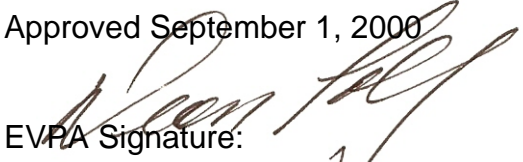


| | |
|---|------------------------|
| Auraria Higher Education Center Office of the Executive Vice President for Administration Administrative Policies and Procedures | |
| Policy #21 Substance Abuse | Page 1 of 7 |
| Approved September 1, 2000  EVPA Signature: | Revision April 1, 2001 |

Policy:

The State of Colorado and AHEC have a vital interest in maintaining a safe, healthful and efficient working environment for its employees, clients, and the public. Employees impaired by alcohol or other drugs during work hours may pose safety and health risks, not only to themselves, but to others.

Therefore, to ensure a safe working environment, it is the policy of the State of Colorado and AHEC that use of alcohol, other drugs, or controlled substances that result in job impairment is prohibited. Likewise, it is the policy of the State of Colorado and AHEC that illegal possession, manufacture, use, sale, or transfer of a controlled substance on state property or during work hours by its employees is prohibited.

Violations of this policy will be cause for management/supervisor intervention that may result in referral to mandatory treatment and/or to corrective or disciplinary actions up to and including termination.

AHEC believes those who want and need help with drug and alcohol problems deserve an opportunity to get help and recover.

**Auraria Higher Education Center
Office of the Executive Vice President for Administration
Administrative Policies and Procedures**

**Policy #21
Substance Abuse**

Page 2 of 7

I. PURPOSE:

To establish departmental procedures for incorporating the Colorado Substance Abuse Policy.

II. AUTHORITY:

Drug Free Workplace Act of 1988: Executive Order Regarding Substance Abuse Policy for Colorado State Employees (1/14/91); Drug Free Schools and Communities Act.

III. DEFINITIONS:

- A. Alcohol or Alcoholic Beverage: alcohol means beer, wine, and all forms of distilled liquor containing ethyl alcohol.
- B. Collection Site: a place where individuals present themselves for the purpose of providing body fluid or breath samples to be analyzed for specified controlled substances. The site must possess all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and transportation or shipment of the samples to a laboratory.
- C. Controlled Substance: any drug listed in 21 U.S.C. 812 and other federal regulations. Generally, these are drugs that have a high potential for abuse. Such drugs include, but are not limited to, heroin, cocaine, marijuana, PCP, crack and amphetamines. They also include over the counter medications, which are not prescribed by a licensed medical practitioner, or “legal drugs” which are prescribed but used abusively. A prescribed drug is any substance prescribed for the individual by a licensed medical practitioner, and which is used in the manner, combination, and quantity prescribed.
- D. Drug: any substance (other than alcohol) that has known mind or function altering effects on a person. These include, but are not limited to, substances prohibited or controlled by Colorado and federal laws.

**Auraria Higher Education Center
Office of the Executive Vice President for Administration
Administrative Policies and Procedures**

**Policy #21
Substance Abuse**

Page 3 of 7

- E. Job Impairment: an employee's behavior or condition which adversely affects performance (e.g. reduced alertness, coordination, reactions, responses, or effort) or threatens the safety of the employee or others, or property; or exhibits unprofessional conduct detrimental to the public's perception of state personnel pursuant to the 1988 Executive Order on Integrity in Government. Job impairment is determined through observation by the supervisor.
- F. Mandated Treatment: substance abuse treatment that may be required by the appointing authority as a condition of an employee's continued employment.
- G. Medical Review Officer: a licensed doctor of medicine or osteopathy with knowledge of drug abuse disorders who is employed or used by an agency to conduct drug testing in accordance with this procedural directive.
- H. Reasonable Suspicion: suspicion of substance abuse based on specific objective facts as observed and documented by a trained supervisor.
- I. Safety-related Positions: approved positions in the Division of Campus Police and Security and any other positions approved by the Executive Vice President for Administration.

