



# 2020

## Employee Drug & Alcohol Testing Policy



Community HigherEd Institute

[www.communitycarecollege.edu](http://www.communitycarecollege.edu)

[www.clarysagecollege.com](http://www.clarysagecollege.com)

[www.oklahomatechnicalcollege.com](http://www.oklahomatechnicalcollege.com)

## Terms Used in This Policy

**Alcohol** - ethyl alcohol or ethanol

**Applicant** - a person who has applied for a position with the Organization

**Challenge To Positive Test - Results** - an individual who has accepted a conditional offer of employment, or an employee who has been randomly tested, tested for reasonable belief, or as a result of post-accident testing and whose confirmation test result on the original specimen, specimen "A", is positive, may request in confidence, a re-test on the second original divided specimen (previously frozen), specimen "B", in order to challenge the results of a confirmed positive test.

**Organization** – the Organization, or any subsidiary or successor organizations of the Organization.

**Organization Owned or Leased Property** - includes Organization owned or leased property, Organization owned or leased vehicles, machinery or equipment, and any other real property owned, leased or managed by the Organization and used for the Organization.

**Confirmation Test** - a specimen shall be collected in sufficient quantity for dividing into two separate original specimens: specimen "A" and specimen "B." Specimen "B" is immediately frozen and retained by the testing laboratory for one (1) year in order to challenge the results of an initial positive test. Specimen "A" is used for the initial test and if specimen "A" tests positive. The positive test will be confirmed using the same original specimen "A," by gas chromatography, mass spectroscopy or equivalent at the cutoff levels approved by the Oklahoma State Board of Health.

**Donor** – the person submitting a specimen

**Drug or Alcohol Test** - a chemical test administered for the purpose of determining the presence or absence of a drug or its metabolites or alcohol in a person's bodily tissue, fluids, or products.

**Employee** - any person who supplies a service for wages or pursuant to any contract for hire with the Organization, its subsidiaries or successor organizations.

**For Cause Testing (reasonable belief)** – a belief that the employee may be under the influence of drugs or alcohol as outlined in this policy.

**Medical Marijuana** - is marijuana that is available only by prescription and is used to treat a variety of medical conditions such as pain and anxiety.

**Medical Review Officer** – a person, qualified by the State Board of Health who is responsible for receiving results from a testing facility which have been generated by an employer's drug or alcohol testing program, and who has knowledge and training to interpret and evaluate an individual's test results together with the individual's medical history and any other relevant information.

**Periodic Testing** – may include fitness for duty, return from leave, periodic campus wide testing of all employees, post rehabilitation.

**Post-Accident Testing** – takes place upon the occurrence of all accidents, and violations of established safety, security, or other operational procedures, work related injuries and property and equipment damaged. All 2

parties may be subject to an immediate post-accident drug and/or alcohol screen. For purposes of workers compensation or unemployment compensation, no employee who tests positive for the presence of substances defined in this policy shall be eligible for any compensation.

**Prescribed Drugs** - the specific authorized use of physician prescribed drugs ordered by a consulting physician by the person for whom they were prescribed. Physician prescribed drugs will be used only in the manner, combination and quantity prescribed.

**Reasonable belief (for cause testing)** – a belief that an employee may be under the influence of drugs or alcohol.

**Sample** – tissue, fluid or product of the human body, chemically capable of revealing the presence of drugs or alcohol in the human body.

**Testing Facility** – any person, including any laboratory, hospital, clinic or facility, either off or on the premises of the employer that provides laboratory services to test for the presence of drugs or alcohol in the human body.

## Policy

The Organization has a responsibility to all of its employees to provide a safe workplace and a responsibility to the public to ensure that its safety and trust in the Organization are protected. Therefore, the Organization cannot condone the following behavior by employees:

- Use of illicit drugs
- Abuse of legal (prescription or over-the-counter) drugs or alcohol
- Sale, purchase, transfer, use, or possession of illegal drugs or prescription drugs illegally
- Arrival for work under the influence of illegal drugs or alcohol

## Prohibited Activities

Possession of illegal Drugs or Alcohol is prohibited. Also prohibited is the use, sale, possession, transfer, or purchase of illegal drugs or alcohol on Organization owned or leased property, during working hours, while performing Organization business or when visiting Organization owned or leased property of a client, customer, and or affiliate of the Organization.

