

## State Human Resources Policy #E24-100.02

### Alcohol, Drug and Substance Abuse Policy

**The language used in this document does not create an employment contract between the employee and the Agency. This document does not create any contractual rights or entitlements. The Agency reserves the right to revise the content of this document, in whole or in part. No promises or assurances, whether written or oral, which are contrary to or inconsistent with the terms of this paragraph create any contract of employment.**

#### **POLICY**

1. The Military Department of South Carolina (Military Department) recognizes alcohol, drug and substance abuse as a potential health, safety, and security problem. The policy of the Military Department is to ensure a safe, healthful working environment for Military Department employees and the public it serves, and to prevent accidents and injuries resulting from the use/abuse of alcohol, drugs and controlled substances by employees.
2. The Military Department intends to fully comply with National Guard Bureau Regulations (NGR) 5-1 (National Guard Grants and Cooperative Agreements) and NGR 420-10 (Construction and Facilities Management Office Operations), National Fire Protection Association (NFPA) Standards 1500 (Standard on Fire Department Occupational Safety and Health Program) and 1582 (Standard on Comprehensive Occupational Medical Program for Fire Departments), the Omnibus Transportation Act of 1991, 49 CFR Parts 1 (Organization And Delegation Of Powers And Duties), 40 (Procedures For Transportation Workplace Drug And Alcohol Testing Programs), 382 (Controlled Substances and Alcohol Use and Testing) and 383 (Commercial Driver's License Standards; Requirements and Penalties), and SC Air National Guard Security Forces Operating Instruction (SFOI) 31-122 (dated 15 Feb 2016) when implementing the procedures of this policy. This policy will highlight the procedures required for each Cooperative Agreement based upon program requirements; however; this policy is not intended to be all inclusive.
3. All Military Department employees are prohibited from manufacturing, possessing, using, distributing or purchasing non-prescribed drugs and intoxicants on Agency premises and from working under the influence of alcohol, illegal drugs or intoxicants.
4. Compliance with this policy is a condition of continued employment with the Military Department. Failure to comply with the requirements of the Military Department Alcohol, Drug and Substance Abuse policy may result in disciplinary action up to and including termination under the Military Department's Progressive Discipline Policy.
5. All Military Department employees are required to report to their jobs in appropriate mental and physical condition, ready to work. If an employee is impaired due to medication taken as the result of a current and valid doctor's prescription, the employee is expected to discuss it with their Program Managers/Department Head (or their designated representatives) before commencing work.
6. Employees who may have an alcohol, drug or substance abuse problem are strongly encouraged to use the Employee Assistance Program available through the Military Department's State Human Resources Office. The Military Department retains full and final discretion on whether, when, and under what conditions an employee may be re-employed after an instance of substance abuse.
7. Any employee who is convicted of a violation of any criminal drug statute (including misdemeanors) shall notify the Military Department's State Director of Human Resources within five (5) days of the date of conviction.
  - a. A conviction includes any finding of guilty (including one agreed to by the employee) or plea of no contest, and/or any imposition of a fine, jail sentence or other penalty.

b. Instances of conviction of a violation of any criminal drug statute (including misdemeanors) may result in removal of the employee from their current position and/or disciplinary action up to and including termination in accordance with Agency policy(s).

8. The Military Department will refer employees convicted of a violation of any criminal drug statute (including misdemeanors), or whose test results are positive for illegal drug or substance use, to Department of Vocational Rehabilitation.

9. Notification of Policy

a. State Human Resources Office (SHRO) will notify all newly hired employees of this policy during their in-processing. Program Managers/Department Head (or their designated representatives) will notify existing employees of this policy.

b. SHRO and Program Managers/Department Head (or their designated representatives) will use the Workforce Drug Testing Form to notify each employee of the policy. SHRO (For existing employees - Program Managers/Department Head or their designated representatives) will provide a notification form and a copy of the policy to each employee. The notification form will outline the requirements and procedure for the testing. The employee will sign and date this form, and SHRO (For existing employees - Program Managers/Department Head or their designated representatives) will sign as a witness.

c. The original form must be returned to the SHRO not less than two weeks after disbursement of the forms. SHRO will place the signed form in the employee's file. SHRO may grant extensions for those individuals on extended leave or mobilized/deployed.

d. SHRO will place employees who fail to comply with the requirement to certify the notification on administrative leave until the signed form is delivered to SHRO.

e. Employees who refuse to sign the policy notification letter may be subject to disciplinary actions up to and including termination of employment.

10. Employees who have questions about this policy should contact their immediate supervisor. For additional information, contact the Military Department's Director of State Human Resources Office (SHRO).

***NOTE:** Alcoholism is recognized as a treatable illness. Military Department employees with the problem of alcoholism shall receive careful consideration and the same offer of assistance extended to employees having any other illness.*

**APPLICABILITY**

1. All Military Department employees are subject to the Military Department Alcohol, Drug and Substance Abuse Policy for testing.

2. South Carolina National Guard Service Members who are activated to State Active Duty are subject to the Military Department Alcohol, Drug and Substance Abuse Policy for testing. Disciplinary actions remain the responsibility of their parent organization.

3. Members of the South Carolina State Guard who are activated to State Active Duty are subject to the South Carolina Military Department's Alcohol, Drug and Substance Abuse Policy for testing. Disciplinary actions remain the responsibility of their parent organization.

