


RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

	POLICY NUMBER: 3.10 DOC	EFFECTIVE DATE: 07/08/96	PAGE 1 OF 6
	REPEALS: N/A	DIRECTOR: <i>Richard T. Waller</i> <i>Acting Director</i> <i>for George A. Vose, Jr. Director</i>	
SECTION: PERSONNEL		SUBJECT: DRUG FREE WORKPLACE: SUBSTANCE ABUSE	
REFERENCES: ACA 3-4061 (Drug Free Workplace); Executive Order No. 91-14 (Drug Free Workplace); Rhode Island General Laws (RIGL) § 28-6-5 (Fair employment practices); Federal Omnibus Drug Abuse Act of 1988; RIDOC policy #'s 1.00.02-2, Code of Ethics and Conduct for All Employees; 4.09.03-1, Departmental Stress Program		AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10(v), Powers of the director	

Inmate/Public Access - Yes

I. **PURPOSE:**

To establish and maintain a drug and alcohol free workplace. To carry out the substance abuse policy contained in the Executive Order No. 91-14. To provide all employees a working atmosphere that is free from the damages and debilitating effects of substance abuse.

II. **POLICY:**

All employees of the Rhode Island Department of Corrections (RIDOC) and contractors shall be informed and given a copy of the State of Rhode Island's Drug Free Workplace Policy (Attachment 1). The unlawful manufacture, distribution, dispensation, possession; or use of a controlled substance is prohibited in the workplace. Any employee(s) violating this policy will be subject to discipline up to and including termination. An employee may also be discharged or otherwise disciplined for a conviction involving illicit drug behavior, regardless of whether the employee's

conduct was detected within employment hours or whether his/her actions were connected in any way with his or her employment.

III. PROCEDURES:

A. Agency Responsibilities [Per Executive Order No. 91-14 (Attachment 2)]

1. The Department Director shall work in conjunction with the State Office of Personnel Administration (State of Rhode Island) to implement the State's policy for complying with the goal of a drug and alcohol free workplace with due consideration of the rights of the government, employees, and general public. The Department shall:
 - a. Communicate the State's substance abuse policy to each employee, and highlight the State's expectations regarding alcohol and drug abuse and the action to be anticipated in response to such abuse.
 - b. Inform the employee of the availability of counseling services and referral to rehabilitation assistance offered by the Employee Assistance Program (EAP) through the Department of Administration.
 - c. Establish an internal procedure within the RIDOC that will allow for self-referrals and supervisory referrals of employees to the State EAP for treatment, being mindful of and respecting to the maximum extent possible, employee rights of privacy and confidentiality consistent with safety and security regulations.
 - d. Coordinate, in conjunction with the Office of Personnel Administration, all employee training, and document all efforts to maintain an alcohol and drug free workplace.
 - e. Refer alleged cases of alcohol or illegal drug abuse to the Department's Office of Inspections and to appropriate State authority for further information and investigation and prosecution, where justified by reliable information or observation.

B. Substance Abuse Guidelines

1. Definition and Prohibitions

- a. The term "controlled substances" means any of the drugs listed in 21 U.S.C. § 812 and other Federal regulations. Generally, all illegal drugs and substances are included, such as marijuana, heroin, morphine, cocaine, crack or opium additives, PCB, LSD,

DMT, STP, amphetamines, methamphetamines, barbiturates, and may be applied to legal drugs prescribed by a licensed physician if they are being abused.

- b. The term "alcohol" means alcohol or ethanol.
2. The presence or consumption of alcohol on Department premises, in Department vehicles, or while wearing a uniform which gives the appearance that the wearer is on duty is prohibited (except alcohol may be in a sealed container in the employee's personal vehicle).
3. The presence or consumption of a controlled substance(s) on Department premises is prohibited, unless it is being taken pursuant to a valid medical prescription.
4. Department personnel and contractors who work in a secure area or in proximity to the inmate population and have in their possession prescription medication are responsible for taking steps to ensure that these substances are stored in such a way that they are not accessible to the inmate population.
5. Department personnel and contractors are prohibited from dispensing any personal prescription medication to a fellow employee. Such action may be construed as dispensing a controlled substance. Health Care Services personnel may dispense personal prescription medication to inmates, only pursuant to valid prescription made out by a licensed physician.
6. If a Department employee or contractor is convicted of violating any criminal alcohol or drug statute while on or off duty, s/he will be subject to discipline up to and including termination.

