

POLICY TYPE: Human Resources

POLICY TITLE: Drug & Alcohol

Responsible Administrator: Vice President of Human Resources

Location of Related Procedures: Office of Vice President of Human Resources

Employees are the valuable resource of the college, and for that reason their health and safety are of paramount concern. The college will not tolerate any drug or alcohol abuse which imperils the health and well-being of its employees or threatens its business. Employees who use illegal drugs or abuse other controlled substances or alcohol, on or off duty, tend to be less productive, less reliable, and prone to greater absenteeism resulting in the potential for increased cost, delay and risk in the college's business. Employees have the right to work in a safe and drug-free environment and to work with persons free from the effects of drugs and alcohol. The college is, therefore, committed to maintaining a safe workplace free from the effects of alcohol and illegal drugs. Accordingly, the college has promulgated this Drug & Alcohol policy. Compliance by all employees with this policy is mandatory.

A. Prohibited Conduct

1. Use, possession, manufacturing, distribution, dispensation or sale of unauthorized alcohol or controlled substances on college premises or college business, in college supplied vehicles, or during working hours.
2. Storing in a locker, desk, automobile or other repository on college premises any unauthorized alcohol or controlled substance.
3. Being other than drug- and alcohol-free on college premises, on college business, or during working hours.
4. Being impaired by alcohol, controlled substances or illegal drugs on college premises or at any college-sponsored activity or at any time while conducting college business, whether such business is on or off college premises.
5. Being in possession of any drug paraphernalia on college premises or at any college-sponsored activity or at any time while conducting college business, whether such business is on or off college premises.
6. Off-duty use of illegal drugs.

7. Switching or adulterating any urine sample submitted for testing.
8. Refusing consent to testing or to submit a breath, saliva and/or urine sample for testing when requested by management.
9. Refusing to submit to a search (as described in Section D) when requested by management.

B. Duty to Disclose Prescription Medication

An employee may inform the Human Resources Vice President or designee of his or her prescription or regular non-prescription drug use if the employee believes that such use may impact his or her compliance with this standard practice guide. An employee must inform the Human Resources Vice President or designee of any prescription or regular non-prescription drug use if such use will or reasonably could impair the employee's ability to perform the essential functions of the employee's job. The information supplied will be kept confidential except, where appropriate, the Human Resources Vice President or designee may share the information with the employee's supervisor and other appropriate administrators, including the President. The employee may be required to provide information necessary to confirm that the drug use will not prevent the employee from performing the essential functions of his or her job, with reasonable accommodations.

C. Duty to Provide Notice of Criminal Drug and/or Alcohol Convictions

Pursuant to the Drug-Free Workplace Act of 1988, an employee who occupies a position funded in whole or in part by federal grant funds must inform the Human Resources Vice President of any criminal drug and/or alcohol conviction related to the workplace within five (5) calendar days of the conviction. The college will notify the granting agency of such convictions, regardless of how the college obtained information about the convictions, as required by law.

D. Searches

Whenever the college has reasonable cause to believe that an employee's work performance or on-the-job behavior may have been affected in any way by alcohol or drugs, or that this Policy has otherwise been violated, the college may search the employee, the employee's locker, desk or other company property under the control of the employee, as well as the employee's personal effects or automobile on college property.

E. Motor Vehicles

Staff will not give permission for any person to operate a motor vehicle while impaired. If transportation is needed, arrangements for alternative transportation will be made, i.e., a ride with a friend, family member, cab, etc. Failure to cooperate with such arrangements will be documented and submitted to the appropriate vice president or division dean, campus administrator or regional center manager. In addition, the authorities will be contacted if staff

believes the individual will operate a motor vehicle while impaired or is otherwise a danger to himself/herself or others.

F. Emergencies

Because of the potential dangers to the individual and others, the college will immediately call 911 on behalf of any individual exhibiting evidence of acute intoxication, incapacitation, or drug overdose on campus or at any college-sponsored activity. Following his/her return to campus, standard disciplinary procedures will be followed.

G. Consequences for Violation of this Policy

Violation of the college's Drug & Alcohol Policy may result in disciplinary action, up to and including immediate discharge, according to college procedures.

H. Reasonable Cause Testing

Drug and/or alcohol testing will be conducted when any employee's supervisor has "reasonable cause" to believe that an employee is impaired to any degree while at work because of alcohol use or at any time because of drug use. The determination that reasonable cause exists shall be based on any one or more of the following:

1. direct observation by a supervisor of an employee using or possessing drugs and/or alcohol;
2. observations of a pattern of abnormal and/or erratic behavior by an employee that is indicative of probable alcohol and/or drug use;
3. specific physical, behavioral, speech and/or performance indicators of probable alcohol and/or drug use or possession by an employee;
4. information about alcohol and/or drug use or possession by an employee obtained from a reliable and credible source and verified by the Human Resources Vice President or designee. Employees who, in good faith, report what they believe to be a workplace violation of this policy will have their reports treated as confidential to the extent reasonably possible;
5. information from a reliable and credible source and verified by the college that an employee has been arrested for and/or convicted of a drug offense.

As soon as possible following a determination that reasonable cause testing is warranted, the supervisor shall seek authorization from the Human Resources Vice President or designee to transport the subject employee to the testing facility.

