

ADMINISTRATIVE DIRECTIVE

2.8.5 SUBSTANCE AND ALCOHOL ABUSE POLICY

A. PURPOSE

Louisiana State Health Sciences Center Health Sciences Center – Shreveport is committed to maintaining an environment, which supports the research, teaching, and service mission of the Health Sciences Center. Although the Health Sciences Center respects an employee’s right to privacy, the illegal use of drugs or alcohol within the Health Sciences Center community interferes with the accomplishment of the Health Sciences Center’s mission.

Louisiana State Law prohibits the consumption, possession, distribution, and possession with intent to distribute, or manufacture of drugs described as controlled dangerous substances in the Louisiana Revised Statutes 40:964; and other statutes define the illegal possession and/or use of alcohol. Further, various federal and state laws and regulations apply to the employees of Louisiana State Health Sciences Center, including the Federal Drug Free Workplace Act of 1988, The Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), Revised Statutes of the State of Louisiana and Executive Order MJF 93-38. This policy is specifically directed at illegal actions involving alcohol and controlled drugs. Other Health Sciences Center policies govern the legal use of alcoholic beverages in its facilities and on its premises.

B. DEFINITIONS

“drug free workplace” means 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” means a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

“criminal drug statute” means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.

“misuse use of alcohol” means any possession, consumption or other use of an alcoholic beverage in violation of this policy.

“conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of sentences, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

“employee” includes faculty, other academic, unclassified, classified, graduate assistants, and student employees and any other person having an employment relationship with the Health Sciences Center.

C. GENERAL POLICY

Louisiana State Health Sciences Center is committed to providing a workplace free from the illegal use of drugs and alcohol and seeks to make its employees aware of the dangers of drug and alcohol abuse as well as the availability of drug counseling, rehabilitation and employee assistance through various communications media available to it. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace is prohibited as is the illegal possession and/or consumption of alcohol. Workplace shall include any location on Health Sciences Center property in addition to any location from which an individual conducts Health Sciences Center business while such business is being conducted. Without reference to any sanctions, which may be assessed through criminal justice processes, violators of this policy will be subject to Health Sciences Center disciplinary action up to and including termination of employment.

Employee Education, Prevention, Counseling

Human Resource Management will notify all employees at least once each year of its policies and procedures governing the illegal use of alcoholic beverages and drugs and through appropriate media, make employees aware of the dangers of abusive or illegal use of alcohol or drugs. Specific attention is directed to the harmful effects of certain illegal controlled substances described in Exhibit II. Through the Health Sciences Center Employee Assistance Program, employees with drug and alcohol related problems may seek help.

D. PROHIBITIONS

To establish and maintain a safe work environment, LSUHSC-SHREVEPORT prohibits an employee being on the job while having alcohol in his/her body that is above the prohibited alcohol concentration levels, prohibit the use of or presence of illegal drugs or other dangerous substances in the bodies of its employees while on duty, on call and/or engaged in LSUHSC-SHREVEPORT business on or off LSUHSC-SHREVEPORT premises. LSUHSC-SHREVEPORT further prohibits the sale, purchase, transfer, concealment, transportation, storage, possession, distribution, cultivation, manufacture, and dispensing of illegal or unauthorized drugs or related paraphernalia while on duty, on call and/or engaged in LSUHSC-SHREVEPORT business on or off LSUHSC-SHREVEPORT premises.

The prohibitions of this policy extend to the following:

A. Illegal drugs, unauthorized controlled substances, abuse of inhalants, look-alike drugs, designer and synthetic drugs, and any other unauthorized drugs, abnormal or dangerous substances which may affect an employee's mood, senses, responses, motor functions, or alter or affect a person's perception, performance, judgment or reactions while working, including those drugs identified in Schedules I through V of Louisiana R.S. 40:964 or Section 202 of the Controlled Substances Act, 21 U.S.C. 812. NOTE: Illegal drugs include:

1. Any drug which is not legally obtainable.

2. Any drug which is legally obtainable but has not been legally obtained; or
3. Legally obtained (prescription) drugs not being used for prescribed purposes or in excess of prescribed dosages.
4. Misuse of alcoholic or intoxicating beverages; and
5. Drug related paraphernalia as defined in R.S. 40:1031, including any unauthorized material or equipment or items used or designated for use in testing, packaging, storing, injecting, ingesting, inhaling, or otherwise introducing into the human body those substances covered by this policy.

