

OFFICE OF THE CHANCELLOR
LOUISIANA STATE UNIVERSITY AT ALEXANDRIA

SUBJECT: ILLEGAL USE OF DRUGS OR ALCOHOL

PURPOSE: Louisiana State University at Alexandria (LSUA) is committed to maintaining an environment which supports the teaching and service mission of the University. Although the University respects an employee's right to privacy, the illegal use of drugs or alcohol within the University community interferes with the accomplishment of the University's mission.

Louisiana State Law prohibits the consumption, possession, distribution, possession with intent to distribute, or manufacture of drugs described as controlled dangerous substances in the Louisiana Revised Statutes 40:964; and other statutes define the illegal possession and/or use of alcohol. Further, various federal and state laws and regulations apply to the employees of Louisiana State University at Alexandria, including the Federal Drug Free Workplace Act of 1988, interim Department of Defense rules for a program to achieve and maintain a drug free workforce. The Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), and Revised Statutes of the State of Louisiana. This policy is specifically directed at illegal actions involving alcohol and controlled drugs. (The Interim Policy governs the legal use of alcoholic beverages in its facilities and on its premises.)

GENERAL POLICY

Louisiana State University at Alexandria is committed to providing a workplace free from the illegal use of drugs and alcohol and seeks to make its employees aware of the dangers of drug and alcohol abuse as well as the availability of drug counseling, rehabilitation and employee assistance through various communications media available to it. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace is prohibited as is the illegal possession and/or consumption of alcohol. 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.

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.

"misuse use of alcohol" means any possession, consumption or other use of an alcoholic beverage in violation of this policy.

"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.

"employee" includes faculty, other academic, unclassified, classified, graduate assistants, student employees and any other person having an employment relationship with the University.

"safety and security sensitive" means positions for which there is a high likelihood of causing serious injury or harm to self, other employees, students, those served by the University, and the general public as well as those positions for which the consequences of failure to perform duties in a safe and proper manner are likely to result in serious injury or harm and those positions which involve the custody of data which are of such a nature that it affects or may affect the security of the position or department or unit to which the position is assigned (Human Resource Management maintains a complete list of designated positions).

EMPLOYEE EDUCATION, PREVENTION, AND COUNSELING SERVICES

Human Resource Management will notify all employees annually of its policies and procedures governing the illegal use of alcoholic beverages and drugs and through appropriate media, make

employees aware of the dangers of abusive or illegal use of alcohol or drugs. Specific attention is directed to the harmful effects of certain illegal controlled substances described in Exhibit III. Through the University Employee Assistance Program, employees with drug and alcohol related problems may seek help. Employees in violation of this policy as it relates to alcohol or drugs or otherwise determined to be suffering from behavioral problems adversely affecting their performance as employees may be mandatorily referred to the Employee Assistance Program as an alternative to disciplinary action or in addition to disciplinary action. The Employee Assistance Program provides free initial diagnosis and screening. Subsequent sessions are the financial obligation of the employee and may qualify for coverage in the State Employees Group Benefits Program and most Health Maintenance Organizations for those who are members.

Student Services also provides assistance to employees with alcohol or drug-related problems. Student Services is located in the Student Center, West Wing, 2nd Floor. Those employees who voluntarily seek assistance from the Assistance Program and/or Student Services are assured that professional standards of confidentiality will be maintained. Such counseling, treatment and rehabilitation services are too numerous to list here, but referral to appropriate community agencies is also available through Student Services.

PROHIBITIONS

To establish and maintain a safe work environment, LSUA prohibits an employee being on the job while having alcohol in his/her body that is above the prohibited alcohol concentration levels, prohibit the use of or presence of illegal drugs or other dangerous substances in the bodies of its employees while on duty, on call and/or engaged in LSUA business on or off LSUA premises. LSUA further prohibits the sale, purchase, transfer, concealment, transportation, storage, possession, distribution, cultivation, manufacture, dispensing of illegal or unauthorized drugs or related paraphernalia while on duty, on call and/or engaged in LSUA business on or off LSUA premises.

The prohibitions of this policy extend to the following:

- A. Illegal drugs, unauthorized controlled substances, abuse of inhalants, look-alike drugs, designer and synthetic drugs, and any other unauthorized drugs, abnormal or dangerous substances which may affect an employee's mood, senses, responses, motor functions, or alter or affect a person's perception, performance, judgement or reactions while working including those drugs identified in Schedules I through V of Louisiana R.S. 40:964 or Section 202 of the Controlled Substances Act, 21 U.S.C. 812.

