

123:1-76-11

**Finding of employee drug use and disciplinary consequences.**

- (A) An employee may be found to use illegal drugs on the basis of any appropriate evidence including, but not limited to:
- (1) Direct observation;
  - (2) Evidence obtained from a workplace-related arrest or criminal conviction;
  - (3) A verified positive test result; or,
  - (4) An employee's voluntary admission.
- (B) On the first occasion in which an employee has a confirmed positive alcohol or other drug test resulting from reasonable suspicion testing, the employee may be required to enroll in and successfully complete a substance abuse program certified by the Ohio department of mental health and addiction services.
- (C) Disciplinary action taken against an employee found to use illegal drugs may include the full range of disciplinary actions, including removal. The severity of the action chosen will depend on the circumstances of each case and the requirements of any governing collective bargaining agreements and employing agency work rules, policies and procedures.
- (D) Any employee who refuses to submit to a properly ordered alcohol or drug test shall be subject to disciplinary actions as stipulated in the governing collective bargaining agreement or, in the absence of any such agreement, the relevant agency work rules, policies and procedures.
- (E) Attempts by an employee to alter or substitute the specimen provided for alcohol or drug testing shall be deemed a refusal to take the alcohol or drug test when required and shall subject the employee to the same disciplinary actions as required for refusing to submit to a properly ordered test.

Effective: 4/4/2022  
Five Year Review (FYR) Dates: 1/18/2022 and 01/15/2027

CERTIFIED ELECTRONICALLY

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Certification

03/25/2022

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Date

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Rule Amplifies: 124.09, 124.34  
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