

# OREGON STATE HOSPITAL

## POLICY

**SECTION 5:** Human Resources **POLICY: 5.001**

**SUBJECT:** Drug and Alcohol-Free  
Workplace

**POINT PERSON:** CFO/COO

**APPROVED:** Dolores Matteucci

**DATE: JANUARY 24, 2024**

*Dolores Matteucci*

Superintendent

**SELECT ONE:** ☐ New policy ☐ Minor/technical revision of existing policy  
☒ Reaffirmation of existing policy ☐ Major revision of existing policy

### PURPOSE AND APPLICABILITY

- A. Oregon State Hospital (OSH) is committed to providing a workplace free from the effects of inappropriate drug use (see definition of drug below, which includes alcohol). Drugs which impair or threaten to impair job performance, or which create a risk to health or safety, are prohibited in the workplace.
- B. This policy applies to all staff, including employees, volunteers, trainees, interns, contractors, vendors, and other state employees assigned to work at OSH.

### POLICY

- A. In order to maintain a workplace free from the use or inappropriate use of drugs and ensure efficient and safe public services:
  - 1. Staff shall not possess, use, manufacture, distribute or dispense a controlled substance or drug in the workplace or on OSH property, including marijuana, cannabis, cannabis extract or synthetic cannabis that is otherwise lawful to use under state law. Staff may not possess in the workplace or on OSH property any paraphernalia related in any way to a controlled substance or drug, including marijuana that is otherwise lawful to use under state law.
  - 2. Staff shall not be under the influence or impaired by the use of a controlled substance or drug in the workplace, while performing the duties of their position or on OSH property, including marijuana, cannabis, cannabis extract or synthetic cannabis that is otherwise lawful to use under state law. If staff

require use of any substance or drug that risks impairment, such as prescription medication, in the workplace, staff will obtain prior authorization from Manager and/or HR. Notwithstanding prior authorization, the use of prescription and/or non-prescription medications shall not impair a staff member's ability to safely perform the duties of their position.

- a. Staff must inform their manager and/or HR if using a drug which might possibly impair physical or mental functioning. In the event there is a question regarding a staff's ability to safely perform assigned duties, clearance from a physician may be required.
- b. Supervisors must follow procedures A and OSH policy 1.003 "Incident Reporting" for reporting to HR.
  - i. All HR incident reports are confidential, do not distribute (DND) reports and will exclusively be shared with essential personnel as determined by the HR Manager and the Superintendent.
- B. Human Resources, in collaboration with OSH Hiring Managers and Qualifying Entity Designees (QED), must maintain pre-employment screening practices designed to prevent hiring individuals who use illegal drugs.
  - 1. As a condition of employment, each candidate selected for hire must be referred for drug-screening testing. The drug screen must be completed after a contingent job offer.
    - a. The candidate's start date for the position is contingent upon the results of the drug screen.
      - i. See Procedures B for drug screening process.
    - b. A candidate who fails a drug screen shall not be eligible for employment at the Oregon State Hospital for a minimum of 30 days.
    - c. All screening results must be maintained in a separate, confidential file by Human Resources.
    - d. See Attachment A for staff pre-employment drug screening requirements.
- C. When OSH has reasonable suspicion or grounds to believe that staff is in violation of this policy, they may be required to undergo drug screening at the direction of the Appointing Authority, Executive Team Member or their designee, or other person designated by the Oregon Health Authority director.
  - a. The Appointing Authority or designee must take appropriate action in accordance with DAS policy 50.000.02

- b. Staff who appear to be impaired shall be immediately removed from direct patient care or current work assignment, directed to undergo a for cause drug test, and placed on administrative leave pending outcome.
  - c. OSH will assist with transportation coordination for allegedly impaired staff to undergo drug screening.
  - d. If staff elect to drive, OSH shall contact Oregon State Police or the local law enforcement agency to notify of a potentially impaired driver.
  - e. If staff refuse to submit to required drug screening, disciplinary action up to and including termination may apply.
  - f. For for-cause drug testing and HR and manager assessment, see Procedures A
- D. Any area or receptacle, including a staff desk, file, locker, or container brought into or located in the workplace may be searched by Human Resources or law enforcement if there is reasonable suspicion of any violation of this policy.
- E. Staff who need prescription drugs while working must store their medications outside the secure perimeter. For staff who require immediate access to prescription medication, contact the ADA administrator in HR to obtain prior authorization.
- F. Found drugs must be handled in accordance with provisions of this policy, OSH Policies and Procedures 8.044, "Contraband and Prohibited Items"; and 8.019, "Staff Response to Alleged Criminal Acts and Contraband."
- G. A staff experiencing a drug or alcohol use issue is encouraged to seek assistance on a confidential basis through HR, the Employee Assistance Program, and/or or through a private provider at their own expense. Even though impairment at work is prohibited in any situation, ADA and leave laws may apply to allow staff to seek help or treatment.
- H. Staff who prior to a verified positive drug test, notify agency management (supervisor/ HR) in writing of drug use, shall be referred to and actively participate in an assessment and treatment program. Upon successful completion, staff shall not be subject to disciplinary action.
  - 1. This documentation must be maintained in a separate, confidential file by Human Resources.
- I. Staff must notify the Human Resources manager or designee of any arrest or conviction no later than five days after such arrest or conviction, including those arrests or convictions related to drug- or alcohol-use, D.U.I.s, etc..

