



## Policy Directory

Responsible Division: Finance and Administrative Services  
Responsible Office: Human Resources  
Issue/Revision Date: 12/01/2017

## **Drug Free Workplace and Workforce**

---

---

### Policy:

Alcorn State University is committed to maintaining a drug-free workplace and workforce in conformity with federal laws as set forth in the Drug-Free Workplace Act of 1988 (41 U.S.C.A. Section 8101 et seq.), as amended, and the Department of Defense (DOD) Drug-Free Workforce Rule of 1988. In the interest of a healthy workforce, and as a result of the law, Alcorn State University is a drug-free workplace. Faculty and staff members are specifically prohibited from possessing, using, manufacturing, selling, distributing, or in any other way involving themselves with controlled substances both on and off campus, except as permitted in the relevant legislation.

For purposes of this policy, the terms "faculty and staff members" shall specifically include all personnel employed by the University, whether full-time or part-time. The terms "controlled substances" shall mean those drugs and substances set forth in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation at 21 C.F.R. 1300.11 Through 1300.15. The term "workplace" is any location where a faculty or staff member is functioning within his or her job capacity.

### **Prohibited Items**

The use, possession, sale, manufacture, distribution, dispensation, concealment, receipt, transport, or being under the influence of any of the following items or substances on Alcorn State University (including the presence of detectable levels of identifiable trace quantities), by employees is prohibited:

1. Illegal drugs, controlled substances, marijuana, intoxicants (legal or illegal), "look-alike" substances, designer drugs, counterfeit or synthetic drugs, inhalants and any other drugs or substances that will, in any way, affect safety, work ability, alertness, coordination, judgment, response or the safety of others on the job.
2. Alcoholic beverages, except as specifically authorized by University management (Note: moderate use of alcohol at University-approved meetings or in appropriate social settings is not prohibited by this policy). Consumption of alcoholic beverages while driving or driving any vehicle for University business while intoxicated is prohibited. The consumption of alcohol on duty or on any of the University's property is prohibited.

3. Drug paraphernalia.
4. Prescription drugs and over-the-counter medications, except under the following conditions:
  - a. The drugs have been prescribed by an authorized medical practitioner for current use (within the past 12 months) for the person in possession of the drugs.
  - b. The drugs/medications, both prescribed and over-the-counter, are limited to a 1-day supply or must be kept in their original container, and must be taken in accordance with the dosage recommendations and usage cautions, and generally must not affect the person's ability to perform work safely.
  - c. The University reserves the right to consult with an appropriate medical practitioner to determine if a drug or medication, whether prescribed or not, produces hazardous or non-safe effects and may restrict the use of any such drug or medication on University property accordingly. Alcorn State University also reserves the right to require an employee to undergo a fitness for duty medical examination by a physician of its choosing. This may also include restricting or altering the individual's work activity or presence at the worksite.

### **Workplace and Health Risks**

Alcorn State University is committed to providing a safe work environment and a workplace free from the use of controlled substances and misuse of prescribed medications; therefore, such activities are prohibited. Employees must refrain from the use of controlled substances while on duty, which includes on call assignments and University business conducted at off-site locations. Substance abuse may affect the workplace as well as impose harm to the individual. Impairments may affect job performance, increase absenteeism, cause serious accidents, and result in decreased morale. The use of controlled substances may cause health risks; such as, stroke, cardiovascular and lung disease, seizures, miscarriage, and birth defects.

### **Notification of Convictions**

Any faculty or staff member who has been convicted of a criminal drug statute violation occurring in the workplace must notify the Office of Human Resources no later than five (5) days after the conviction.

1. Upon notification of such a conviction, the University will initiate appropriate personnel action within thirty (30) days of such notification.
2. Upon notification of such a conviction, the University is required by law to notify the applicable funding agency(s) within ten (10) days if the faculty or staff member is working in a position that is funded by federal monies.

