



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 1.3.19	Subject: DRUG-FREE WORKPLACE
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Section 3: Human Resources	Effective Date: July 1, 1996
Signature: /s/ Mike Batista, Director	Revised: 07/27/2015

I. POLICY

The Department of Corrections is committed to maintaining an alcohol and drug-free workplace environment. The Department prohibits employees from reporting to work who demonstrate a physical or mental impairment as a result of the use of alcohol or other drugs. The Department also prohibits the use of alcohol or other drugs while employees are on call.

II. APPLICABILITY

All divisions, facilities, and programs Department-owned and contracted, as specified in contract.

III. DEFINITIONS

Dangerous Drug – The meaning as defined in *50-32-101, MCA*.

On Call – An employee is designated as on call when officially notified by employer of an expectation that the employee will remain available outside regular duty hours for a specified window of time to be called back to duty, and is required at minimum to:

- a. carry a cell phone, radio or provide other reliable means of contact which will ensure their prompt availability in the case of a call back to the workplace or to other duty assignment;
- b. remain within a range of their regular duty station such that they will be able to present themselves at their duty station in less than 1 hour of notice to respond; and/or
- c. refrain from the consumption of alcohol and other substances, prescribed or un-prescribed, that may interfere with alertness or the performance of their normal duties.

Prescription Medication – A drug or medicine prescribed by a certified medical practitioner whether the medication was prescribed to the person having possession of the medication, or to another person.

IV. DEPARTMENT DIRECTIVES

A. General

- 1. The Department recognizes that alcohol and drug use in the workplace pose a significant threat to the Department’s mission and goals.
- 2. The Department encourages employees to voluntarily seek help with alcohol and drug use problems.

B. Prohibited Behavior

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1. The Department prohibits employees from using, possessing, selling, trading, and/or offering for sale alcohol, dangerous drugs or intoxicants in the workplace.
2. Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription as long as they do not impair the employee's ability to perform their job. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, etc.) to avoid unsafe workplace practices. Failure of an employee to inform his/her supervisor of medication use constitutes the employee's waiver of medication usage as a mitigating or defense factor in a disciplinary proceeding.
3. The Department prohibits employees from using illegal or unauthorized prescription drugs or intentionally misusing and/or abusing prescription medications in the workplace. Appropriate disciplinary action will be taken if job performance deterioration and/or accidents occur due to prescription medication misuse or abuse.

C. Notification of Convictions

1. Any employee who is convicted of a criminal drug violation must notify the immediate supervisor in writing within five calendar days of the conviction. The Department will take appropriate action within 30 days of notification.
2. Federal contracting agencies will be notified when appropriate.

D. Consequences

1. If an employee violates the provisions of this policy, he or she will be subject to progressive disciplinary action up to and including discharge.
2. The employee may be offered an opportunity to participate in a rehabilitation program at the employee's expense. In such cases, the employee may be required to sign and abide by the terms set forth in a Last Chance Agreement as a condition of continued employment.

E. Assistance

1. The Department recognizes that alcohol and drug abuse and addiction are treatable illnesses, and that early intervention and support improve the success of rehabilitation. To support employees, the Department:
 - a. encourages employees to seek help if they are concerned that they or their family members may have an alcohol and/or drug problem;
 - b. encourages employees to use the services of qualified professionals in the community to assess the seriousness of suspected alcohol or drug problems and identify appropriate sources of help;
 - c. offers all employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program; and

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- d. allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.
2. Treatment for alcohol and drug abuse and addiction may be covered by the employee benefit plan; however, the ultimate financial responsibility for recommended treatment resides with the employee.

F. Confidentiality

1. All information pertaining to employee alcohol and drug use or misuse in the workplace is confidential communication. Access to this information is limited to those who have a legitimate need to know and will only be disseminated in conformity with relevant laws and Department policy.

G. Shared Responsibility

1. A safe and productive drug-free workplace is achieved through cooperation and shared responsibility between employees and Department managers.
2. Employees are encouraged to:
 - a. show concern for a safe working environment;
 - b. support co-workers in seeking help;
 - c. use the Employee Assistance Program; and
 - d. report unsafe behavior to supervisors.
3. Supervisors are responsible for:
 - a. informing employees of the drug-free workplace policy;
 - b. observing employee performance;
 - c. investigating reports of unsafe practices;
 - d. documenting negative changes and problems in performance;
 - e. counseling employees on expected performance improvement;
 - f. referring employees to the Employee Assistance Program; and
 - g. clearly stating consequences of policy violations.

H. Communication

1. To ensure that new employees are aware of the Department's drug-free workplace policy, supervisors will provide an electronic or paper copy of the policy at the time of hire.
2. All employees will have access to the current policy and subsequent revisions when updated policies are published on the Department's Intranet and Internet website.

V. CLOSING

Provisions of this policy not required by statute will be followed unless the provisions conflict with negotiated labor contracts, which will take precedence to the extent possible.

Questions concerning this policy should be directed to Human Resources.

VI. REFERENCES

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A. 50-32-101, MCA; 53-1-203, MCA

B. *Drug-free Workplace Act of 1988 (Publ. L. 100-690, Title V, Subtitle D)*

VII. ATTACHMENT

None