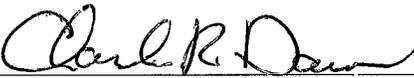


PPM #11

Policy Name: *Substance Abuse and Drug-Free Workplace*
Effective Date: *November 1, 1998*
Revision Date: *January 31, 2003; January 4, 2010; September 1, 2011;
December 1, 2011; December 13, 2012; January 25, 2013;
April 17, 2015*

Authorization: 
Charles R. Davis, Deputy Secretary

I. POLICY

Employees are our most valuable resource and their health and safety are of utmost concern. The Office of the Lieutenant Governor (OLG) and Department of Culture, Recreation and Tourism (DCRT) will not tolerate substance abuse or use which imperils the health and well-being of our employees or threatens the quality of our service to the public. Employees who use illegal drugs or abuse alcohol are a danger to themselves and others, and tend to be less productive, less reliable and prone to greater absenteeism. The use, possession or presence in the body of illegal/prohibited drugs, on or off duty, is inconsistent with law-abiding behavior expected of all citizens, especially public servants.

II. PURPOSE

Deterring and detecting substance abuse furthers OLG/DCRT's obligation to maintain a safe, healthy and productive working environment for its employees. To accomplish this goal, OLG/DCRT has implemented this policy, in compliance with Executive Order BJ 08-69, which requires that executive agencies promulgate written policies which mandate drug testing in accordance with La. R.S. 49:1001 et seq.

III. APPLICABILITY

This policy applies to all employees and appointees of OLG/DCRT, as well as potential employees, potential appointees, individuals providing service through a contract with a third party employer (i.e., temporary agency employees), and all other persons having an employment relationship with OLG/DCRT, whether classified, unclassified, student, full-time, part-time or temporary.

IV. REQUIREMENTS

To maintain a safe and productive work environment, all OLG/DCRT employees are required:

1. To report for duty in the physical and mental condition which maximizes their ability to perform assigned tasks in a competent and safe manner;
2. To promptly and cooperatively submit to drug/alcohol testing when instructed to do so, in accordance with this policy, by directive of an appointing authority;
3. To notify a supervisor, prior to or immediately upon reporting for duty, when they have reason to believe that prescribed or over-the-counter medication may impair their ability to perform customary job duties or otherwise create a safety hazard. While the duration that the medication will be taken should be disclosed, employees should know that it is not necessary to disclose to the supervisor the medication being taken or the condition for which it was prescribed. Such information may be required to be disclosed to the Department's Medical Review Officer should circumstances or the nature of the employee's job duties warrant, as determined by the appointing authority; and
4. To notify a supervisor on the first scheduled workday following an arrest or conviction for DWI, drug or drug-related offense, regardless of whether such occurs on or off duty.

V. PROHIBITIONS

To maintain a safe and productive work environment, OLG/DCRT employees are prohibited:

1. From using, possessing, dispensing, distributing, manufacturing, buying and selling illegal or unauthorized drugs or other prohibited substances while on duty or engaged in OLG/DCRT business, on or off premises;
2. From having in their bodies illegal or unauthorized drugs or other prohibited substances while on duty, scheduled on-call or engaged in OLG/DCRT business, on or off premises;
3. From possessing illegal or unauthorized drugs or other prohibited substances in an OLG/DCRT vehicle while on or off-duty;
4. From possessing drug paraphernalia, as defined by La. R.S. 40:1021, while on duty or engaged in OLG/DCRT business, on or off premises, or within an OLG/DCRT vehicle while on or off-duty;
5. From consuming alcohol or having a prohibited concentration of alcohol in their bodies while on duty, on or off premises;
6. From possessing alcohol while on duty or engaged in OLG/DCRT business, on or off premises, or within an OLG/DCRT vehicle while on or off-duty; and
7. From operating a state, leased or personal vehicle while on duty under the influence of drugs or alcohol where testing administered by an authorized official confirms a violation of this policy;

VI. DEFINITIONS

1. "Illegal or unauthorized drug" includes any drug which is not legally obtainable; any drug which is legally obtainable, but has been illegally obtained; prescription drugs not being used in accordance with the prescription; or any substance which affects the employee's ability to safely and competently perform assigned duties.
2. "Reasonable suspicion" is a belief, based upon reliable, objective and articulable facts derived from direct observation of specific physical and behavioral characteristics (behavior, speech, appearance, odor), which causes a prudent person to suspect that an employee has engaged in drug or alcohol use.
3. "Medical Review Officer" (MRO) is a licensed physician knowledgeable of substance abuse who has received specialized training in interpreting and evaluating test results in conjunction with an individual's medical history and other relevant biomedical information.
4. The presence of alcohol prohibited by this policy is indicated by a confirmed blood alcohol concentration of 0.04 percent or more by weight based upon grams of alcohol per one hundred cubic centimeters of blood.

