

Alcohol and Drug Testing for Certain Safety-Sensitive Employees

Purpose

In compliance with the Drug-Free Workplace Act of 1988, the University of the South has a commitment to providing a safe, quality-oriented, and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of our employees and to the security of our equipment and facilities. For these reasons, the University of the South is committed to elimination of drug and/or alcohol use and abuse in the workplace.

This policy outlines the practice and procedure designed to prevent and correct instances of identified alcohol and/or drug use in the workplace. The Human Resources Office is responsible for policy administration concerning pre-employment and reasonable suspicion; the Risk Management Office is responsible for worker's compensation and volunteers.

Applicability

This policy applies to certain safety-sensitive positions and their supervisors.

Employee Assistance and Drug-Free Awareness

The University of the South's Drug Free Campus Statement (Appendix B in handbook), provides information regarding the law, our policies, and procedures with regard to legal sanctions, our sanctions, risks, and treatment programs. The handbook is located on the human resources web page.

Policy

It is the policy of the University to attract and maintain a workforce free of alcohol and drugs that may impair judgment and job performance and may result in accident or injury to self, other employees, students, visitors, or property.

In order to ensure safe practices in these positions, the University requires pre-employment, reasonable suspicion, post-accident, return to duty, and follow-up testing as described below.

Pre-employment Testing

Applicants selected for University jobs must consent to pre-employment alcohol and drug screening on safety sensitive positions such as but not limited to police, food service, medical personnel, fire and emergency personnel (volunteers and employees), golf course personnel, facilities management positions deemed a safety risk, and faculty and staff positions that deal with controlled substance research. This includes applicants who are already University employees and who are seeking to transfer into a position requiring testing. Such tests may include (but are not limited to) urine and/or blood analysis. Any positive test will be confirmed as required under applicable regulations. When a negative result is required, such as in a pre-employment testing, a cancelled result will result in a re-test. Confirmed positive drug test results

that cannot be substantiated by medical evidence of legitimate drug use as determined by a licensed Medical Review Officer, or refusal to be tested, will be grounds for disqualification. Applicants disqualified for service will not be eligible for University employment until six months have passed from their notice of disqualification.

Reasonable Suspicion Testing

The University of the South will conduct alcohol and drug screening for suspicious behavior. When a supervisor has reason to believe the employee may be under the influence of alcohol (including medications containing alcohol) or controlled substances, and may not be able to meet established performance standards, thereby placing the employee and/or others at risk of injury or loss, the supervisor should make arrangements for the employee to receive an appropriate test as soon as possible. The following conditions, though non-exclusive, are signs of possible drug or alcohol misuse, and may be considered by a trained supervisor in deciding to have an employee tested.

- Inappropriate physical appearance
- Altered speech
- Unexplained changes in behavior
- Uneven gait
- Lack of judgment
- Decreased performance
- Smell of alcoholic beverages
- Inappropriate actions
- Chronic absenteeism or patterns of absence/tardiness

Behavior observed by a trained supervisor or performance impairment should be documented by the supervisor and reviewed by the Director of Human Resources or designee prior to referral for testing. Employees referred for testing will be escorted by a member of supervision/management or designee for testing within two hours; the supervisor/management will make arrangements for the employee to be transported home following testing. Employees who do not submit to the test will be subject to disciplinary actions up to and including discharge.

Post-Accident Testing

An employee (faculty or staff) must submit to post accident testing:

1. following a work-related accident; or
2. as otherwise required by Human Resources.

Employees must report any such accident to their supervisor and must present themselves for testing immediately after the accident, or be subject to appropriate disciplinary action up to and including discharge.

Re-assignment Pending Test Results and Return to Duty in Absence of Prohibited Conduct

The employee may be reassigned from his/her safety-sensitive duties while awaiting the results of the alcohol/drug test or at the employee's election, accrued leave may be applied. Such action is not to be considered disciplinary in nature nor a presumption of misconduct. The employee will only be returned to safety-sensitive duties after an alcohol test shows a concentration of less than .02 percent or after a verified negative result has been obtained for controlled substance use.

Testing Information and Results

Negative test results will be reported to the employee and the Director of Human Resources or designee. Positive test results will be reported to the employee, supervisor, and the Director of Human Resources or designee. Test results will be considered confidential and the reporting of test results beyond the aforementioned group should occur only on a "need to know" basis.

Re-testing

The University, in its sole discretion, may require an employee to submit for a re-test if the results of the previous test are negative but indicate a possible abnormality (e.g. a negative-diluted result). If the abnormality is possible due to a health-related issue, the University may disclose the existence of the abnormality to the employee so s/he may seek appropriate medical treatment.

Effective Date: October 31, 2017