

Drug and Alcohol Testing Policy

Unit: [Human Resources](#)

Effective Date: 1/3/2011

Revision Date: 11/12/2018

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Purpose

The Division of Finance and Operations of The University of Alabama (“University”) is committed to providing a safe workplace for its employees. Drug and alcohol use may pose a serious threat to employee health and safety in the workplace. Therefore, in supplementation to the University’s Drug-Free Campus and Work Place Policy, Finance and Operations hereby adopts the following Drug and Alcohol Testing Policy. This policy applies to all Finance and Operations staff and job applicants.

Policy

All Finance and Operations employees including full-time, part-time, regular, temporary and contingent/on-call, are prohibited from the unlawful manufacture, distribution, dispensation, possession or use of controlled substances (including marijuana) and other dangerous drugs while he or she is at work for the University or at another site where the employee is carrying out assigned duties. The possession, distribution, or consumption of alcoholic beverages is not permitted on the work site or on other University property during normal working hours, unless such occurs in the course of an authorized business or special University function which includes alcoholic beverages or where consumption was otherwise approved by the University. By extension, no employee may report to work while under the influence of or test positive for a controlled substance, including marijuana, or alcohol, except as may be otherwise provided in section IV below. Failure to provide a valid specimen will be treated as a positive result for the purposes of this policy.

Finance and Operations requires its employees to comply with all federal, state, and applicable local laws pertaining to the use, possession, manufacture, distribution, dispensation, and sale of alcohol and controlled substances including marijuana.

Finance and Operations employees shall not use any substance in any manner that impairs performance of assigned duties or may potentially have an adverse effect on Finance and Operations. This includes drugs or other substances that are prescribed and taken under the direction of a licensed healthcare professional, which may cause some form of impairment.

To help ensure compliance with this policy and to promote employee health and safety in the workplace, Finance and Operations requires its employees to be subject to drug and alcohol testing on the terms and conditions set out in more detail in section V of this policy.

Policy Violations

Employee misconduct related to alcohol use or substance abuse in violation of this policy or the University’s Drug-Free Campus and Work Place Policy or any local, state or federal law or other University policy, regarding the use, possession, manufacture, distribution, dispensation, or sale of controlled substances, including marijuana, or alcoholic beverages may subject the employee to corrective disciplinary actions and penalties up to and including termination of employment and referral to appropriate federal, state, or local authorities for prosecution in the courts. Violations of this policy will be evaluated on a case-by-case basis, with the imposition of discipline appropriate to the severity of the violation.

Any employee determined to be in violation of this Policy may be required as a condition of future employment, at the discretion of the University or Finance and Operations, or as mandated by law, to participate in an alcohol or substance abuse rehabilitation program until completion is determined by the program administration or a professional with the appropriate credentials to determine such progress. In most cases, participation in such a rehabilitation program will be a condition of future employment if the violation is a first offense.

Allowed Drug or Alcohol Use

When a Finance and Operations employee is legally prescribed medication(s) that may impair his or her ability to perform assigned duties, the employee shall immediately notify his or her supervisor to make them aware of the situation. It may be necessary to alter, limit or restrict the employee's work duties until the dose(s) of legally prescribed medication(s) have been completed as directed by a healthcare professional and any residual effects that may cause impairment have diminished. The ability to accommodate job alterations, limitations or restrictions will be determined by the employee's supervisor and Human Resources. Depending on the level of job alteration, limitation or restriction, it may be necessary to place the potentially impaired employee on paid or unpaid leave if an accommodation cannot be arranged under reasonable circumstances. Any paid or unpaid leave resulting from the University being unable to accommodate a job alteration, limitation or restriction shall be treated in the same manner as an excused illness or injury under the University's sick leave/benefit program.

There may be situations where a Finance and Operations employee is attending an event related to his or her employment where alcoholic beverages are served. Lawful consumption of alcoholic beverages is not a violation of this policy under those circumstances provided that such consumption does not impair performance of assigned duties or have an adverse effect on Finance and Operations.

Types of Drug and Alcohol Testing

1. **Pre-Employment:** All external applicants, those currently not employed by the University of Alabama, for certain safety/security sensitive positions in the Division of Finance and Operations shall be required to successfully complete drug testing after receiving a conditional offer of employment. See HR Policy #206.00 for more details.
2. **Reasonable Suspicion:** All Finance and Operations employees may be required to submit to drug and alcohol testing when their supervisor or other University official, based on specific, contemporaneous, articulable observations, has reasonable suspicion to believe that the employee's behavior, appearance, speech, body odors and/or actions indicate the possible use of controlled substances and/or alcohol. Prior to making a final determination, the supervisor or other University official shall discuss the situation and explain the observed behavior with Human Resources as soon as is practical. The determination of reasonable suspicion shall be made only by a supervisor or other official who is trained to make such determinations. Training shall cover topics including but not limited to physical, behavioral, speech and performance indicators of probable illegal drug use, alcohol misuse and related subject matter as determined necessary by an experienced and credential trainer. A written record of the observed behavior, signed by the observing official(s), shall be made to document the observations. Such written record shall be made within twenty-four (24) hours of the observation or before the results of the substance abuse testing are released.
3. **Random:** Employees in positions or assigned certain duties that require random testing as required by law shall be subject to random drug testing. At the present time, the positions subject to random testing include employees engaged in certain duties on behalf of the Department of Defense ("DOD") and vehicle operators with a Commercial Drivers License ("CDL") as defined by the Department of Transportation. However, if any governmental requirement for random testing is later enacted, the University will also adhere to these requirements, laws and regulations.
4. **Post-Accident:** All Finance and Operations employees shall be subject to post-accident drug and alcohol testing when the accident cause indicates possible impairment or if the accident involves any of the following elements:

