

LOUISIANA COMMUNITY & TECHNICAL COLLEGE SYSTEM

**Policy # 6.030**

**Title: DRUG FREE WORKPLACE**

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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.

*Medical Review Officer (MRO)* – a licensed physician knowledgeable of substance abuse who has received specialized training in interpreting and evaluating test results in conjunction with an individual’s medical history and other relevant biomedical information.

*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

Each LCTCS employee is required to report for duty in a condition that maximizes his ability to perform assigned tasks in a competent and safe manner. Reporting to work impaired from the use of alcohol or drugs is prohibited.

The unlawful use, abuse, manufacture, distribution, dispensation, possession or being under the influence of a controlled or illegal substance or undisclosed controlled prescription medication 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 and Alcohol Screens/Disclosure

LCTCS reserves the right to require drug and alcohol screening for pre-employment, re-employment, continued employment or reinstatement; as well as disclosure of the medically required need to take certain prescribed medications or over-the-counter medications.

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

1. Reasonable Suspicion: A belief based on reliable, objective and articulable facts 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. On Prescribed Medication that Could Impair: An employee must notify a supervisor or other individual designated by the appointing authority, prior to or immediately upon reporting to duty, or beginning a prescribed medication or over-the-counter medication, that may impair his ability to perform customary job duties or otherwise create a safety hazard. While the duration that the medication will be taken should be disclosed, employees should know that it is not necessary to disclose to a supervisor the medication being taken nor the condition for which it was prescribed. Such information may, however, be required to be disclosed to the Medical Review Officer should circumstances or the nature of the employee's job duties warrant, as determined by the Appointing Authority.
4. Post-Accident/Incident: Following an accident that occurs during the course and scope of an employee's employment that a) involves violation of safety precautions, b) involves equipment or property damage, c) involves unusually careless acts were performed, d) results in a fatality, e) results in or causes the release of hazardous waste or materials, as defined in R.S. 30:2173(2) and/or R.S. 32:1502(5), or f) involves an on-the-job injury.
5. Return-to-Duty/Rehabilitation Monitoring: 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. Any employee who retains his job following a violation of this policy shall be required, at his own expense, to undergo and complete any and all treatment recommended by a certified substance abuse professional as part of such an agreement. 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.
6. Safety-Sensitive or Security-Sensitive Position:
  - a. Promotion: 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.

### Guidelines

Additional guidelines or requirements may be adopted by each LCTCS institution as long as they are not in conflict with this policy.

### Exceptions

The Appointing Authority for an LCTCS institution may grant an exception to this policy for an employee at his institution upon receipt of a written explanation of a business necessity.