



POLICY MANUAL

GENERAL

Number 313

Subject: Drug and Alcohol-Free Workplace; Drug and Alcohol Testing

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POLICY

It is the policy of Utah State University to maintain a drug- and alcohol-free workplace. The University expects employees to report to all work assignments unimpaired and in a condition ready to perform their duties safely and efficiently. Unsatisfactory job performance and poor attendance or conduct caused by alcohol or substance abuse that is detrimental to the University, its employees, the community, the state, or to any person or agency with whom the University serves or conducts business is unacceptable.

The unlawful and/or unauthorized manufacture, distribution, dispensing, sale, possession, or use of controlled substances or alcohol in the workplace is expressly prohibited.

Responsible, moderate use of alcohol by employees not in safety sensitive positions in connection with off-campus business meals, travel, entertainment, conferences and association meetings, or other appropriate social settings where alcohol is not expressly prohibited, is not a violation of this policy. Employees in safety sensitive positions must not use, be under the influence of, or be in possession of alcohol or drugs while on duty or on University premises.

Drug and alcohol tests will be administered to employees in safety sensitive positions in accordance with U.S. Department of Transportation regulations (49 CFR, Parts 40 and 382). Employees in safety sensitive positions will receive training and information in compliance with federal law.

Successful candidates for safety sensitive positions at the University will be required to submit to, and pass, a drug and blood alcohol test. A position offer will be rescinded if a candidate refuses to take the required drug and blood alcohol test, tests positive for a controlled substance listed in the Definitions section, or his or her test detects a blood

alcohol content equal to or greater than the upper limit designated by the Department of Transportation. All terms in this policy are used as defined in U.S. Department of Transportation regulations.

Consistent with federal and state law, drug/alcohol testing may be required of any employee if there is sufficient evidence to suggest that an employee is under the influence of alcohol or drugs while at work.

313.2 PROCEDURES

2.1 When an Employee is Unfit for Duty

When a supervisor has reasonable grounds to suspect that an employee is not fit for duty, the supervisor must see that the employee is removed from the workplace to a safe, non-threatening environment. An employee's refusal to leave the workplace will be considered insubordination and may result in disciplinary action.

Without making specific diagnosis, the supervisor should meet with the employee and others as needed as soon as possible to determine whether there is sufficient evidence to support a violation of this policy.

2.2 Testing

If sufficient evidence suggests that an employee is under the influence of alcohol or drugs while at work, the employee will be required to submit to a drug/alcohol test at a site designated by the University at the University's expense.

The Office of Human Resources maintains a list of positions that are subject to drug and alcohol testing due to the nature of the position (safety sensitive positions). Employees in these positions are required to participate in alcohol and controlled substance testing:

- (1) Before being hired and placed in or reassigned to a safety sensitive position.
- (2) After being involved in an accident. (The employee will be tested for alcohol within 8 hours following the accident, and tested for drugs within 32 hours.)
- (3) When a designated, trained supervisor determines there is reasonable suspicion that an employee performing or assigned to a safety sensitive position is using, under the influence of, or in possession of alcohol or drugs. Two supervisors who have been trained in reasonable suspicion determination must concur that the drug test is warranted. One of the supervisors must be a direct line supervisor. The supervisors' findings will be documented in writing within 24 hours of the determination.
- (4) At random, just before, or just after, operating a vehicle in a safety sensitive position. (Driving assignments may be interrupted for the testing.) Fifty percent of employees in

safety sensitive positions must be tested each year for controlled substance and 25 percent must be tested each year for alcohol.

(5) After returning to a safety sensitive function following removal due to a positive test result.

(a) At least 6 follow-up tests may be conducted during the 12-month (1-year) period following the employee's return to work.

(b) As many as 30 follow-up tests may be conducted during the 60-month (5-year) period following the employee's return to work.

2.3 Alcohol Testing (Safety Sensitive Positions)

Alcohol testing will be conducted in accordance with U.S. Department of Transportation criteria and standards, as described below.

(1) If an employee's breath alcohol test indicates a blood alcohol content equal to or greater than the lower threshold currently designated by the Department of Transportation, a second confirmation test will be performed within 15 minutes (or shortly afterwards).

(2) If the confirmation test indicates a blood alcohol content equal to or greater than the lower threshold, the University will remove the employee from a safety sensitive position for at least 24 hours.

(a) Random follow-up testing may occur for up to 5 years after the employee returns to a safety sensitive position.

