I. Policy

A. Purpose

The purpose of drug and alcohol testing is to prevent the hiring and/or continued employment of individuals in safety-sensitive or security-sensitive positions who, due to the abuse of alcohol or use of illegal drugs, may harm themselves or others, or cause damage to property. Drug and alcohol testing applies to all employees of the University system who are employed in safety-sensitive or security-sensitive positions and to employees who are required to have a Commercial Driver’s License (CDL) in order to perform the essential function of his/her job. Drug testing for employees required to have a CDL must conform to USDOT regulation CFR 39 Part 40. Job announcements for safety-sensitive or security-sensitive positions will contain language indicating that employees will be subject to pre-employment and post-employment drug testing in accordance with this policy.
B. Definitions

1. Employee – Any person having an employment relationship with the University, regardless of the appointment type (e.g. classified, unclassified, full-time, part-time, temporary, student, intern), who works in a safety-sensitive or security-sensitive position. This policy also will apply to volunteers working in safety-sensitive or security-sensitive positions.

2. Illegal Drug – Any illegal substance, including but not limited to narcotics, hallucinogens, cocaine, marijuana, and designer drugs, and any controlled substances, including but not limited to amphetamines and barbiturates, that are used either without being prescribed by a licensed physician or in excess of the amount prescribed by a licensed physician. Any drug that is not legally obtainable or that has not been legally obtained, to include prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes or being used by an individual other than the person for whom prescribed.

3. Drug and/or Alcohol Test – Any evaluation used to detect the presence of illegal drugs and/or alcohol in an individual’s system. Testing will usually consist of urine sampling for drugs and/or breath testing for alcohol.

4. Reasonable Suspicion – Belief based upon reliable, objective facts derived from direct observation of specific physical, behavioral, odorous presence, or performance indicators being of sufficient import and quantity to lead a reasonable person to suspect that an employee has used or may be impaired by drugs or alcohol.

5. Safety-Sensitive or Security-Sensitive Position – A position determined by the Vice President for Human Resources or his designee to contain duties of such a nature that a compelling University interest to keep the incumbent drug-free outweighs the employee’s privacy interests. The following are examples of safety-sensitive and security-sensitive positions:
   a. Positions with duties that are required or are authorized to perform the safety inspection of a structure
   b. Positions with duties that are required or are authorized to carry a firearm or other weapon or are authorized to use physical force when necessary that could result in bodily injury or death
   c. Positions with duties that allow access to controlled substances (drugs)
   d. Positions involved in patient care, to include those providing direct patient care or those drivers of State vehicles who transport patients receiving care
e. Positions with duties that are required or authorized to inspect, handle, or transport hazardous materials

f. Positions with duties that are required or authorized to exercise any responsibility over potentially dangerous equipment

g. Positions with duties that require the operation or supervision of heavy equipment or machinery.

6. Unfit Condition – Behavior including but not limited to: drowsiness, sleepiness or sleeping, slurred and/or incoherent speech, unusually aggressive behavior, unusually depressive behavior, unusual and rapid changes in mood, disorientation or inability to concentrate, or lack of coordination in walking or performing other tasks.

7. Workplace – Any location on University property, including all offices and facilities (including all vehicles and equipment) whether owned, leased or otherwise used by the University or by an employee on behalf of the University from any location from which an individual conducts University business.

C. Testing

1. The University shall require drug testing under the following conditions:

a. Reasonable Suspicion – Any employee in a safety-sensitive or security-sensitive position shall be required to submit to a drug or alcohol test if there is reasonable suspicion (as defined in this policy) that the employee is using and/or under the influence of drugs and alcohol.

b. Immediately following the discharge of a firearm or other weapon, or any use of physical force by a USC Police Officer that results in hospitalization, serious bodily injury, or fatality.

c. Post-accident – Each employee in a safety-sensitive or security-sensitive position involved in an accident that occurs during the course and scope of employment shall be required to submit to a drug or alcohol test if the accident:

   i. Involves circumstances leading to a reasonable suspicion of the employee’s drug or alcohol use

   ii. Results in hospitalization, serious bodily injury, or fatality

   iii. Results in or causes the release of hazardous materials
d. Rehabilitation Monitoring – Any employee in a safety-sensitive or security-sensitive position who is participating in a substance abuse after-treatment program (such as the Employee Assistance Program) or who has a rehabilitation agreement with the University following an incident involving substance abuse shall be required to submit to random drug testing.

