

Date Updated: January 11, 2019

## **SUPD Employee Drug and Alcohol Testing**

Simmons University Police Department (SUPD) may conduct drug and/or alcohol tests of employees based on breath, saliva, urine, blood, and/or hair samples under any of the circumstances noted below.

Any employee subjected to any drug and/or alcohol test will be required to sign a Drug and Alcohol Test Consent Form. Refusal to sign the form or leaving the work area prior to the drug and/or alcohol test without permission of the supervisor, or refusal to cooperate in any way with the testing process, will be grounds for immediate termination of employment.

In the event an employee consents to a drug and/or alcohol test but fails to sign a Drug and Alcohol Test Consent Form, his/her failure will not invalidate the consent for the testing. The University will be responsible for paying all costs of the required testing for drugs and/or alcohol. An employee who requests a re-test of a sample in order to challenge the results of a positive test must make that request within 24 hours of the employee's receipt of notice of the positive test. The employee must at their own choosing and expense, pay all costs of the confirmation test to be performed at a federally certified hospital or laboratory of the employee's choice unless the confirmation test reverses the findings of the challenged positive test. In such case, the University will reimburse the employee for the costs of the re-testing.

Simmons University Police Department reaffirms that this drug and/or alcohol testing policy is in addition to any and all Simmons University employee policies and procedures related to drug and alcohol use.

At the discretion of the University, employees reasonably believed to be in violation of this policy may be placed on administrative leave with pay pending test results.

### **Types of Test**

#### **1. Pre - Employment / Post Conditional Offer Testing**

All individuals seeking employment with the Simmons University Police and Public Safety Department shall be subject to pre-employment / post conditional offer drug testing as allowed by Massachusetts law.

#### **2. Post-Accident Testing**

If the University has reason to believe an employee has **sustained** an on-the-job injury that is considered recordable under OSHA guidelines (i.e., requiring medical treatment) as a result of being under the influence of drugs, alcohol or any other prohibited substances, the supervisor may require the injured employee to undergo a post-accident drug and/or

Date Updated: January 11, 2019

alcohol test. Refusal to submit to the drug and/or alcohol test will be grounds for immediate termination of employment.

### **3. Fitness for Duty Testing**

Simmons University Police and Public Safety Department employees that the University reasonably believes to be unfit for duty as a result of the use of drugs, alcohol, or any other prohibited substances will be subject to drug and/or alcohol testing. Circumstances supporting the University's reasonable belief that drug and/or alcohol testing is justified include, but are not limited to, the following:

- a. Drugs or alcohol on or about the employee's person or in the employee's vicinity
- b. Conduct on the employee's part that suggests impairment or influence of drugs or alcohol
- c. A report of drug or alcohol use while at work or on duty
- d. Information that an employee has tampered with drug or alcohol testing at any time

At the sole discretion of the University, the University will remove an employee who appears to be under the influence of a substance(s) from the work area and provide the employee with transportation to the place of testing. The University will also make arrangements for the employee to be transported home following the test, either by calling the emergency contact person designated by the employee or by arranging and paying for a cab.

An employee's refusal to submit to a drug and/or alcohol test may be grounds for immediate termination of employment.

### **4. Officer Involved Shooting (OIS)**

When a Simmons University Police and Public Safety officer is involved in an officer involved shooting the officer will be subject to immediate drug and/or alcohol testing. Failure to submit to immediate testing will be cause for termination. The exception to the immediate testing will be if the officer is incapacitated due to injury. In that case, the officer's blood may be drawn at the hospital and tested during the normal course of medical treatment.

### **5. Random Selection Testing**

The University may request all certified police officers undergo drug and/or alcohol testing at random. Employees will be compensated for their time if they are requested to test outside scheduled work hours (i.e., during scheduled department staff meetings).

Date Updated: January 11, 2019

Employees will be required to submit to such a test once per year and may be required to submit to an additional test(s) if a determination is made that such test(s) is warranted based on supporting facts and circumstances.

## **Alteration of Sample**

Specimens reported by the testing laboratory as adulterated, failure to produce the required sample or substituted will be considered a refusal to test, and the refusal to test will constitute grounds for termination of employment or ineligibility for hire.

## **Confidentiality of Test Results**

All test results will be handled on a confidential basis, will be kept separate from other personnel and applicant records, and will be available only to University personnel who have a need to know such results. The Chief of Police or his/her designated representative will determine who will have access to these records. Information and records of any drug and/ or alcohol testing will be made available for inspection and copying by the applicant or employee when such request is approved by the Chief of Police or designee.

Date Updated: January 11, 2019

**SUBSTANCE TEST CONSENT FORM**

I, \_\_\_\_\_, the undersigned, agree to submit to and pass a drug and/ or alcohol test as a condition of my application for employment [or of my continued employment] by the Simmons University [The University] Police Department (SUPD). I further understand that in the event that the University hires me, I must abide by the SUPD drug and alcohol policy as a condition of my employment with the University. I further understand that if the University has a reasonable belief that I have violated this policy, the University may require me to submit to a drug and/or alcohol test.

I understand and agree that my failure to pass a drug and/or alcohol test may be grounds for my termination or dismissal from the University.

Results of drug and/or alcohol testing will be provided to the University by the individual or entity retained by the University to conduct the testing. I understand that the results of such testing will be treated as confidential by the University, but the results will be disclosed to the Simmons University Chief of Police and to University personnel who have a need to know the results, as determined by the University.

I hereby agree to release and hold harmless the University, its agents, employees, and vendors for any liability that results from the drug and/ or alcohol testing procedure or its outcome.

My signature below indicates that: (1) I have read and understood this form; (2) I am freely consenting to this drug and/or alcohol screening procedure; (3) I am releasing the University and its agents and employees from any liability arising during the drug and/or alcohol testing procedure or its outcome; and (4) any specimens provided will be my own and will not be adulterated.

I hereby acknowledge and agree to the foregoing. I further acknowledge that a copy of this consent form has been provided to me for my records.

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

\_\_\_\_\_  
Applicant/Employee's Printed Name

\_\_\_\_\_  
Signature Date