



SAINT LOUIS UNIVERSITY

SUBSTANCE ABUSE AND TESTING POLICY

Procedure Number:
Classification:
Responsible University Office:

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1.0 INTRODUCTION

Substance abuse is detrimental to an individual's health and may jeopardize safety in the workplace. The "Drug-Free Workplace Act" and the "Drug-Free Schools and Campuses Regulation" require Saint Louis University to provide a drug-free workplace/campus. Moreover, as an institution of higher education, the University has a compelling interest in taking appropriate corrective action to ensure our employees meet expectations in terms of professionalism and character, as representatives of Saint Louis University.

2.0 PURPOSE

Saint Louis University will not condone criminal activity on or off University premises and will take appropriate corrective actions up to and including termination or required participation in drug abuse assistance or rehabilitation programs.

3.0 PERSONNEL AFFECTED

This policy applies to all staff, faculty, and residents (medical housestaff), including those in an "on-call" or per diem status, of Saint Louis University. Employees under a collective bargaining agreement are subject to the terms of their agreement. Student workers are covered by applicable student policies and disciplinary procedures.

4.0 DEFINITIONS

- 4.1 **Drug Testing Officer.** An individual designated to serve as coordinator of drug and alcohol testing procedures and serves as a liaison between various parties such as the Employee Assistance Program, the Medical Review Officer, Human Resources, and department managers.
- 4.2 **Employee Assistance Program (EAP).** EAP is a program available free of charge to employees to provide counseling services for personal or work-related concerns.
- 4.3 **Formal Referral (EAP).** A formal referral to the Employee Assistance Program (EAP) is appropriate when an employee has a positive drug/alcohol test. The Human Resources consultant will contact the EAP to obtain the authorization form. The employee must sign the authorization

form in order for the EAP to report the employee's compliance/non-compliance to the authorized University referral contact.

- 4.4 **Follow-up Testing.** Testing may be required during the period covered by the Last Chance Agreement such that the employee must submit to drug and alcohol tests as requested without previous notice.
- 4.5 **Illegal Drug.** Any drug which is not legally obtained is an illegal drug.
- 4.6 **Impairment.** Impairment is behavior which indicates having a diminished capacity or inability to perform duties. In addition, impairment may be indicated by the presence of illicit drugs or alcohol in applicants or employees at specified levels.
- 4.7 **Last Chance Agreement.** This is an agreement signed by the employee following a positive test result. This agreement covers a period of no less than one year. It requires the employee to meet all recognized standards of performance, agree to submit to random and follow up testing without notice for a period of no less than one year, pay for the cost of the testing, and comply with all standards set forth in this policy. The agreement also requires the employee to comply with all rehabilitative recommendations made by the Employee Assistance Program, agree that failure to follow these recommendations or refusal to participate in full, including follow up testing, will result in actions up to and including termination as provided by the Staff Performance Management Policy or the Faculty Manual.
- 4.8 **Legal Drug.** Legal drugs are any which have been legally obtained and includes proper use of prescribed drugs and over-the-counter drugs.
- 4.9 **Medical Review Officer (MRO).** An MRO is a designated physician who is certified to review drug and alcohol test results. The MRO establishes the procedures and insures the chain of custody is followed.
- 4.10 **Positive Test.** Drug test levels on both the screening test and the confirmatory test that are recognized as positive by the U.S. Department of Health and Human Services in its "Mandatory Guidelines for Federal Workplace Drug Testing Programs" or in a subsequently issued rule or regulation issued by the Agency.
- 4.11 **Random Drug Testing.** Some employees, by virtue of their positions, may be subject to random drug or alcohol testing. Applicants and employees are notified during the selection process whether there is a possibility of random drug and alcohol testing associated with a position. Employees who are on a Last Chance Agreement agree to random drug testing according to the frequency and duration specified in the agreement.
- 4.12 **Reasonable Cause.** A belief, based on an observance of odors, performance/behavior, that a staff member is impaired. Reasonable cause is dependent on the facts of each situation and is based on physical, behavioral, or performance indicators, including, but not limited to, unusual behavioral patterns, errors, safety violations, accidents, and safety risks to customers or co-workers.
- 4.13 **Substance Abuse.** Substance abuse is abuse or misuse of legal drugs, substance dependence, and use of any illegal substance.

