



May 15, 2018

OFFICERS

SUBJECT: Marijuana Use by Postal Employees

Several states and the District of Columbia have legalized or decriminalized the recreational or medicinal use of marijuana. These changes in state and local law have raised questions about marijuana use by United State Postal Service (Postal Service) employees. The purpose of this memorandum is to clarify that marijuana use remains illegal under federal law and prohibited under Postal Service policy.

Despite changes in state law, the use, possession, or distribution of marijuana remains illegal under federal law—specifically, the Controlled Substances Act (CSA). As a result, marijuana use, possession, and distribution remain prohibited under Postal Service policy. Under Employment and Labor Relations Manual (ELM) section 665.25, employees may not sell, possess, or use illegal drugs while on duty or on postal premises:

*The Postal Service will not tolerate the sale, possession, or use of illegal drugs, or the abuse of legal drugs while on duty or on postal premises. Employees found to be engaged in these activities are subject to discipline, including removal and/or criminal prosecution where appropriate.*

Additionally, ELM section 665.16 states, in part, that an employee convicted for violating any criminal statute may be subject to discipline, up to and including removal:

*Employees must not engage in criminal, dishonest, notoriously disgraceful, immoral, or other conduct prejudicial to the Postal Service. Conviction for a violation of any criminal statute may be grounds for disciplinary action against an employee, including removal of the employee, in addition to any other penalty imposed pursuant to statute.*

The CSA is a criminal statute covered by ELM section 665.16.

Finally, using marijuana may make an employee ineligible for his or her position. Examples include but are not limited to affecting an employee's ability to obtain or maintain a security clearance, to pass a background investigation, and to meet licensing requirements.

In summary, regardless of recent changes in state law, marijuana use, possession, and distribution remain illegal under federal law and prohibited under postal policy.

A handwritten signature in black ink, appearing to read "Doug A. Tulino".

Doug A. Tulino