

LETA		POLICY No. 21
Section		EFFECTIVE DATE: 7/2015
Subject:	WORKERS' COMPENSATION POST-ACCIDENT DRUG TESTING	REVIEW:
Source:	Executive Director	REVISION:
		REVISED:

## **POLICY**

It shall be the policy of the Louisiana Educational Television Authority (LETA) to adhere to La.R.S.23:1081 and Louisiana Administrative Code Title 40, Part I, Chapter 15 which allows an employer to test an employee for drugs and alcohol when the employee receives a personal injury from an accident arising out of and in the course of his employment.

In addition to any drug testing policy adopted by an executive agency, pursuant to Executive Order No. BJ 08-69, this policy shall also apply to all persons having an employment relationship with an executive agency, whether classified, unclassified, student employees, interns, full-time, part-time, or temporary (hereinafter employee(s)'), when the employee's agency is provided workers compensation coverage through Office of Risk Management (ORM).

## **PURPOSE**

The purpose of this policy is to comply with Executive Order No. BJ 08-69 which provides for the promulgation by executive agencies of written policies mandating drug testing of employees, appointees, prospective employees and prospective appointees in accordance with LA. R.S. 49:1001, et seq.

## **RESPONSIBILITY**

### **Agency Responsibility**

LETA is responsible for making sure all employees are aware of the agency specific Post-Accident Drug Testing plan.

LETA is responsible for Coordinating Post-Accident Drug Testing efforts with the State's Third Party Administrator.

LETA is also responsible to Evaluating the Post-Accident Drug Testing process and improve the program periodically.

LETA is also responsible to Maintain documentation of the agency's Post Accident Drug Testing efforts.

## **Employee Responsibility**

All employees who are entitled to assert a claim pursuant to the workers' compensation laws of Louisiana shall be subject to, and shall cooperate in, post-accident drug testing. With or without prior notification, any employee in an accident that occurs during the course and scope of employment shall be required to submit to drug and/or alcohol testing as soon as practicable under LA. R.S. 23:1081, whether or not a compensable injury is immediately claimed by the employee, where an accident occurs under any circumstance, regardless of fault, which necessitates, or should reasonably necessitate, medical attention to the employee as determined by the employee, the employee's supervisor(s), or the department head, regardless of whether the employee actually desires, agrees to, seeks, or receives medical attention.

## **DRUG AND ALCOHOL TESTING PROCEDURES:**

Testing shall be performed as provided for in the Louisiana Administrative Code Title 40, Part I, Chapter 15.

Testing shall be performed at the most practical hospital or medical facility. ORM reserves the right to require employees to submit to additional testing, if warranted.

A representative of the agency shall transport the employee being tested to and from the testing site. Under no circumstance should any employee who is believed to be impaired or under the influence of any drug or alcohol be permitted to operate a motor vehicle.

## **VIOLATIONS:**

Employees found to test positive or failing to promptly submit to testing under this policy may be subject to dismissal or denial of their Workers' Compensation benefits pursuant to La.R.S. 23:1081.

Employees and supervisors may also be subject to discipline, up to and including dismissal, in accordance with LETA's **agency's drug-free policy** for failing to cooperate with, or to apply, the post-accident drug testing requirements outlined in this policy number 9 in the employee handbook.

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CEO/Appoint Authority Signature