DEPARTMENT OF CORRECTIONS

Policy Number:	**103.215**
Title:	**Alcohol and Other Drug Use**
Effective Date:	**4/7/20**

PURPOSE: To maintain a workplace free of alcohol and illegal drugs. To ensure the department fulfils its agency responsibilities according to the State of Minnesota HR/LR Policy #1418, "Prohibition of Alcohol and Drug Use by State Employees," as well as following laws and restrictions specific to the department.

APPLICABILITY: Department-wide

DEFINITIONS:
See definitions in the State of Minnesota HR/LR Policy #1418, "Prohibition of Alcohol and Drug Use by State Employees."

PROCEDURES:

A. The department of corrections (DOC) follows Minnesota Management and Budget (MMB) HR/LR Policy #1418, "Prohibition of Alcohol and Drug Use by State Employees," with the additions listed below. Specific statutory standards apply on the grounds of correctional facilities (see DOC Policy 301.030, "Contraband"). Employees who hold a commercial driver's license as a condition of employment have additional federal standards for drug and alcohol use and testing (see DOC Policy 103.041, "Commercial Driver's License").

B. In addition to being prohibited, some behaviors listed in HR/LR Policy #1418, I, "Prohibited Behaviors," are illegal at correctional facilities and carry specific criminal charges.

1. Any person who brings, sends, or in any manner causes to be introduced into any state correctional facility, or within or upon the grounds belonging to or land controlled by any such facility, or is found in possession of any controlled substance, without the consent of the warden thereof, is guilty of a felony and, upon conviction thereof, punished by imprisonment for a term of not more than ten years.

2. Any person who brings, sends, or in any manner causes to be introduced into any state correctional facility or within or upon the grounds belonging to or land controlled by the facility, or is found in the possession of any intoxicating or alcoholic liquor or malt beverage of any kind, without the consent of the warden thereof, is guilty of a gross misdemeanor.

3. When at correctional facilities, individuals with prescription or over-the-counter medications or medical supplies for their own use must comply with the limitations, handling, and storage requirements listed in Policy 301.030, "Contraband."

4. Individuals whose jobs require the possession and/or dispensation of controlled substances at a correctional facility must follow Policy 301.030, "Contraband." Health services employees may carry drugs into facilities for use in the practice of their profession, so long as they do so in accordance with provisions of their licenses and other applicable laws and policies.

C. MMB HR/LR Policy #1418, II, "Exceptions to Prohibited Behaviors" is modified as follows: Possession of alcohol while in an employee's personal vehicle is not allowed at correctional facilities. Vehicles at facilities may be subject to search under Policy 301.010, "Searches."

D. MMB HR/LR Policy #1418, III, "Additional Requirements," is modified as follows:

1. Consuming alcoholic beverages when immediately returning to work is not just "strongly discouraged," it is prohibited. Individuals must not consume alcoholic beverages during meals or breaks when returning to perform work for the department.

2. Individuals taking medically-authorized drugs or other substances that may alter job performance or cause safety concerns are under an affirmative duty to notify the supervisor of their temporary inability to perform the job duties of the position. A Report of Workability (link attached) is required if there are concerns whether an employee can safely perform the employee's job duties.

3. An employee who is arrested, under investigation, or charged with any crime, including a criminal drug or alcohol violation, must notify the appointing authority/designee prior to the employee's next scheduled shift, or within 24 hours after the incident or release from incarceration, whichever occurs first. Employees must adhere to Policy 103.0141, "Employees Who Are the Subject of Criminal Investigation(s), Arrest(s), and/or Conviction(s)."

4. Designated employees (office of special investigations staff) must notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in the employee's possession at work or on state premises. When appropriate, the designated employees must also notify appropriate licensing boards, as applicable. While at a correctional facility employees have additional restrictions, processes, and reporting requirements under Policy 301.030, "Contraband."

E. If an individual's behavior/condition adversely affects the individual's work performance and a supervisor has reason to believe that the individual is under the influence of alcohol or a mood altering drug:

1. The employee who is not a commercial driver is subject to removal from the work place and subsequent discipline; see Guidelines for Supervisors Investigating Alcohol or Other Drug Use in the Work Place (attached).

2. Employees who are required to hold a commercial driver's license as a condition of employment (commercial drivers) are subject to reasonable suspicion drug testing under the State Drug and Alcohol Testing Plan (MMB HR/LR 1418A, link in references below) in accordance with federal law and Policy 103.041, "Commercial Driver's License."

F. Supervisors must use, document, and store documentation in accordance with the Guidelines for Supervisors Investigating Alcohol and other Drug Use in the Workplace (attached) for employees who are not commercial drivers. Supervisors of commercial drivers must follow Policy 103.041, "Commercial Driver's License," as well as rules and laws pertaining to commercial drivers.

G. Human resources staff must ensure administrative leave and investigatory documentation is retained and stored in accordance with the human resources retention schedule.

INTERNAL CONTROLS:

A. Supervisors utilize, document, and store documentation in accordance with the attachment Guidelines for Supervisors, Investigating Alcohol and Other Drug Use in the Workplace for employees who are not commercial drivers.

B. Administrative leave and investigatory documentation is retained and stored in accordance with the human resources retention schedule.

ACA STANDARDS: 4-4063, 1-ABC-1C-06, 2-CO-1C-20, 4-JCF-6D-01, 4-APPFS-3C-01.

REFERENCES: Minn. Stat. §§ 152.01; 152.22; 243.55
State of Minnesota HR/LR Policy 1418, "Prohibition of Alcohol and Drug Use by State Employees"
State of Minnesota HR/LR Policy and Procedure #1418A, State of Minnesota Drug and Alcohol Testing Plan
Policy 103.041, "Commercial Driver's License"
Policy 301.030, "Contraband"
Policy 301.010, "Searches"

REPLACES: Policy 103.215, "Alcohol and Other Drug Use," 8/6/19.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Guidelines for Supervisors - Investigating Alcohol and Other Drug Use in the Work Place (103.215A, on HR iShare site)
Medical Cannabis Q and A (103.215B, on HR iShare site)
Report of Workability (103.240C, on HR iShare site)

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