



# OREGON YOUTH AUTHORITY

## Policy Statement

### Part 0 – Mission, Values, Principles



Subject:

#### Drug-free Workplace; Alcohol and Marijuana Restrictions

Section – Policy Number:

**0: Mission, Values, Principles - 4.0**

Supersedes:

**0-4-.0 (12/17)**  
**0-4.0 (08/15)**  
**0-4.0 (12/06)**  
**I-D-1.6 (06/03)**

Effective Date:

**02/01/2021**

Date of Last Review:

**04/28/2023**

#### Related Standards and References:

- 21 USC 811 ([Title 21 Section 811](#))
- [ORS 475B](#) Cannabis Regulation
- [OAR 105-050-0004](#) (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, Chief Human Resources Office (DAS-CHRO); 50.000.01 [Drug-Free Workplace](#); 50.000.02 [Drug Testing of Employees in Designated Job Profiles](#))
- Risk Management Division (DAS-RMD)125-7-401 (Table of Contents for the [Alcohol Risk Control Policy](#))
- 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)

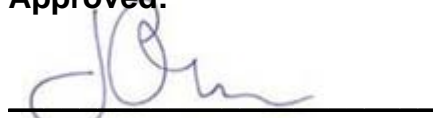
#### Related Procedures:

- None

#### Policy Owner:

Human Resources Manager

#### Approved:

  
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 Joseph O'Leary, Director

## I. PURPOSE:

This policy provides general standards for maintaining a drug-free workplace, OYA staff and applicant drug testing, and related record retention. This policy also provides standards regarding staff possession or consumption of alcoholic beverages or marijuana on state property, or while on official state business.

## II. POLICY DEFINITIONS:

**Controlled substance:** 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.

**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.

**Official state business:** Activities that are authorized or undertaken by a state agency to achieve or contribute to achieving a state agency's statutory mission or responsibilities.

**State property:** Buildings and their premises and vehicles of any kind owned by or leased to the state. For this policy, "state property" does not include and this policy does not apply to property in control of others by lease or state-owned private residences.

**Workplace:** 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.

### III. **POLICY:**

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 while also complying with the Drug-free Workplace Act of 1988. OYA staff will be free from use of drugs or alcohol in the workplace. OYA also recognizes that abuse of drugs and alcohol can become a problem for some staff. OYA supports staff in obtaining appropriate services and will support them during recovery, when possible.

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.

Staff alcohol consumption or marijuana use is outside the scope of state employment and duties, and must be limited to after work hours, after state duties have ended, and off of state property.

This policy does not prohibit staff from the lawful use of prescribed medications.

### IV. **GENERAL STANDARDS:**

#### A. Prohibitions, consumption, and possession

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 must not consume any alcoholic beverage or use marijuana during regular work hours, including during meal breaks and breaks. Regular work hours also include:

- a) During the hours of training activity when participating in any job-related training;
  - b) While at a temporary worksite such as visiting a youth, or other official activities away from the normal worksite; and
  - c) While teleworking.
3. Staff must not possess or have under the staff's control any alcoholic beverages or alcoholic beverage containers on state property.

Alcoholic beverages (opened or unopened) are prohibited within the secure perimeter of OYA facilities. Exception: Only sacramental wine during youth religious services may be allowed in compliance with OYA policy II-F-3.7 Religious Practice in Facilities.

4. Staff must not possess or have under the staff's control any marijuana related derivatives or paraphernalia on state property.
5. Staff must not transport opened or unopened alcoholic beverages or marijuana in a state-owned or state-leased vehicle unless required to do so for official state business and directed in writing by their supervisor. In such permissible cases, the alcoholic beverage or marijuana must be locked in the trunk of the vehicle.

See OYA policy I-C-2.0 Use of State-owned Vehicles for information regarding when a private vehicle is treated as a state vehicle.

6. Staff must not drive a state vehicle or privately-owned vehicle in an official capacity while under the influence of alcohol or intoxicants, as defined in statute. This includes driving to and from any job-related training.
7. This policy is not intended to restrict the activities of staff during off-duty hours. It is expected, however, that off-duty activities will in no way detract from their ability to satisfactorily accomplish their job duties.

B. Drug and alcohol awareness, treatment, and conviction

1. Staff are offered drug and alcohol abuse awareness information.
2. An appointing authority must grant leave with or without pay (depending on leave balances) to permit staff who request to participate in drug abuse assistance or rehabilitation programs, in alignment with the collective bargaining agreements and DAS CHRO policy 50.000.01.
3. A staff member who has a drug or alcohol problem may 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.

4. Staff engaged in treatment and rehabilitation remain responsible for their recovery and workplace behavior.
5. A supervisor, in collaboration with Human Resources staff, may ask staff to submit to a drug test if the supervisor has reasonable suspicion that the staff is under the influence of a substance.
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 arrest, charge, or conviction no later than the next working day after the action.
7. Due to the nature of the work and mission of the agency, an off-duty criminal drug 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.

C. Applicant drug screening

1. OYA job announcements and recruitments must contain a notice stating the requirement of pre-employment drug screening of prohibited substances for applicants who are offered employment. A list of prohibited substances for which an applicant may be tested will be provided to the applicant.

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 ensure that the applicant is scheduled for the screening test.
    - (1) The test will be conducted the same day.
    - (2) The hiring supervisor or designee will discuss the process, inform the applicant of the time and place of the test, and send the information to Human Resources.
    - (3) When the results of the test are received, a designated Human Resources staff member will immediately

communicate the results to the appropriate hiring supervisor or designee.

(4) If the applicant fails the drug screening, the conditional offer of employment must be withdrawn.

3. 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 failed drug screening;
  - b) The applicant presents proof of successful completion of a drug rehabilitation program after the date of the failed test through a state-licensed facility; or
  - c) The applicant passes the required drug testing for subsequent openings.

D. Records retention

Drug screening authorization forms are retained in the Human Resources Office.

1. Authorization forms for applicants who are hired by OYA are retained in the employee's personnel file for three years.
2. Authorization forms for applicants disqualified under this policy are retained in a confidential file for three years.

**V. LOCAL OPERATING PROTOCOL REQUIRED: NO**