

POLICY MANUAL
HUMAN RESOURCES POLICIES
DRUG-FREE WORKPLACE POLICY

PURPOSE

This policy outlines the Mississippi Lottery Corporation’s (“MLC”) strong commitment to provide a reasonably safe working environment free of the hazards created by illegal drug possession, use, manufacture or sale. This policy applies to all employees and organizational units of the MLC.

DEFINITIONS

Though the MLC has not elected to implement this policy in conformance with Miss. Code §§ 71-7-1 through 71-7-3, terms in this policy have the same meaning as the identical terms appearing in that statute, unless clearly stated otherwise. More specifically –

- a. “Confirmation test” means a drug and alcohol test on a specimen to substantiate the results of a prior drug and alcohol test on the specimen. The confirmation test must use an alternate method of equal or greater sensitivity than that used in the previous drug and alcohol test.
- b. “Drug” means an illegal drug, or a prescription or nonprescription medication.
- c. “Test” means a chemical test administered for the purpose of determining the presence or absence of a drug or metabolites in a person’s hair or body fluids.
- d. “Illegal drug” means any substance, other than alcohol, having psychological and/or physiological effects on a human being and that is not a prescription or nonprescription medication, including controlled dangerous substances and controlled substance analogs or volatile substances which produce the psychological and/or physiological effects of a controlled dangerous substance through deliberate introduction into the body.
- e. “Reasonable suspicion” means a belief that an employee is using or has used drugs in violation of this policy, drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience, and may be based upon, among other things:
 - i. Observable phenomena, such as direct observation of drug use and/or the physical symptoms or manifestations of being under the influence of a drug;
 - ii. Abnormal conduct or erratic behavior while at work, absenteeism, tardiness or deterioration in work performance;
 - iii. A report of drug use provided by reliable and credible sources and which has been independently corroborated;

- iv. Evidence that an individual has tampered with a drug and alcohol test during his employment with the current employer;
- v. Information that an employee has caused or contributed to an accident while at work;
- vi. Evidence that an employee is involved in the use, possession, sale, solicitation or transfer of drugs while working or while on the employer's premises or operating the employer's vehicle, machinery or equipment.

In addition to prohibiting employees from engaging in the unlawful manufacture, distribution, dispensation, possession or use of illegal drugs in the workplace, the MLC always prohibits its employees from engaging in such illegal activity and in all places. Such unlawful activity should be expected to provoke employment termination.

REPORTING REQUIREMENT

If an employee is convicted (whether by judgment or plea, including a plea of “no contest”), or if an employee receives a sentence under any first offender or judicial intervention act for violating any criminal drug statute of any jurisdiction, the employee must notify the Vice President of Human Resources in writing as soon as possible, but in no event more than five (5) calendar days after the conviction is entered on the court's record. In addition, an employee who regularly drives an MLC-provided (owned or leased by the MLC) must report any arrest or citation for DUI to his or her immediate supervisor and the Vice President of Human Resources by the end of the next business day after the receipt of the same. Non-compliance should be expected to provoke employment termination.

TESTING / CONSEQUENCES

- A. Testing is a tool to determine illegal drug use, so testing is not required when there is substantial, credible evidence of an employee's illegal drug possession, manufacture or sale.
- B. There will be no random drug testing. Testing will be part of the pre-employment process. (Please refer to the Human Resources Policy Manual, Pre-Employment Drug Testing.) And, the Vice President of Human Resources may direct testing based on reasonable suspicion.
- C. Employees are encouraged to seek treatment (note the Employee Assistance Program available to all employees) before testing is required. Also, please be aware that taking a controlled substance that was prescribed for someone else is just as illegal as taking the same medication bought on the street.
- D. Any employee who has reasonable suspicion for testing of a co-worker should immediately report the facts to his or her supervisor.
- E. Any supervisor who has reasonable suspicion for testing of an employee should immediately report the facts to the Vice President of Human Resources.
- F. If the Vice President of Human Resource determines that reasonable suspicion exists, these next steps should be taken:

- i. The employee will be confidentially escorted by personnel security department personnel, or his or her immediate supervisor, to the MLC-contracted sample collection site, where the employee will be required to sign the consent form, and the appropriate sample then will be taken for testing.
- ii. Failure to consent normally should be expected to trigger employment termination for refusal to cooperate with a necessary, job-related investigation. An attempt to defraud the test (such as by submitting another's urine sample) should be expected to trigger employment termination for falsifying employment information.
- iii. Unless there is an independent reason for disciplinary action, the employee will be placed on administrative leave with pay until the results are received.
- iv. Employees who test negative will be reinstated, subject to further evaluation of the facts that created reasonable suspicion.
- v. A positive confirmation test result (after evaluation by a Medical Review Officer) normally will trigger employment termination.