

# September 2003 UL Lafayette Quarterly Safety Meeting

**Acknowledgements:** *Ms. Della Bonnette, Vice President – Information Technology*

*Ms. Charlene Hamilton, Personnel Director*

**Note:** This document is for every UL Lafayette employee to read and understand. Please certify this information by signing the Safety Meeting signature sheet available through your Departmental Safety Coordinator. Questions regarding this can be directed to Joey Pons at 482-5357 or [safetyman@louisiana.edu](mailto:safetyman@louisiana.edu).

## Affirmative Action/Equal Employment Opportunity

UL Lafayette firmly supports the national policy of Affirmative Action/Equal Employment Opportunity as set forth in the University Affirmative Action Plan. The University policy in the area of equal employment opportunity shall be administered without regard to race, color, religion, sex, sexual orientation, age, national origin, disabilities, or a person's status as a disabled veteran or veteran of the Vietnam Era. The University policy also prohibits sexual harassment in accordance with state and federal laws and regulations. Additionally, the University policy allows for sick leave use for maternity reasons and treats such requests in a manner similar to leave requests for any other temporary disability. Execution of this policy requires vigorous efforts to identify and attract women and minority group applicants (where underrepresented) who meet the University's qualification standards and, where necessary, to maintain on file their applications in order to consider them with others as openings develop.

University policy fully embraces equality of opportunity for all employees by affirming that the University will take affirmative action to ensure that all applicants receive fair consideration for employment and the employees are treated fairly during the period of employment. Della T. Bonnette, Vice President for Information Technology, has been assigned responsibility for continuing development, implementation, and monitoring of the Affirmative Action Program. Mrs. Bonnette is also responsible for designing and implementing audit and reporting systems that will:

1. Measure effectiveness of the University's Affirmative Action Program.
2. Provide indications of need for remedial action.
3. Determine the degree to which the University's goals and objectives have been attained.

## Policy on Nondiscrimination

**The University of Louisiana at Lafayette does not discriminate on the basis of race, color, national origin, age, religion, sex, sexual orientation, or disability in admission to, access to, treatment in or employment in its programs and activities as required by Title VI and Title VII of the Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, Title IX of the Education Amendments of 1972, Executive Order 11246, Section 503 and 504 of the Rehabilitation Act of 1973, Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 and the 1990 Americans With Disabilities Act. The following person has been designated to handle inquiries regarding the nondiscrimination policies:**

**Mrs. Della Bonnette**

**Vice President for Information Technology and  
EEO Compliance Officer  
P.O. Box 41690  
University of Louisiana at Lafayette  
Lafayette, LA 70504  
(337) 482-6306 Martin Hall Room 230**

**Inquiries concerning the application of nondiscrimination policies may also be referred to the Regional Civil Rights Director, Office for Civil Rights, U.S. Department of Education, 1200 Main Tower Building, Suite 2260, Dallas, Texas, 75202.**

**Full cooperation and assistance is expected. The University's plan is available for review during regular office hours in either the Director of Personnel's office located in Room 175 of Martin Hall or Room 230 Martin Hall. Anyone having questions regarding the University's Affirmative Action/EEO Policy or its implementation should discuss the matter with Mrs. Bonnette in Room 230 of Martin Hall or by calling (337) 482-6306, 7:45 a.m. to 4:30 p.m. Monday-Friday.**

**University of Louisiana at Lafayette**  
**Employee Drug Testing Policy**  
Revised 7/03

**Purpose**

The employees working within the University of Louisiana at Lafayette believe that the workplace should be free from the risks associated with the use of alcohol and drugs. The University has a legitimate interest in promoting reasonable working conditions and is committed to providing a safe and healthy environment for employees and the public.

According to Louisiana Revised Statute 49:1001-1021, the University is authorized to proceed with drug testing of employees. The context of this policy will be pursuant to this Statute and to the Drug-Free Schools and Communities Act of 1986, the federal Drug-Free Workplace Act of 1988, the Drug-Free Public Housing Act of 1988, the Louisiana Drug Testing Act of 1990, the Omnibus Transportation Employee Testing Act of 1991, the Federal Highway Administration procedures, Title 49CFR part 40 and part 382 et al., Louisiana Revised Statutes 23:1081 and 1601, 30:2173(2), 32:1502(5), and Executive Order MJF 98-38 (see Appendix B)

**Applicability/Scope**

This drug testing policy shall be implemented January 1, 1999 following notice and publication to all employees of the University of Louisiana at Lafayette.