IV. GENERAL PROCESS:

- 1. Appointing Authorities are responsible for adhering to and advising their employees of all aspects of the Colorado Substance Abuse Policy and AHEC's Policies and Procedures Concerning Drugs and Alcohol.
- 2. Supervisors are to consult with the appointing authority when requesting testing for pre-employment or reasonable cause tests. The appointing authority or designee must sign the Authorization Form for Drug/Alcohol Testing (Attachment 4), and send it with the donor for testing as outlined in the procedures below.

**Auraria Higher Education Center
Office of the Executive Vice President for Administration
Administrative Policies and Procedures**

**Policy #21
Substance Abuse**

Page 4 of 7

3. All costs for drug or alcohol testing are the responsibility of the appointing authority, unless otherwise approved by the Executive Vice President for Administration.
4. All controlled substance tests are subject to the provisions established in the standards for controlled substance and alcohol tests (Attachment 1). **Concentra Medical Center**, (303) 296-2273 is designated as the official contracted collection site for controlled substance and alcohol testing. Their office is located at **1660 Larimer Street, Suite 160, Monday – Friday, 7:30 a.m. to 5:30 p.m.** Employees who need testing after **5 p.m. or on weekends** must be transported to **Saint Anthony Central**, (303) 629-3638, located at **4231 W. 16th Avenue** and report to the laboratory.

V. PRE-EMPLOYMENT SCREENING PROCESS:

1. Approved positions in the Public Safety Division and any other positions approved by the Executive Vice President for Administration will be subject to pre-employment drug testing.
2. Pre-employment screening is required of all applicants for positions within the Division of Campus Police and Security.
3. All applicants being referred to a safety-related position must complete a “Pre-employment Controlled Substance Testing Consent Agreement Form” (Attachment 2), prior to testing. A copy of the form must be sent to the Human Resources Department for inclusion in the exam folder. Results will be maintained by the Medical Review Officer of the facility where the test is conducted. All parties are responsible for ensuring confidentiality of the information. Confidentiality means making the results available only to the applicant and other persons in the department who have a need to know.
4. Refusal to be tested for a position subject to pre-employment drug testing will disqualify the applicant from further consideration for the position for which they have been referred. Refusal will not bar an applicant from applying for future positions.

**Auraria Higher Education Center
Office of the Executive Vice President for Administration
Administrative Policies and Procedures**

**Policy #21
Substance Abuse**

Page 5 of 7

5. Refusal to be tested for a position subject to pre-employment drug testing will disqualify the applicant from further consideration for the position for which they have been referred. Refusal will not bar an applicant from applying for future positions.

VI. SUBSTANCE TESTING OF CURRENT EMPLOYEES PROCESS:

1. Any employee may be requested by his or her supervisor to submit to a test for drug use or alcohol impairment where reasonable suspicion can be documented. Such supervisors must have approval of the appointing authority or his/her authorized designee and must complete an "Observed Behavior Reasonable Suspicion Report Form" (Attachment 3).
2. Refusal by any employee or group of employees to submit to testing is considered a violation of this policy and will be cause for management/supervisor intervention that may result in referral to mandatory treatment and/or corrective or disciplinary action up to and including termination.
3. Any employee who is mandated to attend a drug or alcohol treatment program may be requested by his/her supervisor after approval of the appointing authority to submit to follow-up testing for up to 24 months following return to work. No prior notice to employee is necessary.
4. The supervisor who requests any drug use or alcohol impairment test is responsible for maintaining the confidentiality of such tests. Confidentiality means making the results available only to the employee and other persons in the department who have a need to know.
5. The Medical Review Officer of the testing facility will maintain all results of drug and alcohol tests for a period of 5 years.
6. Confirmed positive tests for drug use or alcohol impairment will be cause for management/supervisor intervention that may result in referral to mandatory

**Auraria Higher Education Center
Office of the Executive Vice President for Administration
Administrative Policies and Procedures**

**Policy #21
Substance Abuse**

Page 6 of 7

7. Treatment and/or corrective or disciplinary actions up to and including termination; such actions will be handled in accordance with applicable state and/or AHEC personnel policies and procedures.
8. Supervisors requesting a controlled substance or alcohol test of a current employee should ensure the employee does not continue to work or operate a motor vehicle. The employee's supervisor or supervisor on duty must make arrangements to transport the employee to the collection site. If the employee is uncooperative, Campus Police and Security should be notified to assist and to make an assessment of the situation to ensure safety of the community.
9. While test results are being processed, the employee should be placed on administrative leave or in a work assignment that does not pose a threat to public or personal safety or the safety of co-workers.