- J. Upon being notified of any arrest or conviction, the Appointing Authority shall take appropriate protective measures with regard to the staff. Appropriate action may include but is not limited to transfer, suspension without pay, discipline, termination, and/or administrative leave.
- K. Oregon State Hospital (OSH) follows all applicable regulations, including federal and state statutes and rules; Oregon Department of Administrative Services (DAS), Shared Services, and Oregon Health Authority (OHA) policies; and relevant accreditation standards. Such regulations supersede the provisions of this policy unless this policy is more restrictive.
- L. Staff who fail to comply with this policy or related policy attachments or protocols may be subject to disciplinary action, up to and including dismissal.

#### **DEFINITIONS**

- A. "Container" means an object that can be used to hold or transport something.
- B. "Controlled substance" means a controlled substance as defined in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as defined by regulation in 21 C.F.R. 1308.11 through 1308.15.
- C. "Drug" is defined as alcohol, prescription drug, over-the-counter drug, illegal drug, or any other substance that impairs a person's mood and actions, including marijuana or illegal use of controlled substance that is otherwise lawful to use under state law.
- D. "Drug Screening" means the testing of blood, urine, or other types of testing for the presence of a drug as deemed necessary to determine use or impairment.
- E. "Reasonable suspicion" in this policy means a belief based upon behavioral, physical, or performance indicators, or the apparently reliable statement of a person claiming to have personal knowledge of the misuse of alcohol or drugs by the individual, sufficient to lead a person to suspect that drug use has impaired staff's ability to perform their duties. Reasonable suspicion of a staff use of alcohol or a controlled substance may be based on any of the following:
  - a. Observed abnormal behavior or impairment in mental or physical performance (*i.e.*, slurred speech or difficulty walking);
  - b. Direct observation of use in the workplace;
  - c. Reliable information concerning use in the workplace; or
  - d. A work-related incident in conjunction with a basis for reasonable suspicion as listed above.

F. "Staff" includes employees, volunteers, trainees, interns, contractors, vendors, and other state employees assigned to work at Oregon State Hospital (OSH).

G. "Under the influence of drugs" means:

- a. impaired behavior due to drug use during and after use and,
- b. the presence of drugs in the urine or blood.

See Department of Administrative Services (DAS) Personnel Rule 10.000.01 for other related definitions.

#### **ATTACHMENTS**

Attachment A Background Check and Drug Screening Requirements

Attachment B Staff Impairment Assessment Form

#### **PROCEDURES**

Procedures A Staff Impairment Reporting and Assessment

Procedures B Processing and Retention of drug Screening

#### **RELATED OSH POLICIES AND PROTOCOLS**

OSH Policy 1.003 Incident Reporting

OSH Policy 5.021 Background Checks for Staff

OSH Policy 8.044 Contraband and Prohibited Items

OSH Policy 8.019 Staff Response to Alleged Criminal Acts

#### **REFERENCES**

Department of Administrative Services (2016). *Definitions*, 10.000.01. Author.

Department of Administrative Services (2016). *Drug-free workplace*, 50.000.01. Author.

Department of Administrative Services Personnel Policy, *Drug testing of employees in designated classifications/positions*, 50.000.02. Author.

"Drug Free Workplace, 41 U.S.C. § 81 *et seq.* (2016).

Oregon Administrative Rule 105-050-0004.

"Schedules of Controlled Substances" 21 C.F.R. 1308.11 - 1308.15. (2023).

"Scheduling of Controlled Substances," 21 U.S.C. § 812 *et seq.* (1970).