VII. DRUG/ALCOHOL TESTING

All employees may be required to submit to drug and/or alcohol testing as a condition of employment, as a condition of continued employment, or as a condition of promotion, demotion, reassignment or detail to a safety-sensitive or designated position. Whether announced or unannounced, tests will be administered under the following circumstances:

- A. Pre-Employment:** Drug tests are required of all prospective employees and appointees of OLG/DCRT. Each prospective employee/appointee shall be required to submit to drug testing at the designated time and place following a job offer.

Once an offer is made, the applicant has only 48-hours to be tested. (Refer to PPM #23, Conditional Offer of Employment Policy, for more information regarding the 48-hour window for pre-employment drug screens and the required paperwork associated therewith.)

If drug testing is not completed in 48-hours, the employment offer must be withdrawn even if the test result is negative. If the supervisor fails to advise the applicant of the 48-hour testing period, and the test is administered after 48-hours, it is the supervisor's responsibility to contact the applicant to advise them they cannot be employed due to the supervisor's failure to inform them of this special stipulation. In the event that an applicant fails to test within the 48-hour testing period, they cannot reapply for employment with OLG/DCRT for six months.

A prospective employee/appointee testing positive for the presence of a prohibited substance shall by law be eliminated from consideration for employment. In the event that an applicant tests positive, they cannot reapply for employment with OLG/DCRT

for one year. A list of applicants that test positive will be retained in Human Resources accordingly.

- B. Post-Accident/Incident:** Any employee directly involved in an on-duty accident shall be required to submit to drug and alcohol testing if:
1. The accident involves circumstances giving rise to a reasonable suspicion that the accident may have involved the employee's drug or alcohol use and the employee's action or inaction may have been a causative factor;
 2. The accident meets the criteria of paragraph (1.) and results in or causes the release of hazardous waste as defined by La. R.S. 30:2173(2) or hazardous materials as defined by La. R.S. 32:1502(5); or
 3. The accident results in a fatality or serious bodily injury.
- C. Random:** Random alcohol and drug testing is required of all employees holding the safety-sensitive or designated positions listed in Appendix A. Such testing shall be periodic and unannounced, and employee selection therefor shall be by a random selection process. Upon notification that an employee has been randomly selected, he/she must report to an approved testing site the same business day. Unless impracticable, all such testing shall occur during the employee's normal work hours.
- D. Promotion/Reassignment/etc., to Safety-Sensitive Position:** Current employees are required to undergo drug testing prior to being reassigned, temporarily detailed, promoted or demoted to the safety-sensitive or designated positions as defined in Appendix A. An offer of promotion, reassignment, detail or demotion will be withdrawn if a positive drug or alcohol test result is reported, and employees are further subject to disciplinary action as specified in this policy.
- E. Reasonable Suspicion:** Any employee shall be required to submit to drug and alcohol testing when he/she exhibits behavior or appearance that is characteristic of drug or alcohol use or impairment. The decision to test will be made by an appointing authority based upon reliable, objective and articulable facts derived from direct observation of the employee's physical appearance, behavior, speech, body odor or physical manifestations.
- F. Return-to-Duty/Rehabilitation Monitoring:** Any employee who retains employment following a violation of this policy shall be required, at his/her own expense, to undergo and complete any and all treatment recommended by a certified substance abuse professional. Any such employee shall be subject to periodic drug/alcohol testing. Further, any employee who voluntarily or, as a condition of continued employment, participates in an alcohol/substance abuse rehabilitation program shall be subject to random drug/alcohol testing for a minimum of one year or longer as determined by the treating substance abuse professional. Any such employee shall be required to certify, in writing, his/her understanding and acceptance of a Rehabilitation Covenant as a condition of returning to work.

VIII. AUTHORIZATION

Pre-employment and random alcohol/drug testing will be handled by designated personnel within the Human Resources Division. Post-accident/incident, reasonable suspicion and return-to-duty rehabilitation alcohol/drug testing will be handled by the appointing authority in collaboration with the Human Resources Director. That is, **only** the appointing authority possesses the authority to direct an employee to submit to such testing.

NOTE: When post-accident/incident or reasonable suspicion testing is ordered, an OLG/DCRT representative shall transport the individual being tested to and from the testing site. Under no circumstance should any employee who is reasonably believed to be impaired or under the influence of any drug or alcohol be required or permitted to operate a motor vehicle.

