

## **DRUG AND ALCOHOL TESTING**

### **PURPOSE**

To promote a healthy and safe work environment for employees and the public, the State will conduct drug and/or alcohol testing, in a manner consistent with employee's privacy rights.

### **SCOPE**

This policy applies to all employees subject to the executive authority of the Governor and State Personnel Department except law enforcement officers carrying out authorized undercover operations. This policy also applies to prospective employees seeking positions requiring a CDL or in a testing designated position.

### **STATEMENT OF POLICY**

1. The use of illegal drugs by employees, on or off duty, will not be tolerated.
2. No employee shall unlawfully:
  - a) manufacture,
  - b) distribute,
  - c) dispense,
  - d) possess,
  - e) use, or
  - f) be under the influence of a controlled substance while in the course and scope of employment.
3. No employee shall use or be under the influence of alcohol while in the course and scope of employment.
4. No employee shall report for duty or remain on duty or operate a state vehicle while having any measurable amount of alcohol in his/her system (which for enforcement purposes is defined as .02) or while having any measurable trace of a controlled substance in his/her system for which the employee does not have an authorized prescription.
5. The State will conduct drug and alcohol testing:
  - a) Upon reasonable suspicion that any employee is under the influence of alcohol or illegally uses or is under the influence of a controlled substance, while in the course and scope of employment.
  - b) For employees (and prospective employees) who, as part of their job requirements, are required to maintain a Commercial Drivers License (CDL) and for other employees who are in testing designated positions:
    1. Pre-employment,
    2. Randomly,
    3. Based upon reasonable suspicion,
    4. Post-accident,
    5. Upon return-to-duty, and
    6. Following-up on positive test results .
6. No employee who is required to maintain a CDL or who is in a testing designated position shall refuse to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up alcohol or controlled substance test.

7. No employee, in any position, shall refuse to submit to a drug or alcohol test required based on reasonable suspicion that the employee is under the influence of alcohol or illegally uses or is under the influence of a controlled substance, while in the course and scope of employment.

8. A safe harbor may be available to an employee who:

- a) voluntarily identifies him/herself as a former user of illegal drugs, prior to being identified through other means;
- b) has obtained counseling or is engaged in rehabilitation through an Employee Assistance Program (EAP) or Substance Abuse Professional (SAP); and
- c) is abstaining from the use of illegal drugs.

REFERENCES

Omnibus Transportation Testing Act of 1991

49 CFR Parts 40 and 382

25 IAC 4-1-1

Executive Order 90-5

Discipline Policy

EFFECTIVE DATE July 1, 2008

SUPERSEDES Commercial Drivers License Alcohol and Drug Testing Program policy issued March 1, 2002

APPROVAL



Daniel L. Hackler, State Personnel Director

July 27, 2008

Date