

EXECUTIVE ORDER 92-01

ESTABLISHING GOVERNOR'S POLICY ON A DRUG-FREE WORK PLACE

WHEREAS, it is the responsibility of the State of Washington as a major employer of the state, to provide a safe and healthy work environment; and

WHEREAS, a motivated and healthy work force is the state's greatest asset; and

WHEREAS, it is essential that all employees who report to work be both mentally and physically able to perform their duties in a satisfactory manner; and

WHEREAS, the experience of Washington business and industry over the past century and a half have amply demonstrated the negative effects of alcohol and other drugs on the individual employee, his or her co-workers, and productivity itself: and

WHEREAS, the costs to employers associated with the abuse of alcohol and other drugs includes four times the likelihood of accidents; three times the average health care costs; and increased absenteeism and turnover costs;

NOW, THEREFORE, I, Booth Gardner, by virtue of the authority vested in me as the Governor of the State of Washington, do hereby declare that the following policy shall be the State policy for the establishment and maintenance of a drug-free work place.

The provisions of this policy are:

1. All state employees, regardless of employment status, shall comply with the policy regarding a Drug-Free Work Place.
2. All state employees who report to work must be in a condition fit to perform their duties, unimpaired due to the use of alcohol or other drugs.
3. The unlawful use, possession, delivery, dispensation, distribution, manufacture or sale of drugs in state vehicles, on agency premises, or on official business is prohibited. Documented evidence of illegal drug involvement will be given to law enforcement agencies.
4. The possession of alcohol by an employee is prohibited in state vehicles and on agency premises, except when:
 - a) the premises are used and considered exclusively as personal residences;
 - b) the premises are used by the Liquor Control Board for purchase, distribution and sale pursuant to state law.
5. Employees representing the State at official functions should exercise prudence in consuming alcohol.

6. Employees taking physician-prescribed or over-the-counter medications, if there is a substantial likelihood that such medication will affect job safety, must notify their supervisor or other designated official of the fact that they are taking a medication and the side effects of the medication.

7. Any state employee found in violation of this policy will be subject to formal action, up to and including dismissal. Except in cases of drug delivery or sale, an employee may be offered the services of the Employee Advisory Service (EAS).

8. State agencies are to comply with the Federal Drug-Free Work Place Act of 1988. State agency heads are responsible for developing and implementing procedures for a Drug-Free Work Place. Attached is a suggested Model Drug-Free Work Place program for state agencies. Please consider and, where appropriate, utilize the suggested model program.

9. All statutory, regulatory and collective bargaining requirements will be observed by an agency in complying with this policy. Agencies which have bargained specific provisions on this subject shall continue to honor the existing provisions. However, should such negotiated provisions conflict or fail to meet the standards set forth in this policy, the agency shall work towards negotiating necessary changes in order to comply with this policy. All agencies are encouraged to work with their employees and their certified representative to best effect the implementation of the procedures for a Drug-Free Work Place.

Copies of this policy should be distributed to all employees in a manner consistent with existing agency practice.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 23rd day of June A.D., Nineteen hundred and ninety-two.

By:

BOOTH GARDNER
Governor of Washington

BY THE GOVERNOR:

Secretary of State

"Omnibus Drug Act" codified the term and at 41 U.S.C. 33701-707 and set specific mandates for many employers.

**SUGGESTED
MODEL DRUG-
FREE WORK
PLACE
PROGRAM
FOR STATE
AGENCIES**

I. PURPOSE

The term "drug-free work place" has become commonplace due to the importance of the work place in the War on Drugs. The 1988

The purpose of this guide is to list those mandates, outline strategies for implementing them, and ensure that state agencies serve as a model for the state.

The experience of business and industry over the past century and a half amply demonstrate as to the negative effects of alcohol and other drugs on the employee, their co-workers, and on productivity itself. The costs to employers associated with the abuse of alcohol and other drugs include an increase in accidents, absenteeism and turnover, disciplinary and corrective actions, and increased health care costs. The costs to the employee include family disintegration, deteriorating health, loss of employment and economic security, and loss of self-esteem.

A. GOAL

The goal of a drug-free work place is to create and maintain a working environment free from the use and effects of alcohol and other drugs. To do so is to encourage a work place that is both safe and productive one in which concern for employee health and welfare results in tangible benefits for employers and employees alike, and one in which both labor and management have a common stake in achieving those goals.

