



<b>BUSINESS POLICY AND PROCEDURE MANUAL</b>	Date Issued: 3/96	Revision Date:	Page: 1 of 1
	Section:  PERSONNEL		Classification Code:  03-03
	Subject:  ALCOHOL AND DRUG-FREE WORKPLACE		

GENERAL STATEMENT OF POLICY

It is the University's intent and obligation to provide a drug-free, healthful, safe and secure work environment.

The unlawful manufacture, distribution, dispensation, possession, or use of alcohol or a controlled substance on University premises or while conducting University business off campus is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences for the violating employee.

The University recognizes drug and alcohol abuse as a potential health, safety and security problem. Drug & alcohol testing procedures will be established as required by law. Faculty and staff needing help in dealing with alcohol or drug problems are encouraged to use the University's Center for Health and Counseling, Alcohol/Drug and Education Services. Conscientious efforts to seek alcohol or drug help will not jeopardize an employee's job, and will not be noted in the official personnel file.

Training: The University shall develop and present training to both supervisors and employees regarding this program.

1. Employees in covered employment and supervisors of such employees are mandated to attend drug and alcohol training annually.
2. Other employees and supervisors are encouraged, but not mandated to attend training.

The Vice President of Finance and Administration shall be responsible for issuing and maintaining operating procedures to implement this policy.



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OPERATING PROCEDURES

**1. Reporting of Violations -**

Faculty and staff must, as a condition of employment, abide by the terms of the above policy. If an employee has been convicted under a criminal drug statute for violations occurring on or off campus while conducting University business, a report of the conviction must be made within five (5) days after the conviction (mandated by the Drug-Free Workplace Act of 1988, Public Law 100-690). Report of such convictions must be made in writing. Faculty should make the report to the Provost and staff should make the report to the Director of Human Resources.

**2. Drug and Alcohol Testing (as required by the Federal Highway Administration, Department of Transportation) -**

A. Coverage - All employees who meet one of the following criteria will be included in the University's drug and alcohol testing program. The categories of employees covered by this program include all employees who at any time:

- i. Drive motor vehicles designed to carry 16 or more passengers (including the driver).
- ii. Drive trucks weighing more than 26,000 pounds.
- iii. Drive any size vehicle used to transport materials considered to be hazardous under the Hazardous Materials Transportation Act and required to be placarded under the Hazardous Materials Regulations, or
- iv. Employees engaged in safety sensitive work related to the operation of covered motor vehicles.

B. When Testing is Required - Covered individuals are subject to drug and alcohol testing under any of the following circumstances:

- i. Pre-Employment Testing - Covered individuals will, as a condition of employment, undergo testing for controlled substances prior to beginning covered employment.
- ii. Post Accident Testing - By accepting employment covered individuals must consent to controlled substance and alcohol testing after an accident as required by law.



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- iii. Reasonable Suspicion Testing - If a covered individual is exhibiting, in the judgment of the supervisor, erratic behavior, behavior which may endanger the safety of himself or others, or if the supervisor smells the odor of alcohol, the covered individual is subject to drug or alcohol testing.
- iv. Return To Duty Follow-Up Testing - Covered employees who are returning to work from treatment of alcohol or substance abuse are subject to testing and certification requirements and may be subjected to unscheduled follow-up testing.
- v. Random Testing - All covered individuals are subject to random testing each year.

C. Consequences of Failing Drug or Alcohol Testing -

- i. On a first failure, the employee will be immediately suspended from his or her duties and, in order to continue in employment, will be required to seek evaluation and treatment from a licensed substance abuse professional. Payment for treatment will be the employee's responsibility.
  - a. While suspended, the employee may use paid leaves from his or her available sick leave or vacation leave balances to remain in paid status. If the employee has no paid leave available, the period of suspension will be without pay. However, all uses of leave are subject to the policies, procedures and/or bargaining unit resolutions under which they fall.
  - b. The employee must provide a status report regarding his or her continued treatment from his or her substance abuse professional to his or her supervisor, not less frequently than every two calendar weeks.
  - c. Upon being released from treatment and prior to being allowed to return to work, the employee must consent to and successfully pass a Return to Work drug or alcohol test.
  - d. The employee will be subject to unannounced Follow-Up Testing.
- ii. A second instance of failing a drug or alcohol test will result in the employee being involuntarily terminated from his or her employment with the University.



