



OREGON YOUTH AUTHORITY
Policy Statement
Part 0 – Mission, Values, Principles



Subject:

Drug-free Workplace

Section – Policy Number:

0-4.0

Supersedes:

0-4.0 (12/06)
I-D-1.6 (06/03)

Effective Date:

08/03/2015

Date of Last Review/Revision:

None

Related Standards and References:

- 21 USC 811 ([Title 21 Section 811](#))
- [ORS 438.010](#) (Definitions for ORS 438.010 to 438.510)
- [OAR 105-050-004](#) (Drug Testing of Final Applicants for Certain State Classifications/Positions)
- [OAR 333-024-0305 through 0350](#) (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*; 4-JTS-6D-03 (Drug-free Workplace)
- [OYA Policy](#): 0-2.0 (Principles of Conduct)
 0-2.1 (Professional Standards)

Related Procedures:

- None

Policy Owner:

Human Resources Manager

Approved:


 Fariborz Pakseresht, 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](#)).

Drug-free workplace: 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.

III. POLICY:

In compliance with the Drug-free Workplace Act of 1988, 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, youth, and staff. OYA staff will be free from use of drugs or alcohol in the workplace.

Drug testing is required as a condition of employment for applicants who are offered employment. Testing is paid by OYA and is conducted by a laboratory that is licensed and operated in accordance with related laws.

IV. GENERAL STANDARDS:

A. Staff

1. Staff are prohibited from unlawfully manufacturing, distributing, dispensing, possessing, or using a controlled substance in the workplace. Failure to adhere to this standard may result in disciplinary action, up to and including termination of employment, in accordance with applicable collective bargaining agreements.
2. Staff are offered drug and alcohol abuse awareness information.
3. Supervisors are offered training to recognize possible alcohol and drug problems and the appropriate action to take under those circumstances.
4. A staff member who has a drug or alcohol problem must be encouraged to seek rehabilitation, on a confidential basis, through the Employee Assistance Program (EAP), or through a private provider at the staff member's expense.
5. Staff engaged in treatment and rehabilitation remain responsible for their recovery and workplace behavior.
6. Staff must, as a condition of employment, notify in writing, an assistant director, superintendent, camp director, field supervisor, the staff's supervisor, or the Human Resources Manager of any criminal drug statute conviction no 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 a 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 must contain a notice stating the requirement of pre-employment drug screening for applicants who are offered employment.

A signed authorization must be included as part of the application.

2. Applicants selected to fill a position with OYA are required to complete pre-employment drug screening.
 - a) Employment is contingent upon successful completion of the screening.
 - b) After selecting the successful applicant, the hiring supervisor must confirm with the applicant the schedule for the screening test.
 - (1) The test will be conducted the same day.
 - (2) The hiring supervisor will discuss the process, inform the applicant of the time and place of the test, and send the information to central Human Resources Section.
 - (3) The laboratory will fax the test results to central Human Resources Section within 24 hours of the test.
 - (4) A designated OYA staff member will immediately phone the results to the appropriate hiring supervisor.
 - (5) If the test is positive for drugs, the conditional offer of employment must be withdrawn.

C. Records retention

1. Negative screening results (no drugs present) are indicated in the applicant's permanent personnel record.

Accompanying documentation must be destroyed.

2. Positive test results must be retained in a separate confidential file in central Human Resources along with the individual's application and authorization forms.
3. All staff involved in the process must 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 this policy may reapply for subsequent openings under the following circumstances:

- a) Twelve 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; and
- c) The applicant passes the required drug testing for subsequent openings.

V. LOCAL OPERATING PROTOCOL REQUIRED: NO