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## State of Oregon LEGISLATIVE BRANCH PERSONNEL RULES

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### Legislative Branch Personnel Rule 28: Safe and Healthy Workplace

**APPLICABILITY:** This rule applies to all members of the Legislative Assembly and to all employees of the Legislative Branch.

(1) **Policy.** The Legislative Branch is committed to a drug-free and smoke-free workplace that encourages a safe, healthy and productive work environment.

(2) **Drug-free Capitol.**

(a) An employee may not, in the workplace, be under the influence of alcohol, marijuana or a prescribed or nonprescribed substance that impairs the employee's ability to safely and competently perform the duties of the employee's position or negatively impacts others in the workplace.

(b) An employee may not, in the workplace, be under the influence of, manufacture, distribute, dispense, possess or use an illegal substance.

(c) An appointing authority may grant leave with or without pay to permit any employee who requests to participate in a substance abuse assistance or rehabilitation program.

(3) **Smoke-free Capitol.** No one may smoke, aerosolize or vaporize an inhalant or use a smoking instrument, as defined in ORS 433.835, inside the Capitol, on Capitol grounds, within any Capitol courtyard, in the underground parking structure or within 10 feet of any entrance, exit, window that opens or ventilation intake that serves an enclosed area.

(4) **Violation.** A violation of this policy may be reported to a supervisor, manager or Employee Services. Additionally, in the event of unlawful conduct or conduct that gives rise to safety concerns, violations may be reported to Capitol security or the appropriate authorities. In the event of damage to Legislative Branch property caused by a violation of this rule, an employee may be disciplined up to and including termination. The Legislative Branch shall may assess actual costs against the offending member's personal conduct offending party, not to exceed \$5,000 per occurrence.

(5) **Retaliation.**

(a) It is a violation of this rule for a person to retaliate against an employee, prospective employee or other person who has reported a violation of this rule because the employee, prospective employee or reporter has opposed any practice, made a complaint, instituted or caused to be instituted any proceeding or exercised on behalf of the employee, prospective employee, reporter or others any rights or protected activity described in this rule or ORS 654.062, relating to workplace health and safety.

(b) As used in this paragraph subsection, "retaliate" means fire, lay off, blacklist, demote, deny overtime or promotion, discipline, deny benefits, fail to hire or rehire, intimidate, make threats, reduce pay or hours or take any other adverse action.

| Approved: ~~1-16-2016~~DRAFT