



Policy # 53015

EMPLOYEE DRUG SCREENING (SAFETY SENSITIVE AND SECURITY RELATED EMPLOYMENT SUBSTANCE ABUSE SCREENING)

Effective Date: July 1, 2009

Reviewed Date: May 27, 2021

Responsible Office: Office of Human Resources

Division: Operations

I. PURPOSE/OBJECTIVE

To ensure that the workplace is free from the risks associated with the use of alcohol and drugs by requiring drug testing of current employees and applicants who are offered safety-sensitive and security-sensitive positions.

The objectives of this policy are:

1. To maintain safety for University students, employees, and the general public;
2. To educate employees about the dangers of substance abuse;
3. To maintain productivity and quality of services; and
4. To encourage rehabilitation of non-temporary and non-probational employees without jeopardizing their jobs.

II. STATEMENT OF POLICY

The University has a legitimate interest in promoting reasonable working conditions for its employees.

The University supports maintaining a drug and alcohol-free workplace, pursuant to the Drug-Free Schools and Communities Act of 1986, the federal Drug-Free Workplace Act of 1988, the Louisiana Drug Testing Act of 1990, the Omnibus Transportation Employee Testing Act of 1991, and the Federal Highway Administration procedures, Title 49CFR part 40 and part 382 et al., Louisiana Revised Statutes 23:1081 and 1601, 30:2173 (2), 32:1502(5), and Executive Order MJF 98-38.

Additionally, Executive Order No. BJ 08-69 provides for the promulgation by executive agencies of written policies mandating drug testing of employees, appointees, prospective employees and prospective appointees in accordance with La. R.S. 49:1001, et seq.

La. R.S. 39:1535(8)(12) provides that the Office of Risk Management ("ORM") may promulgate rules and regulations to establish procedures governing risks and injuries sustained where a participating or covered entity of the State may be liable for damages.

La. R.S. 23:1081 and Louisiana Administrative Code Title 40, Part I, Chapter 15 allows an employer to test an employee for drugs and alcohol when the employee receives a personal injury from an accident arising out of and in the course of his employment.

In addition to any drug testing policy adopted by an executive agency pursuant to Executive Order No. BJ 08-69, this policy shall also apply to all persons having an employment relationship with an executive agency, whether classified, unclassified, student employees, interns, full-time, part-time, or temporary (hereinafter employee(s)), when the employee's agency is provided workers' compensation coverage through ORM.

Therefore, all employees who are entitled to assert a claim pursuant to the Workers' Compensation laws of Louisiana shall be subject to, and shall cooperate in, post-accident drug testing. With or without prior notification, any employee in an accident that occurs during the course and scope of employment shall be required to submit to drug and/or alcohol testing as soon as practicable under La. R.S. 23:1081, whether or not a compensable injury is immediately claimed by the employee, where an accident occurs under any circumstance, regardless of fault, which necessitates, or should reasonably necessitate, medical attention to the employee as determined by the employee, the employee's supervisor(s), or the department head, regardless of whether the employee actually desires, agrees to, seeks, or receives medical attention.

Testing shall be performed as provided for in the Louisiana Administrative Code Title 40, Part I, Chapter 15.

Testing shall be performed at the most practical hospital or medical facility. ORM reserves the right to require employees to submit to additional testing, if warranted.

A representative of Grambling State University shall transport the employee being tested to and from the testing site. Under no circumstance should any employee who is believed to be impaired or under the influence of any drug or alcohol be permitted to operate a motor vehicle.

Employees found to test positive or failing to promptly submit to testing under this policy may be subject to dismissal or denial of their Workers' Compensation benefits pursuant to La. R.S. 23:1081.

Employees and supervisors may also be subject to discipline, up to and including dismissal, in accordance with their agency's drug-free policy for failing to cooperate with, or to apply, the post-accident drug testing requirements outlined in this policy.

While enforcement of this policy may reveal employees who have violated its prohibitions, it is not the University's intention to actively seek out employees engaged in illegal activity. However, the University fully intends to comply with its obligation to maintain a drug-and-alcohol-free workplace.

This policy applies specifically to all persons employed in safety-sensitive or security-related positions, both classified and unclassified. Additionally, this policy applies to all applicants (external and internal) for positions designated as safety-sensitive and security-related. This identified group of employees and applicants will henceforth be referred to as employee(s) and applicant(s).

This policy should in no way be construed as creating a contract of employment and should not be construed as limiting the University's right to administer other disciplinary measures that are not outlined in this policy.

Grambling State University is committed to maintaining a safe, productive, and wholesome work environment for all employees by preventing accidents and other dangerous incidents that may result from the unlawful use of drugs and the abuse of alcohol. The University will comply with all laws and governmental regulations to create and maintain a workplace free from illegal drugs and alcohol abuse. The sale, purchase, transfer, concealment, transportation, storage, possession, distribution, cultivation, manufacture, dispensing of illegal drugs, drug-related paraphernalia and/or alcohol while on duty and/or engaged in Grambling State University business on or off Grambling State University premises is strictly prohibited.

