

POLICY TITLE

Drug Free Workplace and Environment

POLICY NUMBER

7-001

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| Responsible Unit: <i>Southern System Office of Human Resources</i> | Effective Date: <i>10/23/2020</i> |
| Responsible Official: <i>Associate Vice President for Human Resources</i> | Last Reviewed Date: |
| Policy Classification: <i>Human Resources</i> | Origination Date: <i>1998</i> |

I. POLICY STATEMENT AND RATIONALE

Recognizing that drug use poses health and safety hazards to employees/students and to the community at large, Southern University and A & M System considers the abuse of drugs to be a very serious matter, one that cannot be tolerated in the workplace or classroom. Therefore, it is the policy of the Southern University and A & M System to maintain a drug free workplace and environment conducive to the learning process.

II. POLICY SCOPE AND AUDIENCE

This policy applies to all System employees, appointees and students, as well as candidates for employment, appointees, and all other persons having an employment relationship with the System. This includes but are not limited to classified, unclassified, student employees, student interns, full-time, part-time or temporary.

All employees are notified that it is unlawful to manufacture distribute, dispense, possess, or use any illegal or unauthorized drugs or alcohol or to abuse controlled substances in the workplace and classroom or other related areas associated with the learning process including dormitories. Such actions are prohibited on all System property and at any other location where employees are conducting System business.

III. POLICY COMPLIANCE

1. All System employees are expected to comply with the policy's terms. An employee who violates this Policy shall be subject to disciplinary action up to and including termination. The disciplinary actions may include but not limited to counseling, written or oral reprimands, or suspensions with or without pay in accordance with the established rights of the employee including the right to due process. All System employees paid by a grant or work under the terms of a grant from Federal government agency shall as a condition of employment be required to:
 - a. Acknowledge receipt of and comply with the terms of the System's drug-free policy;
 - b. Report to work in a condition that maximizes your ability to perform assigned tasks in a competent and safe manner. Employees are prohibited from reporting to work impaired by alcohol or drugs; and
 - c. Submit to a drug and alcohol test upon request by the appointing authority, his/her designee, or as specified by this policy.
2. System employees will be required to notify their supervisor, prior to or immediately upon reporting for duty, when he/she has reason to believe that prescribed or over the counter medication may impair his ability to perform customary job duties or otherwise create a safety hazard. Even though the employee will be required to report how long he/she is on the medication, **employees should know that it is not necessary to disclose the medication being taken nor the condition for which it was prescribed.**
3. System employees will be required to notify his/her supervisor on the first scheduled workday of any arrest or conviction for a criminal, drug related offense which occurs on or off duty, including Driving While Intoxicated (DWI) arrests and convictions;
4. When the supervisor is notified as described in #3, the supervisor will notify HR and any granting agency within ten (10) days of receiving the notice.
5. When the supervisor is notified of a conviction as listed in #3, within thirty (30) days of receiving such notice, the supervisor shall:
 - a. Notify Human Resources to impose disciplinary action up to and including termination; or,
 - b. Require the employee to satisfactorily complete a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
6. Civil Service employees will be subject to disciplinary action in accordance with Civil Service Rules Chapter 12 and the System's Policies and Procedures. Each violation and alleged violation of this Policy will be handled on an individual basis, considering all data, including the risk to self, fellow employees, students and the general public. The Appointing Authority may grant exceptions to this Policy for rational business reasons.
7. Any grant's principal investigator, project, or contract from a Federal agency is required to ensure that each employee working on grant be given a copy of this Policy and be required to acknowledge receipt of the policy.
8. System employees will not be allowed on System property and at any other location where employees are conducting System business under the influence of drugs, alcohol, or any abused controlled substance.

