

# Augusta University

## Policy Library

### Substance Abuse Policy for Employees

**Policy Manager: University HR Services**

#### **POLICY STATEMENT**

Persons who are impaired by substance abuse endanger patients, themselves, and their fellow workers. By prohibiting substance abuse, and by establishing a program to determine whether employees are engaged in substance abuse, this policy seeks to prevent its risks and ill effects. This policy replaces all existing policies concerning substance abuse and drug testing of employees.

The purpose of this policy is to set forth the guidelines under which an employee can be tested for substance abuse.

#### **AFFECTED STAKEHOLDERS**

*Indicate all entities and persons within the Enterprise that are affected by this policy:*

- Alumni     Faculty     Graduate Students     Health Professional Students  
 Staff     Undergraduate Students     Vendors/Contractors     Visitors  
 Other:

#### **DEFINITIONS**

1. Substance abuse shall mean excessive or inappropriate use of any drug, legal or illegal, including alcohol, over the counter, or prescription drugs where use is not in conformance with prescription requirements, or circumstances where use is not permitted or methods used for obtaining prescriptions were outside the patient/physician relationship.
2. A positive drug test shall mean any drug test whose results indicate that the employee has committed substance abuse, according to the current National Institute of Drug Abuse (NIDA) standards and the definitions in this policy. No test results shall be reported as positive without a gas chromatography / mass spectrometry analysis.
3. A negative drug test shall mean any drug test whose results do not indicate a positive drug test.
4. Reasonable cause shall mean that evidence which forms a reasonable basis for concluding that it is more likely than not that a person has engaged in substance abuse. Facts which could give rise to reasonable cause include, but are not limited to:
  - A. the odor of alcohol or drugs;
  - B. impaired behavior such as slurred speech and decreased motor coordination;
  - C. marked changes in personality or job performance; or
  - D. unexplained accidents.
5. Covered employees shall mean all employees.
6. Employees in high-risk positions shall mean those employees holding the positions listed in Alphabetical List of Drug Tested Positions "Attachment A". Regardless of whether specified in "Attachment A", high-risk positions shall also include all faculty and staff of Augusta University who provide care to patients, all police officers, all employees working with children under the

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age of thirteen (13), all employees working with toxic or hazardous chemicals or equipment and all employees who are authorized to operate Augusta University vehicles pursuant to the Vehicle Operator Policy. "Attachment A" of this policy may be amended by the Vice President of Human Resources (or designee).

## **PROCESS & PROCEDURES**

### **Work Rules**

1. Substance abuse is prohibited. Any employee who engages in substance abuse at work or on campus may be discharged. Employees who engage in substance abuse off campus and not during working hours may be discharged if their substance abuse does affect, or is likely to affect, their ability to perform their official duties.
2. Employees who refuse to participate in a drug test required under this policy may be discharged.
3. In no event should employees perform their official duties while they are impaired.
4. If an employee is convicted (or given first offender treatment, or pleads nolo contendere) in any court for a crime which constitutes substance abuse, they must report this to their supervisor. Employees who fail to do so may be discharged.

### **Drug Testing Procedures**

1. The drug tests required by this policy shall be performed in accordance with the current procedures of either the Clinical Pathology Laboratory of the Medical Center (for faculty and staff at the Augusta campuses), or the laboratory with which the State has contracted to perform drug testing (for employees at other sites). These procedures shall ensure that the sample identified to an employee actually contains materials from that employee, that the samples are protected from tampering, and that the analysis of them is done in accordance with reasonable and accepted medical standards.
2. The tests shall screen for the use of drugs whose use is either illegal, or which are prone to abuse, as determined at the discretion of the Director of the Clinical Pathology Laboratory or the State contract laboratory. If the drug test is being performed pursuant to reasonable cause to believe that a covered employee is abusing a particular drug or substance, then the test shall also screen for that particular drug or substance.
3. The results of a classified employee's drug test shall be communicated by the laboratory to the Vice President of Human Resources (or designee), who shall notify the employee and the employee's supervisor of any positive drug test. The results of a faculty member's drug test shall be communicated by the laboratory to the Executive Vice President/Provost, who shall communicate the results to the faculty member and their Department Chair, Dean and the Vice President of Human Resources.
4. The laboratory may bill the budget unit of the applicant or employee for the tests performed pursuant to this policy.

### **Pre-employment Drug Testing**

1. All employees obtaining high-risk positions shall undergo a drug screening test prior to beginning work as an employee with Augusta University.

2. The Vice President of Human Resources (or designee) shall be responsible for ensuring that all applicants for positions listed in “Attachment A” provide a sample for drug testing before they report for duty, or within ten days of reporting.
3. Any applicant or employee obtaining a high-risk position who fails to provide a sample for pre-employment drug testing shall be discharged, or not hired. Any applicant or employee obtaining a high-risk position with a positive pre-employment drug test will be disqualified from consideration and not hired, or discharged. Such persons shall not be eligible for employment by the State of Georgia for two years.