This guide proposes a drug-free work place program. It is intended primarily as a suggested model for state agencies and their employees.

In adopting these general principles and practices to specific work circumstances, agencies are reminded that the goal is universal work place acceptance of the drug-free value. Those organizational practices that earn the greatest trust and confidence on the part of employees are those with the most involvement from all segments of the employee population.

One proven strategy for optimal input and credibility is the formation of a drug-free work place advisory committee. Bringing together representatives of labor, management, employees and other interest groups, (wellness coordinators, safety officers, personnel), this committee can implement policy and shape procedures of the program from the beginning.

B. ELEMENTS OF A COMPREHENSIVE APPROACH

Certain common elements have been adopted by work place organizations that have instituted effective practices to address alcohol and other drug problems among employees. The essential elements include:

Drug-Free Work Place Program

1. A strong policy statement, supported by both labor and management, emphasizing that alcohol or other drug involvement in the work place is not tolerated;
2. Opportunity for rehabilitation of employees whose use of chemicals has resulted in the illness of chemical dependency;
3. Clear, consistent, and serious sanctions for violations;

4. Education and training for employees concerning the state's policy, the health aspects and dangers of alcohol and other drugs, the agency's Employee Advisory Service (EAS), and healthy living strategies to help prevent abuse and dependency.

II. THE STATE POLICY IS:

1. A healthy and motivated work force is this state's greatest asset
2. All employees must report to work in a condition fit to perform their duties unimpaired due to the use of alcohol or other drugs;
3. This agency's mission (to _____) is enhanced by safe and healthy employees;
4. Use of mind-altering drugs affects work place performance by:
 - a. interfering with the satisfactory performance of individual jobs and the worker's well-being.
 - b. creating dangerous working conditions; and
 - c. undermining client and community confidence in state government.

Definitions:

"Chemical Dependency" - an illness produced by repeated use of alcohol or other drugs resulting in an inability to perform assigned work satisfactorily or in unacceptable behavior on the job.

"Drugs" - mind-altering chemicals, whether illegal according to statute, or legal in some circumstances (e.g., alcohol and certain medications).

"Impaired" - observable and documented deterioration in work-related performance due to the use of drugs or alcohol.

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Federal Requirements

The Federal Drug-Free Work Place Act requires five essential components for any agency (or other employer) receiving a contract or federal grant valued at \$25,000 or more through a contract or federal grant of any size.

1. The drug-free work place policy statement must be published.

2. An employee awareness program must be established.

3. A copy of the agency policy must be furnished to each employee. Each agency must ensure that every employee receives an individual copy of the policy. Explanation of the policy is also a required topic of the employee awareness program.

4. Following an employee's conviction on a criminal drug statute violation for an offense occurring in the work place, two notifications are required by the Act:

- a. The employee must notify his or her agency of the conviction no later than 5 days after such conviction.
- b. Within 10 days after receiving notice of such conviction, the agency must notify the contracting federal agency.

5. Procedures for rehabilitation, treatment or disciplinary actions for policy violations must be established. Within 30 days following conviction, per #4 above, the agency must either:

- a. Have required successful participation in an approved drug assistance or rehabilitation program, or
- b. Imposed the appropriate disciplinary penalty.

III. POLICY IMPLEMENTATION STRATEGIES: DRUG-FREE WORK PLACE PROGRAM

The strategies discussed below have been found effective in the deterring of work place drug use and directing employees already affected by chemical dependency to personal and job recovery. Together with the agency's policy, they constitute a comprehensive drug-free work place program. The most effective way found to build an agency program is by starting an agency drug-free work place advisory committee. This committee, composed of representatives of management, bargaining units and other interest groups (wellness coordinators, safety officers, etc.), will determine the agency needs, resources and recommend appropriate strategies. Once the program has been implemented, the advisory committee continues to function in an oversight capacity.

A. EMPLOYEE AWARENESS PROGRAM

The Federal Drug-Free Work place Act requires coverage of the following topics:

1. The dangers of drug abuse in the work place;
2. The agency's drug-free work place policy and its penalties for violations by employees;
3. Any available drug counseling, rehabilitation, and employee assistance programs.

