



## Policy # 53014

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### DRUG-FREE WORKPLACE ACT OF 1988

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**Effective Date:** June 19, 2009

**Revised Date:** May 27, 2021

**Responsible Office:** Office of Human Resources

**Division:** Operations

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#### I. PURPOSE/OBJECTIVE

To protect the health and safety of university employees.

#### II. STATEMENT OF POLICY

Employees are the State of Louisiana's most valuable resource and their health and safety is a serious concern. The State of Louisiana will not tolerate any substance abuse or use which imperils the health and well-being of its employees or threatens its services to the public. The use of illegal drugs and abuse of alcohol or other controlled substances, on or off duty, is inconsistent with law abiding behavior expected of all citizens. Employees, who use illegal drugs or abuse alcohol or other controlled substances on or off duty, tend to be less productive, less reliable, and prone to greater absenteeism resulting in the potential for increased cost, delay and risk in providing services. Ultimately, they threaten the State's ability to serve the public.

##### A. Definitions

- 1. Drug-free workplace** – a site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of the federal Drug-Free Workplace Act of 1988.
- 2. Controlled substance** – any drug, substance or immediate precursor in Schedules I through V of La. R.S. 40:964 or Section 202 of the Controlled Substances Act (21 U.S.C. 812).
- 3. Criminal drug statute** – a criminal statute involving manufacture, distribution, dispensation, use or possession of any controlled substance.
- 4. Conviction** – a finding of guilt (including a plea of nolo contendere) or imposition of sentences, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

- B. Policy - It shall be the policy of the State of Louisiana to maintain a drug-free workplace and workforce free of other substance abuse.
1. Reporting to work or performing work for the State while under the influence of and impaired by illegal drugs or alcohol is prohibited.
  2. The illegal use, possession, dispensation, distribution, manufacture, or sale of controlled substance by employees at the work site, and while the employee is on official state business, on duty or on call for duty is prohibited.
  3. Violation of such prohibition by State employees is considered conduct detrimental to State service and may result in discipline and/or a directive to participate in a rehabilitation program.
  4. Employees are required by federal law to notify the employing state agency head or designee within (5) days of conviction under any criminal drug statute where such conviction occurred in the workplace, while on official business, during work hours or when on call for duty.
  5. An employee who is convicted of violating any criminal drug statute in such workplace situations as stated above may be subject to discipline and/or a directive to participate in a rehabilitation program.
  6. Agencies who receive federal grants or contracts must report any such criminal drug statute convictions of their employees to the federal agency from which grants or contracts are received within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of such conviction.
  7. Employees will be given a copy of the employee substance abuse and drug free workplace policy. Employees will be informed that they must abide by the terms of the policy as a condition of employment and of the consequences of any violation of such policy. Notification of this policy should be required as part of new employee orientation.
- C. Assistance Program – Employers shall encourage and support their employees in seeking rehabilitation services and should assist them in utilizing any available state-supported services. Use of sick, annual, and compensatory leave and leave without pay for purposes of bona fide rehabilitation efforts is encouraged.
- D. Awareness Program – The State of Louisiana will establish a Substance Abuse Awareness Program to assist employees to understand and avoid the

perils of drug and alcohol abuse. The State will use that program in an ongoing educational effort to prevent and eliminate abuse that may affect the state workforce. The Substance Abuse Awareness Program will contain provisions to inform employees about the:

1. dangers and recognition of alcohol and drug abuse;
2. employee Substance Abuse and Drug-Free Workplace Policy;
3. availability of treatment and counseling for employees who voluntarily seek such assistance;
4. sanctions the State will impose for violations of its Substance Abuse and Drug-Free Workplace Policy.

**E. Applicability** – This Employee Substance Abuse and Drug-Free Workplace Policy applies to all state agencies. State employees, as used in this Policy, means all classified and unclassified employees.

**F. Effective Date** – This Employee Substance Abuse and Drug-Free Workplace Act Policy is effective May 23, 1989.