

THE DRUG-FREE WORKPLACE ACT
S.C. Code Ann. §§44-107-10 through -90 (1990)

As provided by S.C. Code Ann. §44-107-30, no person (a partner, corporation organized or united for a business purpose, or a governmental agency) may receive a contract or grant "...for the procurement of any goods, construction, or services for a stated or estimated value of fifty thousand dollars or more..." from a state agency unless the person has certified to the agency that it will provide a drug-free workplace as set forth in the "Certification Statement for Person" set forth below.

S.C. Code Ann. §44-107-40 provides that no individual may receive a contract or grant "...for a stated or estimated value of fifty thousand dollars or more..." from a state agency unless the contract or grant includes the "Certification Statement for Individual" set forth below.

Please check the box beside the certification statement that applies to you and sign and date this form.

CERTIFICATION STATEMENT FOR PERSON

I hereby certify to the South Carolina Department of Health and Human Services (SCDHHS) that I will provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of the prohibition;
2. Establishing a drug-free awareness program to inform employees about:
 - a. the dangers of drug abuse in the workplace;
 - b. my policy of maintaining a drug-free workplace;
 - c. any available drug counseling, rehabilitative, and employee assistance programs; and
 - d. the penalties that may be imposed upon employees for drug violations;
3. Making it a requirement that each employee to be engaged in the performance of the contract be given a copy of the statement required by item 1;
4. Notifying the employee in the statement required by item 1 that, as a condition of employment on the contract or grant, the employee will:
 - a. abide by the terms of the statement; and
 - b. notify me of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after the conviction;
5. Notifying SCDHHS within ten days after receiving notice under item 4. b. from an employee or otherwise receiving actual notice of the conviction;
6. Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee convicted as required by Section 44-107-50; and
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of items 1, 2, 3, 4, 5 and 6.

I also agree that, in compliance with Section 44-107-50, I shall, within thirty days after receiving notice from an employee of a conviction pursuant to Title 44, Chapter 53, Article 3, Narcotics and Controlled Substances, of the South Carolina Code of Laws:

1. Take appropriate personnel action against the employee up to and including termination; or
2. Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for the purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

CERTIFICATION STATEMENT FOR INDIVIDUAL

I hereby certify that I will not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the performance of this contract.

_____ Date

_____ Authorized Signature