

## DRUG AND ALCOHOL USE AND TESTING POLICY

- I. The University of Central Oklahoma (“the University”) is committed to providing its employees with a safe workplace. Employees are required to be in a suitable mental and physical condition while at work, and to perform their jobs effectively and safely. It shall be the policy of the University that:
  - A. Employees are required to report to the University’s premises, work sites, vehicles, client locations or customer work sites, or any other location employees may visit as a part of their employment, with no substances that impair cognitive, psychological or physical capacity in their body (these are referred to as “prohibited substances”).
  - B. Employees are prohibited from the unlawful possession, use, sale, distribution, or manufacture of illegal drugs, alcoholic beverages or other prohibited substances on the University’s premises, work sites, vehicles, client locations or customer work sites.
  - C. Employees are prohibited from the off-premises use of alcohol and possession, distribution, use, or sale of illegal drugs when such activities negatively affect job performance, job safety, or the University’s reputation.
  - D. Violation of any of these policies may result in disciplinary action, including possible termination of employment.
  - E. Any employee who is convicted under any federal or state criminal drug and/or alcohol statute must notify a member of management or the Human Resources Department within three (3) days of the charge and/or conviction. Charges and/or convictions may result in disciplinary action, including possible termination of employment.
  - F. The University may also search employer owned property or premises used by the employees, as well as the personal effects of employees (to include clothing, vehicles, containers, tool boxes, lunch pails, lockers and the like) brought onto the University’s property. The University may take into custody any illegal, unauthorized or prohibited substances or other items and may turn them over to the proper law enforcement agencies. Refusal to allow a search or interference with a search by an employee may result in disciplinary action, including possible termination of employment.
- II. **Individuals Subject to Drug or Alcohol Testing.** All employees of the University are subject to this policy. Also, independent contractors, subcontractors, and/or employees of independent contractors or subcontractors are subject to this policy while performing work for the benefit of the University.
- III. **Circumstances for Testing.** The circumstances under which the University may request or require drug or alcohol testing are:
  - A. Applicant Testing: Applicants who have received a conditional offer of employment. A positive test or a refusal to undergo testing may result in a refusal to hire.

- B. For-Cause Testing: Any time the University reasonably believes an individual may be under the influence of drugs or alcohol. Circumstances causing testing may include, but are not limited to:
1. Drugs or alcohol on or about the person or in the person's vicinity;
  2. Conduct on the individual's part that suggests impairment or influence of drugs or alcohol;
  3. A report of drug or alcohol use while at work or on duty;
  4. Information that an individual has tampered with drug or alcohol testing at any time;
  5. Negative performance patterns; or
  6. Excessive or unexplained absenteeism or tardiness.
- C. Post-Accident Testing: If an employee or another person has sustained any injury while at work, or if the University's property has been damaged, including damage to equipment.
1. For purposes of workers' compensation, no employee who tests positive for the presence of substances defined and consumed pursuant to Section 465.20 of Title 63 of the Oklahoma Statutes, alcohol, illegal drugs, or illegally used chemicals, or refuses to take a drug or alcohol test required by the employer, shall be eligible for such compensation.
- D. Random Testing: The University may require an individual or all members of a classification or group to be tested at random and may limit random testing to particular employment classifications or groups. Pursuant to the Standards for Workplace Drug and Alcohol Testing Act the University may require random testing only of employees who:
1. Are police or peace officers;
  2. Have drug interdiction responsibilities;
  3. Are authorized to carry firearms; or
  4. Are engaged in activities that directly affect the safety of others.
- E. Scheduled: As a routine part of a routinely scheduled fitness for duty medical examination or if scheduled routinely as part of the University's written policy. Pursuant to the Standards for Workplace Drug and Alcohol Testing Act the University may require scheduled testing only of employees who:
1. Are police or peace officers;
  2. Have drug interdiction responsibilities;

3. Are authorized to carry firearms; or
4. Are engaged in activities that directly affect the safety of others.

F. **Post-Rehabilitation Testing:** In those instances in which the University offers or requires an employee the opportunity to successfully complete a drug and/or alcohol rehabilitation program in lieu of dismissal or following a positive test that did not result in dismissal, the employee may be required to undergo testing for up to two years after returning to work.

IV. **Substances Which May Be Tested.** Under this Policy, the University may test for drugs and alcohol.

V. **Testing Methods and Collection Procedures.**

- A. Samples shall be collected and tested only by individuals deemed qualified by the State Department of Health and may be collected on the premises of the employer;
- B. Only samples deemed appropriate by the State Department of Health for drug and alcohol testing shall be collected;
- C. The collection of samples shall be performed under reasonable and sanitary conditions;
- D. A sample shall be collected in sufficient quantity for splitting into two separate specimens, pursuant to rules of the State Board of Health, to provide for any subsequent independent analysis in the event of challenge of the test results of the main specimen;
- E. Samples shall be collected and tested with due regard to the privacy of the individual being tested. In the instances of urinalysis, no employer or representative, agent or designee of the employer shall directly observe an applicant or employee in the process of producing a urine sample; provided, however, collection shall be in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples;
- F. Sample collection shall be documented, and the documentation procedures shall include:
  1. labeling of samples so as reasonably to preclude the probability of erroneous identification of test results; and
  2. an opportunity for the applicant or employee to provide notification of any information which the applicant or employee considers relevant to the test, including identification of currently or recently used prescription or nonprescription drugs, or other relevant information.
- G. Sample collection, storage, and transportation to the testing facility shall be performed so as reasonably to preclude the probability of sample contamination or adulteration;