C. Help Programs Available to Employees

1. Rhode Island Employee Assistance Program (RIEAP):

Staff who are dependent on drugs or alcohol are encouraged to present themselves in confidence to the Rhode Island Employee Assistance Program (RIEAP). Information regarding RIEAP may be found on bulletin boards or obtained by calling the Office of Human Resources. Employees need not identify themselves when requesting RIEAP's telephone number.

2. Departmental Stress Program:

Employees are encouraged to voluntarily seek information or to access the range of Stress Unit supports designed to assist staff in coping with

professional or personal stressors in a productive and positive manner. Employees may access the program in any one of three ways:

- a. Self-referral to the RIDOC Stress Officer;
- b. Referral from one of the Unit's Peer Counselors;
- c. Referral from the Stress Unit Coordinator.

3. Contact any licensed treatment facility:

Employees who voluntarily and without the coercive effect of pending disciplinary action seek such assistance to overcome drug or alcohol dependency are not subject to discipline. If, however, similar or related job performance problems continue, or if new or unrelated job performance problems occur, the employee will be subject to normal corrective action.

D. Reporting Requirements

1. Each new employee of the RIDOC who is a new State employee shall receive a copy of the Drug Free Workplace Policy [CS-387a (Attachment 3)] which outlines the state's policy and the disciplines that may be imposed for any policy violation.
 - a. At the time of employment, the Office of Human Resources' Personnel Aide gives each new State employee a Drug-Free Workplace Policy Acknowledgement Statement, form CS-387c (Attachment 4). The new State employee signs and dates the form. The Personnel Aide then forwards the CS-387c to the State Office of Personnel Administration, retaining a copy in the employee's personnel file.
2. Employees and contractors must provide the Administrator in charge of their work units with a written notification of an arrest by law enforcement authorities for any infraction including those related to drug or alcohol use. This notification shall be submitted at the beginning of the next work day after the arrest, or, if the employee is on leave for any reason, as soon as possible.
3. Each employee is required by law to inform the Administrator in charge of his/her work unit within five (5) days after s/he is convicted for violation of any Federal or State criminal drug statute. A conviction means a finding of guilt, a plea of nolo contendere, or the imposition of a sentence by a judge or jury in any Federal or State court.

- a. The Administrator in charge of the employee's work unit shall notify the Director, the Associate Director of Human Resources, and the Department's Appointing Authority of the employee's conviction.
 - b. The Department's Appointing Authority shall report conviction(s) to the appropriate Federal granting source, in accordance with provisions of the Federal Omnibus Drug Abuse Act of 1988, within ten (10) days after receiving notice of the conviction. The Department's Appointing Authority shall report such convictions in writing to the State Office of Personnel Administration within the same 10-day time frame.
 - c. The Department Director, in consultation with the Associate Director of Human Resources and appropriate management staff, shall determine whether disciplinary action up to and including termination is warranted.
4. Any information which any employee or contractor receives regarding potential staff violations of drug or alcohol statutes, either on or off duty, or the use of drugs while on Department property must be reported through the appropriate chain of command. Failure to do so may result in disciplinary action up to and including termination.
- a. Upon receipt of information regarding controlled substance use on the job, the Administrator who receives the information shall immediately review the evidence and report all findings to the Director and the Associate Director of Human Resources.
 - (1) On the basis of such evidence and findings, the Department Director, in consultation with appropriate management from the offices of Human Resources, Inspections, and Legal Counsel, shall determine whether referral to the Rhode Island Employee Assistance Program and/or disciplinary action up to and including termination is warranted.
5. Upon receipt of any outside agency/source report or information regarding an arrest or investigation of a Department employee or contractor, personnel who received such information shall immediately inform the Administrator in charge of the employee's or contractor's work unit. The Administrator shall immediately notify the Department's Office of Inspections through the Department Director and provide a copy of all related reports.
- a. A Department Inspector will be assigned to contact the employee or contractor in question to ascertain, in writing, the facts of the matter. The Inspector's report(s) of such an investigation shall be

submitted, in writing, to the Department Director and Associate Director of Human Resources.

