



HRM 60.119: DRUG-FREE WORKFORCE

POLICY

The purpose of this policy and procedure is to establish those special requirements for University employees working in sensitive positions on grants and/or contracts (a) funded by the U.S. Department of Defense (DOD) and its branch agencies and (b) that contain the provisions of the DOD Drug-Free Workforce Rule of 1988. These persons are subject not only to the Drug-Free Workplace Act of 1988, but also to the more stringent regulations of the DOD Drug-Free Workforce Rule of 1988 as described in the DFARS at Section 23.7500 and its associated contract clause, 52-233-7500. This Rule covers all controlled substances included in Schedules I and II, as defined in 21 U.S.C. 802(6), specifically, opiates, marijuana, cocaine, amphetamines, and phencyclidine (PCP) proscribed by Section 2.3 of Subpart B of the Mandatory Guidelines for Federal Workplace Drug Testing Programs, also known as the NIDA (National Institute for Drug Abuse) guidelines when testing for cause.

PROCEDURE/DEFINITIONS

1. For the purposes of this policy, the term "employees in a sensitive position" means employees who are working on a Department of Defense grant and/or contract wherein the grant/contract agreement includes the Drug-Free Workforce clause and who have been or may be granted access to classified information, or employees in other positions that the University determines involve national security, health or safety, or functions requiring a high degree of trust and confidence.
2. Employees in sensitive positions who are working on those Department of Defense grants and/or contracts wherein the grant/contract agreement includes the Drug-Free Workforce clause are specifically prohibited from using illegal drugs (controlled substances used in an illegal manner) both on or off campus for the following reasons. The use of illegal drugs, on and off campus:
 - is inconsistent with law-abiding behavior expected of all citizens.
 - tends to make employees less productive, less reliable, and prone to greater absenteeism. These result in the potential for increased cost, delay, and risk to the government contract.
 - can impair employees' ability to perform tasks that are critical to proper contract performance. Such use also can result in the potential for accidents on duty and failure to adhere to safety standards.
 - by employees in certain sensitive positions can result in less than the complete reliability, stability, and good judgment that are consistent with access to sensitive

information. It can also create the possibility of coercion, influence, and irresponsible action under pressure that may pose a serious risk to national security and to health and safety.

3. The University reserves the right to identify illegal drug users through urine testing or other appropriate testing processes on a controlled and carefully monitored basis. The University reserves the right to test those employees who are employed in sensitive positions on grants and/or contracts that contain the provisions of the DOD Drug-Free Workforce Rule of 1988. The University will utilize urine tests to screen for drugs before new employees begin work on Department of Defense contracts. Letters of offer to new employees will inform the individual that the offer is contingent upon completion of a urine drug test which indicates an absence of drug use. New hires who test positive for illegal drugs will not be allowed to begin work and the offer of employment will be withdrawn unless documentation can be presented to justify the presence of the drug, i.e. a copy of the prescription or verification from a medical doctor that the drug was prescribed. The individual will be told of the positive drug screen and will be informed about the risks involved in drug use/abuse and available counseling/treatment programs. Individuals may re-apply at a later time, but additional drug screening tests must be administered. After employment, all DOD contract employees in sensitive positions will be tested annually and after an accident or incident or other "probable cause" event. The extent and criteria for such urine testing of individuals shall be determined by the University based on considerations that include (1) the nature of the work being performed under the contract or grant, (2) the employee's duty, (3) the efficient use of University resources, and (4) the risks to public health, safety, and national security that could result from the failure of an employee to discharge adequately his or her position.
4. Employees who refuse to submit to urine drug testing when required will be terminated from the DOD-funded project and other appropriate actions taken up to and including termination of employment from the University. The employee's unit head and the responsible Human Resources Generalist will review the individual circumstances and recommend action to the appropriate administrator(s) and the Chief Human Resources Officer.
5. Urine drug testing will only be performed by a laboratory certified by the National Institute on Drug Abuse. Detailed drug testing procedures are available from Human Resources Management. Laboratory personnel will collect the urine samples to ensure proper "chain of custody" procedures and will analyze the samples following federal guidelines. Positive drug tests of employees will be reviewed by the University's Medical Review Officer who will notify the employee and refer the individual to Human Resources Management for guidance on available required counseling/treatment programs. After notification, the employee has three (3) working days to notify his/her department head of the requirement to participate in a counseling/treatment program and return an approved Application for Leave to Human Resources Management. If the employee fails to do so, Human Resources Management will notify the department head of the positive test results and appropriate disciplinary action, up to and including termination, will be taken.

6. The University will not allow any employee who is engaged in a DOD-funded grant/contract (this grant/contract containing the provisions of the DOD Drug-Free Workforce Rule of 1988) to continue performing his/her job if he/she is determined, after positive test results and an investigation by the University's Medical Review Officer, to be a user of illegal drugs, unless and until such time that the University determines through additional urine drug testing that the employee is free of drug use and is in a position to return to his/her employment responsibilities. The employee may be granted major medical, personal, or leave without pay to reasonably accommodate any necessary counseling/treatment program. An employee must present verification that he/she has completed the required counseling/treatment program before returning to his/her employment responsibilities.
7. Supervisors working on DOD-funded grants and/or contracts that contain the provisions of the DOD Drug-Free Workforce Rule of 1988 are required to participate in annual training programs to assist them in identifying and addressing illegal drug use by employees working on the DOD-funded grants or contracts.
8. Supervisors must discuss this policy with all employees reporting to them who work on DOD-funded grants and contracts; these supervisors must ensure that the employees receive a copy of this policy.
9. Employees who wish to utilize self-referral for treatment for drug use/abuse or supervisors who wish to refer employees for counseling/treatment may contact the Human Resources Management for guidance on available counseling/treatment programs or review the outside resources available through the Employee Assistance Program at <https://www.hrm.msstate.edu/benefits/eap>.

REVIEW

This policy and procedure will be reviewed by the Chief Human Resources Officer at least every four years.

REVIEWED BY:

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1/24/2022
Date

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1/24/2022
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1/24/2022
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