IV. POLICY DEFINITIONS

1. Drug – any substance which when inhaled, injected, consumed, or introduced into the body in any manner, alters mood or function. Includes any illegal drugs, legal drugs, prescription drugs not being used in accordance with the prescription or in excess of the prescription; or any substance which affects the employee abilities.
2. Drug Abuse – any continuing use of an illegal or unauthorized drugs, alcohol, or controlled substance which produces problems for the user, his/her family or society at large.
3. Unlawful Manufacture – to unlawfully plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug by propagation, extraction, chemical synthesis, compounding, or any combination of the same and includes packaging, repackaging, labeling, and other activities incidental to production.
4. Distribute – to deal in, ship, transport or deliver. This does not include the administering or dispensing of a drug by a person authorized or qualified to do so (i.e. physician, pharmacist, etc.)
5. Dispense – to sell, leave with, give away, dispose of, or deliver.
6. Possess or Possession – having control over a thing or substance. Possession may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.
7. Use – the taking, partaking or utilizing of a drug or other controlled substance.
8. Drug Abuse Offense – corrupting another with drugs, trafficking in drugs, abusing drugs (including abuse of alcohol), possessing drug abuse instruments, permitting a dangerous drug, processing drug documents illegally, abusing harmful intoxicants, or dispensing drug samples illegally; violating any state or federal law that is substantially equivalent to any of the above offenses; violating any state law in which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling.
9. Controlled Substance - a drug, compound, mixture, preparation, or other substance as defined in 40:961 to 40:995 of the Louisiana Revised Code, or as defined by applicable statutes of other states and the Federal government.
10. Reasonable Suspicion – a belief based on objective and documented facts to lead a prudent System authorized supervisor to suspect that employee is using drugs or alcohol.
11. NON-DOT Safety Sensitive Position – Contract positions in which job performance can affect the safety, security or national security of the employee or others.
12. NON-DOT employee pool – any individuals who will be considered purchased service for contracted requirements.

V. POLICY IMPLEMENTATION PROCEDURES

The System authorized supervisor has the right to conduct on the spot searches and inspections of employees and their personal effects as described above if said supervisor has a "reasonable suspicion" or the employees are in violation of this policy.

1. Drug Testing Searches and inspections under this Policy may also include unannounced Urine Drug Screening. This test may be used under the following circumstances:

- a. For pre-employment examinations.
 - b. When an authorized System supervisor has a reasonable suspicion or just cause that an employee/student is intoxicated, using or under the influence of controlled drugs.
 - c. When an employee/student is found in possession of a suspected controlled substance or a controlled substance is found in an area controlled by the employee/student.
 - d. Following a serious accident or incident in which safety precautions were violated or careless acts were performed.
2. Drug Testing for NON-DOT Safety Sensitive Positions
- a. Pre-employment: All candidates for NON-DOT safety sensitive positions must submit to pre-employment testing as a condition of employment. Negative results must be received prior to hire, transfer, or assignment to any safety-sensitive job.
 - b. Reasonable Suspicion: Employees will be subject to reasonable suspicion drug and/or alcohol testing if a manager observes physical or behavioral indicators of potential drug or alcohol impairment. Employees is lab based and employees will be removed from service and provided transportation pending results.
 - c. Random: Employees who perform safety sensitive job duties as defined above will be subject to random NON-DOT Breath Alcohol & NON-DOT Drug Testing.
 - d. Post-Accident: Employees must undergo drug and/or alcohol testing when an accident or incident has occurred.
 - e. Return-to-duty/Follow-up: Employees eligible to return to work following a drug free workplace program violation, will be required to pass a return to duty drug and/or alcohol test before being allowed to return to work. Once returned to work, they will be subject to unannounced follow-up testing.

VI. POLICY RELATED INFORMATION

The System, in adopting and implementing this policy pursuant to the Drug Free Workplace Act of 1988, further certifies that it will make a good faith effort to maintain a drug-free workplace and to respect the privacy rights of its employees. Drug Testing pursuant to this Policy shall be for the presence of drugs in accordance with La. R.S. 49:1001, et seq. All drug testing and all drug testing of samples shall be performed in SAMHSA-certified or CAP-FUDT-certified laboratories.

VII. POLICY HISTORY AND REVIEW CYCLE

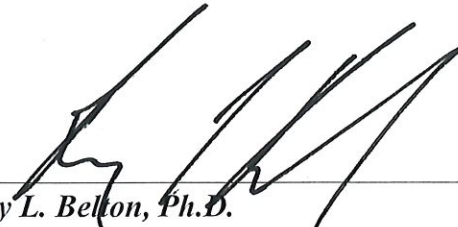
This is an existing policy that was last reviewed in 1998. This policy is subject to a five-year Policy Review Cycle.

VIII. POLICY URL

The information regarding the Drug Free Workplace and Environment Policy will be posted to the System Board’s website under Board Policies at www.sus.edu.


IX. POLICY APPROVAL

The effective date of this policy is determined by the approval date of the President-Chancellor of the Southern System and A&M College System and the Board of Supervisors of the Southern System and A&M College System.



Ray L. Bellon, Ph.D.
President-Chancellor, Southern System and A&M College System

Effective Date of Policy



The Honorable Attorney Domoine D. Rutledge
Chair - Southern System Board of Supervisors

Effective Date of Policy