NOTE: Illegal drugs include:

1. Any drug which is not legally obtainable.
 2. Any drug which is legally obtainable but has not been legally obtained; or
 3. Legally obtained (prescription) drugs not being used for prescribed purposes or in excess of prescribed dosages.
- B. Misuse of alcoholic or intoxicating beverages; and
- C. Drug related paraphernalia as defined in R.S. 40:1031, including any unauthorized material or equipment or items used or designated for use in testing, packaging, storing, injecting, ingesting, inhaling, or otherwise introducing into the human body those substances covered by this policy.

ALCOHOL MISUSE POLICY

Alcohol misuse is prohibited. This prohibition extends to 1) use of alcohol on the job; 2) use of alcohol during the four hours before performance of safety-sensitive and security-sensitive functions; and 3) having a prohibited alcohol concentration level in the individual's blood system while on the job. Any employee exhibiting behavior and/or appearance characteristic of alcohol misuse or whose job performance appears to be impaired by alcohol or who is involved in an accident in which the misuse of alcohol is suspected may be required to submit to a test for the presence of alcohol. In addition, each applicant for employment or each employee who is required to obtain a commercial driver's license (CDL) must be tested for drugs, alcohol, or controlled substances in accordance with the provisions of the Omnibus Transportation Employee Testing Act of 1991.

A blood alcohol concentration level of 0.08 or greater is considered to be above the prohibited alcohol concentration level.

The use of alcohol will not be permitted on the premises of LSU at Alexandria or the Dean Lee Research Station. The following exceptions apply:

1. Sponsors of special functions who wish to serve alcoholic beverages must secure written approval in advance from the appropriate administration (i.e., for functions at LSUA, the Chancellor, for functions at Dean Lee, the Director of the Research Station). Approval will be granted on a case by case bases for beer and wine only.
2. Campus residents within the confines of their residences.

PRESCRIPTION/LEGAL DRUGS

The use of drugs/medications prescribed by a licensed physician is permitted provided that it will not affect the employee's work performance. The employee shall notify his/her direct supervisor of any drugs/medications prescribed by a licensed physician in those instances when the

physician or pharmacy advises that the employee's performance could be impaired or when the employee believes use of the prescribed drugs/medications will impair his/her ability to perform his/her usual duties and responsibilities. Employees are encouraged to utilize accrued leave, with approval, in those instances where impaired functioning is a distinct possibility.

Employees are encouraged to maintain prescribed drugs/medications in the original prescription containers which properly identify the employee's name, medication name, issuing physician, and dosage.

LSUA reserves the right to have a licensed physician of its own choice determine if use of a prescription drug/medication produces effects which may impair the employee's performance or increase the risk of injury to the employee or others. If such is the case, LSUA reserves the right to suspend the work activity of the employee during the period in which the employee's ability to safely perform his/her job may be adversely affected by the consumption of such medication.

DRUG TESTS/SCREENS

LSUA reserves the right to require drug screening for pre-employment, re-employment or reinstatement. Also, employees in safety-sensitive and security-sensitive positions may be subject to random/unannounced drug testing. All employees are subject to being tested for drugs under the following circumstances:

1. Post-Accident/Incident - following an accident that occurs during the course and scope of an employee's employment that results in an on the job injury that required medical treatment. Such testing is required of any employee who is directly involved in such an incident and whose action or inaction may have been a causative factor.
2. Reasonable Suspicion - this is defined as a supervisor's belief, based upon reliable, objective, and articulable facts that a person is violating this policy. A decision to test must be based on direct observation of specific physical, behavioral, or performance indicators. The decision to test shall be made by the Director of Human Resource Management or other designated appointing authority. This testing is likewise applicable to an employee found in possession of suspected illegal or unauthorized items as previously defined.
3. Rehabilitative - required for those employees participating in substance abuse after-care treatment for up to sixty (60) months, pursuant to the terms of the rehabilitation agreement.
4. Routine Unannounced Testing - the University reserves the right to use routine unannounced testing for those employees in safety-sensitive and security-sensitive positions where any form of substance abuse may affect the operation of the department through unsafe work behavior/performance or error in judgement, or where substance abuse could jeopardize the safety and well-being of employees, other personnel, or the general public.