VII. TRAINING:

1. The employing department shall provide training to all employees in safety-related positions regarding these procedures.
2. The Human Resources department shall coordinate training for all supervisors regarding these procedures. Such training will include:
 - a. Explanation of the effects and consequences of controlled substance use on personal health, safety and the work environment.
 - b. The manifestation and behavioral changes that may indicate controlled substance use or abuse.

| | |
|---|--------------------|
| Auraria Higher Education Center Office of the Executive Vice President for Administration Administrative Policies and Procedures | |
| Policy #21 Substance Abuse | Page 7 of 7 |

- c. Standards for demonstrating “reasonable suspicion.”
 - d. Methods for referral to the State’s Employee Assistance Program and use of mandatory treatment in corrective and disciplinary actions.
 - e. Record keeping responsibilities and standards for confidentiality related to these procedures.
3. The Human Resources Department will annually distribute AHEC’S drug and alcohol policies and procedures which inform employees about:
- a. The dangers of drug abuse in the workplace.
 - b. AHEC’s policy of maintaining a drug-free workplace.
 - c. Any available drug counseling, rehabilitation, and employee assistance programs.
 - d. The penalties that may be imposed upon employee for drug abuse violation.

VIII. EMPLOYEE ASSISTANCE:

Human Resources encourages the use of the Colorado State Employee Assistance Program (C-SEAP) whenever rehabilitation assistance is appropriate. Information on this program may be acquired through the Human Resources Department at (303) 556-3384 or by calling C-SEAP at (303) 866-4314.

ATTACHMENT 1
STANDARDS FOR CONTROLLED SUBSTANCE AND ALCOHOL TESTS

A. **CONTROLLED SUBSTANCE TESTS**

Centura Centers for Occupational Medicine has agreed to meet the following standards for controlled substance testing.

1. **CHAIN-OF-CUSTODY**: The vendor responsible for collecting urine specimens for a controlled substance test must provide procedures for ensuring the security and accuracy of the specimen from collection to actual testing by a qualified laboratory. The vendor must have a written format for chain-of-custody that documents how specimens will be safeguarded from tampering.
2. **SPECIMEN COLLECTION**: The vendor collecting the specimen must produce and apply written procedures showing that the specimen will be collected in a way that ensures its security, protects donor confidentiality, and protects specimen integrity.
3. **LABORATORY ANALYSIS**: a certified DHHS/SAMHSA Laboratory (Department of Health and Human Services) must test all specimens. The specimen will initially be screened by an immunoassay technique. In this initial cutoff, levels shall be used when screening specimens to determine whether they are negative for these five drugs or classes of drugs.

| | Initial test Level (ng/ml) | |
|-----------------------|----------------------------|-------|
| Marijuana metabolites | | 50 |
| Cocaine metabolites | 150 | |
| Opiate metabolites | | 2000* |
| Phencyclidine | 25 | |
| Amphetamines | | |
| 1,000 | | |

*25 ng/ml if immunoassay specific for free morphine

All specimens identified as positive in the initial screen must be subjected to a confirmatory test using gas chromatography/mass spectrometry (GS/MS) techniques at the cut-off levels listed in this paragraph for each drug.

Confirmatory test level (ng/ml)

| | |
|----------------------|---------|
| Marijuana metabolite | (1) 15 |
| Cocaine metabolite | (2) 150 |
| Opiates: | |
| Morphine | 2000 |
| Codeine | 2000 |
| Phencyclidine | 25 |
| Amphetamine: (3) | |
| Amphetamine | 500 |
| Methamphetamine | 500 |

- (1) Delta-9-tetrahydrocannabinol-9-carboxylic acid
- (2) Benzoyl ecgonine
- (3) Specimen must also contain amphetamine at a concentration greater than or equal to 200.

