

## NSP Drug-Free Workplace Requirements

All recipients of Neighborhood Stabilization Program funds must adhere to drug-free workplace requirements contained at 24 CFR, Part 24:

[http://www.access.gpo.gov/nara/cfr/waisidx\\_02/24cfr24\\_02.html](http://www.access.gpo.gov/nara/cfr/waisidx_02/24cfr24_02.html)

and established by the Drug-Free Workplace Act. A drug-free certification must be executed by recipient's chief executive officer, a notice must be distributed to all employees and an awareness program for employees must be established.

The certification is a material representation of fact upon which reliance is placed when the Department for Local Government allocates NSP funds. If it is later determined that the recipient knowingly rendered a false certification, or otherwise violated the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the federal government, may take action authorized under the Drug-Free Workplace Act.

Recipient is required to identify all workplaces as they become known, including housing sites, offices where client intake will be performed, locations where NSP-assisted counseling classes are taught, etc. Workplace identification must include the actual address of buildings or other sites where work under the NSP award takes place. Categorical descriptions may be used (e.g., all agency maintenance vehicles). If the workplace identified during the performance of the NSP award, the recipient shall inform DLG in writing of the address change.

If the recipient does not identify all workplaces at the time of award, the identity of the workplace(s) must be kept on file in its office and made available for federal inspection. Failure to identify all known workplaces constitutes a violation of the recipient's drug-free workplace requirements.

Definition of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to the certification and requirements. Recipients' 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 USC 812) and as further defined by regulation (21 CFR, Parts 1308.11 through 1308.15).

“Conviction” means a finding of guilt (including a pleas 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 Statutes” means a federal or non-federal criminal statute involving the manufacture, distribution, dispensing, use of possession of any controlled substance.

“Employee” means the employee of a recipient directly engaged in the performance of work under an award, including: (1) all “direct charge” employees, (2) all “indirect charge” employees unless their impact or involvement is insignificant to the performance of the award and (3) temporary personnel and consultants who are directly engaged in the performance of work under the grant who are on the recipient's payroll. This definition does not include workers not on the

payroll of the recipient (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the recipient's payroll; or employees of subrecipients or subcontractors in covered workplaces).