Employees, individually or in groups, may be randomly selected for unannounced drug/alcohol testing. Jobs selected for random testing include those requiring certain safe work practices, those having responsibility for the safety of others and those involving security sensitive functions, as may be determined by the University. LSUA maintains a list of such jobs and will notify employees who hold such positions in the event that drug testing is required.

A list of randomly selected employees in jobs which are subject to the periodic unannounced sampling procedure will be generated from HRM computer files. Sufficient names will be produced to provide a suitable number of employees to be tested. HRM will send an appropriate notice to the appropriate supervisor who will notify the employee(s) to report for testing.

Testing methodologies to be used include urine test, blood test, and/or breath tests. These tests shall be used to determine violations of this policy by detecting the presence of any illegal or unauthorized drugs, alcohol, or other substances in the body.

TARGET DRUGS

Drug testing of LSUA employees pursuant to this policy shall target the presence of the following drugs or their metabolites in the body:

1. Cannabinoids (marijuana);
2. Opiates;
3. Methamphetamine;
4. Cocaine metabolite; and
5. Phencyclidine (PCP)

Additional tests for additional drugs or their metabolites may be performed if circumstances warrant. Further, LSUA will test for the presence of alcohol through breath or blood testing methodologies if circumstances warrant.

TESTING PROCEDURE

The collection, custody, storage, and analysis of drug test samples will be performed in compliance with Substance Abuse and Mental Health Services Administration (SAMSHA) Guidelines. Testing will be conducted under the direction and supervision of a laboratory certified by SAMSHA and in accordance with SAMSHA Guidelines. To ensure accuracy, a sequence of two (2) tests, at LSUA's expense, will be utilized. Initial testing will be by the immunoassay methodology. Each presumptively positive sample will then be subjected to

additional, more precise confirmatory testing through means of the gas chromatography-mass spectrometry (GC- MS) methodology.

A test confirmed as positive through this dual testing procedure indicates the presence of a drug or its metabolite at or above the cutoff level prescribed by this policy. Particular cutoff levels may be dependent upon the employee's assigned duties within the University. The applicable standards for cutoff levels for drugs are defined by the "Mandatory Guidelines for Federal Workplace Drug Testing Programs," 53 F.R. 11979; "Programs for Chemical Drug and Alcohol Testing of Commercial Vessel Personnel," 46 C.F.R. Parts 4, 5, and 6; and "Procedures for Transportation Work Place Drug Testing Programs, " 49 C.F.R. Part 40. R.S. 1001, et seg. The applicable standards for cutoff levels for alcohol are set by the Omnibus Transportation Employee Testing Act of 1991.

Test results shall be documented and maintained with strict confidentiality. Positive test results and samples will be maintained in accordance with law and applicable medical standards.

SEARCHES/INSPECTIONS

In furtherance of this policy, employees are hereby notified that University offices and work sites are the property of the University and there is no expectation of privacy with regard to University offices and work sites. Under appropriate circumstances and in accordance with the law, the University, in conjunction with law enforcement authorities, reserves the right to conduct unannounced searches and inspection of LSUA facilities and properties, including vehicles.

ENFORCEMENT

Each alleged violation of this policy will be handled on a case-by-case basis. Certain employees may be rehabilitated, while others may have manifested total disregard for the health, welfare, and safety of themselves or others. Participation in the LSUA Employee Assistance Program may be treated by the University as a positive attempt by the employee to combat his/her substance abuse problem and indicative of a future desire to adhere to this policy. However, participation in the EAP will not shield the employee from enforcement of this policy and disciplinary action, where appropriate. After a review of all data, including any defenses or additional test results produced by the employee, appropriate action will be taken, which may include the following:

- A. Refusal or failure to submit to a test - Termination.
- B. Submission of an adulterated or substitute sample in the testing process - Termination.
- C. Buying, selling, dispensing, distributing or possession of an illegal or controlled dangerous substance or unauthorized alcohol while on duty or on LSUA premises -Termination.

- D. Unjustifiable possession of drug-related paraphernalia on duty or on LSUA premises - Suspension and/or termination.
- E. Unjustifiable possession of an excess quantity of legal (prescription) drugs - Suspension and/or termination.
- F. Positive test result for illegal or controlled dangerous substance - Suspension and/or termination.
- G. Positive blood alcohol level - Suspension and/or termination.

