

# OREGON STATE HOSPITAL

PORTLAND – SALEM

## POLICIES AND PROCEDURES

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**SECTION 5:** Human Resource Management

**POLICY:** 5.001

**SUBJECT:** Drug-Free Workplace

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**POINT PERSON:** BILLY MARTIN  
DIRECTOR OF HUMAN RESOURCES

**APPROVED:** GREGORY P. ROBERTS  
SUPERINTENDENT

 **DATE:** JANUARY 10, 2012

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### I. POLICY

Oregon State Hospital is committed to achieving a workplace free from the effects of drug and alcohol abuse. Drugs or alcohol which impairs job performance, create a risk to the health and safety of the employee or others, or have a negative impact on job responsibilities are prohibited in the workplace.

All employees shall, as a condition of employment, abide by provisions of this policy.

### II. DEFINITIONS

"Controlled Substance" means a controlled substance is 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.

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

"Criminal Drug Statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensation, possession, or use of any controlled substance.

"Drug" is defined as alcohol, prescription drug, over-the-counter drug, illegal drug, or any other substance that alters a person's mood and actions.

"Drug-Free Workplace" means a site for the performance of work, done in connection with a specific grant or contract, at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance.

"Drug-Free Workplace Act of 1988" is the Act which covers federal government contractors who receive federal contracts totaling \$25,000 or more and/or employers who are recipients of federal grants of any amount.

"Drug Screening" means the testing of blood, urine, or other types of testing as deemed necessary to determine use and/or impairment. Drug screening shall include, but is not limited to, screening for the following drugs and/or drug metabolites: amphetamines, barbiturates, cocaine, methadone, opiates, benzodiazepines, codeine, propoxyphene, marijuana, and alcohol.

"Positive Test" means positive test results from the presence of a drug in urine or blood in any quantity.

"Reasonable Suspicion" means a belief based upon behavioral, physical, or performance indicators, or the apparently reliable testimony 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/alcohol use has occurred or is occurring.

"Under the Influence of Drugs or Alcohol" means: 1) the presence of drugs in the urine or blood; 2) altered behavior due to drug use (during and after use).

Other Definitions - See Personnel Rule 10.000.01.

### III. PROCEDURES

#### A. Employee:

1. Employees shall not unlawfully manufacture, distribute, dispense, possess, use, or be influenced by a controlled substance in the workplace. The only use of a controlled substance is under the direct supervision of the employee's personal physician.
2. An employee having a drug or alcohol problem is encouraged to seek assistance on a confidential basis through the Employee Assistance Program or through a private provider at the employee's expense.
3. All employees shall become familiar with materials designed to inform employees of the:

- a. dangers of alcohol and drug abuse in the workplace;
  - b. existence and content of this policy for maintaining a drug-free workplace;
  - c. availability of counseling through the Employee Assistance Program; and
  - d. penalties that may be imposed for drug and alcohol abuse violations occurring in the workplace.
4. All employees shall, as a condition of employment, notify the Superintendent or the Manager of the Office of Human Resources of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction.

**B. Appointing Authority:**

1. The Superintendent or designee, upon having reasonable suspicion of employee use of alcohol or a controlled substance in the workplace, or upon determining that an employee has engaged in the manufacture, distribution, dispensation or possession of a controlled substance in the workplace, shall, pending any criminal drug statute conviction for a violation occurring in the workplace, take appropriate action. Appropriate action may include but is not limited to transfer, granting leave with or without pay to attend the Employee Assistance Program, or a private provider program at the employee's expense, or suspension without pay.

