


Employee Substance Abuse and Drug-Free Workplace Policy

	Louisiana Department of Health (LDH)	
	Policy Number	4.2
	Content	LDH Policy for Maintaining a Drug-Free Workplace
	Effective Date	May 1, 2024
	Inquiries to	Office of Management and Finance Division of Human Resources, Training and Staff Development P. O. Box 4818 Baton Rouge, Louisiana 70821-4818

LDH is committed to fostering, cultivating and preserving a culture of equity, diversity and inclusion. Our human capital is the most valuable asset we have. The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities and talent that our employees invest in their work represents a significant part of not only our culture, but our Department’s reputation and achievement as well.

If there is a discrepancy between an LDH Policy and a Program Office or facility policy, the LDH policy shall govern/overrule/supersede the conflicting section within the Program Office or facility policy.

I. PURPOSE AND SCOPE

The use of illegal drugs and abuse of alcohol or other controlled substances, on or off duty, is inconsistent with law-abiding behavior expected of all citizens. The Louisiana Department of Health (LDH) will not tolerate any substance abuse or use which imperils the health and well-being of its employees or threatens its services to the public. Employees who use illegal drugs or abuse alcohol or other controlled substances on or off duty tend to be less productive, less reliable, and prone to greater absenteeism resulting in the potential for increased cost, delay and risk in providing services.

Substance abuse inflicts a terrible toll on the State's productive resources and the health and wellbeing of Louisiana workers and their families. Furthermore, employees have the right to work in a drug and alcohol free environment and to work with persons free from the effects of

drug or alcohol abuse. Employees who abuse drugs or alcohol are a danger to themselves and to other employees. Ultimately, they threaten the State's ability to serve the public.

The LDH is committed to maintaining a safe and healthy workforce free from the influence of substance abuse. In addition, the LDH will comply with the requirements of the Federal Drug-Free Workplace Act of 1988.

II. APPLICABILITY

This Employee Substance Abuse and Drug-Free Workplace Policy applies to all LDH employees in any Hospitals/Offices/Facilities. State employees, as used in this Policy, means all classified and unclassified employees.

III. DEFINITIONS

Appointing Authority – An officer or employee authorized by statute or by lawfully delegated authority to make appointments to positions in the State Service.

Controlled substance - any drug, chemical substance or immediate precursor in Schedules I through V of Louisiana Revised Statute 40:964 or Section 202 of the Controlled Substance Act (21 U.S.C. 812).

Conviction - a finding of guilt (including a plea of nolo contendere) or imposition of sentences, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

Criminal drug statute - a criminal statute involving manufacture, distribution, dispensation, use or possession of any controlled substance.

Drug-free workplace - a site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of the federal Drug-Free Workplace Act of 1988.

Hemp – the plant Cannabis sativa L. and any parts of that plant, including seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol of not more than 0.3 percent on a dry weight basis. Federal law excludes hemp from the Controlled Substances Act and Louisiana law allows the consumption of lawfully registered hemp products. A positive drug test associated with the lawful consumption of hemp products does not disqualify candidates for employment, nor is it grounds for disciplinary action (unless an employee is impaired or under the influence at work).

Illegal use of drugs – the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act [21 U. S. C. 801 et seq.]. Such term does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of federal law.

Nolo contendere - A plea by which a defendant in a criminal prosecution accepts conviction as though a guilty plea had been entered but does not admit guilt.

IV. POLICY STATEMENT

It shall be the policy of The Louisiana Department of Health to maintain a drug-free workplace and workforce free of other substance abuse.

- A. Reporting to work or performing work for the State while under the influence of and impaired by illegal drugs or alcohol is prohibited.
- B. The illegal use, possession, dispensation, distribution, manufacture, or sale of controlled substances by employees at the work site, and while the employee is on official state business, on duty or on call for duty is prohibited.
- C. Violation of such prohibitions by Departmental employees is considered conduct detrimental to State service.
- D. An employee who is directed to take a drug test in accordance with LDH Policy # 48 – LDH Employee Drug Testing Policy, and fails the drug test, may be subject to disciplinary action up to and including dismissal.
- E. Employees are required by federal law to notify the employing state agency head or designee within five (5) days of conviction under any criminal drug statute where such conviction occurred in the workplace, while on official business, during work hours or when on call for duty.