Federal regulations require that the employee awareness program be ongoing, and further suggest a variety of media: newsletters, articles, presentations, brochures, etc. Each agency can structure an employee awareness program utilizing available community resources and by appointing an internal coordinator.

A most important component of the awareness program, not technically required by the Act but central to the implementation of the policy, is management and supervisory training. Since

supervisors bear primary responsibility for policy implementation, adequate training is required for managers and supervisors at every level to ensure that they:

- Understand the seriousness of the agency policy, and its intent both to prevent drug involvement and offer rehabilitation;
- Recognize drugs and drug paraphernalia in their various forms;
- Recognize behavioral and other signs of possible chemical dependency;
- Recognize deteriorating work performance as one possible sign of chemical dependency;
- Understand the necessity and mechanics of timely intervention;
- Understand the role of the union and appropriate involvement of union officials;
- Know how to involve EAS staff for effective referrals.

In all these areas, it must be emphasized that supervisors are not expected to act as counselors, nor use their observation of behavioral changes or performance deficiencies to diagnose problems of alcohol or drug abuse. In considering possible referral to EAS (where the problem will be evaluated), the supervisor need do no more than document deficiencies which have not responded to normal supervisory corrective action. The EAS is available at all times to assist the supervisor in structuring, the referral.

Above all, supervisors and managers require training to understand that the fair and constructive use of supervisory intervention can provide the best motivation for the resistant employee to confront the denial involved in chemical dependence, and to take responsibility for seeking treatment.

B. EMPLOYEE ADVISORY SERVICE

The major strategy for identifying the chemically dependent or abusing employee, and motivating that employee toward productive recovery, has been the Employee Advisory Service (EAS).

Self-referrals to EAS are encouraged before job problems become evident, and supervisors, co-workers and union representatives may recommend the EAS to an employee whose performance is slipping.

Because the denial inherent in chemical dependency keeps the chemically dependent employee from self-referring, the EAS has proven its greatest effectiveness with the alcoholic or otherwise

chemically dependent employee. The perceived threat of job loss can confront the denial of this illness more effectively than any other method.

The identification is made by the supervisor based on clearly identified and documented job performance criteria: productivity, attendance, behavior, work relationships, violations of agency policy, etc. It is a tool for managing the employee whose performance is becoming problematic due to an unresolved personal problem, including chemical dependency.

The bottom line for an EAS lies in the clear choice presented to an employee: either go to the EAS for assessment and recommended assistance, or accept the discipline warranted by the job deterioration, up to and including dismissal. Even the most resistant, denying employee will usually accept the EAS as an alternative to job loss.

The official employee advisory service for state agencies is in the Employee Advisory Service (EAS) of the Department of Personnel. The EAS provides these major functions-management and supervisory training; problem assessment and referral for assistance or treatment; and related case follow-up within the bounds of confidentiality. However, its capacity to provide the full range of these services is limited.

Agency heads, THEREFORE, who wish to utilize the EAS as a principal strategy in their drug-free work place program should consider the following steps:

1. Arranging sufficient support for providing the full range of EAS services to agency employees.
2. Arranging with EAS for supervisory training, and mandating EAS training for all supervisors and managers, including executives, as well as encouraging union participation.
3. Requiring supervisors to use EAS procedures when normal corrective action does not produce a return to acceptable performance levels.
4. Emphasizing the confidentiality and rehabilitative nature of EAS procedures.
5. Encouraging self-referrals to the EAS for personal and family problem resolution through employee awareness program presentations and the distribution of EAS materials.

C. DRUG TESTING

Testing urine or blood samples for the presence of specified drugs can take place in a number of circumstances, the major ones being:

1. pre-employment (for applicants)
2. "for cause" or "incident" (following well-defined observable reasonable suspicion)
3. post-accident

4. random

5. periodic (such as part of scheduled physical exam).

The decision whether and when to implement any form of drug testing is extremely complex, involving considerations of need, cost, law, regulation, bargaining agreements, constitutional issues, and overriding public safety and security concerns.

Some state employees are currently subject to the random drug testing regulations of the U.S. Dept. of Transportation, as required by the federal Omnibus Drug Act of 1988.

State agencies desiring to implement drug testing for their classified employees must follow the guidelines and limitations of WAC 356-46-125.