

NORTHWEST FLORIDA STATE COLLEGE
APPENDIX L

(Reference Policy: 6Hx17-5.021)

DRUG FREE WORK PLACE TESTING PROCEDURES

Purpose

The purpose of drug free workplace procedures at Northwest Florida State College is to provide a safe setting for learning and for work. The college complies with federal and state laws concerning a drug free workplace. It is a condition of employment to refrain from taking drugs on or off the job. If an injured worker refuses to submit to a test for drugs or alcohol, eligibility for medical and indemnity benefits may be lost.

Employment Procedures

1. Job announcements will state that NWFSC is a Drug Free Workplace. Safety sensitive and specialized risk jobs will require a satisfactory drug test before employment. Safety sensitive jobs are defined as bus/van drivers or other employees who operate vehicles that transport students. Special risk jobs are defined as safety inspectors and fire control inspectors.
2. Supervisors with authority to recommend individuals for employment in safety sensitive or specialized risk jobs will
 - a. Advise the primary candidate for the position that college policy requires satisfactory results on a pre-employment drug/alcohol test as a condition of employment.
 - b. The Human Resources Office will contact the candidate with instructions to arrange drug testing.
3. Supervisors are responsible for notifying the Director of Human Resources of the name of the primary candidate.
4. The Human Resources Office will contact the primary candidate to arrange pre-employment drug/alcohol testing. The College President will be notified of the results.

a. Satisfactory Test Results

When advised of satisfactory results, the president or designee will advise the candidate that NWFSC employment criteria has been met and the candidate may be considered for employment.

b. Unsatisfactory Test Results

Upon receipt of a confirmed unsatisfactory test result by the testing laboratory's Medical Review Officer, the Director of Human Resources will notify the President that the candidate did not meet the NWFSC hiring criteria. The President or the Director of Human Resources will notify the candidate. Candidates who fail to pass a drug test are not eligible to apply for positions at the College for a minimum of six months from the date the test results were received by the College.

5. Current part-time employees whose screening reports are unsatisfactory when applying for safety sensitive positions will be recommended for termination from current employment. They will be ineligible to apply for employment at the College for a minimum of six months from the date the test results were received by the College.

Post-Accident Testing Procedures

1. If an employee causes or contributes to an accident at work in which there is injury or property damage, or if an employee suffers an injury during and in the scope of his or her employment and there is reasonable suspicion that the employee has caused or contributed to the injury or accident, then the employee may be tested for the presence of alcohol or drugs in his or her system following the applicable provisions of this procedure statement and College policy.
2. Supervisors will inform the Human Resources Office of any incident involving an injury or property damage. In such cases and upon the recommendation of a supervisor who is at least one level of supervision higher than the immediate supervisor of the employee in question (except where the employee's immediate supervisor is the President of the College, in which case the President shall make the recommendation, if any), the Director of Human Resources shall inform the individual to be tested of where they should go to provide the specimen.

Reasonable Suspicion of Drug/Alcohol Abuse Procedures

1. Reasonable suspicion drug testing may be based on, among other things, the following:
 - Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
 - Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance over a period of time.
 - A report of drug use, provided by a reliable and credible source, which has been independently corroborated.
 - Evidence that an individual has tampered with a drug test during his employment with the current employer.
 - Information that an employee has caused, or contributed to, an accident while at work.
 - Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.
2. An employee whose behavior or performance shows a reasonable concern as to ability to perform the duties of regularly assigned work in a safe manner is subject to testing.
3. The refusal by an employee to submit to drug testing shall result in disciplinary action as though it were an unsatisfactory test result. The disciplinary action shall be recorded in the personnel file of the employee.
4. Supervisors will discuss questionable behavior patterns with employees. If a satisfactory explanation is not provided, the employee must submit to drug testing if recommended by the supervising Vice President, or Dean. For the Drug Free Workplace Act, the President is the highest level of supervision. Administrators also may contact the College Employment Assistance Program (EAP) counselor for help in understanding the behavior.
5. A full-time employee who requests help in overcoming an alcohol/drug problem may volunteer for help through the College Employee Assistance Program. The employee will not be subject to disciplinary action solely on the basis of admission to the EAP.
6. If the President or designee approves a request to require the employee to submit to a drug screening, the employee will be informed. The Director of Human Resources will be instructed to arrange drug testing within 24 hours of the request.
 - a. The employee must present a photo identification (drivers license, military identification, etc.) at the drug testing laboratory.
 - b. The college will arrange transportation for the employee to the drug testing laboratory.

7. If the test result is satisfactory, the employee will return to work without prejudice. Continued performance problems will be handled by established employee procedures.

8. If the result is unsatisfactory, the employee will be requested to get drug rehabilitation treatment through the College Employee Assistance Program. If the employee is a special risk employee, this paragraph will not apply. The EAP or personal physician will report the employee's attendance at the required programs to the Director of Human Resources. If the employee participates in the programs prescribed by the EAP, he/she will be permitted to continue in his/her college position. The employee will be subject to existing policies for continued employment and satisfactory results on drug tests that shall be required at least each six months on a random basis, to be determined by the President or designee. A second unsatisfactory test result will be considered grounds for termination.

9. Refusal to accept drug rehabilitation treatment through the EAP or a personal physician shall be considered a violation of the College Policy #6Hx17-5.021, and the employee will be subject to suspension, termination, and/or such other action the College considers appropriate.

10. Any employee who witnesses the use, possession or sale of an illegal substance by another employee on College property should immediately report that information to a supervisor or the Human Resources Office as a violation of College Policy #6Hx17-5.021.

Employee and Job Applicant Rights

1. An employee or job applicant will be provided a copy of the drug test results upon his/her written request to the Director of Human Resources.

2. Within five (5) working days after receiving notice of an unsatisfactory, confirmed test result, an employee or applicant for employment may submit written information explaining or contesting the test results and explaining why the test results do not constitute a violation of college policy. The information will be addressed to the Director of Human Resources.

3. If an employee or job applicant's explanation or challenge of the unsatisfactory test results is unacceptable to the college, a written explanation why the employee or job applicant's explanation is unsatisfactory, with the report of unsatisfactory results shall be provided by the employer to the employee or job applicant.

In evaluating the employee's explanation or challenge, the Director of Human Resources shall consider the report of the medical review officer; the employee's or job applicant's written explanation or challenge; the written report of circumstances that formed the basis of the determination that reasonable suspicion existed to warrant the testing, if applicable; matters contained in the employee's personnel file that are relevant to the employee's written explanation or challenge; and any other information deemed relevant by the President or his designee provided all such information is described and identified in the written evaluation of the employee's explanation or challenge.

4. Within 180 calendar days after receiving written notice of an unsatisfactory drug test, an employee can require that a portion or the original specimen be retested at personal expense at another laboratory licensed and approved by the Florida Department of Health and Rehabilitative Services. The second laboratory must test the specimen at the same or greater sensitivity for the drug in question.

5. If a drug test is conducted on the basis of reasonable suspicion, the President or designee requiring the test must, promptly, provide the Director of Human Resources with the details of the circumstances that formed the basis to determine reasonable suspicion. The Director of Human Resources must provide a copy of this information to the employee upon receipt of his or her written request.

Approved by the District Board of Trustees on July 21, 1992, in Regular Session.