

# COLLEGE of CHARLESTON

## OFFICIAL POLICY

**9.1.6.1.1      Operating Procedures To Implement The College Of      10/5/2020**  
**Charleston Policy On Alcohol And Illicit Drug Testing**

### **Policy Statement**

This policy outlines the operating procedures relating to drug and alcohol drug testing in relation to College of Charleston Employees

### **Policy**

#### **OPERATING PROCEDURES**

CAPITALIZED TERMS IN THIS PROCEDURE HAVE THE SAME MEANING GIVEN THOSE TERMS IN THE POLICY ON ALCOHOL AND ILLICIT DRUG TESTING (THE "POLICY")

OP1.0 Procedure for Annual Notification of Employees of Policy on Alcohol and Illicit Drug Testing

Notice shall be provided to the College community about the Policy as follows:

(a) Not later than July 1 of each year, the Director of Human Resources shall ensure that the most recent version of the Policy is posted on the College's Policy web page <http://dev.policy.cofc.edu/policy.php> (Policy Number 9.1.6.1).

(b) Not later than May 1 of each year the Designated Employer Representative ("DER") and the Director of Human Resources ("Director") will review the existing list of Safety-Sensitive and High Risk Positions and Law Enforcement Positions and shall amend the same, as needed, for additions or corrections needed to reflect the current responsibilities of employment positions.

(c) Not later than July 1 each year, the Director shall similarly post or distribute the list of those Safety-Sensitive and High Risk Positions and Law Enforcement Positions.

(d) When a change to the Policy or these Operating Procedures is made, the Director shall ensure that appropriate notification is provided to the Campus Community.

(e) Any notification provided under (d) must also include the internet location where an Employee may access those changes and state or federal regulations, if any, that have been used as a reference or resource for the changes.

(f) Person occupying Management positions are responsible for ensuring that all Employees who report to them directly or indirectly are periodically reminded of the Policy and these Operating Procedures.

#### OP2.0 Procedure for Determining Safety Sensitive Positions; Employee Position Assessments

The Policy requires that persons occupying Safety-Sensitive Positions or High Risk Positions and Law Enforcement Positions are subject to Event Related, Pre-Employment, and Random Drug Testing. This Procedure 2.0 identifies the specific steps for developing the annual list of employee positions that will be subject to such testing.

(a) Not later than May 1 of each year every College division or operating unit of a division (as determined by the appropriate Executive Vice President) shall provide, upon request from the Human Resources Department, a list of those employee positions that are Safety-Sensitive Positions or High Risk Positions and Law Enforcement Positions.

(b) The DER and the Director shall evaluate the lists provided to determine if each designated job title meets the relevant definitions in the Policy.

(c) For the purposes of interpreting those definitions, the phrase in Section 2.11 of the Policy that reads “the handling of hazardous materials (including, but not limited to, direct access to federally designated biological agents and toxins)” shall mean those Employees who routinely handle Federally designated chemical or biological agents and toxins on the HomelandSecurity list located at: [http://www.dhs.gov/xlibrary/assets/chemsec\\_appendixa-chemicalofinterestlist.pdf](http://www.dhs.gov/xlibrary/assets/chemsec_appendixa-chemicalofinterestlist.pdf)).

(d) The employee position lists submitted by each Division for inclusion in the Testing based on the Policy shall meet one or more of the criteria identified in Sections 2.8 or 2.11 of the Policy.

(e) Questions as to whether an Employee’s position should be included in the annual list will be determined by the combined decision of the Supervisor for the position in question, the Director, and the DER.

(f) Changes to the list of included employee positions may be made at any time following a review of that position and inclusion may be made immediately on such list, depending on the circumstances. However, all changes will be incorporated in the annual list at the time of its release on or before July 1.

(g) The annual list of Safety-Sensitive Positions or High Risk Positions and Law Enforcement Positions shall be noted on the Human Resources webpage and with a link to the Policy on the College internet Policy webpage ( <http://dev.policy.cofc.edu/policy.php> ). In addition, this information shall be sent to all managers by emailing with a link to the list.

(h) Where practicable all identifying information on the annual list shall be positions only and not names of individuals.

#### OP3.0 Procedure for Employee Authorization of Alcohol and Controlled Substance Testing Results/Policy Records

The following procedures are intended to assure that privacy is maintained during implementation of the Policy:

(a) The DER is responsible for assuring the confidentiality and security of the initial drug screen test results from the testing facility and assuring a confidential transfer of the results to the Office of Human Resources.

(b) At the time of the Controlled Substance and Alcohol test, the Employee must sign the authorization/custody and control form that states the Employee is providing the specimen and that the facility can communicate the results of the Controlled Substance and/or Alcohol Test directly to the DER.

