

A. GENERAL

Employees must report to work on time and in appropriate mental and physical condition. Brenau University maintains a drug-free policy to confirm our commitment to a healthy, safe, and secure work environment and campus community. This policy covers all employees and candidates for employment.

1. It is a violation of Brenau's policy to:
 - a. Use, possess, sell, trade, offer for sale, offer to buy, manufacture, distribute, make arrangements to distribute, or otherwise engage in the use of illegal drugs;
 - b. Report to work under the influence or impaired by illegal drugs and/or alcohol in any detectable amount;
 - c. Consume illegal drugs or alcohol during periods considered regular work hours or on breaks and lunch hours.
 - d. Use prescription drugs illegally (i.e., using prescription drugs not legally obtained or in a manner or for a purpose other than prescribed) on campus or while conducting business off campus.
 - e. Violations of this policy are subject to corrective action up to and including termination.
2. This policy does not imply that university-sponsored activities or functions serving alcoholic beverages are prohibited. However, it is expected that each member of the Brenau team will conduct themselves professionally and exercise control/moderation when alcohol is present. The use of drugs, as described above, still applies at these events.
3. This policy intends 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.
4. Employees working in "sensitive positions," as cited in the GA code (OCGA34-9-415), may be subject to additional testing. This category of employee usually includes positions that involve the following: 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. At Brenau, those employees working as security officers, bus drivers, and anyone who operates a university vehicle or participates in any driving activity on behalf of Brenau are defined as having sensitive positions.

B. CONFIDENTIALITY

1. All information received regarding drug and alcohol testing will be kept confidential 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, worker's compensation claims, administrative hearings, and court cases that may arise from 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 testing results to the university.
3. The Office of Human Resources will maintain all records concerning test results.

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 section G below);
2. If an employee has caused or contributed to an on-the-job injury (Refer to SE 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;
4. Randomly select employees in the specified groups periodically (refer to section H below).
5. If an employee in the course of employment enters an Employee Assistance Program or a rehabilitation

program as the result of a positive drug and/or alcohol test (refer to section P below).

6. If an employee voluntarily enters an Employee Assistance Program or rehabilitation program for drug and/or alcohol-related treatment;
7. If an employee was involved in a vehicular accident or driving activity on behalf of Brenau.

D. TESTING PROCEDURES AND METHODS

1. An approved site will conduct drug and/or alcohol tests. All testing will follow testing standards established by the state and federal governments. Employees working at locations other than the Gainesville campus or if testing is performed after regular business hours will proceed to the nearest hospital emergency room.
2. Generally, drug testing is conducted on a urine sample provided by the employee to the laboratory. Note that although the alcohol and drug tests 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 are tested using a 5-panel or 9-panel drug screen at the university's discretion. The 5-panel test includes amphetamines, phencyclidine (PCP), cocaine metabolite, marijuana (THC), and opiate (codeine/morphine). The 9-panel test includes all the above and benzodiazepine, barbiturates, methadone, and propoxyphene.
2. Employees must advise the testing lab of all prescription drugs taken the month before 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. The university will pay all expenses related to the test except when otherwise noted (i.e., a retest at the employee's request).
2. Employees will be considered engaged at work for the time spent taking tests and will be compensated at their regular rate.

G. POST OFFER TESTING

Job applicants applying to work in a sensitive position (security officer or bus driver) may be asked to submit to drug testing once a conditional offer of employment is 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.

H. RANDOM TESTING

All employees working in a sensitive position must submit to a random drug testing program. Employees will be tested randomly throughout the fiscal year without prior notice. A third party will randomly choose the individuals to be tested via a list of Brenau ID numbers with no names visible. No adverse employment action will be 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 that 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 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 before the required testing. Third-party reporting should be directed to the appropriate supervisor and the Assistant Vice President for Human Resources, who will document the reasons for considering the report credible and make decisions regarding further action.

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 and 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 they have caused or contributed to an on-the-job injury.
3. Employees must submit to a drug and/or alcohol test if they were involved in an accident while operating a university vehicle.
4. If the employee refuses to submit to a test, the employee may forfeit any eligibility for worker's compensation, medical or indemnity benefits.
5. Refer to SE 4-02 C for detailed information regarding worker's 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 in writing (within five business days of occurrence) any arrest for federal, state, and/or local law violations to the Associate Vice President for Human Resources or their designee. Subsequent legal action (i.e., continuance, conviction, dismissal of charges, etc.) must also be fully disclosed with written proof to the Associate Vice President for Human Resources or their designee in consideration of continued employment. The Associate Vice President for Human Resources may ask for periodic status updates until the incident is resolved. Employment decisions related to arrests may be reviewed in consultation with the Director of Campus Safety & Security and/or the Chief of Staff. The type of charge, as well as the severity of the charge and how that may impact the employee's work and position within the university will be evaluated to determine any employment implications at the time of arrest and again upon conviction. Supervisors who know about an employee arrest must notify Human Resources.

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 five days of the original test.
2. Within five 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 testing positive, and the options available to the 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 section O below).
5. Upon receipt of a confirmed positive test, the employee will be subject to disciplinary action (Refer to section Q below).

O. CONTESTING OR APPEALING

1. Employees/job applicants will be notified of positive results by the lab within five days and before 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 five 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 at the university or within the lab who need such information to make informed decisions regarding test results or decisions concerning the individual's continued employment.
3. The testing lab will retain samples in accordance with state law, so 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 initial 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 PROGRAM (EAP) OR REHABILITATION PROGRAMS

1. Brenau recognizes drug abuse as a potential health, safety, and security problem. Employees needing help 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; the employee's medical insurance may cover these costs.
2. When an employee participates in a voluntary or mandated rehabilitation or a return-to-duty program, Brenau has the right to require a drug and/or alcohol test before returning to work and may require periodic, random testing throughout the year.
3. If an employee is referred to a treatment facility for evaluation, the employee's test results may be made available to the employee's counselor.
4. Refer to SE 3-04 for detailed substance abuse and assistance information.

Q. REFUSAL TO UNDERGO TESTING:

Refusal to submit to a required drug and/or alcohol test may cause 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 preceding accident and attendance record of the employee, the circumstances that led to the testing, and the proposals by the employee to address the problem.

1. Violations of this policy may result in corrective action, 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, the university may prescribe further corrective action in consideration of continued employment.