Department of Finance and Administration
Office of Capitol Facilities

Drug and Alcohol Testing
Policies and Procedures

Issue Date: **October 15, 2008** **Effective Date:** **November 15, 2008**

Approval Authority: **Liz Welch, Executive Director**
January 14, 2020

All employees of the Department of Finance and Administration's Office of Capitol Facilities, both present and future, are required to perform their assigned duties and responsibilities effectively, satisfactorily, and efficiently while working with other employees, state property, and the general public. It is the intent of this policy to promote professional conduct and competence among employees of the Department of Finance and Administration's Office of Capitol Facilities while supporting the interest of fellow employees and the general public.

Therefore, the Department of Finance and Administration is adopting this drug and alcohol testing policy for Department of Finance and Administration's Office of Capitol Facilities employees. Each employee is advised that the Department of Finance and Administration's Office of Capitol Facilities has implemented this policy and will conduct testing pursuant to Mississippi Code 71-7-1 through 71-7-33, Mississippi's Drug and Alcohol Testing Act, and each employee is hereby advised of the existence of the Act (the "Act"). Department employees have certain rights and obligations that are specified in the Act.

The Department finds that, as a matter of policy, Department of Finance and Administration's Office of Capitol Facilities employees should not use, possess or sell illegal drugs and should not be under the influence of alcohol or drugs while on duty. Any Office of Capitol Facilities employee who violates this policy by testing positive for drugs or alcohol may be immediately terminated from employment with the Department of Finance and Administration's Office of Capitol Facilities. All current employees and all prospective employees will be required to review this policy and sign a receipt of policy form, agreeing to be bound by this policy, as a condition of continued employment and acceptance of employment. Any employee who has questions about any aspect of this policy should contact the Office of Human Resources, who will serve as director of the Department of Finance and Administration's Office of Capitol Facilities' drug and alcohol testing program. In conjunction with this policy, the Department of Finance and Administration has previously developed an Employee Assistance Plan, and all employees are urged to utilize this confidential resource. Please refer to the "Employee Assistance Plan Policies and Procedures for the Employees of Department of Finance and Administration (Effective 5/15/2005)."

POLICY:

Circumstances Under Which Testing Will Occur

The following is a description of the circumstances under which the Department of Finance and Administration's Office of Capitol Facilities will require drug and alcohol testing:

Pre-employment Testing

The Department of Finance and Administration's Office of Capitol Facilities will require all applicants chosen for positions to submit to a pre-employment drug and alcohol test as a condition of the employment application. Refusal to submit to the test will be grounds for denial of the application and a confirmed positive test result will also be a basis for denial of the application.

Reasonable Suspicion Testing

The Department of Finance and Administration's Office of Capitol Facilities will follow reasonable suspicion drug and alcohol testing, which is testing based on a belief that an employee is using or has used drugs and/or alcohol in violation of this policy. The employer's belief of reasonable suspicion to test will be drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience, and may be based upon, among other things, the following:

- observable phenomena, such as direct observation of drug or alcohol use and/or symptoms or manifestations of being under the influence of a drug or alcohol;
- abnormal conduct or erratic behavior while at work, absenteeism, tardiness or deterioration in work performance;
- a report of drug use provided by reliable and credible sources and which has been independently corroborated;
- evidence that an individual has tampered with or attempted to tamper with a drug or alcohol test during his/her employment with the Department of Finance and Administration's Office of Capitol Facilities;
- information that an employee has caused or contributed to an accident while at work; or
- evidence that an employee is involved in the use, possession, sale, solicitation or transfer of drugs or alcohol while working or while on duty with the Department of Finance and Administration's Office of Capitol Facilities or while operating any Department of Finance and Administration's vehicles, machinery or equipment.

Neutral Selection/Random Testing

Neutral selection/random testing will be required by the Department of Finance and Administration's Office of Capitol Facilities for Covered Employees, as defined in this policy. The Department of Finance and Administration's Office of Capitol Facilities, through an independent provider, will conduct neutral selection tests of employees who are engaged in activities affecting public safety and the delivery of services to other state agencies or the public.