- (1) It is the responsibility of the Chief Inspector, Office of Inspections, to submit reports of any ongoing investigations involving employee substance abuse to the Department Director and the Associate Director of Human Resources.
- (2) On the basis of such evidence and findings, the Department Director, in consultation with appropriate management staff from the offices of Human Resources, Inspections and Legal Counsel, shall determine whether referral to the Rhode Island Employee Assistance Program and/or disciplinary action up to and including termination is warranted.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS ALCOHOL AND DRUG-FREE WORKPLACE POLICY

Alcohol and drug abuse at the workplace or while on duty are subjects of immediate concern in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, abusers of alcohol and drugs may impair the well-being of all employees, the public at large, and result in damage to property. Therefore, it is the policy of the State that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance and/or the abuse of alcohol is prohibited in the workplace. Any employee(s) violating this Policy will be subject to discipline up to and including termination. An employee may also be discharged or otherwise disciplined for alcohol abuse or illicit drug behavior that may impair job performance, create a health or safety problem or impugn the reputation of the State consistent with State or Federal laws. Federal reporting requirements are as follows:

- 1) Any unauthorized employee who gives or in any way transfers a controlled substance to another person or sells or manufactures a controlled substance while on duty, regardless of whether the employee is on or off the premises of the employer will be subject to discipline up to and including termination.
- 2) The term "controlled substance" means any drugs listed in 21 U.S.C. § 812 and other federal regulations. Generally, all illegal drugs and substances are included, such as marijuana, heroin, morphine, cocaine, codeine or opium additives, LSD, DMT, STP, amphetamines, methamphetamines, and barbituates.
- 3) Each employee is required by law to inform the agency within five (5) days after (s)he is convicted for violation of any federal or state criminal drug statute. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court.
- 4) The employer (the hiring authority) will be responsible for reporting conviction(s) of State employees to the appropriate federal granting source, within ten (10) days after receiving notice from the employee or otherwise receives actual notice of such a conviction(s). All conviction(s) must be reported in writing to the Office of Personnel Administration (OPA) within the same timeframe.
- 5) If an employee is convicted of violating any criminal drug statute while on duty, (s)he will be subject to discipline up to and including termination. Illicit drug behavior while off duty may result in discipline or discharge.
- 6) The State encourages any employee with a drug abuse problem to seek assistance from the Rhode Island Employee Assistance Program (RIEAP). Your department personnel officer has more information on RIEAP.
- 7) The Law requires all employees to abide by this Policy.



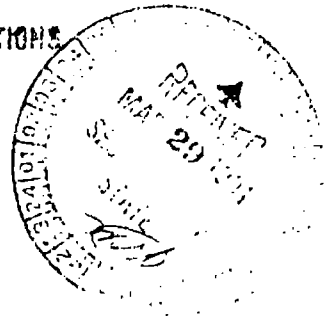
Bruce Sundlun
Governor

APR 1 1991

Bruce Sundlun, Governor

DEPT. OF CORRECTIONS

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State House,
Providence

EXECUTIVE ORDER

No. 91-14

March 29, 1991

SUBSTANCE ABUSE POLICY

WHEREAS, alcohol and illegal drug abuse represent a serious national crisis which has had a detrimental effect on the lives of many of our citizens, and upon the operation of business and State government; and

WHEREAS, many employers, including the State of Rhode Island, experience a loss in productivity due to alcohol and illegal drug abuse, related to absenteeism, injuries on the job, decreased work quality and wasted dollars; and

WHEREAS, resources for rehabilitation are available through the State Employees Assistance Program, and while employees who abuse alcohol and illegal drugs have the primary responsibility to rehabilitate themselves, the State stands ready to assist; and

WHEREAS, the Federal Omnibus Drug Abuse Act of 1988 requires any State that is a recipient of Federal funds to establish a Drug Free Workplace, including a policy on use of substances, a drug awareness program and a procedure for self-reporting convictions; and

