

R930-1. Purpose: To provide policy, procedures, and programs for the maintenance of a drug-free workplace that apply to all employees, including full-time, part-time, and temporary staff, and to provide opportunities and information for rehabilitation and assistance for employees with drug related work problems, in accordance with federal requirements; and to provide for compliance with federal law requiring a program to prevent the illicit use of drugs and the abuse of alcohol.

R930-2. References

- 2.1. Utah Code §53B-1-106 (Appointment of Commissioner's Staff)
- 2.2. Policy and Procedures R964, Disciplinary Actions and Dismissal of Staff Employees
- 2.3. Federal Drug-Free Workplace Act of 1988 (41 U.S.C. Chapter 10)
- 2.4. Federal Law, Drug-Free Schools and Communities Act Amendments of 1989

R930-3. Definitions

- 3.1. **Controlled Substance:** Any controlled substance in schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812). A copy of these schedules is available for review by any member of the OCHE community in the Human Resources Office (HR).
- 3.2. **Conviction:** Finding of guilt for a crime by a court of competent jurisdiction, including a "No Contest" plea.
- 3.3. **Criminal Drug Statute:** A criminal drug statute involving the manufacture, distribution, dispensation, use or possession of any controlled substance.
- 3.4. **Disciplinary Action:** Employment related actions undertaken to correct or modify unacceptable job performance or behavior to acceptable standards.
- 3.5. **Employee:** Any individual regularly employed by the Office of the Commissioner and any individual hired on a personnel services contract.
- 3.6. **Sanctions:** All disciplinary action that may be taken against staff pursuant to R964.
- 3.7. **Workplace:** Board of Regents Building, The Gateway, 60 South 400 West, or any other location where an employee is on official duty for the Office of the Commissioner.

R930-4. Policy

- 4.1. **Drug-Free Workplace:** It is OCHE policy to maintain a drug-free workplace. It shall be a violation of this policy for employees to engage in the unlawful manufacture, distribution, dispensation, possession, and/or use of a controlled substance or alcohol at the OCHE workplace, or while engaged in OCHE business off site.

¹ Approved July 21, 1989. Replaced March 18, 2005.

4.2. Employee Agreement: Any person accepting employment with OCHE agrees to abide by the terms of this policy and procedure.

4.3. Notify of Conviction: As a condition of employment, an OCHE employee agrees to notify his/her supervisor of any conviction for a violation of a criminal drug statute if the violation occurs in the workplace or while the employee is engaged in OCHE work off site.

4.3.1. This notification must be made no later than five (5) calendar days after a conviction for violation of a criminal drug statute.

4.3.2. Within thirty (30) calendar days of notification of a conviction of a criminal drug statute, OCHE will take appropriate actions as described in paragraph 4.4. below.

4.4. Rehabilitation or Disciplinary Action: Any employee of OCHE who violates this policy, or who has been convicted of a violation of a criminal drug statute as described in paragraph 4.3. above, may be required to participate in a drug or alcohol abuse assistance or rehabilitation program approved by the Director of Human Resources in accordance with federal law; and/or may have disciplinary action and sanctions imposed. Whenever permitted by OCHE regulations, rehabilitation is to be preferred to discipline for violations of this section.

4.5. Information Distribution: Annually OCHE will distribute information about the program to prevent the illicit use of drugs and the abuse of alcohol by employees as required by federal law.

4.6. Program Review: Biennially, OCHE will conduct a review of its program to determine its effectiveness, to implement changes if needed, and to ensure that sanctions are consistently enforced.

R930-5. Procedures

5.1. Notification: The Commissioner shall periodically inform all employees of this policy and its contents. HR shall inform new, full-time salaried employees of the policy. Employment units will also provide for policy notification to all part-time employees when hired.

5.2. Drug-Free Awareness Program: OCHE shall operate an ongoing Drug-Free Awareness Program to inform employees and supervisors about:

5.2.1. The health risks of illicit use of drugs and the abuse of alcohol.

5.2.2. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs.

5.3. Conviction under a Criminal Drug Statute: If an employee is convicted under a criminal drug statute occurring at an OCHE workplace or while engaged in OCHE work off site, the following actions shall be taken:

5.3.1. The employee shall notify his/her supervisor of the conviction under a criminal drug statute within five (5) days of the conviction.

5.3.2. The supervisor shall contact the Director of Human Resources within two (2) work days following notification of the conviction under a criminal drug statute.

5.4. **Federal Contracts:** If the convicted employee is engaged in the performance of federal contracts, the Director of Human Resources shall notify the appropriate federal agency within ten (10) calendar days of receipt of a notice of conviction under a criminal drug statute.

5.5. **Appropriate Action:** Within thirty (30) days after receiving notice of conviction under a criminal drug statute, appropriate action shall be taken in accordance with paragraph 4.4 above.