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GOVERNOR

State of Louisiana  
Governor's Office of Homeland Security  
and  
Emergency Preparedness

KEVIN DAVIS  
DIRECTOR

Workers' Comp Post-Accident Drug Testing Policy  
Policy Number: HR - 0030

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Issue Date: December 4, 2009  
Revised Date: 7/7/08, 12/4/09, 12/14/15  
Approval:

A handwritten signature in blue ink that reads "Kevin Davis".

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Kevin Davis, Director

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I. AUTHORITY

**Executive Order No. BJ 08-69** provides for the promulgation by executive agencies of written policies drug testing of employees, appointees, prospective employees and prospective appointees in accordance with *La.R.S.49:1001, et seq.*

**La. R.S. 39:1535(B)(12)** provides that the Office of Risk Management (ORM) may promulgate rules and regulations to establish procedures governing risks and injuries sustained where a participating or covered entity of the State may be liable for damages.

**La. R.S. 23:1081 and Louisiana Administrative Code Title 40, Part I, Chapter 15**, allows an employer to test an employee for drugs and alcohol when the employee receives a personal injury from an accident arising out of and in the course of his employment.

II. PURPOSE

To provide for drugs and alcohol testing when the employee receives a personal injury from an accident arising out of and in the course of his employment.

### III. APPLICABILITY

In addition to any drug testing policy adopted by an executive agency pursuant to Executive Order No. BJ 08-69, this policy shall also apply to all persons having an employment relationship with an executive agency, whether classified, unclassified, student employees, interns, full-time, part-time, or temporary (hereinafter employee(s)), when the employee's agency is provided workers' compensation coverage through ORM.

### IV. DRUG TESTING

All employees who are entitled to assert a claim pursuant to the workers' compensation laws of Louisiana shall be subject to, and shall cooperate in, post-accident drug testing. With or without prior notification, any employee in an accident that occurs during the course and scope of employment shall be required to submit to drug and/or alcohol testing as soon as practicable under **La. R.S. 23:1081**, whether or not a compensable injury is immediately claimed by the employee, where an accident occurs under any circumstance, regardless of fault, which necessitates, or should reasonably necessitate, medical attention to the employee as determined by the employee, the employee's supervisor(s), or the agency head, regardless of whether the employee actually desires, agrees to, seeks, or receives medical attention.

### V. DRUG AND ALCOHOL TESTING PROCEDURES

Testing shall be performed as provided for in the ***Louisiana Administrative Code Title 40, Part I, Chapter 15.***

Testing shall be performed at the most practical hospital or medical facility. ORM reserves the right to require employees to submit to additional testing, if warranted.

A representative of the agency shall transport the employee being tested to and from the testing site. Under no circumstances should any employee who is believed to be impaired or under the influence of any drug or alcohol be permitted to operate a motor vehicle.

### VI. VIOLATIONS

Employees found to test positive or failing to promptly submit to testing under this policy may be subject to dismissal or denial of their Workers' Compensation benefits pursuant to **La. R.S. 23:1081**.

Employees and Supervisors may also be subject to discipline, up to and including termination, in accordance with **HR-0016, Drug Testing and Drug**

**Free Workplace Policy**, for failing to cooperate with, or to apply, the post-accident drug testing requirements outlined in this policy.

## **VII. QUESTIONS**

Questions regarding this policy should be directed to the Office of Risk Management.