e. Pre-employment – Each prospective employee accepting a safety-sensitive or security-sensitive position shall be required to submit to drug testing at a designated time and place following a job offer contingent upon a “Negative” drug-testing result. A prospective employee who tests “Non-Negative” for the presence of drugs in the initial test shall be eliminated from consideration for employment.

f. Each employee who is offered a safety-sensitive or security-sensitive position (as defined in this policy) shall be required to pass a drug test before being placed in such position, whether through appointment or promotion.

g. Random testing – Every employee in a safety-sensitive or security-sensitive position shall be required to submit to random drug testing. Employees selected at random are required to report for testing immediately or within two hours after notification. All such testing shall, if practicable, occur during the selected employee’s scheduled work hours.

II. Procedures for Testing

1. Departments must use the drug testing vendor under contract with the University’s Division of Human Resources.

2. Departments employing safety-sensitive or security-sensitive positions will designate an employee who will be responsible for the drug testing function in their respective departments, to include record keeping and report generation.

3. Testing will be conducted by a certified drug testing laboratory that follows accepted standards of testing and chain-of-custody requirements. Testing will usually consist of urine sampling and/or breath testing for alcohol.

4. All non-negative tests will be confirmed by a second test using the same sample. All non-negative tests will receive a professional medical review by a licensed Medical Review Officer (MRO) whose services will be provided by the certified drug testing laboratory (vendor), which includes the opportunity for employees to explain the result.

5. Employees who test “non-negative” will be subject to the University Policy HR 1.39 Disciplinary Action and Termination for Cause and/or may be offered the
opportunity for treatment depending on the facts/circumstances of the incident for which the test was required.

6. The refusal by an employee to take an alcohol or drug test is considered equivalent to a verified “non-negative” drug test and subjects the employee to the same adverse employment action up to and including termination of employment.

7. Prospective employees, or employees hired contingent upon a “negative” drug test, will not be offered employment or will be terminated immediately if they test “non-negative.”

A. Confidentiality

All information and/or test results received by the University through its drug and alcohol testing program are confidential communications, but may be used or disclosed in any civil or administrative proceeding as allowed by applicable law. Only University employees who have a need to know will have access to test results, and those employees shall keep test results confidential.

B. Employee Guidance/Education

1. The University will provide drug- and alcohol-awareness information to all employees. This includes the University Police Department’s Drug-Free Workplace Policy and Alcohol & Other Drug Information booklet.

2. Supervisors have a significant role in establishing and maintaining the University's drug and alcohol testing program. Their understanding and support are key factors in establishing a successful program. Supervisors of safety-sensitive or security-sensitive positions will receive training on their responsibilities relating to alcohol and drug testing. Supervisor training is not intended to train supervisors to be drug- or alcohol-abuse experts, counselors, or to conduct medical evaluations.

C. Employee Assistance Program (EAP)

1. The University of South Carolina recognizes drug and/or alcohol dependence as a treatable illness. Notwithstanding Section I. and Section II.A.- B. of University Policy HR 1.01 Drug-Free Workplace, employees are encouraged to seek assistance for drug and/or alcohol problems before there is an incident that would cause the University to impose sanctions. Assistance may be sought through the University’s Employee Assistance Program (EAP) or other programs and/or treatment facilities licensed by the State of South Carolina or by the state in which the program and/or treatment facility is located.

a. Referrals to such programs may be self-referrals or supervisory referrals. If a supervisory referral is made that includes satisfactory participation in
a rehabilitation program as a condition of continued employment, the referral must be made through the Division of Human Resources or a Campus Human Resources Officer.

b. Referrals and records of referrals will be handled with the same degree of confidentiality as for medical records.

D Violations

1. Violation of this policy by staff will be cause for disciplinary actions up to and including termination, pursuant to University Policy HR 1.39 Disciplinary Action and Termination for Cause, and may have legal consequences.

2. Violation of this policy by faculty will lead to disciplinary actions up to and including termination based upon the criteria in the Faculty Manual of the applicable campus, and may have legal consequences.

III. Related Policies

University Policy HR 1.01 Drug-Free Workplace
University Policy HR 1.39 Disciplinary Action and Termination for Cause