



POLICY STATEMENT 70 DRUG TESTING

POLICY DIGEST

Primary Monitoring Unit: Human Resources
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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 \(R.S.\) 49:1001](#), et seq.

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

II. 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.

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

- 47 A. Positions with duties that are required or are authorized to perform campus security
48 inspection;
- 49 B. Positions with duties that are required to or are authorized to exercise any responsibility
50 over power plant equipment;
- 51 C. Positions with duties that require on–the-job instructing or on-the-job supervising of any
52 person who operates or maintains any heavy equipment or machinery; and
- 53 D. Positions with duties that require or authorize the operation or maintenance of a public
54 vehicle, or the supervision of such an employee.

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

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

63 **Workplace** – any location on agency property including all property, offices and facilities
64 (including all vehicles and equipment) whether owned, leased or otherwise used by the agency
65 or by an employee on behalf of the agency in the conduct of its business in addition to any
66 location from which an individual conducts agency business while so engaged.

67 **III. SAFETY-SENSITIVE OR SECURITY-SENSITIVE POSITIONS**

68 The following are a list of security sensitive positions at LSU Eunice

- 69 A. Director of Physical Plant
- 70 B. Guards
- 71 C. Horticultural Attendant – Foreman
- 72 D. Horticultural Attendant – Leader
- 73 E. HVAC Control Technician
- 74 F. Maintenance Repairer
- 75 G. Maintenance Superintendent

- 76 H. Mobile Equipment Operator
- 77 I. Mobile Equipment Operation – Light
- 78 J. Operating Engineer Master

79 **IV. POLICY**

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

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

93 **V. CONDITIONS REQUIRING DRUG TESTS**

94 LSU Eunice shall require drug testing under the following conditions.

95 A. Reasonable Suspicion: Any employee shall be required to submit to a drug test if there
96 is reasonable suspicion that the employee is using drugs as defined above.

97 B. Post-accident: Each employee involved in an accident that occurs during the course
98 and scope of employment shall be required to submit to a drug test as per [Louisiana](#)
99 [R.S. 23:1081](#).

100 C. Rehabilitation Monitoring: Any employee who is participating in a substance abuse
101 after-treatment program or who has a rehabilitation agreement with the agency following
102 an incident involving substance abuse shall be required to submit to random drug
103 testing.

104 D. Pre-employment: Following a conditional job offer, prospective employees except
105 employees transferring from one executive agency to another without a lapse in service,
106 may be required to submit to drug screening at the time and place designated by the
107 Vice Chancellor for Business Affairs. A prospective employee who tests positive for the
108 presence of drugs in the initial screening shall be eliminated from consideration for
109 employment.

110 E. Safety-sensitive and Security-sensitive positions: Employees in safety-sensitive and
111 security-sensitive positions may be subject to random/unannounced drug testing,
112 selected by a computer-generated random selection process by the official provider of
113 drug testing services and require them to report for testing. All such testing shall occur
114 during the selected employees' work schedule. Each employee who is offered a safety-

115 sensitive or security-sensitive position may be required to pass a drug test before being
116 placed in such position, whether through appointment or promotion (see above section
117 on Safety Sensitive or Security Sensitive Positions).

118 VI. PROCEDURE

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

124
125 The Vice Chancellor for Business Affairs shall be involved in any determination that one of the
126 above-named conditions requiring drug-testing exists. Upon such determination, the Vice
127 Chancellor shall notify the supervisor of the employee to be tested, who shall immediately notify
128 the employee where and when to report for the testing.

129
130 Testing services shall be performed by a provider chosen by the Office of State Purchasing,
131 Division of Administration, pursuant to applicable bid laws. At a minimum, the testing service
132 shall assure the following:

133
134 A. All specimen collections will be performed in accordance with applicable federal and
135 state regulations and guidelines to ensure the integrity of the specimens and the privacy
136 of the donors. The Vice Chancellor shall review and concur in advance with any
137 decision by a collection site person to obtain a specimen under direct observation. All
138 direct observation shall be conducted by a same gender collection site person.

139 B. Chain of custody forms must be provided to ensure the integrity of each urine specimen
140 by tracking its handling and storage from point of collection to final disposition.

141 C. Testing shall be performed by a SAMSHA-certified laboratory.

142 D. The laboratory shall use a cut-off of 50 ng/ml for a positive finding in testing for
143 Cannabinoids.

144 E. All positives reported by the laboratory must be confirmed by Gas
145 Chromatography/Mass Spectrometry.

146 All positive results of drug-testing shall be reported by the laboratory to the Vice Chancellor for
147 Business Affairs. Employee testing positive may be placed on leave (sick, annual, or leave
148 without pay) for 30 days to participate in rehabilitation. If employee testing positive refuses
149 rehabilitation, it will result in immediate termination. For information concerning the Employee
150 Assistance Program refer to [LSU Eunice PS-56](#).

151 VII. CONFIDENTIALITY

152 All information, interviews, reviews, reports, statements, memoranda, and/or test results
153 received by LSU Eunice through its drug testing program are confidential communications,
154 pursuant to [Louisiana R.S. 49:1012](#), and may not be used or received in evidence, obtained in
155 discovery, or disclosed in any public or private proceedings, except in an administrative or
156 disciplinary proceeding or hearing, or civil litigation where drugs by the tested individual is

157 relevant.

158 **VIII. RESPONSIBILITY**

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

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

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

172 **IX. VIOLATIONS OF THE POLICY**

173 Violation of this policy, including refusal to submit to drug testing when properly ordered to do
174 so, will result in termination of employment. Each violation and alleged violation of this policy
175 will be handled on an individual basis, taking into account all data, including the risk to self,
176 fellow employees, and the general public.