(b) The employee may be reassigned to a non safety sensitive function.

(3) If an employee's test indicates a blood alcohol content equal to or greater than the upper threshold currently designated by the Department of Transportation, the University will

(a) remove the employee from a safety sensitive function,

(b) refer the employee to a substance abuse professional,

(c) require the employee to follow the recommendations of the substance abuse professional before allowing the employee to return to a safety sensitive function,

(d) conduct random follow-up testing for at least one year after the employee returns to a safety sensitive function, and/or

(e) reassign the employee to a non safety sensitive function.

An employee's refusal to submit to alcohol or controlled substance testing will be construed as a positive test result.

2.4 Drug Testing (Safety Sensitive Positions)

Drug (controlled substance) testing, analysis, and medical review of tests will be conducted in accordance with U. S. Department of Transportation criteria and standards.

If the test result indicates the presence of prohibited drugs, the University will

- (1) remove the employee from a safety sensitive position,
- (2) refer the employee to a substance abuse professional, *and*
- (3) require the employee to follow the recommendations of the substance abuse professional before allowing the employee to return to a safety sensitive position,
- (4) conduct random follow-up testing for at least one year after the employee returns to a safety sensitive position, and/or
- (5) reassign the employee to a non safety sensitive position.

2.5 Treatment

Utah State University requires an employee to seek rehabilitation treatment if he/she tests positive for a drug (controlled substance).

- (1) The employee must enroll in a counseling and/or rehabilitation program.
- (2) The employee must use accrued sick leave, compensation time, then vacation time until all leave is expended. After the employee uses all his or her paid time off, the University's short-term disability insurance program can be used by eligible employees.
- (3) The University will pay the employee's benefit package during the prescribed time of treatment, after all leaves and short-term disability coverage has been used.
- (4) If prescribed rehabilitation involves confinement, the University will hold the employee's position until the prescribed length of treatment ends.
- (5) Upon verified completion of substance abuse rehabilitation, the University will restore the employee to his or her former position or one of equivalent value.

2.6 Disciplinary Action

The University may impose disciplinary action on any employee who violates this policy. Progressive sanctions will be imposed under the disciplinary policies of the University.

Depending on the frequency and seriousness of the offense, additional sanctions may be imposed, including satisfactory participation in an alcohol-, drug-, or substance-abuse assistance or rehabilitation program approved by the Office of Human Resources.

Employees who have not voluntarily dealt with an alcohol- or drug-related problem and whose conduct, performance, or attendance appears to violate this policy will be subject to sanctions by the University as a condition of continued employment.

2.7 Conviction of a Workplace Violation

An employee who is convicted in a court of law for a workplace violation of this policy must provide notification of the conviction to the Office of Human Resources within 5 days of the conviction. Failure to do so could result in immediate dismissal of the employee.

The University must impose sanctions on an employee convicted of a workplace violation within 30 days of the conviction. The minimum sanctions that may be imposed on an employee convicted of a violation include participation in an education/rehabilitation program and mandatory probation for at least 90 days, with weekly supervisory reviews.

The University reserves the right to dismiss any employee convicted of a workplace offense if the University considers it to be in the best interest of the University to do so. All convictions resulting from buying, selling, transferring, or trafficking controlled substances in the workplace will be cause for mandatory dismissal.

2.8 Exceptions

An employee undergoing medically-prescribed treatment with a controlled substance which might impair his/her ability to perform his or her work in a safe and efficient manner, must report this treatment to his or her supervisor. The supervisor will assess the employee's ability to perform and take appropriate action to insure safe operation.

An employee who fails to inform his or her supervisor of medical treatment that may impair his/her ability and who is involved in an accident or behavior that is detrimental to the University because or related to that treatment, will be disciplined.

Employees who voluntarily seek assistance for an alcohol or drug dependency-related problem before it is subject to formal disciplinary actions will not place his or her job in jeopardy. Rehabilitation, however, is the responsibility of the employee.

Any employee qualifying for consideration under the Americans with Disabilities Act will be treated by the University under the provisions of that law.

313.3 RESPONSIBILITY

3.1 Department Heads and Supervisors

Responsible for ensuring that this policy is adhered to at all times within their departments. Department heads and supervisors should coordinate with the Office of Human Resources in implementing this policy.

3.2 Office of Human Resources

Responsible for communicating the University's position on drug and alcohol testing to all employees, will contact employees for tests and training, and will assist supervisors with the implementation of this policy.