DRUG AND ALCOHOL ARRESTS/CONVICTIONS

Any LSUA employee convicted of a criminal drug or drug-related offense which occurs on or off duty must notify his/her immediate supervisor within the next work day or immediately upon the employee's return to the workplace. Upon final disposition of the criminal proceedings, LSUA will review all evidence to determine whether disciplinary action, including termination, is warranted. In all cases involving an employee's arrest on a drug or drug-related offense which occurs on the job or on LSUA premises, prompt investigation will be conducted and, disciplinary action taken, if warranted.

The Federal Drug-Free Workplace Act of 1988 requires that each employee notify his/her supervisor within five (5) days of conviction of any criminal drug statutes when such offense occurred in the workplace, while on official business, during work hours, or when in on-call duty status. Federal law requires that LSUA report within ten (10) days any such criminal drug statute conviction to each Federal Agency from which grants or contracts are received.

Employees whose jobs require driving, even occasional driving, are required to notify their immediate supervisor if their driving privileges are suspended or revoked. Supervisors are required to report all suspensions and/or revocations to Human Resource Management. DUI convictions create a distinct problem in the workplace as a result of the driver's license forfeiture provisions of Louisiana R.S. 32:414 and Louisiana R.S. 32:661, ET SEQ. Employees who operate department vehicles on a regular and recurring basis may be forced to utilize accrued annual compensatory leave or be placed in leave without pay status during the pendency of any period of suspension. Supervisors will attempt to accommodate those employees suffering suspensions of reasonable duration, including temporary reassignment of duty and/or possible placement into another classification that does not require a valid driver's license, provided that such a bonafide vacancy exists. However, employees should realize that circumstances may justify termination if no reasonable, accommodating measures exist or if the driver's license suspension extends beyond a reasonable period of time, as is the case with a second or subsequent submission/refusal to breath alcohol testing. Affected employees are encouraged to seek restricted/hardship licenses which authorize driving for employment purposes. Employees

returning to work after any such suspension shall be required to provide proof of restoration of driving privileges.

CRIMINAL PENALTIES

Employees are responsible under both University policy and state law for their conduct. It is the policy of the University to arrest and refer for prosecution any person who violates state or federal law concerning alcohol or drugs while within the jurisdiction of the LSUA University Police.

It is unlawful in Louisiana to produce, manufacture, distribute or dispense or possess with intent to produce, manufacture, distribute, or dispense controlled dangerous substance classified in Schedule I, Schedule II, Schedule III, Schedule IV or Schedule V unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner or as a provider in R.S. 40:978, while acting in the course of his or her professional practice, or except otherwise authorized by law.

Penalties under Louisiana law for violation of laws regulating controlled dangerous substances are as follows:

Schedule I (R.S. 40:966 includes various opiates, hallucinogens, depressants, and stimulants). The maximum penalty provided by law for possession of Schedule I drugs, upon conviction, is imprisonment at hard labor for not less than four years nor more than ten years without benefit of probation or suspension of sentence and, in addition, may require a fine to be paid up to \$5,000.

Schedule II (R.S. 40:967 includes other opiates and depressants). The maximum penalty for violating Louisiana law concerning controlled dangerous substances under Schedule II, upon conviction, is imprisonment at hard labor for not less than 5 years nor more than 30 years and, in addition, may require a fine of not more than \$15,000.

Schedule III and IV (R. S. 40:968 and 40:969 includes stimulants, depressants, and other narcotics). The maximum penalty for violating Louisiana law concerning controlled dangerous substances under Schedules III and IV, upon conviction, shall be a maximum term of imprisonment at hard labor for not more than 10 years, and in addition, may be sentenced to pay a fine of not more than \$15,000.

Schedule V (R.S. 40:970). The maximum penalty for violating Louisiana law concerning controlled dangerous substances under Schedule V, upon conviction, is a term of imprisonment

at hard labor for not more than 5 years and, in addition, may be sentenced to pay a fine of not more than \$5,000.

The Revised Louisiana Criminal Code carries specific penalties for possession of marijuana. For a first conviction, the offender shall be fined not more than \$500, imprisoned in the parish jail for not more than 6 months, or both. For a second conviction of possession of marijuana, the offender shall be fined not more than \$2,000 and imprisoned with or without hard labor for not more than 5 years, or both. For a third conviction of possession of marijuana, the offender shall be sentenced to imprisonment with or without hard labor for not more than 20 years. More severe penalties exist for possession of marijuana with the intent to distribute and for the actual distribution of marijuana.

