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UNIVERSITY OF NEW ORLEANS

Human Resource Management

Drug Testing Policy

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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 on their productivity, health and safety, dependents, and co-workers, as well as the general public.

The State of Louisiana 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 providing 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 49:1 001, et seq.

The University of New Orleans fully supports these efforts and is committed to a drug-free workplace.

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Applicability

This policy shall apply to all employees of the University of New Orleans including appointees and all other persons having an employment relationship with this agency.

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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.

Employee – unclassified, classified, and student employees, student interns, and any other person having an employment relationship with the agency, regardless of the appointment type (e.g. full-time, part-time, temporary, etc.).

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 articulable 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 a nature that the compelling State interest to keep the incumbent drug-free outweighs the employee's privacy interests. A list of such positions within the University of New Orleans is attached hereto and is made a part hereof. The list was determined with consideration of statutory law, jurisprudence, the practices of the agency and the following examples of safety-sensitive and security positions:

1. Positions with duties that are required or are authorized to perform the safety inspection of a structure;
2. Positions with duties that are required or are authorized to have access to a prison or incarcerated individual;
3. Positions with duties that are required or are authorized to carry a firearm;
4. Positions with duties that allow access to controlled substances (drugs);
5. Positions with duties that are required or are authorized to inspect, handle, or transport hazardous

waste as defined in R.S. 30:2173(2) or hazardous material as defined in R.S. 32:1502(5);

6. Positions with duties that are required or are authorized to exercise any responsibility over power plant equipment;
7. Positions with duties that require on-the-job instructing or on-the-job supervising of any person to operate or maintain any heavy equipment or machinery and
8. Positions with duties that require or authorize the operation or maintenance of a public vehicle, or the supervision of such an employee.

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

Workplace – any location on agency property including all property, offices and facilities (including all vehicles and equipment) whether owned, leased or otherwise used by the agency or by an employee on behalf of the agency in the conduct of its business in addition to any location from which an individual conducts agency business while such business is being conducted.

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Policy

It shall be the policy of the University of New Orleans to maintain a drug-free workplace and a workforce free of substance abuse. Employees are prohibited from reporting for work or performing work for the University of New Orleans with the presence in their bodies of illegal drugs, controlled substances, or designer (synthetic) drugs 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 dispensations, 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 the University of New Orleans 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.

Conditions Requiring Drug Tests

The University of New Orleans 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 this policy) 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 employee’s drug use, b) results in a fatality, or c) results in or causes the release of hazardous waste as defined in R. S. 30:2173(2) or hazardous materials as defined in R. S. 32:1502(5).
3. Rehabilitation Monitoring – Any employee who is participating in a substance abuse after-treatment program or who has a rehabilitation agreement with the agency following an incident involving substance abuse shall be required to submit to random drug testing.
4. Pre-employment – Each prospective employee accepting a safety or security sensitive position shall be required to submit to drug screening at the time and place designated by the Director of Human Resource Management following a job offer contingent upon a negative drug-testing result. Pursuant to R.S. 49:1008, a prospective employee who test positive for the presence of drugs in the initial screening shall be eliminated from consideration for employment.
5. Safety-sensitive and Security-sensitive positions – Appointments and Promotions: Each employee who is offered a safety-sensitive or security-sensitive position (as defined in the policy) shall be required to pass a drug test before being placed in such position, whether through appointment or promotion.
6. Safety-sensitive and Security-sensitive positions – random testing: Every employee in a safety-sensitive or security-sensitive position shall be required to submit to drug testing as required by the Appointing Authority, who shall periodically call for a sample of such employees, selected at random by a computer-generated random selection process, and required them to report for testing. All such testing shall, if practicable, occur during the selected employee’s work schedule.

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Procedure

Drug testing pursuant to this policy shall be conducted for the presence of cannabinoids (marijuana metabolites), cocaine metabolites, opiate metabolites, phencyclidine, and amphetamines in accordance with the provisions of R.S. 49:1001, et seq. The University of New Orleans reserves the right to test its employees for the presence of any other illegal drug or controlled substance when there is reasonable suspicion to do so.

The Director of Human Resource Management shall be involved in any determination that one of the above-named conditions requiring drug-testing exists. Upon such determination, the Director of Human Resource Management shall notify the supervisor of the employee to be tested, who shall immediately notify the employee where and when to report for the testing.

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

1. All specimen collections will be performed in accordance with applicable federal and state regulations and guidelines to ensure the integrity of the specimens and the privacy of the donors. The Director of Human Resource Management shall review and concur in advance with any decision by a collection site person to obtain a specimen under direct observation. All direct observation shall be conducted by a same gender collection site person.
2. Chain of custody forms must be provided to ensure the integrity of each urine specimen by tracking its handling and storage from point of collection to final disposition.
3. Testing shall be performed by a SAMSHA-certified laboratory.
4. The laboratory shall use a cut-off of 50 mg/ml for a positive finding in testing for Cannabinoids.
5. All positives reported by the laboratory must be confirmed by Gas Chromatography/Mass Spectrometry.

All positive results of drug-testing shall be reported by the laboratory to a qualified medical review officer.

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Confidentiality

All information, interviews, reports, statement, memoranda, and/or test results received by the University of New Orleans through its drug testing program are confidential communications, pursuant to R.S. 49:1012, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in an administrative or disciplinary proceeding or hearing, or civil litigation where drug use by the tested individual is relevant.

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Responsibility

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

The Director of Human Resource Management is responsible for administering the drug testing program; determining when drug testing is appropriate; receiving, acting on, and holding confidential all information received from the testing services provider and from the medical review officer, and collecting appropriate information necessary to agency defense in the event of legal challenge.

All supervisory personnel are responsible for assuring that each employee under their supervision

receives a copy of this policy, signs a receipt form, and understands or is given the opportunity to understand and have questions answered about its contents.

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Violation of the Policy

Violation of the policy, including refusal to submit to drug testing when properly ordered to do so, will result in actions up to and including termination of employment. Each violation and alleged violation of the 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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Safety-sensitive and/or Security-sensitive positions:

Safety Officer
Director, University Police
Police Lieutenant
Police Officers
Police Corporal
Police Sergeant
Director, Student Health Services
Licensed Practical Nurse
Pharmacist
Registered Nurse
Stock Clerk Supervisor
Stock Clerk
Director, Physical Plant Services
Facility Maintenance Engineer
Energy and Utility Engineer
Operating Engineer Superintendent
HVAC Mechanic Foreman
HVAC Controls Technician
HVAC Refrigeration Mechanic
HVAC refrigeration Master Mechanic
Operating Engineer Leader
Operating Engineer
Trade Apprentice
Heavy Mobile Equipment Operator
Heavy Equipment Operator
Light equipment Operator

Laborer

Assistant Vice Chancellor for Computing and Communications

Director, Telecommunications and Electronics

Assistant Director, User Services

Assistant Director, Operations

Assistant Director, Technical Services

Assistant Director, Applications Programs

Computer Programmer/Consultant

Manager, System Operations

Manager, Technical Services

Supervisor, Information Systems Operators

Applications Team Leader

Senior Analyst

Network Design Engineer

Applications Programmer

Info Systems Equipment Operator

Info Systems Software Support Specialist

Info System Network Technician

Supervisor, Info Systems Data Entry

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