



Policy Title:	Drug and Alcohol Testing Policy
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## **PURPOSE**

The purpose of drug and alcohol testing is to prevent the hiring and/or continued employment of individuals in safety-sensitive positions who, due to the abuse of alcohol or use of illegal drugs, may harm themselves or others, or cause damage to property.

## **I. DEFINITIONS**

- A. Diluted Sample: A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.
- B. Drug and/or Alcohol Test: Any evaluation used to detect the presence of illegal drugs and/or alcohol in an individual's system. Testing will usually consist of urine sampling for drugs and/or breath testing for alcohol.
- C. Employee: Any person having an employment relationship with the university, regardless of their appointment type (e.g. classified, unclassified, full-time, part-time, temporary, student, intern,

affiliate), who works in a safety-sensitive position. This policy also will apply to volunteers engaged in safety-sensitive roles.

- D. **Illegal Drug:** Any illegal substance, including but not limited to narcotics, hallucinogens, cocaine, marijuana, and designer drugs, and any controlled substances, including but not limited to amphetamines and barbiturates, that are used either without being prescribed by a licensed physician or in excess of the amount prescribed by a licensed physician. Any drug that is not legally obtainable or that 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 an individual other than the person for whom prescribed.
- E. **Medical Review Officer (MRO):** A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.
- F. **Negative Result:** The result reported by a certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.
- G. **Non-Negative Specimen:** A urine specimen that is reported as adulterated, substituted, positive (for drug(s) or drug metabolite(s)), and/or invalid.
- H. **Positive Result:** The result reported by a certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations.
- I. **Random Selection for Drug Testing:** Employees in safety-sensitive positions will be subject to random drug tests for policy compliance on a periodic basis. Random testing means employees will be selected for testing using a computer-based random-number generator. This will result in an equal probability that any employee from the entire group of employees will be tested.
- J. **Reasonable Suspicion:** Articulable, individualized belief based upon reliable, objective facts, being of sufficient import and quantity to lead a reasonable person to suspect that an employee has used or may be impaired by drugs or alcohol.
- K. **Safety-Sensitive Position:** A position determined by the Vice President for Human Resources and Operations or designee to contain duties of such a nature that a compelling university interest to keep the incumbent drug-free outweighs the employee's privacy interests. Any position that requires its occupant to perform safety-sensitive tasks is designated as a safety-sensitive position. All University and student employees who occupy safety-sensitive positions are considered safety-sensitive personnel.

- L. Unfit Condition: Behavior including but not limited to: drowsiness, sleepiness or sleeping, slurred and/or incoherent speech, unusually aggressive behavior, unusually depressive behavior, unusual and rapid changes in mood, disorientation or inability to concentrate, or lack of coordination in walking or performing other tasks.
- M. Workplace: Any location on university property, including all offices and facilities (including all vehicles and equipment) whether owned, leased or otherwise used by the university or by an employee on behalf of the university from any location from which an individual conducts university business.

## II. POLICY STATEMENT

- A. Drug and alcohol testing applies to all University and student employees who are employed in safety-sensitive positions. Safety-sensitive personnel at Coastal Carolina University include the following:
  - 1. Any employee in a position that requires the employee to maintain a commercial driver's license (CDL). CDL employees must conform with USDOT regulation CFR 49 Part 40.
  - 2. Any employee in a position which requires the operation of a marine vessel, including mates on marine vessels. Boat Captains must conform to federal licensing requirements.
  - 3. Coastal Carolina University police and security personnel.
  - 4. Other safety-sensitive positions, as designated by the University. Examples of other safety-sensitive positions may be found on Human Resources website.
- B. Job postings for safety-sensitive positions must contain language indicating that employees are subject to pre-employment and post-hire drug testing in accordance with this policy.
- C. Every employee employed in a safety-sensitive position shall be required to submit to random drug testing. Employees selected at random are required to report for testing within two hours after notification. All such testing shall, if practicable, occur during the selected employee's scheduled work hours and will be considered hours worked.
- D. The university shall also require drug testing under the following conditions:
  - 1. Pre-employment/Assignment of Safety-Sensitive Duties – Each prospective employee accepting a safety-sensitive or position shall be required to submit to drug testing at a designated time and place following a job offer contingent upon a “negative” drug-testing result. A prospective employee who tests “non-negative” for the presence of drugs in the initial test shall be eliminated from consideration for employment. Prospective employees whose test results in a diluted sample may receive up to one retest at the discretion of the hiring official, with the approval the appropriate Vice President, and in consultation

with HR. A subsequent diluted sample will result in the withdrawal of the job offer.

Each current employee who is offered a safety-sensitive (as defined in this policy) shall be required to pass a drug test before being placed in such position, whether through recruitment, appointment or promotion.

2. Reasonable Suspicion – Any employee in a safety-sensitive shall be required to submit to a drug or alcohol test if there is reasonable suspicion (as defined in this policy) that the employee is using and/or under the influence of drugs and/or alcohol
3. Immediately following the discharge of a firearm or other weapon, or any use of physical force by a CCU law enforcement officer or security personnel that results in hospitalization, serious bodily injury, or fatality.
4. Post-accident – Each employee in a safety-sensitive position involved in an accident that occurs during the course and scope of employment will be required to submit to a drug or alcohol test if the accident:
  - a. Involves circumstances leading to a reasonable suspicion of the employee’s drug or alcohol use; or
  - b. Results in hospitalization, serious bodily injury, or fatality; or
  - c. Results in or causes the release of hazardous materials.
5. Rehabilitation Monitoring – Any employee in a safety-sensitive position who is participating in a mandatory substance abuse after-treatment program (such as the Employee Assistance Program) following a “non-negative” test shall be required to submit to quarterly drug testing for a period of one year following completion of the treatment program.

Exceptions to testing will require a review of the presenting circumstances and approval by the Vice President for Human Resources and Operations or designee and/or University Counsel.

G. Refusal to Submit to Testing

An employee may not refuse to submit to 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.

Section 56-1-2220 of the SC Commercial Driver’s License Drug Testing Act requires that all employers report to the SC Department of Motor Vehicles within three business days if an employee holding a CDL refuses to submit to a drug and/or alcohol test, tests positive for drugs and/or alcohol, or submits an altered drug and/or alcohol test.

H. Non-Negative Tests

Employees in safety-sensitive who test “non-negative” for illegal drugs and/or alcohol must be immediately removed from their safety-sensitive duties. Employees who test “non-negative” will be subject to corrective disciplinary actions and penalties up to and including termination of employment and/or may

be offered the opportunity for treatment depending on the facts/circumstances of the incident for which the test was required.

I. CONFIDENTIALITY OF TEST RESULTS

All information and/or test results received by the university through its drug and alcohol testing program are confidential communications, but may be used or disclosed in any civil or administrative proceeding as allowed by applicable law. Only university employees who have a need to know will have access to test results, and those employees shall keep test results confidential.

III. RELATED UNIVERSITY, STATE AND FEDERAL POLICIES/REGULATIONS

- A. USDOT Regulation CFR 39 Part 40
- B. Section 56-1-2220 of the SC Commercial Driver's License Drug Testing Act
- C. UNIV-443 Alcohol and Drug Policy (Drug-Free Workplace)
- D. FAST-222 Disciplinary Action and Termination for Cause Policy
- E. Drug and Alcohol Testing Guidelines