

G. WORKPLACE DRUG TESTING

The Greater Lafourche Port Commission has a long-standing commitment to working toward a drug-free workplace. In addition, the Louisiana legislature enacted laws, which provide for the creation and implementation of drug testing programs for state employees. Further, the Governor of the state of Louisiana issued Executive Order 98-38 providing for the promulgation by executive agencies of written policies mandating drug testing of employees, appointees, prospective employees and prospective appointees, pursuant to Louisiana Revised Statute 49:1001, et seq. The Greater Lafourche Port Commission fully supports these efforts and is committed to a drug-free workplace.

APPLICABILITY

This policy shall apply to all employees of GLPC including appointees and all other persons having an employment relationship with this agency.

DEFINITIONS

Controlled Substance – a drug, chemical substance or immediate precursor in Schedules I through V of R.S. 40:964 or Section 202 of the Controlled Substance Act (21 U.S.C. 812).

Designer (Synthetic) Drugs – Those chemical substances that are made in clandestine laboratories where the molecular structure of both legal and illegal drugs is altered to create a drug that is not explicitly banned by federal law.

Employee – unclassified, classified, and student employees, student interns, and any other person having an employment relationship with the agency.

Illegal Drug – any drug which is not legally obtainable or which has not been legally obtained, to include prescription drugs not legally obtained and prescribed drugs not being used for prescribed purposes or being used by one other than the person for whom prescribed.

Reasonable Suspicion – belief based upon reliable, objective and articulable facts derived from direct observation of specific physical, behavioral, odorous presence, or performing indicators and being of sufficient import and quantity to lead a prudent person to suspect that an employee is in violation of this policy.

Safety-sensitive or Security-sensitive position – a position determined by the Appointing Authority to contain duties of such nature that the compelling State interest to keep the incumbent drug-free outweigh the employee's privacy interests. A list of such positions within the GLPC is attached hereto and is made a part hereof. The list was determined

with consideration of statutory law, jurisprudence, the practices of this agency and the following examples of safety-sensitive and security-sensitive positions.

1. Positions with duties that are required or are authorized to perform the safety inspections of a structure,
2. Positions with duties that are required or are authorized to have access to a prison or incarcerated individual;
3. Positions with duties that are required or are authorized to carry a firearm,
4. Positions with duties that allow access to controlled substances (drugs).
5. Positions with duties that are required or are authorized to inspect, handles, or transport hazardous waste as defined in R.S. 30:2173(2) or R.S. 32:1502(5);
6. Positions with duties that are required or are authorized to exercise any responsibility over power plant equipment;
7. Positions with duties that require on-the-job instructing or on-the-job supervising of any person to operate or maintain any heavy equipment or machinery; and
8. Positions with duties that require or authorize the operation or maintenance of a public vehicle, or the supervision of such an employee.

Under the Influence – for the purpose of this policy is, a drug, chemical substance, or the combination of a drug, chemical substance that affects an employee in any detectable manner. The symptoms or influence are not confined to that consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of influence can be established by a professional opinion or scientifically valid test.

Workplace – any location on agency property including all property, offices and facilities (including all vehicles and equipment) whether owned, leased or otherwise used by the agency or by an employee on behalf of the agency in the conduct of its business in addition to nay location from which an individual conducts agency business while such business is being conducted.

To assure maintenance of a drug-free workforce, it shall be the policy of the Greater Lafourche Port Commission to implement a program of drug testing, in accordance with Executive Order No. MJF 98-38, R.S. 40:1001, et seq., and all other applicable federal and state laws, as set forth below.

CONDITIONS REQUIRING DRUG TESTS

The Greater Lafourche Port Commission shall require drug testing under the following conditions.

1. Reasonable Suspicion: any employee shall be required to submit to a drug test if there is reasonable suspicion (as defined in this policy) that the employee is using drugs.
2. Post-Accident: Each employee involved in an accident that occurs during the course and scope of employment shall be required to submit to a drug test if the accident a) involves circumstances leading to a reasonable suspicion of the employee's drug use, b) results in a fatality, or c) results in or causes the release of hazardous waste.
3. Rehabilitation Monitoring: Any employee who is participating in a substance abuse after-treatment program or who has a rehabilitation agreement with the agency following an incident involving substance abuse shall be required to submit to random drug testing.
4. Pre-employment: Each prospective employee shall be required to submit to drug screening at the time and place designated by the agency following a job offer contingent upon a negative drug-testing result. Pursuant to R.S. 49:1008, a prospective employee who tests positive for the presence of drugs in the initial screening shall be eliminated from consideration for employment. In addition, when an employee returns from absences of six (6) weeks or more, it will be a condition of continued employment for said employee to submit to a drug screening.
5. Random Drug Testing - Safety-sensitive and Security-sensitive positions: Every employee in a safety-sensitive or security-sensitive position shall be required to submit to drug testing as required by the Agency, who shall periodically call for a sample of such employees, selected at random by a computer-generated random selection process, and require them to report for testing. All such testing shall, if applicable, occur during the selected employee's work schedule.

PROCEDURE

Drug testing pursuant to this policy shall be conducted for the presence of cannabinoids (marijuana metabolites), cocaine metabolites, opiate metabolites, phencyclidine, and amphetamines in accordance with the provisions of R.S. 49:1001, et seq. The Agency reserve the right to test its employees for the presence of any other illegal drug or controlled substance when there is reasonable suspicion to do so.

The supervisor of the employee to be tested shall determine when any of the above-named testing conditions exist and shall obtain approval from the Executive Director when the tests is being requested due to reasonable suspicion.

Testing services shall be performed by a provider chosen by the Agency. All specimen collections will be performed in accordance with applicable federal and state regulations and guidelines to ensure the integrity of the specimens and privacy of the donors. The Executive Director shall review and concur in advance with any decision by a collection site person to obtain a specimen under direct observation. All direct observation shall be conducted by a same gender collection site person.

CONFIDENTIALITY

All information, interviews, reports, statement, memoranda, and/or test results received by the Greater Lafourche Port Commission through its drug testing program are confidential communications, pursuant to R.S. 49:1012, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in an administrative or disciplinary proceeding, or hearing, or civil litigation where drug use by the tested individual is relevant.

VIOLATION OF THIS POLICY

Violation of this policy, including refusal to submit to drug testing when properly ordered to do so, will result in actions up to and including termination of employment. Each violation and alleged violation of this policy will be handled on an individual basis, taking in account all data, including the risk to self, fellow employees, and the general public.