Physician prescribed drugs will be used only in the manner, combination, and quantity prescribed by the consulting physician. The Organization strictly forbids any physician prescribed drugs to be used, sold, possessed, transferred, purchased or dispensed by any other employee or individual other than for whom it was prescribed for on Organization owned property.

Using physician prescribed drugs that impair an individual's ability to perform his or her job duties, operate Organization owned or leased machinery or Organization owned or leased vehicles. This includes the abuse of over the counter drugs.

- Testing positive for any drug or alcohol as provided in this Policy

- Refusing to submit to a drug or alcohol screen
- Refusing to execute any consent, release, or other document in connection with this Policy
- Refusing to consent to a search or inspection conducted in connection with this Policy
- Any substitution or adulteration of a specimen

## Drug & Alcohol Testing

The Organization believes that drug and alcohol testing is a valid means of enforcing this Policy. Such testing will protect the health and safety of employees, protect the Organization's owned or leased property and serve as a deterrent to the abuse of drugs and alcohol.

The Organization will pay the expense for the test(s) required by this Policy, applicants and employees may be required to submit to testing in the following situations.

**Applicant Testing** - all applicants, upon acceptance of a conditional offer of employment, will be required to undergo 10-panel pre-employment testing, at a designated laboratory on their own time. All employment offers are void in the event an applicant tests positive for drugs or alcohol. Employment testing may include all promotions, job transfers, suspension, probation or other job change.

**Random Testing** - the Organization may require an employee or all members of an employment classification or group to undergo drug or alcohol testing at random and may limit its random testing programs to particular employment classifications or groups.

**For Cause Testing (reasonable belief)** – a belief that the employee may be under the influence of drugs or alcohol, including, but not limited to the following circumstances:

- Drugs or alcohol on or about the employee's person or in the employee's vicinity
- Conduct on the employee's part that suggests impairment or influence of drugs or alcohol
- A report of drug or alcohol use while at work
- Information that an employee has tampered with drug or alcohol testing at any time
- Negative performance patterns
- Excessive or unexplained absenteeism or tardiness

**Employee Post Accident Testing** – the Organization will require an employee to undergo drug or alcohol testing if the employee has sustained an injury while at work or property has been damaged while at work, including damage to equipment. For purposes of workers' compensation, no employee who tests positive for the presence of substances defined and consumed pursuant to Section 465.20 of Title 63 of the Oklahoma Statutes, alcohol, illegal drugs, or illegally used chemicals, or refuses to take a drug or alcohol test, shall be eligible for such compensation. The drug screen must be received within 24 hours of the accident/incident.

**Employee Post-Rehabilitation** - no notice is required for testing of an employee for up to one (1) year after their return to work following a confirmed positive test or participation in a drug or alcohol dependency treatment program.

**Periodic Testing** - may include fitness for duty, return from leave, periodic campus wide testing of all employees, or post rehabilitation.

## Searches

The Organization may conduct unannounced searches for illegal drugs or alcohol in all areas on each Campus, including but not limited to offices, desks, locked file cabinets, and lockers. Employees are expected to cooperate in the conducting of such searches.

Searches of employees and their personal property may be conducted when there is reasonable belief that the employee, or employees, are in violation of this policy.

Searches of employee's and their personal property may otherwise be conducted when circumstances or workplace conditions justify them.

An employee's consent to a search is required as a condition of employment and the employee's refusal to consent will result in termination.