The Louisiana Criminal Code (R.S. 14:91.5) defines the unlawful purchase, consumption and public possession of alcoholic beverages by any person under the age of twenty-one years (except under narrowly specified exceptions). A fifty dollar fine is assessed for violation of this statute. For the unlawful purchase of alcoholic beverages by adults on behalf of minors (R.S. 14:91.3), the penalty is a fine of not more than \$300 or imprisonment for not more than 30 days. For operating a vehicle while intoxicated (R.S. 14:98), the penalty for a first conviction is a fine of not less than \$125 nor more than \$500 and imprisonment for not less than ten days nor more than six months which may be modified by imposing a court-approved substance abuse program and driver improvement program. For second and third convictions, more serious penalties are imposed.

In addition to the above Louisiana laws, specific attention is directed to federal laws governing controlled substances and the penalties thereto as provided in Exhibit IV.

REPORTING

Bi-annually, the Director of Human Resource Management will report to the Chancellor an assessment of the effectiveness of institutional efforts at drug prevention and treatment for employees and will make recommendations for changes in those programs as needed. Director of Human Resource Management will monitor all disciplinary actions taken under this policy for consistent enforcement and report thereon to the Chancellor bi-annually.

In accordance with Executive Order MJF 98-38, the Chancellor will report to the Office of Governor the number of employees affected by the drug testing program, the categories of testing being conducted, the costs of testing, and the effectiveness of the program annually.

Source: Drug-Free Workplace Act of 1988. Department of Defense Federal Acquisition Regulation Supplement; Drug-free Work Force (Interim rule and request for comment), Drug-Free Schools and Communities Act Amendments of 1989. Executive Order MJF 98-38.

CONFIDENTIALITY

LSUA respects the individual rights of its employees. Any employee involvement in the LSUA Employee Assistance Program (EAP) or other rehabilitative program for substance abuse problems will be handled with confidentiality. Employees seeking such assistance shall be protected from abuse, ridicule, retribution, and retaliatory action. All medical information obtained will be protected as confidential unless otherwise required by law or overriding public health and safety concerns.

The results of all drug screens obtained in compliance with this policy will be confidential, except on a need to know basis. LSUA may deliver any illegal drug, controlled dangerous substance, or other substance prohibited by this policy, discovered on LSUA property or on the person of a LSUA employee to appropriate law enforcement agencies. Likewise, any employee engaged in the sale, attempted sale, distribution, or transfer of illegal drugs or controlled substances while on duty or on LSUA property will be referred to appropriate law enforcement authorities.

CONCLUSION

The use of illegal drugs and abuse of alcohol or other controlled substances, on or off duty, is inconsistent with law-abiding behavior expected of the citizens of the State of Louisiana. LSUA will not tolerate substance abuse or use which imperils the health and well-being of its employees and the public, or threatens its service to the public. LSUA's intention, through this policy, is to adhere to the Federal Drug-Free Workplace Act of 1988, 34 C.F.R. Part 83, Subpart F, the Department of Transportation Procedures for Transportation Workplace Drug Testing Programs, 49 C.F.R. Part 40, the State of Louisiana Employee Substance Abuse and Drug-Free Workplace Policy, and Executive Order No. MJF 98-38 all in an effort to maintain a safe, healthful, and productive work environment for its employees and to promote public safety.

EXHIBIT 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. Agrees as a condition of employment to abide by the terms of the drug free workplace policy.
2. Must notify the LSUA Human Resource Management office 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 which notification shall be by the LSUA Human Resource Management office.
2. Within 30 days after receiving such notice, impose a sanction on, up to and including termination, or require satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency by any employee so convicted with such sanction or required participation to be coordinated by Human Resource Management through the normal LSUA administrative processes.
3. Make a good faith effort to continue to maintain a drug free workplace through implementation of the requirements of the Act.

EXHIBIT II

Drug Free Workforce

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 interim 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 purpose 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 the LSUA Employee Assistance Program];"

"(2) Supervisory training to assist in identifying and addressing illegal drug use by Contractor employees [which shall be provided as appropriate through 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 the 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.

"(i) The Contractor shall establish a program that provides for testing for the use of illegal drugs by employees in sensitive positions. The extent of and criteria for such testing shall be determined by the Contractor based on considerations that include the nature of the work being performed under the contract, the employee's duties, the efficient use of Contractor resources, and the risks to public health, safety, national security that could result from the failure of an employee adequately to discharge his or her position.

