

**SOUTH CAROLINA STATE UNIVERSITY  
PERSONNEL POLICIES AND PROCEDURES MANUAL**

SECTION: Employee Relations	Section: VII
	Subject: D.2
SUBJECT: Drug and Alcohol Policy for Campus Police Officers	Effective: 06/05/09
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**DRUG AND ALCOHOL POLICY FOR CAMPUS POLICE OFFICERS**

**Purpose and Scope**

The purpose of this policy is to inform South Carolina State University Campus Police Department employees of the drug and alcohol testing policy for sworn campus police officers. This policy outlines the drug and alcohol screening process and the procedures and standards for conducting drug and alcohol testing on officers and applicants for officer positions.

**Policy**

As outlined in the University's Drug-Free Workplace Policy (Section VII, Subject D.1) of this manual, employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is the intent and obligation of the University to provide a drug-free, safe, and secure work environment. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on University premises or while conducting University business off premises is absolutely prohibited.

The policy becomes even more forceful due to the sensitive nature of the Campus Police Department's overall mission and the effect the actions of its officers can have on the public safety, health and welfare of the University's population and the general public. When officers are involved in illegal drug use and drug activity, and/or are impaired by the effects of alcohol, the lives and safety of others are endangered. Additionally, the safety of the University's vehicles is compromised. The threat imposed by an officer who may be a drug user is so great as to warrant a mandatory drug and alcohol testing policy.

The University requires that an individual recommended for a position as an officer be subjected to testing for controlled substances use before that individual becomes employed in that position.

Violations of this policy will result in disciplinary action up to and including termination and may have legal consequences.

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**Prohibited Activity**

The following prohibitions will apply to all applicants for officer positions and all officers on staff who are in FTE, probationary and temporary positions, while on or off duty and violations may result in disciplinary action in accordance with the University's Progressive Discipline Policy.

- A. No officer shall illegally possess, ingest or be under the influence of any controlled substance.
- B. No officer shall ingest any controlled substance, unless as prescribed by a licensed medical practitioner.
  - 1. Officers shall notify their immediate supervisor when required to use prescription medicine which they have been informed has the potential to impair job performance. The officer shall advise the supervisor of the known side effects of such medication and the prescribed period of use.
  - 2. An officer may be temporarily reassigned to other duties or may be placed on leave while on prescribed medication, if no other duty is available.
- C. No officer shall buy, sell or solicit to buy or sell, transport or possess alcohol or illegal drugs while on duty and/or conducting University business on or off the University's premises.
- D. No officer shall use, possess or be under the influence of alcohol or illegal drugs at any time while on duty and/or conducting University business on or off the University's premises (including medications containing alcohol except where medically valid).
- E. No officer shall use or be under the influence of legal drugs while on duty and/or conducting University business, if such use can adversely affect job performance.
- F. No officer shall perform a safety-sensitive function within four (4) hours of ingesting alcohol, including but not limited to driving a University vehicle.
- G. No officer shall test positive for drugs and/or alcohol.
- H. No officer shall refuse to be tested for drugs and/or alcohol as defined by this policy.
- I. No officer shall violate applicable federal, state and/or local laws governing the use of drugs and/or alcohol.

**Required Testing**

Types of drugs to be tested include marijuana, cocaine, amphetamines, opiates, phencyclidine and alcohol. Drug and alcohol testing consists of pre-employment testing, random testing, reasonable suspicion testing, return to duty testing and follow-up testing.

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**A. Pre-Employment Testing**

1. The designated Campus Police Department official in consultation with the Brooks Health Center will coordinate applicant drug testing when an employee selection is made. The applicant will not be notified in advance of the actual date and time of his or her drug test.
2. An applicant shall be disqualified from further consideration for employment for the following reasons:
  - a) Refusal to submit to a required drug test; or
  - b) A confirmed positive drug test indicating drug use prohibited by this policy.