## Substance Covered by Testing and Detection Levels

<b>CLASS OF SUBSTANCE</b>	<b>SCREENING CUT-OFF LEVEL</b>		<b>CONFIRMATION CUT-OFF LEVEL</b>	
Alcohol	.02	mg/dl	.04	mg/dl
Amphetamines	1000	ng/ml	500	ng/ml
Barbiturates	300	ng/ml	300	ng/ml
Benzodiazepines	300	ng/ml	300	ng/ml
Cocaine	300	ng/ml	150	ng/ml
Opiates	2000	ng/ml	2000	ng/ml
Phencyclidine	25	ng/ml	25	ng/ml
Methaqualone	300	ng/ml	300	ng/ml
Methadone	300	ng/ml	300	ng/ml
Marijuana	50	ng/ml	15	ng/ml
Propoxyphene	300	ng/ml	300	ng/ml

***Levels are subject to change based upon Federal and State requirements***

## Testing Methods

- **Screening** - the initial test performed on urine specimens to determine the presence or absence of drugs
- **Confirmation** - if the first original divided specimen, specimen "A", tests positive on the initial screen, the positive test will be confirmed using the same original divided specimen, Specimen "A", by Gas Chromatography/Mass Spectrometry at the cutoff levels approved by the Oklahoma State Board of Health

## Specimen Collection and Documentation

- **Specimen Collection** - specimens shall be collected and tested by individuals deemed qualified by the Oklahoma State Board of Health at a licensed Laboratory designated by notice to the applicant or employee. The specimen collection shall be performed under reasonable and sanitary conditions. An original specimen shall be collected in sufficient quantity for dividing into two separate original

specimens, specimen “A” and specimen “B”, pursuant to the rules of the Oklahoma State Board of Health, to provide for any subsequent independent analysis in the event of a challenge of the test results of a confirmed positive. The collections, storage, and transportation to the place of testing shall be performed to reasonably preclude the probability of specimen contamination or adulteration. Specimens shall be collected and tested with due regard to the privacy of the applicant or employee being tested.

- **Documentation** - Specimen collections shall be documented, including labeling the specimen to preclude the probability of erroneous identification of test results. Specimen testing shall conform to scientifically accepted analytical methods and procedures. A written record of the chain of custody of the specimen shall be maintained from the time of the collection of the specimen until the specimen is no longer required. At the time of specimen collection an opportunity will be given for the applicant or employee to voluntarily provide notification of any information which the applicant or employee considers relevant to the test, including identification of currently or recently used prescription or nonprescription drugs.

**Test Results** - a certified Medical Review Officer (MRO) is responsible for receiving results from the testing facility. The review officer has knowledge and training to interpret and evaluate an individual’s test results, as well as the individual’s medical history and other relevant information. The MRO may be an employee of the testing laboratory.

## Testing Procedures

**Notice to Report for Testing** - verbal notification to an applicant or employee to report for testing may be accompanied by written notification. Any testing required of an employee, other than applicant testing, will be conducted during working hours or immediately following their regular work period. All applicants, upon acceptance of a conditional offer of employment, will be required to undergo testing on their own time. The written notification will specify the reason for testing and the date, time, and place to report for testing. Once notified the employee or applicant has one hour to arrive at the testing facility.

**The Collection Site** - after an employee has been properly identified for testing, the process begins at a collection site where an original specimen of urine is taken. The testing laboratory will be the designated collection site. Random testing will usually be collected on Campus.

An applicant or employee will be allotted one hour for travel time to reach the designated collection site for testing. If an applicant or employee does not arrive at the designated collection site within the allotted one hour travel time, (excluding an emergency), the HR Director must be notified and will determine the nature of the delay for further consideration. Their absence may be grounds for refusal to hire an applicant and will subject an employee to disciplinary action, up to and including discharge. An employee discharged for failure to appear for testing shall be considered to have been discharged for misconduct for purposes of unemployment compensation.

Designated collection sites will have all of the necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and transportation of test specimens to a designated drug-testing laboratory.

The collection site will use procedures that safeguard the employee’s right to privacy, guard the integrity of the specimen, and maintain the chain of custody.

**Transportation to Collection Site** - employees being tested for reasonable belief or post-accident (depending on the severity of the injury), may be escorted to the collection site by a designated representative. Any employee noted to be under the influence will not be allowed to drive themselves.

**What to Expect at the Collection Site** - the donor will be asked to do the following: (1) provide a picture identification to verify their identity; (2) remove from their person any bulky outer clothing, including but not limited to, coats, jackets, vests, and sweaters; (3) the collector will secure all briefcases, purses, and bags of any kind until the collection procedure is complete; and (4) the employee may retain his/her wallet.

