



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY  
**DEPARTMENT WIDE**

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3/25/11

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NUMBER  
**DOC 850.150**

**POLICY**

TITLE  
**DRUG AND ALCOHOL FREE WORKPLACE**

**REVIEW/REVISION HISTORY:**

Effective: 12/1/89 DOC 859.005  
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Revised: 7/12/05 DOC 850.150  
Reviewed: 2/2/07  
Revised: 3/25/11

**SUMMARY OF REVISION/REVIEW:**


Numerous changes. Read carefully.

**APPROVED:**

Signature on File

\_\_\_\_\_  
**ELDON VAIL**, Secretary  
Department of Corrections

2/22/11  
Date Signed

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## REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 42.20](#); [RCW 69.50](#); [WAC 357-37-200](#); [ACA 4-4063](#); [ACA 7C-02](#); [DOC 810.010 Alcohol and Controlled Substance Testing for CDL Drivers](#); American Society of Addiction Medicine Patient Placement Criteria; Collective Bargaining Agreements; The Drug-Free Workplace Act, 1988

## POLICY: [4-4063] [7C-02]

- I. The Department is committed to maintaining a drug and alcohol free work environment.
- II. The Department recognizes that the presence or use of alcohol, illegal drugs, and other substances that may impair judgment, alertness, and/or physical capability, poses an extreme hazard to the safety, security, and operation of the organization. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited.
- III. Department employees covered by the Teamsters, Washington Federation of State Employees (WFSE), and Coalition Collective Bargaining Agreements (CBAs) may be subject to pre-employment, post-accident, post-shooting, and reasonable suspicion alcohol and/or drug testing.
- IV. Department employees who are not covered by the Teamsters, WFSE, and Coalition CBAs may be subject to reasonable suspicion alcohol and/or drug testing as defined in this policy.
- V. Individuals may be required to submit to an alcohol and/or drug test prior to being appointed to an exempt position.
- VI. Employees will be apprised of their rights and responsibilities relative to unlawful and/or inappropriate drug and/or alcohol use, as well as action(s) that may result from failure to comply with this policy.

## DIRECTIVE:

- I. Department Responsibilities
  - A. To ensure that state work proceeds in a safe and productive manner, and employees, offenders, and the public are not put at risk, the Department will:
    1. Inform employees of:
      - a. This policy,

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- b. The consequences of drug/alcohol use and/or misuse, both in and outside the workplace, and [4-4063] [7C-02]
    - c. Available drug/alcohol counseling, referral, and rehabilitation assistance through the Washington State Employee Assistance Program (EAP). [4-4063] [7C-02]
  2. Advise employees that an arrest or conviction for incidents or conduct prohibited in this policy may result in corrective/disciplinary action, up to and including dismissal. [4-4063] [7C-02]
  3. Arrange for applicable drug or alcohol testing. [4-4063] [7C-02]
  4. Provide appropriate training to managers and supervisors. This training will comply with relevant provisions in the Teamsters, WFSE, and Coalition CBAs.
- B. If an employee working in a position funded by a federal grant is convicted for incidents or conduct prohibited in this policy, the appropriate Appointing Authority will:
  1. Notify the federal agency that provided the grant within 10 days after receiving notice of the project employee's conviction, and
  2. Refer the employee to the Employee Assistance Program or other state-approved alcohol/drug abuse treatment program, and/or
  3. Determine appropriate corrective/disciplinary action against the employee, up to and including dismissal, within 30 days of receiving notice.

## II. Employee Responsibilities

- A. Employees will support the Department's commitment to maintaining a drug and alcohol free workplace. Employees are strictly prohibited from:
  1. Unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance,
  2. Inappropriate use of alcohol, prescription drug(s), authorized medicinal marijuana, or over-the-counter substance(s).
- B. [4-4063] [7C-02] Employees will report to work free from the influence of an illegal drug(s), alcohol, or a lawful prescription or non-prescription drug(s) that impairs the employee's ability to perform his/her job effectively.



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- C. Employees authorized to use medicinal marijuana will comply with applicable RCWs and WACs.
- D. [4-4063] [7C-02] Employees will immediately notify their supervisor if they consume or plan to consume a prescribed or over-the-counter medicine that could impair their job performance.
- E. Employees will notify their supervisor no later than the next working day following any arrest, citation, or criminal conviction for incidents described in this policy.
- F. [4-4063] [7C-02] Employees will submit to alcohol and/or controlled substance testing when required by the Department.

### **III. Grounds for Alcohol and/or Drug Testing**

- A. Employees who perform health and safety sensitive functions, such as Commercial Driver's License (CDL) drivers, licensed Emergency Medical Technicians (EMTs), health services staff performing health assessments and employees operating or working on board marine vessels, must comply with:
  - 1. Standards and procedures for alcohol and controlled substance testing required by the United States Department of Transportation and Coast Guard, and
  - 2. Requirements of DOC 810.010 Alcohol and Controlled Substance Testing for CDL Drivers.
- B. An employee covered by the Teamsters CBA may be required to submit to pre-employment, post-accident, post-shooting, and reasonable suspicion alcohol and/or drug testing per Grounds for Alcohol and/or Drug Testing (Attachment 1).
- C. Employees covered by the Coalition CBA performing health and safety sensitive functions may be subject to pre-employment, post-accident, post-shooting, and reasonable suspicion alcohol and/or drug testing per Grounds for Alcohol and/or Drug Testing (Attachment 1).
  - 1. Employees performing health and safety sensitive functions include those issued firearms, licensed EMTs, health services staff performing assessments, marine vessel operators, crew members, and shipyard employees.
- D. Employees covered by the WFSE CBA who perform health and safety sensitive functions may be subject to pre-employment, post-accident, post-shooting incident, and reasonable suspicion alcohol and/or drug testing per Grounds for Alcohol and/or Drug Testing (Attachment 1).



