate disciplinary action against the employee up to any including termination of employment; or
 - Require the employee to satisfactorily participate 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.

The State offers an Employee Assistance Program (“EAP”), which has a substance abuse and awareness program. EAP offers up to five (5) free, in-person counseling sessions (per incident per fiscal year) to employees or family members for substance abuse involving alcohol, prescription drugs, and illegal drugs. To learn more about EAP or to request services, call 800-713-6288 or visit www.eaphelplink.com and enter the company code: southdakota

This policy is referenced in the [South Dakota State Employee Handbook](#).