


PROCEDURE MANUAL

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|  | | Procedure HR_110 | |
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| Section | | Subject | Title Drug Free Workplace |

Delta Community College adheres to the LCTCS policy on Drug Free Workplace (policy # 6.030):

Louisiana Community & Technical College System (LCTCS) is committed to maintaining a drug free workplace. The illegal use of drugs or alcohol for consumption within the system office and colleges of the LCTCS interferes with the accomplishment of this mission. It is understood that alcohol may be used in laboratory situations and should not be misused for other purposes. Various federal and state laws and regulations apply to employees of the LCTCS including Federal Drug Free Workplace Act of 1988, the Drug-Free Schools and Communities Acts Amendments of 1989 (Public Law 101-226), and Revised Statutes of the State of Louisiana.

Definitions:

LCTCS – Any property, college campus or leased site.

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.

Controlled substance – a controlled substance in schedules I through V of Louisiana R.S. 40:964 or Section 202 of the Controlled Substances Act, 21 U.S.C. 812.

Conviction – finding of guilt (including a “no contest” plea) or the imposition of sentences, or both, by any judicial body having the responsibility to determine violations of the federal or state criminal drug statutes.

Misuse of alcohol – any possession, consumption or other use of an alcoholic beverage in violation of this policy.

Safety-sensitive or Security-sensitive positions: Positions with duties that may: 1) require or authorize safety inspection of structure; 2) require or authorize access to a prison or an incarcerated individual; 3) require or authorize carrying a firearm; 4) allow access to controlled substances (drugs); 5) require or authorize inspecting, handling, or

transporting hazardous waste as defined in R.S. 30:2173(2) or hazardous materials as defined in R.S. 32:1502(5); 6) require or authorize any responsibility over power plant equipment; 7) require instructing or supervising any person to operate or maintain, or that may require or authorize operating or maintaining, any heavy equipment or machinery; and 8) require or authorize the operation or maintenance of a public vehicle, or the supervision of such an employee.

Sample – urine, blood, saliva, or hair

General Policy

The unlawful use, abuse, manufacture, distribution, dispensation, possession or being under the influence of a controlled or illegal substance while at work, on call, on duty, or engaged in LCTCS business is prohibited as is the possession and/or consumption of alcohol in the workplace. Workplace shall include any location on LCTCS property in addition to any location from which an individual conducts LCTCS business while such business is being conducted. Without reference to any sanctions which may be assessed through criminal justice processes, violators of this policy, including refusal to submit to drug testing when properly ordered to do so, will be subject to LCTCS disciplinary action up to and including termination of employment.

Alcohol misuse is prohibited extending to 1) use of alcohol on the job; 2) use of alcohol during the four hours before performance of safety-sensitive and security-sensitive functions; and 3) having a prohibited alcohol concentration level in the individual's blood system while on the job.

The use of drugs/medications prescribed by a licensed physician is permitted provided that it will not affect the employee's work performance. LCTCS reserves the right to have a licensed physician of its own choice determine if the use of a prescription drug/medication produces effects which may impair the employee's performance or increase the risk of injury to the employee or others. If such is the case, LCTCS reserves the right to suspend the work activity of the employee during the period in which the employee's ability to safely perform his/her job may be adversely affected by the consumption of such medication.

Drug Tests/Screens

LCTCS reserves the right to require drug screening for pre-employment, re-employment or reinstatement.

All employees are subject to being tested for drugs under the following circumstances:

1. Reasonable Suspicion: A belief based on reliable information from independent sources or reliable, objective facts derived from direct observation of behavioral or performance indicators such that a prudent person would suspect that an employee is in violation of this policy.

2. Commercial Driver's License Requirement: Each employee who is required to obtain a commercial driver's license (CDL) must be tested for drugs, alcohol, or controlled substances in accordance with the provisions of the Omnibus Transportation Employee Testing Act of 1991.
3. Post-Accident/Incident: Any employee directly involved in an on-duty accident or incident, and whose action or inaction may have been a causative factor of same, shall be required to immediately submit to drug and alcohol testing if:
 - a) Reasonable Suspicion: Circumstances give rise to a reasonable suspicion of the employee's drug or alcohol use or impairment; or
 - b) Fatality: The accident or incident resulted in a fatality; or
 - c) Hazardous Materials Release: The accident or incident resulted in or caused the release of hazardous waste as defined in La. R.S. 30:2173(2) or hazardous materials as defined in La. R.S. 32:1502(5).