WHEREAS, a workplace free of alcohol and illegal drug abuse is fundamental to efficient, effective and responsive government;

NOW, THEREFORE, I, Bruce Sundlun, by virtue of the power vested in me as Governor of the State of Rhode Island and Providence Plantations, deeming such action to be in the best interest of State security, the public health and safety, law enforcement and the efficiency of State service, do hereby order as follows:



State House,
Providence

1. In an effort to achieve a workplace free of alcohol and illegal drug abuse, all employees employed by the State of Rhode Island shall abide by the State's substance abuse policy standards and procedures as set forth in paragraph 3 herein and as more particularly disseminated through the Drug Free Workplace Training Program administered by the Department of Administration.

2. In this Executive Order, the following words have the meanings set forth below.

A. "Abuse" means:

(a) the use of alcohol to an extent that may result in impairment of job performance or endangerment of the safety of others in the workplace;

(b) the use of any illegal drug;

(c) the use of any over-the-counter drug to an extent that may impair job performance or endanger the safety of others in the workplace; or

(d) the use of any prescription drug in a manner or under circumstances that the user knows or should know is inconsistent with its medically prescribed, intended use.

B. "Alcohol" means alcohol or ethanol.

C. "Drug" means a controlled substance as defined in schedules I through V of the Rhode Island Uniform Controlled Substances Act. R.I. Gen. Laws § 21-28-2.8;

D. "Drug and alcohol free workplace" means a workplace in which every employee is refraining from and is expressly prohibited from:

(a) Abusing alcohol and drugs; and

(b) manufacturing, distributing, dispensing or possessing controlled substances;

Bruce Sundlun, Governor



State House,
Providence

3. Drug and Alcohol Free Workplace Policy: The State of Rhode Island and Providence Plantations establishes and adopts the following drug and alcohol free workplace policy:

a) State employees are required to refrain from the abuse of alcohol and illegal drugs, and must report to work in a fit condition to perform their duties or be subject to disciplinary action.

b) All employees employed by the State of Rhode Island, while on official business, on or off the workplace, are prohibited from purchasing, transferring, using, or possessing illegal drugs or from abusing alcohol or prescription drugs in any way that is illegal.

c) State authorities will take appropriate disciplinary action with all violators of this policy who are currently employed. State authorities will not knowingly consider for employment anyone who is known to currently abuse alcohol or illegal drugs.

4. Agency Responsibilities.

a) All Department Directors and Agency heads shall work in conjunction with the Office of Personnel Administration to implement the State's policy for complying with the goal of a drug and alcohol free workplace with due consideration of the rights of the government, the employee, and the general public.

b) Each Department or Agency shall:

(1) Communicate the State's Substance Abuse policy as set forth herein and by the Director of Administration to each employee, and highlight the State's expectations regarding alcohol and drug abuse and the action to be anticipated in response to such abuse;

(2) inform the employee of the availability of counseling services and referral to rehabilitation assistance offered by the Employee Assistance Program through the Department of Administration;



State House,
Providence

(3) establish an internal procedure within the Department that would allow for self referrals and supervisory referrals of employees to the State Employee Assistance Program for treatment, being mindful of and respecting to the maximum extent possible, employee rights of privacy and confidentiality consistent with safety and security regulations;

(4) coordinate, in conjunction with the Office of Personnel Administration, all employee training, and document all efforts to maintain an alcohol and drug free workplace.

(5) refer alleged cases of alcohol or illegal drug abuse to the appropriate State authority for further information and investigation and prosecution, where justified by reliable information or observation.

5. Coordination of Agency Programs: The Office of Personnel Administration (OPA).

a) The Administrator of the Office of Personnel Administration, with the approval of the Director of the Department of Administration, shall:

1) Offer guidance and assistance to all Departments and Agencies of State government on the implementation of the terms of this order;

2) ensure that the appropriate coverage for alcohol and illegal drug abuse is maintained for employees and their families under the State employees health benefits programs;

3) promote the State Employee Assistance Program as a departmental resource to assess, evaluate, and refer for treatment any employee(s) with alcohol and/or illegal drug abuse problems;

4) in consultation with the Departments of Health, Mental Health, Retardation and Hospitals,

