



INSTRUCTION LETTER

REGIONAL INSTRUCTION NUMBER: WIOA R18-07

TO: All Greater Upstate Region Contractors

SUBJECT: Drug Testing Policy for the Greater Upstate Region

DATE ISSUED: 16, 2021 **DATE EFFECTIVE:** Immediately **DATE EXPIRES:** Indefinitely

PURPOSE: The purpose of this instruction is to transmit the drug testing policy for the Greater Upstate Workforce Region, along with the appeal procedure relating to this issue.

BACKGROUND: The Greenville County Workforce Development Board (GCWDB) and Upstate Workforce Board (UWB) created the following policy on testing and sanctioning of WIOA registrants for the Use of Controlled Substances. We have also established an appeal procedure that is also attached.

POLICY: There may, on occasion, be an employer who requires drug testing prior to hiring or a training curriculum may require drug testing prior to admission. This policy is in place so that staff can utilize WIOA funds for drug testing. Please ensure that the individual is WIOA registered and not just an applicant. Participants who test positive for the use of controlled substances must be referred to a local Alcohol and Other Drug Abuse Services agency. Further, the list of sanctions below must be followed for individuals who test positive.

- With respect to the first occurrence for which a participant tests positive, the local area may exclude the participant from the WIOA program for a period not to exceed six months; and
- 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 WIOA program for a period not to exceed two years.

Prior to scheduling any individual for testing, you must review this policy in its entirety with them and provide them with the appeal procedures. When scheduling testing, it is recommended that you utilize the same lab as the employer would use when hiring individuals who are not WIOA registrants when possible. In most cases, they have negotiated a lower rate with the lab. The same applies for any training institution requiring testing prior to entry.

ACTION: Please begin immediately using the attached policy as needed.

INQUIRIES: Should you have any questions regarding this instruction, please contact Eva Anagnostis at 864-467-8142, TTY:711, or at eanagnostis@greenvillecounty.org Dana Wood at 864-596-2028 ext. 100, TTY 711, or at wood@upstateworkforceboard.org .

Ann Angermeier
Executive Director
Upstate Workforce Board

Dean E. Jones
Executive Director
Greenville County Workforce Development Board

Source: State WIA Instruction 01-11

Upstate Workforce Board Appeal Process – Policy on Testing and Sanctioning of WIOA Registrants for the Use of Controlled Substances

Source: State WIA IL 01-11

Effective Date: January 21, 2019

Notice of Appeal:

You are not required to succumb to a drug test to be enrolled in the WIOA program. However, some employers and training institutions may require an individual to participate in drug testing prior to employment or participation in certain training curriculums. This is out of our control. We are not requiring you to take the test, but if you decide you want employment with such employer or training at such institution, it is your decision as to whether you willingly submit to a drug test. Due to this fact, there is no appeal on your behalf to the Upstate Workforce Board or contractors of the Upstate Workforce Board as to whether to take or not take a drug test.

You are entitled to appeal the results of your drug test or the sanctions applied against you in relation to a positive test to the Upstate Workforce Board. If you would like to make an appeal, you must do so in writing within ten (10) days of being notified of a positive test and/or sanctions against you as a WIOA participant. The notice of appeal must be forwarded to the following address and individual:

**Ms. Ann Angermeier
Executive Director
Upstate Workforce Board
PO Box 5666
Spartanburg, South Carolina, 29304**

There will be no recourse for appeal after the 10-day time limit has expired.

You will be scheduled to appear before a review committee comprised of Upstate Workforce Board members within (15) days of your appeal. You will be notified of the location, date and time of the hearing.

If you are unsatisfied with the decision of the Upstate Workforce Board, unfortunately, there is no further recourse.

Greenville County Workforce Development Board Appeal Process – Policy on Testing and Sanctioning of WIOA Registrants for the Use of Controlled Substances

Source: State WIA IL 01-11

Effective Date: January 21, 2019

Notice of Appeal:

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You are entitled to appeal the results of your drug test or the sanctions applied against you in relation to a positive test to the Greenville County Workforce Development Board. If you would like to make an appeal, you must do so in writing within ten (10) days of being notified of a positive test and/or sanctions against you as a WIOA participant. The notice of appeal must be forwarded to the following address and individual:

**Mr. Dean E. Jones
Executive Director
Greenville County Workforce Development Board
225 S. Pleasantburg Drive
Suite C-11
Greenville, SC 29607**

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