

Policy Title: Drug and Alcohol Policy

Policy Statement:

It is the policy of Georgia College that employees may be subject to the following drug and alcohol screenings: pre-employment, reasonable suspicion, post-accident, follow-up, return to work and random drug testing for evidence of use of illegal drugs and alcohol usage. Georgia College promotes and requires a drug-free and alcohol-free work campus particularly amongst its employees. Additionally, an employee who has notified his/her supervisor that he/she has a drug related problem and is maintaining employment under Board of Regents Policy 8.2.18, Voluntary Disclosure of Drug Use, shall be subject to random drug testing.

Definitions:

- **Faculty:** The faculty shall consist of the corps of instruction and the administrative officers as defined in Section 3 of the Policy Manual of the Board of Regents of the University System of Georgia.
- **Staff:** Staff employees shall consist of two major employee groups 1) staff professional and administrative employees and 2) staff non-exempt.
- **Student Employees:** Student employees are considered temporary and include graduate assistants and student workers.

Keywords:

Illegal Drug includes but is not limited to marijuana/cannabinoids (THC), cocaine, amphetamines/meth-amphetamines, opiates or phencyclidine (PCP), or any controlled substance as defined in O.C.G.A. 16-13-21. The term illegal drug does not include any drug used pursuant to and in accordance with a valid prescription or when used as otherwise authorized by state or federal law.

Medical Review Officer is a properly licensed physician who receives and reviews the results of drug tests and evaluates those results together with medical history, or any other relevant biomedical information, to confirm positive results.

Drug Testing is the collection and testing of urine administered in a manner equivalent to that required by the rules and regulations of the United States Department of Transportation (49 CFR Part 40 and Part 382, 14 CFR Part 121 Appendices I & J, 33 CFR Part 95, and 49 CFR Part 655). This definition is applicable to *all types of* drug testing of *applicants and* employees in safety sensitive positions.

Alcohol Screening Test is an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Alcohol is the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl and isopropyl alcohol.

Safety Sensitive/High Risk – All P.O.S.T. certified law enforcement positions and all transportation positions requiring a CDL. Additionally, each institution shall have the responsibility of determining which positions on the campus is safety sensitive and are considered high risk in their impact to fellow employees and students. Examples of these positions may include, but are not limited to medical personnel, non–DOT regulated drivers, positions working with children under the age of thirteen (13) and positions working with toxic or hazardous chemicals or equipment.

Reason for the Policy:

This policy seeks to prevent risks and ill effects of illegal drug and alcohol use, particularly by employees in high risk positions and to provide a safer and more productive work environment.

Proposed Outcomes:

To ensure we are fulfilling our commitment to a drug and alcohol free campus. Any employee in violation of said policy may face disciplinary action up to including termination.

Applicability of the Policy:

This policy applies to all Georgia College all faculty, staff, students, temporary and contractors who are employed by the University.

Related Policies:**GC's Drug Free Schools and Communities Act:**

http://www.gcsu.edu/humanresources/docs/GC_Drug_Free_Schools.pdf

USG Policy on Drug Testing:

http://www.usg.edu/hr/manual/drug_testing

State of Georgia Department of Administrative Services Drug and Alcohol Free Workplace Program:

<http://doas.ga.gov/human-resources-administration/substance-abuse-testing/substance-abuse-laws-regulations-and-rules>

Procedures:

Employees may be subject to pre-employment, reasonable suspicion, post-accident, return to work, follow-up and random drug testing for evidence of use of illegal drugs and alcohol usage.

Drug testing for University System employees and applicants will be performed in accordance with the same regulations and procedures as those prescribed by the State Merit System of Personnel Administration, USG Drug Policy and approved by the Vice Chancellor for Human Resources.

Drug testing shall be undertaken by trained medical technicians, who shall also be available to discuss the nature of the test and the test results with the individual. Testing may be undertaken from a urine sample unless, a blood test or hair analysis is medically recommended. The drug test is based on urinalysis and the overall process encompasses three separate stages before a specimen is reported as positive. The first stage is a screening test. If the screening indicates the presence of one or more illegal drugs, a confirmatory test will be performed using gas chromatography/mass spectrometry (GC/MS) analysis. GC/MS analysis ensures that over-the-counter medications are reported as negative. The last stage is a review of the laboratory test by a Medical Review Officer (MRO), a medical doctor who has received special training in Toxicology and drug abuse. For test result that indicates the presences of a controlled substance, the MRO will also review the chain-of-custody to ensure that the sample was not tampered with at the collection site, during transport to the Laboratory, and/or while at the lab. Additionally, the MRO will contact the employee to provide an opportunity for the employee to present any information (such as medical prescriptions), which might explain the test results. No information will be provided to Georgia College & State University prior to the final determination by the MRO. The information provided to the MRO regarding the employee's or applicant's medical history or valid prescriptions will be held in strictest confidence.

A confirming retest may be undertaken if recommended by the MRO. The cost of the initial testing shall be paid for by Georgia College & State University. Any requested information by other than the University's designated Office of Human Resources' personnel, must be by a certified laboratory approved by the MRO and paid for by the employee or applicant requesting it. If an applicant's is tested and is shown to have a positive drug test the applicant will not be hired for a period of two years by Georgia College & State University or by any other State

of Georgia Agency. If an active Georgia College & State University employee is tested and is shown to have a positive drug test, the employee will be dismissed from employment with Georgia College & State University and any other State of Georgia Agency for a period of two years.

No contract or right is intended or created with respect to testing procedures, which are subject to change by appropriate administrative authority.

