

**SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES
HUMAN RESOURCES POLICY**

POLICY #: 705.05

Page 1 of 9

**SUBJECT: Drug and Alcohol
Testing Policy and Procedures**

Revised: July 23, 2014

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

STATEMENT OF POLICY

Alcohol and drug abuse cause health, safety and security problems. The use of illegal drugs, besides being unlawful, is incompatible with the Substance Abuse policy and undermines public confidence in the Department of Natural Resources (Department). In this regard, the Department establishes drug testing policies and procedures to test for illegal drug use by employees in positions identified as sensitive and for alcohol and drug use by any employee when a reasonable suspicion exists that illegal drugs or alcohol are being used on duty or that drug or alcohol related job impairment exists. The procedures set forth in this policy for reasonable suspicion testing should be followed for all employees.

I. Introduction

The positions identified for testing and terminology are defined in this section.

A. Safety Sensitive Positions

Employees whose job duties require a Commercial Driver's License (CDL) are required by federal law (49 CFR Part 40) to undergo drug and alcohol testing as of January 1, 1996. Employees whose job duties require a U.S. Coast Guard License (CGL) are also required by federal law (33 CFR Part 95 and 46 CFR Part 16) to undergo drug and alcohol testing. To comply with these federal laws, the Department is establishing this drug and alcohol testing policy and concurrent procedures. In addition, the Department has determined that those employees who carry law enforcement commissions also must undergo drug and alcohol testing as outlined in this policy.

POLICY #: 705.05	Page 2 of 9
SUBJECT: Drug and Alcohol Testing Policy and Procedures	Revised: July 23, 2014

B. All Employees

Includes employees who occupy Full Time Equivalent, Temporary Grant, Time-Limited Project and Temporary (hourly) positions.

C. Definitions/Roles

1. Applicant: Any applicant for a position requiring a Commercial Driver's License (CDL), a U.S. Coast Guard License (CGL) and those who carry a law enforcement commission.
2. Covered Employee: Any employee in a position requiring a Commercial Driver's License (CDL), a U.S. Coast Guard License (CGL) and those who carry a law enforcement commission.
3. Drug Test Administrator (DTA): An individual designated by each Deputy Director who is responsible for administering the drug and alcohol testing procedures.
4. Human Resources Director (HRD) or his/her designee: Coordinates the development of procedures related to drug and alcohol testing, coordinates with the Companion Benefit Alternatives or Job Retention Services for assessment, assists Deputy Directors in interpreting the disciplinary policy, and works with the DTA to coordinate testing.
5. Medical Review Officer (MRO): A physician who interprets and evaluates an individual's confirmed positive test result with his or her medical history and any other information to determine whether there is an alternative explanation. The testing laboratory will provide the MRO service.
6. Reasonable Suspicion Testing: **This applies to all employees.** Substance abuse testing based on a belief that an employee is using or has used drugs or alcohol in violation of the policy of the Department drawn from specific objective and articulate facts and reasonable inferences drawn from the facts in light of experience. Among other things, the facts and inferences may be based upon, but not limited to, the following:
 - Observable phenomena while at work such as direct observation of

POLICY #: 705.05	Page 3 of 9
SUBJECT: Drug and Alcohol Testing Policy and Procedures	Revised: July 23, 2014

substance abuse or of the physical symptoms or manifestations or being impaired due to substance abuse.

- Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- A report of substance abuse provided by a reliable and credible source.
- Evidence that an individual has tampered with any substance abuse test during his or her employment with the Department.
- Information that an employee has caused or contributed to an accident while at work.
- Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the premises of the Department or while operating the Department's vehicle, machinery or equipment.

7. Refusal to Submit:

- Unjustified failure to appear for testing or refusal to provide a specimen within three hours of request.
- Attempts to alter or substitute the specimen provided will also be deemed a refusal to undergo testing.
- Refusal to sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.
- A refusal to submit or otherwise participate in testing will be grounds for disciplinary action.

II. **Scope of Testing**

Types of drugs to be tested include cannabinoids (THC), cocaine, amphetamines, opiates, phencyclidine (PCP) and alcohol. The drug and alcohol testing program consists of the following:

- Pre-employment testing
- Random testing
- Reasonable suspicion
- Post accident testing
- Voluntary testing

POLICY #: 705.05	Page 4 of 9
SUBJECT: Drug and Alcohol Testing Policy and Procedures	Revised: July 23, 2014

A. Pre-Employment Testing

When pre-employment testing is appropriate, the Division DTA will coordinate applicant testing with the Human Resources Office. The Division DTA and the Division Deputy Director will ensure written consent is received by the applicant in positions requiring a CDL and/or CGL and must request information from all DOT-regulated employers for whom the candidate had worked within the previous two years. Applicants will be notified that they are required to report to a facility at a given date and time and submit to a drug screening test. The division DTA will notify covered applicants of the date and time of the test.

Any applicant shall be disqualified from further consideration for employment, if

1. the applicant refuses to submit to a required drug test; or
2. a confirmed positive drug test indicating drug use prohibited by this policy exists.

B. Random Drug Testing

Covered employees will be randomly selected for testing. The DTA will notify selected employees the morning of the scheduled test, and employees must adjust their personal schedules. If the supervisor verifies that an employee is not available due to an unavoidable work conflict, another employee will be selected. Supervisors will document unavailability of employees for the DTA. Because of the random selection process, some employees may undergo more than one random test in any 12-month cycle.