IX. DRUG TESTING PROCEDURES

Drug testing pursuant to this policy shall be for the presence of marijuana, opiates, cocaine, amphetamine/methamphetamine and phencyclidine (PCP) in accordance with La. R.S. 49:1001, *et seq.* Testing shall be performed by a contractor. At a minimum, the testing procedure shall assure:

- A. That all specimens for drug testing are collected, stored, transported and tested in compliance with all applicable federal and state laws, guidelines and regulations to ensure integrity of the testing process.
- B. That urine specimens are collected with emphasis upon the privacy rights of the employee. Direct observation of the employee during collection of the urine specimen will be allowed only under the following conditions:
 1. When there is specific, articulable reason to believe that the individual may alter or substitute the specimen;
 2. When the individual has provided a urine specimen which falls outside the acceptable temperature range;
 3. When the last urine specimen provided by the individual was verified by the Medical Review Officer as adulterated; or
 4. When collection site personnel observe conduct or behavior indicating an attempt to substitute/adulterate the sample or otherwise alter the integrity of the collection process.
- C. That the split sample collection methodology is used as required by law.
- D. That appropriate chain of custody forms and protocols are utilized to ensure the integrity of each urine specimen by tracking its handling, storage and transportation from point of collection to final disposition.

- E. That testing shall be performed by laboratories certified for forensic urine drug testing in compliance with all applicable federal and state laws, guidelines and regulations.
- F. That the dual testing procedure is used for all samples. Each primary sample testing positive for a prohibited substance shall be subject to an additional, more precise confirmatory test (gas chromatography/mass spectrometry).
- G. That all positive test results, as defined by law, are first reported by the testing laboratory to OLG/DCRT's qualified Medical Review Officer (MRO). The MRO will review the collection procedure, chain of custody, and testing methodology before contacting the employee/appointee/applicant to rule out the possibility of error or that medications, medical history, or any other condition caused the positive test result.
- I. That once a positive test is confirmed and reported to Human Resources by the MRO, an employee in a safety-sensitive or designated position is prohibited from performing customary duty assignments.

X. ALCOHOL TESTING PROCEDURES

- A. Evidential Breath Testing Devices (EBT) approved by the National Highway Traffic Safety Administration will be used by certified Breath Alcohol Technicians to determine the presence of alcohol in the employee's system.
- B. The employee will be advised of the results of the breath-screening test. No further testing will be required if the test results are negative. If the screening test is positive for the presence of alcohol, a confirmation test will be performed. If the confirmatory test indicates a blood alcohol concentration of 0.04 percent or more by weight based upon grams of alcohol per one hundred cubic centimeters of blood, the results will be reported as positive to Human Resources.
- C. An employee occupying a safety-sensitive or designated position will be immediately removed from performing his/her customary duty assignments in the event of a positive alcohol test.
- D. A positive test result will also be reported to the appointing authority whenever an employee refuses to complete or sign the breath alcohol confirmation testing form, provide breath or an adequate amount of breath (excluding medical inability), or fails to cooperate with the testing procedure in any way that prevents completion of the test.

XI. ENFORCEMENT

The use of illegal or unauthorized drugs or other prohibited substances by OLG/DCRT employees will not be tolerated. While maintaining a philosophy of zero tolerance for violations of this policy, OLG/DCRT will resolve any reasonable doubt regarding the testing procedure or test result in the employee's favor.

Disciplinary action, including the possibility of termination, will be imposed for violations of this policy, but only after a complete and thorough review of all available information. Employees will be provided pre-deprivation notice and a meaningful opportunity to respond prior to the imposition of disciplinary action as required by Chapter 12 of the Civil Service Rules. Factors to be considered in determining the appropriate sanction include, but are not limited to, the circumstances under which testing process was required, the circumstances under which drug usage occurred, the employee's candor and cooperation during the investigative process, the employee's work history, length of service, current job performance and the existence of prior corrective action.

Although OLG/DCRT generally subscribes to a philosophy of progressive discipline, employees are hereby placed on notice that termination will be the recommended penalty for the following violations:

1. Second positive drug test result or confirmed blood alcohol level above the applicable thresholds;
2. Refusal to submit to a drug or alcohol test;
3. Failure to cooperate in any way which prevents the completion of a drug or alcohol test;
4. Submission of an adulterated or substitute sample for testing;
5. Using, possessing, dispensing, distributing, manufacturing, buying or selling illegal or unauthorized drugs or other prohibited substances while on duty or engaged in OLG/DCRT business, on or off premises, or within an OLG/DCRT vehicle while on or off-duty; and
6. Operating a State vehicle or personal vehicle while on duty under the influence of drugs or alcohol where testing administered by an authorized official confirms a violation of this policy.

Employees also are hereby placed on notice that certain conditions must be satisfied if their appointing authority determines that a first positive test (drug or alcohol) will not result in the penalty of termination. These conditions include, but are not limited to:

1. The employee will be required to obtain a substance abuse evaluation from a certified substance abuse professional at his/her own expense;
2. The employee will be required to satisfy any treatment regimen recommended by the substance abuse professional at his/her own expense;
3. The employee will be required to accept, without challenge, the recommended disciplinary action; and
4. The employee will be required to submit to periodic testing for prohibited substances.

