




# OREGON DEPARTMENT OF FISH AND WILDLIFE POLICY

## Human Resources Division

<b>Title:</b>	<b>Drug- and Alcohol-Free Workplace</b>	<b>HR_450_02</b>
<b>Supersedes:</b>	HR 450_02 dated December 9, 2013	
<b>Applicability:</b>	All employees, contract service providers, volunteers, vendors and visitors	
<b>Reference:</b>	State Policy 50.000.01; ORS 240.145(3); 240.250; 240.321(2); Drug Free Workplace Act of 1988 , Controlled Substance Act 21 USC 812and implementing federal regulations	
<b>Effective Date:</b>	January 22, 2018	<b>Approved:</b> 

### I. PURPOSE

To maintain a drug- and alcohol-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. 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

- A. To promote employee safety, health and efficiency, the department prohibits during work hours or in the work place any activity involving alcohol, any form of marijuana or cannabis, illegal drugs, and prescription and/or non-prescription drugs that impair performance. Such activities include, but are not limited to the use, manufacture, distribute, dispense, sale, transport, possession, transfer and consumption of alcohol; marijuana, cannabis, cannabis extract or synthetic cannabis that is otherwise lawful to use under state law; and/or illegal drugs (except as clarified under IV, B); use and abuse of alcohol, prescription and/or non-prescription drugs that impair performance. An employee may not possess in the workplace any paraphernalia related in any way to a controlled substance, including marijuana that is otherwise lawful to use under state law.
- B. Operation of a state-owned, leased or privately owned vehicle in an official capacity while under the influence of alcohol, marijuana, illegal drugs, and/or prescription or non-prescription drugs that impair performance 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 or temporary reassignment
2. Granting of leave with or without pay
3. Discipline up to and including termination, 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 requests to participate in a drug abuse assistance or rehabilitation program.
2. Shall inform employees of the:
  - a. dangers of drug abuse in the workplace; the state's policy of maintaining a drug-free workplace; availability of drug counseling, rehabilitation, and the Employee Assistance Program (EAP); and
  - b. penalties that may be imposed for drug abuse violations occurring in the workplace.
3. Provide access to a copy of this policy to each employee.
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.
- G. The Department of Administrative Services' Chief Human Resource Office shall establish a drug-free awareness program.

#### 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 (c.g., silent auctions, gift baskets, recognition for Commissioners, etc.).