Bruce Sundlun, Governor



State House,
Providence

and the Governor's Drug Program, establish an alcohol and illegal drug education program that informs State employees about the dangers of alcohol and illegal drug abuse in the workplace; the availability of counseling, rehabilitation and employee assistance programs, and the penalties that may be imposed upon employees who violate the State policy; and

5) in cooperation with all Department Directors and Agency supervisors, mount an intensive alcohol and drug awareness campaign throughout the State government workforce.

b) The Department of Administration, Office of Personnel Administration shall render advice regarding the implementation of this Order and shall be consulted with regard to all policies, regulations and guidelines adopted pursuant to this Order.

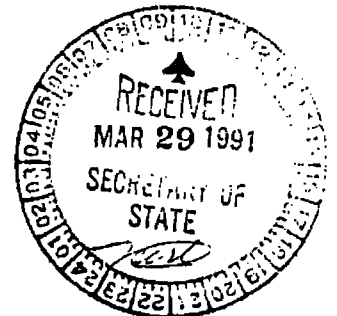
This Executive Order shall effectively rescind Executive Order 89-14 dated May 24, 1989, and shall take effect immediately upon the date hereof.

DATE

3/29/91

GOVERNOR

Bruce Sundlun



DRUG FREE WORKPLACE POLICY

Drug use and abuse at the workplace or while on duty are subjects of immediate concern in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, the users of drugs may impair the well-being of all employees, the public at large, and result in damage to property. Therefore, it is the policy of the State that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace. Any employee(s) violating this policy will be subject to discipline up to and including termination. An employee may also be discharged or otherwise disciplined for a conviction involving illicit drug behavior, regardless of whether the employee's conduct was detected within employment hours or whether his/her actions were connected in any way with his or her employment. The specifics of this policy are as follows:

1. Any unauthorized employee who gives or in any way transfers a controlled substance to another person or sells or manufactures a controlled substance while on duty, regardless of whether the employee is on or off the premises of the employer will be subject to discipline up to and including termination.
2. The term "controlled substance" means any drugs listed in 21 U.S.C. § 812 and other federal regulations. Generally, all illegal drugs and substances are included, such as marijuana, heroin, morphine, cocaine, codeine or opium additives, LSD, DMT, STP, amphetamines, methamphetamines, and barbiturates.
3. Each employee is required by law to inform the agency within five (5) days after (s)he is convicted for violation of any federal or state criminal drug statute. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court.
4. The employer (the hiring authority) will be responsible for reporting conviction(s) to the appropriate federal granting source, within (10) days after receiving notice from the employee or otherwise receives actual notice of such a conviction(s). All conviction(s) must be reported in writing to the Office of Personnel Administration (OPA) within the same timeframe.
5. If an employee is convicted of violating any criminal drug statute while on duty, (s)he will be subject to discipline up to and including termination. Conviction(s) while off duty may result in discipline or discharge.
6. The State encourages any employee with a drug abuse problem to seek assistance from the Rhode Island Employee Assistance Program (RIEAP). Your department personnel officer has more information on RIEAP.
7. The Law requires all employees to abide by this policy.

Employee retain this copy

**Drug-Free Workplace Policy Acknowledgment
New Hires**

I, _____, an employee with the State of Rhode Island hereby acknowledge that I have received a copy of the State's policy regarding the maintenance of a drug free workplace. I have been informed that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance (to include but not limited to such drugs as marijuana, heroin, cocaine, PCP, and crack, and may also include legal drugs which may be prescribed by a licensed physician if they are abused), is prohibited on the State's premises or while conducting state business. I acknowledge that I must report for work in a fit condition to perform my duties. Violation of this policy makes me subject to discipline up to and including termination. As a condition of state employment, I must abide by the terms of this policy and I will report to the employer any criminal drug conviction no later than five (5) days after such conviction. I realize that federal law mandates the employer to communicate this conviction to the appropriate federal agency under certain circumstances.

In accordance with the drug free workplace policy I certify that as a condition of my employment, I do not currently use illegal drugs.

Employee Date

Comments, if any:

Department /Agency Signature Date policy reviewed with employee