### **For Cause Testing**

1. All covered employees shall undergo a screening test when reasonable cause exists to believe that they have committed substance abuse.
2. If any employee has reason to believe that a covered employee is engaged in substance abuse in violation of this policy, they should report this fact to the supervisor of the suspected abusing employee.
3. If a supervisor has reasonable cause to believe that a covered employee under their supervision is engaging in substance abuse in violation of this policy, then they should seek permission to require a test. To document this process “Attachment B” should be completed. The determination of reasonable suspicion shall be made by a supervisor or other official who is trained to make such determinations and either the Vice President of Human Resources (or designee) or the Legal Office.
4. Authorization for a test for cause must be obtained from:
  - A. the Vice President of Human Resources (or designee) or an attorney in the Legal Affairs Office; and, one or more of the following, as appropriate;
  - B. the Chief Medical Officer (or designee) or higher authority, for Covered Employees assigned to the Medical Center or Children’s Hospital of Georgia; or,
  - C. the Department Head or higher authority, for all other covered employees at the Augusta campuses of Augusta University; or,
  - D. the highest-ranking Augusta University administrator at any other location.
5. If authorization for a test for cause is given, then the employee shall be directed to provide a sample for testing immediately. The Human Resources Division and the employee’s supervisor shall coordinate with the laboratory to arrange the test. Pending the results of such a test, covered employees shall be placed on paid administrative leave, and they shall be removed from duty. Supervisors should advise impaired employees that they should not drive. It is the responsibility of the impaired employee to arrange for their own safe transportation.
6. Covered employees with a positive for cause test may be discharged.
7. Where any doubt exists, an employee may volunteer to be tested. In such a circumstance, the employee will be required to complete the Voluntary Authorization form “Attachment C”.

### **Random Drug Testing**

1. The State of Georgia requires all state entities to conduct random testing of employees who (1) are regulated by the US department of Transportation and its operating authorities, (2) require Peace Officer Standards and Training O.C.G.A. 35-8 (POST) certification, or (3) perform duties

considered to be high risk. The number of such employees to be tested and the scheduling of such testing shall be determined by the Vice President of Human Resources (or designee) in accordance with applicable laws and regulations.

2. All covered employees who are Police Officers or who hold Commercial Drivers Licenses for their official duties shall be subject to random drug testing.
3. Once a month, the Human Resources Division shall randomly pick no fewer than five Police Officers and/or holders of Commercial Drivers Licenses for drug testing. Human Resources shall provide a list of the chosen employees to the Director of Public Safety (or the Director's designee), who shall ensure that the chosen employees and their supervisors are notified and that the employees submit to the drug test as directed. In no event shall the employees to be tested receive notice of the test earlier than the day or shift during which they are to be tested.

### **Notification**

Except for the For Cause Testing described in this policy, employees identified for drug testing under this policy shall be provided a specific date and time to report for testing; such date and time shall be as soon as possible, but not later than two (2) business days following the date the individual receives notification to report. Therefore, individuals should be notified to report at a time that takes into account when the testing location is open. Most testing locations are closed on Saturday and Sunday, so in general, Monday, Tuesday and Wednesday are preferable to Thursday and Friday.

### **Counseling and Rehabilitation**

It is recognized and accepted that early treatment is the key to rehabilitation for substance abusers. Employees are encouraged to voluntarily request counseling or rehabilitation before their substance abuse leads to disciplinary or work related problems. If, prior to an arrest for substance abuse, an employee notifies their immediate supervisor that they illegally use a controlled substance, marijuana, or a dangerous drug and is receiving or agrees to receive treatment under a drug abuse and education program, such employee shall be retained for up to one year as long as the employee successfully follows the treatment program. AU reserves the right to require an employee to submit to periodic testing if the drug abuse and education program in which the employee is participating does not include some form of monitoring. If the employee fails to successfully follow the program, they must be discharged. No statement made by an employee to their supervisor in complying with this program shall be admissible against the employee in any proceeding. The rights granted in this section shall be available to an employee only once during a five year period, and shall not apply to an employee who has been asked to provide a sample for cause, or an employee who has refused a drug test, or tested positive for controlled substance, marijuana, or a dangerous drug.

### **Disciplinary Action**

Employees subject to testing due to their high-risk position shall be removed from the high-risk position or terminated from employment after compliance with the dismissal procedures of Augusta University if they decline to submit to a drug test or if they test positive for the use of illegal drugs. Employees subject to testing for reasonable suspicion shall be subject to disciplinary action to include possible termination after compliance with the dismissal procedures Augusta University if they decline to submit to a drug test or if they test positive for the use of illegal drugs. To the extent allowed by law, the identity of any

employee who declines a drug test, or who tests positive for drug use, shall be withheld from all persons except those who have need for such information in their official capacity.

### **Appeals**

Employees who are disciplined for substance abuse may appeal the discipline under the relevant classified employee or faculty policies. Candidates who are disqualified or not hired shall not be eligible to appeal.

### **FORMS AND RELATED DOCUMENTS**

- Alphabetical Index of Drug Testing Positions ([Attachment A](#))
- For Cause Testing Authorization Form ([Attachment B](#))
- Voluntary Authorization Form ([Attachment C](#))

### **RELATED POLICIES**

[Drug-Free Workplace for Employees Policy](#)

[Voluntary Disclosure of Drug Use](#)

### **APPROVED BY:**

Executive Vice President for Academic Affairs and Provost, Augusta University

Date: 4/16/2021

President, Augusta University

Date: 4/16/2021