**Returning to Work Following Reasonable Belief or Post-Accident Testing** - employees who are being tested for reasonable belief or as a result of post-accident testing may be temporarily suspended without pay pending outcome of the test results. If the test results are negative, the employee will be immediately reinstated.

**Negative Results** - if the laboratory results are negative, indicating the absence of drugs or alcohol, the process ends and a laboratory official will notify the Human Resources Director, or Assistant Director, by phone, email or in writing. Upon notification of test results, the Human Resources Director or Human Resource Specialist will notify the employee.

**Positive Results** - if the first original divided specimen, specimen "A", tests positive on the initial screen, the positive test will be confirmed using the same original divided specimen, Specimen "A", to confirm the results. If the first original divided specimen, specimen "A", tests positive on the initial screen, the employee will be temporarily suspended without pay pending results of the confirmation test. An employee who tests positive will be immediately terminated.

**Specimens Testing Positive for Adulterants or Substitution** - Oklahoma law requires that all specimens be tested for the presence of adulterants and for substitution. Those that test positive will be treated as a positive test. If the Donor refutes the finding of adulterants in the specimen, the Donor may be retested as long as the Donor does not leave the testing site between the first and second test, and as long as the second test takes place within 2 hours of the first test and is observed.

**Receiver of Drug Testing Results** - Representatives authorized to receive test results may include one or more of the following: Human Resources Director, Human Resources Assistant Director, President, or assigned HR Specialist.

**Results Pending** - applicants who have accepted a conditional offer of employment, or an employee who has been randomly tested, tested for reasonable belief or as a result of post-accident testing and tests positive on the initial drug screen, will be temporarily suspended without pay pending results of the confirmation test. If the test results are positive the employee will be given an opportunity, in strict confidence with the testing laboratory, to offer comments to the MRO or laboratory representative as to why they have tested positive.

**Applicant** - an individual who has accepted a conditional offer of employment, coupled with their consent to submit to a drug test, and whose confirmation drug test is positive, will be refused employment. The applicant must show proof of being clean for a minimum of one year to reapply for a position with the College.

**Employee** - an applicant who has accepted a conditional offer of employment, is currently on the Organization's payroll and whose confirmation test verifies the positive result, will be subject to disciplinary action up to and including discharge and such discharge will be considered to be misconduct for purposes of unemployment compensation. If the employee disagrees with the confirmed drug test results, they may request, in confidence, a challenge to the positive results by requesting a re-test on the second original divided specimen (previously frozen); specimen "B", the donor is responsible for all costs of the re-test.

**Confidentiality of Test Results** - Drug and alcohol testing will be conducted in a manner to ensure the confidentiality of the results. Drug test results and related information, including interviews, reports, statements and memoranda shall be maintained as confidential information and filed separate from other personnel records. Test results and related information are the property of the Organization and, upon written request of the applicant or employee tested, test results and any related information will be made available for inspection and/or copying to the applicant or employee. The Organization shall not release such records to any person other than the applicant or employee tested or the Medical Review Officer, unless the applicant or employee expressly grants permission in writing following receipt of the test results, or pursuant to a valid Court Order. The testing facility, or any agent of the testing facility, shall not disclose to the Organization or any other employer any information acquired by testing which relates to the general health, pregnancy or other physical or mental condition of the tested individual, or the presence of any drug other than the substances that the Organization requested be identified.

**Consequences of Refusal to Submit to Testing** - the consequences for an applicant or employee who refuses to submit to required testing, will be the same as a positive. An applicant will be refused employment or have a retracted offer. Active employees will be subject to disciplinary action, up to and including discharge. An employee discharged on the basis of a refusal to undergo testing shall be considered to have been discharged for misconduct for purposes of unemployment compensation.

