

**A. GENERAL**

Employees are required to report to work on time and in appropriate mental and physical condition for work. Brenau University maintains a drug-free policy to confirm our commitment to a drug-free, healthful, safe, and secure work environment. All employees and candidates for employment are covered by this policy; some departments may be subject to additional random testing as outlined below.

1. It is a violation of Brenau's policy to (1) use, possess, sell, trade, offer for sale, offer to buy, manufacture, distribute, make arrangement to distribute, or otherwise engage in the use of illegal drugs; (2) report to work under the influence or impaired by illegal drugs and/or alcohol in any detectable amount; (3) use prescription drugs illegally, (i.e. to use prescription drugs that have not been legally obtained or in a manner or for purpose other than prescribed) at Brenau or while conducting business off-campus. Violations of this policy are subject to corrective action up to and including termination.
2. University sponsored activities or functions that may include the serving of alcoholic beverages are not covered by this policy as related to alcoholic beverages. However, it is expected that each member of the Brenau team conduct himself or herself in a professional manner, as well as use caution and exercise control/moderation when in these situations. The use of drugs as described in paragraph one still applies at these events.
3. It is the intention of this policy to comply with the provisions of Georgia's Drug-Free Workplace Act, found in the Georgia Code, Sections 34-9-410 through 34-9-421, as amended. If any provision of this policy should conflict with the mandatory requirements of the Georgia Act, the provisions of the Act shall control.

**B. CONFIDENTIALITY**

1. All information received regarding drug and alcohol testing is will be maintained on a confidential basis, except as otherwise provided or required by law. Test results may be used wherever necessary for Brenau to defend itself, or where the information is relevant in arbitration, unemployment hearings, workers compensation claims, administrative hearings and court cases that may arise as a result of the employee's drug testing. Test results may be sent to federal agencies as required by federal law.
2. The employee must sign a consent form releasing the results of the testing to the university.
3. All records concerning test results will be maintained in the Office of Human Resources.

**C. DRUG AND ALCOHOL TESTING**

As a condition of employment, employees and job applicants must submit to drug testing under the following circumstances:

1. During the employment process (refer to G);
2. If the employee has caused or contributed to an on the job injury (Refer to FSG 4-02);
3. When there is reasonable suspicion that an employee is illegally using drugs, abusing or using prescription drugs in an unauthorized manner, or otherwise violating the drug and alcohol policy; or
4. Random selection of employees in the specified groups on a periodic basis (Refer to H).
5. If the employee in the course of employment enters an Employee Assistance Program or a rehabilitation program as the result of a positive test (refer to P).

**D. TESTING PROCEDURES AND METHODS**

1. Drug and/or alcohol tests will be conducted by an approved site. All testing conducted will follow testing standards established by the State and federal government. Employees working at locations other than the Gainesville campus or if testing is to be performed after normal business hours, will proceed to the nearest hospital Emergency Room.

2. Generally, drug testing will be conducted on a urine sample provided by the employee to the laboratory. It should be noted that although the alcohol and drug test are separated in this document they could be given together as one inclusive test.
3. The testing facility will maintain standard regulatory procedures to ensure the integrity of the specimens.

#### **E. SUBSTANCES COVERED BY DRUG/ALCOHOL TESTING**

1. Employees will be tested using a 5 or 9 panel drug screen at the discretion of the university. The 5-panel test includes: Amphetamines, Phencyclidine (PCP), Cocaine metabolite, Marijuana (THC), Opiate (codeine/morphine). The 9-panel test includes all the above and Benzodiazepine, Barbiturates, Methadone, Propoxyphene.
2. Brenau employees must advise testing lab employees of all prescription drugs taken in the month prior to the test, and be prepared to show proof of a valid prescription to testing lab personnel if it becomes necessary for test validation.

#### **F. COST**

1. All expenses related to the test will be paid by the university except when otherwise noted (i.e., a retest at the request of the employee).
2. Employees will be considered to be engaged at work for the time spent in taking any tests, and will be compensated for such time at their regular rate.

#### **G. POST OFFER TESTING**

Job applicants who will be working in Brenau's Campus Safety & Security Department, or those serving as Bus Drivers will be asked to submit to drug testing once a conditional offer of employment has been extended and accepted. A firm offer of employment by Brenau University will not be extended until the individual has completed and passed the screening for illegal substances. The screening program selects these groups of employees due to the sensitive nature of their positions from a safety, health or security standpoint. Sensitive positions as cited in the GA code (OCGA34-9-415), usually include positions that involve national security, health, safety, those functions that require a high degree of trust and confidence, positions requiring the operation of company vehicles, machinery, or equipment- the mishandling of which may place fellow employees, students or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace, or positions involving direct contact with young children.

#### **H. RANDOM TESTING**

All employees working for Brenau's Campus Safety & Security Department, and anyone who operates a university vehicle, or participates in any driving activity on behalf of Brenau, are defined as sensitive positions (see preceding explanation) and must submit to a program of random drug testing. Employees will be tested randomly throughout the fiscal year without prior notice. The testing facility will randomly choose the individuals to be tested via a list of Brenau ID#'s with no names shown. There will be no adverse employment action taken until the test results are reported to the university.

#### **I. REASONABLE SUSPICION**

Effective May 1, 2011, Brenau University maintains the right to require any employee, regardless of rank or job category, to submit to the university mandated drug-screening program should there be reasonable suspicion of drug use/abuse.

