

December 14, 2016

<b>DIRECTIVE:</b>	<b>JOB CORPS PRH CHANGE NOTICE NO. 16-07</b>
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**TO:** ALL JOB CORPS NATIONAL OFFICE STAFF  
ALL JOB CORPS REGIONAL OFFICE STAFF  
ALL JOB CORPS CENTER DIRECTORS  
ALL JOB CORPS CENTER OPERATORS  
ALL NATIONAL TRAINING AND SUPPORT CONTRACTORS  
ALL OUTREACH, ADMISSIONS, AND CTS CONTRACTORS

**FROM:** LENITA JACOBS-SIMMONS  
National Director  
Office of Job Corps

**SUBJECT:** Policy and Requirements Handbook (PRH) Revision to Sections and Exhibits Related to the Student Conduct System

1. Purpose. To ensure Job Corps' Student Conduct System supports a safe, secure learning and living environment for all students and staff, and to strengthen policies related to student misconduct by clearly defining and classifying behavior infractions to facilitate consistent application throughout the Job Corps system.
2. Background. Ensuring a safe environment for students, staff, and centers is one of Job Corps' top priorities. In order to address concerns raised about inconsistencies in the implementation of its Student Conduct System, Job Corps issued PRH Change Notice 15-09, *Policy and Requirements Handbook (PRH) Revision to Exhibit 3-1, Infractions Levels, Definitions, and Appropriate Center Actions, and Corresponding Chapter, Exhibit and Appendix Changes*, February 4, 2016.

The Job Corps system was invited to submit questions regarding the new discipline policy, and the National Office provided a series of Webinar training sessions to highlight changes between the old and new discipline policies. Two sets of Frequently Asked Questions (FAQs) were developed and distributed systemwide. The changes contained in this notice are policy changes that go beyond the scope of a FAQ answer, and are designed to clarify issues raised by the Job Corps community during the implementation of the new discipline policy.

Also reflected in this notice is a change required by the recently completed Final Rule implementing the Workforce Innovation and Opportunity Act (WIOA). In response to a public comment, the definition of *unauthorized goods* provided in Section 686.120 was changed to include all knives, regardless of the length of the blade. Corresponding changes were made to the PRH and are reflected in this notice.

3. Reference. PRH Change Notice 15-09, *Policy and Requirements Handbook (PRH) Revision to Exhibit 3-1, Infractions Levels, Definitions, and Appropriate Center Actions, and Corresponding Chapter, Exhibit and Appendix Changes*, issued February 4, 2016.

4. Explanation of Change(s).

a. Exhibit 3-1, Infraction Levels, Definitions, and Appropriate Center Actions

- For the infraction **Drugs: Possession or distribution of drugs on center or under center supervision**, deleted the reference to *controlled substance* and clarified that the reference to illegal drugs means those listed on any schedule of the *Controlled Substances Act, including seeds and residue, except when the drug is possessed and/or used in accordance with a valid prescription.*
- Also for the infraction **Drugs: Possession or distribution of drugs on center or under center supervision**, deleted the bullet *Volatile intoxicating substances used for inhalation or ingestion* and replaced it with *Substances used for the purpose of intoxication* in order to address a broader range of scenarios.
- Also for the infraction **Drugs: Possession or distribution of drugs on center or under center supervision**, added the bullet *Over-the-counter medications for the purpose of intoxication* to make clear that misusing over-the-counter medications to achieve an intoxicated state is prohibited.
- Added a note to the infraction **Drugs: Use of drugs as evidenced by a positive drug test** stating that *[s]tudents who refuse to provide a specimen or have an unexcused absence from a follow-up drug test shall be presumed guilty of this infraction.*
- Added a note to the infraction **Alcohol: Possession, consumption, or distribution while on center or under center supervision** stating that *[s]tudents who refuse to submit to a breathalyzer or provide a sample for alcohol testing shall be presumed guilty of this infraction.*

b. Exhibit 3-5, Infraction Crosswalk

- Under the definition of the new infraction **Drugs: Possession or distribution of drugs on center or under center supervision**, deleted the reference to *controlled substance* and clarified that illegal drugs are those listed on any schedule of the *Controlled Substances Act, including seeds and residue, except when the drug is possessed and/or used in accordance with a valid prescription.*
- Under the definition of the new infraction **Drugs: Possession or distribution of drugs on center or under center supervision**, deleted the bullet *Volatile intoxicating substances used for inhalation or ingestion* and replaced it with *Substances used for the purpose of intoxication.*

- Under the definition of the new infraction **Drugs: Possession or distribution of drugs on center or under center supervision**, added the bullet *Over-the-counter medications for the purpose of intoxication*.
  - Under the definition of the new infraction **Drugs: Use of drugs as evidenced by a positive drug test**, added a note stating that *[s]tudents who refuse to provide a specimen or have an unexcused absence from a follow-up drug test shall be presumed guilty of this infraction*.
  - Under the definition of the new infraction **Alcohol: Possession, use, or distribution while on center or under center supervision**, added a note stating that *[s]tudents who refuse to submit to a breathalyzer or provide a sample for alcohol testing shall be presumed guilty of this infraction*.
- c. PRH Section 5.4, *Personal Safety and Security*
- In accordance with the recently completed WIOA Final Rule, Section R5.c. has been edited to reflect that all knives are unauthorized.
  - In Section R5.f., illegal drugs are those listed on any schedule of the *Controlled Substances Act* (except when the drug is possessed and/or used in accordance with a valid prescription), including seeds and residue, and drug paraphernalia.
  - In Section R8.b., the reference to *narcotics* has been replaced with *illegal drugs (as defined in R5.f, above) must be stored and disposed of according to agreements negotiated by the center and the appropriate local law enforcement agency*. Further, this section now clarifies that *[d]isposal of any substance not covered by the agreement with law enforcement must be in accordance with state and local law, consistent with center Standard Operating Procedures on Medication Management*.
- d. PRH Section 6.1, *Student Attendance, Leave, and Absences*
- Section R1.a.2. clarifies that attendance records for all scheduled career development activities must be maintained *in CIS*.
- e. PRH Section 6.11, *Health Related Programs*
- In part (e)(a)(c), identified the sanction for refusal to provide a specimen or an unexcused absence from a follow up drug test as *presumed guilty of the Level I infraction **Drugs: Use of drugs as evidenced by a positive drug test***.
  - In part (e)(b), added section (c) indicating that *[i]f a student refuses to submit to a breathalyzer or provide a sample for alcohol testing, the student shall be presumed guilty of the Level I infraction **Alcohol: Possession, consumption, or distribution while on center or under center supervision***.

5. Action Required. Addressees are to ensure this Change Notice is distributed to all appropriate staff.

6. Effective Date. Immediately.

7. Inquiries. Inquiries should be directed to Stephanie Fichter at (202) 693-3732 or [fichter.stephanie.a@dol.gov](mailto:fichter.stephanie.a@dol.gov).

#### Attachments

A – PRH Exhibit 3-1 Infraction Levels, Definitions and Appropriate Center Actions

B – PRH Exhibit 3-5 Infraction Crosswalk

C – PRH Chapter 5

D – PRH Chapter 6