

OREGON YOUTH AUTHORITY

Policy Statement





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Drug-free Workplace	
Soction	Policy Number

Section – Policy Number:

0 - 4.0

Supersedes: 1-D-1.6 (06/03)

Effective Date: 12/15/06

Date of Last Review/Revision: None

Effective: 12/15/2006

Related Standards and References:

Subject

- Public Law 100-690 (Drug-Free Workplace Act of 1988)
- ORS 438.010 (Definitions for ORS 438.010 to 438.510)
- OAR 105-50-004 (Drug Testing of Final Applicants for Certain State Classifications/Positions)
- OAR 333-24-305 through 350 (Testing for Substances of Abuse)
- Department of Administrative Services, Human Resource Services Division (DAS-HRSD)

50.000.01 Drug-Free Workplace

50.000.02 (Drug Testing of Employees in Designated

Classifications/Positions)

- American Correctional Association, Standards for Juvenile Correctional Facilities; 3-JTS-1C-17 (Drug-free Workplace)
- OYA Policy: 0-2.0 (Principles of Conduct) <u>0-2.1</u> (Professional Standards)

Related Procedures: None

Interpretation: Employee Services

Approved:

Robert S. Jester, Director

Ĭ. **PURPOSE:**

This policy provides OYA general standards for maintaining a drug-free workplace. OYA staff and applicant drug testing and record retention is also addressed.

II. **POLICY DEFINITIONS:**

Prohibited drugs: Unless authorized by and used in accordance with a legal prescription, or exempt from federal or state law, "prohibited drugs" include marijuana, cocaine, opiates, phencyclidine (PCP), amphetamines and

substances specified in schedules I through V of Section 202 of the Controlled Substances Act, 21 USC 811 (<u>Title 21 Section 811</u>) and as defined in 21 CFR 1300 (Definitions).

III. POLICY:

In compliance with the Drug-free Workplace Act of 1988, the OYA is committed to achieving a workplace free from the effects of illegal drug and alcohol use for the safety and well-being of the public, offenders, and staff. OYA staff will be free from use of drugs or alcohol in the workplace that impairs job performance, creates a risk to public safety or the safety and security of offenders and staff, and has a negative impact on job responsibility and performance.

Drug testing will be required as a condition of employment for applicants who are offered employment. Testing will be paid by the OYA and will be conducted by a laboratory that is licensed and operated in accordance with statute.

IV. GENERAL STANDARDS:

A. Staff

- 1. Staff will not unlawfully manufacture, distribute, dispense, possess, or use a controlled substance in the workplace.
- 2. Staff will be offered drug and alcohol abuse awareness information.
- 3. Supervisors/Managers will be offered training to recognize possible alcohol and drug problems and the appropriate action to take under those circumstances.
- 4. A staff who has a drug or alcohol problem will be encouraged to seek rehabilitation, on a confidential basis, through the Employee Assistance Program (EAP), or through a private provider at the staff's expense.
- 5. Staff engaged in treatment and rehabilitation remain responsible for their recovery and workplace behavior.
- 6. Staff will, as a condition of employment, notify in writing, an Assistant Director, Superintendent/Camp Director, Parole/Probation Supervisor, the staff's Supervisor/Manager, or Employee Services Manager of any criminal drug statute conviction not later than five days after such conviction.
- 7. Due to the nature of the work and mission of the agency, an offduty criminal drug statute conviction may be grounds for termination of employment.
- 8. Information obtained as the result of an arrest for off-duty criminal drug activity may be grounds for implementation of the pretermination processes.

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B. Applicant drug testing

- OYA job announcements and recruitments will contain a notice stating the requirement of pre-employment drug screening for applicants who are offered employment.
 - If an application form other than the PD100 is used in the recruitment process, a signed authorization must be included as part of the application.
- 2. Applicants selected to fill a position with the OYA will be required to complete pre-employment drug screening.
 - a) Employment will be contingent upon successful completion of the screening.
 - b) After selecting the successful applicant, the hiring Supervisor/Manager will confirm with the applicant the schedule for the screening test.
 - (1) The test will be conducted the same day.
 - (2) The hiring Supervisor/Manager will discuss the process, inform the applicant of the time and place of the test, and send the information to central Employee Services.
 - (3) The laboratory will fax the test results to central Employee Services within 24 hours of the test.
 - (4) The designated person will immediately phone the results to the appropriate hiring Supervisor/Manager.
 - (5) If the test is positive for drugs, the conditional offer of employment will be withdrawn.

C. Records retention

- 1. Negative screening results (no drugs present) will be indicated in the applicant's permanent personnel record.
 - Accompanying documentation will be destroyed.
- 2. Positive test results will be maintained in a separate confidential file in central Employee Services along with the individual's application and authorization forms.
- 3. All staff involved in the process will be informed that confidentiality is of the utmost importance and necessity. Information pertaining to drug screening may be disclosed only on a need-to-know basis.

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- 4. An applicant disqualified under the policy may reapply for subsequent openings under the following circumstances:
 - a) Twelve (12) months have passed from the date of the positive test.
 - b) The applicant presents proof of successful completion of a drug rehabilitation program through a state-licensed facility.
 - The applicant passes the required drug testing for c) subsequent openings.
- ٧. LOCAL OPERATING PROCEDURE or PROTOCOL REQUIRED: NO

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