Reasonable suspicion of any employee use of alcohol or a controlled substance shall 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;
  - d. a work related accident in conjunction with a basis for reasonable suspicion as listed above.
2. Within thirty (30) days of an employee's criminal drug statute conviction for a violation occurring in the workplace, the Appointing Authority shall:

- a. take appropriate disciplinary action, with regard to the employee, up to and including termination;
    - b. require satisfactory participation by the employee in a drug abuse assistance or rehabilitation program. Such program must be approved for this purpose by a federal, state, or local health, law enforcement, or other appropriate agency.
  3. Failure to participate or maintain satisfactory participation in a rehabilitation program shall be considered in determining the employee's employment status.
- C. Training:
  1. Employees of Oregon State Hospital shall receive initial education at the time of hire (General Orientation) relative to this policy and procedure. This training is coordinated and delivered by the Office of Human Resources.
- D. Supervisor/Management Responsibilities:
  1. Maintain level of competence in assessing impaired employees.
  2. Communicate with Office of Human Resources any questions related to drug and alcohol impairment.
  3. If in the assessment of the supervisor/manager an employee is impaired by drugs or alcohol, the employee shall be removed from assigned job responsibilities and Office of Human Resources contacted immediately for further evaluation and action.
- E. Drug Screening Practices:
  1. Pre-Employment Screening
    - a. The Office of Human Resources shall maintain pre-employment screening practices designed to prevent hiring individuals who use illegal drugs or alcohol.
    - b. As a condition of employment, all individuals selected for hire shall be referred for drug-screening testing.
    - c. Job announcements and recruitment shall contain a notice regarding this program.

- d. The drug screen shall be done post job offer. After selecting the successful candidate, the hiring supervisor shall have the candidate contact the designated HR Representative within 24 hours. The designated HR Representative shall confirm with the candidate the schedule for the screening test. The applicant's start date for the position is contingent upon the results of the drug screen.
- e. The designated HR Representative shall discuss the process and obtain the necessary information on the drug screen referral form. A completed copy of the form shall be faxed to the test site. The candidate shall provide signatures prior to testing to the test site representative.
- f. If the test is positive for drugs or the sample has been altered, the offer of employment shall be withdrawn.
- g. The laboratory shall confidentially e-mail the test results to the Office of Human Resources. The designated person shall immediately phone the results to the appropriate hiring supervisor.
- h. Records Retention:
  - 1) Negative screening results (i.e., no drugs present) shall be maintained in a separate, confidential file in the Office of Human Resources on the candidate who is hired/appointed. The documentation received on a negative screening shall be destroyed after one year.
  - 2) Positive test results shall be maintained in a separate, confidential file in the Office of Human Resources, along with the application and authorization forms and shall be destroyed after five years.
- i. All employees involved in the program are reminded that confidentiality is of the utmost importance and necessity. Information pertaining to this policy may be disclosed only on a need-to-know basis.

2. Employee Drug Screening

When an employee's supervisor has reasonable cause, pursuant to Section III.B., of this policy, to believe that an employee is in violation of this policy they must immediately contact the Office of Human Resources. If outside of normal business hours, they shall contact the Communication Center, who shall contact the HR Manager. Office of Human Resource staff shall assist the supervisor with an assessment of the employee's behavior and performance. Refusal to consent may result in disciplinary action up to and including termination of employment.

3. At the discretion of the Office of Human Resources and for reasonable cause, employees upon return from an extended leave may be tested.

F. Other:

1. Any employee using prescribed medication which might possibly impair physical or mental functioning, must inform their immediate supervisor. In the event there is a question regarding an employee's ability to safely perform assigned duties, clearance from a physician may be required.
2. If there is reasonable suspicion of any violation of this policy, an employee may be required to submit to search of their desk, file, locker or any other container provided by Oregon State Hospital.
3. When Oregon State Hospital has reasonable suspicion or grounds to believe that an employee is in violation of this policy, at the direction of the Appointing Authority, the employee may be required to consent to drug screening testing. Refusal to consent may result in disciplinary action up to and including termination of employment.

**IV. REFERENCES**

MHDDSD Directive 8.011, Drug Free Workplace

ORS 240.125 (3), 240.250, 240.321(2)

Drug-Free Workplace Act, 1988 (Public Law 100.690) and implementing Federal Regulations

DAS Rule 105-50-004

DAS Personnel Policy 50.000.02, Drug Testing of Employees

The program provides equal opportunity and treatment for qualified applicants and complies with all employment requirements of the Americans with Disabilities Act (ADA)

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Replaces Oregon State Hospital Policy and Procedure 5.001, *Drug-Free Workplace*, dated 04/19/2005.