Each employee shall report to work in the appropriate mental and physical condition to perform his other job assignments and responsibilities and shall maintain this condition while on the job. Therefore, no employee shall at any time work while under the influence of illegal drugs or alcohol. Drug paraphernalia or alcohol is strictly prohibited in or on property owned, operated, or controlled by the University.

All employees and applicants of designated positions must abide by the provision of this policy as a condition of continued employment.

The University hereby reaffirms its commitment to its employees to utilize our employee assistance program emphasizing education, counseling, referral for rehabilitation, and coordination with available community resources. The University hereby makes a commitment to supervisory training to assist supervisors and managers in identifying and responding to illegal drug use and alcohol abuse by employees. In Appendix II, Alcohol and Drug Effects, employees are provided with training material discussing the effects of alcohol and controlled substance use on an individual's health, work and personal life.

A. ADMINISTRATIVE GUIDELINES

1. This policy shall be applied uniformly to all applicable employees and applicants.
2. This policy will be enforced by the respective Department Heads, in conjunction with the Office of Human Resources and the EEO Office.

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3. Personal dignity and the right to reasonable privacy will be respected in reaching the goal of a drug-free workplace.
 4. No employee will be subjected to unreasonable searches or detention.
 5. All information, interviews, reports, statements, memoranda, or test results received by the University through its drug- and alcohol-testing program are confidential communications, and may not be used except in a claim or hearing set for unemployment compensation or litigation where drug or alcohol use by the tested employee is relevant.
 6. Results of drug and alcohol tests shall not be disclosed unless authorized by law.
 7. All illegal drugs and drug paraphernalia found in or on University property will be turned over to the appropriate law enforcement authorities.
 8. Substance abuse testing shall conform to scientifically accepted analytical methods and procedures and shall be performed by an independent toxicology laboratory that has SAMSHA and or CAP-FUDT Certification.
 9. Should a drug or alcohol test be required, the appointing authority or designee will notify the employee of the time he or she is to report for testing, the location of the collection site, and the requirement for appropriate photo identification.
 10. All test results will be reported to a Medical Review Officer (MRO) within 72 hours. The MRO will review the lab results, inform the employee and then communicate to the University Administrator.
 11. Any employee who refuses to cooperate with the University's investigation of possible substance abuse and/or any required testing procedures shall be subject to disciplinary action. Furthermore, furnishing a false or adulterated specimen when a drug test is required will be grounds for immediate termination.
 12. Tested employees will have an opportunity to provide to the MRO any information which they consider relevant to the test, including identification of currently or recently used prescription or nonprescription drugs or other relevant medical information.
 13. When a supervisor has a reason to suspect that an employee is not able to perform his or her duties as a result of an impairment that may be caused by alcohol abuse or illegal drug use, the supervisor shall consult with the

appointment authority or the employee assistance program representative regarding how to proceed with further investigation as well as the advisability of testing the employee.

14. Administrative review by the Equal Employment Opportunity Officer shall be available to any employee who believes he or she has been wrongly selected for drug-testing.
15. Any regular employee with a verified first offense confirmed positive test result shall be referred to the employee assistance program for referral to treatment programs for rehabilitation. Confirmed positives in two separate incidents will result in disciplinary action up to and including permanent termination of employment.
16. Any employee who voluntarily admits to illegal drug use or alcohol abuse, obtains counseling or rehabilitation through the employee assistance program, and thereafter remains free from illegal drug use or alcohol abuse, may receive favorable consideration in any proposed disciplinary actions relative to same.
17. The University's financial participation in the rehabilitation of employees will be limited to existing sick, annual and compensatory leave and the employee's health care benefits. All other costs, charges and fees, will be the responsibility of the employee and will not be subject to reimbursement by the University.

B. POSITIONS DEFINED UNDER FEDERAL LAW

1. All current W-2 employees whose jobs require them to drive commercial motor vehicles as defined by the Drug-Free Workplace Policy. The policy also applies to all persons who have made written application for positions that will require them to drive commercial motor vehicles. This group of employees and applicants is subject to drug testing pursuant to federal law (Department of Transportation/Federal Highway Administration Alcohol and Drug Testing Regulations – CFR 49).
2. Conditions when employers must test employees for alcohol and/or controlled substances under federal law:
 - a. Pre-employment: Prior to the first time an employee performs a safety-sensitive function, the individual must undergo testing for controlled substances. The employee shall not be permitted to perform safety-sensitive functions unless the driver has received a controlled substances test result indicating a verified negative test result.
 - b. Post-accident: For an employee with a commercial driver's license covered by the Federal Highway Administration, a post-accident

test will be conducted for the employee driver of an accident involving a loss of human life or where the driver receives a moving traffic violation. A collision or occurrence meets the definition of an “accident” when the incident involves a motor vehicle operating on a public road which results in a death or bodily injury to a person who immediately receives medical treatment away from the accident; or one or more vehicles is disable and must be towed from the scene.