- 4.14 **University.** Use of the term University includes Saint Louis University, all operating divisions and subsidiaries, and Saint Louis University at Madrid.
- 4.15 **University Activities.** University Activities includes any on-campus or off-campus event or function conducted, sponsored, approved or funded, in whole or in part, by Saint Louis University.
- 4.16 **University Premises.** University Premises includes all land, facilities and other property in the possession of, or owned, used or controlled by the University (including adjacent streets and sidewalks).
- 4.17 **University Property.** University Property is all tangible personal property and real property owned or controlled by Saint Louis University including, but not limited to, desks, lockers, computers, buildings, work areas, break areas, parking lots, University vehicles.
- 4.18 **Voluntary Intervention.** Voluntary Intervention refers to use of Employee Assistance Program to resolve a personal or work performance problem before such a problem results in impairment or management involvement.
- 4.19 **Work Related Injury/Illness Testing.** Alcohol and drug testing performed following work-related accidents and illnesses.

5.0 POLICY

Faculty, staff and residents are responsible for knowing about and complying with the provisions of state and federal law that make it a crime to possess, sell, deliver or manufacture controlled substances. Any member of the Saint Louis University community who violates the law is subject to prosecution by civil authorities as well as to disciplinary proceedings by Saint Louis University.

Early recognition and treatment of drug or alcohol abuse are important for successful rehabilitation, for economic return to the University, and for personal, family, and social interactions. Saint Louis University encourages the earliest possible diagnosis and treatment for drug or alcohol abuse.

Employees will be tested for the presence of drugs and alcohol if there is reasonable cause or suspicion to believe that an employee has violated the standards of conduct set forth in this policy and following work related accidents. Employees violating the standards of conduct in this policy will be disciplined up to and including discharge in accordance with the Staff Performance Management policy, faculty manual, and any applicable local, state, or federal law.

5.1 Substance Possession Prohibition

The unlawful possession, manufacture, distribution or sale of controlled substances on Saint Louis University premises or in University vehicles is prohibited and will result in corrective action up to and including termination.

5.2 Substance Use

5.2.1 The use of illegal drugs on Saint Louis University premises or vehicles is prohibited and will result in corrective action up to and including termination. Faculty and staff are discouraged from the

use of illegal substances at any time. Use of illegal substances or abuse of legal substances off work time which results in impairment at work will result in action as described in this policy.

5.2.2 The use of alcohol, whether consumed at work or otherwise, which results in impairment at work will result in action as described in this policy. As a Catholic, Jesuit educational institution, Saint Louis University employees who are of legal drinking age are expected to consume alcohol in a mature and responsible manner while on University premises or attending University activities. The University prohibits the consumption of alcohol by an employee when the consumption adversely affects job performance and/or endangers the physical well-being of any person(s).

5.2.3 It is the employee's responsibility to inform their supervisor if they are unable to fulfill their current job responsibilities due to taking legally prescribed and/or over the counter medications. Employees who fail to disclose this information and whose job performance, safety, or the efficient operation of work is negatively affected, will be subject to action as described in this policy.

5.3 Reasons for Testing

5.3.1 The University will test employees for drugs and alcohol in accordance with the definition of reasonable cause above. (See Definitions) Alcohol on the breath raises questions concerning a staff member's competence and will not be tolerated for any staff member with patient care responsibilities or for those who work in patient care areas. Select other work areas may prohibit alcohol on the breath. Staff should check with a supervisor regarding the application of this policy in their work areas.

5.3.2 Some employees, by virtue of their positions, may be subject to random drug or alcohol testing. Applicants and employees are notified during the selection process whether there is a possibility of random drug and alcohol testing associated with a position.

