

September 16, 2016

DIRECTIVE: JOB CORPS PROGRAM INSTRUCTION NOTICE NO. 16-13

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: Accommodation of Medical Marijuana Use by Job Corps Participants

1. Purpose. Many states have removed criminal penalties for the possession and use of marijuana. This notice provides clarification on medical marijuana use by Job Corps participants.

2. Background. Under the Controlled Substances Act, marijuana is classified as a Schedule I controlled substance, which is reserved for drugs with the greatest potential for abuse and have no accepted medicinal value. Accordingly, the cultivation, distribution, and possession of marijuana for any purpose, except in connection with a federally approved research study, are illegal under Federal law. The Workforce Innovation and Opportunity Act (WIOA) requires Job Corps to implement a Zero Tolerance policy for, among other things, the use, sale, or possession of a controlled substance.

3. Discussion. Since marijuana is a controlled substance, Job Corps centers are prohibited from permitting or accommodating enrollees' marijuana use, even where it is lawful under state law, except in the limited circumstance that the enrollee is using marijuana in connection with a research study approved by the Federal government. WIOA's Zero Tolerance provision preempts any state law that would require a center to permit or accommodate marijuana use.

Federal nondiscrimination laws similarly do not require Job Corps centers to accommodate use of medical marijuana by enrollees. Federal disability nondiscrimination laws do not recognize medical marijuana use as a disability, nor do the laws require Job Corps centers to accommodate medical marijuana use as a reasonable accommodation for a disability resulting from a separate underlying health condition.

4. Action. Job Corps centers are neither required nor permitted to accommodate medical marijuana use by a Job Corps participant.

Addressees are to ensure this Program Instruction Notice is distributed to all appropriate staff.

5. Effective Date. Immediately.

6. Expiration Date. Until superseded.

7. Inquiries. Inquiries should be directed to Johnetta Davis at (202) 693-8010 or davis.johnetta@dol.gov.