Drug and Alcohol Policies

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9.1 Drug-Free Work Place Policy

The unlawful purchase, manufacture, sale, distribution, possession, storage or use of an illegal drug or controlled substance in or on any premises or property owned or controlled by the University is prohibited. A controlled substance is any substance so defined by federal or state statute or regulation. Any employee who is found guilty (including a plea of no contest) or has a sentence, fine, or other penalty imposed by a court of competent jurisdiction under a criminal statute for an offense involving a controlled substance that occurred in or on premises or property owned or controlled by the University shall report such action to the Office of Human Resources within five (5) days. In accordance with Department of Defense requirements, a supervisor that receives or has actual notice that an employee has engaged in such an offense that results in a finding of guilt, sentence, fine or other penalty as described above will notify the contracting officer within ten (10) days after receiving the notice and will take corrective action within thirty (30) days if the employee works under a contract that requires the report. An employee who unlawfully manufactures, sells, distributes, possesses, or uses a controlled substance in or on premises or property owned or controlled by the University, regardless of whether such activity results in the imposition of a penalty under a criminal statute, will be subject to appropriate disciplinary action, up to and including termination, or will be required to participate satisfactorily in an approved drug assistance or rehabilitation program or both.

9.2 Drug and Alcohol Testing

All persons who are applicants for or who are employed as Commissioned Police Officers, in positions with duties or activities that require possession of a commercial driver’s license, or in certain other safety-sensitive positions, designated by the University, will be required to provide a urine sample for testing for the presence of illegal drugs and/or alcohol. The provisions of this drug and alcohol testing policy do not relieve an employee from requirements imposed pursuant to other University policies on drugs and alcohol. If the employee refuses to provide said urine sample, upon reasonable cause and authorized request, the employee will be subject to disciplinary action up to and including termination.

9.2.1 Safety-sensitive positions subject to drug and alcohol testing will be designated by the University. A safety-sensitive position subject to drug testing will be identified in the job description and in advertisements for the position.
9.3 Applicant Testing

a. Applicants for CDL positions

All applicants conditionally accepted for employment in positions that involve the duties or activities that involve the requirement of a commercial drivers’ license will be required to submit to background screening to determine if they have had Department of Transportation drug and/or alcohol violations while employed by a Department of Transportation regulated employer at any time during the two years before the employee’s application. If a prior employer reports that the applicant had an alcohol test with a concentration of 0.04 or greater, a verified positive controlled substances test result or a refusal to be tested during this time, the application will not be processed further until the applicant submits a specific, written authorization to release this information to the University for review to determine compliance with DOT regulations. The University will not hire individuals who have not complied with all DOT requirements.

b. All applicants for positions indicated in 9.2 above who have been conditionally accepted for employment will be subject to testing as indicated in that paragraph. A verified negative test result will be required on the controlled substance test. Applicants selected for hire who refuse to consent, who fail to show for testing, or who test positive for the presence of illegal drugs or alcohol in prohibited concentrations will not be considered for employment and may not reapply for employment for a period of twelve (12) months. Prior to signing a consent form, applicants selected for hire will be informed of the testing procedures either orally or in writing.

9.4 Prohibited Employee Contact

9.4.1 The following conduct involving alcohol use is prohibited:

a. use or possession of alcohol while on duty or while in vehicles used for University business;

b. use of alcohol during four (4) hours before on duty in a position requiring driving a CMV or while not on duty which adversely affects job performance or may adversely affect the health or safety of other employees, students, visitors, or patients is prohibited;

c. having prohibited concentrations of alcohol (.04 or greater) in system while on duty;

d. use during the eight (8) hours following an accident requiring a post-accident test or until the employee undergoes a post-accident alcohol test, whichever occurs first;

e. use at an authorized University function, in the course of official University business, or at an authorized University site which adversely affects job performance or may adversely affect the health or safety of any other person;
f. permitting a subordinate employee to perform or continue to perform job duties, including CDL holder functions, when the supervising employee has actual knowledge that the individual or driver, as applicable, has engaged in prohibited conduct; or

g. attempting to interfere with, alter, substitute or in any way affects the outcome of the alcohol testing, including but not limited to tampering with samples and failure of any employee to report an on-the-job accident, including a driving accident, immediately to their supervisor.