Reasonable suspicion may arise when an employee has displayed performance, behavior, speech or other physical characteristics, which could indicate illegal drug use or alcohol abuse. Other indicators such as accidents, absenteeism, safety violations or credible reports from third parties may be considered reasonable causes and may require the employee to be tested. If a supervisor has reasonable suspicion that the employee may be impaired by substances, i.e., drugs or alcohol, the supervisor must promptly detail in writing the

circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of the reasonable suspicion documentation may be given to the employee upon request. However, written documentation may not be available prior to the required testing. Third party reporting should be directed to the appropriate supervisor and the Assistant Vice President for Human Resources who will document reasons for considering the report to be credible and make decisions regarding further action. The report may be given to the employee upon request.

1. If there is reason to suspect that the employee is working while under the influence of illegal drugs and/or alcohol, the employee may be suspended [with or without] pay until the results of a drug and alcohol test are made available to Brenau University by the testing laboratory.
2. Any employee reporting to work visibly impaired will not be permitted to work or to drive. The employee may be sent for drug and/or alcohol testing escorted by a member of Security, a member of management, or a taxi service may be summoned to drive the employee to the designated testing center.

## **J. ON THE JOB INJURIES**

1. When an employee is involved in a job related accident/incident reportable under Workman's Comp, they will be required to submit to a drug and/or alcohol screen typically within 2 hours of the accident/incident.
2. Employees must submit to a drug and/or alcohol test if the employee has caused or contributed to an on-the-job injury or was involved in an accident while operating a university vehicle. If the employee refuses to submit to a test, he/she may forfeit any eligibility for workers compensation, medical or indemnity benefits.
3. Refer to FSG 4-02 C for detailed information regarding workers compensation.

## **K. SEARCHES**

Personal items or belongings, including vehicles, brought onto Brenau property are subject to inspection upon request where there is reasonable suspicion to believe employees are in violation of this policy and appear to be impaired or under the influence of some substance or are in possession of a substance prohibited by this policy.

## **L. ARRESTS AND CONVICTIONS**

As a condition of employment, all employees must report (within 5 days of occurrence) any arrest for a violation of federal, state and local drug statutes to the Assistant Vice President for Human Resources. Subsequent legal action (conviction, dismissal of charges, etc.) must also be fully disclosed and will be evaluated in consideration of continued employment.

## **M. RIGHT TO REVIEW RECORDS**

Employees have a right to obtain copies of all test results from the testing laboratory.

## **N. POSITIVE TEST**

1. Negative dilute results may require a retest within 5 days of the original test.
2. Within 5 days after receipt of a positive confirmed test result from the laboratory, the employee/applicant will be notified in writing of the fact that he/she tested positive, the consequences of the testing positive, and the options available to job applicant/employee.
3. If Brenau receives a confirmed positive test, the employee may be temporarily suspended (with or without pay) pending investigation and the job applicant may not be considered for employment.
4. All employees/job applicants have the right to contest the validity of the drug/alcohol screen (Refer to O).
5. Upon receipt of a confirmed positive test, the employee will be subject to disciplinary action (Refer to Q.).

## **O. CONTESTING/APPEALING**

1. Employees/job applicants will be notified of positive results by the lab within 5 days and prior to discussing the results with the employer. If the lab is unable to contact the employee/applicant, they will proceed with notifying the employer.

2. All employees and applicants have the right to meet with the testing laboratory personnel within 5 days of receiving a positive result to contest or explain their test results. These discussions are confidential except that information disclosed may be communicated to personnel within the university or within the lab who need such information in order to make informed decisions regarding test results or decisions concerning the continued employment of the individual.
3. The testing lab will retain samples in accordance with State law, so that an employee may request a retest of the sample at his/her own expense if the employee disagrees with the test result. Any additional tests must be conducted on the same specimen as the original test.
4. If the employee/applicant contends that the positive test result was created by taking of lawful or prescribed substances, the university may suspend the individual without pay pending receipt of information to substantiate such a claim. The university's ultimate decision regarding continued employment will not be made until all test results are clear and confirmed.

#### **P. EMPLOYEE ASSISTANCE**

1. Brenau recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use our Employee Assistance Program (EAP) and health insurance plans, as appropriate. The costs of referrals outside the EAP are the employee's responsibility; these costs may be covered by the employee's medical insurance.
2. When an employee is participating in rehabilitation or a return to duty program, Brenau has the right to require a drug and/or alcohol test prior to the employee's return to work.
3. If the employee is to be referred to a treatment facility for evaluation, the employee's test results may be made available to the employee's counselor.
4. Refer to FSG 3-04 for detailed information on substance abuse and assistance.

#### **Q. REFUSAL TO UNDERGO TESTING:**

Refusal to submit to a required drug and/or alcohol test may be cause for immediate termination.

#### **R. POLICY VIOLATIONS**

Disciplinary measures selected by Brenau University will depend upon a variety of factors including the prior work record of the employee, the length of employment, the prior accident and attendance record of the employee, the circumstances which led to the testing and the proposals by the employee to address the problem.

1. Violations of this policy may result in corrective action up to and including termination of current employees and/or disqualification of job applicants.
2. If the medical or lab personnel have reasonable cause to believe that an employee or job applicant has tampered with a specimen, the employee may be subject to corrective action up to and including termination and the job applicant may not be considered for employment.
3. Employees found in violation of the Brenau drug/alcohol policy or those who have received a positive test result may not avoid corrective action by seeking rehabilitation. Though rehabilitative efforts are encouraged, further corrective action may be prescribed by the university in consideration of continued employment.