Federal regulations requires that alcohol tests be conducted using Evidential Breathing Testing devices approved by the National Highway Traffic Safety Administration, and the test must be conducted by a certified Breath Alcohol Technician. Results of less than 2% alcohol concentration are considered negative. If the concentration is 2% or greater, a second test will be conducted approximately 20 minutes later. If this test shows that the concentration remains above 2%, the employee will be removed from their safety-sensitive duties for a minimum of 24 hours. In addition, if the confirmation test indicates a concentration of 4% or higher, the regulations require that the employee be evaluated by a Substance Abuse Professional and comply with any recommendations for treatment before you return to work. As previously stated, Georgia College & State University may impose other disciplinary actions up to and including termination.

Notification

Employees identified for alcohol and/or drug testing under this policy shall be provided a specific date and time to report for testing; such date and time shall be scheduled as soon as possible, following the date the individual receives notification to report. Therefore, individuals should be notified to report at a time that takes into account when the testing location is open. Most testing locations are closed on Saturday and Sunday, so in general, Monday, Tuesday and Wednesday are preferable to Thursday and Friday.

Disciplinary Action

Employees subject to testing due to their high risk position, shall be removed from the high risk position or terminated from employment as per the compliance dismissal procedures of the Board of Regents, if they decline to submit to a drug test or if they test positive for the use of illegal drugs. Employees subject to testing for reasonable suspicion, shall be subject to disciplinary action to include possible termination as per the dismissal procedures of the Board of Regents, if they decline to submit to a drug test or if they test positive for the use of illegal drugs.

To the extent allowed by law, the identity of any employee who declines a drug test, or who tests positive for drug use, shall be withheld from all persons except those who have need for such information in their official capacity.

Privacy and Confidentiality

Personal privacy shall be respected to the extent practicable in the administration of testing without direct observation of an individual providing a urine sample. Applicant's or employee's right to privacy will be revoked if there is reasonable suspicion. If there is reasonable suspicion that the collection may become adulterated, the collection will be observed by a trained medical professional of the same sex. This observation of the collection will result in the observation of the specimen leaving the body. Test results are maintained in confidential medical information files, revealed only to the tested individual and responsible managers with "need to know" or disclosed as may be required by law. University employees, including personnel involved in testing and counseling, will be subject to discipline for unauthorized disclosure of personally identifiable information.

Testing Categories for Drug and Alcohol:

Pre-employment

The State of Georgia requires all state entities to conduct Pre-employment testing of employees:

- In specified high-risk/safety sensitive positions; and

- Existing employees, prior to being placed in the high-risk/safety sensitive position.

All job notices, announcements, and/or postings for positions that are subject to pre-employment testing will include a statement that reads, "The applicant offered this position will be required to successfully complete a pre-employment drug/alcohol test."

Random Testing

The State of Georgia requires all state entities to conduct random testing of employees. Positions that are subject to random testing are placed in a pool and a predetermined annual percentage of that pool is randomly selected for testing. Random testing is generally done on a monthly basis with one twelfth of the predetermined percentage selected each month. All positions must have an equal chance of being selected each month. Positions that are selected one month go back into the pool for the next selection. US DOT regulated employees will be in a separate pool. DOT determines the percentage to be tested annually for both alcohol and other drugs.

Post-Accident Testing

If an employee is involved in an accident while conducting University business, he or she shall be subject to alcohol and drug testing when:

- There is vehicle/equipment damage resulting in more than \$500 in damages; or
- Bodily injury occurring on public roadways; or
- There is a fatality; or
- The driver is cited with a traffic violation; or
- There is reasonable suspicion to believe that the employee's behavior or appearance may indicate alcohol or drug use; or
- When an employee sustains a work-related injury requiring medical attention away from the worksite; or
- The employee is classified in a position that is regulated by the US Department of Transportation and its operating authorities; or
- The employee has been identified by the appointing authority as performing duties that are considered high risk; or
- Peace Officers Standards and Training (P.O.S.T.) certified employees, because they are also considered high risk employees.

When possible, post-accident alcohol testing should be performed within two (2) hours of the accident. If a test cannot be performed within eight (8) hours, attempts to test shall cease and a written record stating the reasons the test was not performed shall be prepared by the Office of Human Resources or a designee and maintained on file in the Office of Human Resources.

Post-accident drug testing should be performed within 32 hours or not at all. A written record stating the reasons the test was not performed shall be prepared by the Manager or a designee and maintained on file.

Reasonable Suspicion

All employees shall be subject to drug and/or alcohol testing for evidence of use of illegal drugs and/or alcohol in cases of reasonable suspicion.

Any affected employee may be required to submit to drug and/or alcohol testing when their supervisor has reasonable suspicion to believe that the employee is under the influence of illegal drugs and/or alcohol. The final determination of reasonable suspicion shall be made by a supervisor or other official who is trained to make such determinations and the Chief Human Resources Officer or Office of Legal Affairs. With the approval of the Chief Human Resources Officer or Office of Legal Affairs, the supervisor can require testing after making specific, well-articulated observations concerning the appearance, behavior, speech or odor of the employee.

Follow-Up testing/Return to Work

Follow-up tests are conducted after an employee has returned to work following a positive alcohol test or self-disclosure of a substance abuse problem, and the employee has completed professional treatment for substance abuse by a professional substance abuse counselor. Follow-up tests are unannounced testing over several months in order for an employee to return to the safety-sensitive position. Follow-up tests may last for a period up to 60 months (5 years).

Forms:

- Order for Testing
- Acknowledgement of Pre-employment Drug and Alcohol Testing Policy
- Forensic Drug and Alcohol Testing Custody and Control form
- Acknowledgement of Drug and Alcohol Testing Policy

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