

SUBJECT: Drug Testing Policy

I. INTRODUCTION AND PURPOSE

The employees of the state of Louisiana are among the state's most valuable resources, and the physical and mental well-being of these employees is necessary for them to properly carry out their responsibilities. Substance abuse causes serious adverse consequences to users, impacting their productivity, health and safety, dependents, and co-workers, as well as the general public.

The State of Louisiana and LSU Eunice has a long-standing commitment to working toward a drug-free workplace. In order to curb the use of illegal drugs by employees of the state of Louisiana, the Louisiana legislature enacted laws which provide for the creation and implementation of drug testing programs for state employees. Further, the Governor of the State of Louisiana issued Executive Order 98-38 for the promulgation by executive agencies of written policies mandating drug testing of employees, appointees, prospective employees and prospective appointees, pursuant to Louisiana [Revised Statute 49:1001](#), et seq.

LSU Eunice fully supports these efforts and is committed to a drug-free workplace.

II. POLICY

It shall be the policy of LSU Eunice to maintain a drug-free workplace and a workforce free of substance abuse. Employees are prohibited from reporting for work or performing work for LSU Eunice with the presence in their bodies of illegal drugs, controlled substances, or designer (synthetic) drugs in their bodies at or above the initial testing levels and confirmatory testing levels as established in the contract between the State of Louisiana and the official provider of drug testing services. Employees are further prohibited from the illegal use, possession, dispensation, distribution, manufacture, or sale of controlled substances, designer (synthetic) drugs, and illegal drugs at the work site and while on official state business, on duty or on call for duty.

To assure maintenance of a drug-free workforce, it shall be the policy of LSU Eunice to implement a program of drug testing, in accordance with Executive Order No. MJF 98-38, [R.S. 49:1001](#), et seq., and all other applicable federal and state laws, as set forth below. Drug testing will be initiated 30 days from the date of implementation of the policy.

III. CONDITIONS REQUIRING DRUG TESTS

LSU Eunice shall require drug testing under the following conditions.

1. Reasonable Suspicion: Any employee shall be required to submit to a drug test if there is reasonable suspicion (as defined in Appendix A) that the employee is using drugs.
2. Post-accident: Each employee involved in an accident that occurs during the course and scope of employment shall be required to submit to a drug test if the accident a) involves circumstances leading to a reasonable suspicion of the

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- 46 employee's drug use, b) results in a fatality, or c) results in or causes the release
47 of hazardous waste as defined in [R.S. 30:2173](#) (2) or hazardous materials as
48 defined in [R.S. 32:1502](#) (5).
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- 50 3. Rehabilitation Monitoring: Any employee who is participating in a substance
51 abuse after-treatment program or who has a rehabilitation agreement with the
52 agency following an incident involving substance abuse shall be required to
53 submit to random drug testing.
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- 55 4. Pre-employment: Following a conditional job offer, prospective employees
56 except employees transferring from one executive agency to another without a
57 lapse in service, may be required to submit to drug screening at the time and
58 place designated by the Vice Chancellor for Business Affairs. Pursuant to [R.S.](#)
59 [49:1008](#), a prospective employee who tests positive for the presence of drugs in
60 the initial screening shall be eliminated from consideration for employment.
61
- 62 5. Safety-sensitive and Security-sensitive positions: Employees in safety-sensitive
63 and security-sensitive positions may be subject to random/unannounced drug
64 testing, selected by a computer-generated random selection process by the
65 official provider of drug testing services and require them to report for testing. All
66 such testing shall occur during the selected employees' work schedule. Each
67 employee who is offered a safety-sensitive or security-sensitive position (as
68 defined in Appendix B) may be required to pass a drug test before being placed
69 in such position, whether through appointment or promotion.
70

71 **IV. PROCEDURE**

72 Drug testing pursuant to this policy shall be conducted for the presence of cannabinoids
73 (marijuana metabolites), cocaine metabolites, opiate metabolites, phencyclidine, and
74 amphetamines in accordance with the provisions of [R.S. 49:1001](#), et seq. LSU Eunice
75 reserves the right to test its employees for the presence of any other illegal drug or
76 controlled substance when there is reasonable suspicion to do so.
77

78 The Vice Chancellor for Business Affairs shall be involved in any determination that one
79 of the above-named conditions requiring drug-testing exists. Upon such determination,
80 the Vice Chancellor shall notify the supervisor of the employee to be tested, who shall
81 immediately notify the employee where and when to report for the testing.
82

83 Testing services shall be performed by a provider chosen by the Office of State
84 Purchasing, Division of Administration, pursuant to applicable bid laws. At a minimum,
85 the testing service shall assure the following:
86

- 87 1. All specimen collections will be performed in accordance with applicable federal
88 and state regulations and guidelines to ensure the integrity of the specimens and
89 the privacy of the donors. The Vice Chancellor shall review and concur in
90 advance with any decision by a collection site person to obtain a specimen under

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- 91 direct observation. All direct observation shall be conducted by a same gender
92 collection site person.
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- 94 2. Chain of custody forms must be provided to ensure the integrity of each urine
95 specimen by tracking its handling and storage from point of collection to final
96 disposition.
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- 98 3. Testing shall be performed by a SAMSHA-certified laboratory.
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- 100 4. The laboratory shall use a cut-off of 50 ng/ml for a positive finding in testing for
101 Cannabinoids.
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- 103 5. All positives reported by the laboratory must be confirmed by Gas
104 Chromatography/Mass Spectrometry.
105

106 All positive results of drug-testing shall be reported by the laboratory to the Vice
107 Chancellor for Business Affairs. Employee testing positive may be placed on leave
108 (sick, annual, or leave without pay) for 30 days to participate in rehabilitation. If
109 employee testing positive refuses rehabilitation, it will result in immediate termination.
110 For information concerning the Employee Assistance Program refer to [PS No 56](#).