An employee who is convicted of violating any criminal drug statute in such workplace situations as stated above may be subject to disciplinary action in accordance with the LDH Employee Discipline Policy and/or a directive from the appointing authority to participate in a rehabilitation program.

- F. Agencies who receive federal grants or contracts must report any such criminal drug statute convictions of their employees to the federal agency from which grants or contracts are received within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of such conviction.

- G. Employees will be given a copy of the employee substance abuse and drug-free workplace policy. Employees will be informed that they must abide by the terms of the policy as a condition of employment and of the consequences of any violation of such policy. Notification of this policy shall be required as part of new employee orientation.

V. MEDICAL MARIJUANA

- A. In accordance with Act 651 of the 2022 Regular Session of the Louisiana Legislature, no state agency shall subject an employee or prospective employee to negative employment consequences solely on a positive drug test for marijuana, marijuana components, including tetrahydrocannabinols, or marijuana metabolites if the employee or prospective employee has been clinically diagnosed as suffering from a debilitating medical condition and a licensed physician has recommended marijuana for therapeutic use by the employee or prospective employee in accordance with R.S. 40:1046. In this circumstance, the agency shall require the employee or prospective employee to provide proof that a licensed physician has recommended therapeutic use of marijuana by the employee or prospective employee.
- B. **Act 651 shall not be construed to prohibit the imposition of negative employment consequences on an employee who uses or is impaired by marijuana on the premises of the employer or during work hours.**
- C. Act 651 does not apply to any employee whose principal responsibility is to operate a state vehicle, maintain a state vehicle, or supervise any employee who drives or maintains a state vehicle as their principal responsibility. In addition, Act 651 does not apply to emergency medical services, law enforcement, and firefighter services.

VI. ASSISTANCE PROGRAM

Employers shall support their employees in seeking rehabilitation services if the appointing authority gives the employee a directive to participate in a rehabilitation program. Employers should also assist such employees in utilizing any available state-supported rehabilitation services. Use of sick, annual, and compensatory leave and leave without pay for purposes of bona fide rehabilitation efforts is encouraged. Any rehabilitation services used by the employee shall be used at the employee's expense.

VII. AWARENESS PROGRAM

The LDH will strive to educate employees about the dangers of substance abuse.

The LDH has established a mandatory training course, LDH Drug Free Workplace Program, to help employees understand and avoid the perils of drug and alcohol abuse. The LDH will use that training program in an ongoing educational effort to prevent and eliminate abuse that may affect the state workforce.

The LDH Drug Free Workplace Program training contains provisions to inform employees about the: (1) dangers and recognition of alcohol and drug abuse; (2) Employee Substance Abuse and Drug- Free Workplace Policy; (3) availability of treatment and counseling for employees who voluntarily seek such assistance; (4) sanctions the LDH will impose for violations of its Substance Abuse and Drug-Free Workplace Policy.

VIII. VIOLATIONS

Violations of this policy may result in corrective action or disciplinary action. Corrective action includes Improvement Letters (Civil Service Rule 12.9), verbal counseling, documented counseling, and/or reprimand. Disciplinary actions are Suspension without Pay, Reduction in Pay, Involuntary Demotion and Dismissal (Civil Service Rule 12.3). Any disciplinary action taken is at the sole discretion of the appointing authority.

IX. REVISION HISTORY

Date	Revision
October 2, 1989	Policy created
November 19, 2009	Policy revised
March 18, 2013	Policy revised
October 10, 2019	Policy reviewed – no changes
September 22, 2022	Policy updated – Added Section V (Pages 3 – 4)
May 1, 2024	Policy revised

FOR HUMAN RESOURCES USE ONLY:

I hereby certify that I have received a copy of the Employee Substance Abuse and Drug Free Workplace Policy. I realize that the illegal use, possession, dispensation, distribution, manufacture or sale of controlled substances is prohibited when I am on official state business, whether on duty or on call for duty, on or off the work site. I understand that violation of this policy may result in disciplinary action up to and including termination. I acknowledge my responsibility to notify my employer within five days if I am convicted of violating any criminal drug statute at the workplace, while on official business or while on call for duty. I further realize that my employer is required by law to give notice of such conviction to any federal agency from which it receives grants or contracts, and I hereby waive any and all claims that may arise from conveying this information to such federal agency.

Signature

Date