



University of Tennessee, Knoxville
**TRACE: Tennessee Research and Creative
Exchange**

MTAS Publications: Hot Topics

Municipal Technical Advisory Service (MTAS)

4-27-2001

Hot Topic: Drug-Free Workplace: Contractor's Affidavit

Donna M. Leydorf
Municipal Technical Advisory Service

Follow this and additional works at: https://trace.tennessee.edu/utk_mtastop



Part of the [Public Administration Commons](#)

The MTAS publications provided on this website are archival documents intended for informational purposes only and should not be considered as authoritative. The content contained in these publications may be outdated, and the laws referenced therein may have changed or may not be applicable to your city or circumstances.

For current information, please visit the MTAS website at: mtas.tennessee.edu.

Recommended Citation

Leydorf, Donna M., "Hot Topic: Drug-Free Workplace: Contractor's Affidavit" (2001). *MTAS Publications: Hot Topics*.
https://trace.tennessee.edu/utk_mtastop/240

This Bulletin is brought to you for free and open access by the Municipal Technical Advisory Service (MTAS) at TRACE: Tennessee Research and Creative Exchange. It has been accepted for inclusion in MTAS Publications: Hot Topics by an authorized administrator of TRACE: Tennessee Research and Creative Exchange. For more information, please contact trace@utk.edu.

Hot Topics for Tennessee cities and towns

April 27, 2001

#67

Drug-Free Workplace: Contractor's Affidavit

by Donna M. Leydorf
MTAS Legal Consultant

The General Assembly has amended the Drug-Free Workplace Law, §§ 50-9-101 through 50-9-113, *Tennessee Code Annotated* (TCA) to require employers contracting with state agencies or units of local government to prepare affidavits certifying compliance with the Drug-Free Workplace Program.

Beginning Jan 1, 2001, a new requirement is in effect for all employers with "no less than five (5) employees receiving pay who contract with the state or any local government to provide construction services." Each such employer must submit an affidavit stating that the employer has in place a program for a drug-free workplace that complies with T.C.A §§. 50-9-101-113. The statute forbids any local government from entering into any contract or awarding any contract for construction services with any employer who has not provided the affidavit of compliance.

"Employer" under this amendment is defined to be any private company or corporation. The definition does not include any unit of local government or any utility.

Any employer who is found to have violated this provision will be prohibited from contracting with any other local government or state agency until the employer can prove it is in compliance with all the requirements of the Drug-Free Workplace Program. Each additional violation imposes longer time periods of prohibition against contracting with a governmental entity against an employer, up to a period of one year.

The employer's affidavit that its program provides for a drug-free workplace absolves the local government of any further responsibility for the employer's compliance or lack of compliance with the requirements of the drug-free workplace program. A model affidavit is attached to this Hot Topic which can be used by contractors seeking construction work with cities.

For more information, please contact the MTAS management consultant in your area.

MTAS LIBRARY
UNIV. OF TENN.

APR 30 2001.

Model Affidavit
(must be attached to bid form upon submission)

STATE OF TENNESSEE
COUNTY OF _____

DRUG-FREE WORKPLACE AFFIDAVIT
OF PRIME BIDDER

NOW COMES AFFIANT, who being duly sworn, deposes and says:

1. He/She is the principal officer for [insert name and address of bidding entity];
2. That the bidding entity has submitted a bid to [insert name of city and city department and project number] for the construction of [insert name of project];
3. That the bidding entity employs no less than five (5) employees;
4. That Affiant certifies that the bidding entity has in effect, at the time of submission of its bid to perform the construction referred to above, a drug-free workplace program that complies with §50-9-113, *Tennessee Code Annotated*.
5. That this affidavit is made on personal knowledge.

Further Affiant saith not.

AFFIANT

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 200__.

NOTARY PUBLIC
My commission expires: _____

Save and Post by Your Phone

Municipal Technical Advisory Service

Knoxville (Headquarters)
Conference Center Building, Suite 120
The University of Tennessee
Knoxville 37996-4105
(865) 974-0411
Fax (865) 974-0423



Johnson City
3119 Bristol Highway, Suite 302
Johnson City 37601
(423) 854-9882
Fax (423) 854-9223



Nashville
223 Sixth Avenue, North
Nashville 37219-1804
(615) 532-6827
Fax (615) 532-4963



Jackson
605 Airways Blvd., Suite 109
Jackson 38301
(901) 423-3710
Fax (901) 425-4771



Martin
175 Clement Hall
P.O. Box 100
Martin 38238
(901) 587-7055
Fax (901) 587-7059

Visit our Web site at:
www.mtas.utk.edu

Or call **MTAS' Answer Line** and receive quick answers to short questions.
1-888-667-6827 (MTAS)

FIRST CLASS
U.S. Postage Paid
Knoxville
Permit No. 870

The University of Tennessee
Institute for Public Service
105 Student Services Building
Knoxville, TN 37996-0213



The University of Tennessee does not discriminate on the basis of race, sex, color, religion, national origin, age, disability, or veteran status in provision of educational programs and services or employment by opportunities and benefits. This policy extends to both employment by and admission to The University.

The University does not discriminate on the basis of race, sex, or disability in its educational programs and activities pursuant to the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990.

Inquiries and charges of violation concerning Title VI, Title IX, Section 504, ADA, or the Age Discrimination in Employment Act (ADEA) or any of the other above referenced policies should be directed to the Office of Diversity Resources (DMRS), 2110 Terrace Avenue, Knoxville, Tennessee 37996-3560, telephone (865) 974-2498 (V/TTY available) or (865) 974-2440. Requests for accommodation of a disability should be directed to the ADA Coordinator at the Office of Human Resources, 600 Hadley Street, Knoxville, Tennessee 37996-4125.

Authorization No. E14-1050-00-002-01

The Municipal Technical Advisory Service (MTAS) is a statewide agency of The University of Tennessee's Institute for Public Service. MTAS operates in cooperation with the Tennessee Municipal League in providing technical assistance services to officials of Tennessee's incorporated municipalities. Assistance is offered in areas such as accounting, administration, finance, public works, communications, ordinance codification, and wastewater management.

MTAS *Hot Topics* are information briefs that provide a timely review of current issues of interest to Tennessee municipal officials. *Hot Topics* are free to Tennessee local, state, and federal government officials and are available to others for \$2 each. Photocopying of this publication in small quantities for educational purposes is encouraged. For permission to copy and distribute large quantities, please contact the MTAS Knoxville office at (865) 974-0411.