5.3.3 The Missouri Workers' Compensation Act allows for testing following work related injuries and accidents. The Act provides for a reduction in benefits if an employee tests positive for alcohol or drugs. There will be a complete forfeiture of benefits to an employee who refuses testing following a work related accident or illness.

6.0 RESPONSIBILITIES

As a condition of employment on federal contracts and grants, staff will notify Saint Louis University of any criminal drug statute convictions no later than five days after such convictions occur. This includes convictions for the unlawful use, possession (including the storage in a desk, locker, or other repository), manufacture, distribution, dispensation, or sale of illegal drugs, drug paraphernalia, or controlled substances on Saint Louis University premises or while conducting business in Saint Louis University supplied vehicles or during working hours.

Saint Louis University will attempt to assist employees by providing information and/or access to drug or alcohol rehabilitation resources. However, the decision to seek diagnosis and accept treatment for drug or alcohol abuse is the individual employee's responsibility. Staff and faculty who voluntarily present him or herself to the Employee Assistance Program (EAP) prior to a drug or alcohol test are entitled to confidentiality. Staff and faculty members who voluntarily disclose to a supervisor, chair, or university administrator revealing a drug/alcohol problem will be referred to the EAP and required to comply with all EAP recommendations for treatment. No employee will be terminated solely as a result of seeking counseling and rehabilitation.

7.0 PROCEDURES

- 7.1 **Notification.** Any employee who notices behavior suspect of inappropriate use of drugs or alcohol by an employee of the University should notify their supervisor immediately.
- 7.2 **Impairment Checklist.** The supervisor is requested to utilize the [Impairment Checklist](#) in determining evidence of impairment and determine if there is “reasonable cause” as defined above. Document observed behavior(s), preferably with another person present.
- 7.3 **Confrontation.** The supervisor should (1) confront the employee in private, preferably with another employee present, and discuss the observed behavior and tell the person that in the supervisor's judgment he/she appears impaired. (2) **Direct** the employee to comply with the established substance testing procedure. (3) The supervisor or their designee should remain with the employee until testing is completed and should not allow the individual to continue to work or return to work until cleared by Employee Health. If warranted, the supervisor may call upon the Department of Public Safety and Emergency Preparedness (DPSEP) for assistance in escorting the individual to the testing site or arrange for transportation off University premises.
- 7.4 An employee who voluntarily presents himself or herself to a supervisor, manager or administrator revealing a drug/alcohol problem will be referred to EAP and required to comply with all EAP recommendations in the same manner as an employee who is referred as a result of a positive test result.
- 7.5 Testing will be done according to procedures established by Employee Health. The supervisor is responsible for contacting Employee Health to arrange for testing.
- 7.6 **Procedure for Testing**
- 7.6.1 During the regular work week (Monday through Friday 7:30 am – 3:30 pm), the supervisor should (1) arrange for supervised transportation of the individual suspected to be impaired to the Employee Health department for testing and (2) must notify Human Resources of the situation.
- 7.6.2 During off-hours, the supervisor must arrange testing by contacting the on-call Employee Health representative through the Saint Louis University Hospital switchboard operator by calling (314) 577-8000. Once contacted, Employee Health will arrange for a Drug Testing Officer to come to the individual’s work site for testing. Do not send the individual to the emergency room.
- 7.7 **Failure to Cooperate with Testing.** Failure by staff members to cooperate fully during all phases of the testing process, failure to provide required specimens, failure to sign a consent form authorizing the test and the release of the results to appropriate University representatives, or alteration or tampering with the testing process shall be cause for immediate termination of employee.
- 7.7.1 Faculty members who fail to comply with a first request to produce a specimen will result in a referral to the Employee Assistance Program, if the faculty member poses no threat to himself or others. Should a second request be necessary and also declined, the Dean will recommend that the termination process outlined in the Faculty Manual be initiated.
- 7.8 **Test Results**

