

POLICIES

Issued: May 18, 2017
Responsible Official: Executive Vice President and Chief Operating and
Financial Officer
Responsible Office: Human Resources

Policy Statement

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Tennessee Code Annotated Sec. 71-3-514 requires child care agencies regulated by the Department of Human Services to establish a drug testing policy for employees, directors, licensees, independent contractors and operators, and any other persons providing services under contract or for remuneration for the child care agency workers who have direct contact with the children (hereinafter referred to as "employee.").

Purpose

To establish a drug testing policy for child care workers in accordance with state law.

Procedures

Applicability

Individuals who have direct contact with children in a child care center regulated by the Tennessee Department of Human Services. "Direct contact" means that the person is engaged in care, supervision, instruction or transportation of the child as part of employment, contract or other paid duties for or on behalf of the child care agency, or has frequent, periodic access to the child in the performance of employment, contract or other paid duties or services for or on behalf of the child care agency.

Notice

This policy shall be provided to employees of the child care center currently employed or engaged for contract or remunerative services, and to all such persons upon initial employment or initial engagement in contract or remunerative services for the institution's child care center. The employee will sign certifying receipt and the copy will be retained by Human Resources pursuant to the institution's records retention policy.

Reasonable Suspicion Testing

Testing is required when there is reasonable cause to believe the employee is using or is under the influence of illegal drugs.

Reasonable suspicion includes, but is not limited to:

- Deterioration in job performance or changes in personal traits or characteristics.
- Appearance in a specific incident or observation which indicates that an individual is under the present influence of drugs.
- Changes in personal behavior not attributable to other factors.
- Involvement in or contribution to an accident where the use of drugs is reasonably suspected, regardless of whether the accident involves actual injury.
- Alleged violation of or conviction of criminal drug law statutes involving the use of illegal drugs or prescription drugs.

An employee who reports to work visibly impaired or who, while at work becomes visibly impaired, will not be allowed to work or continue working and may be sent for drug testing

Specimen Collection

Specimen collection for urine drug testing will be conducted in accordance with protocols established by The College of American Pathologists; and/or, The National Laboratory Certification Program of the U.S. Department of Health and Human Services ("DOT Labs") in order to assure the integrity of the specimen.

Laboratory Testing

All drug testing will be performed by a laboratory certified by The College of American Pathologists; and/or, The National Laboratory Certification Program of the U.S. Department of Health and Human Services ("DOT Labs"). Initial screening will be by immunoassay testing. All specimens which screen positive will be confirmed positive by Gas Chromatography / Mass Spectrometry (GC/MS). The laboratory shall report tests to the Medical Review Officer (MRO). The laboratory performing drug testing shall be designated by the Third-Party Administrator, the entity that, on behalf of the University of Memphis provides independent substance abuse program administrative services in accordance with the Institution's policy and procedures, and applicable state and federal requirements.

Medical Review

The medical review of drug test results will be performed by a physician trained and experienced in substance abuse and designated by the Third-Party Administrator. All test results will be reported directly from the testing laboratory to a Medical Review Officer (MRO).

The MRO shall notify the institution of the drug test results

Legally Prescribed Medications

Use of legally obtained drugs (including alcohol or other chemicals) which may adversely affect job performance or safety is prohibited. An employee with a current and valid prescription from a qualified health care provider for the use of a drug must notify his/her supervisor of such use and the possible side effects of any such drug or medication where the employee may be impaired by the use of such drug. An opinion may be required from the health care provider prescribing the medication that such will not impair the employee's

performance of his/her normal duties. The University of Memphis may, at its discretion, require an employee to refrain from working while impaired by any drug or medication.

Employees have the right to consult with the MRO for technical information regarding prescription and nonprescription medicine.

Violation of Policy

An employee who tests positive for illegal drug use pursuant to this policy shall be subject to immediate disciplinary action up to and including termination of employment.

An employee who refuses to submit to testing or who fails to provide adequate urine for testing without a valid medical explanation is subject to immediate disciplinary action up to and including termination.

Confidentiality

All test results information maintained by the University of Memphis will remain strictly confidential.

Record Retention

The drug testing results of tests required under this policy shall be retained for a period of five (5) years and immediately made available to the Department of Human Services upon request.

Links

Drug Testing Authorization Form

http://bf.memphis.edu/hr/forms/testing_auth.pdf

Revision Dates

HR5003 - Supersedes UM1711 March 26, 2018
UM1711 - Revised May 18, 2017
UM1711 - Issued December 16, 2009

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Research	Student Affairs
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