

**34-41-105 Rehabilitative and disciplinary actions.**

- (1) If a verified or confirmed positive drug test result indicates a violation of the local governmental entity's or state institution of higher education's written drug-free workplace policy, if an employee, volunteer, prospective employee, or prospective volunteer refuses to provide a sample in accordance with the written policy, or otherwise violates the written policy, an employer may use that test result, refusal, or violation as the basis for imposing any rehabilitative and disciplinary actions authorized by this section.
- (2) If the conditions required by Subsection (1) are met, the employer may:
  - (a) require the employee to enroll in a rehabilitation, treatment, or counseling and educational program, approved by the local governmental entity or state institution of higher education as a condition of continued employment or volunteer service;
  - (b) suspend the employee with or without pay for a period of time;
  - (c) terminate the employment or voluntary services;
  - (d) refuse to hire a prospective employee or use the services of a volunteer; and
  - (e) impose disciplinary measures in conformance with the usual procedures, including employment contracts of the local governmental entity or state institution of higher education.

Enacted by Chapter 18, 1994 General Session