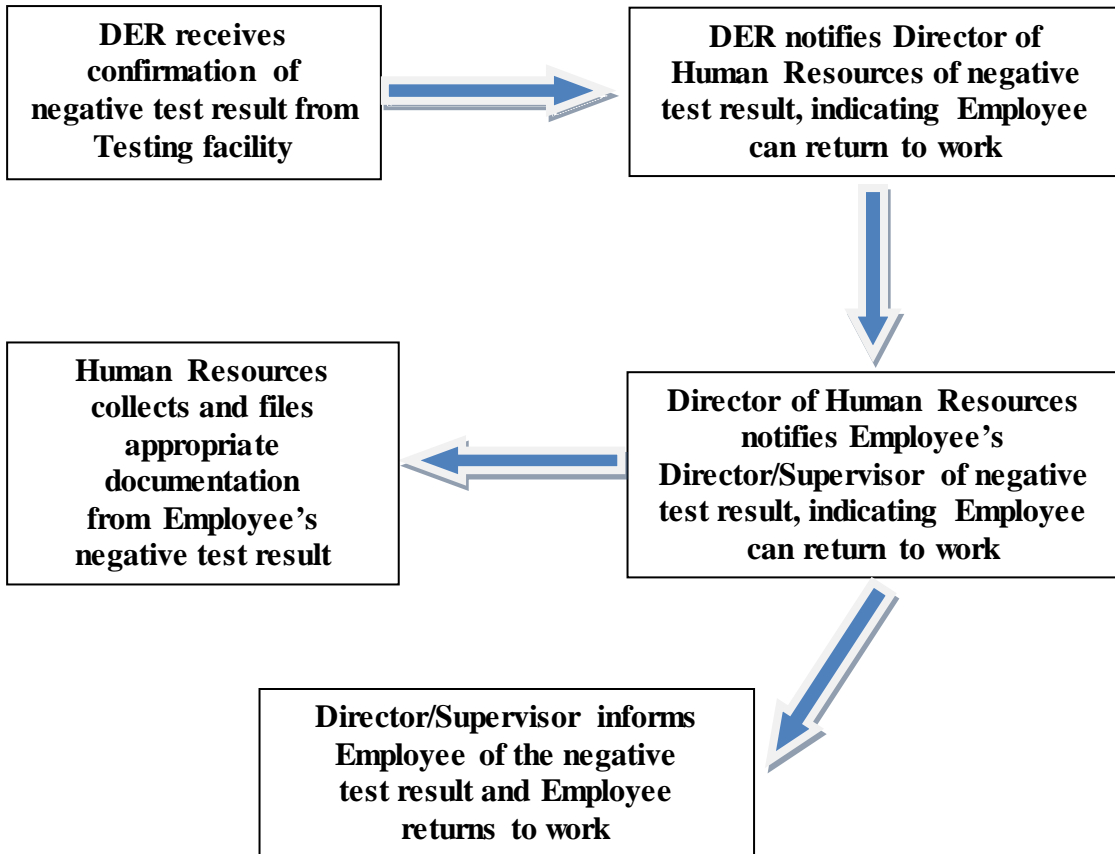
(c) The DER will receive a copy of the custody and control form by fax or USPS and that form shall be placed in the files maintained by the Office of Human Resources for Controlled Substance and/or Alcohol Testing documentation and results.

(d) The DER shall receive the Test results and deliver the same to the Director who shall ensure that the results are expeditiously placed in a locked filed, separate from the personnel files, to be accessed only by those who are authorized by the Director and have a business related need to access such results.

