CDU Policy I.E.00420 Drug and Alcohol Free Workplace

ISSUING OFFICER: Director of Human Resources

RESPONSIBLE OFFICE: Department of Human Resources

EFFECTIVE DATE: September 1, 2004

REVISED DATE: October 29, 2010

SUPERSEDES: CDU Policy I.E.00420, dated September 1, 2004

REFERENCES AND RELATED POLICIES

CDU-APM I.E.00305 (Employment-At-Will)
CDU-APM I.E.00330 (Non-Discrimination in Employment)

POLICY I.E.00420 Drug and Alcohol Free Workplace

In accordance with Federal mandates, the University will maintain a drug and alcohol free workplace. In keeping with its commitment, the University strictly prohibits the use, transfer, possession, distribution or sale of alcohol, illegal drugs or the misuse or abuse of legal drugs controlled by law. The University will not tolerate substance abuse and is committed to a policy prohibiting the use of illegal drugs or the abuse of legal drugs or alcohol. This policy applies to all employees while on duty (whether or not on University premises), while on University premises (whether or not on duty), or while operating a vehicle. The University prohibits employees from coming to work with illegal substances in their system or with a quantity of any legal substance in their system that prevents them from working in a safe and productive manner.

Alcoholic beverages may be available at University-sponsored functions. As stated in this Handbook, attendance at University-sponsored social events is optional and no one is expected to drink alcohol unless they wish to do so. The University does not encourage or condone intoxication at such events. Employees have an obligation to conduct themselves properly at all times while at University-sponsored functions or while representing the University.

Drinking and driving while on work duty is unacceptable and will lead to disciplinary action up to and including termination.

Legally prescribed medications are excluded from this policy and are permitted only to the extent that the use of such medication does not have an adverse affect the employee's job performance and, the safety of the individual or any other person.
PROCEDURE I.E.00420 Drug and Alcohol Free Workplace

This Procedure outlines the practice designed to correct instances of identified alcohol and/or drug use in the workplace. This procedure continues to apply to all employees and all applicants for employment of Charles r. Drew University.

A. WORK RULES

1. Whenever employees are working, are operating any University vehicle, are present on University premises, or are conducting University related work off-site, they are prohibited from:

   • using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia);

   • being under the influence of alcohol or an illegal drug as defined by the Department of Transportation in conjunction with this policy; and

   • possessing or consuming alcohol.

2. The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee’s body system, while performing University business or while in a University facility, is prohibited.

3. The University will also not allow any employee to perform their duties while taking prescribed drugs that are adversely affecting the employee’s ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce this if asked.

4. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

B. EMPLOYEE ASSISTANCE PROGRAM and REHABILITATION

1. The University recognizes drug dependency (including addiction to controlled or prescribed medications, over-the-counter medications, alcohol or tobacco), as an illness and a major health problem. Further, the University recognizes drug dependency as a potential safety and a security problem.

2. HR may be consulted for information or to assist with referrals to the Employee Assistance Program (EAP) and/or their health insurance program. These programs offer professional and confidential counseling and treatment.

3. Employees needing help in dealing with drug dependency problems are encouraged to use our employee assistance services and available health insurance plan services, as
appropriate. Students requiring assistance are encouraged to use Student Affairs assistance services and health plan referral services, as appropriate.

4. Conscientious efforts to voluntarily seek such help, before initiation of disciplinary or other adverse action, will not, in most instances, jeopardize an employee's job standing.

5. Employees must, as a condition of employment, abide by the terms of the University policy and report any conviction under a criminal drug statute for violations occurring on University premises or off premises while conducting University business. A report of conviction must be made within five (5) days after the conviction (This requirement is mandated by the Drug-Free Workplace Act of 1988).

6. An employee who violates this policy may, where appropriate and at the sole discretion of the University, be referred for mandatory treatment with the Employee Assistance Program (EAP) and enrollment in a substance abuse program as a condition of continued employment. The required rehabilitation program will vary depending on the nature of the substance used and the severity of the drug and/or alcohol dependency. These types of programs range from short to long-term counseling, with both in and out-patient treatment. Written documentation of enrollment is required, in addition to documented clearance to return to work. Failure to provide this information within a reasonable timeframe may result in further disciplinary action, including termination of employment.