Post Accident Testing
The Department of Finance and Administration's Office of Capitol Facilities, through an independent provider, may also test for drugs and/or alcohol in the event that there is an on-the-job accident, including a workers' compensation injury claim, other accident or incident of concern. The employee should make himself/herself available for testing immediately following the accident or incident and for the next 32 hours after the accident or incident and refrain from use of alcohol and/or drugs until testing is complete.

Covered Employees
For purposes of this policy, Department of Finance and Administration's Office of Capitol Facilities employees engaged in activities affecting public safety and the delivery of services to other state agencies or the public can be subject to neutral selection (random) drug and alcohol testing.

Substances Tested For
The Department of Finance and Administration's Office of Capitol Facilities' drug and alcohol testing will test for the following substances: alcohol, marijuana, cocaine, amphetamines, opiates and phencyclidine (PCP or Angel Dust). The Department of Finance and Administration's Office of Capitol Facilities reserves the right to add additional substances to the testing protocol on a determination that the best interest of the Department of Finance and Administration's Office of Capitol Facilities will be served. The addition of a substance or substances to the testing protocol will be following 30 days notification of the addition.

Effect of a Positive Test
Any employee who has a confirmed positive test result for any of the substances listed above or who otherwise violates this policy may be immediately terminated.

Refusal To Test
The refusal to submit to a test when requested to do so shall be treated as a positive test result and may result in immediate termination.

Drug and Alcohol Testing Procedures
The Department of Finance and Administration will contract with a provider. This provider will conduct all drug and alcohol testing services, including neutral selection, specimen collection, chain of custody procedures, obtaining necessary laboratory results, medical review officer services, and any other services incidental to the drug and alcohol testing program. Testing will conform to scientifically accepted analytical standards. A more detailed version of the testing procedure is made available from the director of the Department of Finance and Administration's Office of Capitol Facilities' drug and alcohol testing program and shall comply with Drug and Alcohol Testing Regulations as established by the Board of Health.

Employees and job applicants chosen for a position shall be allowed to provide notice to the Department of Finance and Administration's Office of Capitol Facilities, through the provider, of currently or recently used prescription or non-prescription drugs at the time of the taking of the specimen. This written documentation is only necessary in the event that the employee tests positive in the drug screen.

Confidentiality
All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by the Department of Finance and Administration (or the provider on its behalf) through its drug and alcohol testing program are confidential communications except under certain circumstances as allowed by Mississippi's Drug and Alcohol Testing Act.

All information obtained, however, shall be the property of the Department of Finance and Administration. The Department of Finance and Administration will not release to any person other than the covered employee or job applicant, information related to drug and alcohol test results unless the job applicant has expressed, in writing, permission for the employer to release the information unless;

- it is necessary to introduce a positive confirmed test result into an administrative or judicial proceeding where the information is relevant to the hearing or proceeding;
- the information must be disclosed to a federal or state agency or other unit of the State or United States government as required under law, regulation or order, or in accordance with compliance requirements of the state or federal government contract;
- or disclosed to a drug abuse rehabilitation program for the purposes of evaluation or treatment of an employee;
- or there is a risk to the public health or safety that can be minimized or prevented by the release of such information; provided, however, that unless such risk is immediate, a court order permitting the release shall be obtained prior to the release of the information.

Contesting a Test Result
An employee who receives a confirmed positive drug and/or alcohol test result may contest the validity of that result or explain it. An employee who has a confirmed positive test result will be informed in writing by the Department of Finance and Administration's Office of Capitol Facilities and may be immediately terminated. The employee has ten (10) working days to submit a written explanation as to why the test result is invalid, and the employee may request a retest of the specimen at his/her own expense. If the employee's explanation is unsatisfactory or the employee fails to submit a timely written explanation, the test is considered final, and the employee may be terminated.

Testing will conform to scientifically accepted analytical standards. A more detailed version of the testing procedure is made available from the director of the Department of Finance and Administration's Office of Human Resources.

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Acknowledgment of Receipt

cc: Personnel File