

## Catawba WIA Instruction Number: PY02-00

**TO:** All PY'02 WIA Contractors

**ISSUANCE DATE:** September 23, 2002

**EFFECTIVE DATE:** Immediately

**SUBJECT:** State Policy on Testing and Sanctioning of WIA Participants for the Use of Controlled Substances

**PURPOSE:** To transmit the State's policy on testing and sanctioning of WIA participants for the use of controlled substances and to provide guidance for the development of local area procedures.

**BACKGROUND:** Section 181(f) of the Workforce Investment Act establishes criteria for the testing and sanctioning of WIA participants for the use of controlled substances. Section 667.640 of the Final Regulations describes the appeal process that must be established to address matters related to testing and sanctioning for the use of controlled substances. State policy must address requirements for testing participants, sanctions for those who test positive, and appeal procedures.

**POLICY:** The State has established the following criteria to be used by local boards in the testing and sanctioning of WIA participants for the use of controlled substances.

1. WIA participants (registrants, not applicants) may be tested for the use of controlled substances only if required by a prospective employer or if required for entry into a specific occupational training area. **Note: There are no provisions for the testing of applicants.**
2. Such testing of participants must be conducted in conjunction with objective assessment as an intensive service must be performed in a manner which ensures a maximum degree of privacy for the participants.
3. Participants who test positive for the use of controlled substances must be referred to a local Alcohol and Other Drug Abuse Services agency.
4. Local Workforce Investment Boards (LWIBs) may elect to impose sanctions on participants who test positive for the use of controlled substances the LWIB's sanction policy must comply with the following:
  - a) With respect to the first occurrence for which a participant tests positive, the

local area may exclude the participant from the WIA program for a period not to exceed six months; and

- b) With respect to the second occurrence and each subsequent occurrence for which a participant tests positive, the local area may exclude the participant from the WIA program for a period not to exceed two years.
5. Each local area must establish due process procedures that provide expeditious appeal for:
- a) WIA participants subject to testing for the use of controlled substances; and
  - b) WIA participants who are sanctioned after the testing positive for the use of controlled substances.
6. Participants must be provided with information on the local area's testing, sanctioning and appeal policies.

**ACTION:** Local Worf

Any questions regarding this matter should be directed to me at (803) 327-9041.

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Robert A. Barber  
WIA Administrator