### **Policy Enforcement**

Alcorn State University reserves the right, at all times to have University supervisors, and/or authorized search and inspection specialists, including scent-trained dogs, conduct searches and inspections of employees or other persons and their personal property and effects, while on University premises and property. This includes, but is not limited to, lunch boxes, purses, briefcases, baggage, offices, desks, clothing and vehicles (including trunks, glove compartments, etc.) for the purpose of determining if such

employees or other persons are using, possessing, selling, manufacturing, distributing, dispensing, concealing, receiving, or transporting any of the prohibited items and substances contained in this policy.

The employee's supervisor and/or a senior University officer have the right to conduct an on-the-spot search and inspection of employees or others and their personal property and effects, as described, if said supervisor has a reason to believe that employees or others are in direct violation of any part of this policy. All searches and inspections conducted by outside authorized specialists will be in the presence of a senior University officer and/or the Director of Human Resources.

All employees are expected to cooperate with an investigation per this policy. Failure to cooperate, the provision of false information, or omission of information may subject any employee to disciplinary action up to and including termination of employment. A search and inspection, as defined herein, may also include and require employees and other present on University property to submit to a urine drug screen test and/or blood test or other examination.

Tests/inspections may be required under the following circumstances:

1. During pre-employment examinations for certain positions, as identified by the University.
2. When an employee's supervisor has reason to believe that an employee is using or under the influence of prohibited drugs, alcohol and substances or that there has been a violation of this policy, on University property.
3. When an employee or other person, is found in possession of suspected illegal or prohibited drugs and substances, or when any of these drugs and substances are found in an areas controlled or used exclusively by said employee or another person.
4. When an employee returns to active employment after a leave of absence of 30 or more days.
5. Following an on-the-job injury requiring treatment from a physician or following a serious or potentially serious accident or incident, including near misses, in which safety precautions were violated, unsafe instructions or orders were given, vehicles/equipment/property was damaged or unusually careless acts were performed. All persons involved and within the immediate vicinity of the incident may have their urine and blood tested. If it is impossible or impractical, because of the physical condition of the individual(s) involved in the accident, to give a urine and blood sample, and if in subsequent medical treatment of the person(s) blood will be drawn, then the blood will be analyzed for drugs, alcohol and other prohibited substances.
6. Random testing, other than to meet certain specific job site requirements, will not commence until 30 days following the implementation of this policy; however, applicants for employment shall be subject to testing as of the date of policy implementation. The search, inspection, urine and/or blood drug screening provisions herein will be performed with concern for the personal privacy of each employee or other person and will also apply to contract labor, when feasible.

All persons shall have the opportunity, prior to testing, to list all prescription and nonprescription drugs they have used in the last 30 days and to explain the circumstances surrounding the use of such drugs. All records containing medical information will be maintained in accordance with applicable law.

<b>Drug or Metabolite In Urine</b>	<b>Initial Test Cutoff (Emit) (GC/MS)</b>	<b>Confirmation Test Cutoff (GC/MS)</b>
Amphetamine (includes Methamphetamine)	1000 ng/ml	500 ng/ml
Barbiturate	300 ng/ml	300 ng/ml
Benzodiazepine	300 ng/ml	300 ng/ml
Cannabinoid (Marijuana, Hashish) (carboxy THC)	50 ng/ml	15 ng/ml
Methadone	300 ng/ml	150 ng/ml
Opiate: Morphine, Codeine	2000 ng/ml	2000 ng/ml
Methaqualone	300 ng/ml	300 ng/ml
Phencyclidine (PCP)	25 ng/ml	25 ng/ml
Ethanol (Enzyme Assay) (GC/FID)	.04/%w/volume	.04/%w/volume

### **Drug-Free Awareness Program**

Alcorn State University has established an Alcohol and Other Drug Education Program which is administered through Health and Disability Services and the Office of Human Resources. This program provides supervisory training programs in the identification of illegal drug use, drug counseling for any student or employee, and confidential referrals to rehabilitation programs approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

The Employee Assistance Program facilitates short-term, inpatient services to faculty and staff for alcohol/drug issues. Employees who may need long-term consultation or other services to achieve the goals of their treatment plan may be referred to other counseling, treatment, rehabilitation services. Information about the Employee Assistance Program is disseminated to employees at new hire orientation and during University Health and Benefits Fairs. Additional information about the Employee Assistance Program is available on the Alcorn State University Health and Disability website. Faculty and staff who seek services through the Employee Assistance Program shall be protected from abuse and retaliatory action. The University respects the rights of its employees and will protect the confidentiality of medical information to the fullest extent possible.