- c. Random: Such testing shall be conducted utilizing a fair and equitable method of selection.
 - d. Reasonable Suspicion: A supervisor’s belief must be based on specific observation concerning the appearance, behavior, speech, or body odors of the driver. Such determinations should be confirmed by a second employee when possible.
- 3. Return-to-duty: An employee who has violated a prohibition on alcohol or controlled substance use must have a negative alcohol or controlled test before returning to duty.
 - 4. Follow-up Substance Testing: A safety-sensitive employee who has been identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use is subject to follow-up testing.
 - 5. Alcohol testing may be required in all of the above conditions except pre-employment as specified in 49:CFR part 40. Following a determination that an employee has misused alcohol, the employee will be removed from safety-related functions.

C. POSITIONS DEFINED UNDER STATE LAW (LA R.S. 49:1015)

- 1. All current employees in safety-sensitive or security-sensitive positions, both classified and unclassified. The policy also applies to all persons who have made written application for positions designated as safety-sensitive and security-sensitive. Safety-sensitive or security-sensitive functions include positions involving the transport of hazardous waste, access to drugs, and use of a firearm.
- 2. Conditions when employers may test employees for drugs under state law:
 - a. Pre-employment post-hire: The prospective employee hired for a safety sensitive position must undergo controlled substance drug testing prior to being placed in the position.

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- b. Post-accident: An employee shall be tested following an accident during the course and scope of employment if there is reasonable suspicion of an employee's drug use or if the accident results in:
 - i. serious injury of a fatality,
 - ii. damage at or above \$1000.00 and/or
 - iii. the release of hazardous waste as defined in R.S. 30:2173(2) or hazardous materials defined in R.S.32:1502(5).
 - c. Random: Such testing shall be conducted for employees in safety-sensitive and security-sensitive positions or participating in a rehabilitation program utilizing a fair and equitable method of selection.
 - d. Reasonable Suspicion: A supervisor's belief must be based on specific observation concerning the appearance, behavior, speech, or body odors of the driver. Such determinations should be confirmed by a second employee when possible.

All current employees, both classified and unclassified, will be subject to drug testing under the following conditions: reasonable suspicion, post-accident, and testing as part of a monitoring program established to assure compliance with the terms of a rehabilitation agreement.

D. DRUG AND ALCOHOL TESTING

1. Types of Testing

The appropriate authority may require drug-or alcohol-testing for employees and applicants of the safety sensitive and security positions for the following situations: on a random basis, when there is reasonable suspicion that an employee uses drugs, as a follow up to drug counseling or rehabilitation, after an on-the-job accident/incident of serious or potentially serious results and when employees are selected for transfer or promotion to positions identified in Appendix I. Testing for substance abuse may be by Breathalyzer, blood, urine or any other appropriate and scientifically accepted tests.

- a. **Reasonable Suspicion Testing** – a supervisor may have reason to believe or suspect that this policy is being violated by an employee based on observation of drug use; abnormal or erratic behavior that indicates impairment in normal sensory and/or motor body function; investigation, arrest, or conviction of alcohol or drug-related offenses; or evidence that the employee tampered with a previous alcohol or drug test. An employee may be required to submit to a drug or alcohol test when such

reasonable suspicions arise and a second (additional) supervisor also observes the behavioral manifestations of the employee.

- b. **Follow-up Testing** – employees who have previously been found to be users of illegal drugs or abusers of alcohol may be monitored for abstinence, with adverse job action following apparent relapse.
- c. **Random Drug Testing** – all University employees whose job titles are listed in Appendix I shall be eligible for random drug testing at all times during each fiscal year. A non-discriminating method shall be used to select employees for testing.
- d. **Post on the Job Accident/Incident** – following an on-the-job injury or potentially serious accident, injury, or incident in which safety precautions were violated or unusually careless acts were performed.
- e. **Final Applicants for Employment** – all applicants for job titles listed in Appendix I shall be drug tested prior to employment.
- f. **Employees Seeking Transfers/Promotions to Safety Sensitive and Security Related Positions** – any employees as applicants for transfer or promotion to one of the positions identified in Appendix I shall be drug tested and found free of drugs as a condition of the transfer or promotion.

2. OTHER TYPES OF TESTING

- a. **Initial Test** – a test designed to eliminate “negative” specimens from further consideration.
- b. **Confirmatory Test** – a second analytical procedure to identify the presence of a specific drug or metabolite. This test will involve a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.

E. CONSEQUENCES OF POSITIVE DRUG OR ALCOHOL TESTS

1. Probationary and Non-Probationary Employees

a. First Confirmed Positive Test

- i. These employees will be prohibited from operating any University motor vehicle or machinery for a period not less than 30 days or until released from a treatment program, whichever shall be deemed appropriate under the circumstances.
- ii. The employee shall be referred to the employee assistance program by the appointing authority for referral.
- iii. The employee shall be required to participate in and successfully complete a rehabilitation program.

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- iv. The employee shall be subject to follow-up testing.
 - v. The employee assistance program coordinator shall monitor the employee's progress.

b. Second Confirmed Positive Test

If any employee tests positive a second time for either illegal drugs or alcohol abuse as a result of any required test, the employee shall be terminated for misconduct for violation of this policy as well as any other impairment to state service caused by such conduct, within the regulations and rules of Civil Service.

