

**PEE DEE LWDA INSTRUCTION NUMBER: WIOA 19-002**

**TO:** Pee Dee LWDA WIOA Contractors

**SUBJECT:** LWDA Policy on Testing and Sanctioning of WIOA Participants for the Use of Controlled Substances

**ISSUANCE DATE:** July 15, 2019

**EFFECTIVE DATE:** July 15, 2019

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**Purpose:** The purpose of this instruction is to transmit the LWDA's policy on testing and sanctioning of WIOA participants for the use of controlled substances. This policy rescinds LWDA Instruction 06-002

**Background:** Section 181(f) of the Workforce Innovation and Opportunity Act establishes criteria for the testing and sanctioning of WIOA participants for the use of controlled substances. Section 683.600 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. The policy must address requirements for testing participants, sanctions for those who test positive, and appeal procedures.

**Policy:** The LWDA has established the following criteria to be used in the testing and sanctioning of WIOA participants for the use of controlled substances.

1. WIOA 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 individualized service and must be performed in a manner that ensures a maximum degree of privacy for the participants.
3. Participants who test positive for the use of controlled substances must be referred to the local Alcohol and Other Drug Abuse Services agency.
4. Sanctions may be imposed on participants who test positive for the use of controlled substances as follows:

- a) With respect to the first occurrence for which a participant tests positive, the participant may be excluded from the WIOA 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 participant may be excluded from the WIOA program for a period not to exceed two years.
5. WIOA participants subject to testing for the use of controlled substances and/or participants who are sanctioned after testing positive for the use of controlled substances may appeal to the LWDA. The appeal must be in writing and must be received within 10 days of the decision being made. Appeals at the LWDA should be submitted to Mamie Legette, Workforce System Coordinator. If the LWDA denies the participant relief through the appeals process, the LWDA will provide the appropriate procedures to be utilized at the next level.
6. Participants must be provided with information on the LWDA's testing, sanctioning, and appeal policies.

**Inquiries:** Questions pertaining to this instruction should be directed to Mamie Legette at (843)669-3138 or m-legette@peedeecog.org.

  
Joette Dukes  
Workforce Development Director

## **Pee Dee Local Workforce Development Area**

### **Drug Test/Background Check**

#### *Acknowledgement Form*

By signing this statement, I acknowledge that the policy regarding drug testing and background checks for WIOA participation was discussed with me. I understand that, as a WIOA participant, I am subject to the requirements of the policy as follows:

1. I may be tested for the use of controlled substances if required by a prospective employer or if required for entry into a specific occupational training area.
2. I may be subject to a criminal background check if required by a prospective employer or if required for entry into a specific occupational training area.
3. If I choose an occupation in which I cannot become employed based on my criminal history, I will not be selected for training in that occupation but may be offered an alternative program or activity based on my assessed interests and abilities.
4. If I test positive for a controlled substance, I will be referred to the local Alcohol and Other Drug Abuse Services agency.
5. If I test positive for a controlled substance, I will not be allowed to participate in WIOA for up to six months the first time I test positive. If I have tested positive two times or more, I will not be allowed to participate in WIOA for up to two years each time I test positive.
6. If I am not allowed to participate in WIOA due to a positive drug test or if I am not chosen to participate in training for my chosen occupation due to my criminal history, I understand I have the right to file a written appeal by contacting Mamie Legette, Workforce System Coordinator, Pee Dee Regional Council of Governments, P.O. Box 5719, Florence, SC 29502.

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Participant Signature

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Date

#### *Parental/Guardian Acknowledgement for Minors*

I acknowledge that the policy regarding drug testing and background checks for WIOA participation was discussed with me. I agree to allow the WIOA provider to conduct drug testing and background checks of my child for the purpose of making a decision about his/her suitability for WIOA services.

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Parent or Guardian Signature  
(for participants less than 18 years old)

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Date