

# **DRUG AND ALCOHOL FREE WORKPLACE POLICY**

## **Statement of Policy**

Employees are Southern Connecticut State University's most valuable resource, and the University is committed to ensuring the personal health and safety of all members of the Southern community. To that end, the University will provide a drug-free environment for students and employees in accordance with the Federal Drug-Free Workplace Act of 1988 (41 U.S. Code §§701 et seq.).

This act requires that any employer receiving Federal funding must certify that it will maintain a drug-free workplace. Among other things, the act requires that this policy be published notifying employees that the unlawful manufacture, distribution, possession, or use of controlled substances is prohibited in the workplace. It also requires that certain actions be taken if this policy is broken.

In harmony with Connecticut's three-pronged strategy of education, treatment, and enforcement to combat substance abuse, and in accordance with Federal legislation, this Drug-Free Workplace Policy has been adopted.

## **Prohibited Activity**

Southern Policy prohibits the following:

- Absolutely no alcohol or illegal drugs are allowed on the job or at the worksite. Furthermore, University employees are expected to come to work free of impairment resulting from drinking or use of illegal substances elsewhere, whether at night, at lunch, or at any other time.
- Being under the influence of alcohol, unauthorized controlled substances, or illegal drugs on University premises or in University-owned vehicles. "Controlled substances" are specifically defined in Federal law and consist of two classes of drugs:
  - (1) those commonly thought of as "illegal" drugs.
  - (2) certain medications if, not being taken under a physician's prescription or according to a physician's orders, which the Federal government has determined have a potential for abuse, or are potentially physically or psychologically addictive.
- The use or possession of alcohol, unauthorized controlled substances, or illegal drugs while on the job or subject to duty.
- The possession, use, manufacture, distribution, dispensation, or sale of illegal drugs away from University premises that adversely affect the employee's work performance or his/her own or others' safety at work.
- Use of University property for the storage of any illegal drug, drug paraphernalia, or unauthorized controlled substance.
- Conviction under any criminal drug statute for a violation occurring in the workplace. "Workplace" includes any locations owned, operated, or controlled by the State, whether the employee is on 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.

- Failure to notify the employer of any criminal drug conviction relating to illegal drug activity in the workplace within five (5) days of conviction, in accordance with the requirements of the Act. A conviction means a finding of guilt (including a plea of nolo contendere) and/or the imposition of a sentence by a judge or jury in any Federal or State court. This reporting requirement is in addition to any agency work rules that require notice of arrests and/or convictions. An employee who is so convicted or who fails to report such a conviction is subject to discipline, up to and including termination.

A list of legal sanctions for certain types of prohibited activity is available from the University Police Department.

Since it is a Federal certification requirement that employees be notified of this policy, each employee will receive a copy of it. The policy will also be available at the Human Resources Office.

## **Procedures**

The following procedures shall be utilized in dealing with alcohol and drug related problems involving employees of the University.

### Voluntary Referral

The University recognizes that early treatment of alcohol and drug abuse is critical in order to maximize the chances for successful rehabilitation. Whenever possible, Southern will assist employees in overcoming drug and alcohol dependency, keeping in mind that the decision to seek diagnosis and accept treatment for substance abuse is the individual responsibility of the employee.

Employees who wish to seek voluntary treatment for alcohol and drug related problems should contact the Human Resources Department at 203-392-5567 for the current Employee Assistance Program contact information for immediate, **confidential** assistance regarding counseling and treatment referral services 24 hours a day.

The Employee Assistance Program (EAP), will provide assessment services and, if necessary, refer employees to an appropriate treatment provider in the area.

### Mandatory Referral

When a supervisor has a reasonable suspicion that declining job performance or abnormal on-the-job behavior is due to an employee's use of drugs or alcohol, he/she should refer the employee to the Employee Assistance

Program prior to initiating other personnel actions to deal with the prohibited behavior or activity.

If an employee does not seek assistance through the EAP, the supervisor shall follow appropriate progressive disciplinary or evaluative procedures after consultation with the Human Resources Office. If the employee does seek treatment, disciplinary or other action may be precluded as long as the employee maintains satisfactory participation in a recognized accredited rehabilitation program and maintains satisfactory job performance. Employees who undergo treatment or counseling must continue to meet all established standards of conduct and job performance.

### Disciplinary Action

Disciplinary action may be warranted under the following circumstances:

- a) For violations of this policy for which treatment or counseling would be inappropriate.
- b) In cases where an employee refuses to seek treatment for declining job performance or abnormal on-the-job behavior that can be attributed to the use of drugs and/or alcohol.
- c) For repeated violations of this policy following treatment.

Standard progressive disciplinary measures should be applied in accordance with collective bargaining agreements and State statutes. Such disciplinary action will take place only after consultation with the Human Resources Office regarding the appropriate action to take in each circumstance. The **Drug-Free Workplace Act** requires personnel action within 30 days after learning of an employee's conviction for drug activity in the workplace. Discipline may also be warranted in cases involving illegal activity outside the workplace. Since drug addiction or alcoholism may constitute a handicapping condition, any personnel action must be consistent with the provisions of the Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973.

In addition, Southern must notify the appropriate Federal agency in writing, as well as the Office of Labor Relations, with 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.

### **Substance Abuse Awareness Program**

As a member of "Drugs Don't Work," The Governor's Partnership to Prevent Substance Abuse in the Workforce, Southern provides prevention and intervention training programs for students and employees, through the use of workshops, symposiums, written materials, and flyers. Faculty, staff, and students serve on Southern's Substance Abuse Task Force. Residence Hall staff

has been trained in identification and intervention techniques, and the Employee Assistance Program provides similar training for supervisors.

## **Health Risks**

Substance abuse may cause physical and psychological problems that can contribute to difficulties at home, at school, and in the workplace. Common physical problems associated with substance abuse include fatigue, nausea, headache, poor motor control, organ damage, hallucinations, personality disorders, and increased risk of infection and disease.

Substance abuse may also cause impaired judgment, poor concentration and reasoning, loss of memory, or exaggerated feelings of anger, fear, and anxiety. Employees who are experiencing these symptoms and who believe that substance abuse may be the cause are urged to seek treatment through their personal physician(s) or by following the voluntary EAP referral procedures in this policy.

## **Supervisor Requirements**

Supervisors must immediately report suspected activity or use of alcohol and/or drugs up their chain of command if they believe that a subordinate is acting under the influence or has a substance abuse problem. Supervisors, familiar with the benefits of the Employee Assistance Program, will counsel and refer the employee as necessary.