F. APPEALING A CONFIRMED POSITIVE TEST

1. Applicant – In the event of a confirmed positive test result in the post-offer drug test, the applicant will not be considered for immediate employment. He/she will be notified of the test results and informed that he/she will no longer be considered for immediate employment. The applicant may reapply only after twelve (12) months have expired.
2. All applicants with a confirmed positive drug test will be allowed to challenge the results of the test within seven (7) working days of notification and in the following manner(s):
 - i. If the individual wishes to challenge the test results, it is his/her responsibility to notify the MRO in writing.
 - ii. If the test of the first bottle is confirmed positive, and a split sample is collected, the applicant may request that the MRO direct that the second bottle be tested, at the applicant's own expense, in an NIDA-certified or CAP-FUDT-certified laboratory (or one which meets current state/federal certification requirements as outlined by appropriate laws) for presence of the drug(s) for which a positive result was obtained in the test of the first bottle. The result of this test is transmitted to the MRO without regard to the cutoff values as listed in the NIDA guidelines. The MRO shall honor such a request if made within seventy-two (72) hours of the applicant's having actual notice that he or she tested positive.
 - iii. The second test must be equal to or of greater sensitivity for the drug in question as was the initial test. A copy of the second test result must be submitted to the MRO before the applicant can be reconsidered for employment.
 - iv. If the result of the second test is negative, the MRO shall cancel the positive results of the first test.

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3. Current Employees – If the employee wishes to challenge a confirmed positive test result he/she may do so in writing within seven (7) days of notification and with the understanding that he/she will be placed on administrative leave until the challenge is resolved.
 4. All employees with a confirmed positive drug test may contest the results in the following manner:
 - a. A written request for such is submitted to the MRO within seven (7) working days by the employee.
 - b. If the test of the first sample is confirmed positive, and a split sample is collected, the employee may request that the MRO direct that the second sample be tested, at the employee's own expense, in an NIDA-certified or CAP-FUDT-certified laboratory (or one which meets current state/federal certification requirements as outlined by appropriate laws) for presence of the drug(s) for which a positive result was obtained in the test of the first sample. The result of this test is transmitted to the MRO without regard to the cutoff values as listed in the NIDA guidelines. The MRO shall honor such a request if made within seventy-two (72) hours of the employee's having actual notice that he or she tested positive.
 - c. The second test must be equal to or of greater sensitivity for the drug in question as was the initial test. A copy of the second test result must be submitted to the MRO before the employee can be reconsidered for employment.
 - d. Action taken by the employer as the result of a positive drug test such as removal from performing a safety-sensitive function is not stayed pending the result of the second test.
 - e. If the result of the second test is negative, the MRO shall cancel the positive results of the first test.
 - f. If the result of the second test is negative, the employee will have any leave used restored for the scheduled work loss or will be paid for any work time lost not taken as leave with pay.

G. INDEMNIFICATION PROVISION

This University hereby declares its policy that it shall defend and indemnify all officers and employees of this University from any financial loss, which for purposes of this indemnity shall mean and include court costs, judicial interest and monetary damages, arising out of any claim, demand or judgment from a state or federal court or any decision from any administrative law body

by reason of any act by said officer or employee at the time damages were sustained, and presumes the employee/officer was acting reasonably in the discharge of his duties and within the scope of his employment and such damage did not result from the intentional wrongful act of gross negligence of said officer or employee.

H. EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program, or EAP, is a University referral assistance program which helps employees and their families resolve problems affecting their personal lives and/or job performance. Besides being confidential, the program is voluntary. The program is designed to allow the employees to seek help on their own. However, referrals to the EAP may be initiated by the supervisor or management personnel when a serious job performance problem occurs.

When an employee makes a decision to enter a substance abuse rehabilitation/treatment program, the employee will be required to sign a "Return to Work Agreement" which will stipulate the responsibilities of the employee under the agreement.

Discussion of the problem is strictly between the employee and the EAP representative, who provides referral literature to the employee for follow-up. If the employee refuses to participate in a rehabilitation program and a job performance or attendance problem continues, appropriate disciplinary action may result.

III. VIOLATION OF POLICY

Violation of this policy, including refusal to submit to drug testing when properly ordered to do so, will result in actions up to and including termination of employment. Each violation and alleged violation of this policy will be handled on an individual basis, taking into account all data, including the risk to self, fellow employees, and the general public.

Policy References:

Louisiana Revised Statute 49:1001-1021
Drug-Free Schools and Communities Act of 1986
Federal Drug-Free Workplace Act of 1988
Louisiana Drug Testing Act of 1990
Omnibus Transportation Employee Testing Act of 1991
Federal Highway Administration Procedures
Title 49CFR part 40 and part 382 et al.
Louisiana Revised Statutes 23:1081 and 1601, 30:2173 (2), 32:1502(5)
Executive Order MJF 98-38