E. ALCOHOL MISUSE POLICY

Alcohol misuse is prohibited. This prohibition extends to 1) use of alcohol on the job; 2) having a prohibited alcohol concentration level in the individual's blood system while on the job. Any employee exhibiting behavior and/or appearance characteristic of alcohol misuse or whose job performance appears to be impaired by alcohol or who is involved in an accident in which the misuse of alcohol is suspected may be required to submit to a test for the presence of alcohol.

F. PRESCRIPTION/LEGAL DRUGS

The use of drugs/medications prescribed by a licensed physician is permitted provided that it will not affect the employee's work performance. The employee shall notify his/her direct supervisor of any drugs/medications prescribed by a licensed physician in those instances when the physician or pharmacy advises that the employee's performance could be impaired or when the employee believes use of the prescribed drugs/medications will impair his/her ability to perform his/her usual duties and responsibilities. Employees are encouraged to utilize accrued leave, with approval, in those instances where impaired functioning is a distinct possibility.

Employees are encouraged to maintain prescribed drugs/medications in the original prescription containers, which properly identify the employee's name, medication name, issuing physician, and dosage.

LSUHSC-SHREVEPORT reserves the right to have the Medical Director for Occupational Health determine if 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, LSUHSC-SHREVEPORT 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.

G. DRUG TESTS/SCREENS

LSUHSC-SHREVEPORT 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. **Post-Accident/Incident** - following an accident that occurs during the course and scope of an employee's employment that a) involves circumstances leading to a reasonable suspicion of the employee's drug use, b) results in a fatality, c) results in or causes the release of hazardous waste or materials, or d) involves an on-the-job injury or potentially serious accident, injury, or incident in which safety precautions were violated, equipment or property was damaged, or unusually careless acts were performed. Such testing is required of any employee who is directly involved in such an incident and whose action or inaction may have been a causative factor.
2. **Reasonable Suspicion** - a supervisor's belief, based upon reliable, objective, and articulable facts that a person is violating this policy. A decision to test must be based on direct observation of specific physical, behavioral, or performance indicators based on, but not limited to, any of the following:
 - Observable behavior or physical symptoms
 - A pattern of abnormal or erratic behavior
 - Arrest of a drug-related offense
 - Being identified as the subject of a criminal investigation regarding drugs
 - Evidence of drug tampering or misappropriation
 - Patterns of absenteeism or tardiness
 - Drowsiness or sleepiness
 - Alcohol or drug odors on the breath
 - Confusion, slurred or incoherent speech
 - Unusually aggressive behavior
 - Unexplained mood changes
 - Lack of manual dexterity or excessive sloppiness
 - Unexplained work/school related accidents or injuries
 - Illegible or errant charting
 - Leaving work areas for extended periods or unexplained reasons
3. **Rehabilitative** - required for those employees participating in substance abuse after-care treatment, pursuant to the terms of the rehabilitation agreement.
4. **Random Testing** – randomly performed for those employees whose responsibilities of employment include operating a public vehicle, performing maintenance on a public vehicle or supervising any public employee who operates or maintains a public vehicle (the Office of Human Resource Management maintains a complete list of designated positions).

Individuals will have an equal chance of being chosen, regardless of whether they have been previously tested.

Once an individual is notified they have been chosen for random testing, they must report to the Occupational Health Clinic within two (2) hours of notification. Failure to report and submit to the drug screen may result in immediate termination of employment.

