

34-38-8 Employer's disciplinary or rehabilitative actions.

- (1) An employer may take an action described in Subsection (2) if:
 - (a) the employer receives a test result that:
 - (i) indicates a failed test;
 - (ii) is confirmed as required by Subsection 34-38-6(6); and
 - (iii) indicates a violation of the employer's written policy; or
 - (b) an employee or prospective employee refuses to provide a sample.
- (2) An employer may use a test result or a refusal described in Subsection (1) as the basis for disciplinary or rehabilitative actions, which may include the following:
 - (a) a requirement that the employee enroll in an employer-approved rehabilitation, treatment, or counseling program, which may include additional drug or alcohol testing, as a condition of continued employment;
 - (b) suspension of the employee with or without pay for a period of time;
 - (c) termination of employment;
 - (d) refusal to hire a prospective employee; or
 - (e) other disciplinary measures in conformance with the employer's usual procedures, including a collective bargaining agreement.

Amended by Chapter 284, 2010 General Session