

## 1065 WORKPLACE SEARCHES POLICY

### I. Purpose

This policy establishes departmental procedures for conducting workplace searches. This policy applies to all employees of the Department of Human Services (DHS).

### II. Definitions

- (A) Workplace: the workplace includes those areas and items that are related to work and within DHS control. This includes but is not limited to all land, buildings, automobiles, and equipment, owned, occupied, leased, or rented by DHS.
- (B) Authorized Personnel: for the purpose of any search, authorized personnel is a person with managerial or supervisory responsibility for DHS over the workplace to be searched. The Office of Chief Counsel (OCC) and the Office of Security and Compliance (OSC) shall be consulted before any search is conducted.

### III. Search Procedures

- (A) A workplace search by authorized personnel may be conducted if the search is work-related and is reasonable under the circumstances.
  - (1) A workplace search is work-related if it is conducted for the purpose of obtaining or securing state property or records, or to investigate DHS employees for violations of DHS employee conduct standards.
  - (2) The scope of the search must be reasonably related to the circumstances which justified the search in the first place.
- (B) If substances found during a workplace search are suspected of being controlled substances, OCC and OSC shall be notified immediately. OCC and OSC will determine whether law enforcement should be notified.

### IV. Limitations

- (A) The workplace search does not extend to the search of an individual or to the contents of items owned by the individual such as a personal handbag or briefcase. However, if misconduct is suspected and a search through personal items or property (including vehicles, bags, etc.) is considered necessary by OCC and OSC to retrieve evidence, the employee's written consent must be given on the Consent/Objection to Search Form (DHS-1109).
- (B) If the employee refuses to consent to such search, the refusal should be noted on the DHS-1109 form, and the appropriate law enforcement authority, OSC, and the OCC shall be notified immediately.