**Challenge to Positive Test Results** - an individual who has accepted a conditional offer of employment, or an employee who has been randomly tested, tested for reasonable belief, or as a result of post-accident testing and whose confirmation test result on the same original divided specimen, specimen "A", is positive, may request in confidence, a re-test on the second original divided specimen (previously frozen), specimen "B", in order to challenge the results of a confirmed positive test. An individual who requests a re-test in order to challenge the results of a confirmed positive test must pay the costs of the re-test. If, however, the results of the re-test reverse the findings of the challenged positive test, the Organization will reimburse the costs of the re- test to the individual.

## Disciplinary Procedures

**Employee Termination** - as a part of this Policy, employees may be terminated for the following reasons:

- Individuals who refuse to sign the Acknowledgement Form
- Employees who refuse to be tested according to the provision in this Policy
- Employees who test positive
- Employees who test positive upon return to work following a suspension period for violation of this Policy
- Employees who test positive on the confirmation test: see below
- Employees who are caught tampering, adulterating or substituting test specimens or results



- Employees who manufacture, distribute, dispense, possess, or use illegal drugs or controlled substances or who consume or possess alcohol while on Company owned or leased property or when carrying out Company related duties, (except the use of alcohol in connection with authorized events)
- Employees who refuse to cooperate in a search for controlled substances, illegal drugs, or alcohol as described in this Policy

## Confirmed Positive Test Results

- Any employee who receives a confirmed positive test result will be subject to termination and may be barred from Campus.
- Any applicant who receives a confirmed positive test result will be considered to have voluntarily withdrawn his/her application for employment, this include applicants who self -identify prior to being tested.
- Any applicant who receives a confirmed positive test result will not be eligible to reapply for employment for a period of one year after the date of the confirmed positive test result.

## Medical Marijuana

Oklahoma law allows for the controlled use of medical marijuana. Although employees who legally obtain a medical marijuana “registration card” from the Oklahoma Medical Marijuana Authority are allowed to possess and consume certain quantities of marijuana, doing so is not permitted on College property or at College sponsored events (either on or off Company property). Marijuana is classified as a Schedule I drug according to the Controlled Substances Act. Thus, the use, possession, cultivation, or sale of marijuana violates federal policy.

The Organization may in its discretion seek to accommodate legally recognized Oklahoma medical marijuana users when possible depending on the Employee’s position. Employees who obtain a registration card from the Oklahoma Medical Marijuana Authority must notify the HR Director and submit a copy of their card if requesting a reasonable accommodation. The Organization will then enter into a discussion with the Employee and where applicable the Employee’s Health Care provider to determine if such accommodation is appropriate under the circumstances.

Medical marijuana will be treated like any other prescription drug. An employee using marijuana for medical purposes is not permitted to undertake any task under the influence of marijuana when doing so would constitute negligence.

## Suspension Pending Investigation

Any employee who is the subject of an investigation regarding possible violation of this Policy may be placed on temporary suspension without pay pending full investigation of the matter. If such an investigation results in a finding of no violation of this Policy, the suspended employee will be returned to work and will be paid lost wages during the suspension based on their normal hours worked each week.

## Appeal Procedure

Upon notice that the drug/alcohol test result has been confirmed positive by the Medical Review Officer, the individual may appeal the test result by the following procedure.

Within seventy-two (72) hours of notice, request a confirmatory retest of the original sample. The request must be in writing and made directly to the Medical Review Officer or College Representative.

If the confirmatory retest result is positive and the individual does not believe the test result is valid, the individual may present to the Representative within three (3) working days, any evidence why the test result were not valid.

If the individual does not believe he/she has violated the Organization's Substance-Free Workplace Program, and is subject to discharge, the individual may present to the Human Resources Director within three (3) working days, any evidence to support the individual's position; and If the individual so desires, he/she may have the opportunity to voluntarily resign prior to management's making a final decision regarding the positive drug/alcohol test result.