APPENDIX I
DEFINITIONS

1. Alcohol – any beverage, mixture, or preparation containing alcohol, including, but not limited to, whiskey, beer, wine, and other spirituous liquor or malt beverages. For purposes of this policy, alcohol is a drug.
2. Appointing Authority – the individual(s) lawfully delegated by the University to make appointments to positions in the state service.
3. CAP-FUDT Laboratory (College of American Pathologists – Forensic Urine Drug Testing Program) – NIDA Laboratory [SAMSHA] (LA R.S. 49:1001) - a laboratory certified for forensic drug testing by the College of American Pathologists.
4. Collection Site (LA R.S. 49:1001) – a place designated by the employer where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.
5. Commercial Motor Vehicle (CFR 382.107) – a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property and (1) has a gross vehicle weight rating of more than 10,000 pounds, (2) has a gross vehicle weight rating of 26,001 or more pounds, (3) is designed to transport 16 or more passengers including the driver, or (4) is of any size and is used in the transportation of hazardous materials requiring placards.
6. Confirmation or Confirmatory Test (LA R.S. 49:1001) – a second analytical procedure to identify the presence of a specific drug or metabolite which is dependent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.
7. Controlled Substance – A drug, chemical substance, or immediate precursor in Schedules I through V of R.S. 40:964 or Section 202 of the Controlled Substances Act (21 U.S.C. 812).
8. Conviction – a finding of guilt (for purposes of this policy, including a plea of “no contest”) by any judicial body charged with the responsibility to determine violations of federal or state criminal drug prohibition statutes.
9. Criminal Drug Prohibition Statutes – all federal and state laws concerning the manufacture, distribution, dispensing, use or possession of any controlled substance.
10. Designer (Synthetic Drugs) – those chemicals that are made in clandestine laboratories where the molecular structure of both legal and illegal drugs is altered to create a drug that is not explicitly banned by federal law.
11. Detectible Level - the concentration which indicates the presence or absence of the drug or metabolites in the specimen submitted for testing as set forth in applicable local, state, and/or federal statutes and any revisions thereto.

12. Driver (CFR 382.107) – any person who operates a commercial motor vehicle. This includes but is not limited to: full-time, regularly employed drivers; and casual, intermittent or occasional drivers.
13. Drug Paraphernalia – any item commonly used or known to be used for administering, packaging or transporting illegal drugs.
14. Drug Testing Services (LA R.S. 49:1005 and Executive Order No. MJF 93-38) – procurement of laboratory services by a certified laboratory shall be provided through the Office of State Purchasing, Division of Administration, pursuant to applicable bid laws. Expenses for testing will be encumbered by the University; however, expenses for second testing may be the responsibility of the employee.
15. Employee – as defined by LA R. S. 49:1001, “any person, paid or unpaid, in the service of an employer.” More specifically, the person may be classified, unclassified, probationary (rehabilitation), temporary or non-temporary in a safety-sensitive and/or security position.
16. Employee Assistance Program – a confidential program of counseling and referral to community resources designed to restore the employee to productivity and to encourage the employee to seek assistance before his or her job is in jeopardy.
17. Employee Assistance Program Representative – the University employee(s) who oversees and administers the employee assistance program.
18. Illegal Drugs – drugs prohibited by law and otherwise legal substances which have not been obtained or used for the purpose or in the manner intended by the manufacturer, and prescribed drugs not being used for prescribed purposes or being used by one other than the person for whom prescribed. Includes narcotics, hallucinogens, depressants, stimulants, look-alike drugs, or other substances which can affect or hamper the senses, emotions, reflexes, judgment, or other physical or mental activities. For the purposes of this policy, “look-alike” and “designer” drugs are considered drugs.
19. Legal Drug (LA R.S. 49:1015) – drugs prescribed by a licensed practitioner and over-the-counter drugs which have been legally obtained and are being used solely by the individual and for the purpose for which they were prescribed or manufactured in the appropriate amount.
20. Medical Review Officer – a licensed physician responsible for receiving laboratory results generated by a drug testing program and interpreting and evaluating an individual positive test result together with his/her medical history and other relevant biomedical information.
21. Pre-employment (LA R.S. 49:1015) – post-job offer but prior to starting work an employee in a security- or safety-sensitive position must be tested for controlled substances. The employee shall not be allowed to perform safety-sensitive functions unless the University has received a verified controlled substances negative test result.

22. Prospective Employee (LA R.S. 49:1001) – any person who has made application whether oral or written to become an employee.
23. Post-accident (LA R.S. 49:1015) – as a condition of employment, samples from an employee may be required to test for the presence of drugs following an accident if the accident occurred during the course and scope of the employee’s employment, under other circumstances which result in reasonable suspicion that drugs are being used. Additionally, the employee, under reasonable suspicion of drug impairment, shall be required to submit to a drug test if the accident results in (1) serious injury or a fatality, (2) damage at or above \$1,000.00 or (3) causes the release of hazardous waste as defined in R.S. 30:2173(2) or hazardous materials defined in R.S. 32:1502(5).
24. Reasonable Suspicion (LA R.S. 49105) – belief based upon reliable, objective, and articulable observation regarding the appearance, behavior, speech, or body odors of an individual and being of sufficient import and quantity to lead a prudent person to suspect that an employee is in violation of this policy. Such determination should be confirmed by a second employee when possible. Recommendation to test will be in writing and will describe the behavior and circumstances observed.
25. Refusal to Submit (CFR 382.107) – a driver (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing, or (3) engages in conduct that clearly obstructs the testing process.
26. Safety-Sensitive Position – a position in which one of the following situations exists:
 - i. a hazardous condition or practice in the workplace could result in a potential danger which could reasonably be expected to cause death or physical harm to the employee, his co-workers, or the general public; or
 - ii. operation of machinery and equipment could cause serious injury to employees or others in the work area; or
 - iii. public safety demands that employees carry deadly weapons in the course and scope of their duties and must be prepared to make clear-headed instant decisions that could cause injury or death to our clientele and the general public; or
 - iv. access to drugs or other hazardous substances.
27. Sample (LA R.S. 49:1001) – urine, blood, saliva, or hair.
28. Sample Collection (R.S. 49:1006) – procedures as dictated by law.
29. Screened Drugs - the drugs for which urine-screening is conducted include the following:
 - i. Amphetamines
 - ii. Cannabinoids (marijuana metabolites)

