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**TITLE: DRUG-FREE WORKPLACE**

**EFFECTIVE DATE:** January 20, 2015

**LAST REVISION:** Initial\*

Policy No. 214

### **STATEMENT OF POLICY**

Baton Rouge Community College (BRCC) is committed to maintaining a drug free workplace. The illegal use of drugs or alcohol for consumption within the BRCC campuses or offices interferes with the accomplishment of this mission. It is understood that alcohol may be used in laboratory situations and should not be misused for other purposes. Various federal and state laws and regulations apply to employees of the BRCC including Federal Drug Free Workplace Act of 1988, the Drug-Free Schools and Communities Acts Amendments of 1989 (Public Law 101-226), and Revised Statutes of the State of Louisiana.

### **SCOPE AND APPLICABILITY**

This policy pertains to all BRCC Tenured and Non-Tenured Faculty and all Classified and Unclassified Staff.

### **DEFINITIONS**

**BRCC** – Any property, college campus or leased site.

**Drug free workplace** – a site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of the federal Drug Free Workplace Act of 1988.

**Controlled substance** – a controlled substance in schedules I through V of Louisiana R.S. 40:964 or Section 202 of the Controlled Substances Act, 21 U.S.C. 812.

**Conviction** – finding of guilt (including a “no contest” plea) or the imposition of sentences, or both, by any judicial body having the responsibility to determine violations of the federal or state criminal drug statutes.

**Misuse of alcohol** – any possession, consumption or other use of an alcoholic beverage in violation of this policy.

**Safety-sensitive or Security-sensitive positions:** Positions with duties that may: 1) require or authorize safety inspection of structure; 2) require or authorize access to a prison or an incarcerated individual; 3) require or authorize carrying a firearm; 4) allow access to controlled substances (drugs); 5) require or authorize inspecting, handling, or transporting hazardous waste as defined in R.S. 30:2173(2) or hazardous materials as defined in R.S. 32:1502(5); 6) require or authorize any responsibility over power plant equipment; 7) require instructing or supervising any person to operate or maintain, or that may require or authorize operating or maintaining, any



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heavy equipment or machinery; and 8) require or authorize the operation or maintenance of a public vehicle, or the supervision of such an employee.

*Sample* – urine, blood, saliva, or hair

### **GENERAL PROVISIONS**

The unlawful use, abuse, manufacture, distribution, dispensation, possession or being under the influence of a controlled or illegal substance while at work, on call, on duty, or engaged in BRCC business is prohibited as is the possession and/or consumption of alcohol in the workplace. Workplace shall include any location on BRCC property in addition to any location from which an individual conducts BRCC business while such business is being conducted. Without reference to any sanctions which may be assessed through criminal justice processes, violators of this policy, including refusal to submit to drug testing when properly ordered to do so, will be subject to BRCC disciplinary action up to and including termination of employment.

Alcohol misuse is prohibited extending to 1) use of alcohol on the job; 2) use of alcohol during the four hours before performance of safety-sensitive and security-sensitive functions; and 3) having a prohibited alcohol concentration level in the individual's blood system while on the job.

The use of drugs/medications prescribed by a licensed physician is permitted provided that it will not affect the employee's work performance. BRCC reserves the right to have a licensed physician of its own choice determine if the use of a prescription drug/medication produces effects which may impair the employee's performance or increase the risk of injury to the employee or others. If such is the case, BRCC reserves the right to suspend the work activity of the employee during the period in which the employee's ability to safely perform his/her job may be adversely affected by the consumption of such medication.

### **DRUG TESTS/SCREENS**

BRCC reserves the right to require drug screening for pre-employment, re-employment or reinstatement. All employees are subject to being tested for drugs under the following circumstances:

1. **Reasonable Suspicion:** A belief based on reliable information from independent sources or reliable, objective facts derived from direct observation of behavioral or performance indicators such that a prudent person would suspect that an employee is in violation of this policy.
2. **Commercial Driver's License Requirement:** Each employee who is required to obtain a commercial driver's license (CDL) must be tested for drugs, alcohol, or controlled substances in accordance with the provisions of the Omnibus Transportation Employee Testing Act of 1991.
3. **Post-Accident/Incident:** Following an accident that occurs during the course and scope of an employee's employment that a) involves violation of safety precautions, b) involves equipment or property damage, c) involves unusually careless acts were performed, d) results



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in a fatality, e) results in or causes the release of hazardous waste or materials, as defined in R.S. 30:2173(2) and/or R.S. 32:1502(5), or f) involves an on-the-job accident or injury.

