



February 14, 2024

DIRECTIVE: JOB CORPS PROGRAM CHANGE NOTICE NO. 23-03

TO: ALL JOB CORPS NATIONAL OFFICE STAFF
ALL JOB CORPS REGIONAL OFFICE STAFF
ALL JOB CORPS CENTER DIRECTORS
ALL JOB CORPS CENTER OPERATORS
ALL FOREST SERVICE JOB CORPS CENTERS
ALL NATIONAL TRAINING AND SUPPORT CONTRACTORS
ALL OUTREACH, ADMISSIONS, AND CTS CONTRACTORS
ALL CENTER USERS

FROM: ERIN MCGEE
Acting National Director
Office of Job Corps

SUBJECT: Revisions to the Policy and Requirements Handbook (PRH) to Amend Job Corps' Zero Tolerance Policy Regarding Marijuana

1. **Purpose.** To revise the PRH by amending Job Corps Zero Tolerance (ZT) drug testing and separation policy regarding marijuana.

2. **Background.** Job Corps continues to support the prevention of youth and young adult substance use, misuse, and substance use disorders (SUD). According to the 2021 National Survey on Drug Use and Health (NSDUH), emerging adults (ages 18-25) have the highest rates of alcohol, tobacco, and substance misuse.¹ Consequently, substance misuse among young adults can negatively impact an individual's health and development and may lead to more problematic use and progression to SUDs. Job Corps is unique relative to most Workforce Innovation and Opportunity Act (WIOA) programs because it is the only nationwide residential vocational training program that provides not only career technical training but also intensive personal career counseling and wrap-around support services for underserved youth. All center operators must comply with Job Corps' zero tolerance (ZT) policy as established by the Secretary. Job Corps has a ZT policy for infractions including but not limited to:
 - (1) Acts of violence, as defined by the Secretary;
 - (2) Use, sale, or possession of a controlled substance, as defined at 21 U.S.C. 802;
 - (3) Abuse of alcohol;
 - (4) Possession of unauthorized goods; or
 - (5) Other illegal or disruptive activity.

As part of this policy, all students must be tested for drugs as a condition of participation. The ZT policy specifies the offenses that result in the separation of students from the Job Corps program. The center director is expressly responsible for determining when there is a violation of this policy. Students with a history of drug use are not automatically disqualified or determined ineligible to

¹ <https://www.samhsa.gov/data/sites/default/files/2022-12/2021NSDUHFFRHighlights092722.pdf>

enroll in Job Corps.² As described in the current PRH Chapter 2.3, R5(e)(1), “new and readmitted students must be tested within 48 hours of arrival on center.” In accordance with Job Corps’ policy, students who test positive for drug use upon arrival must receive Trainee Employment Assistance Program (TEAP) intervention services. Job Corps’ TEAP intervention services are designed to help students address their substance use issues, if possible, before starting academic and career technical training coursework in Job Corps. TEAP emphasizes prevention, education, identification of substance use problems, relapse prevention, and supportive services to enhance students’ health, well-being, and access to quality employment.³

In September 2018, Job Corps drug testing expanded such that it now includes ten substances in total (cannabinoids; amphetamines/methamphetamines; cocaine; phencyclidine (PCP); opiates; barbiturates; benzodiazepines; fentanyl; hydrocodone/hydromorphone; and oxycodone/oxymorphone).

Students who have a positive test as a result of legitimate prescription drug use for a non-Schedule I substance as defined by the Controlled Substances Act (e.g., being prescribed an amphetamine for ADHD or an opioid for an oral health procedure) are not entered into the TEAP intervention program nor required to be tested again between days 37-40. Only students who test positive for drug use that is not the result of legitimate prescription drug use are entered into the TEAP intervention program and required to be drug tested again.

Research shows that the exact amount of time THC stays in an individual’s body will vary according to several factors, such as the dose; potency; and the person’s age, weight, sex, comorbidities, and their physical health.⁴ A follow-up drug test result for marijuana that demonstrates the presence of THC metabolites, therefore, may not accurately reflect use of marijuana during the relevant Job Corps enrollment period, , and therefore may not be accurate or reliable evidence of a violation of Job Corps’ discipline policy. Therefore, Job Corps is revising its current ZT drug testing policy to 1) enhance the TEAP intervention and relapse prevention support services to ensure consistency in services that better serve Job Corps youth and young adults, and 2) change the ZT policy to include a determination as to whether the positive follow-up test is due to current/active drug use or due to residual THC metabolites from use prior to Job Corps enrollment. These changes are meant to uphold the statutory zero-tolerance policy for the current/active use of drugs after Job Corps enrollment while improving the program’s ability to fairly and accurately administer its disciplinary policy based on evidence of use during the enrollment period as distinguished from the residual effects of use prior to Job Corps enrollment.

