




OREGON DEPARTMENT OF FISH AND WILDLIFE POLICY

Human Resources Division

Title:	Drug- and Alcohol-Free Workplace	HR_450_02
Supersedes:	HR 450_02 dated February 1, 2008	
Applicability:	All employees, contract service providers, volunteers, vendors and visitors	
Reference:	State Policy 50.000.01; ORS 240.145(3); 240.250; 240.321(2); Drug Free Workplace Act of 1988 (Public Law 100-690) and implementing federal regulations	
Effective Date:	December 9, 2013	Approved: 

I. PURPOSE

To maintain a drug-free workplace within the Department of Fish and Wildlife 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 Substances Act (21 U.S.C. 812) and as further defined by regulation 21 C.F.R. 1308.11 through 1308.15.
- B. 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

- A. To promote employee safety, health and efficiency, the department prohibits during work hours or in the work place any activity involving alcohol, illegal drugs, and prescription and/or non-prescription drugs that impair performance. Such activities include, but are not limited to the use, sale, transport, possession, transfer and consumption of alcohol and/or illegal drugs (except as clarified under IV, B); use and abuse of alcohol, prescription and/or nonprescription drugs that impair performance.
- B. Operation of a state-owned, leased or privately owned vehicle in an official capacity while under the influence of alcohol, other intoxicants or depressants is prohibited.
- C. Upon determining or having reasonable suspicion, under subsection III, D, of this policy, that an employee has not complied with this policy, the Human Resources Administrator, in conjunction with the appropriate deputy director, shall take appropriate personnel action with regard to the employee, which may include:
 - 1. Transfer

2. Granting of leave with or without pay
 3. Discipline up to and including dismissal, and/or
 4. Requiring satisfactory participation by the employee in an approved drug abuse assistance or rehabilitation program.
- D. Basis for reasonable suspicion shall be 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 worksite;
 4. Reliable information concerning use in the workplace;
 5. A work-related accident in conjunction with a basis for reasonable suspicion as listed above.
- E. The Human Resources Administrator, in conjunction with the appropriate deputy director, shall:
1. Grant leave with or without pay to permit any employee who so requests to participate in a drug abuse assistance or rehabilitation program.
 2. With the assistance of the Human Resource Services Division of the Department of Administrative Services, establish a drug-free awareness program to inform employees of:
 - a. The dangers of drug abuse in the workplace;
 - b. The availability of drug counseling, rehabilitation, and employee assistance programs; and
 - c. The penalties that may be imposed for drug abuse violations occurring in the workplace.
 3. Provide to each employee a copy of this policy.
 4. For those employees who are paid directly or indirectly from funds received from federal grant or contract, not later than 10 calendar days after receiving notice of an employee's criminal drug statute conviction for a violation occurring in the workplace, provide written notice of such conviction, including employee position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless a federal agency has designated a central point for the receipt of such notification. Notification shall include the identification number for each of the federal agency's affected grants.
- F. As a condition of employment, an employee shall notify the Human Resources Administrator, in writing, of any criminal drug statute conviction for a violation occurring in the workplace not later than five calendar days after such conviction.

IV. POLICY CLARIFICATION:

- A. Any employee taking prescription and/or non-prescription medications which might impair the employee's ability to perform the duties of his/her position in a safe and efficient manner shall notify his/her supervisor of that fact and receive prior authorization to work prior to beginning work.
- B. Transporting in personal vehicles and possession of sealed containers of alcohol to give as donations or gifts is allowed (e.g., silent auctions, gift baskets, recognition for Commissioners, etc.).