C. Reasonable Suspicion

If the supervisor of an employee suspects that employee of abusing drugs or alcohol, that supervisor will gather all information and circumstances leading to and supporting this suspicion. This documentation will be provided to the Division Deputy Director, who will advise the Human Resources Director, or his/her designee, and together they will determine whether this employee should be tested.

If an employee is tested for controlled substance use due to reasonable suspicion, he/she may be suspended pending the results of the test.

POLICY #: 705.05	Page 5 of 9
SUBJECT: Drug and Alcohol Testing Policy and Procedures	Revised: July 23, 2014

The selected employee will be notified in the same manner as in random drug testing.

D. Post-Accident Testing

All covered employees involved in a serious accident must be tested. An individual whose order, action, or omission is determined to have caused or contributed to a serious accident is deemed to be involved in the accident.

Employees covered by Coast Guard regulations must be tested after being involved in a "serious marine accident," which is defined by the Coast Guard. A serious accident for other covered employees will involve property damage, death, or serious bodily injury.

If a federal, state or local law enforcement officer directs an employee to submit to a drug and/or alcohol test at the scene of an accident, it will be the responsibility of the employee to notify his/her supervisor or the Division Deputy Director immediately and provide an incident report.

If an employee is not tested on the scene by law enforcement officials, the employee may be required to submit to drug testing no later than thirty-two (32) hours and/or alcohol testing no later than eight (8) hours after the accident. The Division DTA will be contacted immediately after a serious accident so that specimen collection can be made as soon as possible after the accident.

In the case where an employee is seriously injured and cannot provide a specimen at the time of the accident, he/she must provide the necessary authorization to release information needed to determine the existence of drugs and/or alcohol in his/her system.

The DTA or Division Deputy Director in conjunction with the Human Resources Director will be contacted immediately after an accident under the circumstances described in the above paragraph so that specimen collection can be made as soon as possible after the accident.

Persons involved in serious accidents are prohibited from using alcohol for eight (8) hours after the accident or until tested.

F. Voluntary Testing

Voluntary testing is provided at an employee's request. The employee who wishes to be tested may contact the Division DTA or the Human Resources

POLICY #: 705.05	Page 6 of 9
SUBJECT: Drug and Alcohol Testing Policy and Procedures	Revised: July 23, 2014

Director or his/her designee to be tested.

III. Collection, Testing and Reporting Procedures

A. Laboratory

The laboratory under contract with the Department will collect the specimen and conduct the drug and alcohol testing. The Division DTA or the Human Resources Office will serve as the primary contacts with the laboratory.

B. Medical Information Disclosure

At the time of collection, the donor will confidentially identify to the laboratory personnel any prescription or non-prescription medication ingested in the past several weeks.

C. Drug and Alcohol Testing

The laboratory will follow drug and alcohol testing and collection procedures that will insure confidentiality, security, and proper specimen identification and test results. If an alcohol concentration is discovered at less than 0.02, the test will be considered negative for the purposes of this policy. The Medical Review Officer at the laboratory will investigate positive test results. After a positive test result with no alternative explanation, the MRO will provide the Human Resources Office a copy of the laboratory report. The Human Resources Director will notify the Division Deputy Director of the results and the Deputy Director will inform the employee in writing of the result within five (5) days and advise the employee of the consequences of such results. An employee who tests positive may request a reanalysis of the specimen by the laboratory. A third analysis may be conducted at the employee's expense.

IV. Record Keeping

The Human Resources Office will be responsible for keeping the results of the lab testing. Results of tests will be kept on file*, but the results of the test will not be disclosed without the prior written consent of the employee except to the MRO and officials

POLICY #: 705.05	Page 7 of 9
SUBJECT: Drug and Alcohol Testing Policy and Procedures	Revised: July 23, 2014

who need the information to administer this policy or to recommend or carry out disciplinary action.

*The Coast Guard requires records to be kept for five years.

The Division Deputy Director and DTA will provide the Human Resources Office with pre-employment DOT drug and alcohol test results for applicants applying for positions requiring a CDL and/or CGL, even if the applicant was not hired. The Human Resources Office will maintain these records as a part of the vacancy/hiring packet for three (3) years.

V. **Training and Counseling**

The Deputy Director of the Division(s) or the Division DTA will coordinate the training program for supervisors of employees with a job required CGL. Supervisors must be given at least one hour of training on the effects of drug and alcohol use on personal health safety and the work environment, the behavioral indications of drug use/abuse. The DTA is responsible for maintaining the documentation of the training completed by the employees.

The Companion Benefit Alternatives (CBA) is the state employees' counseling program that offers assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol and mental health problems that may affect their job responsibilities. Job Retention Services assessment and assistance is also available through the South Carolina Department of Vocational Rehabilitation (SCDVR).

A supervisor may refer an employee to the CBA or to Job Retention Services through SCDVR. The service provider will assess the employee and may provide counseling or refer the employee to a rehabilitation or treatment organization. The supervisor will monitor the progress of employees referred for assessment and/or services both during and after the rehabilitation period.

VI. **Disciplinary Actions**

A. **Regulations**

According to Chapter 33 of Title 46 United States Code, crew members on board a vessel may not perform or attempt to perform any scheduled duties within four (4) hours of consuming alcohol; may not be intoxicated at any

POLICY #: 705.05	Page 9 of 9
SUBJECT: Drug and Alcohol Testing Policy and Procedures	Revised: July 23, 2014

3. A crew member who refuses to provide a sample should be reported to the nearest Coast Guard Marine Safety/Inspection Office for possible actions against the license and should be removed from duties of safety or navigation operation.