"(ii) In addition, the Contract may establish a program for employee drug testing -

"(A) When there is a reasonable suspicion that an employee uses illegal drugs;

or

"(B) When an 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."

EXHIBIT III

Drug and Alcohol Use and Effects (55 Federal Register 33591)

Although there has been recent changes in American health habits and societal attitudes toward recreational drug and alcohol use, problems continue to exist and experimentation is starting at an earlier age. An important piece of information to surface in recent years is that even moderate, use of alcohol and nonprescribed of drugs can have an adverse effect on overall health and well-being.

Consider the following facts:

1. Drinking more than one or two alcoholic beverages a week promotes more visible signs of aging.
2. Consuming one and half or more alcoholic beverage per day increases the risk of breast cancer;
3. Drinking alcoholic beverages poisons the heart muscle, counteracts the benefits of exercise, increases male impotence, and depresses the body's immune system;

4. Tobacco use is a contributing factor in the development of chronic bronchitis, emphysema, circulatory problems, and coronary disease as well as being the leading cause of lung cancer.
5. Cocaine use is responsible for kidney damage, stroke, lung and heart diseases, seizures, and intense psychological problems.
6. Many forms of narcotics are highly addictive to users;
7. Marijuana use creates certain dysfunctions related to thinking, learning, and recall; aggravates asthma, bronchitis, and emphases; contributes to fertility problems; and contributes to the development of lung cancer.
8. The nonprescribed use of tranquilizers, barbiturates and amphetamines is dangerous and may cause major health problems, including death.
9. Extended drug and/or alcohol use may result in substance dependency and loss of control of an individual's life.

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including peer, spouse, and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain, liver, and digestive system.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other children of becoming alcoholics.

Controlled Substances - Uses & Effects

Drugs/ CSA Schedules	Trade or Other Names	Medical Uses	Dependence Physical Psychological		Tolerance	Duration (Hours)	Usual Methods of Administration	Possible Effects	Effects of Overdose	Withdrawal Syndrome
NARCOTICS										
Opium II III V	Dover's Powder, Paregoric, Parapetolin	Analgesic, antidiarrheal	High	High	Yes	3-6	Oral, smoked	Euphoria, drowsiness, respiratory depression, constricted pupils, nausea	Slow and shallow breathing, clammy skin, convulsions, coma, possible death	Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating
Morphine II III	Morphine, MS-Contin, Roxanol, Roxanol-SR	Analgesic, antitussive	High	High	Yes	3-6	Oral, smoked, injected			
Codeine II III V	Tylenol w/Codeine, Empirin w/Codeine, Robitussin AC, Fisirinal w/Codeine	Analgesic, antitussive	Moderate	Moderate	Yes	3-6	Oral, injected			
Heroin I	Diacetylmorphine, Horse, Smack	None	High	High	Yes	3-6	Injected, sniffed, smoked			
Hydromorphone II	Dilaudid	Analgesic	High	High	Yes	3-6	Oral, injected			
Meperidine (Pethidine) II	Demerol, Mepergan	Analgesic	High	High	Yes	3-6	Oral, injected			
Methadone II	Dolophine, Methadone, Methadose	Analgesic	High	High-Low	Yes	12-24	Oral, injected			
Other I II III IV V	Numorphan, Percodan, Percocet, Tylox, Tussionex, Fentanyl, Darvon, Lomotil, Tolain	Analgesic, antidiarrheal, antitussive	High-Low	High-Low	Yes	Variable	Oral, injected			

Depressants										
Chloral Hydrate IV	Noctec	Hypnotic	Moderate	Moderate	Yes	5-8	Oral	Slurred speech, disorientation, drunken behavior without odor of alcohol	Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death	Anxiety, insomnia, tremors, delirium, convulsions, possible death
Barbiturates III IV	Amytal, Butison, Fiorinal, Lotusale, Nembutal, Seconal, Tuinal, Phenobarbital	Anesthetic, anticonvulsant, sedative, hypnotic, veterinary euthanasia agent	High-Moderate	High-Moderate	Yes	1-16	Oral			
Benzodiazepines IV	Ativan, Dalmane, Diazepam, Librium, Xanax, Serax, Valium, Tranxene, Verstran, Versed, Halcion, Paxipam, Restoril	Antianxiety, anticonvulsant, sedative, hypnotic	Low	Low	Yes	4-8	Oral			
Methaqualone I	Quaalude	Sedative, hypnotic	High	High	Yes	4-8	Oral			
Glutethimide III	Doniden	Sedative, hypnotic	High	Moderate	Yes	4-8	Oral			
Other Depressants III IV	Equaril, Millown, Noludar, Placidyl, Valmid	Antianxiety, sedative, hypnotic	Moderate	Moderate	Yes	4-8	Oral			