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- iii. Cocaine Metabolites
 - iv. Opiates
 - v. Phencyclidine
 - vi. Alcohol (special circumstances, such as accidents, may require testing for blood-alcohol levels)
30. Security-Related Position – a position wherein the individual is authorized to carry a firearm.
31. Split Sample (LA R.S. 49:1001) – one urine specimen from one individual that is separated into two specimen containers.
32. Substance Abuse – the self-administration of controlled substances outside the course of medical practice for their mood-altering affects; an abnormal pattern of drug or alcohol use that continues in spite of social, occupational, psychological, or physical impairment caused or aggravated by such use.
33. Under the Influence – a drug, chemical substance, or the combination of a drug/chemical that affects an employee in any detectable manner. The symptoms or influence are not confined to that consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. Such a determination of influence will be established by a professional opinion or a scientifically valid test.
34. Workplace – any location including all property, offices and facilities (including all vehicles and equipment) whether owned, leased or otherwise used by the agency or by an employee on behalf of the agency in the conduct of its business in addition to any location from which an individual conduct agency business while such business is being conducted.

APPENDIX II

Drug screening is required of employees or applicants for the following positions:

Chief of University Police
Assistant Chief of University Police
Police Sergeant
Police Corporal
Police Lieutenant
Police Officer 3
Police Officer 2
Police Officer 1
Guard
Registered Nurse 2
Registered Nurse 1
Practical Nurse, Licensed 2
Practical Nurse, Licensed 1
Nursing Assistant 1
Director of Infirmary
Travel Aid/Bus Driver*
Mobile Equipment Operator 1*
Mobile Equipment Operator 2*
Heavy Mobile Equipment Operator 1*
Heavy Mobile Equipment Operator 2*
Mobile Equipment Maintenance Mechanic*
Mobile Equipment Master Mechanic*
Maintenance Repairman 1 and 2 and Master*
Mobile Equipment Shop Foreman*
Mobile Equipment Overhaul Mechanic*

* Applies to individuals who directly transport vehicles with a weight rating of 26,001 or more pounds or designed to transport 15 or more passengers, including the driver or of any size used in the transportation of materials found to be hazardous for purposes of the Hazardous Materials Regulations (49 CFR, part 172, subpart F), whether or not this is the regular job of the individual.

APPENDIX III ALCOHOL AND

DRUG EFFECTS

This attachment is intended to help individuals understand the personal consequences of substance abuse.

ALCOHOL

Although used routinely as beverage for enjoyment, alcohol can also have negative physical and mood-altering effects when abused. These physical or mental alterations in a driver may have serious personal and public safety risks.

Health Effects

An average of three or more servings per day of beer (12 oz.), whiskey (1 oz.) or wine (6 oz.) over time, may result in the following health hazards:

- * Dependency
- * Fatal liver diseases
- * Kidney disease
- * Pancreatitis
- * Ulcers
- * Decreased sexual functions
- * Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- * Spontaneous abortion and neonatal mortality
- * Birth defects

Social Issues

- * 2/3 of all homicides are committed by people who drink prior to the crime.
- * 2-3% of the driving population are legally drunk at any one time. This rate doubles
 - * at night and on weekends.
- * 2/3 of all Americans will be involved in an alcohol-related accident during their lifetime.
- * The separation and divorce rate in families with alcohol dependency problems is 7 times the average.
- * 40% of family court cases are alcohol-related.
- * Alcoholics are 15 times more likely to commit suicide.
- * More than 60% of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol-related.
- * Over 17,000 fatalities occurred in 1993 in highway accidents, which were alcohol-related. This was 43% of all highway fatalities.
- * 30,000 people will die each year due to alcohol caused liver disease.
- * 10,000 people will die each year due to alcohol-related brain disease or suicide.

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- * Up to 125,000 people die each year due to alcohol-related conditions or accidents.

