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| LOCAL COMMISSIONERS MEMORANDUM |  
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Transmittal No: 91 LCM-75

Date: May 1, 1991

Division: Administration

TO: Local District Commissioners

SUBJECT: Federal Lobbying Act and Drug-Free Workplace Act of 1988 -  
Certification Forms

ATTACHMENTS: Attachment 1 - Certification Regarding Drug-Free  
Workplace Requirements Grantees Other Than Individuals  
(available on-line)

Attachment 2 - Certification Regarding Lobbying (on-line)  
(available on-line)

Attached are the certification forms to be used to meet the requirements of the Federal Lobbying Act and the Drug-Free Workplace Act of 1988.

The "Certification Regarding Lobbying" form is used to meet the requirements of the Federal Lobbying Act which are detailed in 90 LCM-165. The law requires that a certification be filed for contracts of \$100,000 or more, by any entity including a social services district. The law requires that any such entity which receives a Federal Grant, or a subtier contractor or subgrantee of such entity, must file a certification regarding each contract for \$100,000 or more which certification must state that no Federal appropriated funds have been used for certain specific lobbying efforts. We recommend that local districts make copies of this certification form and maintain on file signed certifications for all contracts which require them, and also have an appropriate local social services official sign a certification for the social services district and maintain it in the files for audit purposes.

Date May 1, 1991

Trans No. 91 LCM-75

Page No. 2

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The Drug-Free Workplace Act of 1988 requires contractors and grantees of Federal agencies to certify that they will provide drug-free workplaces. Making the required certification is a precondition of receiving a contract or grant from a Federal agency after March 18, 1989. Attached is a "Certification Regarding Drug-Free Workplace Requirements" form for the local districts to sign and keep on file. The language of the certification provides that by signing the certification the local agency agrees to abide by the requirements which are listed on the form. The local agency must meet the specific requirements of the Act with a good faith effort, including having a policy statement and a drug awareness program.

If you have any questions on the above, please call either the Upstate Office at 1-800-342-3715, extension 4-7549, or Marvin Gold at (212) 804-1108.

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Richard Radzynski  
Director  
Local Financial Operations  
Office of Financial Management

ATTACHMENT 1

CERTIFICATION REGARDING

DRUG-FREE WORKPLACE REQUIREMENTS

GRANTEES OTHER THAN INDIVIDUALS

This certification is required by regulations implementing Sections 5151-5161 Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41U.S.C. 701 et seq Subpart F, Section 3017.600 and 45 CFR Part 76, Subpart F. The January 31, 1989 reg and published as Part II of the May 25, 1990 Federal Register (Page 21681-21691).

The grantee certifies that it will provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing a 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;
- (4) The penalties that may be imposed upon employees for drug abuse violations in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grantee's work 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 under the grant, the employee will:

- (1) Abide by the terms of the statement; and,
- (2) Notify the employer of any criminal drug statute conviction for a violation in the workplace no later than five days after such conviction;

(e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) or employee or otherwise receiving actual notice of such conviction;

(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, including suspension or termination; or
- (2) Requiring such employee to participate satisfactorily in a drug abuse rehabilitation program approved for such purposes by a Federal, State, or local health or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace throughout the term of the grant in accordance with paragraphs (a), (b), (c), (d), (e) and (f).

\_\_\_\_\_  
Organization

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Authorized Signature

Certification Regarding Lobbying

Certification for Contracts, Grants,  
Loans,  
and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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Organization

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Authorized Signature      Title      Date

NOTE: If Disclosure Forms are required, please contact: Mr. William Sexton, Deputy Director, Grants and Contracts Management Division, Room 341F, HHH Building, 200 Independence Avenue, SW, Washington, D.C. 20201-0001