

SUBJECT: Drug-Free Workplace

NUMBER: 50.000.01

DIVISION: Chief Human Resources Office

EFFECTIVE DATE: DRAFT

APPROVED: DRAFT

POLICY STATEMENT: Oregon State Government is committed to a drug-free workplace that encourages a safe, healthy and productive work environment. The goal of this policy is to create and maintain a workplace free from the use or abuse of drugs and ensures efficient and safe public services.

AUTHORITY: ORS 240.145(3); 240.250; 240.321(2); Drug-Free Workplace Act of 1988 (~~Public Law 100 690~~ 41 USC 811); Controlled Substance Act 21 USC 812

APPLICABILITY: Classified, Management Service, unclassified and temporary employees. All employees except where collective bargaining agreement language conflicts

ATTACHMENTS: Frequently Asked Questions (FAQs)

DEFINITIONS: See State HR Policy 10.000.01, Definitions; and OAR 105-010-0000

POLICY:

- (1) ~~Policy:~~ State agencies shall maintain a drug-free workplace in order to promote employee safety, health, and efficiency. Accordingly:
 - (a) An employee shall not, in the workplace, unlawfully manufacture, distribute, dispense, possess, or use a controlled substance, including marijuana 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) The use of prescription and/or non-prescription medications shall not impair an employee's ability to safely perform the duties of their position or compromise the health and safety of others in the workplace.
 - (c) Upon determining or having reasonable suspicion, under subsection (1)(d) 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,
 - (B) granting of leave with or without pay,
 - (C) discipline up to and including termination, and/or

- (D) requiring satisfactory participation by the employee in an approved drug abuse assistance or rehabilitation program.
- (d) 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.
- (e) An appointing authority shall:
- (A) grant leave with or without pay to permit any employee who ~~so~~ requests to participate in a drug abuse assistance or rehabilitation program.
 - (B) with the assistance of the ~~Division~~ Chief Human Resources Office, establish a drug-free awareness program to 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 Programs (EAP); and
 - (ii) penalties that may be imposed for drug abuse violations occurring in the workplace.
 - (C) provide to each employee a copy of this policy or an agency policy that applies provisions consistent with this policy.
 - (D) for those employees who are paid directly or indirectly from funds received from federal grant or contract, not later than 10 calendar days after receiving notice of an employee's criminal drug statute conviction for a violation occurring in the workplace, provide written notice of such conviction, including employee position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless a federal agency has designated a central point for the receipt of such notification. Notification shall include the identification number for each of the federal agency's affected grants.
 - (f) 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.

(2) Policy Clarification:

- (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) ~~Drug-free workplace means a site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance.~~ Workplace means all property and facilities owned, leased or rented by the Oregon State Government including grounds, buildings, vehicles and other equipment and any site where an employee is performing work for the employer.

~~Performance Measure: Percent of employees aware of Drug-Free Workplace policy and possible penalties.~~

Performance Standard: ~~100%~~