Louisiana R.S. 49:1001 defines an employee as any person, paid or unpaid, in the service of an employer. More specifically, the person may be classified, unclassified, probationary (rehabilitation), temporary or non-temporary in a safety-sensitive and/or security-sensitive position.

Following an employment offer and prior to starting work, prospective employees applying for positions that are safety-sensitive and/or security-sensitive (see Appendix B), or whose position will involve driving a commercial motor vehicle, will be required to be tested for drugs. The individual must test free of drugs as a condition of employment.

More specific clarification of definitions follow as to positions covered by the policy that are defined under federal and state law. Certain employees could be subjected to testing under both federal and state laws.

## Positions Defined Under Federal Law

- All current W-2 employees whose jobs require them to drive commercial motor vehicles as defined by the Drug-Free Workplace Policy (see Appendix A). The policy also applies to all persons who have made written application for positions that will require them to drive commercial motor vehicles. This group of employees and applicants is subject to drug testing pursuant to federal law (Department of Transportation/Federal Highway Administration Alcohol and Drug Testing Regulations – CFR 49).
- Conditions when employers must test employees for alcohol and/or controlled substances under federal law:
  - Pre-employment for Safety-Sensitive Positions: Prior to the first time an employee performs a safety-sensitive function, the individual must undergo testing for controlled substances. The employee shall not be permitted to perform safety-sensitive functions unless the driver has received a controlled substances test result indicating a verified negative test result (see Appendix A).
  - Post-accident: A post-accident test will be conducted for any employee driver in an accident involving a loss of human life and may be done where the driver receives a moving traffic violation. A collision or occurrence meets the definition of an “accident” when the incident involves a motor vehicle operating on a public road, which results in a death or bodily injury to a person who immediately receives medical treatment away from the accident; or one or more vehicles is disabled and must be towed from the scene.
  - Random : Such testing shall be conducted for employees in safety-sensitive and security-sensitive positions or participating in a rehabilitation program utilizing a fair and equitable method of selection (see Appendix A).
  - Reasonable Suspicion: A supervisor’s belief must be based on specific observation concerning the appearance, behavior, speech, or body odors of the driver. Such determinations should be confirmed by a second employee when possible. When applicable, a reasonable cause checklist will be used with appropriate consent forms (see Appendix B).
  - Return-to-duty: An employee who has violated a prohibition on alcohol or controlled substance use must have a negative alcohol or controlled test before returning to duty.
  - Follow-up Substance Testing: A safety-sensitive employee who has been identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use is subject to follow-up testing.

Alcohol testing may be required in all of the above conditions except pre-employment as specified in 49:CFR part 40. Following a determination that an employee has misused alcohol, the employee will be removed from safety-related functions.

## **Positions Defined Under State Law (LA. R.S. 49:1015)**

- All current W-2 employees in safety-sensitive or security-sensitive positions, both classified and unclassified. The policy also applies to all persons who have made written application for positions designated as safety-sensitive and security-sensitive. Safety-sensitive or security-sensitive functions include positions involving the transport of hazardous waste, access to drugs, and use of a firearm (see Appendix A).
- Conditions when employers may test an employee for drugs under state law:
  - Pre-employment post-hire: The prospective employees hired for a safety-sensitive position must undergo controlled substance drug testing prior to being placed in the position (see Appendix A).
  - Post-accident: An employee shall be tested following an accident during the course and scope of employment if there is reasonable suspicion of an employee's drug use or if the accident results in:
    - a. serious injury or fatality
    - b. damage at or above \$100,000, and/or
    - c. the release of hazardous waste as defined in R.S. 30:2173(2) or hazardous materials defined in R.S. 32:1502(5)
  - Random: Such testing shall be conducted for employees in safety-sensitive and security-sensitive positions or participating in a rehabilitation program utilizing a fair and equitable method of selection (see Appendix A).
  - Reasonable Suspicion: A supervisor's belief must be based on specific observation concerning the appearance, behavior, speech, or body odors of the driver. Such determinations should be confirmed by a second employee when possible. When applicable, a reasonable cause checklist will be used with appropriate consent forms (see Appendix B).
- All current W-2 employees, both classified and unclassified; including applicable student workers, will be subject to drug testing under the following conditions: reasonable suspicion, post-accident, and testing as part of a monitoring program established to assure compliance with the terms of a rehabilitation agreement.

