

LOUISIANA STATE UNIVERSITY AGRICULTURAL CENTER

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AG CENTER PS-18

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ILLEGAL USE OF DRUGS OR ALCOHOL

Purpose

The Louisiana State University Agricultural Center is committed to maintaining an environment which supports the mission of the Center. The illegal use of drugs or alcohol within the Agricultural Center interferes with the accomplishment of this mission. Various federal and state laws and regulations apply to employees of the LSU Agricultural Center including Federal Drug Free Workplace Act of 1988, interim Department of Defense Rules for a program to achieve and maintain a drug free work force, the Drug-Free Schools and Communities Acts Amendments of 1989 (Public Law 101-226), and Revised Statutes of the State of Louisiana. This policy is specifically directed at illegal actions involving alcohol and controlled drugs.

Definitions

1) *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.

2) *Drug free work force* - employees engaged in the performance of Department

of Defense contracts who have been granted access to classified information; or employees in other positions that the contractor determines involves National Security, health or safety, or functions other than the foregoing requiring a high degree of trust and confidence.

3) *Controlled substance* - a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812).

4) *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.

5) *Criminal drug statute* - a criminal statute involving manufacture, distribution, dispensation, use or possession of any controlled substance.

6) *Illegal use of alcohol* - any possession, consumption or other use of an alcoholic beverage in violation of the law.

General Policy

The LSU Agricultural 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 from which an individual conducts University business while such business is being conducted. Without reference to any sanctions which may be assessed through criminal justice processes, violations of this policy will be subject to disciplinary action up to and including termination of employment.

Operating Procedures

Violations of law regarding alcoholic beverages and drugs that occur in the workplace are to be reported to the head of the unit in question (e.g., department head, resident director, parish chairman, district agent, division leader, etc.). Within 5 days the unit head shall in turn report such violation to the LSU Agricultural Center Personnel Office. Action by the LSU Agricultural Center upon conviction of any employee for violation of the law as provided herein may include, but is not limited to, mandatory participation in an alcohol or drug abuse assistance or rehabilitation program, drug testing, suspension without pay, or termination of employment.

Specific provisions regarding a drug free workplace apply to employees directly engaged in the performance of work pursuant to the provisions of a federal grant or contract. These provisions are described in Appendix I.

Further, specific provisions regarding a drug free work force apply to employees

directly engaged in the performance of work pursuant to Department of Defense contracts who have been granted access to classified information; or employees in other positions that the contractor determines involve national security, health or safety, or functions other than the foregoing requiring a high degree of trust and confidence. These provisions are described in Appendix II.

Employee Education, Prevention, Counseling

The LSU Agricultural Center 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 illegal controlled substances described in Appendix III. Through the Center's Employee Assistance Program, employees with personal problems may seek help confidentially for a variety of personal problems, including alcohol and drug abuse. Employees in violation of this policy as it relates to alcohol or drugs may be referred to the Employee Assistance Program as an alternative to disciplinary action or in addition to disciplinary action. The Employee Assistance Program provides free initial diagnosis and screening. Subsequent sessions are the financial obligation of the employee and may qualify for coverage in the State Employees Group Benefits Program and most Health Maintenance Organizations for those who are members.

All new employees will receive a copy of this policy statement and will be required to sign the acknowledgment form in

Appendix VI. This signed form will be retained in the employee's personnel file.

In accordance with provisions of Act 1027 (1990 Regular Session), the drug free zone posters shown in Appendix V will be posted on a bulletin board and/or other prominent location(s) in each unit of the LSU Agricultural Center. Such posters will also be displayed in break rooms, workshops or other similar locations, as necessary, to ensure access by all employees.

Prohibited Conduct

All employees of the LSU Agricultural Center are responsible for knowing and abiding by the provisions of the Louisiana law and federal law that makes it a crime to possess, consume, possess with intent to distribute, dispense, or manufacture drugs, or to possess and/or consume alcoholic beverages except as provided for by law. Any employee of the LSU Agricultural Center who violates state or federal law, either on property owned or controlled by the Center, or at such other locations in the community which affect the Center's interest as an academic institution, shall be considered in violation of this policy. The LSU Agricultural Center will take disciplinary action against any employee whose alleged criminal conduct is deemed by responsible authority at the Agricultural Center to affect the Center's interests as an academic community.

Criminal Penalties

Employees are responsible under both Agricultural Center policy and state law for their conduct. It is the policy of the LSU Agricultural Center to arrest and refer for prosecution any employee who

violates state or federal laws concerning alcohol or drugs while within the jurisdiction of the LSU Agricultural Center. Criminal penalties are shown in Appendix IV.

Disciplinary Penalties

Any employee who is determined to violate this policy is subject to disciplinary action up to and including termination. Such disciplinary action may be in addition to any criminal penalties imposed through the criminal justice system. Completion of an appropriate rehabilitation program may be offered as an acceptable alternative to disciplinary action or in addition to disciplinary action.

