

DEPAUL UNIVERSITY



Controlled Substance and Alcohol Testing for Safety-Sensitive Positions

Category: Human Resources

Responsible Department: Employee Engagement & Equal Employment Opportunity

Responsible Officer: Vice President for Human Resources

Effective Date: 8/24/2016

Policy Summary

The objective of this policy is to prevent the hiring and placement of persons in Safety-Sensitive Positions who due to the use of alcohol or prohibited controlled substances may cause harm to themselves, others, and/or cause damage to property.

Scope

This policy affects the following groups of the University:

- Full-Time Staff
- Part-Time Staff
- Full-Time Faculty
- Part-Time Faculty
- Students

This policy applies only to "Safety-Sensitive Positions" where inattention to duty and errors of judgment could potentially pose significant risk or harm to employees, students, or the general public. For purposes of this policy, a "Safety-Sensitive Position" is defined as:

All Public Safety Officers

Policy

Testing

Under this policy the term "prohibited controlled substance(s)" includes:

- Prohibited controlled substance(s) by federal or state law
- Prescribed drugs consumed by the applicant, but not prescribed to the applicant

Pre-employment Controlled Substance Testing for known Safety-Sensitive Positions (i.e. Public Safety Officers) will be performed by testing a urine sample provided by the individual at a controlled substance testing facility.

Post-incident and Reasonable Suspicion Testing will be performed via a breathalyzer machine for alcohol and a urine sample provided by the individual for controlled substances. Post-incident testing will occur at a site determined at the time of the incident. Reasonable Suspicion tests will be administered on DePaul premises by a lab technician.

The testing facility will use a standard 9-panel test which includes the following drugs:

- Amphetamines
- Benzoylcegonine (Cocaine)
- Cannabinoids (Post-incident and Reasonable Suspicion Testing only)
- Opiates (Codeine, Morphine, Heroin)
- Phencyclidine
- Barbiturates
- Benzodiazepines
- Propoxyphene
- Methadone

Results of all tests will be kept confidential and will not be disclosed except to the extent necessary to administer and enforce this policy, or pursuant to appropriate legal process.

Pre-employment Controlled Substance Testing

The employment or placement into a known Safety-Sensitive Position (i.e. Public Safety Officer) is contingent upon successful completion of a controlled substance test.

Testing is to be conducted post-offer, but prior to the final candidate beginning employment. Staffing will refer the final candidate to the controlled substance testing facility. Test appointment arrangements with a testing facility will be made directly by the final candidate.

Final candidates who refuse the controlled substance testing or test positive for prohibited controlled substances will have the job offer rescinded and will not be eligible to apply for any other positions covered by this policy for a period of one (1) year.

Post-Incident Testing Controlled Substance and Alcohol Testing

An employee in a Safety-Sensitive Position who is involved in an "incident" is subject to both controlled substance and alcohol testing. An "incident" occurs during the performance of Safety-Sensitive job functions, when there is an accident in one or more of the following situations:

- a human fatality;
- an injury requiring medical attention; or
- a citation for a moving violation is issued to the individual.

In the case of an incident the employee in a Safety-Sensitive Position must immediately contact the following offices, based on the day and time of the incident.

- The Employee Engagement & Equal Employment Opportunity unit in the Office of Human Resources at (312) 362-8577 on Monday - Friday between the hours of 9:00 a.m. – 5:00 p.m.
- The Office of Public Safety at (773) 325-777 (Lincoln Park campus), or (312) 362-8400 (Loop campus)

Once contact is made, the corresponding university representative will plan for the employee to be tested for controlled substances and alcohol within (2) hours of the incident.

If the specific circumstances of the incident make the post-incident procedures impracticable (e.g. the individual is incapacitated following the incident), the employee will comply with this policy by taking any necessary steps determined by the Employee Engagement & Equal Employment Opportunity (Office of Human Resources) to provide results of any controlled substance or alcohol tests administered by first responders or medical personnel.

Employees who are able and do not meet the established timeline to conduct the testing, refuse the testing, or test positive will face disciplinary actions as described in the Progressive Discipline policy.