H. TARGET DRUGS

Drug testing of LSUHSC-SHREVEPORT employees pursuant to this policy shall target the presence of the following drugs or their metabolites in the body:

1. Cannabinoids (marijuana);
2. Opiates;
3. Methamphetamine;
4. Cocaine metabolite; and
5. Phencyclidine (PCP)

Additional tests for additional drugs or their metabolites may be performed if circumstances warrant. Further, LSUHSC-SHREVEPORT will test for the presence of alcohol through breath or blood testing methodologies if circumstances warrant.

I. TESTING PROCEDURE

LSUHSC-Shreveport requires any individual who observes an LSUHSC-Shreveport affiliated individual whose behavior appears impaired or unsafe due to the possible use/abuse of alcohol or drugs to report the observations to their supervisor immediately. An individual whose behavior is impaired or unsafe while at work is required to immediately submit to alcohol and drug testing. Refusal to submit for testing when requested may result in immediate termination of employment.

Supervisors who observe or receive any information about an individual's impairment or unsafe conditions from alcohol or drugs or who have an individual involved in an accident for which testing is appropriate should proceed as follows: (1) If possible, have a witness observe the individual's behavior or physical condition. (2) Inform the individual that refusal to submit to the alcohol/drug test is a terminable offense. (3) Escort the individual to the Occupational Health Clinic or if after hours contact the House Supervisor on duty for the administration of the alcohol/drug screen. (4) The individual will be sent home by taxi and suspended without pay pending the test results. (5) Should an individual refuse to be tested, the supervisor in charge will suspend the individual without pay; notify Human Resource Management, Employee Relations, so that the process for termination can be initiated.

Procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen:

These procedures shall require that an appropriate chain of custody form be used from the time of collection to receipt by the laboratory and that, upon receipt in the laboratory, an appropriate laboratory chain of custody forms shall, at a minimum, include the entry documenting date and purpose each time a specimen or aliquot is handled or transferred and shall identify each individual in the chain of custody.

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.

J. SEARCHES/INSPECTIONS

In furtherance of this policy, employees are hereby notified that Health Sciences Center offices and work sites are the property of the Health Sciences Center and there is no expectation of privacy with regard to Health Sciences Center offices and work sites. Under appropriate circumstances and in accordance with the law, the Health Sciences Center, in conjunction with law enforcement authorities, reserves the right to conduct unannounced searches and inspection of LSUHSC-SHREVEPORT facilities and properties, including vehicles.

K. ENFORCEMENT

Each alleged violation of this policy will be handled on a case-by-case basis. Certain employees may be rehabilitated, while others may have manifested total disregard for the health, welfare, and safety of themselves or others. Participation in the LSUHSC-SHREVEPORT Employee Assistance Program may be treated by the Health Sciences Center as a positive attempt by the employee to combat his/her substance abuse problem and indicative of a future desire to adhere to this policy. However, participation in the EAP will not shield the employee from enforcement of this policy and disciplinary action, where appropriate. After a review of all data, including any offenses or additional test results produced by the employee, appropriate action will be taken, up to and including termination.

L. DRUG AND ALCOHOL ARRESTS/CONVICTIONS

Any LSUHSC-SHREVEPORT employee convicted of a criminal drug or drug-related offense, which occurs on or off duty, must notify his/her immediate supervisor within the next workday or immediately upon the employee's return to the workplace. Upon final disposition of the criminal proceedings, LSUHSC-SHREVEPORT will review all evidence to determine whether disciplinary action, including termination, is warranted. In all cases involving an employee's arrest on a drug or drug-related offense, which occurs on the job or on LSUHSC-SHREVEPORT premises, prompt investigation will be conducted, and, disciplinary action taken, if warranted.

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 LSUHSC-SHREVEPORT 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. Supervisors are required to report all suspensions and/or revocations to the Employee Relations Section of Human Resource Management. DUI convictions create a distinct problem in the workplace as a result of the driver's license forfeiture provisions of Louisiana R.S. 32:414 and Louisiana R.S. 32:661, ET SEQ.

