



DEPARTMENT OF CORRECTIONS  
Human Resources



<b>Title:</b>	<b>Drug-Free Workplace</b>	<b>DOC Policy: 20.6.2</b>
<b>Effective:</b>	<b>7/1/15</b>	<b>Supersedes: 7/15/98</b>
<b>Applicability: All employees</b>		
<b>Directives Cross-Reference: State Policy 50.000.1, Drug-Free Workplace</b>		
<b>Attachments: None</b>		

### I. PURPOSE

To maintain a drug-free workplace within the Department of Corrections in order to promote employee safety, health and efficiency.

### II. DEFINITIONS

- A. Controlled substance: A controlled substance in schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) and as further defined by regulation 21 C.F.R. 1308.11 through 1308.15.  
Note: Marijuana is still considered a controlled substance within the definition of this policy.
- B. Drug-Free Workplace: A site for the performance of work at which employees are prohibited in engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance.

### III. POLICY

The Department of Corrections in order to promote a drug-free workplace shall:

- A. Not allow an employee in the workplace to, or attempt to: unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of a controlled substance.
- B. Upon determination of reasonable suspicion, under Section III., C. 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:
1. Transfer;
  2. Granting leave with or without pay;
  3. Discipline up to and including termination; and/or

4. Requiring satisfactory participation by the employee in an approved drug assistance or rehabilitation program.
- C. Reasonable suspicion is based on any of the following:
1. Observed abnormal behavior or impairment in mental or physical performance (e.g., slurred speech or difficulty walking);
  2. Direct observation of use;
  3. The opinion of a medical professional employed at the work site;
  4. Reliable information concerning use in the workplace;
  5. A work-related accident in conjunction with a basis for reasonable suspicion as listed above.
- D. An appointing authority:
1. May grant leave with or without pay to permit any employee who so requests to participate in a drug abuse assistance or rehabilitation program.
  2. Shall establish a drug-free awareness program to inform employees of the:
    - a. Dangers of drug abuse in the workplace;
    - b. Availability of drug counseling, rehabilitation, and employee assistance programs; and
    - c. Penalties that may be imposed for drug abuse violations occurring in the workplace.
  3. Shall provide to each employee a copy of this policy or an agency policy that applies provisions consistent with this policy.
  4. Shall provide for employees who are paid directly or indirectly from funds received from federal grants or contracts written notice of an employee's criminal drug statute conviction for a violation occurring in the workplace to the grant officer or other designee's on whose grant activity the convicted employee was working. This shall be done no later than ten calendar days after receiving notice of an employee's criminal drug statute conviction for a violation occurring in the workplace. Notification shall include the employee's position title and the identification number of each of the federal agency's affected grants or contracts.
- E. An employee shall notify the appointing authority in writing of any criminal drug statute conviction for a violation occurring in the workplace within five calendar days after such conviction.

**IV. IMPLEMENTATION**

This policy shall be adopted immediately without further modification.

Certified: signature on file  
Birdie Worley, Rules Coordinator

Approved: signature on file  
Kim Brockamp, Deputy Director