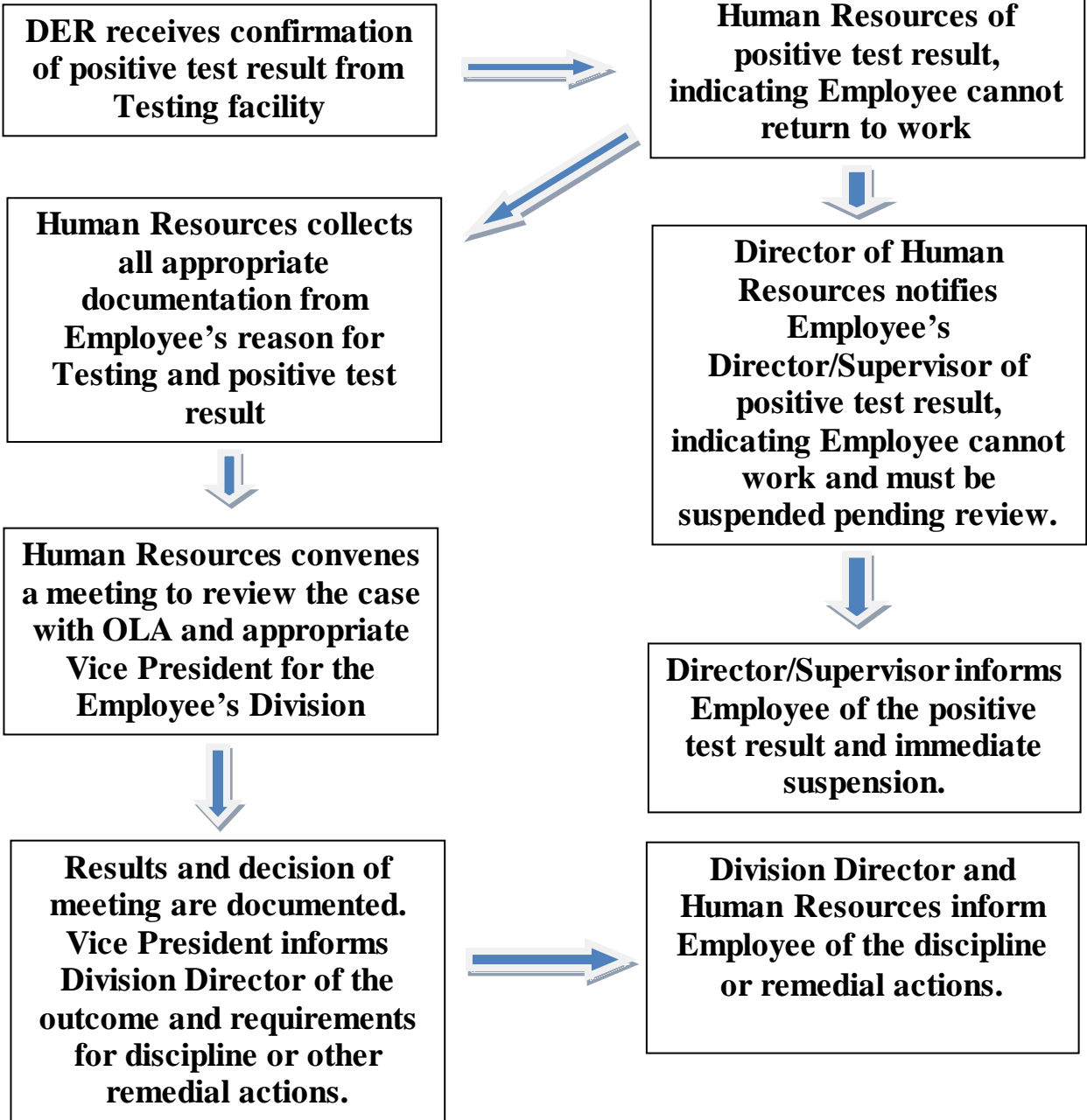
#### OP4.0 Procedure for Processing Results from Controlled Substance and Alcohol Testing

The following procedures have been established to assure accurate and consistent reporting, processing, and retention of Controlled Substance and Alcohol Testing documentation:

**A. Processing Negative Test Results**



**B. Processing Positive Test Results**



## OP5.0 Procedures for Refusal to Test in Accordance with the Policy on Alcohol and Illicit Drug Testing

An Employee's refusal to proceed with Controlled Substance and/or Alcohol Testing after being identified for Event-Related, Random, or Reasonable Suspicion Testing in accordance with the Policy shall be addressed in accordance with the following procedures that shall be enforced by the employing Division and the Office of Human Resources:

(a) The Supervisor will inform and remind the Employee of the consequences of the Employee's actions to refuse the Testing. At this point, the Supervisor shall contact the DER and/or the Director for support and discussion with the Employee.

(b) If the Employee still refuses, the Supervisor, after consultation with the appropriate Executive Vice President or Senior Vice President, will suspend the Employee immediately without pay pending a Human Resources review of the refusal and the underlying facts.

(c) The Employee shall be required to leave the workplace, but should not be allowed to drive.

The Employee must make alternative arrangements for transportation from the College workplace.

(d) If the Employee fails to make or use alternative transportation, the Supervisor, in the presence of a witness, shall advise the Employee that Public Safety will be notified. The witness and Supervisor shall document this refusal as soon as practicable. The Department shall also notify Public Safety of the Employee's failure to utilize the alternative transportation and of that Employee's condition.

(e) All notification documentation, incident documentation, and observations shall be provided to Human Resources as soon as possible. Such documentation shall be maintained in the regular personnel file and may be used in disciplinary proceedings against the Employee to evidence both a refusal to be tested and a refusal to take actions that could prevent the risk of injury to the campus community and others.

(f) Human Resources will review all of the information related to this refusal to test and/or take alternative transportation and discuss appropriate disciplinary action with the Employee's Supervisor.

For the purpose of these Procedures, a refusal to test is the failure to reasonably

cooperate with any part of the Testing process once instructed by the Supervisor or Controlled Substance or Alcohol Testing technician. This refusal to test also encompasses the Employee's actions or inactions or failure to follow procedures for preparation, requests for signatures, or performance as directed by the medical facility conducting the Controlled Substance or Alcohol Testing.

OP6.0 Publication

These Operating Procedures shall be published on the Human Resources web page and distributed to all managers and supervisors of the College.

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**Policy Manager and Responsible Department or Office**

Human Resources

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**Purpose/Reason for the Policy**

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**Departments/Offices Affected by the Policy**

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### Procedures Related to the Policy

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### Related Policies, Documents or Forms

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**Issue Date: 2/8/16**

**Date of Policy Review: 10/5/2020**

**Next Review Date: 10/8/2025**

#### **POLICY APPROVAL**

**(For use by the Office of the Board of Trustees or the Office of the President)**

Policy Number: 9.1.6.1.1

President or  
Chairman, Board of Trustees



**Date: 10/5/2020**