

PERSONNEL POLICY MANUAL

LETA	<i>Beth Country</i>	POLICY No. 9
Section:		EFFECTIVE: 11/98
Subject:	Employee Substance Abuse and Drug-Free Workplace Policy	REVIEW:
Source:	Executive Director	REVISION: #1
		REVISED: 8/06

POLICY

It shall be the policy of the Louisiana Educational Television Authority to maintain a drug-free workplace and a workforce free of substance abuse. Employees are prohibited from reporting for work or performing work for LETA with the presence in their bodies of illegal drugs, controlled substances, or designer (synthetic) drugs at or above the initial testing levels and confirmatory testing levels as established in the contract between the State of Louisiana and the officially provided drug testing services. Employees are further prohibited from the illegal use, possession, dispensation, distribution, manufacture, or sale of controlled substances, designer (synthetic) drugs, and illegal drugs at the work site and while on official state business, on duty or on call for duty. To assure maintenance of a drug-free workforce, it shall be the policy of LETA to implement a program of drug testing, in accordance with Executive Order No. MJF 98-38, R.S. 4449:1001, et seq., and all other applicable federal and state laws, as set forth in this policy.

PURPOSE

The purpose of this policy is to provide a drug-free environment and a workplace free of substance abuse that is conducive to the physical and mental well-being of LETA employees that necessary for them to properly carry out their responsibilities.

APPLICABILITY

Executive Order 98-38 applies to all employees of LETA, including appointees, prospective employees and prospective appointees, and all other persons having an employment relationship with LETA pursuant to Louisiana Revised Statute 49:1001, et seq.

GUIDELINES

Employees will be given a copy of the "Employee Substance Abuse and Drug-Free Workplace Policy". Notification of this policy is required as part of new employee orientation. All employees are to adhere to the following:

-Reporting to work or performing work while under the influence of and impaired by illegal drugs or alcohol is prohibited.

-The illegal use, possession, dispensation, distribution, manufacture, or sale of controlled substances by employees at the work site, and while the employee is on official state business, on duty or on call for duty is prohibited.

-Employees are required to notify the employing state agency on the first scheduled workday of an arrest or conviction for a criminal, drug or drug-related offense which occurs on or off duty, including DWI arrests and convictions.

-An employee who is convicted of violating any criminal drug statute as stated above, may be subject to discipline and/or a directive to participate in a rehabilitation program.

DEFINITIONS

Controlled Substance – a drug, chemical substance or immediate precursor in Schedules 1-5 of R.S. 40:964 or Section 202 of the Controlled Substances Act (21 U.S.C. 812).

Designer (Synthetic) Drugs – Those chemical substances that are made in clandestine laboratories where the molecular structure of both legal and illegal drugs is altered to create a drug that is not explicitly banned by federal law.

Employee – unclassified, classified, and student employees, student interns, and any other person having an employment relationship with the agency, regardless of the appointment type.

Illegal Drug – any drug which is not legally obtainable or which has not been legally obtained, to include prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes or being used by one other than the person for whom prescribed.

Reasonable Suspicion – belief based upon reliable facts derived from direct observation of specific physical, behavioral, odorous presence, or performance indicators and being of sufficient import and quantity to lead a prudent person to suspect that an employee is in violation of this policy.

Safety-sensitive or Security-sensitive position – a position determined by the Appointing Authority to contain duties of such nature that the compelling State interest to keep the incumbent drug-free outweighs the employee's privacy interests. The list was determined with consideration of statutory law, jurisprudence, the practices of this agency and the following examples of safety-sensitive and security-sensitive positions:

Under the Influence: means a drug, chemical substance or the combination of a drug, chemical substance that affects an employee in any detectable manner. The symptoms or influence are not confined to that consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance or the odor of alcohol. A determination of influence can be established by a professional opinion or a scientifically valid test.

1. Positions with duties that are required or are authorized to perform the safety inspection of a structure;
2. Positions with duties that are required or are authorized to inspect, handle, or transport hazardous waste as defined in R.S. 30:2173(2) or hazardous material as defined in R.S. 32:1502(5);
3. Positions with duties that are required or are authorized to exercise any responsibility over power plant equipment;

4. Positions with duties that require on-the-job instruction or on-the-job supervising of any person to operate or maintain any heavy equipment or machinery; and
5. Positions with duties that require or authorize the operation or maintenance of a public vehicle, or the supervision of such an employee.

Under the Influence – for the purpose of this policy, a drug, chemical substance, or the combination of a drug, chemical substance that affects an employee in any detectable manner. The symptoms or influence are not confined to that consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of influence can be established by a professional opinion or a scientifically valid test.

Workplace – any location on agency property including all property, offices, and facilities (including all vehicles and equipment) whether owned, leased, or otherwise used by the agency in the conduct of its business in addition to any location from which an individual conducts agency business while such business is being conducted.

RESPONSIBILITY

It is the responsibility of the Executive Director or her designee to ensure that all employees of this agency are in compliance with this policy and submit to the Governor's Office, through the Commissioner of Administration, a report on this policy and drug testing program, describing progress, the number of employees affected, the categories of testing being conducted, the associated costs of testing, and the effectiveness of the program by November 1 of each year.

The Appointing Authority is responsible for administering the drug testing program; determining when drug testing is appropriate, receiving, acting on, and holding confidential all information received from the testing services provider and from the medical review officer; and collection appropriate information necessary to agency defense in the event of legal challenge.

All supervisory personnel are responsible for assuring that each employee under their supervision receives a copy of this policy, signs a receipt form, and understands or is given the opportunity to understand and have questions answered about its contents.

VIOLATION OF THIS POLICY

Violation of this policy, including refusal to submit to drug testing when properly ordered to do so, will result in actions up to and including termination of employment. Each violation and alleged violation of this policy will be handled on an individual basis, taking into account all data including the risk to self, fellow employees, and the general public.