



POLICIES AND PROCEDURES

Subject: Drug - Free Workplace

Policy No. 4

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Approved by: Maria M. Houser, Associate Vice President for Human Resources

Signature: _____ and Labor Relations

Purpose and Goal

Southern Connecticut State University is committed to protecting the safety, health and well being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. We have established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

SCSU encourages employees to voluntarily seek help with drug and alcohol problems.

Scope

Any individual who conducts business for the University, is applying for a position or is conducting business on the University's property is covered by our drug-free workplace policy. Our policy includes, but is not limited to the president, executive management, managers, faculty, supervisors, full-time employees, part-time employees, student employees, off-site employees, contractors, volunteers, interns and applicants.

Applicability

This drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the University. Therefore, this policy applies during all working hours, whenever conducting business or representing the University, while on call, paid standby, while on state property and at sponsored events. Any individual observed unlawfully manufacturing, distributing, dispensing, using, or possessing alcohol or illegal drugs in the workplace is to be reported immediately to the University Police or local law enforcement.

Notification of Arrest

In accordance with the Employee Handbook, **all employees listed above under “Scope” must report any arrest** to their supervisor and HR on or by the next scheduled workday following the arrest, but no later than 48 hours after the incident.

Notification of Convictions

Any employee who is convicted of a criminal drug violation in the workplace must notify the Associate Vice President of Human Resources and Labor Relations in writing within five (5) calendar days of the conviction. The University will take appropriate action within 30 days of notification. The agency must notify the appropriate federal agency in writing, as well as the Office of Labor Relations, within ten (10) calendar days of receiving notice that one of its employees funded under a federal grant or contract has been convicted for a violation of a state or federal drug statute occurring in the workplace.

Prohibited Behavior

It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., use leave, request change of duty, notify supervisor) to avoid unsafe workplace practices.

Inquiries regarding prescription drug use by employees are governed by the Americans with Disabilities Act of 1990, and therefore should be made only as authorized by the Human Resources Office.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our drug-free workplace policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken if job performance deterioration and/or other accidents occur.

The following conduct is prohibited:

Alcohol — Using, selling, manufacturing, distributing, possessing, storing, or dispensing alcohol on University premises, as part of any University-related activity, or in the workplace, except as authorized by the University.

Controlled Substances — Using, selling, manufacturing, distributing, possessing, storing, or dispensing controlled substances on University premises, as part of any University-related activities, or in the workplace, except as authorized by the University.

Employee Treatment Programs — Failing to meet the requirements of a drug or alcohol treatment program that the University requires an employee to complete as a condition of employment.

Workplace Inspection — Interfering with a workplace inspection under this policy.

Impaired Job Performance or Attendance — Alcohol misuse or controlled substance use, even though not during working hours or in the workplace, which impairs job performance or attendance.

Other Misconduct — Any other conduct that the University determines to be inconsistent with providing a drug-free and alcohol-free campus and workplace.

Workplace Inspections

- The University reserves the right to inspect the workplace for alcohol, controlled substances, or paraphernalia relating to alcohol or controlled substances and to question any employee when it reasonably suspects that this policy or any procedure under this policy has been violated.
- The University will prominently post the following notice in conspicuous places in the workplace:

“SCSU reserves the right to inspect the workplace for alcohol, controlled substances, or paraphernalia relating to alcohol or controlled substances and to question any employee when the University reasonably suspects that its Alcohol- and Drug-Free Campus and Workplace Policy or any procedure under that policy has been violated.”

- The decision to conduct a workplace inspection should be made jointly by the supervisor who believes the inspection would be appropriate under this policy and a representative of the Human Resources Office and/or University Police. In all cases, the Associate Vice President of Human

Resources and Labor Relations or his or her designee must authorize a workplace inspection.

- This section of the policy does not limit in any way the University Police Department's right to conduct law enforcement activities including, but not limited to, questioning or searching any person or inspecting any University premises or workplace at any time.

Consequences of Engaging in Prohibited Conduct

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If however, an individual violates the policy, the consequences are serious.

In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment can be withdrawn. The applicant may reapply after eighteen months and must successfully pass a pre-employment drug test.

If an employee violates the policy, he or she will be subject to progressive disciplinary action (which may include dismissal depending on the severity) and may be required to enter into an Employee Assistance Program. An employee required entering EAP and who fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

Factors Relevant to Sanction or Corrective Action

The University will evaluate violations of this policy on a case-by-case basis. In determining the appropriate sanction or corrective action, the University may consider an individual's work or academic record, the seriousness of the violation, the safety-sensitivity of the individual's position, whether the individual's behavior violated the University's Violence in the Workplace Policy, whether a sanction or corrective action is permissible under law including, without limitation, The Americans With Disabilities Act of 1990, and any other relevant factors.