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1. Employees performing health and safety sensitive functions include those required to carry a CDL or issued firearms, and licensed health care professionals who administer or dispense medications or conduct health assessments as part of their job duties.

E. Non-Represented Employees

1. A non-represented employee may be required to submit to alcohol and/or drug testing designed to identify the presence of controlled substances in the body if:
  - a. A supervisor or manager who has completed the Department training has specific objective grounds, stated in writing, to believe the employee's work performance is impaired due to the presence of alcohol and/or controlled substances in the body, or
  - b. The employee is in a position where such impairment presents a danger to the physical safety of the employee or others.
2. Examples of specific objective grounds include, but are not limited to:
  - a. Physical symptoms consistent with controlled substance and/or alcohol use.
  - b. Evidence or observation of controlled substance or alcohol use, possession, sale, or delivery.
  - c. The occurrence of an accident(s) where a trained manager or supervisor suspects controlled substance/alcohol use may have been a factor.

- F. The appropriate Assistant Secretary or designee must approve alcohol and/or controlled substance testing for reasonable suspicion.

IV. Pre-Employment Alcohol and Drug Testing Procedures

- A. Applicants for positions covered by the Teamsters CBA may be required to submit to pre-employment alcohol and/or drug testing before beginning work.
- B. Applicants for safety sensitive positions covered by the WFSE and Coalition CBAs may be required to submit to pre-employment alcohol and/or drug testing before beginning work.

V. Employee Testing Procedures



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- A. All employees must submit to alcohol and/or drug testing when required by an Appointing Authority or designee as authorized by this policy. A refusal to test is considered the same as a positive test and the refusal will be considered insubordination.
  - 1. The cost of pre-employment, reasonable suspicion, post-accident, and post-shooting testing will be paid by the Department.
- B. When an employee is referred for testing, s/he will be relieved from duty and immediately transported to the collection site.
- C. Alcohol and drug testing will be conducted by an outside agency and certified by the United States Department of Health and Human Services to ensure maximum accuracy and reliability.
- D. Notification of test results will be provided to the Appointing Authority or designee. The hard copy of test results will be mailed to the appropriate Human Resources Manager and maintained in the Employee Occupational Health Record (EOHR), separate from the personnel file. Appropriate confidentiality will be maintained.

VI. Voluntary Request for Assistance [4-4063] [7C-02]

- A. Non-represented employees, and employees covered by the WFSE CBA, who request assistance for a drug or alcohol problem will be referred to Employee Assistance Program. If the employee requests assistance prior to providing a test sample, s/he will not be subject to disciplinary action or termination unless other circumstances warrant such action.
- B. For employees covered by the Teamsters or Coalition CBA, refer to the applicable CBA.

VII. Positive Test Results/Disciplinary Action

- A. Non-represented employees who test positive for alcohol and/or drugs may request an independent test of the split sample at the employee's expense.
- B. Non-represented employees who test positive for alcohol and or/drugs may be subject to disciplinary action. [4-4063] [7C-02]
  - 1. The Department may use the results of an alcohol and/or drug test to require a non-represented employee to successfully complete a rehabilitation plan.



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2. The rehabilitation plan and return to work terms may require a non-represented employee to pass all subsequent drug tests, and in such cases, a positive alcohol and/or drug test may provide an independent basis for discipline.
- C. [4-4063] [7C-02] Employees covered by a CBA who test positive for alcohol and/or drugs will refer to the applicable CBA.
- D. When practicable, a marine vessel operator who fails or refuses alcohol testing must be removed from duties directly affecting the safe operation of a vessel.
  1. The Department must report positive or refused tests for persons holding a license or Merchant Mariners Documents (MMD) to the United States Coast Guard.

VIII. Assessment and Treatment

- A. Non-represented employees and employees covered by the WFSE CBA who request voluntary assistance and, when appropriate, employees who have a positive test result will be referred for assessment. [4-4063] [7C-02]
  1. The employee will be relieved from duty and placed on sick leave, vacation leave, leave without pay, or, if applicable, shared leave pending completion of an inpatient chemical dependency rehabilitation program certified by the Washington State Department of Social and Health Services (DSHS) Division of Behavioral Health and Recovery (DBHR). S/he will complete the prescribed level of care consistent with the chemical dependency assessment and the American Society of Addiction Medicine Patient Placement Criteria.
  2. [4-4063] [7C-02] If the assessment results in a recommendation for a treatment program, the employee will enter a return to work agreement.
  3. [4-4063] [7C-02] The employee will be terminated if s/he refuses to participate in or successfully complete a prescribed DASA-certified program.
- B. [4-4063] [7C-02] Employees covered by the Teamsters or Coalition CBA will refer to the applicable CBA.

IX. Return to Work

- A. All employees who test positive to an alcohol and/or drug test or who request assistance prior to providing a test sample who:



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1. Participate in an outpatient program or an inpatient rehabilitation program must agree to provide the Department with a release of medical information sufficient to ensure the employee's compliance with program requirements.
2. Return to work after entering an outpatient program or successfully completing an inpatient rehabilitation program under the terms of this policy will be subject to random testing for a period of one year.
  - a. If the employee tests positive for drugs/alcohol during this period, s/he will be discharged.

## DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

## ATTACHMENTS:

[Grounds for Alcohol and/or Drug Testing \(Attachment 1\)](#)

## DOC FORMS:

None