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D. Refusal to test or provide an adequate sample for testing -

- i. Refusal to test when requested to do so under any of the five circumstances when testing may be required (see 2 B. above), shall constitute insubordination and will result in termination of employment effective at the time of the refusal to test.
- ii. Failure to provide the required amount of urine required for a specimen -
  - a. Employees who cannot provide the required amount of urine will be told to drink 8 ounces of fluid immediately and an additional 8 ounces every 30 minutes up to a total of 40 ounces. If the employee still is unable to produce the required specimen within four hours, the test will be discontinued and the University notified. The employee must then be evaluated by a physician (at the employee's cost) to determine if the reason the employee could not produce a specimen is medically related. If the physician does not find that a medical reason prevented the employee from producing a specimen, then the employee's failure to have produced a sample will constitute a refusal to test and shall constitute the employee's voluntary resignation from employment.
  - b. If the failure to provide the required amount of urine is found to be medically related, the employee will be retested.
- iii. Failure to provide adequate breath for testing without a valid medical reason, constitutes a refusal to test and shall cause the employee to be considered as having voluntarily resigned from employment.
  - a. An employee who alleges an inability to provide an adequate breath sample will be directed to obtain, as soon as it is practical, a medical evaluation of his or her medical ability to provide an adequate amount of breath. Such an evaluation shall be obtained by the employee at his or her own cost from a licensed physician acceptable to the University. If the physician concludes that there is a reasonable medical justification for not providing the adequate breath sample, the failure to have provided the sample shall not constitute a refusal to test.
  - b. If the physician is unable to conclude that a medical reason prevented the provision of an adequate breath sample, the refusal shall constitute a refusal to test and shall cause the employee to be considered as having voluntarily resigned employment. The employee must provide to the University the physician's written medical conclusions in either case.



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E. Special Post-Accident Provisions -

- i. Essential medical treatment following an accident should never be delayed in order to implement drug or alcohol testing. However, such testing should occur as soon as practical and within eight hours of the accident whenever possible.
- ii. Any post-accident test which results in a positive finding of drugs or alcohol shall expose the employee to disciplinary action up to and including termination of employment as follows:
  - a. Any positive finding of drugs or an alcohol concentration of 0.04 or greater on an alcohol breath test, shall constitute the employee's involuntary termination from employment and may subject the employee to possible prosecution.
  - b. An alcohol concentration of 0.02 or greater on an alcohol breath test, if the individual has had a previous positive test, shall constitute the employee's involuntary termination from employment and may subject the employee to possible prosecution.
  - c. An alcohol concentration between 0.02 and 0.04 on an alcohol breath test, if the individual had no previous positive test, shall subject the employee to immediate removal without pay from his or her duties for a period of 24 hours and the placement of a final letter of warning in his or her personnel file.
  - d. An alcohol concentration below 0.02 on an alcohol breath test is considered a negative test and does not subject the employee to discipline.

F. Tests and Records -

- i. All drug and alcohol testing performed on individuals will be in accordance with required Department of Transportation procedures. These include the use of special testing forms, use of trained personnel, and special processes and handling to insure the integrity and accuracy of the testing process.
- ii. Information related to testing will be treated as confidential except as required to comply with Department of Transportation requirements, to safeguard the safety of personnel and the public, or as otherwise legally required.



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G. Construction - All testing, record keeping, interpretation, definitions, etc. shall be consistent with and governed by applicable federal and or state laws and regulations. Specifically, the drug and alcohol testing programs are mandated by U.S. Department of Transportation regulations authorized under the Omnibus Transportation Employee Testing Act of 1991 (Public Law 102 - 143) and its amendments and other laws. The University's Policy and Procedures are adopted in accordance with these laws and regulations and any part hereof not in conformity with these laws and regulations shall be amended automatically to conform with those laws and regulations.

**3. A Covered Employee must not -**

- A. Be under the influence of alcohol within 4 hours before going on duty or operating, or having physical control of, or being on duty to operate, a covered vehicle or performing other Department of Transportation covered safety sensitive duties.
- B. Use or possess alcohol (including medications, foods, mouth washes, sprays, or any other substance which contains alcohol), even with a doctor's prescription, for 4 hours before duty, while on duty, or 8 hours after an accident (unless alcohol testing has been performed after the accident).
- C. Perform safety sensitive duties if aware of any medical condition or alcohol or drug use that may adversely affect his or her ability to perform such duties.
- D. Use any controlled substance unless specifically authorized by a physician and then the physician tells the individual that use of the controlled substance will not affect the performance of safety sensitive functions. The University must be notified in advance of the use of prescription drugs which may affect performance of covered employment by covered employees.