Workplace Issues

- * It takes one hour for the average person (150 pounds) to process one serving of alcohol from the body.
- * Impairment can be measured with as little as two drinks in the body.
- * A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

DRUGS

Marijuana

Health Effects

- * Emphysema-like conditions
- * One joint of marijuana contains cancer-causing substances equal to ½ pack of cigarettes.
- * One joint causes the heart to race and be overworked. People with heart conditions are at risk.
- * Marijuana lowers the body's immune system response, making users more susceptible to infection.
- * Chronic smoking causes changes in brain cells and brain waves. The brain does not work as efficiently or effectively. Long-term brain damage may occur.
- * Tetrahydrocannabinol (THC) and other chemicals in Marijuana concentrate in the ovaries and testes.
- * Chronic smoking of marijuana in males causes a decrease in testosterone and an increase in estrogen, the female hormone. As a result, the sperm count is reduced, leading to temporary sterility.
- * Chronic smoking of marijuana in females causes a decrease in fertility.
- * A higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life common in pregnant marijuana smokers.
- * THC causes birth defects including brain damage, spinal cord, forelimbs, liver, and water on the brain and spine in test animals.
- * Prenatal exposure may cause underweight newborn babies.
- * Fetal exposure may decrease visual functioning.
- * User's mental function can display the following effects:
 - ☞ delayed decision making
 - ☞ diminished concentration
 - ☞ impaired short-term memory
 - ☞ impaired signal detection
 - ☞ impaired tracking

-
- ✎ erratic cognitive function
 - ✎ distortion of time estimation

Workplace Issues

- * THC is stored in body fat and slowly released.
- * Marijuana smoking has long-term effects on performance.
- * Increased THC potency in modern marijuana dramatically compounds the side effects.
- * Combining alcohol or other depressant drugs with marijuana increases the impairing effects of both.

Cocaine

Used medically as a local anesthetic. When abused, it becomes a powerful physical and mental stimulant. The entire nervous system is energized. Muscles tense, heart beats faster and stronger, and the body burn more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

Health Effects

- * Regular use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing damage to critical nerve cells. Parkinson's Disease could occur.
- * Cocaine causes the heart to beat faster, harder and rapidly increased blood pressure. It also causes spasms of blood vessels in the brain and heart. Both lead to ruptured vessels causing strokes and heart attacks.
- * Strong dependency can occur with one "hit" of cocaine. Usually mental dependency occurs within days for "crack" or within several months for snorting coke. Cocaine causes the strongest mental dependency of all the drugs.
- * Treatment success rates are lower than other chemical dependences.
- * Extremely dangerous when taken with other depressant drugs. Death due to overdose is rapid. Fatal effects are usually not reversible by medical intervention.

Workplace Issues

- * Extreme mood and energy swing create instability. Sudden noise causes a violent reaction.
- * Lapses in attention and ignoring warning signals increases probability of accidents.
- * High cost frequently leads to theft and/or dealing.
- * Paranoia and withdrawal may create unpredictable or violent behavior.

-
- * Performance is characterized by forgetfulness, absenteeism, tardiness, and missing assignments.

Opiates

Narcotic drugs which alleviate pain and depress body functions and reactions.

Health Effects

- * IV needle users have a high risk of contracting hepatitis or AIDS when sharing needles.
- * Increase pain tolerance. As a result, a person may more severely injure themselves and fail to seek medical attention as needed.
- * Narcotic effects are multiplied when combined with other depressants causing an increased risk for an overdose.
- * Because of tolerance, there is an ever increasing need for more.
- * Strong mental and physical dependency occurs.
- * With increased tolerance and dependency combined, there is serious financial burden for the users.

Workplace Issues

- * Side effects such as nausea, vomiting, dizziness, mental clouding and drowsiness place the user at high risk for an accident.
- * Causes impairment of physical and mental functions.

Amphetamines

Central nervous system stimulant that speeds up the mind and body.

Health Effects

- * Regular use causes strong psychological dependency and increased tolerance.
- * High doses may cause toxic psychosis resembling schizophrenia.
- * Intoxication may induce a heart attack or stroke due to increased blood pressure.
- * Chronic use may cause heart or brain damage due to severe constriction of capillary blood vessels.
- * Euphoric stimulation increases impulsive and risk taking behavior, including bizarre and violent acts.
- * Withdrawal may result in severe physical and mental depression.

Workplace Issues

- * Since the drug alleviates the sensation of fatigue, it may be abused to increase alertness during periods of overtime or failure to get rest.
- * With heavy use or increasing fatigue, the short-term mental or physical enhancement reverses and becomes an impairment.

Phencyclidine (PCP)

Often used as a larger animal tranquilizer; abused primarily for its mood altering effects. Low doses produce sedation and euphoric mood changes. Mood can rapidly change from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and blank stare. Sudden noises or physical shocks may cause a “freak out” in which the person has abnormal strength, violent behavior, and an inability to speak or comprehend.

Health Effects

- * The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- * PCP, when combined with other depressants, including alcohol, increases the possibility of an overdose.
- * If misdiagnosed as LSD induced, treating with Thorazine can be fatal.
- * Irreversible memory loss, personality changes, and thought disorders may result.

Workplace Issues

- * Not common in workplace primarily because of the severe disorientation that occurs.
- * There are four phases to PCP abuse:
 - Acute toxicity causing combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distorted perception are common.
 - Toxic psychosis with visual and auditory delusions, paranoia and agitation.
 - Drug induced schizophrenia.
 - Induced depression which may create suicidal tendencies and mental dysfunction.