4. Several of the Federal/State Cooperative Funding Agreements require the State to implement random drug testing as a condition of receiving Federal funding. At this time, those agreements are: Appendix 1 - ARNG Facilities Program (Firefighters), Appendix 3 - ARNG Security Guard Activities,

Appendix 23 - ANG Security Cooperative Agreement, and Appendix 24 - ANG Fire Protection Activities. The Military Department may implement this same program to any group of personnel whose job description is deemed hazardous and/or safety/security sensitive, or to individuals after an injury as part of the workers compensation claims process.

5. Employees are not subject to screenings/tests prior to 30 days after notification of the policy. However, employees who have an accident, injury, or exhibit behavior which would indicate potential impairment are subject to screenings/tests prior to 30 days after notification.

## **DRUG SCREEN**

1. Pre-Hire Screening. Potential employees of designated Cooperative Agreements may be required to pass a drug screening test prior to employment.

2. Initial Drug Testing. The initial drug test will be performed prior to employment for potential applicants of designated Cooperative Agreements, and after 30 days of notification of policy implementation for current employees of designated Cooperative Agreements. This drug test will be performed by a local designated testing facility.

3. Annual Random Drug Testing. Employees designated by their Cooperative Agreement will be tested at least once annually based upon the federal Fiscal Year (1 October through 30 September). After a 30-day notification, a random test will be conducted to ensure a deterrent value of this program. Testing will be performed by a local designated testing facility without prior notification.

4. Employee Injuries/Accidents.

a. When an employee of the Military Department suffers a reportable injury or accident (to include any vehicular accident), they will be required to submit to a drug screen. The employee must complete the drug screen as soon as possible, but within 48 hours of the injury, incident, or accident. This drug test will be performed by a local designated testing facility. Program Managers/Department Heads (or their designated representatives) will contact with SHRO to determine the testing location.

b. The Deputy Adjutant General for State Operations or the Chief of Staff for State Operations may grant specific exceptions or extensions to the injury, incident, or accident testing requirement due to extenuating circumstances.

5. Behavior. Employees who exhibit behavior which could indicate potential impairment are subject to testing. This drug test will be performed by a local designated testing facility. Program Managers/Department Heads (or their designated representatives) will consult with SHRO prior to ordering the employee to take a drug screen and to determine the testing location.

## **DISCIPLINE FOR DRUG SCREEN FAILURE**

1. Instances of failure of a drug screen may result in removal of the employee from their current position and/or disciplinary action up to and including termination in accordance with Agency policy(s).

2. In the case of a member of the National Guard or State Guard on State Active Duty (SAD), the SHRO will turn over the results of the test the individual's owning organization for actions in accordance with their owning organization's internal policies or procedures.

## **South Carolina Military Department**

### **Workforce Drug Testing Notification Form**

#### **Notice to applicant or current employee of drug testing under the South Carolina Military Department's Alcohol, Drug and Substance Abuse Policy.**

1. Your position, or the position for which you have applied, meets the criteria for drug testing under the South Carolina Military Department's Alcohol, Drug and Substance Abuse Policy. As a condition of employment, you are required to refrain from the use of illegal substances and submit to drug testing when directed.
2. If you are an applicant and fail to sign this notice, you will not be selected for the position.
3. For those applicants for Cooperative Agreement positions which require initial drug screening, if you sign this notice and later in the selection process refuse to submit to drug testing, or if illegal drug use is detected through a verified positive applicant drug test result, you will not be selected for the position.
4. For those applicants and current employees in Cooperative Agreement positions designated as subject to random drug testing, you are subject to random drug testing on an unannounced basis. You may be subject to random drug testing no sooner than 30 days from receipt of this notice.
5. Employees of the Military Department who suffer a reportable injury or accident (to include any vehicular accident) are required to submit to a drug screen within 48 hours of the injury, incident, or accident. This is regardless of the 30 days from receipt of this notice.
6. Employees who exhibit behavior which could indicate potential impairment are subject to a drug screen. This is regardless of the 30 days from receipt of this notice.
7. If you refuse to furnish a urine specimen or fail to report for testing as directed, you will be subject to the South Carolina Military Department's Progressive Discipline Policy for failure to meet a condition of employment up to and including termination in accordance with Agency policy(s).
8. If you are convicted of a violation of any criminal drug statute (including misdemeanors), or illegal drug or substance use is detected or verified positive by test results, you will be referred to Department of Vocational Rehabilitation. Instances of conviction of a violation of any criminal drug statute (including misdemeanors) or failure of a drug screen may also result removal from your current position and/or disciplinary action up to and including termination in accordance with Agency policy(s).
9. A local designated testing facility will conduct the collection, handling, and testing of the urine sample. The procedures used to test the urine specimens are very accurate and tightly monitored to ensure reliable results. The test results are handled with maximum respect for individual confidentiality. In the event your specimen tests

positive, you will have an opportunity to submit medical documentation to a designated medical review person that may support legitimate use of the specific drug(s) before any administrative action is taken. You must submit medical documentation the medical documentation within 14-days of the test result,

10.If you believe you have an alcohol, drug or substance abuse problem, you are encouraged to seek counseling and /or referral services by contacting Military Department's State HRO Director at (803) 299-4337.

**Acknowledgement of Receipt:** Your signature below acknowledges that you have read this notice and the Policy.

\_\_\_\_\_  
Applicant/Employee's Signature

\_\_\_\_\_  
Date

**NOTE: If an applicant or employee refuses to sign the acknowledgement above, the Program Managers/Department Head (or their designated representatives) must sign below, thereby certifying the applicant/employee was provided a copy of the notice and a copy of the Policy.**

\_\_\_\_\_  
Program Managers/  
Department Head Signature

\_\_\_\_\_  
Date