Robert S. Peters
Secretary

COMMONWEALTH OF KENTUCKY
PERSONNEL CABINET
200 FAIR OAKS LANE
5TH FLOOR
FRANKFORT, KENTUCKY 40601

Paul E. Patton
Governor

August 28, 1996

PERSONNEL MEMO 96-8

MEMORANDUM

TO: Cabinet Secretaries
Agency Heads
Personnel Executives

FROM: Robert S. Peters, Secretary
Personnel Cabinet

SUBJECT: **Drug-Free Workplace Requirements /**
Annual State Certification For Federal Grants
October 1, 1996 - September 30, 1997

Enclosed is your agency's copy of the Kentucky State Certification for Federal Grants under the provisions of the Drug-Free Workplace Act for Federal Fiscal Year 1997. This certification will be valid from October 1, 1996 through September 30, 1997.

Under current federal regulations, I, as the certifying officer for the state, will submit the state certification on behalf of all state agencies to the following:

U.S. Department of Agriculture
U.S. Department of Commerce
U.S. Department of Education
U.S. Department of Health and Human Services.

For all other federal agencies, state agencies must submit a copy of the enclosed certification with each grant application.

Thank you for your continued cooperation and feel free to give me or Van Warren a call at (502) 564-4460 if you or your staff have any questions or need any additional information.

RSP/VW:cw
Enclosure

Robert S. Peters
Secretary

COMMONWEALTH OF KENTUCKY
PERSONNEL CABINET
200 FAIR OAKS LANE
5TH FLOOR
FRANKFORT, KENTUCKY 40601

Paul E. Patton
Governor

KENTUCKY STATE GOVERNMENT
ANNUAL MULTIPLE AGENCY CERTIFICATION REGARDING
DRUG-FREE WORKPLACE REQUIREMENTS
FEDERAL FISCAL YEAR 1997
OCTOBER 1, 1996 - SEPTEMBER 30, 1997

Pursuant to Executive Order 96-611 issued by the Governor of the Commonwealth of Kentucky on May 15, 1996, (attached as Appendix A) I, Robert S. Peters, Secretary, Personnel Cabinet, do hereby certify, on behalf of Kentucky State Government, that all of its agencies are in compliance with the Drug-Free Workplace Act of 1988, as implemented by "Government-Wide Requirements for Drug Free Workplace" which appeared in the Federal Register on May 25, 1990 and has:

I. Published a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition (attached as Appendix B);

II. Established an ongoing drug-free awareness program to inform employees about:

   A. The dangers of drug abuse in the workplace;

   B. The grantee's policy of maintaining a drug-free workplace;

   C. Available drug counseling, rehabilitations, and employee assistance programs; and

   D. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

III. Made 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 (I);

IV. Notified the employee in the statement required by paragraph (I) that, as a condition of employment under the grant, the employee will:

A. Abide by the terms of the statement; and

B. 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;

V. Established a policy which will notify the federal agency in writing, within ten calendar days after receiving notice under subparagraph (IV)(B) 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;

VI. Established a policy which will take one of the following actions, within 30 calendar days of receiving notice under subparagraph (IV)(B), with respect to any employee who is convicted:

A. 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

B. Requiring such 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; (See Appendix A);

VII. Made a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs I through VI.

State Government, Commonwealth of Kentucky
Organization Name

Robert S. Peters, Secretary, Personnel Cabinet
Name and Title of Authorized Representative

Robert S Peters
Signature

8-28-96
Date

PAUL E. PATTON
GOVERNOR

EXECUTIVE ORDER

96-611

Secretary of State
Frankfort
Kentucky

May 15, 1996

RELATING TO DRUG-FREE WORKPLACE POLICY
COMMONWEALTH OF KENTUCKY

WHEREAS, in 1988, the United States Congress enacted the Anti-Drug Abuse Act (Public Law 100-690) which requires recipients of federal grants to certify that they have met the requirements designed to promote a drug-free workplace; and

WHEREAS, the Commonwealth of Kentucky has maintained a policy of prohibiting the manufacture, distribution, possession, and use of controlled substance drugs in the workplace and of enforcing such prohibition through disciplinary action against offenders while providing a program of rehabilitation and counseling through its Employee Assistance program and through the State-supported health insurance programs; and

WHEREAS, the unlawful manufacture, distribution, possession and use of controlled substances in the workplace constitutes a serious hazard to the health, safety and welfare of State employees as well as to the health, safety and welfare of the public they serve; and

WHEREAS, it is deemed appropriate that the Secretary of the Personnel Cabinet notify State employees of the penalties, programs and reporting requirements of the Anti-Drug Abuse Act of 1988:

NOW, THEREFORE, I, PAUL E. PATTON, Governor of the Commonwealth of Kentucky, do hereby order and direct the Secretary of the Personnel Cabinet to issue written notice to each employee of the Commonwealth of Kentucky, advising of the requirements of the Anti-Drug Abuse Act of 1988, of the range of penalties that may be imposed for violations, and of the rehabilitation and counseling programs that are available.

The Secretary of the Personnel Cabinet is authorized and directed to certify compliance with the Anti-Drug Abuse Act of 1988 to the appropriate federal grantor agency upon issuance of notice to State employees.

This Order is effective upon execution.

Paul E. Patton
PAUL E. PATTON
Governor

John Y. Brown III
JOHN Y. BROWN III
Secretary of State

APPENDIX A

Robert S. Peters
Secretary

COMMONWEALTH OF KENTUCKY
PERSONNEL CABINET
200 FAIR OAKS LANE
5TH FLOOR
FRANKFORT, KENTUCKY 40601

Paul E. Patton
Governor

August 28, 1996

TO: All State Employees

FROM: Robert S. Peters
Secretary

SUBJECT: Drugfree Workplace

In 1988, the United States Congress enacted the Anti-Drug Abuse Act (P.L. 100-690) which requires recipients of federal funds to certify that they have met requirements designed to promote a drug-free workplace. In compliance with this Act, and at the direction of the Governor, all state employees are notified that:

A. The unlawful manufacture, distribution, dispensation, possession or use of any controlled substance is strictly prohibited in the workplace and any employee found to be in violation will be subject to disciplinary action by the Appointing Authority for misconduct which may include sanctions up to and including dismissal from state service, in accordance with State Law.

B. The Personnel Cabinet, will continue and improve drug-free awareness programs through Employee Assistance and in cooperation with state agencies to eradicate the dangers that drugs in the workplace create for our employees. State-supported health insurance provides coverage for employees referred to or seeking treatment for drug and alcohol related problems.

C. Employees are notified that compliance with drug-free workplace requirements is a condition of continued employment with State Government. Each employee is obligated, on pain of disciplinary action, to report any conviction he or she receives as a result of a violation of any criminal drug statute violation occurring in the workplace within five (5) days of such conviction. Such a report is to be made to the employee's Appointing Authority and is required by federal law and the agency is obligated to report such conviction to the federal grantor within ten (10) days after it receives notice.

D. Employees found to be in violation of drug-free workplace requirements may face disciplinary action up to and including dismissal or may be required to satisfactorily participate in a drug abuse assistance or treatment program.

E. Employees who have questions concerning this directive are encouraged to contact their supervisor or the Personnel Cabinet's Employee Assistance Program which may be contacted by calling (502) 564-5788.

APPENDIX B