

CM-7 Drug Free Workplace and Workforce

Purpose

To state the University's commitment to providing a drug free workplace and workforce pursuant to the provisions of the federal Drug Free Workplace Act of 1988 and interim Department of Defense rules for a program to achieve and maintain a drug free workforce.

Definitions

"drug free workplace" means a site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of the federal Drug Free Workplace Act of 1988.

"drug free workforce" means employees engaged in the performance of Department of Defense contracts who have been granted access to classified information; or employees in other positions that the contractor determines involve National Security, health or safety, or functions other than the foregoing requiring a high degree of trust and confidence.

"Controlled substance" means a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

"Criminal drug statute" means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentences, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

General Policy

Louisiana State University Health Sciences Center is committed to providing a drug free workplace and seeks to make its employees aware of the dangers of drug abuse in the workplace as well as the availability of drug counseling, rehabilitation and employee assistance through various communications media. In accordance with the Drug Free Workplace Act of 1988 and pursuant to applicable law, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace is prohibited. Workplace shall include any location on University property in addition to any location from which an individual conducts University business while such business is being conducted. Without reference to any sanctions which may be assessed through criminal justice processes, violators of this policy will be subject to University disciplinary action up to and including termination of employment.

OPERATING PROCEDURES

Violations of law regarding controlled substances (illegal drugs) that occur in the workplace are to be reported to the LSUHSC Campus Police. Action by LSUHSC upon conviction of any employed for violation of the law as provided herein may include but is not limited to written disciplinary action, suspension without pay, demotion, and/or mandatory participation in a drug abuse assistance or rehabilitation program at the employee's expense, or termination of employment.

Specific provisions regarding a drug free workplace apply to employees directly engaged in the performance of work pursuant to the provisions of a federal grant or contract. These provisions are described in Attachment

CM-7 Drug Free Workplace and Workforce

Page 2

of work pursuant to the provisions of a federal grant or contract. These provisions are described in Attachment I.

Further specific provisions regarding a drug free workforce apply to employees directly engaged in the performance of work pursuant to Department of Defense contracts who have been granted access to classified information: or employees in other positions that the contractor determines involve National Security, health or safety, or functions other than the foregoing requiring a high degree of trust and confidence. These provisions are described in Attachment II.

Signed: John C. McDonald, M.D. Chancellor
June 1, 2001

ADDENDUM I: DRUG FREE WORKPLACE

The federal Drug Free Workplace Act of 1988 contains specific requirements relating to University employees who are engaged in the performance of a federal grant or contract as follows:

Each such employee must receive a copy of the University policy providing a drug free workplace, which shall be provided through the official promulgation of this Policy Statement and such other means as may be appropriate, and each such employee:

1. Agree as a condition of employment to abide by the terms of the drug free workplace policy.
2. Must notify the LSUHSC Office of Human Resource Management of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.

The University is required to:

1. Notify the granting agency; within 10 days after receiving notice of conviction as above, or otherwise receiving notice of such conviction, the Director of Human Resource Management must notify the Grants Office so that they may comply with the federal requirements for notifying the federal funding agency within 10 days.
2. Within 30 days after receiving such notice, impose a sanction on, up to and including termination of employment, or require satisfactory participation in a drug abuse assistance or drug rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency at the employee's expense by any employee so convicted with such sanction or required participation to be coordinated by the Office of Human Resource Management through normal LSUHSC administrative processes.

3. Make a good faith effort to continue to maintain a drug free workplace through implementation of the requirements of this Act.

Signed: John C. McDonald, M.D. Chancellor

June 1, 2001

ADDENDUM II: DRUG FREE WORKPLACE

In addition to requirements of the Drug Free Workplace Act of 1988 which apply to all employees engaged in the performance of a federal grant or contract, the Department of Defense has issued regulations which specifically apply to employees engaged in the performance of a Department of Defense contract which are provided below.

Covered employees include those employees engaged in the performance of Department of Defense contracts as follows:

1. All Department of Defense contracts, involving access to classified information.
2. Any other Department of Defense contract when the contracting officer determines such application to be necessary for reasons of national security or for the purposes of protecting the health or safety of those using or affected by the product of or the performance of the contract (except for commercial or commercial-type products).
3. Excepted are any contracts or parts of contracts to be performed outside of the United States, its territories, and possessions, except as otherwise determined by the contracting officer.

