

## University Policy 313: Drug- and Alcohol-Free Workplace

**Category:** Human Resources

**Subcategory:** General

**Covered Individuals:** All Employees

**Responsible Executive:** Vice President for Finance and Administrative Services

**Policy Custodian:** Office of Human Resources, Associate Vice President of Human Resources

**Last Revised:** 2024/01/05

**Previous USU Policy Number:** N/A

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### 313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a safe and productive work and educational environment free from the effects of the unlawful manufacture, distribution, dispensing, sale, possession, or use of controlled substances or alcohol in the workplace, and to promote the protection and safety of students and employees.

### 313.2 POLICY

It is the policy of Utah State University (USU) to maintain a drug- and alcohol-free workplace. USU expects employees to report to all work assignments unimpaired and in a condition to perform their duties safely, efficiently, and respectfully. Unsatisfactory job performance, attendance, conduct, or behavior caused by alcohol or substance abuse is unacceptable and will not be tolerated.

#### 2.1 Provisions

The unlawful manufacture, distribution, dispensing, sale, possession, or use of controlled substances or alcohol is prohibited on university property. Providing alcoholic beverages during a university-sponsored social event may be authorized if the event is approved by the dean or vice president and the vice president for Finance and Administrative Services.

Successful candidates for safety-sensitive positions at USU will be required to submit to, and pass, a drug and alcohol test. A position offer will be rescinded if a candidate refuses to take the required drug and alcohol test, tests positive for a controlled substance, or their test detects an alcohol content equal to or greater than the upper limit designated by the Department of Transportation (DOT).

University employees must notify the Office of Human Resources (HR) in writing within five (5) calendar days of any conviction of a criminal drug statute if the violation occurred in the workplace or while the employee was engaged in university work off campus. Additionally, an employee in a safety-sensitive position who is convicted under a federal or state criminal statute for an alcohol- or drug-related felony must notify HR of the conviction within five (5) calendar days regardless of where the violation occurred.

Within 30 calendar days of notification of a conviction of a criminal drug statute, the university may require the employee to participate in drug or alcohol abuse assistance or rehabilitation program, and/or may impose disciplinary action and sanctions.

An employee wishing to request a reasonable accommodation under the [Americans with Disabilities Act \(ADA\)](#), in conjunction with this policy, may request the accommodation through HR.

## 2.2 Drug and Alcohol Testing

USU may require testing for drugs and/or alcohol for any of the following purposes:

- Investigation of possible individual employee impairment while on duty.
- Investigation of accidents in the workplace.
- As part of a drug or alcohol abuse assistance or rehabilitation program.

If a supervisor has a reasonable suspicion that an employee may be impaired at work by alcohol or drugs, they should contact the Office of Human Resources (HR) for additional direction. HR will coordinate a drug and/or alcohol test with the testing vendor under contract with USU.

Drug and alcohol tests will be administered consistent with Utah law for employees in safety-sensitive positions and in accordance with U.S. Department of Transportation (DOT) regulations ([rule 49 CFR, part 40](#)). USU requires employees in safety-sensitive positions to submit to drug and alcohol testing as a condition of hire (pre-employment) and may also require random testing for these employees. Employees in safety-sensitive positions will receive training and information in compliance with federal law.

All drug and alcohol testing shall be conducted by an independent laboratory certified for employment testing.

An employee's refusal to submit to drug or alcohol testing will be treated as having a positive test result and will be subject to disciplinary action (see [USU Policy 311: Setting Expectations and Managing Performance](#)).

## 2.3 Medically-Prescribed Treatments

An employee undergoing medically-prescribed treatment with a controlled substance which might impair their ability to perform their work in a safe and efficient manner must report this treatment to their supervisor or HR. The supervisor and HR will coordinate to assess and ensure the employee's ability to perform safely in the workplace.

It is the responsibility of the employee to follow the guidance given by their health care provider when medication is prescribed. If an employee fails to follow this guidance and it results in a safety incident or damage to university property, the employee may be subject to disciplinary action. Disciplinary action may also be taken if an employee fails to report their medically-prescribed treatment (with a controlled substance), and is involved in either an accident or a performance/behavior issue.

## 2.4 Disciplinary Action

An employee's job will not be in jeopardy if they voluntarily seek assistance for substance abuse before they are subject to formal disciplinary action(s). Rehabilitation is the responsibility of the employee. Additional resources and services may be available through the university's Employee Assistance Program ([EAP](#)).

USU may impose disciplinary action or sanctions, up to and including termination on any employee who violates this policy. Action may be taken against an employee if any of the following apply:

- A positive confirmation test for controlled substances.
- A positive confirmation test for alcohol showing more than the state limit of blood alcohol content.
- The employee's actions put others at risk even if a confirmation test for alcohol shows less than the state limit of blood alcohol content.

- An employee fails to notify HR within five (5) calendar days of any conviction of a criminal drug statute that occurred in the workplace or while the employee was engaged in university work off campus.
- An employee in a safety-sensitive position fails to notify HR within five (5) calendar days of an alcohol or drug related felony conviction.

## 2.5 Confidentiality

Information collected and/or received by USU in connection with this policy and any related procedures is confidential and shall be treated consistent with [Utah Code section 34-38-13](#).

## 313.3 RESPONSIBILITIES

### 3.1 Department Heads/Directors and Supervisors

Promote this policy and adherence to it within their departments. Department heads/directors and supervisors should coordinate with the Office of Human Resources in implementing this policy.

### 3.2 Office of Human Resources

Establish a drug-free awareness program. Provide clear communication regarding USU's position on a drug- and alcohol-free workplace and campus (and any related programs). Oversee and coordinate drug testing for all employees. Assist department heads/directors and supervisors with the implementation of this policy.

### 3.3 Employees

Provide timely notification to the Office of Human Resources of any applicable drug or alcohol conviction. Submit to a drug and/or alcohol test as requested by the Office of Human Resources, if applicable, based on this policy.

## 313.4 REFERENCES

- [Omnibus Transportation Employee Testing Act of 1991](#)
- US Department of Transportation Regulations ([49 CFR, Part 40](#))
- Federal Law, [Drug-free Workplace Act of 1988](#)
- Federal Law, [Drug-Free Schools and Communities Act of 1989](#)
- [Utah Code §34-38-1, et seq.](#)
- [Americans with Disabilities Act \(ADA\)](#)

## 313.5 RELATED USU POLICIES

- [USU Policy 311: Setting Expectations and Managing Performance](#)
- [USU Student Conduct Article V: University Regulations Regarding Student Conduct](#)

## 313.6 DEFINITIONS

### 6.1 Controlled Substance

A controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined in regulations at 21 CFR 1308.11 through 1308.15.

## 6.2 Criminal Drug Statute

Criminal drug statute means a Federal or non-Federal criminal statute involving the unlawful manufacture, distribution, dispensing, sale, possession, or use of controlled substances or alcohol in the workplace.

## 6.3 Safety-Sensitive Employees

An employee who is under the DOT's jurisdiction who could pose a direct safety threat to themselves or others if they do their job while impaired.

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**Information below is not included as part of the contents of the official policy.** It is provided only as a convenience for readers/users and may be changed at any time by persons authorized by the president.

## RESOURCES

### Procedures

- N/A

### Guidance

- N/A

### Related Forms and Tools

- [USU Employee Assistance Program \(EAP\)](#)

### Contacts

- N/A

## POLICY HISTORY

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Next scheduled review date: N/A

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