4. **Rehabilitative:** Required as a part of a monitoring program established by the employer to assure compliance with terms of a rehabilitation agreement. Note: Rehabilitation is not required to be offered. BRCC reserves the right to ensure that any substance abuse treatment program or facility chosen by an employee to seek rehabilitation meets accreditation or certification to conduct such rehabilitation.
5. **Safety-Sensitive or Security-Sensitive Position:**
  - a. Prior to promoting an employee to a safety-sensitive or security-sensitive position or to a higher level safety-sensitive or security-sensitive position
  - b. **Random Drug Testing:** BRCC reserves the right to use random drug testing for those employees in safety-sensitive and security-sensitive positions where any form of substance abuse may affect the operation of the department through unsafe work behavior/performance or error in judgment, or where substance abuse could jeopardize the safety and well-being of employees, other personnel, or the general public.
  - c. **Non-exclusive List of Safety-sensitive or Security-sensitive Positions:**
    - Positions with duties that may require or authorize the safety inspection of a structure;
    - Positions that require or authorize access to a prison or an incarcerated individual;
    - Positions with duties that may require or authorize carrying a firearm;
    - Positions with duties that may allow access to controlled substances (drugs);
    - Positions with duties that may require or authorize inspecting, handling, or transporting hazardous waste as defined in R.S. 30:2173(2) or hazardous materials as defined in R.S. 32:1502(5);
    - Positions with duties that may require or authorize any responsibility over power plant equipment;
    - Positions with duties that may require instructing or supervising any person to operate or maintain, or that may require or authorize operating or maintaining, any heavy equipment or machinery; and
    - Positions with duties that may require or authorize the operation or maintenance of a public vehicle, or the supervision of such an employee;

### **Rights of the Employee/Employer**

1. Any employee, confirmed positive, upon his written request, shall have the right of access within seven working days to records relating to his drug tests and any records relating to the results of any relevant certification, review, or suspension/revocation-of-certification proceedings.
2. BRCC may, but is not required to, afford an employee whose drug test is certified positive by the medical review officer the opportunity to undergo rehabilitation without termination of employment.



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### **Expectation of Privacy**

Employees are hereby notified that BRCC offices and work sites are the property of BRCC and there is no expectation of privacy with regard to BRCC offices and work sites. Under appropriate circumstances and in accordance with the law, BRCC, in conjunction with law enforcement authorities, reserves the right to conduct unannounced searches and inspection of BRCC facilities and properties, including state-owned vehicles.

### **Confidentiality**

All tests/screening under this policy shall be done in strict confidence. Information obtained from tests/screening will be provided only on a need-to-know basis. Medical information obtained will be protected as confidential unless otherwise required by law or overriding public health concerns.

### **Employer Notification Requirements**

The Federal Drug-Free Workplace Act of 1988 requires that each employee notify his/her supervisor within five (5) days of conviction of any criminal drug statutes when such offense occurred in the workplace, while on official business, during work hours, or when in on-call duty status. Federal law requires that BRCC report within ten (10) days any such criminal drug statute conviction to each Federal Agency from which grants or contracts are received.

Employees whose jobs require driving, are required to notify their immediate supervisor if their driving privileges are suspended or revoked. If reasonable accommodation cannot be made, employees who operate BRCC vehicles on a regular and recurring basis may be forced to utilize accrued leave or be placed in leave without pay status during the period of suspension of driving privileges. Employees returning to work after such suspension shall be required to provide proof of restoration of driving privileges.

### **Failure to Comply**

As a condition of employment, all BRCC employees must comply with this policy. Failure to comply with this policy may result in disciplinary action up to and including termination.

Source of Policy: LCTCS Policy #6.030

Related Policy: \_\_\_\_\_

Approved by:  \_\_\_\_\_

Chancellor Andrea Lewis Miller

Responsible Administrator: Human Resources

LCTCS Policy Reference: #6.030

LCTCS Guideline Reference: \_\_\_\_\_

Date: 1/20/2015