

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
OFFICE OF AVIATION ANALYSIS**

**CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS
IN THE PERFORMANCE OF SUBSIDIZED ESSENTIAL AIR SERVICE**

A. The subsidized essential air service carrier certifies that it will, or will 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 carrier's workplace, and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing 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 work supported by the subsidy 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 supported by the subsidy, 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 paragraph (d)(2) from an employee or otherwise receiving actual notice of conviction. Employers of convicted employees must provide notice, including position title, to the Office of Aviation Analysis. Notice shall include the order number of each affected subsidized service;
- (f) Taking one of the following actions, within 30 days of receiving notice under 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 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).

B. The subsidized essential air service carrier *may*, but is not required to, insert in the space provided below the site for the performance of work done in connection with the specific grant.

Places of Performance (street address, city, county, state, zip code). For the provision of essential air service, workplaces include outstations, maintenance sites, headquarters office locations, training sites and any other worksites where work is performed that is supported by the subsidy.

_____	_____
_____	_____
_____	_____
_____	_____

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

Signature

Date

INSTRUCTIONS FOR CERTIFICATION

1. By signing and/or submitting this application or grant agreement, the subsidized essential air service carrier is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the subsidy. If it is later determined that the subsidized carrier knowingly rendered a false certification, or otherwise violated 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, they may be identified in the subsidy application. If the subsidized carrier does not identify the workplaces at the time of application, or upon award if there is no application, the carrier must keep the identity of the workplaces on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the subsidized carrier's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (*e.g.*, all counters at the airports served by the carrier).
5. If the workplace identified to the agency changes during the performance of the subsidized service, the subsidized carrier shall inform the agency of the change, if it previously identified the workplace in question.
6. Definitions of terms in the Nonprocurement Suspension and Debarment common rule (49 CFR Part 29) and Drug-Free Workplace common rule (49 CFR Part 29, Subpart F) apply to this certification. Carriers' 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 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 statute 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 subsidized carrier directly engaged in the performance of work supported by the subsidy, including: (i) All *direct charge* employees; (ii) All *indirect charge* employees unless their impact or involvement is insignificant to the performance of subsidized service; and (iii) Temporary personnel and consultants who are directly engaged in the performance of work supported by the subsidy and who are on the subsidized carrier's payroll. This definition does not include workers not on the payroll of the subsidized carrier (*e.g.*, volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the subsidized carrier's payroll; or employees of subrecipients or subcontractors in covered workplaces).