



BOISE STATE UNIVERSITY

University Policy 7510

Employee Drug and Alcohol Screening

Effective Date

November 2013

Responsible Party

Vice President and Chief Financial Officer, (208) 426-1200
Human Resources, (208) 426-1616

Scope and Audience

This policy applies only to Boise State employees who (a) expect a Clinical Assignment to a Clinical Site where the party operating the Site requires testing in order for a university employee to participate in the assignment at their facility or (b) hold a federal license to conduct Controlled Substances research or are granted direct access to Controlled Substances.

Additional Authority

- 21 U.S.C. §802 et seq.
 - Federal Regulations of the Drug Enforcement Agency (DEA), 21 CFR §13010.02 *et seq.*
 - 42 CFR. Part 2
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1. Policy Purpose

To provide guidelines for the drug and alcohol screening of certain subset of Boise State University employees.

2. Policy Statement

Some Boise State employees work with Controlled Substances or health care Clinical Sites that require drug and/or alcohol testing because of the safety sensitive nature of the work. This

policy was adopted to comply with the requirements of various outside agencies' demands. To meet their needs and promote safety, those performing this work may be subject to Drug Screenings or Drug or Alcohol Tests. Such Screenings may be conducted in addition to or as part of background investigations.

3. Definitions

3.1 Clinical Assignment

Placement in an agency/affiliate for educational or work-related purposes.

3.2 Clinical Site

An affiliate/agency that, by agreement with Boise State, provides clinical education experiences to Boise State faculty and students.

3.3 Concerned Party

An individual who holds a federal license, *i.e.*, has authorized access, to conduct Controlled Substance research; grants direct Controlled Substances access to others.

3.4 Controlled Substance

A substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812), as further defined by regulations at 21 CFR 1300.11 through 1300.15, and as defined in Idaho Code.

3.5 Controlled Substances Questionnaire

An inquiry regarding drug convictions and use and authorizing such verification and investigation.

3.6 Drug Screening

A Drug Test plus supplemental investigation, generally authorized by a Controlled Substances Questionnaire or participation in some clinical programs, regarding drug convictions and use.

3.7 Drug or Alcohol Test

A minimally invasive examination to detect the presence of Controlled Substances or their metabolites; may include breath testing (or other scientifically accepted methods) for alcohol.

4 Responsibilities and Procedures

4.1 Clinical Assignments

Facilities with which Boise State has clinical education agreements vary and some contain sensitive populations and instruments requiring unusually high levels of care in safety sensitive positions. This section of policy is primarily in response to various affiliates'/agencies' requirements for accepting Boise State students and their instructors for practical on-site experience. These affiliates/agencies/clinical sites include, but are not limited to, schools, clinics, hospitals, health facilities, pharmacies, and law enforcement training facilities. If a Clinical Site requires a Drug Screening or Drug Test prior to accepting Boise State students and their supervising faculty members, the following guidelines apply.

4.1.1. Guidelines

- a. Employees must sign an informed consent form for:
 - (i.) The release of their Drug and Alcohol Screening or Drug Test results from the testing laboratory to Boise State; and
 - (ii.) Boise State to release the information to the Clinical Site requesting the results, if required by a Clinical Site's clinical education agreement.
- b. Clinical Sites usually have the discretion to determine whether an employee or faculty member is acceptable and may participate according to the affiliates'/agencies policies. Affiliates/agencies will notify Boise State of the acceptance or denial of a placement and/or requests for removal of the employee from such facility. Such a determination will be independent from any determination by Boise State regarding the clinical appointment. Boise State may take further action.
- c. If a Clinical Site does not require a Drug Screening or Drug or Alcohol Test for conditional admission, some type of background check may still be required prior to commencement of the faculty member's clinical placement.
- d. Boise State retains sole discretion to place employees with Clinical Sites it deems necessary.
- e. Annual or recurrent testing, in addition to the pre-placement testing may be required by the Clinical Site.

- f. Reasonable suspicion, post-incident, or post on-the-job injury type testing may also be required by the Clinical Site.

4.2 Controlled Substance Research

- a. Some Boise State employees possess licenses from the U.S. Drug Enforcement Agency (DEA) to possess and conduct research using Controlled Substances. These license holders are Concerned Parties.
- b. Concerned Parties must:
 - (i.) Complete a Drug Screening;
 - (ii.) Develop procedures for authorizing access to Controlled Substances. The procedures must ensure Drug Screenings are conducted for those seeking direct, authorized access to Controlled Substances; and
 - (iii.) Follow the guidelines set forth herein. Failure to do so constitutes adequate cause for discipline up to and including dismissal.
- c. Any misuse of properly possessed Controlled Substances must be reported to the Concerned Party. Failure to report such misuse is considered when determining the feasibility of continuing to allow an employee to maintain access.

4.3 Minimum Testing Procedures

- a. Drug or Alcohol Tests or Drug Screenings may seek the presence of alcohol (.04 or more blood alcohol level) or the following drugs: amphetamines, barbiturates, benzodiazepines, opiates, tetrahydro-cannabinols, codeine and cocaine.
- b. Boise State employees subject to a Drug or Alcohol Test or Drug Screening as per this policy are afforded the following:
 - (i.) Unobserved privacy while providing sample specimens. However, this may be limited or eliminated if collection site personnel have reason to believe an employee altered or substituted the specimen. Such belief may exist if:
 - The employee has previously tampered with a sample; for example, by providing a urine sample outside the range of 90F-100F;

- Facts and circumstances suggest the employee is an unauthorized drug user;
 - The employee is under the influence of drugs or alcohol at the time of the specimen collection; or
 - The employee, while at the collection site, possesses equipment or implements capable of tampering with or altering specimen samples.
- (ii.) Employees may submit medical documentation of lawful use of an otherwise illegal or controlled substance.
- (iii.) Once notified of a verified positive test result:
- Employees may, within 72 hours of notification and at their own expense, request the confirmation specimen be tested by another certified lab. If the second test is negative, the employee may be returned to duty pending resolution of the different results and reimbursed for the cost incurred.
 - Employees shall have the opportunity to provide an explanation.

4.4 Evaluations of Concern

4.4.1 Drug Screening Results or Positive Drug or Alcohol Tests

Drug Screening results or positive Drug or Alcohol Tests are not direct grounds for termination and do not automatically affect the employee's general status with Boise State. Decisions regarding the status of these employees are made pursuant to a Conditional Employment Notice.

4.4.2 Conditional Employment Notice

- a. Such Notices are established by the employing department in consultation with HRS and the appropriate Dean or Vice President, subject to the following conditions:
- (i.) Such Notices must be in writing and signed by the employee;
- (ii.) Under such Notices, employees may:
- Have the opportunity to prevent or modify changes to their employment status by seeking treatment under University Policy # 7130 or completing a university approved rehabilitation program.

- Be reassigned.
- Be disciplined up to and including dismissal.

(iii.) Relevant university disciplinary policies must be adhered to.

- b. Drug or Alcohol Test and Drug Screening results that may affect or are likely to affect academic programs or planning thereof may be shared with Boise State officials only for purposes of assisting in making programmatic decisions.
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Revision History