NOTE: Employees should be aware of the legal presumption of impairment under La. R.S. 23:1081 if an employee refuses, after being so directed, to submit to drug or alcohol testing as result of an on-duty accident or incident. As a consequence of such refusal, benefits under the workers' compensation laws of the State of Louisiana may be denied.

4. Rehabilitative: Required as a part of a monitoring program established by the employer to assure compliance with terms of a rehabilitation agreement. Note: Rehabilitation is not required to be offered. The LCTCS reserves the right to ensure that any substance abuse treatment program or facility chosen by an employee to seek rehabilitation meets accreditation or certification to conduct such rehabilitation.
5. Safety-Sensitive or Security-Sensitive Position:
 - a. Prior to promoting an employee to a safety-sensitive or security-sensitive position or to a higher level safety-sensitive or security-sensitive position
 - b. Random Drug Testing: LCTCS reserves the right to use random drug testing for those employees in safety-sensitive and security-sensitive positions where any form of substance abuse may affect the operation of the department through unsafe work behavior/performance or error in judgment, or where substance abuse could jeopardize the safety and well-being of employees, other personnel, or the general public.
 - b. Non-exclusive List of Safety-sensitive or Security-sensitive Positions:
 - Positions with duties that may require or authorize the safety inspection of a structure;
 - Positions that require or authorize access to a prison or an incarcerated individual;

- Positions with duties that may require or authorize carrying a firearm;
- Positions with duties that may allow access to controlled substances (drugs);
- Positions with duties that may require or authorize inspecting, handling, or transporting hazardous waste as defined in R.S. 30:2173(2) or hazardous materials as defined in R.S. 32:1502(5);
- Positions with duties that may require or authorize any responsibility over power plant equipment;
- Positions with duties that may require instructing or supervising any person to operate or maintain, or that may require or authorize operating or maintaining, any heavy equipment or machinery; and
- Positions with duties that may require or authorize the operation or maintenance of a public vehicle, or the supervision of such an employee;

Rights of the Employee/Employer

1. Any employee, confirmed positive, upon his written request, shall have the right of access within seven working days to records relating to his drug tests and any records relating to the results of any relevant certification, review, or suspension/revocation-of-certification proceedings.
2. LCTCS may, but is not required to, afford an employee whose drug test is certified positive by the medical review officer the opportunity to undergo rehabilitation without termination of employment.

Procurement of Drug Testing Services

Employee drug testing services shall be procured through the Office of State Purchasing, Division of Administration, pursuant to applicable bid laws.

Expectation of Privacy

Employees are hereby notified that LCTCS offices and work sites are the property of the LCTCS and there is no expectation of privacy with regard to LCTCS offices and work sites. Under appropriate circumstances and in accordance with the law, the LCTCS, in conjunction with law enforcement authorities, reserves the right to conduct unannounced searches and inspection of LCTCS facilities and properties, including state-owned vehicles.

Confidentiality

All tests/screening under this policy shall be done in strict confidence. Information obtained from tests/screening will be provided only on a need-to-know basis. Medical information obtained will be protected as confidential unless otherwise required by law or overriding public health concerns.

Employer Notification Requirements

The Federal Drug-Free Workplace Act of 1988 requires that each employee notify his/her supervisor within five (5) days of conviction of any criminal drug statutes when such offense occurred in the workplace, while on official business, during work hours, or when in on-call duty status. Federal law requires that LCTCS report within ten (10) days any such criminal drug statute conviction to each Federal Agency from which grants or contracts are received.

Employees whose jobs require driving, are required to notify their immediate supervisor if their driving privileges are suspended or revoked. If reasonable accommodation cannot be made, employees who operate LCTCS vehicles on a regular and recurring basis may be forced to utilize accrued leave or be placed in leave without pay status during the period of suspension of driving privileges. Employees returning to work after such suspension shall be required to provide proof of restoration of driving privileges.

Employee Notification

The LCTCS will notify all employees at least once each year of its policies and procedures governing the illegal use of alcoholic beverages and drugs and through appropriate media, make employees aware of the dangers of abusive or illegal use of alcohol or drugs.

All new employees will receive a copy of this policy and will be required to sign that the policy has been received. As a condition of employment, all LCTCS employees must comply with this policy. This signed form will be retained in the employee's personnel file.

Posting Requirement

In accordance with provisions of Act 1027 (1990 Regular Session), drug free zone posters will be posted on a bulletin board and/or other prominent location(s) in each campus of each of the LCTCS institutions.