

STATE OF INDIANA

EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER 90-5

FOR: THE PROMOTION OF A DRUG-FREE INDIANA

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

- WHEREAS,** the use of illegal drugs is a major threat to the health and well-being of the State of Indiana, and
- WHEREAS,** the use of illegal drugs contributes directly to loss of productivity, increased absenteeism, increased health care costs, and more job-related accidents among Indiana's workers in both the public and private sectors; and
- WHEREAS,** workplace problems created by the use of illegal drugs can be decreased and even eliminated through the implementation of comprehensive drug-free workplace programs; and
- WHEREAS,** low-income persons are disproportionately impacted by illegal drug use; and
- WHEREAS,** some provisions are needed to insure that Medicaid benefits reach the recipients for which they are intended and are not diverted to illegal drug trafficking; and
- WHEREAS,** drug use and drug dealing in many public housing projects threaten the physical safety and quality of life of the residents and community around the housing projects.

NOW, THEREFORE, I, Evan Bayh, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. All corporations, partnerships, individuals, sole proprietors, joint stock companies, joint ventures, or any other private legal entities receiving grant or contract funds from any agency, commission or board of state government shall be required to maintain drug-free workplaces; and
2. Said grantees and contractors shall be required to certify in applications for funding that they will provide drug-free workplaces, by:
 - a. publishing a statement notifying all employees that the unlawful manufacture, sale, distribution or possession of a controlled substance is prohibited and will lead to specified sanctions;
 - b. establishing a drug-free awareness program that informs employees about the dangers of drugs in the workplace, the availability of treatment programs, and the company's anti-drug policy and penalties;
 - c. providing each employee with a copy of the drug-free workplace statement; and
 - d. notifying each employee in the drug-free workplace that compliance with the statement is a condition of the

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employee's employment. To remain in compliance, employees must notify the employer within five days of any conviction for a drug violation in the workplace. Upon receiving such notice, the employer has ten days to notify the contracting government agency of the conviction. Upon receiving notice of a conviction by an employee, the company has 30 days to take disciplinary action or send the employee to treatment; and

3. All grants and contracts issued by state government agencies, commissions or boards shall contain a stipulation that failure to meet the drug-free workplace requirements constitutes a breach of contract; and

4. The State Department of Administration shall administer paragraphs One through Three of this Order. The Department may exempt contracts and grants in amounts less than the maximum Small Purchase Procurement Authority set forth in I.C. 4-13.4-5-5(a).

5. The State Department of Administration shall promulgate a rule prohibiting state employees, with the exception of law enforcement officers carrying out authorized undercover operations, from operating state vehicles at any time with any measurable amount of alcohol or illegal drug in their blood, the violation of which shall result in appropriate sanctions; and

6. The State Personnel Department, in conjunction with the State Department of Mental Health, shall prepare a plan for the establishment by July 1, 1991, of an Employee Assistance Program for all employees of state government; and

7. The State Department of Public Welfare, in collaboration with the State Department of Mental Health, shall seek a waiver from the federal government to allow the State of Indiana to appoint a "protective payee" to administer the AFDC benefits for the family when a family member receiving AFDC benefits is convicted of a drug felony. Following an assessment that indicates a need for drug treatment and the successful completion of a state-certified drug treatment program, the AFDC benefits may again be made payable directly to the family; and


8. The Indiana Housing Finance Authority shall require that all mutual housing association contracts include a requirement that all officers of the mutual housing association remain free of a drug-felony conviction, and that all contractors developing housing with the assistance of the Low Income Housing Trust Fund remain free of any drug-felony conviction; and

9. The Indiana Department of Human Services shall develop procedures at the earliest possible date to implement the final rule currently under consideration by the United States Department of Housing and Urban Development that would permit the denial or termination of assistance to applicants and participants in the Section 8 housing assistance programs on drug-related grounds. Following an assessment that indicates a need for drug treatment, individuals may have the denial or

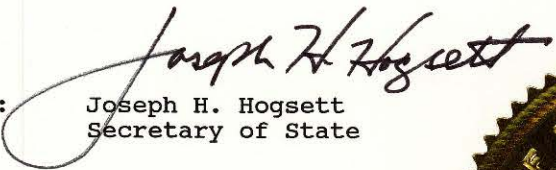
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termination of assistance held in abeyance pending the successful completion of a state-certified drug treatment program, to the extent not inconsistent with federal and state law and regulation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana at the Capitol in Indianapolis on this 12th day of April, 1990.


BY THE GOVERNOR: Evan Bayh
Governor of Indiana

ATTEST:


Joseph H. Hogsett
Secretary of State

