

STATE OF MAINE
DRUG AND ALCOHOL-FREE WORKPLACE POLICY

I. Policy Statement

The State of Maine retains the right to expect each employee to report for work and to perform their duties in a manner which does not jeopardize the health and safety of co-workers and the public. Work performance while under the influence of 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 and 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.

II. Definitions

“Drug” means any substance that adversely affects an employee’s ability to safely and effectively perform their job duties and includes illegal drugs under either federal or state law, marijuana, and/or a prescription medication.

“Possession” means the use, custody, solicitation, manufacture, distribution, storage, or consumption.

“Safety-Sensitive” means a job with duties performed by employees who are required to hold a Commercial Driver’s License (CDL).

“Working Hours” means the time that an employee spends at work during a day. **This includes both paid breaks and unpaid breaks (i.e. lunch break).**

III. Possession of Drugs and Alcohol, Generally

Employees, contractors, and job applicants are strictly prohibited from possessing alcohol and/or drugs while operating any State vehicle, while operating a personal vehicle on State business, during working hours, while present on State premises, while representing the State, or while conducting State-related work offsite.

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

IV. Possession of Alcohol during Overnight Stays

While on an overnight stay for work and during non-working hours, an employee is permitted to possess alcohol. An employee is still prohibited from possessing alcohol while operating a State vehicle. Employees should be mindful of their behavior during non-working hours as they are representatives of the State of Maine. Employees are responsible for adhering to all State of Maine policies, and federal and state laws while on an overnight stay.

V. Drug and Alcohol Testing Policy for Safety-Sensitive Positions

For employees whose positions are considered Safety-Sensitive, please review the State's Drug and Alcohol Testing Policy for Employees in Positions Requiring a Commercial Driver's License (CDL) for more information.

VI. Criminal Arrests and Drug Conviction during Working Hours

Any employee who is arrested or convicted of a criminal drug statute violation (including, but not limited to, operating a vehicle while under the influence), occurring during working hours shall notify their employing agency no later than the next business day after such an arrest or conviction. An individual disclosing this information must be truthful and accurate.

An employee who receives a charge or arrest will not automatically receive disciplinary action. Rather, upon receiving the disclosure, the Office of Human Resources will perform an investigation of the conduct giving rise to the charge and/or arrest and after completing the investigation, the State will determine whether some form of disciplinary action, up to and including termination, is warranted.

Each State agency receiving federal funds shall notify its federal funding agency within ten (10) days after receiving notification of drug conviction. 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 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.

VII. Discipline

A violation of this policy may result in discipline, up to and including termination.

VIII. Getting Help

Employees seeking help for alcohol or drug abuse should contact the Employee Assistance Program or may contact the referral helpline by calling 211 or 1-866-811-5695, or going to <https://preventionforme.org/#get-help>.

IX. Bona Fide Occupational Requirement Exception

This policy does not prohibit an employee from possessing drugs and/or alcohol when that possession is due to a bona fide occupational requirement. For example, law enforcement confiscating drugs and/or alcohol for use as evidence in a criminal case, corrections officers removing contraband from residents, or a psychiatric hospital dispensing prescribed medications to patients. These examples are non-exhaustive. In all cases, proper protocols established by the Department or facility shall be followed in the handling, removal, storage, or disposal of drugs and/or alcohol, and possession of drugs and/or alcohol shall not maintain past the completion of the occupational requirement. Failure to follow proper protocols in handling drugs and/or alcohol may result in discipline, up to and including discharge.

X. Effective Date

The Effective Date of this policy is July 15, 2024.