



Administrative Policies  
And Procedures  
Tennessee Supreme Court  
Administrative Office of the Courts

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Effective Date: 10/01/02

Supersedes:

Approved by: Chief Justice Frank F. Drowota, III and Cornelia A. Clark, Director

Subject: Drug-Free Workplace

- I. Authority: T.C.A. §16-3-803
- II. Purpose: To establish policy and procedure concerning a drug-free workplace.
- III. Application: All employees of the Judicial Branch.
- IV. Definitions:
  - A. Controlled Substance: Any drug listed in Title 21 U.S.C. Section 812 and other federal regulations. Generally, these are drugs that have a high potential for abuse. Such drugs include, but are not limited to, heroin, marijuana, cocaine, PCP, and “crack”. They also include “legal drugs” which are not prescribed by a licensed physician to an alleged violator.
  - B. Conviction: A finding, 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.
  - C. Drug-free workplace: A site for the performance of work done in connection with an employee’s job at which employees are prohibited from engaging in unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.
- V. Policy: It shall be the policy of the Judicial Branch to provide a drug-free workplace for its employees.
- VI. Procedures:
  - A. A copy of the drug-free workplace policy shall be made available to each employee. (See page 3 of this policy.)

- B. Each employee will be required to certify his or her acknowledgement of this policy and action to be taken if a conviction occurs. The signed acknowledgement shall be maintained in the employee's personnel file. (See page 4 of this policy.)
- C. Employees will be made aware of the State's Employee Assistance Program (EAP) and will be encouraged to seek assistance with any drug or alcohol related problems.
- D. As a condition of employment, the employee will notify their supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- E. If an employee is convicted for violating any criminal drug statute while in the workplace, he or she will be subject to disciplinary action up to and including termination. Alternatively, the employee may be required to successfully complete a drug abuse program sponsored by an approved private or governmental institution.
- F. It shall be the policy of the Judicial Branch to notify those federal agencies funding any activity involving an employee who has been convicted of violating any criminal drug statute while in the workplace. Notification shall be within ten days of receipt of notice regarding such a conviction.

**DRUG-FREE WORKPLACE POLICY**

Illegal and excessive use of drugs has become an epidemic in our state. Any abuse/use at the workplace is the subject of immediate concern in our society. From a safety perspective, the users of drugs may impair the well being of all employees, the public at large, and result in damage to state property. Drug use may also seriously impair an employee's ability to perform his/her job; therefore, it is the policy of the State of Tennessee that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the state's workplace is prohibited. Any employee violating this policy will be subject to discipline up to and including termination. The specifics of this policy are as follows:

1. The unlawful manufacture, distribution, possession or use of a controlled substance is prohibited in or on the workplace. Such manufacture, distribution, possession or use while on the job or state property will subject the violator to discipline up to and including termination.
  
2. The term "controlled substance" means any drug listed in Title 21 U.S.C. Section 812 and other federal regulations. Generally, these are the drugs that have a high potential for abuse. Such drugs include, but are not limited to, heroin, marijuana, cocaine, PCP, and "Crack". They also include "legal drugs" which are not prescribed by a licensed physician to an alleged violator.
  
3. Each employee is required by law to inform the judicial branch within five (5) days after he/she is convicted for violation of any federal or state criminal drug statute where such violation occurred on state property. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court.
  
4. If an employee is convicted of violating any criminal drug statute while on the workplace, he or she will be subject to discipline up to and including termination. Alternatively, the Judicial Branch may require the employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution.

**THE POLICY STATED HEREIN IS BEING ADOPTED BY THE JUDICIAL BRANCH IN COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT.**

\_\_\_\_\_  
Chief Justice Frank F. Drowota, III

\_\_\_\_\_  
Director

\_\_\_\_\_  
Date

ACKNOWLEDGMENT

I, \_\_\_\_\_, an employee of the Judicial Branch of the State of Tennessee, hereby certify that I have received a copy of the Judicial Branch's policy regarding the maintenance of a drug-free workplace. I realize that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace or on state property and violation of this policy can subject me to discipline up to and including termination. I realize that as a condition of employment, I must abide by the terms of this policy and will notify the employer of any criminal drug conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date