Employees who operate department vehicles on a regular and recurring basis may be forced to utilize accrued annual leave or be placed in leave without pay status during the pendency of any period of suspension. Affected employees are encouraged to seek restricted/hardship licenses, which authorize driving for employment purposes. Employees returning to work after any such suspension shall be required to provide proof of restoration of driving privileges.

M. CRIMINAL PENALTIES

Employees are responsible under both Health Sciences Center policy and state law for their conduct. It is the policy of the LSUHSC- Shreveport to arrest and refer for prosecution any person who violates state or federal law concerning alcohol or drugs while within the jurisdiction of the LSUHSC-Shreveport Police Department.

It is unlawful in Louisiana to produce, manufacture, distribute or dispense or possess with intent to produce, manufacture, distribute, or dispense controlled dangerous substance classified in Schedule I, Schedule II, Schedule III, Schedule IV or Schedule V unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner or as a provider in R.S. 40:978, while acting in the course of his or her professional practice, or except otherwise authorized by law.

Penalties under Louisiana law for violation of laws regulating controlled dangerous substances are as follows:

Schedule I (R.S. 40:966 includes various opiates, hallucinogens, depressants, and stimulants). The maximum penalty provided by law for possession of Schedule I drugs, upon conviction, is imprisonment at hard labor for not less than four years nor more than ten years without benefit of probation or suspension of sentence and, in addition, may require a fine to be paid up to \$5,000.

Schedule II (R.S. 40:967 includes other opiates and depressants). The maximum penalty for violating Louisiana law concerning controlled dangerous substances under Schedule II, upon conviction, is imprisonment at hard labor for not less than 5 years nor more than 30 years and, in addition, may require a fine of not more than \$15,000.

Schedule III and IV (R. S. 40:968 and 40:969 includes stimulants, depressants, and other narcotics). The maximum penalty for violating Louisiana law concerning controlled dangerous substances under Schedules III and IV, upon conviction, shall be a maximum term of imprisonment at hard labor for not more than 10 years, and in addition, may be sentenced to pay a fine of not more than \$15,000.

Schedule V (R.S. 40:970). The maximum penalty for violating Louisiana law concerning controlled dangerous substances under Schedule V, upon conviction, is a term of imprisonment at hard labor for not more than 5 years and, in addition, may be sentenced to pay a fine of not more than \$5,000.

The Revised Louisiana Criminal Code carries specific penalties for possession of marijuana. For a first conviction, the offender shall be fined not more than \$500, imprisoned in the parish jail for not more than 6 months, or both. For a second conviction of possession of marijuana, the offender shall be fined not more than \$2,000 and imprisoned with or without hard labor for not more than 5 years, or both.

For a third conviction of possession of marijuana, the offender shall be sentenced to imprisonment with or without hard labor for not more than 20 years. More severe penalties exist for possession of marijuana with the intent to distribute and for the actual distribution of marijuana.

The Louisiana Criminal Code (R.S. 14:91.5) defines the unlawful purchase, consumption and public possession of alcoholic beverages by any person under the age of twenty-one years (except under narrowly specified exceptions). A fifty dollar fine is assessed for violation of this statute. For the unlawful purchase of alcoholic beverages by adults on behalf of minors (R.S. 14:91.3), the penalty is a fine of not more than \$300 or imprisonment for not more than 30 days. For operating a vehicle while intoxicated (R.S. 14:98), the penalty for a first conviction is a fine of not less than \$125 nor more than \$500 and imprisonment for not less than ten days nor more than six months which may be modified by imposing a court-approved substance abuse program and driver improvement program. For second and third convictions, more serious penalties are imposed.

N. REHABILITATION

Management may, as a condition of continued employment, require the employee to enter a treatment/rehabilitation program. If time off is required for the treatment program, the Medical Center's leave policies will apply. The employee must provide permission for the treatment center to provide continuing communication and regular reports to the Medical Center's Medical Review Officer.

