



OREGON YOUTH AUTHORITY

Policy Statement

Part 0 – Mission, Values, Principles



Subject

Drug-free Workplace

Section – Policy Number:
0-4.0

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

Effective Date:
12/15/06

Date of Last Review/Revision:
None

Related Standards and References:

- 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)
[0-2.1](#) (Professional Standards)

Related Procedures:

- None

Interpretation: Employee Services

Approved:

Robert S. Jester, Director

I. 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 ([Title 21 Section 811](#)) 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 off-duty 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 pre-termination processes.

B. Applicant drug testing

1. 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.

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.
 - c) The applicant passes the required drug testing for subsequent openings.

V. LOCAL OPERATING PROCEDURE or PROTOCOL REQUIRED: NO