Reporting

Bi-annually, the Director of Human Resource Management and the Vice Chancellor for Administration will report to the Chancellor an assessment of the effectiveness of institutional efforts at drug prevention and treatment for employees and will make recommendations for changes in those programs as needed. In addition, the Director of Human Resource Management will monitor all disciplinary actions taken under this policy for consistent enforcement and report thereon to the Chancellor bi-annually.

APPENDIX I

Drug Free Workplace

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

Each such employee must receive a copy of the Agricultural 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 Agricultural Center Personnel Office of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.

The University 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 Agricultural Center Personnel Office.
- 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 Agricultural Center Personnel Office through the normal Agricultural Center administrative processes.
- 3) Make a good faith effort to continue to maintain a drug free workplace through implementation of the requirements of the Act.

APPENDIX II

Drug Free Work Force

In addition to requirements of the Drug Free Workplace Act of 1988 which apply to all employees engaged in the performance of a federal grant or contract, the Department of Defense has issued interim regulations which specifically apply to employees engaged in the performance of a Department of Defense contract which are provided below:

Covered employees include those employees engaged in the performance of Department of Defense contracts as follows:

- 1) All Department of Defense contracts involving access to classified information.
- 2) Any other Department of Defense contract when the contracting officer determines such application to be necessary for reasons of national security or for the purpose of protecting the health or safety of those using or affected by the product of or the performance of the contract (except for commercial or commercial-type products).
- 3) Excepted are any contracts or parts of contracts to be performed outside of the United States, its territories, and possessions, except as otherwise determined by the contracting officer.

For those Department of Defense contracts to which these regulations apply, the following specific conditions or appropriate alternatives apply:

"(1) Employee assistance programs emphasizing high level direction, education, counseling, rehabilitation, and coordination with available community resources [which shall be as provided through the Employee Assistance Program];

"(2) Supervisory training to assist in identifying and addressing illegal drug use by Contractor employees [which shall be provided as appropriate through the Agricultural Center Personnel Office];

"(3) Provision for self-referrals as well as supervisory referrals to treatment with maximum respect for individual confidentiality consistent with safety and security issues [which shall be as provided through the provisions of the Employee Assistance Program and this Policy Statement];

"(4) Provision for identifying illegal drug users, including testing on a controlled and carefully monitored basis. Employee drug testing programs shall be established taking account of the following:

"(c) Contractor programs shall include the allowing or appropriate alternative.

"(i) The Contractor shall establish a program that provides for testing for the use of illegal drugs by employees in sensitive positions. The extent of and criteria for such testing shall be determined by the Contractor based on considerations that include the nature of the work being performed under the contract, the employee's duties, the efficient use of Contractor resources, and the risks to public health, safety, national security that could result from the failure of an employee adequately to discharge his or her position.

"(ii) In addition, the Contract may establish a program for employee drug testing:

"(A) When there is a reasonable suspicion that an employee uses illegal drugs; or

"(B) When an employee has been involved in an accident or unsafe practice;

"(C) As a part of or as a follow-up to counseling or rehabilitation for illegal drug use;

"(D) As a part of a voluntary employee drug testing program.

"(iii) The Contractor may establish a program to test applicants for employment for illegal drug use.

"(iv) For the purpose of administering this clause, testing for illegal drugs may be limited to those substances for which testing is prescribed by section I of Subpart B of the "Mandatory Guidelines for Federal Workplace Drug Testing Program," (53 FR 11980 (April 11, 1988), issued by the Department of Health and Human Services.)

"(d) Contractors shall adopt appropriate personnel procedures to deal with employees who are found to be using drugs illegally. Contractors shall not allow an employee to remain on duty or perform in a sensitive position who is found to use illegal drugs until such time as the Contractor, in accordance with procedures Established by the Contractor, determines that the employee may perform in such a position.

"(e) The provisions of this clause pertaining to drug testing programs shall not apply to the extent they are inconsistent with state or local law, or with an existing collective bargaining agreement; provided that with respect to the latter, the Contractor agrees that those issues that are in conflict will be a subject of negotiation at the next collective bargaining session."

CERTIFICATION

AG CENTER PS-18

I hereby certify that I have received a copy of AG CENTER PS-18, Illegal Use of Drugs or Alcohol. I realize that the illegal use, possession, dispensation, distribution, manufacture, or sale of controlled substances is prohibited when I am on official state business, whether on duty or on call for duty, on or off the work site. I understand that violation of this policy may result in disciplinary action up to and including termination. I acknowledge my responsibility to notify my employer within five (5) days if I am convicted of violating any criminal drug statute at the work place, while on official business or while on call for duty. I further realize that my employer is required by law to give notice of such conviction to any federal agency from which it receives grants or contracts, and I hereby waive any and all claims that may arise from conveying this information to such federal agency.

Name (type or print)

Title

Unit

Signature

Date

RETURN ONE COPY OF THIS CERTIFICATION TO YOUR UNIT HEAD.

KEEP ONE COPY OF THIS CERTIFICATION FOR YOUR FILES AND INFORMATION.