Drug Free Workplace Policy

The State of Maine retains the right and responsibility to expect each employee to report for work and to perform his/her duties in a manner which does not jeopardize the health and safety of co-workers and the public.  Work performance impaired by alcohol or drugs, both legal and illegal, poses a threat to the well-being of employees and the public.  Further, the State recognizes that an employee's consumption of drugs and alcohol, both on or off the job, can have a detrimental impact in the workplace.

It is the policy of the State of Maine to maintain an alcohol and drug-free work environment.

SCOPE

In order to protect the health and safety of all State employees and the general public, the policy, revised February 1, 2017, follows:

Whenever employees are working, operating any State vehicle, operating a personal vehicle on State business, present on State premises, representing the State, or conducting State-related work offsite, they are prohibited from:

a.   using, possessing, buying, selling, manufacturing , or dispensing drugs or alcohol;

b.   being under the influence of alcohol or any drug as defined in this policy.

**Drug** includes any substance that adversely affects an employee’s ability to safely and effectively perform their job duties.

Any employee who is under the influence of alcohol or drugs (as defined in this policy), or who possesses or consumes alcohol or drugs on the job or in the workplace has the potential for disrupting their own, as well as their co-workers', safe and efficient performance of duties.  Such employees shall be subject to disciplinary action up to and including termination of employment.

Any illegal substance found in the workplace will be turned over to the appropriate law enforcement agency and may result in criminal prosecution.

RESPONSIBILITY

Any employee who is convicted of a criminal drug statute violation occurring on the job or in the workplace shall notify his or her employing agency no later than five (5) days after such conviction.  Each State agency receiving federal funds shall notify its federal funding agency within ten (10) days after receiving such notification.  Upon notification of a conviction, it shall be the responsibility of the employing agency to terminate the employee using all proper and necessary procedures.

It shall be the responsibility of all State agencies and departments to work with the Division of State Employee Health, the Office of Employee Relations, labor unions, and other organizations to:

(a)  advise and inform employees of the dangers of drug and alcohol use and abuse on the job or in the workplace; and

(b)  advise and inform employees of the Employee Assistance Program and rehabilitation services.

It shall be the responsibility of each employee to abide by the terms of this policy.

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15.3 Policy Regarding the Use and Possession of Medicinal and Recreational Marjiuana

It is a violation of the [Drug Free Workplace Policy](https://www.maine.gov/bhr/state-hr-professionals/rules-policies/policy-practices-manual/Drug-Free-Workplace-Policy) to be under the influence of marijuana in the workplace.  The possession and use of certain amounts of marijuana (cannabis) for medicinal and recreational purposes is no longer a violation of Maine law; however, it remains a violation of federal law.  This policy clarifies that, when a nexus can be established between a job and violating federal law, such violation may be subject to disciplinary action up to and including termination of employment.  See [Establishing a Nexus](https://www.maine.gov/bhr/sites/maine.gov.bhr/files/inline-files/Establishing-a-Nexus.pdf) for the process of determining whether there is a nexus between a job and violating federal law (found at https://www.maine.gov/bhr/sites/maine.gov.bhr/files/inline-files/Establishing-a-Nexus.pdf).