9.4.2 The following conduct involving drug use is prohibited:

a. the unauthorized purchase, manufacture, distribution, sale, storage or use or possession of an illegal drug or controlled substance while in or on premises or property owned or controlled by the University, or while in vehicles used for University business;

b. the use of an illegal drug or controlled substance while not on duty, which adversely affects job performance or may adversely affect the health or safety of other employees, students, visitors, or patients;

c. the use or possession of a controlled substance, except when the use and possession is pursuant to the instructions of a physician and the physician has advised that the substance does not adversely affect the ability to safely perform the individual’s job functions including, where applicable, a driver's ability to safely operate a commercial vehicle;

d. the distribution to others of a drug or controlled substance obtained pursuant to a prescription, except by duly licensed and certified persons, while on duty, except by duly licensed and certified persons, while on duty;

e. testing positive for illegal controlled substances;

f. permitting a subordinate employee to perform or continue to perform job duties, including CDL holder functions, when the supervising employee has actual knowledge that the individual or driver, as applicable, has engaged in prohibited conduct;

g. attempting to interfere with, alter, substitute or in any way effect the outcome of the drug testing, including but not limited to tampering with samples and failure of any employee to report an on-the-job accident, including a driving accident, immediately to their supervisor; or

h. failure to abide by the notice requirements in 9.1 above.
9.4.3 Enforcement

a. An employee who violates this policy may be subject to disciplinary action, up to and including termination;

b. At the discretion of the University, the employee may be referred to an assistance program and may be required to participate in and satisfactorily complete a chemical abuse rehabilitation program as a condition of continued employment;

c. Employees may be required to undergo drug and/or alcohol testing when a supervisor observes an employee exhibiting such appearance and behavior in violation of this policy;

d. Employees may be required to undergo drug and alcohol testing pursuant to drug and alcohol program requirements for specific positions.

9.5 Employee Testing

Employees in positions that involve the duties or activities described in 9.2 may be required to submit to testing to determine the presence of illegal drugs or alcohol under the following circumstances:

a. when involved in an on-the-job accident, including a driving accident, that results in the death of a person or that results in a citation to the employee under state or local law for a moving traffic violation arising out of the accident. An employee subject to testing under this provision must be available for drug testing for thirty-two (32) hours and alcohol testing for eight (8) hours, respectively, and refrain from alcohol use for eight (8) hours following the accident or until he/she submits to testing which will be conducted within the DOT required time frame or the reasons for failure to do so will be documented;

b. when observed using alcohol or illegal drugs while on duty requiring the performance of safety-sensitive functions;

c. when a supervisor who has participated in a program that provides training in the recognition of the physical appearance and behavior of persons under the influence of alcohol or illegal drugs observes an employee exhibiting such appearance and behavior;

d. when selected pursuant to a scientifically valid random process determined by the University;

e. when returning to duty in a position described in 9.2, after a violation of drug or alcohol rules; or

f. when returning to duty for a position described in 9.2, and has been identified by a substance abuse professional as needing assistance in resolving problems with drug or alcohol abuse. Such
employees will be subject to a minimum of six unannounced follow-up drug or alcohol tests over the first 12 months following his or her return to duty at the expense of the employee.

9.6 Urinalysis Procedure

In order to assure individual privacy without compromising the integrity of the test result, the University will utilize the mandatory Guidelines for Federal Workplace Drug Testing Programs and the Procedures for Transportation Workplace Drug Testing for tests pursuant to this policy. Those Guidelines are published in Volume 53 of the Federal Register, pages 11979-11989 and Volume 59 of the Federal Register, pages 7354-7357. Any testing requested by an employee will be done at the employee's expense.

9.7 Alcohol Testing

The University will utilize the Procedures for Transportation Workplace Drug and Alcohol Testing Programs for alcohol tests pursuant to this policy. Those procedures are published in 49 CFR 40. Any testing requested by an employee will be done at the employee’s expense.

9.8 Records

9.8.1 Confidentiality

All information from an applicant's or an employee's drug and alcohol test(s) is confidential. Testing records will be maintained in a secure manner, so that disclosure of information to unauthorized persons does not occur.

9.8.2 Maintenance

Records will be maintained in accordance with the following schedule:

a. verified positive controlled substance test results and alcohol test results indicating an alcohol concentration of 0.02 or greater; documentation of refusals to take required tests; calibration documentation; evaluations and referrals – five (5) years;

b. information obtained from previous employers concerning drug and alcohol test results – three (3) years; alcohol and controlled substance collection records; testing program administration documents; annual calendar year summary and training records – two (2) years;

c. negative or canceled tests – one (1) year; and

d. alcohol test results indicating concentration less than 0.02 – one (1) year.
9.9 Training

Each supervisor designated to supervise drivers will receive at least sixty (60) minutes of training on alcohol misuse and at least an additional sixty (60) minutes of training on controlled substances.

9.10 Reporting

The University will submit reports in accordance with Federal Regulations regarding this alcohol and drug misuse prevention program.