



**NEW YORK CITY DEPARTMENT OF
HEALTH AND MENTAL HYGIENE**
Thomas R. Frieden, MD, MPH
Commissioner

New York City Department of Health and Mental Hygiene Drug & Alcohol Policy Statement

DOHMH does not tolerate alcohol and/or drug use and/or possession in the workplace. This policy is consistent with DOHMH's Standards of Conduct Rule # 2* as well as applicable city, state or federal law. DOHMH will take necessary measures to ensure that our employees are not impaired in their ability to perform assigned duties in a safe, productive, healthy manner, and to create a drug and alcohol free workplace. DOHMH will inform employees of available assistance programs whose drug and/or alcohol usage is affecting their work performance or conduct.

DOHMH requires that all employees abide by the terms of this policy and Rule # 2* of the Standards of Conduct as a condition of employment. Any violation of either may lead to disciplinary action up to and including termination from employment. All employees may be subject to alcohol and/or drug testing under the following circumstances:

1. **Post Accident** – When directed by a supervisor immediately following any accident or unusual incident that occurred while on duty.
2. **Reasonable Suspicion** - When supervision or management has reasonable suspicion to believe that an employee is under the influence of any drugs and/or alcohol during business hours.
3. **Return to Duty/Back to Work** – Physical examinations, including alcohol or drug testing following an extended illness, suspension or an unauthorized absence (30 days or more) resulting from an alcohol or drug related incident and/or violation of the DOHMH Standards of Conduct occurring while the employee was on duty may be required. Unannounced follow-up tests after a prior positive test of employee returning to work or those who are on a disciplinary stipulation involving use of drugs or alcohol.

Refusal to Test

Failure to appear for a scheduled drug or alcohol test without an explanation deemed reasonable by the employer will be considered a refusal to be tested and the employee will be referred for disciplinary action and/or termination.

Consequences of a Positive Drug and/or Alcohol Test

An employee will be removed from service immediately and referred to the Employment Law Unit if he/she has a positive drug and/or alcohol test result. An employee cannot

return to duty until he/she has been evaluated by the Employees Assistance Program (EAP) and, where applicable, complied with the recommendation of EAP to return to work and has a negative result on a return to duty alcohol and/or drug test. Follow-up testing to monitor the employee's continued abstinence from alcohol and/or drug use will be required.

Any questions related to the DOHMH Drug & Alcohol Policy should be directed to Brenda M. McIntyre, Assistant Commissioner for the Bureau of Human Resources at (212) 788-4782.

***DOHMH Standards of Conduct rule # 2 Alcoholic Beverages of Controlled Substance:**

2.1 Indulging in or being under the influence of alcoholic beverages, drugs or compounds while on duty, unless drugs or compounds are prescribed by a physician for use by the employee.

Updated 5/5/09