**APPENDIX IV
AGREEMENT BETWEEN GRAMBLING STATE UNIVERSITY AND EMPLOYEE
FIRST OFFENSE POSITIVE TEST FOR CONTROLLED SUBSTANCE ABUSE
VIOLATION**

IT IS AGREED THAT:

Grambling State University and its employee, _____, do now agree, for the well-being of the employee and to protect the health and safety of the clientele of the University, and do now enter into this agreement, which, if faithfully observed, will help ensure that the Employee will remain and be a productive and trustworthy public servant. In accordance with same, the University and the employee further agree to the following:

1. The Employee agrees that his/her use of alcohol and/or illegal drugs, revealed by the positive test results, was a violation of the Employee Drug Screening (Safety-Sensitive and Security Related Employment Substance Abuse) Policy.
2. The Employee has decided to immediately begin and faithfully complete a drug rehabilitation/treatment program, and will submit in writing the name of the provider to the Human Resources Employee Assistance Program representative, within two (2) weeks (14 calendar days).
3. The Employee agrees to instruct the rehabilitation/treatment program provider to release information regarding the Employee's progress to the EAP representative.
4. The Employee agrees to follow the directions and recommendations of the treatment provider with which he/she participates.
5. The Employee agrees to adhere to all Grambling State University and State Civil Service policies, rules and regulations, and failure to do so will result in disciplinary action up to and including termination.
6. The Employee understands that any future violation of the Policy shall result in a recommendation for termination in accordance with applicable University and Civil Service policies.

My signature below certifies that this Agreement has been read and provided to me and that I understand that it is ultimately my responsibility to faithfully pursue continued recovery of my substance abuse condition.

Date

Employee Signature

Signature of EAP Representative

Signature of Employee's Department Supervisor

APPENDIX V
DO's and DON'Ts FOR SUPERVISORS

DO:

- 🔗 Prepare what you are going to say ahead of time. Have a plan and stick to it. Say what you have to say directly and clearly.
- 🔗 Find a place to meet that is private. What is said during the meeting must be kept confidential.
- 🔗 Focus on job performance and conduct – not on suspected alcohol or other drug abuse, mental illness, or any other potential reason for performance problems.
- 🔗 Present written documentation of the job performance and/or conduct problems (late reports, absences, lower productivity, accidents, problems with co-workers).
- 🔗 Treat all problems the same. Don't let age, seniority, friendship, or sympathy effect your evaluation or allow you to make exceptions for some employees and not the others.
- 🔗 Use a formal yet considerate attitude. If the interview becomes too casual, it will lessen the impact of your message.
- 🔗 State your expectations for improved performance and/or conduct and what will happen if the expectations are not met within a specific period of time. Offer instructions for improving performance and/or conduct.
- 🔗 Offer available resources (EAP, hotlines, etc.) to help employees get back on track if they say they are having personal problems.
- 🔗 Arrange for a second meeting to evaluate progress or to discuss disciplinary actions, if necessary.

DON'T

- 🔗 Try to diagnose the cause of employee's job performance or conduct problem.
- 🔗 Be distracted by tears, anger, or other outburst. (Stay focused on job performance and conduct.)
- 🔗 Moralize or judge employee.
- 🔗 Cover up for the employee or accept repeated unlikely excuses.
- 🔗 Back down. (Get a commitment for improved job performance and conduct.)
- 🔗 Threaten discipline unless you are willing and able to carry it out.
- 🔗 Argue with an employee. If the employee becomes resistant, reschedule the meeting instead.

**APPENDIX VI
SUGGESTIONS ON
HOW TO BEGIN AND END A CONVERSATION**

Supervisor:

Sarah, I want to talk to you about my observations regarding your work. You have been a good employee in the past, but lately, I've noticed changes in your work performance. I want to make you aware of my concerns and hear from you as well, because it is important that you correct the problems as soon as possible.

Employee:

Well, I've just been tired lately...I know I've been late a couple of times.

Supervisor:

(Refer to specific documentation of Sarah's job performance in the past month.)

Actually, you have been late 10 times in the last month, your productivity is down 25 percent, and you have called in sick 3 times in the past three weeks, always on a Monday or Friday. Has anything about your job changed that could explain these problems?

Employee:

What do you mean?

Supervisor:

For instance, are you having trouble with a specific job-related task or routine with a co-worker relationship that would cause you to be late or cause your productivity to be down?

Employee:

I don't think so. I mean, there are certain people I don't really get along with, but that's not what makes me late. I've been having problems at home. I guess it has been affecting my work more than I

thought. I get the message. I'll try to do better.

Supervisor:

Sarah, it is important that your work performance improve. I will give you two weeks to correct the behaviors I mentioned before taking further action. In the meantime, I will remind you that the Employee Assistance Program is available to you if you need help with personal problems that are affecting your job performance.

When we meet again in 2 weeks from Thursday, we will review your job performance again. Between now and our next meeting, I expect you to be present at work and on time every day. If your attendance and tardiness do not improve, we will discuss further actions.

Note for Supervisors: (Further action may include referring the employee to the EAP again, or to some other source of help in the community. Again, **it is important that you follow the guidelines established by the University** as to how you should handle referrals.) It also is essential that you prepare a written summary of this meeting that includes the follow-up plan you made with the employee, then conduct the follow-up as scheduled.