7. Following completion of a mandatory treatment program and release to return to work, the employee will be subject to mandatory, post-rehabilitative controlled substance/breath alcohol testing for a period of two (2) years after return to work. The employee will also be subject to a minimum of six (6) unannounced controlled substance/breath alcohol tests within the next 12 month period. The employee will be subject to immediate termination of employment following any subsequent, positive, on-duty tests results and/or failure to submit to a random test.

8. Violation of this policy may have further legal consequences. Legal consequences could include referral for prosecution, arrest and penal or probationary disposition under appropriate sections of the California Health and Safety Code, the California Penal Code and/or the United States Code.

9. Where there is any violation of this policy, the University reserves the right to initiate immediate termination of employment.

10. A written statement of this policy, requiring agreement to abide by the terms of the statement, will be distributed annually to each employee. All new employees will be provided with a copy of this policy during orientation.
C. REQUIRED TESTING

1. **Pre-employment:** All applicants must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.

2. **Reasonable Suspicion:** Employees are subject to testing based upon (but not limited to) observations by the supervision of apparent workplace use, possession or impairment. The Department of Human Resources, the Department, or the Director of Risk Management shall be consulted before sending an employee for testing. All levels of supervision making this decision must utilize the “Observation Checklist” to document specific observations and behaviors that create a reasonable suspicion that the person is under the influence of illegal drugs and/or alcohol. If the results of the “Observation Checklist” indicate further action is justified, the manager/supervisor should confront the employee with the documentation or with another member of management.

   **Note:** Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of supervision/management must escort the employee; the supervisor/manager will make arrangements for the employee to be transported home.

3. **Post-accident:** Employees are subject to testing when they cause or contribute to accidents that seriously damage a University vehicle, machinery, equipment, or property and/or result in an injury to themselves or another employee requiring off-site medical attention. A probable belief circumstance will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle (including, but not limited to, fork truck, University pickup truck, overhead cranes, aerial/man-lifts) is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place within two (2) hours following the accident, if not sooner. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.

4. **Follow-up:** Employees who have tested positive, or otherwise violated this policy, are subject to discipline, up to and including termination. Depending upon the circumstances and the employee’s work history/record, Charles R. Drew University may offer an employee who violates this policy or tests positive the opportunity to return to work on a last chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies determined by the University for a minimum of one (1) year but not more than two (2) years as well as a waiver of the right to contest any termination resulting from a subsequent positive test. If the employee either does not complete their rehabilitation program or tests positive after completing the rehabilitation program, they will be subject to immediate discharge from employment.
D.  CONSEQUENCES

1. Applicants who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to re-apply/re-test in the future.

2. Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated. *If the employee refuses to be tested yet we believe they are impaired, under no circumstances will the employee be allowed to drive himself or herself home.*

3. The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including discharge.

4. Employees will be paid for time spent in alcohol/drug testing and then suspended pending the results of the drug/alcohol test. After the results of the test are received, a date/time will be scheduled to discuss the results of the test; this meeting will include a member of management/supervision, and Human Resources. Should the results prove to be negative, the employee will receive back pay for the times/days of suspension.

E.  CONFIDENTIALITY

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the Medical Review Officer shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed where relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

F.  INSPECTIONS

The University reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas, and property that might conceal a drug, alcohol, or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including termination.

G.  CRIMES INVOLVING DRUGS

Charles R. Drew University prohibits all employees, including employees performing work under government contracts, from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on the University premises or while conducting company business. The University employees are also prohibited from misusing legally prescribed or over the counter (OTC) drugs. Law enforcement personnel shall be notified, as appropriate, where criminal activity is suspected.
The University does not desire to intrude into the private lives of its employees, but recognizes that employee’s off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, the University reserves the right to take appropriate disciplinary action for drug usage/sale/distribution while off company premises. All employees who are convicted of, plead guilty to, or are sentenced for a crime involving an illegal drug are required to report the conviction, plea or sentence to the department of Human Resources within five days. Failure to comply will result in automatic termination. Cooperation in complying may result in suspension without pay to allow management to review the nature of the charges and the employee’s past record with Charles R. Drew University.

Applicability: All Staff and Faculty Members