STIMULANTS										
Cocaine II	Coke, Flake, Snow, Crack	Local anesthetic	Possible	High	Yes	1-2	Sniffed, smoked, injected	Increased alertness, excitation, euphoria, increased pulse rate & blood pressure, insomnia, loss of appetite	Agitation, increase in body temperature, hallucination convulsions, possible death.	Apathy, long periods of sleep, irritability, depression, disorientation.
Amphetamines II	Biphtamine, Detcobese, Dasoxyn, Dexedrine, Obetrol	Attention deficit disorders, narcolepsy, weight control	Possible	High	Yes	2-4	Oral, injected			
Phenmetarazine II	Precludin	Weight control	Possible	High	Yes	2-4	Oral, injected			
Methylphenidate II	Ridalin	Attention deficit disorders, narcolepsy	Possible	Moderate	Yes	2-4	Oral, injected			
Other Stimulants III IV	Adipex, Cylerf, Didrax, Ionamin, Melfiat, Plegine, Sanorex, Tenuale, Teparil, Prelu-2	Weight control	Possible	high	Yes	2-4	Oral, injected			
HALLUCINOGENS										
LSD I	Acid, Microdol	None	None	Unknown	Yes	8-12	Oral	Illusions and hallucinations poor perception of time and distance	Longer, more intense "trip" episodes, psychosis, possible death	Withdrawal syndrome not reported
Mescaline and Peyote I	Maxc, Buttons, cactus	None	None	Unknown	Yes	8-12	Oral			
Amphetamine Variants I	2.5-DMA, PICA, STP, MOA, MOMA, TMA, DOM, DOB	None	Unknown	Unknown	Yes	Variable	Oral, injected			
Phencyclidine II	PCP, Angel Dust, Hog	None	Unknown	High	Yes	Days	Smoked, or injected			
Phencyclidine Analogues I	PCE, PCPy, TCP	None	Unknown	High	Yes	Days	Smoked, or injected			
Other Hallucinogens I	Bulcemnine, Ibogaine, DMT, DET, Psilocylin, Psilocyn	None	None	Unknown	Possible	Variable	Smoked, injected, or sniffed			
CANNABIS										
Marijuana I	Pet, Acaputce Gold, Grass, Reefer, Sinsemils, Thai Sticks	None	Unknown	Moderate	Yes	2-4	Smoked, oral	Euphoria, relaxed inhibitions, increased appetite, disoriented behavior	Fatigue, paranoia, possible psychosis	Insomnia, hyperactivity and decreased appetite occasionally reported
Tetrahydrocannabinol II	THC, Marinol	Cancer chemotherapy, antinauseant	Unknown	Moderate	Yes	2-4	Smoked, oral			
Hashish I	Hash	None	Unknown	Moderate	Yes	2-4	Smoked, oral			
Hashish Oil I	Hash Oil	None	Unknown	Moderate	Yes	2-4	Smoked, oral			

*Designated a narcotic under the CSA.

EXHIBIT IV

Applicable Legal Sanctions”

March 10, 1992

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance (55 Federal Register 33589)

21 U.S.C. 8449(a)

First conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000, or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both, if:

- (a) First conviction and the amount of crack possessed exceeds 5 grams.
- (b) Second crack conviction and the amount of crack possessed exceeds 3 grams.
- (c) Third or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 855(a) (s) and 881 (a) (7)

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack.)

21 U.S.C. 881(a) (4)

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 844a

Civil fine of up to \$10,000 (pending adoption of final regulations).

21 U.S.C. 853a

Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

18 U.S.C. 922(g)

Ineligible to receive or purchase a firearm.

Miscellaneous

Revocation of certain federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies.

Drug-Free Schools and Communities Act

Illegal drug and alcohol use, consumption, distribution, etc. on college and university campuses also are covered by the provisions of the United States Drug-Free Schools and Communities Act amendment of 1989 (Public Law 101-226).