NOTE: The conditions under which continued employment will occur will be memorialized within a Rehabilitation Covenant to be signed by the employee. Compliance with the conditions within this agreement is required, especially satisfaction of the evaluation/treatment process.

XII. CONFIDENTIALITY/EMPLOYEE RIGHTS

All drug and alcohol testing results and records (including all information, interviews, reports and statements) are considered confidential communications, pursuant to La. R.S. 49:1012, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceeding, except in an administrative or disciplinary proceeding or civil litigation where drug use by the tested individual is relevant. Exceptions to these confidentiality provisions are limited to written employee consent; governmental agencies when licensure or certification actions are required; and as otherwise required by law.

In compliance with La. R.S. 49:1011, any employee, upon learning of a confirmed positive test result, shall, upon written request, have the right of access, within seven working days, to records and other documentation relating to the drug testing process and any records relating to the results of any relevant certification, review, suspension/revocation proceedings of the testing facility.

OLG/DCRT has no interest in informing law enforcement authorities of a positive drug test. However, nothing contained in this policy will be construed to preclude the delivery of any illegal drug, controlled dangerous substance, or other substance prohibited by this policy, discovered in/on OLG/DCRT property, or upon the person of an OLG/DCRT employee, to law enforcement officials. Likewise, any employee engaged in the sale, attempted sale, distribution or transfer of illegal drugs or controlled substances while on duty or on OLG/DCRT property shall be referred to appropriate law enforcement authorities.

XIII. EMPLOYEE ASSISTANCE

Early recognition and treatment of drug abuse or dependency are essential to successful rehabilitation. Employees experiencing a substance abuse problem are encouraged to seek assistance from Human Resources. Any such involvement will be held in strict confidence, but employees should know that supervisors and appointing authorities (who need to know) will be kept abreast of the employee's treatment and leave needs.

Employees referred to Human Resources by supervisory personnel or who, as a condition of continued employment, participate in a substance abuse rehabilitation program will be subject to the Return-to-Duty/Rehabilitation Monitoring testing set forth in this policy.

XIV. GENERAL PROVISIONS

OLG/DCRT reserve the right to have a licensed physician, of its own choosing and at its own expense, determine if use of prescription medication produces effects which impair the

employee's performance or increase the risk of injury to the employee or others. In such case, OLG/DCRT will modify the employee's customary job duties or work activities for the period the employee is unable to safely perform his/her customary job duties. Alternatively, the employee may be required/permitted to use accrued leave.

Although the substance abuse testing defined in this policy is restricted to five specified drugs and alcohol, OLG/DCRT reserves the right to require employees to submit to additional testing, if warranted. Such tests will be administered only when post-accident or reasonable suspicion testing produce negative results and the employee's behavior clearly indicates impairment or other indicia of substance use. Separate samples will be collected for these additional tests and the testing process will fully comply with DHHS regulations.

XV. QUESTIONS

Questions regarding this policy should be addressed to the Human Resources Director.

Summary of Charges: Revised policy number (December 1, 2011); added OSM Police to Appendix A for random testing due to agency requirement that employees certify for and carry a weapon as needed, reorganized content to include separate Prohibitions, Definitions and Authorization sections (December 13, 2012); expanded Prohibitions and Enforcement sections (January 25, 2013); Revised and split Philosophy section into Policy and Purpose sections, removed Temporary Employment section, added Mechanic and Parks Regional Manager to Appendix A (April 17, 2015).

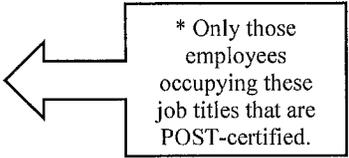
APPENDIX A

Office of State Museum

Carpenter
Carpenter Foreman
Carpenter Master
Electrician
Electrician Foreman
Police Captain-A
Police Lieutenant-A
Police Officer 1-A
Police Officer 2-A
Police Officer 3-A
Police Sergeant-A

Office of State Parks

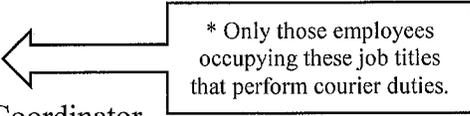
Black Powder Certified Employees
Carpenter Master
Maintenance Foreman
Maintenance Repairer 1
Maintenance Repairer 2
Maintenance Superintendent
Mechanic (Black Bear Golf Course)
Mobile Equipment Operator 1
Park Manager 1*
Park Manager 2*
Park Manager 3*
Park Manager 4*
Park Manager 5*
Park Ranger 1
Park Ranger 2
Park Ranger Specialist
Parks District Manager
Parks Regional Manager



* Only those employees occupying these job titles that are POST-certified.

Office of Tourism

Administrative Coordinator 3*
Administrative Coordinator 4*
Tourism Information Regional Coordinator



* Only those employees occupying these job titles that perform courier duties.