

## **Drug and Alcohol Free Workplace**

### **Policy Statement**

Treasure Valley Community College has responsibility in establishing a safe and productive work environment free of the influence of drugs and alcohol for the benefit of its employees, students, and the public at large. As a result, the College is implementing a drug and alcohol free workplace policy. This policy applies to all current College employees (faculty and staff) while at the workplace. Certain positions (for example: Bus Driver) may be subject to federal Department of Transportation rules and regulations.

### **College Official**

The College designates the Director of Human Resources as the person responsible for answering questions relating to the provisions of this policy. This policy will be enforced and administered with the advice and consent of the Director of Human Resources.

### **Possession, Use, or Distribution of Illegal Drugs or Alcohol**

The possession, use, purchase, sale, or distribution of illegal drugs, hallucinogenic drug, narcotic drug, amphetamine, barbiturate, marijuana, or any other controlled substances, a prescription drug in possession of an individual without a valid prescription, drug paraphernalia, or alcohol by an employee in a College vehicle, on College property, or during work hours, is strictly prohibited. Any employee violating this prohibition will be subject to discipline, up to and including termination.

The College also has a prohibition against employee use of illegal drugs off the worksite. Any employee convicted of a criminal drug statute must notify Human Resources within 5 work days of the conviction. The employee may be asked to submit to drug testing which may result in the employee being suspended from work without pay, and be subject to discipline, up to and including termination.

### **Alcohol**

The College is committed to ensuring that employees are not at work while under the influence of alcohol. Employees are not to report to work or remain at work while under the influence of alcohol, meaning having a blood alcohol concentration (BAC) greater than .02. Employees are also prohibited from using or possessing alcohol while on duty without College approval.

### **Medication**

Employees are cautioned regarding the use of prescription medication that contains a warning label stating that the use of that drug may impair his/her ability to safely operate equipment or machinery. Employees

will be allowed to work while using such medication if the drug is prescribed by a licensed medical practitioner who is familiar with the employee's medical history and assigned duties and who has advised the employee that the prescribed drug will not adversely affect his/her ability to safely perform the job.

“Over the counter (OTC) drugs” are included under this policy. OTC drugs are generally available without a prescription and are limited to those drugs which are capable of impairing the judgment of the user to safely perform work duties. Some cold medicines meet this definition.

### **Self-Referral**

Any employees who feels they may be drug or alcohol dependant and who identify themselves as such will be encouraged to seek voluntary treatment for that dependency. The College can provide information from the Employee Assistance Provider for a private treatment program. If an employee seeks treatment voluntarily, accrued paid leave may be used while attending the program.

Employees who demonstrate successful progress or completion of a recommended course of treatment may return to work after taking and passing a drug and/or alcohol test. Any employee returning to work after such treatment will be expected to comply with all aspects of this policy. A request for rehabilitation may not be made in order to avoid the consequence of a positive drug or alcohol test or to avoid taking a drug or alcohol test when requested to do so under the terms of this policy.

## **DRUG/ALCOHOL TESTING**

### **Reasonable Cause Testing**

The College will require any employee to be tested for alcohol and/or illegal drugs if the employee's physical appearance or pattern of behavior gives a supervisor or College official reason to believe the employee may be impaired. The basis of suspicion may be a specific, contemporaneous event or conduct evidencing impairment observed over a period of time. Reasonable cause testing also includes testing an employee for the presence of prescription medication when the college has reason to believe the employee may be abusing the medication. Before subjecting an employee to a reasonable cause test, the supervisor or Dean must first obtain agreement from the Director of Human Resources or the College President that the information available is sufficient to determine testing.

### **Random Testing**

All employees may be subject to random drug and alcohol testing. Random testing will be unscheduled and every employee will be subject to testing. The random selection method, as well as the percentage of employees who will be tested, will be determined in consultation with the clinic or laboratory conducting the testing.

## **Post Accident Testing**

Any employee who is involved in a work-related accident will be tested for the use of illegal drugs and/or alcohol as soon as practicable after the accident. Accidents that will require an employee to take a post accident test include, but are not limited to, situations where:

1. An employee causes a fatality or bodily injury to another person and where the injured person requires medical treatment away from the accident; or
2. An employee injures themselves, resulting in that employee filing a worker's compensation claim with lost time likely exceeding one work day; or
3. An employee causes damage to property owned by the College, or by a third party that may reasonably be estimated to exceed \$1000.