- H. Sample testing shall conform to scientifically accepted analytical methods and procedures. Testing shall include confirmation of any positive test result by gas chromatography, gas chromatography-mass spectroscopy, or an equivalent scientifically accepted method of equal or greater accuracy as approved by Board rule, at the cutoff levels as determined by Board rule, before the result of any test may be used as a basis for refusal to hire a job applicant or any action by an employer pursuant to 40 O.S. § 562 of this act;
- I. A written record of the chain of custody of the sample shall be maintained from the time of the collection of the sample until the sample is no longer required;
- J. The University will use testing services and facilities that have been licensed by the State Department of Health to test for the presence of or abuse of drugs or alcohol.

**VI. Consequences for Violating the Testing Policy.**

- A. Refusal to be Tested: Any individual who refuses to submit to the University's request for drug and/or alcohol testing, or refuses to complete the required forms will be subject to termination from employment, or will not be eligible for employment, as the case may be. Interfering with and/or failing to cooperate with the testing process will be treated as refusal to be tested.
- B. Adulteration, Tampering or Manipulation of Samples: Any individual who attempts to alter, tamper or manipulate any testing samples will be subject to termination from employment, or will not be eligible for employment.

**VII. Personnel Action Which May Be Taken as a Result of a Positive Test Result.**

- A. Any individual who violates this Policy regarding actual or intent to possession, consumption, use, transfer, solicitation or sale of illegal drugs, illegal possession or inappropriate or immoderate use of alcohol or the abuse of prescription or over-the-counter drugs will be subject to disciplinary action, including but not limited to termination.
- B. Any employee who tests positive will be subject to discipline up to and including termination. However, the University may, in its sole discretion, suspend disciplinary action or impose discipline less than termination, on the condition that the employee successfully completes a program of rehabilitation or treatment satisfactory to the employer. An employee who has been afforded this opportunity, but who does not successfully complete their rehabilitation or treatment of the program will be subject to termination from employment.

**VIII. Confidential Explanation By Individual.** Any individual testing positive or who has otherwise violated this Policy will be given an opportunity to offer an explanation, in confidence, to a representative of the University that is normally a medical review officer.

**IX. Records.** Testing records are the property of the University. However, on written request, those records will be made available for inspection and copied to the individual tested. Testing records will be treated as confidential and will be maintained separate from other personnel records. The

University will not release these records other than to the individual tested, or the University's review officer, unless the individual tested has granted written permission for the employer to release such records, or to allow the University to comply with a valid judicial or administrative order. **Employee grants permission to the University to release testing records for purposes of unemployment, workers compensation and other employment-related legal actions.**

- X. **Appeal Procedures.** Within 24 hours of receiving notice of a positive test, the tested individual may request a subsequent confirmation test of a sample. That individual must pay all costs of the confirmation test. If the confirmation test reverses the original positive result, the University will reimburse the individual for the cost of the confirmation test.
- XI. **Policy Changes.** The University upon ten (10) days' notice can change any part of this policy.
- XII. **Definitions.** For the purposes of this policy, the following terms shall be defined as:
- A. "Alcohol" means ethyl alcohol or ethanol;
  - B. "Applicant" means a person who has applied for a position with an employer and received a conditional offer of employment;
  - C. "Board" means the State Board of Health;
  - D. "Confirmation test" means a drug or alcohol test on a sample to substantiate the results of a prior drug or alcohol test on the same sample and which uses different chemical principles and is of equal or greater accuracy than the prior drug or alcohol test;
  - E. "Department" means the State Department of Health;
  - F. "Drug" means amphetamines, cannabinoids, cocaine, phencyclidine (PCP), hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, synthetic narcotics, designer drugs, or a metabolite of any of the substances listed herein;
  - G. "Drug or alcohol test" means a chemical test administered for the purpose of determining the presence or absence of a drug or its metabolites or alcohol in a person's bodily tissue, fluids or products. Adulteration of a specimen or of a drug or alcohol test shall be considered as a refusal to test;
  - H. "Employee" means any person who supplies labor for remuneration to his or her employer in this state and shall not include an independent contractor, subcontractor or employees of an independent contractor; provided, however, an independent contractor, subcontractor, or employees of an independent contractor, may be subject to a workplace drug or alcohol testing policy under the terms of the contractual agreement when the drug or alcohol testing policy applies to other workers at the job site or workers who are in the same or similar classification or group;

- I. "Employer" means any person, firm, corporation, partnership, association, nonprofit organization or public employer, which has one or more employees within this state, or which has offered or may offer employment to one or more individuals in this state;
- J. "Public employer" means the State of Oklahoma or any political subdivision thereof, including any department, agency, board, commission, institution, authority, public trust, municipality, county, district or instrumentalities thereof;
- K. "Review officer" means a person, qualified by the State Board of Health, who is responsible for receiving results from a testing facility which have been generated by an employer's drug or alcohol testing program, and who has knowledge and training to interpret and evaluate an individual's test results together with the individual's medical history and any other relevant information;
- L. "Sample" means tissue, fluid or product of the human body chemically capable of revealing the presence of drugs or alcohol in the human body; and
- M. "Testing facility" means a facility which provides laboratory services to test samples for the presence of drugs or alcohol.