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112 **V. CONFIDENTIALITY**

113 All information, interviews, reviews, reports, statements, memoranda, and/or test results
114 received by LSU Eunice through its drug testing program are confidential
115 communications, pursuant to [R.S. 49:1012](#), and may not be used or received in
116 evidence, obtained in discovery, or disclosed in any public or private proceedings,
117 except in an administrative or disciplinary proceeding or hearing, or civil litigation where
118 drugs by the tested individual is relevant.
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120 **VI. RESPONSIBILITY**

121 The Vice Chancellor for Business Affairs is responsible for the overall compliance with
122 this policy and shall submit to the Commissioner of Administration, through the LSU
123 System Office, a report on this policy and drug testing program, describing progress, the
124 number of employees affected, the categories of testing being conducted, the associated
125 costs of testing, and the effectiveness of the program by November 1 of each year.
126

127 The Vice Chancellor for Business Affairs is responsible for administering the drug testing
128 program; receiving, acting on, and holding confidential all information received from the
129 testing services provider and from the medical review officer; and collecting appropriate
130 information necessary to agency defense in the event of legal challenge.
131

132 Each employee must receive a copy of this policy, sign an acknowledgement form (copy
133 attached), and understand or be provided the opportunity to understand and have
134 questions answered about its contents. Signed acknowledgement forms will be filed in
135 the Human Resource Office.

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VII. VIOLATIONS OF THE POLICY

Violation of this policy, including refusal to submit to drug testing when properly ordered to do so, will result in 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.

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APPENDIX A

DEFINITIONS

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).

Designer (Synthetic) Drugs – those chemical substances 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.

Illegal Drug – any drug which is not legally obtainable or which has not been legally obtained, to include prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes or being used by one other than the person for whom prescribed.

Reasonable Suspicion – belief based upon reliable, objective and documented facts derived from direct observation of specific physical, behavioral, odorous presence, or performance indicators and being of sufficient import and quantity to lead a prudent person to suspect that an employee is in violation of this policy.

Safety-sensitive or Security-Sensitive position – a position determined by the Appointing Authority to contain duties of such nature that the compelling State interest to keep the incumbent drug-free outweighs the employee's privacy interests. A list of such positions within LSU Eunice is in Appendix B. The list was determined with consideration of statutory law, jurisprudence, the practices of this agency and the following examples of safety-sensitive and security-sensitive positions:

1. Positions with duties that are required or are authorized to perform campus security inspection;
2. Positions with duties that are required to or are authorized to exercise any responsibility over power plant equipment;
3. Positions with duties that require on-the-job instructing or on-the-job supervising of any person who operates or maintains any heavy equipment or machinery; and
4. Positions with duties that require or authorize the operation or maintenance of a public vehicle, or the supervision of such an employee.

Employee – faculty, other academic, professional, classified, student employees, and any other person having an employment relationship with LSU Eunice.

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187 Under the Influence – for the purposes of this policy, a drug, chemical substance, or the
188 combination of a drug, chemical substance that affects an employee in any detectable
189 manner. The symptoms or influence are not confined to that consistent with
190 misbehavior, nor to obvious impairment of physical or mental ability, such as slurred
191 speech or difficulty in maintaining balance. A determination of influence can be
192 established by a professional opinion or a scientifically valid test.

193
194 Workplace – any location on agency property including all property, offices and facilities
195 (including all vehicles and equipment) whether owned, leased or otherwise used by the
196 agency or by an employee on behalf of the agency in the conduct of its business in
197 addition to any location from which an individual conducts agency business while so
198 engaged.

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APPENDIX B

SAFETY-SENSITIVE OR SECURITY-SENSITIVE POSITIONS

- 200
- 201
- 202
- 203 1. Director of Physical Plant
- 204 2. Guards
- 205 3. Horticultural Attendant – Foreman
- 206 4. Horticultural Attendant – Leader
- 207 5. HVAC Control Technician
- 208 6. Maintenance Repairer
- 209 7. Maintenance Superintendent
- 210 8. Mobile Equipment Operator
- 211 9. Mobile Equipment Operation – Light
- 212 10. Operating Engineer Master

LSU EUNICE
DRUG TESTING POLICY
ACKNOWLEDGEMENT

This is to acknowledge that I have received my copy of LSU Eunice's Drug Testing Policy. I have read it or had it read to me and understand that compliance with this program is a condition of my continued employment with LSU Eunice.

Signed: _____
Employee's Signature

Signed: _____
LSU Eunice Representative's Signature

Date: _____