To ensure compliance with the Drug-Free Workplace Act of 1988 notification requirement, this policy will be distributed to faculty and staff on an annual basis. All newly employed faculty and staff, whether exempt or non-exempt, temporary or permanent, will receive a copy of this policy during the new employee orientation/on-boarding process.

## **Determination of Violations**

An employee may be found to use illegal drugs on the basis of any appropriate evidence including, but not limited to:

1. Direct observation
2. Evidence obtained from an arrest or criminal conviction
3. A verified positive test result
4. An employee's voluntary admission

## **Off the Job Drug and Alcohol Substance Use and Activity**

Employees who use drugs, alcohol or chemical substances off the job run the risk of jeopardizing the safety of themselves, their family, the public and the University. Whenever such usage adversely affects public trust in the University or otherwise interferes with the University's ability to carry out its responsibilities or increases potential liability for the University, the University may be forced to take disciplinary action against the offending employee(s), up to and including termination of employment. Employees who are convicted or plead guilty or *novo contendere* (no contest) because of off-the-job activities (drug or alcohol related) may be considered in violation of this policy. In deciding what action to take, the University will consider the nature of the charges and other factors relative to the impact of the employee's conviction or plea upon the conduct of the University's business.

## **Penalties for Violation of Policy**

Any employee found in violation of this policy, or who refuses to submit to a search or urine and/or blood analysis shall be removed from University property, and shall be subject to disciplinary action, up to and including termination of employment.

Any employee ordered to submit to urine and/or blood tests shall be informed of the reasons why he/she is being ordered to submit the specimen. Any employee failing after a 3-hour period to submit the specimen will be informed that this refusal constitutes failure to obey a direct order, and this is grounds for termination.

Any employee who, as a result of drug testing and screening, is found to have detectable levels or identifiable trace quantities of prohibited drug or substance in his/her system, regardless of when or where the drug or substance entered that person's system, without an explanation satisfactory to the University, will be considered in violation of this policy, will be removed from University property, and will be subject to disciplinary action, up to and including termination of employment. Additionally, if employment is continued, such employees may be required to submit to random drug screens and/or to participate in and successfully complete a substance abuse program.

Preliminary findings of a policy violation may require that the employee be suspended, without pay, pending the results of an internal investigation. If said investigation clears the employee of any policy violation, said employee will be fully reinstated, including pay, to his/her job.

An employee, or anyone else, who in any way alters, tampers with, or substitutes a urine or blood specimen, will be considered a violator of this policy, and the employee shall be discharged. A non-employee shall be removed and barred from University premises. The company may take into custody any illegal, unauthorized, or prohibited items or substances any may turn them over to the proper law enforcement agencies.

Disciplinary action taken against an employee found to use illegal drugs may include the full range of disciplinary actions, including termination. The severity of the action chosen will depend on the circumstances of each case and will be consistent with prior discipline under similar circumstances. The supervisor shall initiate disciplinary action against any employee found to use illegal drugs, provided that such action is not required for an employee who voluntarily admits to illegal drug use and obtains counseling or rehabilitation and thereafter refrains from using illegal drugs as long as such admission occurs prior to illegal use or possession on the job.

Such disciplinary action may include any of the following measures, but disciplinary action will be initiated if an employee is found in violation of this policy:

1. Reprimanding the employee in writing.
2. Placing the employee in an enforced leave status.
3. Suspending the employee for 14 days or less (with or without pay).
4. Suspending the employee for 15 days or more (with or without pay).
5. Suspending the employee until the employee successfully completes the EAP or until the supervisor determines that action other than suspension is more appropriate.
6. Terminating the employee.