Upon authorization by the Human Resources Vice President or designee, the supervisor or a member of the Human Resources staff shall immediately transport the subject employee to

the testing facility and shall return the employee to his or her home after the testing is complete. The employee shall not transport himself or herself to or from the testing facility.

The supervisor shall promptly document in writing those facts observed by or made known to the supervisor that gave the supervisor reasonable cause for the testing and shall promptly deliver such documentation to the Human Resources Vice President or designee.

An employee identified for reasonable cause testing will be placed on leave with pay pending results of the drug and/or alcohol test(s).

I. Return-to-Duty and Follow-Up Testing

Before returning to duty, an employee who has engaged in misconduct involving alcohol misuse or drug use in violation of this policy shall undergo a return-to-duty test, which must indicate a concentration of less than 0.04 for breath alcohol in the case of alcohol testing and a negative result in the case of drug testing.

An employee who has been given the opportunity to undergo rehabilitation for drug and/or alcohol abuse will, as a condition of returning to duty, be required to agree to reasonable follow-up testing established by the Human Resources Vice President or designee. The extent and duration of the follow-up testing will depend on the nature and extent of the employee's prior substance abuse problem. There is no requirement of reasonable cause for follow-up testing. In no instance shall such follow-up testing be ordered by the Human Resources Vice President or designee more than one (1) time within a seventy-two (72) hour period or more than four times in a given fiscal year, or for more than 24 months following the employee's return to work. This limitation does not apply to any reasonable cause testing that may be ordered during a time period also covered by follow-up testing.

J. Referrals

The use of unlawful drugs and the abuse of alcohol may pose serious health risks to the user. Employees with a drug or alcohol problem are strongly encouraged to seek assistance. The college is committed to establishing educational awareness designed to affect positively the problems of irresponsible use of alcohol and the use and abuse of illegal substances.

Each employee who engages in the conduct prohibited by this policy shall be advised of resources available to the employee for evaluating and resolving problems associated with drug or alcohol use. Employees may contact the Employee Assistance Program (EAP) for counseling and treatment. The college's EAP is available as a resource for all regular employees. The employee's job security will not be jeopardized by the use of EAP services.

At the option of the Human Resources Vice President or designee, an employee who engages in the conduct prohibited by this policy may be required to undergo an initial evaluation by a substance abuse professional in order to determine what assistance, if any, the employee needs to resolve drug and/or alcohol problems. The cost of such initial evaluation shall be

paid for by the college. The cost of any other type of evaluation (other than the initial evaluation) and the cost of any rehabilitation shall be paid for by the employee.

In appropriate circumstances, as determined by the Human Resources Vice President or designee, an employee may be allowed to undergo drug and/or alcohol rehabilitation treatment in lieu of being disciplined. The option to undergo rehabilitation treatment rather than discipline is more likely to be offered to employees who self-report a drug and/or alcohol problem than those who do not self-report. An employee who violates this policy does not have a right to substitute rehabilitation for discipline or dismissal.

Nothing in this section shall be interpreted to limit or restrict the college's ability to discipline or dismiss an employee who violates the terms of this policy.

K. Drug and Alcohol Abuse Testing Procedures

Sample testing shall comply with scientifically accepted analytical methods and procedures, and will be conducted at a certified laboratory.

The laboratory will report alcohol test results and any conduct indicating refusal to take or tampering with a drug and/or alcohol test directly to the Human Resources Vice President or designee.

L. Authorization to Test

When an employee reports to the laboratory, the drug and/or alcohol screening procedure will be explained and the employee will assist in completing any necessary forms. All persons subject to testing will sign the necessary authorization forms to allow the test to be performed and the test results and related information to be provided to the Human Resources Vice President or designee, as applicable. Refusal to cooperate or to authorize the testing may result in discipline up to and including termination.

M. Confidentiality and Record Retention

The Human Resource Department shall maintain all records received concerning test results in a secure fashion to insure confidentiality and privacy.

Records showing an employee passed a drug and/or alcohol test will be kept for at least one (1) year. Records showing that an employee failed a drug and/or alcohol test will be kept for at least five (5) years.

Other than as referenced above, information regarding an employee's test results will be released to third parties only upon the written consent of the individual tested, except that results may be released and relied upon by the college in any administrative or court action involving the drug test or any discipline resulting from a violation of this policy, including but not limited to, employment proceedings.

N. Cost of Drug and/or Alcohol Testing

The college shall be responsible for the cost of transporting an employee to and from the testing facility and for the cost of any drug and/or alcohol testing.

O. Miscellaneous

In determining an appropriate course of action when an employee has engaged in off-campus, non-college related drug use and/or alcohol abuse, the college will undertake a case-by-case analysis that will include consideration of individual circumstances and the impact of the employee's drug use and/or alcohol abuse on the employee's job and the college community.

Minor procedural errors in the implementation of this policy, as determined by the Human Resources Vice President or designee, do not cause actual prejudice to the employee, shall not be grounds for invalidating a drug test or overturning discipline imposed pursuant to this policy.

Each college employee who regularly supervises other employees shall receive training on alcohol misuse and drug use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of drugs. The Human Resources Vice President or designee will ensure initial and updated training is provided and will monitor attendance.

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