


UNIVERSITY OF HAWAI'I

Office of Human Resources

May 11, 2006

TO: Vice Presidents
Chancellors

FROM: Edward Yuen 
System Director of Human Resources

SUBJECT: Training for Administrative & Personnel Officers (AO/PO) on Drug and Alcohol Testing for HGEA Civil Service Employees in BUs 2, 3, 4 and 9 and their Excluded Counterparts

As you may be aware, the current collective bargaining agreements for HGEA civil service units 2, 3, 4, and 9 include a provision that allows for drug and alcohol testing (DAT) of employees (their excluded counterparts are covered by Executive Order 03-10). In addition to the provisions contained in the collective bargaining agreements, the State of Hawai'i and the Hawai'i Government Employees Association (HGEA) have also entered into a Memorandum of Agreement (MOA) that addresses the procedural aspects of the DAT program.

Essentially, the DAT program provides a mechanism for testing employees based on reasonable suspicion and in the event of an auto accident involving a State vehicle. The following is a summary of the basic features of the DAT program:

- A. Reasonable Suspicion for Alcohol and Controlled Substance Testing
1. Applicable to all employees in Units 2, 3, 4 and 9 and their excluded counterparts.
 2. Supervisor or employer designee (hereinafter "designee") must have received training on alcohol and controlled substance abuse and must be retrained every five years.
 3. Only a trained supervisor or designee may direct an employee to be tested upon reasonable suspicion.
 - Supervisor or designee shall have another witness observe the employee before directing the employee to submit to testing.
 - A written, signed record shall be made of the observation leading to the test.
 4. Reasonable suspicion must be based on a specific observation of the employee's appearance, behavior, speech, or body odor.
 5. The behavior giving rise to reasonable suspicion must be a recognized symptom of impairment from alcohol or controlled substance use and cannot be reasonably explained as the result of other causes.
- B. Post-Accident Tests
1. "Regular Driver" as defined in the MOA means an employee who drove a State vehicle an average of 120 days during the period October 1st through September 30th of the preceding year.

2. The driver of a State (UH) vehicle which is involved in an accident on a public road shall be subject to alcohol and/or controlled substance tests under the following conditions:
 - Employee is a “regular driver” as defined in the MOA;
 - Accident resulted in a fatality; bodily injury to a person requiring immediate medical treatment away from the accident or one or more vehicles is disabled and must be towed from the scene.

As indicated above, training regarding the provisions of the DAT program, as well as general drug and alcohol awareness, is an essential component of this program. Therefore, in order to meet the initial demand for training, the OHR has arranged a special 4-hour drug and alcohol supervisory training session for administrative and personnel officers to be held at Kuykendall Auditorium, on the Mānoa Campus, on Friday, June 2, 2006, from 8:00 a.m. to 12:00 p.m. Vice Presidents, Chancellors and Directors are also welcome to register for this special training session. The cost of the training will be dependent on the total number of attendees, but will not exceed \$35 per person, and will be conducted by an instructor from Kapi'olani Community College (KCC). The course code for this particular training is 062XBMUH101A. To register for this special session, please complete the HRD 410 form and fax it to OHR at 956-3952.

In addition, each campus and program will be responsible for determining the appropriate number of trained supervisors or designees required to comply with the DAT program provisions and for determining which employees are considered “regular drivers” under the provisions of the MOA. To ensure that there are sufficient training opportunities available to interested programs, the OHR will be coordinating additional training sessions for supervisors and/or designees. The OHR will be contacting your respective administrative and personnel officers regarding your program's anticipated training needs.

Finally, please be aware that the Department of Human Resources Development (HRD) periodically offers the requisite DAT program training, including sessions on the neighbor islands, as indicated in their semiannual training schedule. The entire HRD training schedule, as well as the schedule of Drug Testing Training Classes is available for viewing through the OHR homepage at (<http://www.hawaii.edu/ohr/training/index.htm>).

A copy of the Drug and Alcohol Testing MOA, Supervisor Guidelines and Employee Handbook will be provided at the training. However, if you would like to review these materials prior to the training, they are available on the OHR homepage as follows:

State of Hawai'i DAT MOA: <http://www.hawaii.edu/ohr/download/drug2.pdf>
Supervisor Guidelines: <http://www.hawaii.edu/ohr/download/drug3.pdf>
Employee's Handbook: <http://www.hawaii.edu/ohr/download/drug1.pdf>

c: David McClain, President
Administrative and Personnel Officers (via web)