## Drug & Alcohol Treatment Centers in Oklahoma

### **Oklahoma Safety Center Substance Abuse Services**

7950 East 41<sup>st</sup> Street

Tulsa, OK

918-621-1600

[www.duitulsa.com](http://www.duitulsa.com)

### **Oklahoma Alcohol & Drug Rehab Service Centers**

24/7 availability

800-304-2219

[www.addicted.org](http://www.addicted.org)

### **Palmer Adolescent Treatment Services**

5319 S Lewis Ave #219

Tulsa

(918) 832-7763

[www.palmer-tulsa.org](http://www.palmer-tulsa.org)

### **Palmer Tulsa Women and Children's Center**

2442 East Mohawk Boulevard

Tulsa, OK

918-430-0975

<http://www.palmer-tulsa.org>

### **New Perspectives**

4200 South Atlanta Place

Tulsa, OK  
800-477-6291

[www.naranon.org/naranon/taxonomy/term/62](http://www.naranon.org/naranon/taxonomy/term/62)

**Positive Behavioral Strategies**

1719 South Boston Avenue

Tulsa, OK

918-585-9888

[www.pbscounseling.com/](http://www.pbscounseling.com/)

**The Center for Therapeutic Interventions**

4845 South Sheridan Road Suite 510

Tulsa, OK

918-384-0002

[www.ctioklahoma.org/](http://www.ctioklahoma.org/)

**A & A Alcohol Treatment & Drug**

Tulsa (918) 200-0125

**Accurate Adsac Services**

2749 E 41st St Tulsa

(918) 960-3434

[www accurateduischool.com/](http://www accurateduischool.com/)

**Action Steps Counseling**

5525 E 51st St # 210 Tulsa

(918) 764-9098

[www.actionstepstulsa.com/](http://www.actionstepstulsa.com/)

**John 3:16 Mission (Men & Women)**

506 North Cheyenne Tulsa, OK

918-587-1187

<http://john316mission.org/contact.php>

**12 & 12 Inc.**

6333 E Skelly Drive Tulsa

(918) 664-4224

[www.12and12.org/](http://www.12and12.org/)

**Self-Help Resources:**

[Alcoholics Anonymous](#)

Al-Anon/Alateen  
Marijuana Anonymous  
Narcotics Anonymous  
Rational Recovery Systems  
Secular Organization for Sobriety  
Rethinking Drinking-Alcohol & Your Health  
[theknurd.com](http://theknurd.com)

## Reservation of Rights

The Organization Reserves the right to change or revoke this policy at any time. Any change will be preceded by a 10 day notice. Nothing in this policy shall be construed to require the Organization to use drug or alcohol testing as the sole means of enforcing its policy against workplace drug or alcohol use.

## Applicant's Acknowledgement of Drug and Alcohol Abuse Policy

I have applied for a position with the Organization. Upon acceptance of a conditional offer of employment I understand and agree to undergo subsequent screening. I understand that if my test results are confirmed positive I will not be considered further by the Organization for a position. I further understand that, if I am hired, I will be subject to future drug and alcohol testing, consistent with this Policy.

I hereby authorize any physician, laboratory, hospital or medical professional retained by the Organization for screening purposes to both conduct such screening and provide the results to the Organization hereby release the Organization, and any person affiliated with the Organization and any such institution or person conducting the screening from liability therefore.

I acknowledge receipt of the Organization's Drug and Alcohol Abuse Policy and that I have read and understand the Drug and Alcohol Abuse Policy and Testing methods.

I understand that, in order to comply with this Policy, I may be asked to submit to a search of any vehicle brought onto Organization premises, to submit to a search of any packet, package, purse, briefcase, tool box, or other container brought onto Organization premises, and to submit to a search of desk, file, locker, or other stationary container provided by the Organization, whether or not such container, briefcase, etc., is locked.

I understand that a violation of the Policy may result in disciplinary action, up to and including discharge.

I understand that the Policy is not a contract of employment and that it may be changed, modified, or eliminated at any time subsequent to a notice period of (10) days. I understand that only the Human Resources Director or designated individual of the Organization has the authority to enter into employment contracts or make any agreement or representation contrary to the provisions in this policy and that any such contract, representation or agreement must be in writing and signed by the Human Resources Director.

I understand that my employment with the Organization is "at-will" and for no fixed period of time. I understand that I can terminate my employment at any time and that the Organization may terminate my employment at any time.

(Employees signed acknowledgement will be kept in the employees personnel file)

*This is the drug testing policy of the ORGANIZATION, Revised January 2020, effective immediately and is available to all employees registered for work assignments.*

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