- 4. REVIEW OF RESULTS: The Medical Review Officer (MRO) must be a licensed M.D. or D.O. The MRO is the only person allowed to interpret the results of a controlled substance test. The MRO must review the medical history of any donor testing positive and consider the possible alternate medical explanations. The MRO will attempt to contact the individual who has tested positive within three (3) days of result receipt from the laboratory. If the MRO is unable to reach the individual within the three day time period, the MRO will contact the agency designated representative immediately. Positive test results shall be provided to the appropriate State program administrator or designee immediately upon confirmation by the MRO, but not later than 48 hours after receipt of the specimen by the laboratory. The contractor must inform the employer, upon a request from the agency substance abuse coordinator, if turnaround time for positive test result confirmation will exceed 48 hours.
- 5. RECORD KEEPING: The MRO and CCOM is the custodian of a donor's controlled substance test results. The laboratory retains the results of a controlled substance test for 5 years. All results maintained by the MRO and laboratory will be made available to Auraria Human Resources and the agencies appointing authorities or designee. Results shall not be released to anyone other than the above without the donor's written authorization.

B. ALCOHOL TESTS

1. Alcohol tests will normally be performed in response to an incident indicating reasonable suspicion. Reasonable suspicion may include, but not be limited to observed physical or mental impairment or by the detection of the odor of alcohol on the subject's breath.
2. Tests must be conducted by a certified breath/alcohol technician.
3. An evidential breath-testing device approved by the Substance Abuse and Mental Health Services Administration (SAMHSA) will establish the subject's breath alcohol content.

ATTACHMENT 2

**PRE-EMPLOYMENT
CONTROLLED SUBSTANCE TESTING
CONSENT AGREEMENT**

As a condition of my employment, I consent to the urine sample collection for controlled substance testing.

I understand failure to sign this agreement will disqualify me from further consideration for this position.

I further understand a positive test for controlled substances based on the testing will medically disqualify me from consideration for the position I am applying for.

Results of my test, either negative or positive, will be reported to the Auraria Higher Education Center.

I have read and understand the above conditions for the Pre-employment Controlled Substance Testing Consent Agreement.

Applicant's Name (type or print)

Applicant Signature

Date

cc: Human Resources Department
Appointing Authority

ATTACHMENT 3

OBSERVED BEHAVIOR REASONABLE SUSPICION REPORT

Employee's Name: _____

Work Address: _____

Job Title: _____

Conduct that provides reasonable suspicion supporting a test for controlled substances or alcohol impairment must be witnessed and documented by a supervisor. If at all possible, two supervisors should witness the behavior. The witnesses shall prepare documentation of the employee's conduct immediately following the observed behavior.

DESCRIBE SPECIFIC OBSERVATIONS IN THE APPROPRIATE CATEGORIES

1. APPEARANCE:

2. BEHAVIOR:

3. MOTOR SKILLS:

4. OTHER OBSERVABLE CHARACTERISTICS:

WITNESSED BY:

Name: _____ Title: _____

Signature: _____ Date/Time: -

Name: _____ Date/Time:

Signature: _____ Date/Time:

**Appointing Authority or
Designee signature:** _____ Date/Time: _____

ATTACHMENT 5

AGENCY RESPONSIBILITIES OUTLINE

APPLICANT RESPONSIBILITIES

1. Applicants who are referred to a safety-related position for interview must complete a Pre-employment Controlled Substance Testing Consent Agreement Form” (Attachment 2).
2. When an employment referral has been made (applicable for approved positions only), applicant must submit to pre-employment drug testing when asked.

EMPLOYEE RESPONSIBILITIES

1. As requested by your supervisor, submit to a test for drug use or alcohol impairment where reasonable suspicion can be documented.
2. Participate in the corrective or disciplinary action process in accordance with applicable State and AHEC personnel policies and procedures and attend mandatory treatment as requested.
3. While test results are being processed, your supervisor may place you on administrative leave or in a work assignment that does not pose a threat to public or personal safety or the safety of co-workers.
4. If you attend a mandated drug or alcohol treatment program, you may be requested by your supervisor to submit to follow-up drug or alcohol testing for up to 24 months following your return to work.
5. All employees are required by law to inform AHEC Human Resources within five (5) days after being convicted for violation of any federal or state criminal drug statute where such violation occurred on state premises or during work hours.

