



STATE OF ARKANSAS  
**Department of Finance  
and Administration**

**OFFICE OF THE DIRECTOR**  
1509 West Seventh Street, Suite 401  
Post Office Box 3278  
Little Rock, Arkansas 72203-3278  
Phone: (501) 682-2242  
Fax: (501) 682-1029  
<http://www.state.ar.us/dfa>

**MEMORANDUM**

TO: All State Agency Directors and Human Resources Managers

FROM: Larry W. Walther, Director *LWW*

SUBJECT: State of Arkansas Drug Free Workplace

DATE: May 14, 2019

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The State of Arkansas is committed to protecting the safety, health and well-being of employees, volunteers, customers and the public. Alcohol and drug use in the workplace pose significant safety and health risks not only to the employee, but to others as well. It is the State's intent to fully comply with the Federal Drug-Free Workplace Acts of 1988 and 1998 which prohibit the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace, including in all state-owned vehicles or while conducting business for the State of Arkansas. Employees for the State are required to refrain from reporting to work or being subject to duty while their ability to perform job duties is impaired due to use of the use of alcohol or other drugs, including medical marijuana.

This guidance applies during all work hours, whenever conducting business or representing the state and while on-call. It should be noted that an employee will not be drug tested except where there is a reasonable suspicion, or if the employee is in a safety-sensitive position and can be randomly tested. If an employee tests positive for alcohol or other drugs, including medical marijuana, during work hours he or she will be in violation of this guidance. All state employees may be subject to drug or alcohol testing when a supervisor or other designated individual has a good faith belief that the employee is under the influence of alcohol or drugs, including medical marijuana, while on the job. Some positions are designated as safety-sensitive positions and employees in those positions will be subject to random drug testing. The designation of safety-sensitive positions will be made by each department director and provided to the Office of Personnel Management.

Safety-sensitive position is defined by the Arkansas Medical Marijuana Amendment of 2016 Amendment 98 as "any position involving a safety sensitive function pursuant to federal regulations governing drug and alcohol testing adopted by the United States Department of Transportation or any other rules, guidelines, or regulations adopted by any other federal or state agency. "Safety sensitive position" also means any position designated in writing by an employer as a safety sensitive position in which a person performing the position while under the influence of marijuana may constitute a threat to health or safety, including without limitation a position: that requires any of the following activities:

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- (a) Carrying a firearm;
- (b) Performing life-threatening procedures;
- (c) Working with confidential information or documents pertaining to criminal investigations; or
- (d) Working with hazardous or flammable materials, controlled substances, food, or medicine; or
- (ii) In which a lapse of attention could result in injury, illness, or death, including without limitation a position that includes the operating, repairing, maintaining, or monitoring of heavy equipment, machinery, aircraft, motorized watercraft, or motor vehicles as part of the job duties.”

The agency’s director, director’s designee, or the human resources office will have the final decision whether an employee will be sent for drug testing. An employee who refuses to be subject to drug testing may be terminated.

OPM will issue further guidance for the State of Arkansas Drug Free Workplace. For additional guidance, the DFA Drug Free Workplace Policy is available at

<https://www.dfa.arkansas.gov/personnel-management/dfa-internal-human-resources-policies/policies/>.