A public employer shall require samples to test for the presence of drugs, as a condition of hiring, from prospective employees whose principal 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 pursuant to R.S. 49:1015(F)

## **Substances Tested**

Pursuant to LA R.S. 49:1001(20b), drug testing is performed for any or all of the following classes of drugs: amphetamines, cocaine, marijuana, opiates, and phencyclidine. Urine will be analyzed for the testing of drugs using the five and nine panel drug screen and blood analyzed for the testing of alcohol. The Federal Department of Transportation requires testing for alcohol.

## **Procedures, Conditions and Consequences of Drug Testing**

Pursuant to LA R.S. 49:1005(B), drug testing shall be performed in compliance with NIDA guidelines or by statutory or regulatory authority under R.S. 23:1081 et seq. and R.S. 23:1601 et seq. The cut off limits for drug testing shall be in accordance with NIDA guidelines with the exception of initial testing for marijuana, which shall be no less than fifty nanograms/ML and no more than one hundred nanograms/ML as specified by the employer or the testing entity.

Pursuant to CFR 392.4, the FHWA prohibits the use of controlled substances by drivers except as prescribed by a physician. The doctor must also advise the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.

Pursuant to LA R.S. 49:1015, employers are prohibited from permitting a driver who uses drugs to perform safety-sensitive functions. A driver who tests positive for drugs with a 0.04 or greater BAC is prohibited from driving. The prohibition remains in effect until the driver complies with requirements of Section 382.605, including evaluation by a SAP. A driver who is prohibited from performing safety-sensitive functions may be assigned to non-safety-sensitive functions until such time as the driver complies with the requirements for returning to duty. For controlled substance testing, urine specimen collection, and testing by a certified lab is required.

Following a determination that an employee has tested 0.04 BAC or greater for controlled substances, the employee must be removed from safety-related functions and cannot return to such functions until at a minimum:

- a. the employee undergoes evaluation, and where necessary, rehabilitation,
- b. a substance abuse professional determines that the employee has successfully complied with any required rehabilitation, and
- c. the employee takes a return-to-duty test with a verified negative test result.

Pursuant to LA R.S. 49:1008, a prospective employee who tests positive for the presence of drugs in the initial screening shall have the employment offer rescinded. Refusal to submit to a pre-employment post-hire job offer test will result in the individual not being hired. Any employee who refuses to submit to a return-to-duty test will not be allowed to return to duty. A second test confirmed positive would result in termination of employment.

The FHWA will disqualify drivers for one year, pursuant to CFR 49:386, if the driver refuses to submit to a post-accident test after a fatal accident.

When a required test has not been administered within a reasonable time frame following an accident for which a test is required, the following actions shall be taken:

- 2 hours elapsed: Driver has not submitted to an alcohol test, employer shall prepare and maintain on file a record stating the reason a test was not promptly administered.
- 8 hours elapsed: Cease attempts to administer alcohol test, and prepare and maintain records as described above.
- 32 hours elapsed: If driver has not submitted to a controlled substance test at this time, cease attempts to administer the test, and prepare and maintain the record described above.

A driver subject to post-accident testing must remain available, or the employer may consider the driver to have refused to submit to testing. The driver subject to post-accident testing must refrain from consuming alcohol for eight hours following the accident, or until he/she submits to an alcohol test, whichever comes first.

### **Confidentiality**

LA R.S. 1012

All information, interviews, reports, statements, memoranda, and/or test results received by the University of Louisiana at Lafayette through its drug testing program are confidential communications 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.

CFR 382.107

Qualitative information regarding results, such as the identification of a substance, will be provided only to the designated Medical Review Officer pursuant to current law who will report final results to the appropriate official. Results of the test will be released to appropriate licensing agencies on a need-to-know basis. All drug test results will be maintained in separate health files with restricted access in accordance with Section 382.405.

### **Violation Policy**

Violation of this 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 this policy will be handled on an individual basis, taking into account all data, including the risk to self, fellow employees, and the general public.

