



**Missouri Department of  
Natural Resources  
Administrative Policies and Procedures**

**Chapter 3 Work Environment**

**Alcohol, Tobacco and Drug-Free Workplace Policy**

**Effective date**

**Revised**

**Number: 3.07**

**April 9, 2003**

**July 22, 2020**

The Department strives to provide a safe and healthy environment for our employees, volunteers, and customers that complies with the federal Drug-Free Workplace Act of 1988 (41 USC 8101 et al.). All Department-leased, owned or operated facilities and vehicles used by Department employees are designated tobacco, alcohol, and drug free.

**GENERAL PROVISIONS**

**Tobacco-free workplace**

Tobacco use, such as cigarette, chewing tobacco, snuff, e-cigarettes, etc. is prohibited in all Department leased, owned or operated facilities and vehicles used by Department employees including, but not limited to:

- Offices, including private offices and cubicles;
- Auditoriums, classrooms, libraries, or conference rooms;
- Common areas including elevators, stairwells, lobbies, waiting rooms, copier rooms, mail rooms, reception areas, employee lounges, cafeterias, breakrooms, corridors, and restrooms;
- Hazardous areas, including any location where there are flammable liquids, gases, vapors, and in locations where readily ignitable, combustible materials are collected;
- State park and historic site offices, regional offices, maintenance buildings, and visitor centers, and;
- Areas used to enter or exit a building.

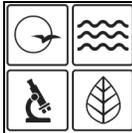
Exceptions to this policy are the following:

- Outdoors, except where specifically prohibited;
- State owned residences;
- Enclosed buildings or rooms when rented to the public for social functions upon approval by the facility head, and;
- Areas which are shared with or occupied by a private business unless tobacco use is prohibited.

All tobacco products are to be disposed of properly in waste containers.

**Alcohol and drug free workplace**

Being impaired by alcohol or controlled substances in the workplace or while engaged in work duties is prohibited. This includes the wrongful or unlawful possession, manufacture, distribution, dispensing, or use of any alcoholic beverage or controlled substance by any



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employee of the Department during the conduct of official business, in state-owned or leased facilities or property, or in the operation of state-owned or leased vehicles and equipment.

At social events for which staff are required to attend as representing the Department and at which alcohol is served, staff will not be impaired.

An employee is responsible for notifying their immediate supervisor they are taking prescribed medication that may impair work performance. The supervisor will take appropriate action to ensure the safety of all employees.

Employees with declining job performance related to alcohol or drug abuse may be required to participate in a Strive Employee Life and Family (SELF) program (formerly known as the Employee Assistance Program or EAP), related to substance abuse treatment.

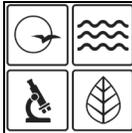
Any employee determined to be in violation of this policy is subject to disciplinary action, including dismissal, and, in certain circumstances, may be subject to prosecution under state and federal law.

Notwithstanding any other Departmental personnel policies, any employee charged with or arrested for a violation of any criminal drug statute or violation of law attributed to the abuse or misuse of alcoholic beverages, based upon an incident occurring during the conduct of official business, on state-owned or leased facilities or property, or during the operation of state-owned or leased vehicles or equipment, must notify their supervisor within three (3) days of either the arrest or communication by law enforcement of the charge(s) to be filed, whichever is earlier. An employee must immediately report to their supervisor and the HR Program Director any notice of revocation or suspension of their driver's license, if the employee either drives a state-owned or leased vehicle, operates state heavy equipment, or is reimbursed mileage for the use of a personal vehicle to conduct official business.

If necessary, the HR Program will report to a funding federal agency any violation of a criminal drug statute that occurs at the workplace and results in the conviction of an employee assigned under a federal grant within ten (10) days of notification of the conviction.

**Alcohol and drug testing for staff**

The Omnibus Transportation Employee Testing Act of 1991 covers drug and alcohol testing rules for staff required to have a commercial driver's license (CDL). Employees of the Department will adhere to all requirements of this law.



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Refusal to submit to testing is prohibited and is a violation of the Act. The consequences for a refusal are the same as if the person had submitted to testing and received a positive result. Under these circumstances, the employee must be removed from performance of any safety-sensitive function until such time as the driver submits to testing and the results are negative for alcohol or controlled substances.

A driver must be removed from safety-sensitive functions when the driver has a positive drug or alcohol test result.

Environmental emergency responders and State Park Rangers are required to be tested for presence of drugs and alcohol. Other positions may also be required to submit to testing based on aspects of the position’s responsibilities related to safety and access to alcohol, drugs or precursors. Employees with CDLs may further be required to provide information to a federal clearing house, as part of the random drug testing program.

**For help with a drug or alcohol problem**

Employees who may be experiencing issues related to alcohol or drug misuse are encouraged to contact their healthcare provider or SELF for assistance. Information regarding SELF services is available through the Missouri Consolidated Healthcare Plan at <http://www.mchcp.org/index.asp> or (800) 487-0771.

**REFERENCES**

Department of Transportation and Federal Highway Administration drug and alcohol testing requirements: [www.transportation.gov](http://www.transportation.gov)

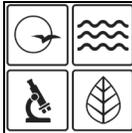
Drug-Free Public Work Force Act (Sections 105.1100 RSMo to 105.1116 RSMo).

Drug-Free Workplace Act of 1988

Indoor Clean Air Act; Smoking Regulations (191.765 RSMo to 191.777 RSMo).

Omnibus Transportation Employee Testing Act of 1991

Environmental Protection Act (EPA), Title 2 CFR Part 1536



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Revised Statutes of Missouri: Schedules I through V, Chapter 195, Drug Regulations, (as revised) RSMo 195

SELF: Strive Employee Life & Family 1.02-08 (Formerly known as: Employee Assistance Program)

*Related DNR Policies:*

Strive Employee Life and Family (SELF) 1.02-08

**DEFINITIONS**

*Alcohol use:* Consumption of any beverage, mixture or preparation containing alcohol.

*Controlled substance:* A drug, substance or immediate precursor listed in Schedules I through V, as set forth in Chapter 195, RSMo (2016).

*Impaired:* When the employee’s ability to perform his or her duties is diminished to an unacceptable or unsafe level as determined by the employee’s appointing authority.

*Unlawful:* Illegal under Missouri laws (to include Chapter 195 RSMO (2016)) and or illegal under federal laws including those federal laws that would prohibit marijuana and its medical application (“medical marijuana”).

*Workplace:* Any Department-leased, owned or operated facilities and vehicles or equipment used by Department employees or other places employees are located in the conduct of official business.

*Wrongful:* Against the provision of any Department of Natural Resources policy and or without competent authorization or permission.