



## INSTRUCTIONS FOR CERTIFICATION REGARDING DRUG-FREE WORKPLACE

1. By signing and submitting this form, the grantee certifies the accuracy of the Public Notification Statement.
2. The certification provided on the Free and Reduced Price Meal Benefit (FARM) application is a representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, additional workplaces may be identified in the grant application. If the grantee does not identify the workplace(s) at the time of application, or upon award if there is no application; the grantee must keep the identity of the workplace(s) on file and make the information available for Federal inspections. Failure to identify any and all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identification must include the physical address of all buildings (or parts of buildings) and/or other sites where work as it pertains to the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation. State employees in each local unemployment office, performers in concert halls or radio studios).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s) immediately. If it previously identified the workplaces in question (see paragraph three).
6. Definitions of terms in the Non-procurement Suspension and Debarment common rule and Drug-free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:
  - *Controlled Substance* means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulations (21 CFR 1308.11 through 1308.15);
  - *Conviction* means a finding of guilt (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;
  - *Criminal Drug Statue* means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

- *Employee* means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) all “direct charge” employees: (ii) all “Indirect charge” employees unless their impact or involvement is insignificant to the performance of the grant: and, (iii) “temporary personnel and consultants” who are directly engaged in the performance of work under the grant and who are on the grantee’s payroll. This definition does not include workers not on the payroll of the grantees (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee’s payroll; or employees of sub-recipients or sub- contractors in covered workplaces).

## U. S. DEPARTMENT OF AGRICULTURE

### CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

#### (GRANTS) ALTERNATIVE 1 – FOR GRANTEES OTHER THAN

This certification is required by the regulations implementing Sections 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, title V, Subtitle D; 41 U.S.C. 701 et seq.), & CFR Part 3017, Subpart F, Section 3017.600, Purpose. The January 31, 1989, regulations were amended and published as Part II of the May 25, 1990 Federal Register (pages 21681-21691). Copies of the regulations may be obtained by contacting the Department of Agriculture agency offering the grant.

#### *(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ABOVE)*

#### Alternative I

1. The grantee certifies that it will or will not continue to provide a drug-free workplace by:
  - a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee’s workplace and specifying the actions that will be taken against employees for violation of such prohibition.
  - b. Establishing an on-going drug-free awareness program to inform employees about:
    - (1) The dangers of drug abuse in the workplace;
    - (2) The grantee’s policy of maintaining a drug-free workplace;
    - (3) Any available drug counseling, rehabilitation, and employee assistance programs, and
    - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  - c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
  - d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

- (1) Abide by the terms of the statement; and
    - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
  - e. Notifying the agency in writing, within ten calendar days after receiving notice under sub-paragraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant.
  - f. Taking one of the following actions, within 30 calendar days of receiving notice under sub-paragraph (d) (2), with respect to any employee who is so convicted:
    - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
    - (2) Requiring such employee(s) to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
  - g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).
2. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant.

Place of Performance

(Street Address, City, County, State, Zip Code):

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☐ Check if there are workplaces on file that are not identified here.

<b>SFA Name</b>	<b>SFA Address</b>
<b>Signature of Authorized Official</b>	<b>Title</b>
<b>Printed</b>	<b>Date</b>