

# Fresno Regional Workforce Development Board

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Blake Konczal, Executive Director

## **POLICY BULLETIN**

**FRWDB PB # 01-21, Rev B**

**Date Released: November 10, 2021**

**To: All Fresno Regional Workforce Development Board Providers of Services**

**From: Blake Konczal, Executive Director**

**Effective Date: November 10, 2021**

**Subject: Drug Screening for Training-Level Services**

**Applicable Program: All**

**Revision History: Initial Release - 05/07/21**

This revision B adds guidance for test results of “invalid” or “inconclusive and removes inapplicable non-skills training program.

As approved by the Fresno Regional Workforce Development Board (FRWDB), at its meeting on December 5, 2018, this Policy is implemented to provide guidance to Providers of Services regarding mandatory drug screening for Workforce Innovation and Opportunity Act (WIOA) training-level participants.

If the FRWDB determines that a negative/pass drug screen is a condition of employment in an occupational field, WIOA funds shall not be used by any FRWDB Provider of Service to pay for training in that occupational field, subject to the terms of this policy. To determine whether a negative/pass drug screen is a condition of employment in an occupational field, FRWDB staff will survey a minimum of five (5) employers in the occupational field and the information will be posted on the Demand Occupations Local List located on the Workforce Connection Website: <https://www.it-frs.net/v2/pub/JobSeeker/DemandOccupationsJS.aspx>. Providers are responsible for checking whether a negative/pass drug screen is a condition of employment in an occupational field on the Demand Occupations Local List prior to starting the Skills Training Process to make sure the occupation drug screen field has not been revised.

Prior to acceptance into any WIOA training-level program (in an occupational field that mandates negative/pass drug screen as a condition of employment as identified in the employer survey) FRWDB or Provider of Service staff must receive and review the results of a drug screening test and must deem the test results acceptable according to the guidance provided by this policy bulletin. A positive/failed result may prohibit or delay admission into WIOA training-level services defined below for any of the occupational fields identified in an employer survey. The term “training-level services” consists of:

- 1) Multi- Craft Pre-Apprenticeship; and,
- 2) Individual Training Accounts (ITA) provided to participants enrolled in WIOA-funded training-level activities at eligible training providers and programs included on the State's Eligible Training Provider List.

The Provider of Service must contract with a laboratory to provide drug screening to participants (following the FRWDB Procurement Policy, PB 01-19) and to review and certify the results of the drug screens. Supportive Service funds may be used for all costs of the drug screens covered by this policy, and no charges will be passed to the participants.

Participants must complete the WIOA Drug Testing Disclosure Form (GEN-014) prior to completing the standard 5-panel drug test, which screens for the following controlled substances:

- Marijuana
- Cocaine
- Opiates
- Amphetamines/Methamphetamines
- Phencyclidine

The signed WIOA Drug Testing Disclosure form must be uploaded to CalJOBS in the Document (staff) section and labeled accordingly under the "Document Tags" field in CalJOBS.

Participants must only test once throughout their period of participation in training-level services, and a negative/pass drug screen result will be valid until the participant exits the training-level services program. For example, if a participant is in a training activity that requires the issuance of multiple training vouchers (ITAs) throughout his/her course of study, he/she will only be required to take and pass one (1) drug screen. However, if a participant completes the training-level services and re-enrolls, he/she must take and pass an additional drug screen.

Participants who test positive/fail shall be temporarily suspended from receiving WIOA-funded training-level services for a period of:

- 1) Sixty (60) calendar days following the first positive/fail drug screen; or
- 2) One (1) calendar year following the second or any successive positive drug screen.

All participants have the right to appeal the results of a drug screen administered for the purposes of providing training-level services. Any participant that wishes to appeal the results of a drug screen must do so in writing within thirty (30) calendar days of receipt of drug screen results.

Participants who test positive/fail for the use of illegal substances must be referred to a local Alcohol and/or Drug Abuse Service Agency. Before a participant returns to continue training-level services with WIOA, FRWDB must receive verification along with

a recommendation from the local Alcohol and/or Drug Abuse Service Agency regarding the participant's successful completion of the appropriate Agency program. FRWDB requires the participant to follow recommendations from the Agency before FRWDB or any Provider of Services will provide any training-level services. The participant will be required to retake the drug test prior to restarting the process to receive training services.

In the event that a test result comes back as "invalid" or "inconclusive", contact the FRWDB Program Coordinator for next steps.

There is one special exemption to the policy delineated above:

The participant has previously taken a drug screen provided by the training institution in which he/she is participating. In order to be acceptable under this exemption, the previously taken drug screen must have:

- a.) Tested the participant for at least the same controlled substances required by this policy.
- b.) Been completed within thirty (30) calendar days of the start date of the training funded by the ITA.

Provider of Services staff must enter a case note in CalJOBS case management system that indicates that the participant is exempted from the drug screening policy because the training institution has already performed a pre-training drug screen.

No personal identifying information of a participant's drug screening results obtained pursuant to this policy may be shared with an employer without the express written consent of the participant. The participant's consent must be documented and kept in the participant's WIOA confidential file. In the case of a positive/fail result for a particular participant, FRWDB staff or the relevant Provider of Services staff must prepare a generic case note in CalJOBS stating only that the participant is not qualified for employment for which the training is intended to prepare the participant.

Pursuant to this Policy Bulletin, no participant shall be denied WIOA services because of the results of a drug test. FRWDB or Provider of Services staff will inform participants, who receive a positive/fail drug screen, of employment and training opportunities in sectors and job categories that do not require a drug screening as a condition of employment. FRWDB is not obligated to fund training for a participant for employment in an occupational field or job category for which the participant would be unqualified.

Please contact the appropriate FRWDB Program Coordinator if any questions.

### **ATTACHMENT:**

Substance Abuse Treatment Reference Guide

### **Form:**

GEN-014 WIOA Drug Testing Disclosure Form