

**POLICY MANUAL**  
**HUMAN RESOURCES POLICIES**  
**DRUG AND ALCOHOL 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, or the misuse or abuse of alcohol. This policy applies to all employees and organizational units of the MLC.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. Although this policy does not prohibit employees from the lawful use and possession of prescribed medications, employees must, however, consult with their doctor or other healthcare professional about the medication’s effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor. Employees taking a prescribed medication must carry it in a container labeled by a licensed pharmacist or must produce the container if asked.

The MLC conducts pre-employment testing, reasonable suspicion testing, and post-accident testing.

**TESTING**

You are hereby advised that the MLC has implemented a drug and alcohol policy and conducts a testing program, pursuant to Sections 71-7-1, et. al., of the Mississippi Code of 1972, Ann. (hereinafter referred to as “the Act”), and you are hereby advised of the existence of said Act.

All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by the MLC through its drug and alcohol testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with the Act and related regulations. Any information obtained by the MLC pursuant to the Act and related regulations shall be the property of the MLC. The MLC shall not release to any person other than the employee or job applicant, or employer medical, supervisory or other personnel, as designated by the MLC on a need to know basis, information related to drug and alcohol test results unless: (a) The employee or job applicant has expressly, in writing, granted permission for the MLC to release such information; it is necessary to introduce a positive confirmed test result into an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under applicable state or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding, or the information must be disclosed to a federal or state agency or other unit of the state or United States government as required under law, regulation or order, or in accordance with compliance requirements of a state or federal government contract, or disclosed to a drug abuse rehabilitation

program for the purpose of evaluation or treatment of an employee; or there is a risk to public health or safety that can be minimized or prevented by the release of such information; provided, however, that unless such risk is immediate, a court order permitting the release shall be obtained prior to the release of the information. The confidentiality provisions provided for by the Act shall not apply to other parts of an employee's or job applicant's personnel or medical files. If an employee refuses to sign a written consent form for release of information to persons permitted in the Act, the MLC shall not be barred from discharging or disciplining the employee.

An employee or job applicant to be tested shall be given (1) a medication disclosure form to permit the employee or job applicant to disclose any non-prescription or prescription medications that have been taken within forty-five (45) days prior to being tested, and (2) a statement that the form shall be submitted directly to the MLC's designated Medical Review Officer, ensuring that no person or entity has access to the information disclosed on the form other than the Medical Review Officer.

Consistent with the Act, the following terms mean:

- 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. "Alcohol" means ethyl alcohol.
- d. "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.
- e. "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.
- f. "Reasonable suspicion" means a belief that an employee is using or has used drugs or alcohol 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 or alcohol use and/or the physical symptoms or manifestations of being under the influence of a drug or alcohol;
  - ii. Abnormal conduct or erratic behavior while at work, absenteeism, tardiness or deterioration in work performance;
  - iii. A report of drug or alcohol 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;  
or
  - vi. Evidence that an employee is involved in the use, possession, sale, solicitation or transfer of drugs or alcohol while working or while on the MLC’s premises or operating the MLC’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.

### **PRE-EMPLOYMENT TESTING**

Upon receipt of an offer of employment, candidates must complete required drug testing within forty-eight (48) hours. All testing will be conducted by a licensed independent medical laboratory, following testing standards in accordance with state law. Candidates who refuse to submit to a drug test or who fail to show up for a drug test within forty-eight (48) hours of an offer of employment will no longer be considered for employment, and any offer of employment thereto shall be rescinded.

The MLC will pay for the cost of testing, including the automatic confirmation of a positive test result. The candidate may request a subsequent retest of the sample at his or her own expense if s/he disagrees with the initial test result.

### **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 such conviction or sentence is entered on the court’s record. In addition, an employee who regularly drives an MLC-provided vehicle (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 same. Non-compliance should be expected to provoke employment termination.

### **TESTING / CONSEQUENCES**

- A. Testing is a tool to determine illegal drug use or alcohol use, so testing is not required when there is substantial, credible evidence of an employee’s illegal drug use, possession, manufacture or sale, or alcohol use in violation of this policy.

- B. There will be no random drug or alcohol testing. Testing will be part of the pre-employment process. Also, 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 ingesting a controlled substance that was prescribed for another person is illegal to the same degree as ingesting the same medication obtained without a prescription.
- D. Any employee who has reasonable suspicion of a co-worker should immediately report the facts to his or her supervisor.
- E. Any supervisor who has reasonable suspicion of an employee, whether attained independently or as reported to him or her by an employee, should immediately report the facts to the Vice President of Human Resources.
- F. If the Vice President of Human Resources determines that such reasonable suspicion exists, these next steps shall be taken:
  - i. The employee will be confidentially escorted by 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. Arrangements will be made to transport the employee to his or her residence.
  - ii. Failure to consent should normally 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 more severe immediate 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) will normally trigger employment termination.