3. Explanation of Changes. This notice revises the following areas of the PRH - Chapter 2.3, R5, Exhibit 2-1, and Form 2-07.

a) PRH Chapter 2.3:

- Updated R5 (b) to include data on national trends regarding substance use.
- Updated Section R5 (c) adds clarifications for assessment and improves early identification of student at-risk of substance misuse.
- Updated R5 (d) augments and standardizes the mandatory intervention services. Intervention sessions must be interactive, evidence-based, and include

² See 29 U.S.C. §§ 3194 and 3195(b); drug testing is required for new enrollees but not a part of the eligibility criteria for enrollment into Job Corps.

³ See Office of Job Corps, Policy and Requirements Handbook Chapter 2.3, R5, available at <https://prh.jobcorps.gov/Student%20Support%20Services/2.3%20Health%20Services/Pages/default.aspx>

⁴ See American Addiction Centers, *How Long Do Drugs Stay in Your System?*, available at <https://americanaddictioncenters.org/how-long-drugs-system>

motivational interviewing. Recreation hours will be required for students in the intervention.

- New R5 (e) adds Relapse Prevention services with groups, activities, support services, and mandatory sessions for those students who tested positive for marijuana (THC) on the follow-up drug test, but who were retained on center following determination of residual use.
- New R5 (f) adds consultation with the National Office during a natural or man-made disaster or other emergency regarding drug testing disruptions. This replaces the references specific to the COVID-19 emergency, which has ended.
- New R5 (g)(1)(f) states the process for medical determination when a positive entry drug test was due to a legitimate prescription. As noted previously, under Federal law, no valid prescription can be provided for drugs that are classified as Schedule I of the Controlled Substances Act even if they are obtained by prescription under state law. Subsequent sections after new (f) renumbered.
- New R5 (g)(3) states the new policy if a student tests positive for a controlled substance on the follow-up test administered between their 37th and 40th day on center, a determination must be made as to whether the positive follow-up test is due to current/active drug use or due to residual THC metabolites from use prior to Job Corps enrollment. The initial test cutoff (50 ng/mL) and confirmatory test cutoff concentration (15 ng/mL) for THC are based on DOL testing standards and referenced [here](#). The TEAP Specialist (or other licensed/credentialed individual in the absence of a TEAP Specialist) completes and signs the “Determination of Current/Active Use versus Residual Use for THC on a Follow-Up Drug Test (Form 2-07)” form. The Health and Wellness Director (or designee) reviews and cosigns Form 2-07. Based on the determination:
 - The student’s THC concentration (ng/mL) decreased by 50% or more between the entry toxicology and follow-up test (prior to their 45th day in Job Corps). The positive THC result is most likely due to residual concentrations of THC resulting from drug use prior to entering Job Corps. There is no disciplinary consequence. The student should continue to receive TEAP services, including mandatory relapse prevention, per PRH 2.3 R5 (e3) above.
 - The student’s THC concentration (ng/mL) decreased by less than 50%, increased, or remained the same between the entry toxicology and follow-up test (prior to their 45th day in Job Corps). The positive THC result is most likely due to current/active drug use occurring after their enrollment in and arrival at Job Corps. Referral to the Fact-Finding Board per PRH 2.3 R5, g3(d) and PRH Exhibit 2-1.
- New R5(h) outlines the Medical Separations with Reinstatement Rights (MSWR) process for substance use conditions. A MSWR for substance use conditions can only be given if there is a documented assessment of the student’s diagnosed substance use condition by the TEAP specialist or qualified health professional, and clarification was added that a MSWR may be granted during the intervention period as long as it is prior to conducting the follow-up drug test. A MSWR cannot be granted in lieu of ZT separation when a positive follow-up test is reported.

b) PRH Exhibit 2-1

- Updated Infraction category to “Level I infraction - Use of drugs as evidenced by a positive follow-up drug test.” Definition category added NOTE: For cases involving a positive marijuana [THC] test result between the 37th and 40th day, a determination must be made as to whether the positive follow-up test is due to current/active drug use or due to residual THC metabolites from use prior to Job Corps enrollment. Follow the policy outlined in PRH 2.3 R5.

c) PRH Form 2-07

- New Form added to the PRH entitled “Determination of Current/Active Use Versus Residual Use for THC on a Follow-Up Drug Test.”
- A completed copy of Form 2-07 must be filed in the Student Health Record.

4. Action. Center operators must inform relevant staff, including career preparation staff and medical personnel, of the following changes. This PRH Change Notice supersedes and rescinds Information Notice 15-09 and supersedes, in relevant part, Information Notice 15-43.

5. Effective Date. This policy is effective for new students arriving on and after February 13, 2024.

6. Inquiries. Direct inquiries to the Division of Policy, Coordination, and Planning at jobcorps-DPCP@dol.gov or to your Regional Director.

7. PRH Website Access. This Change Notice and revisions to the PRH can be accessed within 14 business days at the PRH website address: <https://prh.jobcorps.gov>

8. Attachment.

A - FAQs regarding Job Corps’ Strategy to Prevent Unwarranted Disciplinary Action Due to Residual THC Concentrations

B - Talking Points for Staff to Use with Students not Covered by Job Corps’ Strategy to Prevent Unwarranted Disciplinary Action Due to Residual THC Concentrations