**B. Random Drug and Alcohol Testing**

1. Officers will be selected for testing on an unannounced random basis. The designated Campus Police Department official will notify selected officers the day of the scheduled test and officers must adjust their personal schedules. If the supervisor verifies that an officer is not available due to an unavoidable work conflict, another officer will be selected. Supervisors will document unavailability of officers. Officers may undergo more than one random test in any 12-month cycle.
2. Officers who test positive or refuse to submit to a drug or alcohol test will be subject to disciplinary action up to and including termination.

**C. Reasonable Suspicion Testing**

1. If an officer's supervisor or Campus Police Department official suspects that officer of using drugs or alcohol, that supervisor or official will gather all information and circumstances leading to and supporting this suspicion. Observations for alcohol and/or controlled substance testing for reasonable suspicion shall be made by a supervisor or Campus Police Department official who has received training on the indications of probable alcohol and controlled substance use. When observations of this nature are made, the supervisor or official will obtain the concurrence of another supervisor, if it is feasible to do so.
2. Documentation of the information and circumstances will be provided to the Chief of Campus Police, who will advise the Human Resources Director and/or other appropriate officials. Together they will determine whether the officer should be tested.
3. If an officer is tested for controlled substance use due to reasonable suspicion, he or she shall be suspended pending the results of the test. If the test is positive, the established disciplinary policy will be followed. If the test is negative, the officer shall return to his or her regular work without disciplinary penalty. If the officer was suspended pending the results of the test, he or she will receive all back pay for the regular duty time for which he or she was required to be absent.

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**D. Return-to-Duty Testing**

1. The Chief of Campus Police shall ensure that before an officer returns to duty after engaging in prohibited conduct regarding alcohol misuse, the officer shall undergo a return-to-duty alcohol test with a result indicating a zero-tolerance level of alcohol.
2. The Chief shall also ensure that before an officer returns to duty after engaging in prohibited conduct regarding controlled substance use, the officer shall undergo a return-to-duty controlled substance test with a result indicating a verified negative result for controlled substance use.

**E. Follow-up Testing**

1. Following a determination that an officer is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the Chief of Campus Police shall ensure that the officer is subject to unannounced follow-up alcohol and/or controlled substance testing for up to one year after participating in a counseling or rehabilitation program. There is no maximum number of follow-up alcohol or controlled substance tests which can be conducted during the one year period.
2. An official in both the Campus Police Department and the Office of Human Resource Management shall be responsible for keeping a record of who needs follow-up testing and ensuring that follow-up testing is done.

**Collection, Testing and Reporting Procedures**

**A. Collection**

1. After presentation of suitable photographic identification by the applicant/officer, designated Brooks Health Center staff will collect the specimen and forward it to the laboratory. Laboratory personnel will conduct the drug and alcohol testing. The Director of Brooks Health Center will serve as the primary contact with the laboratory.
2. During the collection phase, each applicant/officer will be provided with a specimen collection kit. Brooks Health Center staff will have the individual sign for receipt of this kit and will have the individual initial all identifying marks placed on any container or item in the kit by the Brooks Health Center staff.
3. The applicant/officer will be required to remove any unnecessary clothing (e.g., coat, jacket, sweater, etc.) that might conceal items or substances that could be used to alter the urine specimen or substitute a different specimen.
4. The applicant/officer should be allowed privacy when giving urine samples unless there is reason to believe that he or she may alter or substitute the specimen to be provided. Direct observation by an authorized individual of the same gender may be employed in urine collection if reasonable suspicion is present. Reasonable suspicion under these circumstances shall include:

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- a) selection of an applicant/officer for testing based on the criteria outlined in the “Reasonable Suspicion Testing” section of this policy;
  - b) testing as part of, or as a follow-up to, counseling or rehabilitation for drug use; and
  - c) evidence that an officer has tampered with a previous specimen.
5. Where the applicant/officer appears unable or unwilling to give a specimen at the time of the drug test, testing personnel shall document the circumstances on the drug test report form. The applicant/officer shall be permitted no more than three hours to give a sample on site. Reasonable amounts of water and/or other acceptable liquids may be given to an applicant/officer to encourage urination. Failure to submit a sample shall be considered a refusal to submit to a drug test.
6. In the event an officer is unable to provide an adequate amount of breath for the initial or confirming alcohol test after several attempts, the officer may be required to submit to an evaluation by a licensed medical physician at his or her own expense, to determine whether a valid medical condition exists. If it is determined that a valid medical condition exists, the officer may be found to be unsuitable for work due to medical reasons. If it is determined that there is no valid medical condition, it shall be noted by testing personnel and reported to the Chief of Campus Police as a failure to submit.