Legal Sanctions

Employees in a program in a foreign country conducted by LSU at Alexandria alone or in conjunction with a foreign university also may be subject to sanctions under foreign law or under the Uniform Code of Military Justice. Although the legal sanctions described in this policy under United States law may not apply to employees in a foreign country, LSU at Alexandria will nevertheless hold such employees to the same standards as employees within the United States and will take the disciplinary actions described in this policy for violations of these standards.

Legal Sanctions in Louisiana

Under Louisiana law, the possession, purchase, or consumption of alcoholic beverages by a person under 21 years of age is punishable by law. Also under Louisiana law there exists a Louisiana Sentencing Commission which under LAC Title 22:IX has established correction sentencing guidelines for the unlawful possession of controlled substances and the unlawful distribution of controlled substances.

APPENDIX A

EMPLOYEE ACKNOWLEDGEMENT OF PS-227

LSUA employees are hereby notified that the use, abuse, presence in the body of, reporting to work under the influence of, possession, transfer, storage, concealment, transportation, promotion, or sale of illegal or unauthorized drugs, alcohol or other substances, and related paraphernalia is strictly prohibited at all times while on duty, while in the course and scope of employment, while in an on-call status, or while on pay status, whether on or off LSUA/State premises. This prohibition is required to assist in LSUA's establishment and maintenance of a safe working environment for its employees and the general public.

It is understood that this policy may be implemented by such reasonable means as may from time to time be determined appropriate, including unannounced searches and inspections, in accordance with the law, of employee's personal effects and LSUA/State properties as set forth herein.

Employees who decline or fail to submit to a drug screen or who otherwise violate the terms and conditions of this policy will be subject to disciplinary action, including discharge, even for a first offense violation.

My signature hereon indicates that I have read the Louisiana State University at Alexandria Substance Abuse and Drug-Free Workplace Policy (PS-227) and agree to comply with all of its requirements, including drug screening.

I understand that compliance with the Louisiana State University at Alexandria Substance Abuse and Drug-Free Workplace Policy is a condition of my employment or continued employment and, as such, in hereby agree to abide by the terms and conditions of this policy.

DATE

EMPLOYEE NAME (PRINTED)

EMPLOYEE SOCIAL SECURITY NUMBER

EMPLOYEE SIGNATURE

LSUA REPRESENTATIVE/WITNESS

APPENDIX B

CERTIFICATION OF NOTICE

I hereby, certify, as representative of Louisiana State University at Alexandria, that _____, an employee of LSUA, has on this date had the LSUA Substance Abuse and Drug-Free Workplace Policy read and explained to him/her and has agreed to comply with the terms thereof, including drug screening, as a condition of employment or continued employment.

DATE

EMPLOYEE'S SIGNATURE

LSUA REPRESENTATIVE

COMMENTS:

APPENDIX C

AGREEMENT TO SUBMIT TO AN ALCOHOL OR DRUG TEST AND AUTHORIZATION
FOR THE RELEASE OF MEDICAL INFORMATION TO LSUA

I have been requested to submit to an alcohol and/or drug screen by a urine, body vapor, blood, and/or hair test and/or medical assessment.

I have been informed that my agreement to submit to the requested alcohol and/or drug screens is completely voluntary on my part and that I have the right to refuse to submit to the test(s). I am aware and have been told that my refusal to submit to the screens may be grounds for disciplinary action against me up to and including termination/expulsion.

I have also been informed and am aware that results of this drug screen are protected by confidentiality requirements for alcohol and drug patient records under Federal laws and regulations. Therefore, I voluntarily agree to the below stated release of the test results.

I, _____, authorize the Medical Review Officer who will receive the results of my drug or alcohol screen test or medical assessment, to disclose those results of the test and/or assessment to the Director of Human Resource Management or his/her designee for the purpose of determining the appropriateness of my continued employment by LSUA and for the Director of Human Resource Management to disclose those results to the appropriate state or federal agency, including the Department of State Civil Service.

I also understand that withdrawal of this permission prior to, or any time after, the release of the results of the drug screen test to the above-named LSUA individuals or bodies is grounds for LSUA terminating my employment.

I acknowledge that I have been advised that I may make a written request for a complete and accurate disclosure of the nature and scope of the test conducted.

Date: _____ Signature: _____

Date: _____ Signature: _____

I hereby certify that I have received a copy of the Illegal Use of Drugs or Alcohol Policy.

Date

Printed Name

Signature

Witness