APPOINTING AUTHORITY/DESIGNEE RESPONSIBILITIES

1. Appointing Authorities are responsible for adhering to and advising their employees of all aspects of the Colorado Substance Abuse Policy and AHEC’s Policies and Procedures Concerning Drugs and Alcohol.
2. Pay for all costs related to drug or alcohol testing unless otherwise approved by the Executive Vice President for Administration.

3. Handle all substance abuse issues in accordance with applicable State and AHEC Policies rules and procedures.
4. The employing department shall provide training to all employees in safety-related positions regarding these procedures.

SUPERVISOR RESPONSIBILITIES

1. Send a copy of the signed “Pre-employment Controlled Substance Testing Consent Agreement Form” to the Human Resources Department for inclusion in the exam folder.
2. Maintain confidentiality of the information. Confidentiality means making the results available only to the applicant and other persons in the department who have a need to know.
3. Obtain approval from the Appointing Authority and complete necessary documentation to support reasonable cause testing. When requesting an employee to submit to a substance test for reasonable suspicion, supervisors must complete an “Observed Behavior Reasonable Suspicion Report Form” (Attachment 3). **Note: Failure of the supervisor to obtain approval or complete necessary documentation to support reasonable cause testing will be a basis for preventing the results of any tests to be used in any corrective or disciplinary actions.**
4. Handle all substance abuse issues in accordance with applicable State rules and procedures. As authorized, issue corrective and/or disciplinary action up to and including termination and make referrals to mandatory treatment.
5. Supervisors requesting a controlled substance test or alcohol test of a current employee should ensure the employee does not continue to work or operate a motor vehicle. The employee’s supervisor or supervisor on duty must make arrangements to transport the employee to the collection site. If the employee is uncooperative, Campus Police and Security should be notified to assist and to make an assessment of the situation to ensure the safety of the community.
6. While test results are being processed, the employee should be placed on administrative leave or in a work assignment that does not pose a threat to public or personal safety or the safety of co-workers.

HUMAN RESOURCES RESPONSIBILITIES

1. Coordinate training for all supervisors regarding these procedures. Such training shall include:

- a) Explanation of the effects and consequences of controlled substance use on personal health, safety and the work environment.
 - b) The manifestation and behavioral changes that may indicate controlled substance use or abuse.
 - c) Standards for demonstrating “reasonable suspicion”.
 - d) Methods for referral to the State’s Employee Assistance Program and use of mandatory treatment in corrective and disciplinary actions.
 - e) Record keeping responsibilities and standards for confidentiality related to these procedures.
2. The Human Resources Department will annually, and during new employee orientations, distribute AHEC’s Drug and Alcohol Policies and Procedures which inform employees about:
 - a) the dangers of drug abuse and alcohol in the workplace
 - b) the organization’s policy of maintaining a substance-free workplace
 - c) any available drug/alcohol counseling, rehabilitation, and employee assistance programs
 - d) the penalties that may be imposed upon employees for drug or alcohol abuse violations.
 3. Advise AHEC supervisors and employees regarding the application of this policy/procedure to the corrective/disciplinary action process.
 4. Encourage the use of the Colorado State Employee Assistance Program (C-SEAP) whenever rehabilitation assistance is appropriate.
 5. Annually review the substance abuse policy and program to:
 - a) determine its effectiveness and implement changes to the program as needed
 - b) ensure that disciplinary sanctions are consistently enforced
 6. Inform the granting or contracting agency of any criminal drug statute conviction for a violation occurring in the workplace within 10 days of AHEC’s receipt of notification.
 7. Report statistics annually to the Department of Personnel/General Support Services as required.

Receive results of controlled substance and alcohol tests and communicate results to appointing authority or designee.