## **Appendix A**

### **Safety-Sensitive and Security-Sensitive Positions**

Bus Drivers

Director of University Police

Police Captain

Police Sergeant

Police Corporal

Police Lieutenant

Police Officers (All)

Student Police Officers

Safety Officer

RN Supervisor/Student Health Services

Registered Nurse

RN/Nurse Practitioner

Practical Nurse

Nursing Assistant

Physician/Student Health Services

Horticultural Attendant Leader

Horticultural Attendant Superintendent

Locksmith Master

Maintenance Foreman

Maintenance Repairer, 1,2 and Master

Mobile Equipment Operator

Mobile Equipment Operator Light

Mobile Equipment Maintenance Mechanic

Mobile Equipment Master Mechanic

Mobile Equipment Shop Foreman

Mobile Equipment Overhaul Mechanic

Research Farm Assistant

Research Farm Specialist

Safety Sensitive/Security Sensitive Positions Cont.

NIRC:

Director  
Head, Research Resources  
Head, Behavioral Sciences  
Head, Animal Resources  
Head, Veterinary Sciences  
Senior Clinical Veterinarian  
Clinical Veterinarian  
Veterinary Technological Associate  
Research Associate  
Coordinator  
Coordinator, Primate Breeder Programs  
Coordinator, Primate (African Green) Breeder Program  
Laboratory Animal Assistant Technician  
Laboratory Animal Technician  
Laboratory Animal Technologist

Purchasing Tech I  
Procurement Specialist II

Stock Clerk II

APPENDIX B  
REASONABLE SUSPICION CHECKLIST  
(STRICTLY CONFIDENTIAL)

Employee Name: \_\_\_\_\_

Date/Time of Evaluation: \_\_\_\_\_

This checklist is intended to assist a supervisor in referring a person for drug testing under reasonable suspicion.

**\*\*Note: The employee must exhibit at least one of the following behaviors in Part A to be tested under reasonable suspicion.**

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**A. Specific Observations Concerning Appearance**

Yes    No

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 1. Smell of Alcohol and/or Marijuana on employee's breath or person                  |
| _____ | _____ | 2. Bloodshot eyes or tired eyelids   |
| _____ | _____ | 3. Excessively constricted or dilated pupils   |
| _____ | _____ | 4. Increasingly irritable; displays excess amounts of physical emotion, crying, etc. |
| _____ | _____ | 5. Has trouble maintaining balance and composure (stumbles)                          |
| _____ | _____ | 6. Persistent runny nose and/or nosebleeds   |
| _____ | _____ | 7. The appearance of hypodermic needle marks on employee                             |
| _____ | _____ | 8. Other (please describe) _____   |

\*\*If you checked **yes** to any statements in Part A; please read and check all that apply for Parts B, C & D.

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**B. Quality and Quantity of Work**

Yes    No

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 1. Clear refusal to do assigned tasks             |
| _____ | _____ | 2. Repeated errors in spite of increased guidance |
| _____ | _____ | 3. Reduced quantity of work                       |
| _____ | _____ | 4. Behavior that disrupts workflow                |
| _____ | _____ | 5. More than usual supervision necessary          |
| _____ | _____ | 6. Other (please specify) _____                   |

**C. Interpersonal Work Relationships**

- |       |       |   |
|-------|-------|---|
| Yes   | No    |   |
| _____ | _____ | 1. Significant change in relations with co-workers, supervisors                     |
| _____ | _____ | 2. Frequent or intense arguments  |
| _____ | _____ | 3. Physical abusiveness   |
| _____ | _____ | 4. Intentional avoidance of supervisor  |
| _____ | _____ | 5. Complaints by co-workers or subordinates (temper tantrums/angry outbursts, etc.) |
| _____ | _____ | 6. Demanding, rigid, inflexible   |



**D. General Job Performance**

- |       |       |  |
|-------|-------|--|
| Yes   | No    |  |
| _____ | _____ | 1. Excessive absences in last 12 months              |
| _____ | _____ | 2. Frequent Monday/Friday absences or other patterns |
| _____ | _____ | 3. Experiences or causes job related accidents       |
| _____ | _____ | 4. Major change in duty or responsibility            |
| _____ | _____ | 5. Interferes with or ignores established procedures |



**Signatures**

I hereby certify that the information given above is true to the best of my knowledge.

\_\_\_\_\_  
Supervisor #1-Name and Telephone

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness/Supervisor #2 – (if available)

\_\_\_\_\_  
Date

