

<b>SUBJECT:</b> Drug Free Workplace	<b>NUMBER:</b> 50.000.01
<b>DIVISION:</b> Chief Human Resources Office	<b>EFFECTIVE DATE:</b> 10/16/2020

**APPROVED: Signature on file with the Chief Human Resources Office**

**POLICY STATEMENT:** Oregon state government is committed to a drug-free workplace that encourages a safe, healthy and productive work environment.

**AUTHORITY:** ORS 240.145(3); 240.250; 240.321(2); Drug-Free Workplace Act of 1988 41 USC 81); Controlled Substance Act 21 USC 812

**APPLICABILITY:** All employees where not in conflict with an applicable collective bargaining agreement.

**ATTACHMENTS:** [Frequently Asked Questions \(FAQs\)](#)

**DEFINITIONS:** Refer to State HR Policy 10.000.01, Definitions

**POLICY:**

- (1) State agencies shall maintain a drug-free workplace in order to promote employee safety, health, and efficiency.
- (2) For the purposes of this policy:
  - (a) Controlled substance means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation 21 C.F.R. 1308.11 through 1308.15.
  - (b) Workplace means all property and facilities owned, leased or rented by Oregon state government including grounds, buildings, vehicles and other equipment; all other government-owned property and where field work is performed.
- (3) In order to maintain a workplace free from the use or abuse of drugs and ensure efficient and safe public services:
  - (a) An employee shall not unlawfully possess, use, manufacture, distribute or dispense a controlled substance in the workplace, including marijuana, cannabis, cannabis extract or synthetic cannabis that is otherwise lawful to use under state law. An employee may not possess in the workplace any paraphernalia related in any way to a controlled substance, including marijuana that is otherwise lawful to use under state law.

- (b) An employee shall not be impaired by the use of a controlled substance in the workplace or while performing the duties of their position, including marijuana, cannabis, cannabis extract or synthetic cannabis that is otherwise lawful to use under state law.
- (c) The use of prescription and/or non-prescription medications shall not impair an employee's ability to safely perform the duties of their position.
- (d) Upon determining or having reasonable suspicion, under subsection (3)(E) of this policy, that an employee has not complied with this policy, an appointing authority shall take appropriate action with regard to the employee, which may include:
  - (A) Transfer or temporary reassignment.
  - (B) Granting of leave with or without pay.
  - (C) Discipline up to and including termination.
  - (D) Requiring satisfactory participation by the employee in an approved drug abuse assistance or rehabilitation program.
- (e) Basis for reasonable suspicion shall be any of the following:
  - (A) Observed abnormal behavior or impairment in mental or physical performance (e.g., slurred speech or difficulty walking).
  - (B) Direct observation of use.
  - (C) The opinion of a medical professional employed at the worksite.
  - (D) Reliable information concerning use in the workplace.
  - (E) A work-related accident in conjunction with a basis for reasonable suspicion as listed above.
- (f) An appointing authority shall:
  - (A) Grant leave with or without pay to permit an employee who requests to participate in a drug abuse assistance or rehabilitation program.
  - (B) Inform employees of the:
    - (i) Dangers of drug abuse in the workplace, the state's policy of maintaining a drug-free workplace; availability of drug counseling, rehabilitation, and the Employee Assistance Program (EAP).
    - (ii) Penalties that may be imposed for drug abuse violations occurring in the workplace.
  - (C) Provide access to a copy of this policy, or an agency policy that applies provisions consistent with this policy, to each employee.

- (D) Provide notice of a criminal drug statute conviction for a violation in the workplace for those employees who are paid directly or indirectly from funds received from federal grants or contracts. The notice shall:
  - (iii) Include the employee position title and is given to every grant officer or other designee managing the grant activity the convicted employee was working, unless a federal agency has designated a central point for the receipt of such notification.
  - (iv) Include the identification number for each of the federal agency's affected grants.
  - (v) Be provided no later than 10 calendar days after receiving notice of such conviction or violation.
- (g) As a condition of employment, an employee shall notify, in writing, the appointing authority of any criminal drug statute conviction for a violation occurring in the workplace not later than five calendar days after such conviction.
- (h) The Chief Human Resources Office shall establish a drug-free workplace awareness program.