Reasonable Suspicion Controlled Substance and Alcohol Testing

If a manager has a reasonable suspicion that an employee in a Safety-Sensitive Position is under the influence or is in the possession of a controlled substance or alcohol while performing his or her Safety-Sensitive job duties, s/he must consult with the Employee Engagement & Equal Employment Opportunity (Office of Human Resources)..

Reasonable suspicion should be based on a good faith belief that the employee manifests specific, articulable symptoms while working in a Safety-Sensitive Position that decrease or lessen the employee's performance. The following factors are potential but are not sole indicators to consider when assessing the behavioral influences of drugs or alcohol, including the individual's explanation, for determining reasonable suspicion.

- The physical symptoms or manifestations of drugs or alcohol use such as altered or slurred speech or repeated incoherent statements; dilated or constricted pupils, flushed skin, excessive sweating; excessive drowsiness or loss of consciousness without reasonable explanation; unusual or unexplained lack of physical dexterity or agility; irrational or unusual behavior.
- Inability to walk steadily or in a straight line or perform their normal Safety-Sensitive functions essential to the employee's position without reasonable explanation.
- Unexplained, prolonged or frequent disappearances from the work area.

- Accidents or near accidents on the job that appear related to unexplained sensory or motor skill malfunctions.
- Smell of an alcoholic beverage or cannabis on the employee when it is expected that they are performing safety-sensitive job duties.
- The direct observation of drug or alcohol use while at work or on duty or report of reasonable suspicion provided by a reliable and credible source.

The above factors may also be symptoms of a medical emergency, and emphasis should be placed first on the health and well-being of the employee. If there is medical emergency, individuals reporting the emergency should call 911 for immediate emergency services (e.g., paramedics, police, or fire).

Employees who are able and do not meet the established timeline to conduct the testing, refuse the testing, or test positive are subject to the Progressive Discipline policy.

Procedures

Pre-employment Testing:

All verbal and written offers of employment for known Safety-Sensitive Positions must include a statement indicating that the offer is contingent on successful completion of the pre-employment-controlled substance testing. Job postings for Safety-Sensitive Positions on the career website will state that the successful completion of a controlled substance testing is a condition of employment. Staffing will inform potential candidates at the start of the hiring process that controlled substance testing will be conducted if the candidate is offered the position.

The final candidate must be tested for controlled substances prior to the final candidate beginning employment. Staffing will refer the candidate to the controlled substance testing facility. The candidate will make the testing appointment directly with the testing facility. Except in an emergency, failure to keep the appointment as scheduled may be deemed a refusal to consent and result in revocation of the offer of employment with the university.

The controlled substance testing facility will notify Staffing of the results of the test. If the test is positive for prohibited controlled substances, Staffing will provide the candidate with contact information to discuss and/or challenge the test results with a Medical Review Officer. If a positive test for a candidate remains valid after discussing the test results with the Officer, the offer of employment will be rescinded by Staffing, who will also inform the hiring manager that the search must remain active due to the unsuccessful completion of the pre-employment requirements.

If the candidate is an internal employee of the University who is seeking a transfer or promotion, Staffing will inform an Employee Engagement & Equal Employment Opportunity representative. The Employee Engagement & Equal Employment Opportunity, representative will inform the employee's manager that the employee tested positive and will discuss appropriate action with the

manager, up to and including termination, in accordance with the Drug-Free Workplace and Legal Drinking Age Compliance policy. [LINK](#)

Final external candidates who refuse the controlled substance testing, or who test positive for prohibited controlled substances will not be eligible for any other position covered by this policy for one (1) year from the date of the test.

Results of all tests will be kept confidential and will not be disclosed except to the extent necessary to administer and enforce this policy, or pursuant to appropriate legal process.