Return-to-Work Agreements

Following a violation of the drug-free workplace policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

Employee Self-Referral and Employee Assistance Program

SCSU recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- Ensures the availability of a current list of qualified community professionals.
- Offers all employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP). This is a confidential service at no cost to you or covered family members. **The Lexington Group (EAP) may be contacted at 1-800-676-4357 anytime 24 hours a day.**
- Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.

Employees with current alcohol or drug problems are strongly encouraged to voluntarily contact the University's Employee Assistance Program for assistance. Employees may seek help without their supervisor's knowledge. Although voluntarily seeking assistance will not bar the University from treating the employee like other employees under this policy, the University will consider voluntary requests for help as mitigation in determining any discipline to be imposed.

Confidentiality

All information received by the University through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

Shared Responsibility

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to not report for work while their ability to perform job duties is impaired due to on-duty or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Use the Employee Assistance Program.
- Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- Inform employees of the drug-free workplace policy.
- Observe employee performance.
- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.
- Counsel employees as to expected performance improvement.
- Notify HR and refer employees to the Employee Assistance Program.
- Clearly state consequences of policy violations.

Communication

Communicating this drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting the University's drug-free workplace program:

- All employees will receive a written copy of the policy.
- The policy will be reviewed in orientation sessions with new employees.
- Posters and brochures will be available at all locations.
- Employee education about the dangers of alcohol and drug use and the availability of help will be provided to all employees.
- Every supervisor will receive training to help him/her recognize and manage employees with alcohol and other drug problems.

Commercial Driver's License (CDL)

Employees who are required to possess a CDL as part of their employment shall be subject to random drug testing in addition to any other testing requirements in accordance with this Policy and State and/or Federal regulations. As a result of probable cause or behavioral observations, any employee may be ordered to submit to drug or alcohol testing.

Authority and Reference

- Executive Order 12880; Executive Order 12992; Executive Order 13023
- Connecticut General Statutes, Sections 18-81, 19a-342, 21a-266, 21a-267, 21a-278, 21a-279 and 31-51 et seq (2003), §31-128a to –128h (2003), §14-261a et seq. (2003),
- Office of Policy and Management, Office of Labor Relations General Notice 2007-08, “Connecticut’s Drug Free Workplace Policy”.
- Drug-Free Workplace Act of 1988 (Title 41 Chapter 10; 41 U.S. Code §§701 et seq.).
- Title 21 United States Code (USC) Controlled Substances Act.
- The Omnibus Transportation Employee Testing Act of 1991.
- Family and Medical Leave Act of 1993.
- Americans with Disabilities Act (ADA).
- Section 503 of the Rehabilitation Act of 1973.
- U.S. Department of Labor at www.dol.gov/elaws.
- Human Resources Policies for Management and Confidential Professional Personnel of the Connecticut State University System (Version 2.0)
- CSU Board of Trustees “Alcoholic Beverages on the Campuses of the Connecticut State University” (BR #84-46); “Substance Abuse Policy” (BR #88-7).
- Employee Handbook

Definitions

For the purposes stated herein, the following definitions apply:

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

Controlled substances (or “*drugs*”) refers to any drug or substance whose use is legally prohibited including, but not limited to, marijuana (THC), cocaine, opiates, phencyclidine (PCP), amphetamines (including methamphetamines).

Conviction Is the verdict that results when a court of law finds a defendant guilty of a crime including an Alford plea.

Employee means faculty, staff, or student employees.

Probable Cause is the reasonable belief by management that an employee is under the influence of drugs based on specific information or observation of the employee.

Substance Abuse is the overindulgence in and dependence of a drug or other chemical leading to effects that are detrimental to the individual's physical and

mental health, or the welfare of others. Specifically, it is the use of alcohol or the misuse of illegal drugs which impair the physical, mental or social abilities of an employee and/or their job performance.

Workplace is any location owned, operated or controlled by the University or the State of Connecticut, whether the employee is on duty or off duty, and any other locations while on duty where state business is conducted, including traveling on state time to or from such work locations.

Exceptions

Any exceptions to the procedures set forth in this Policy shall require prior written approval from the Associate Vice President of Human Resources and Labor Relations.