**B. Medical Information Disclosure**

At the time of collection, the donor will confidentially identify to the designated Brooks Health Center staff any prescription or non-prescription medication ingested in the past several weeks.

**C. Drug and Alcohol Testing**

1. The laboratory will follow drug and alcohol collection and testing procedures that will include a split sample, ensure confidentiality, security and proper specimen identification and test results.
2. The Director of Brooks Health Center will review all drug and alcohol reports and will notify the Human Resources Director and the Chief of Campus Police of results.
3. The Director of Brooks Health Center will investigate positive test results. He or she will then prepare a memorandum detailing the results for the applicant’s/officer’s record which will include a copy of the laboratory report and submit a copy to both the Human Resources Director and the Chief of Campus Police. If there is a positive finding the Human Resources Director and the Chief will review the information and determine appropriate action. The Chief will inform the applicant/officer in writing of the results as soon as possible and advise the applicant/officer of the consequences of such results.

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4. An applicant/officer who tests positive will be afforded the opportunity to consult with the Chief of Campus Police. He or she is not entitled to a hearing but only an opportunity to provide oral or written information which supports a justifiable reason for a positive test result. Information may include, but not be limited to, a valid prescription or an affidavit from a doctor verifying a valid prescription or medical reason.
5. An applicant/officer may request a reanalysis of the specimen by the laboratory. Under split-sample collection procedures the applicant/officer has 72 hours following notification of a positive result to request the secondary sample be analyzed. Tests performed on the secondary sample will be paid for by the applicant/officer.

**Record Keeping**

- A. The Office of Human Resource Management will be responsible for keeping the records of results of the lab testing in accordance with federal regulations. Only those test results records necessary for compliance with this policy will be maintained. Results of tests will be kept on file, however, the results will not be disclosed without the prior written consent of the applicant/officer except to the following:
  1. An employee assistance professional, when the employee is receiving counseling or treatment or is otherwise participating in a rehabilitation program.
  2. A court of competent jurisdiction pursuant to an order of the court.
  3. An administrative agency, to defend against any challenge to an adverse personnel action.
  4. Prosecuting officials, where prospective charges are considered or other disclosure necessary to effect criminal charges.
  5. South Carolina State University General Counsel and/or outside counsel representing the University.
  6. University officials who need the information to administer this policy or to recommend or carry out disciplinary action.

**Training and Counseling**

- A. Training Requirements
  1. Supervisors must be given training on the signs and symptoms of alcohol and drug abuse to assist in making determinations for reasonable suspicion testing. The training program will include the effects of drug and alcohol use on personal health, safety and the work environment and the behavioral indications of drug use/abuse.

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2. The Staff Development and Training Office shall provide adequate training and educational material to all employees whose positions are covered by this policy. The content may include but not be limited to:
  - a) The effects of drugs and alcohol on an individual's health, work and personal life.
  - b) The signs and symptoms of a drug and/or alcohol problem.
  - c) The available methods of intervention when a problem does exist.

**B. Employee Assistance**

1. A supervisor or Campus Police Department official may refer an officer engaging in any conduct that is prohibited by this policy to the Human Resources Director. The Human Resources Director will refer the officer to a rehabilitation or treatment organization for assistance by substance abuse professionals and/or counselors in evaluating and resolving a drug and/or alcohol problem.
2. The supervisor and/or Campus Police Department official will monitor the progress of officers referred for assistance both during and after the rehabilitation period.
3. Participation in such a rehabilitation or treatment program will not jeopardize an officer's job. However, participation will not relieve an officer of the responsibility of reporting to work timely or performing assigned duties safely and efficiently.