Employees who are involved in a work-related accident requiring medical attention are to inform their supervisor of the accident as soon as possible so that any needed drug or alcohol testing may be promptly conducted.

## **Specimen Collection**

Only those collectors instructed in the proper methods of collection will conduct specimen collections. The person conducting the collection will utilize proper chain of custody documentation provided by the laboratory. They will also ensure that the donor's specimen is provided in a location and manner that protects a donor's privacy, and that the specimen is properly identified, sealed, and protected against tampering. Direct observation of a donor providing a urine specimen will only be conducted when there is evidence that the donor has submitted or attempted to submit an adulterated or false specimen. Specimen collection, storage, and transportation to the laboratory will be conducted in a manner that precludes specimen contamination or adulteration.

## **Adulterated or Diluted Specimen**

If the collection monitor determines that an employee has submitted an adulterated or diluted specimen, that specimen will be discarded and a second specimen will be requested. It will be the second specimen that will then be tested. If the request for a second specimen is refused, the collector will inform the supervisor of the employee's refusal to submit an acceptable specimen. Such refusal may result in the employee being subject to discipline, up to and including termination.

## **Drug/Alcohol Testing**

All urine specimens will be tested for the presence of illegal drugs.

Any urine specimen that screens positive for the presence of illegal drugs will be confirmed by the Gas Chromatography/Mass Spectrometry (GC/MS) confirmation method at a certified testing laboratory.

Any employee who confirms positive for illegal drugs may request their same specimen be re-tested. This request must be conveyed to the College within 48 hours of the employee being notified of the positive test result.

Alcohol testing will be done by means of testing the employee's saliva and/or breath. Any employee that tests at or above .02 BAC (Blood Alcohol Content) will have a confirmation test conducted upon the employee's breath after at least a fifteen minute waiting period from the first test being conducted.

Any employee who requests a re-test will be done at the employee's expense and suspended during the time of the re-test.

### **Refusal**

An employee may not refuse to take a drug or alcohol test when requested to do so consistent with the terms of this policy. Such a refusal will be considered equivalent to testing positive. An employee will be considered as refusing to test if they:

1. Expressly refuse to take a test when so requested;
2. Fail to provide an adequate breath, saliva, or urine sample without a valid explanation; or
3. Engage in conduct that clearly obstructs the testing process.

### **Notification of Test Results**

All drug test results received from the laboratory will be forwarded to the Director of Human Resources. In forwarding test results, the laboratory staff will only report results to those College officials authorized to receive them. The College will be notified of both the employee's name and the drug(s) for which they were tested.

Any employee who tests positive will be given the opportunity to discuss that result with the laboratory staff prior to the College taking disciplinary action. In talking with any such individual, the staff will follow up on all information deemed necessary to resolve the employee's positive drug test.

If the laboratory staff determines that an employee's positive test result was due to his/her authorized use of prescription medication they will immediately report that result to the College and no further action will be taken. However, if an employee cannot provide a reasonable explanation for his/her positive test results, the College will then take disciplinary action consistent with the terms of this policy.

### **Effect of Testing Positive**

Any employee who tests positive for the presence of illegal drugs and/or alcohol (a reading of .02 or above) may be allowed to continue working for the College subject to the terms and conditions of the College's Last Chance Agreement. As part of the Agreement, the employee may also be asked to

participate in a drug and/or alcohol treatment program, subject to testing before regaining employment. If the employee fails to satisfy the terms of the Agreement, the employee will be subject to discipline, up to and including termination. The employee is still subject to other disciplinary actions for reasons outside of the Last Chance Agreement.

END OF POLICY

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**Legal Reference(s):**

[ORS 342.721](#)

[ORS 342.726](#)

[OAR 581-022-0416](#)

[ORS 342.723](#)

[ORS 657.176](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707 (2006); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 85.600 - 85.645 (2006).

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11 - 1308.15 (2006).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2006).