Post-Incident Testing:

An employee in a Safety-Sensitive Position who is involved in an incident must be tested for controlled substances and alcohol. It is the responsibility of the employee to report any incident as follows:

- The Employee Engagement & Equal Employment Opportunity unit in the Office of Human Resources at (312) 362-8577 on Monday - Friday between the hours of 9:00 a.m. – 5:00 p.m.
- The Office of Public Safety at (773) 325-777 (Lincoln Park campus), or (312) 362-8400 (Loop campus)

The above offices will contact the Mobile Unit for in state and out-of-state testing by calling National Scheduling Center and a certified technician will be sent to the location to administer the testing.

Employees who refuse testing may not continue to perform in their Safety-Sensitive functions and are subject to disciplinary actions as described in the Progressive Discipline policy.

If the test is positive for prohibited controlled substances, the representative will provide the employee with contact information to discuss and/or challenge the test results with a Medical Review Officer. If an employee's test remains valid after discussing the test results with the Medical Review Officer, they will immediately lose driver certification and are subject to disciplinary action as described in the Progressive Discipline policy. Prior to the implementation of discipline, the employee will be informed of the basis for the potential discipline and will have a reasonable opportunity to provide Employee Engagement & Equal Employment Opportunity with any information or contrary evidence the employee deems relevant to determining whether discipline is warranted and, if so, the severity of the discipline.

If the test is negative, the appropriate representative will be notified by an Employee Engagement & Equal Employment Opportunity representative that the individual may return to the Safety-Sensitive Position, subject to any other safety or business considerations.

Reasonable Suspicion Testing:

If a manager has a reasonable suspicion an employee in a Safety-Sensitive Position is under the influence or is in the possession of a controlled substance or alcohol while performing his or her

Safety-Sensitive job duties, they must consult with an Engagement & Equal Employment Opportunity representative and the unit manager. After consultation, the manager may require the employee to submit to controlled substance and alcohol testing within (2) hours.

An Employee Engagement & Equal Employment Opportunity representative and the employee's unit manager, must be notified as soon as practicable by the employees' manager if there is a reasonable suspicion during the University's standard hours of operation, 9:00am to 5:00pm Monday through Friday; An Employee Engagement & Equal Employment Opportunity representative will coordinate an on-site test within (2) hours.

If the reasonable suspicion occurs outside of the University's standard hours of operation, the manager must contact the Vice President of Human Resources or designee for testing approval.

The Vice President of Human Resources or designee will contact the Mobile Unit for testing by calling National Scheduling Center and a certified technician will be sent to the location to administer the testing.

Employees who suspect another employee or a manager of being under the influence or in the possession of a controlled substance or alcohol while performing his or her Safety-Sensitive job duties, should contact the suspected employee's manager or report the incident to Public Safety.

Employees who refuse testing may not continue to perform their Safety-Sensitive job duties and are subject to disciplinary actions as described in the Progressive Discipline policy.

If the test is positive for prohibited controlled substances, the representative will provide the employee with contact information to discuss and/or challenge the test results with a Medical Review Officer. If an employee's test remains valid after discussing the test results with the Medical Review Officer, they will immediately lose driver certification and are subject to disciplinary actions as described in the Progressive Discipline policy. Prior to the implementation of discipline, the employee will be informed of the basis for the potential discipline and will have a reasonable opportunity to provide Employee Engagement & Equal Employment Opportunity with any information or contrary evidence the employee deems relevant to determining whether discipline is warranted and, if so, the severity of the discipline.

If the test is negative, the appropriate representative will be notified by an Employee Engagement & Equal Employment Opportunity representative that the employee may return to the Safety-Sensitive Position. If the individual has any other safety or business concerns, he or she may consult with an Employee Engagement & Equal Employment Opportunity representative prior to the employee returning to their job duties.

Divisional Collaborations

Compliance & Risk Management
Office of General Counsel
Office of Public Safety

Contact Information

None.

Appendices

Drug-Free Workplace and Legal Drinking Age Compliance

Safety Training/Driver Certification

University Vehicle, Driver and Travel Safety Policy

Progressive Discipline policy

History/Revisions

Origination Date: 03/05/2014

Last Amended Date: 05/18/2020

Next Review Date: N/A