For those Department of Defense contracts to which these regulations apply, the following specific conditions or appropriate alternatives apply:

- “(1) Employee assistance programs emphasizing high level direction, education, counseling, rehabilitation, and coordination with available community resources (which shall be as provided through any LSUHSC Employee Assistance Program);
- “(2) Supervisory training to assist in identifying and addressing illegal drug use by Contractor employees (which shall be as provided through the Office of Human Resource Management);
- “(3) Provision for self-referrals as well as supervisory referrals to treatment with maximum respect for individual confidentiality consistent with safety and security issues (which shall be as provided through the provisions of any LSUHSC Employee Assistance Program and this Policy Statement);
- “(4) Provision for identifying illegal drug users, including testing on a controlled and carefully monitored basis. Employee drug testing programs shall be established taking account of the following:
 - “(c) Contractor programs shall include the following, or appropriate alternative.
 - “(ii) In addition, the Contractor may establish a program for employee drug testing--

CM-7 Drug Free Workplace and Workforce

Page 3

- “(A) When there is a reasonable suspicion that an employee uses illegal drugs; or
- “(B) When a employee has been involved in an accident or unsafe practice;
- “(C) As a part of or as a follow-up to counseling or rehabilitation for illegal drug use;
- “(D) As a part of a voluntary employee drug testing program.
- “(iii) The Contractor may establish a program to test applicants for employment for illegal drug use.
- “(iv) For the purpose of administering this clause, testing for illegal drugs may be limited to those substances for which testing is prescribed by section 2.1 of Subpart B of the Mandatory Guidelines for Federal Workplace Drug Testing Program,” (53 FR 11980 (April 11, 1988)) issued by the Department of Health and Human Services.
- “(d) Contractors shall adopt appropriate personnel procedures to deal with employees who are found to be using drugs illegally. Contractors shall not allow any employee to remain on duty or perform in a sensitive position who is found to use illegal drugs until such time as the contractor, in accordance with procedures established by the contractor, determines that the employee may perform in such a position.
- “(e) The provisions of this clause pertaining to drug testing programs shall not apply to the extent they are inconsistent with state or local law, or with an existing collective bargaining agreement; provided that with respect to the latter, the Contractor agrees that those issues that are in conflict will be a subject of negotiation at the next collective bargaining session.”

Listed below are substance abuse programs offered by professional organizations or societies for specific groups.

ALLIED HEALTH PROFESSIONS STUDENTS	
GRADUATE	MEDICAL
Graduate Students Office for Student Affairs LSUHSC - Shreveport 1501 Kings Hwy Shreveport, LA 71130-3932 318-675-6802	Office for Student Affairs LSU School of Medicine 1501 Kings Highway Shreveport, La. 71130 318-675-5339
NURSES	PHYSICIANS
Ms. Betty Anderson Nursing Services 1501 Kings Highway LSU Health Sciences Center Shreveport, LA 71130 Phone 674-7397	Impaired Physicians Program LSU School of Medicine, Shreveport 1501 Kings' Highway Shreveport, LA 70130 Phone: 674-7656
EMPLOYEES - LSU HEALTH SCIENCES CENTER	
Employee Assistance Program LSU Health Sciences Center-Shreveport 1501 Kings Highway Shreveport, LA 71130-3932	

EMPLOYEE ASSISTANCE PROGRAM

An Employee Assistance Program is being established at LSU Health Sciences Center to assist employees who may be suffering from substance abuse or addiction to controlled

CM-7 Drug Free Workplace and Workforce

Page 4

substances. Services to be provided are described below:

INFORMATION AND REFERRAL: A counselor who will provide patient information on professional agencies and individuals in the community who are qualified to assist the patient in the resolution of his/her problem.

ASSESSMENT/PROBLEM CLARIFICATION: The E.A.P. counselor during an initial assessment will clarify problem areas and identify clinical needs by psychosocial histories and individual/family interviews. Identification of problems and/or clinical issues will be made with recommendations that can resolve the problem when possible. If resolution is not possible then referral to an appropriate resource which will assist the patient in the resolution of their problem will be made.

SHORT TERM COUNSELING: The counselor will provide short term counseling of a problem clarifying/solving nature to assist patients with problems which can adequately be resolved and/or addressed in 1 to 5 counseling sessions.

EXCEPTIONS: Exceptions to the foregoing will be made when it is deemed in the patient's interest to be referred upon initial contact and/or assessment.

MEDICAL INSURANCE: Employees should check their hospitalization insurance to determine their policy's coverage for mental health counseling. This might be of some limited assistance if there is a need for long term counseling.

PATIENT ADVOCACY: The counselor will serve in the capacity as advocate for the patient in obtaining services as appropriate to his/her needs, serve as a liaison for the patient on an as needed basis and additionally provide follow-up on the referral. To facilitate expeditious and appropriate referrals to community services, a current file of all potential service providers will be maintained.

SUPERVISORY AND DRUG SCREEN REFERRALS: The counselor operating under the guidelines governing confidentiality will provide a clinical assessment and referral to the patient and provide to LSUHSC only information regarding the patient's level of cooperation and participation in the E.A.P. services and recommended referral only after a release of information has been obtained from the patient. After obtaining a release of information, monthly follow up reports may be provided to management.

CONFIDENTIALITY

Patient records will be handled in accordance with the confidentiality requirements of PL93-282 and the Federal regulations of 42 CFR Part 21 (section 2.11n) and P193-579 (Privacy Act). Treatment records will never become part of an employee's personnel and medical files, but will remain available only to the E.A.P. staff. Records will be stored securely, and professional standards of content, legibility and timeliness will be maintained.

Signed: John C. McDonald, M.D. Chancellor
June 1, 2001