- 7.8.1 If Employee Health determines the test result is negative, the employee will be returned to work immediately. The employee will be paid for time required to comply with the request for testing, not to exceed the employee's daily rate of pay.
- 7.8.2 When Employee Health cannot determine a negative result, the employee will be suspended without pay pending investigation and will not be allowed to return to work until further notification. The employee must not be permitted to drive home. The supervisor should be involved in arranging for safe transportation off University premises via family or friend pick-up or providing a taxi voucher. Taxi vouchers may be obtained by contacting Human Resources.
- 7.8.3 Employee Health will follow the chain of custody and send the specimen to the designated certified laboratory for analyses. The test results will be reviewed by a designated Medical Review Officer (MRO), with results communicated to the Drug Testing Officer.

The Drug Testing Officer (DTO), a University designated official, will communicate the results to Human Resources. Human Resources will notify the department manager. If the MRO determines the test results are clear or negative, the employee will be released to return to work with back pay for all scheduled work hours missed. If the MRO determines the test results are positive, the manager and the human resources consultant will meet with the employee to discuss options.

If the employee is convinced that the first lab test was wrong, the employee may ask the MRO to have the original sample re-tested by a different NIDA-certified lab. The request for re-testing must be made within 72 hours after the employee was told about the positive test. Further, the employee must pre-pay all costs of the second test and if the test result is negative, the employee will be deemed to have had a negative test result, will not be required to comply with the EAP program and will be refunded the cost of the second test. If the second test results are positive, the MRO will report this result to the University and the employee will be disciplined in accordance with this policy.

- 7.8.4 Saint Louis University recognizes substance abuse as a treatable condition. Employees with this problem will normally be placed on a final warning and encouraged to participate in rehabilitation through the formal referral process and the Last Chance Agreement. The University may consider factors such as prior performance management actions in determining whether or not to offer a Last Chance Agreement. Additionally, there are positions that are of such a critical nature that substance abuse may be grounds for immediate termination. These positions include but are not limited to those positions which involve the public safety of the community such as Public Safety Officers or Dispatch Officers, positions involving patient contact or support, and those positions which require the operation of University vehicles.
- 7.8.5 Employees who are offered but refuse to sign the Last Chance Agreement will be terminated. The original date of the suspension becomes the dismissal date.
- 7.8.6 Prior to being eligible to return to work, employees must have signed a Last Chance Agreement, have a negative drug and/or alcohol screen, be evaluated and deemed to be in compliance with all EAP recommendations. The employee must

continue to comply with all counseling and program recommendations in order to remain employed.

7.9 Employees who have entered into a signed Last Chance Agreement will:

7.9.1 An employee off work due to a positive test result and who have entered into a signed Last Chance Agreement will be allowed to utilize accrued vacation and/or sick time, commencing with the date the agreement is signed.

7.9.2 If an employee is in a non-paid status for greater than one month, the employee must contact the University Benefits Office to continue medical insurance. During this period, an employee may be eligible for a medical or personal leave under Saint Louis University's leave policies. It is the employee's responsibility to apply for a medical or personal leave.

7.10 Incidents involving violations of other University policies and standards of conduct that are drug or alcohol related will be handled in accordance with the Staff Performance Management policy up to and including termination.

8.0 Confidentiality

All testing will be performed in accordance with specific procedures to provide privacy, confidentiality, and integrity of test results. An employee will be notified of test results in a confidential manner. Test results will not be released to other parties without signed consent of the employee, unless required by law. Only those administrators or supervisors with a legitimate need-to-know will be informed of the test results. Administration does have the obligation to report positive drug screens to the appropriate licensing/certifying boards as required by statute.

9.0 Searches

The University may conduct searches for illegal drugs or alcohol on University premises when there is reasonable cause to suspect that illegal drugs or alcohol are present. Any such searches will be conducted in accordance with DPSSS policies and procedures and in compliance with statutes regarding searches. Employees will be given the opportunity to be present for the search. Refusal to cooperate in the University's request for the search, may be grounds for performance management actions up to and including termination.

8.0 REFERENCES

Drug Free Schools Act Compliance Report