- a. Disregarding established safety rules
- b. Injuries to self and/or others requiring more than superficial medical care
- c. Damage to University property or property of others as a result of possible negligence, established safety rule, or standard operating procedure.
- d. Employee is involved in any moving vehicle accident resulting in damage or injury to self or others.
- e. Employee caused or contributed to an on-the-job injury which resulted in a loss of work time.

An employee must remain readily available for testing in the circumstances described above and failure to be readily available may be deemed a refusal to submit to testing under this policy

- 5. **Policy Violation Consequences:** Violations of this policy will be evaluated on a case-by-case basis, with the imposition of discipline appropriate to the severity of the violation. The University reserves the right to terminate any employee in violation of the Drug and Alcohol Testing Policy immediately and without prior notice.
- 6. **Return-to-Duty:** Any affected employee who has been subject to drug and/or alcohol testing and whose test result was positive, may undergo a return-to-duty test. This category of testing shall not be construed to obligate or commit the University to retain, reinstate, or rehire any employee who tested positive.
- 7. **Follow-Up:** If an employee is deemed to have a positive test result and agrees to substance abuse counseling as an element of the disciplinary plan with the University and/or Division of Finance and Operations, the employee will be subject to unannounced follow-up substance abuse testing. The follow-up testing routine may either be outlined by a Substance Abuse Professional or under the direction Human Resources. Follow-up testing may continue for up to twelve (12) months following the completion of a substance abuse program, and may continue upon the recommendation of a Substance Abuse Professional for up to sixty (60) months.

Procedure

Drug and alcohol testing will be performed by the University Medical Center or the DCH Regional Medical Center under the direction of a medical doctor and in accordance with programs and guidelines established by the United States Department of Health and Human Services Administration, Substance Abuse and Mental Health Services Administration (SAMSHA), Division of Workplace Programs.

The collection, custody, storage, and analysis of drug test samples will be performed in compliance with SAMSHA Guidelines. Testing will be conducted under the direction and supervision of a laboratory certified by SAMSHA and in accordance with SAMSHA Guidelines. To ensure accuracy, a sequence of two (2) tests, at the University's expense, will be utilized. Initial testing will be by the immunoassay methodology. Each presumptively positive sample will then be subjected to additional, more precise confirmatory testing through means of the gas chromatography-mass spectrometry (GC-MS) methodology. A test confirmed as positive through this dual testing procedure indicates the presence of a drug or its metabolite at or above the cutoff level prescribed by this policy. Particular cutoff levels may be dependent upon the employee's assigned duties within the University. The applicable standards for cut-off levels for drugs are defined by the "Mandatory Guidelines for Federal Workplace Drug Testing Programs," 53 F.R. 11979; "Programs for Chemical Drug and Alcohol Testing of Commercial Vessel Personnel," 46 C.F.R. Parts 4, 5, and 6; and "Procedures for Transportation Work Place Drug Testing Programs," 49 C.F.R. Part 40. R.S. 1001, et seg. The applicable standards for cutoff levels for alcohol are set by the Omnibus Transportation Employee Testing Act of 1991. Positive alcohol tests may be confirmed by a chain of custody blood-alcohol test.

Test results shall be documented and maintained with strict confidentiality. Positive test results and samples will be maintained in accordance with law and applicable medical standards.

Refusal to Submit to Testing

An employee may not refuse to submit to post-accident, random, reasonable suspicion, or follow-up substance abuse testing administered under the terms of this Policy. An employee who refuses to submit to such tests will be subject to corrective disciplinary actions and penalties up to and including termination of employment. Additionally, failure to submit to or cooperate with testing when required as a result of an on-the-job injury will forfeit the employee's right to recover compensation for lost wages.

Refusing to submit to testing may include any of the following:

1. Expressly declining to submit to testing.
2. Failure to appear for testing after proper notification.
3. Failure to remain readily available for testing.
4. Failure to provide adequate breath for alcohol testing without a valid medical explanation.
5. Failure to provide adequate urine for drug testing without a valid medical explanation.
6. Providing a urine sample determined by the testing laboratory and/or the Medical Review Officer to have been tampered with or otherwise altered.
7. Engaging in conduct that clearly obstructs the testing process

Scope

This policy applies to all faculty and staff.

Office of the Vice President of Finance and Operations

Signed:  11/12/2018
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