After successful completion of the treatment/rehabilitation program, the employee must continue with an appropriate follow-up program that usually runs one to three years. The Medical Center's Medical Review Officer will determine the follow-up treatment program.

Withdrawal or failure to successfully complete the treatment program may result in termination.

Submission to periodic random drug screen upon request is required and is a condition for continued employment.

Personnel returning to work will not be allowed to have possession of narcotic keys or to work with controlled substances until the employee demonstrate to the satisfaction of management that he/she can administer narcotics.

Any continuing evidence of chemical abuse will result in notification to state or federal law enforcement agencies and/or National Licensing Boards, if appropriate.

O. REPORTING

In accordance with Executive Order MJF 98-38, the LSU System Office will report to the Office of Governor the number of employees affected by the drug testing program, the categories of testing being conducted, the costs of testing, and the effectiveness of the program annually. Source: Drug-Free Workplace Act of 1988, Drug- Free Schools and Communities Act Amendments of 1989, Executive Order MJF 98-38.

P. CONFIDENTIALITY

LSUHSC-SHREVEPORT respects the individual rights of its employees. Any employee involvement in the LSUHSC-SHREVEPORT Employee Assistance Program (EAP) or other rehabilitative program for substance abuse problems will be handled with confidentiality. Employees seeking such assistance shall be protected from abuse, ridicule, retribution, and retaliatory action. All medical information obtained will be protected as confidential unless otherwise required by law or overriding public health and safety concerns.

The results of all drug screens obtained in compliance with this policy will be confidential, except on a need to know basis. LSUHSC-SHREVEPORT may deliver any illegal drug, controlled dangerous substance, or other substance prohibited by this policy, discovered on LSUHSC-SHREVEPORT property or on the person of a LSUHSC-SHREVEPORT employee to appropriate law enforcement agencies. Likewise, any employee engaged in the sale, attempted sale, distribution, or transfer of illegal drugs or controlled substances while on duty or on LSUHSC-SHREVEPORT property will be referred to appropriate law enforcement authorities.

Q. CONCLUSION

The use of illegal drugs and abuse of alcohol or other controlled substances, on or off duty, is inconsistent with law-abiding behavior expected of the citizens of the State of Louisiana. LSUHSC-SHREVEPORT will not tolerate substance abuse or use, which imperils the health and well being of its employees and the public, or threatens its service to the public. LSUHSC-Shreveport's intention, through this policy, is to adhere to the Federal Drug-Free Workplace Act of 1988, The Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), Revised Statutes of the State of Louisiana and Executive Order No. MJF 98-38 all in an effort to maintain a safe, healthful, and productive work environment for its employees and to promote public safety.

EXHIBIT I

Drug Free Workplace

The Federal Drug Free Workplace Act of 1988 contains specific requirements relating to Health Sciences Center employees who are engaged in the performance of a federal grant or contract as follows:

Each such employee must receive a copy of the Health Sciences Center policy providing a drug free workplace, which shall be provided through the official promulgation of this Policy Statement and such other means as may be appropriate, and each such employee:

1. Agrees as a condition of employment to abide by the terms of the drug free workplace policy.
2. Must notify the LSUHSC-SHREVEPORT Office of Human Resource Management of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.

The Health Sciences Center is required to:

1. Notify the granting agency; within 10 days after receiving notice of conviction as above, or otherwise receiving notice of such conviction which notification shall be by the LSUHSC-SHREVEPORT Office of Human Resource Management.
2. Within 30 days after receiving such notice, impose a sanction on, up to and including termination, or require satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency by any employee so convicted with such sanction or required participation to be coordinated by the Office of Human Resource Management through the normal LSUHSC-SHREVEPORT administrative processes.
3. Make a good faith effort to continue to maintain a drug free workplace through implementation of the requirements of the Act.

EXHIBIT II

Alcohol - Uses and Effects

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including peer, spouse, and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and

convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain, liver, and digestive system.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other children of becoming alcoholics.