



Policy Name:	Drug and Alcohol Free Workplace				
Section Number:	4.17	Section Title:	Campus	Office of the President	
Policy Owner:	Director of Human Resources		Last updated:	May 2021	Reviewed: May 2021
Status:	Active		Due for Review:	May 2026	

PURPOSE

Jones County Junior College (Jones College or College) implements this drug and alcohol policy and implements a testing policy pursuant to Sections 71-7-1, et seq., of the Mississippi Code of 1972, Ann., entitled “Drug and Alcohol Testing of Employees” (hereinafter referred to as “the Act”), and you are hereby advised of the existence of said Act. The use and abuse of illegal drugs and alcohol is a serious and growing problem throughout the United States. This substance abuse policy and substance testing policy has been implemented in response to concern that the use and abuse of illegal drugs and alcohol by employees and applicants for certain employment, presents among other things, serious safety and security risks. The Mississippi Legislature has supported the implementation of drug and alcohol free workplace policies by enacting the Act.

POLICY

College employees expect to work in a drug-free and alcohol-free environment. The College expects its employees to be free from the effects of alcohol and drugs while on the job or in the workplace. This policy is intended to be a vehicle to aid in meeting these expectations. If an employee believes that he or she has a problem with alcohol or drugs or if substance abuse is causing problems in his or her life, that employee is requested to please contact Human Resources to learn of outside resources available.

Confidentiality

All information, interviews, reports, statements, memoranda, and test results, written or otherwise, received by the College through its drug and alcohol testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with the Act and this policy. Any information obtained by the College pursuant to the Act and these regulations shall be the property of the College. The College shall not release to any other person other than the applicant, supervisory or other personnel, as designated by the College on a need-to-know basis, information related to drug and alcohol test results unless: (a) the employee or job applicant expressly, in writing, granted permission for the College to release such information; it is necessary to produce a confirmed test result into an administrative hearing under applicable state law or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding, or 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 a state or federal government contract, or disclosed to a drug abuse rehabilitation program for the purpose of evaluation or treatment of an employee; or (b) there is a risk to 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. The confidentiality provisions provided for by the Act shall not apply to other parts of an employee's or job applicant's personnel or medical files. If an employee refuses to sign a written consent form for the release of information to persons as permitted by the Act, the College shall not be barred from terminating or disciplining the employee.

Notice of Currently or Recently Used Prescription or Nonprescription Drugs

An employee to be tested shall be given (1) a medication disclosure form to permit the employee to disclose any non-prescription or prescription medications that have been taken within the last forty-five (45) days which may result in a positive test result, and (2) a statement that the form shall be submitted directly to the laboratory in order that the College has no access to the information disclosed on the form. The procedure for submission of the form shall ensure that no person other than the laboratory has access to the information disclosed on the form.

Testing Policy for Employees

Employees may be required to undergo testing for the presence of unlawful drugs and controlled substances, based on one of the following circumstances:

1. Follow-up To and as a Part of Rehabilitation Testing; Testing Pursuant to Special Contract: The College may require an employee to submit to neutral selection or routine drug and alcohol tests if the employee, in the course of his/her employment, enters a drug abuse rehabilitation program, and as a follow-up to such rehabilitation; or if previous drug and alcohol testing of the employee resulted in a positive confirmed test result; or the drug and alcohol test is conducted in accordance with the terms of an applicable agreement; or if an employee is performing services pursuant to a contract that permits drug and alcohol tests on a neutral selection or routine basis. If an employee is participating in drug abuse rehabilitation, then drug and alcohol testing may be conducted by the rehabilitation provider as deemed appropriate by the provider.
2. Testing Pursuant to Department of Transportation Regulations (DOT): For those employees subject to regulation by the United States Department of Transportation (i.e., those employees whose job requires a Commercial Drivers' License), the College will follow the DOT Policy concerning, controlled substances and alcohol use testing of employees with a Commercial Drivers' License.
3. College Police Department: Prior to beginning work in safety or security sensitive positions in the College Police Department, potential employees will be tested for controlled substances use and alcohol misuse. Offers of employment to affected new employees shall indicate that the offer is contingent upon completion of drug/alcohol tests that indicate an absence of drug use/alcohol misuse. New employees will be referred to the Department of Human Resources by the hiring authority to schedule the required tests. Any potential employee who tests positive for alcohol/drugs as defined in this policy will not be allowed to begin work and the offer of employment will be withdrawn. If documentation of justification of the presence of the alcohol/drug can be provided, the offer will be reconsidered. The individual will be informed by the Director of Human Resources of the positive alcohol/drug screen.

4. Reasonable Suspicion of Drug or Alcohol Use: Testing based on reasonable suspicion of drug and alcohol use means drug and alcohol testing based on a belief that an employee is using or has used drugs or alcohol in violation of this policy drawn from specific facts and reasonable inferences drawn from those facts, and may be based upon, among other things:
 - a. Observable phenomena, such as direct observation of drug or alcohol use while working or while on the College premises;
 - b. A report of drug use provided by reliable and credible sources and which has been independently corroborated;
 - c. Evidence that an individual has tampered with a drug and alcohol test during employment with the College;
 - d. Evidence that an employee is involved in the use, possession, sale, solicitation or transfer of drugs while working or while on the College premises or operating a College vehicle, machinery, or equipment.
5. Use of any campus owned or rented motor vehicle: Any employee that utilizes any College controlled motor vehicle is subject to a random drug and alcohol test.
6. Accidents: Any workplace accident or accident involving a college-controlled motor vehicle will require the vehicle operator or involved employee to comply with a drug and alcohol test.
7. Random: The College reserves the right to perform random drug tests for employees. The College may choose to select populations of the campus such as faculty or those operating campus vehicles for testing. The selection method will use sound statistical random sample practices.
8. Upon Hire: The College may test new hires to the institution.

Definitions

Testing Specimen - employees undergoing testing shall be required to give a "Specimen," which means a tissue or product of the human body chemically capable of revealing the presence of drugs in the human body.

Positive Alcohol Test Levels

- Under age 21 – greater than 0
- Over age 21 - .04 or greater

Testing Procedure

Procedure - Once an employee has been required to complete a drug test the Employees immediate supervisor or College administrator will inform the employee. The selected employee will then immediately report to campus police for transportation to the Wellness Works clinic, Laurel, MS. An additional College employee will accompany with the officer and selected employee. If the selected employee is female another female employed by the College will be present during transportation. Failure to immediately report to campus police will be consider a refusal to submit to testing.

Should the employee selected be at one of the College Centers, the Center Director, or his/her designee, can choose to wait for College police officers for transportation or transfer the selected employee themselves in a college owned car, along with another College employee, directly to the Wellness Works clinic.

The selected employee may be temporarily suspended or transferred to another position until the results of the test are provided to the College.

Consequences of a Positive Test

An employee who tests positive with respect to an unlawful drug or alcohol may be temporarily suspended or transferred to another position. Once the test is confirmed according to the Act, the College may respond in the following manner, and it retains the right, in its sole discretion, to take appropriate corrective or disciplinary actions, up to and including termination. An employee that is terminated may choose to seek relief as outlined in the College's Employee Dismissal Policy.

Refusing to Submit to Testing

In the event an employee refuses to submit to a drug and/or alcohol test pursuant to this policy, the College will take appropriate corrective or disciplinary actions, up to and including termination.