

Drug-Free Workplace Training





WELCOME!

Introduction

According to data from the federal Substance Abuse and Mental Health Services Administration (SAMHSA) National Survey on Drug Use and Health:

- Approximately 70 percent of all adults with an alcohol or illicit drug use disorder are employed.
- Nearly 9 percent of all employed adults (approximately 13.6 million workers) have current alcohol or illicit drug use disorders.
- A relatively equal number of employed adults (approximately 13.4 million workers) report that they are in recovery or have recovered from a substance use problem.

Introduction (cont.)

The information provided in this presentation will explain the policies and laws related to drugs & alcohol in the workplace for employees and supervisors.

If you have any questions or would like more information, please contact the Office of Human Resources:

humanresources@mcneese.edu

Smith Hall Room 109

Agenda

- The benefits of a drug-free workplace
- McNeese policies related to substance misuse
- Louisiana and federal laws
- Warning signs of substance misuse
- Your role in identifying and responding to substance misuse
- Important components of our substance misuse policy

The Benefits of a Drug-Free Workplace

- A safer workplace for all employees and customers.
- Fewer employee accidents and injuries.
- Decreased workers' compensation insurance premiums.
- Increased employee productivity.
- Compliance with the Drug-Free Workplace Act and other federal laws.

McNeese Drug & Alcohol-related policies

- [Alcohol and Other Drug Policy](#)
- [Drug and Alcohol Testing Policy](#)

Alcohol and Other Drug Policy

All University employees and students are responsible for adhering to the Alcohol and Other Drug Policy. Faculty and staff members who violate this policy are referred to the appropriate unit administrator. Students are referred to the dean of student services for disciplinary action. The University president and designees are the ultimate authorities responsible for enforcing this policy. Student employees may be held to the standards set for employees of the University.

Alcohol and Other Drug Policy

The University will impose sanctions for violations of state and federal laws, Code of Student Conduct, and University policies. Violators may be punished by sanctions including referral to counseling and/or a designated rehabilitation program, referral for prosecution, expulsion, disciplinary action, and/or termination of employment.

Drug & Alcohol Testing Policy

Drug and alcohol testing is performed on positions deemed safety-sensitive in the following circumstances:

- Post offer of employment Random for positions that are deemed safety/security-sensitive
- Post-accident under certain conditions (See Insurance Notice above)
- Reasonable suspicion
- Monitoring as part of a rehabilitation plan

Drug & Alcohol Testing Policy

McNeese State University reserves the right to require employees to submit to medical evaluations or examinations at any time as a condition of initial or continued employment. Such examinations or evaluations may include, but are not limited to, urine, hair, sweat drug and/or alcohol screens, blood or plasma tests, or saliva/breath tests or other or tests as deemed appropriate to determine the use of illegal/unauthorized drugs or alcohol prohibited by this policy or to establish the employee's fitness for duty.

Drug & Alcohol Testing Policy

Policy Violation

Refusal to participate in a search or to provide a urine, hair, sweat, blood, saliva, or breath sample

Positive drug result

Alcohol result > .02

Substituting, adulterating, or attempting to adulterate a specimen

Disciplinary Action

Termination

Disciplinary action up to and including termination

Disciplinary action up to and including termination

Termination

Drug & Alcohol Testing Policy

Requirements for Testing Facility

1. Collections and testing will be performed with concern for each employee's privacy. The results of any drug screening will be considered a confidential record to be disseminated strictly on a "need-to-know" basis or as may be legally required.
2. All collections will be performed by approved third party personnel who are familiar with the proper collection procedures of this policy.

Other requirements as listed in the policy: [Drug & Alcohol Testing Policy](#)

Drug & Alcohol Testing Policy

Confidentiality

- LA R.S.49:1012: All information, interviews, reports, statements, memoranda, and/or test results received by the Office of Human Resources and Student Employment 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 administrative or disciplinary proceedings, or hearings, or civil litigation where drug use by the tested individual is relevant.
- Title 49 CFR Section 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 results to the director of human resources and student employment. 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 Title 49 CRF Section 382.405.

State and Local Laws

State and local statutes may limit or prohibit workplace testing.

Managers and supervisors must consult with HR before requiring any employee to submit to a drug or alcohol test.

Federal Laws

- Americans with Disabilities Act (ADA).
- Family and Medical Leave Act (FMLA).

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) prohibits the discrimination of employees with disabilities and requires employers to reasonably accommodate an individual with a disability in the workplace.

Under the ADA, alcohol use disorder may be a covered disability; however, an employee with alcohol use disorder may be held to the same standards as other employees, even if unsatisfactory performance is caused by the addiction to alcohol.

The ADA does not cover individuals who are currently using illegal drugs.

Family and Medical Leave Act

Absences due to substance use treatment may be covered under the Family and Medical Leave Act (FMLA) if the substance use constitutes a serious health condition that includes either of the following:

- Any period of incapacity or treatment connected to inpatient care such as substance use treatment or hospitalization.
- Continuing treatment by a health care provider, which includes any period of incapacity (i.e., inability to work) due to a health condition lasting more than three consecutive days (including treatment for or recovery from the health condition) and any subsequent treatment or period of incapacity relating to the same condition.

FMLA leave may only be taken for treatment for substance misuse by a health care provider or by a provider of health care services on referral by a health care provider. Absences because of an employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.

Warning Signs of Substance Misuse

Common warning signs of substance misuse at work include:

Personal appearance. Disheveled appearance, unsteady gait, slurred speech, bloodshot or glazed eyes, or odor of alcohol on breath.

Declining quality of work. Frequent work errors, cannot understand or follow through on complex assignments, cannot carry out instructions, low productivity.

Dependability. Monday/Friday absence pattern, increasingly tardy or fails to call in, absent frequently from work area, misses deadlines.

Declining attitude. Is uncooperative, has increased conflicts with co-workers or customers, appears nervous or distracted, is quick to anger, exhibits signs of paranoia such as blaming others.

Judgment. Demonstrates illogical reasons for decisions, violates policies and procedures, takes inappropriate risk, is inattentive to safety procedures.

Warning Signs of Substance Misuse (cont.)

Do not take any one sign as an indication of substance misuse as there may be other causes for an employee's behavior or appearance.

Some or all of these signs could be indicative of a problem and could constitute grounds for testing based on reasonable suspicion.

Supervisors and managers must discuss any observations and concerns with HR **before** approaching or confronting an employee.

Summary

Federal laws with provisions pertaining to workplace substance abuse for McNeese employees are the ADA and the FMLA. State and local statutes may limit or prohibit workplace testing.

Warning signs of substance abuse include changes in an employee's personal appearance and declining dependability, quality of work, attitude and judgment.

Summary (cont.)

Your responsibilities include communicating our policy, tracking employee work performance, documenting and discussing changes with employees, discussing any suspicions of substance abuse with HR, assisting with disciplinary action and following up with the employee.

Thank you for your attention!

Please contact the Office of Human Resources and Student Employment with any questions related to this training.