

## 02.05 Drug Free College and Workplace

Original Approval: **DATE**

Last Updated: **DATE**

Last Reviewed: **DATE**

### Policy / Purpose:

It is the policy of Wallace Community College – Selma (WCCS) to be in compliance with the provisions of the federal Public Law 100-690 of the Drug-Free Workplace Act of 1988, and the Drug-Free Scholar and Communities Act of 1989, and the Alabama Community College System [Board Policy 613.01](#). WCCS will take such steps as are necessary in order to provide a drug-free environment in accordance with these Acts and appropriate disciplinary action will be taken against employees and students for violations of such prohibitions:

1. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited by WCCS on any property owned, leased, or controlled by the College or during any activity conducted, sponsored, or authorized by or on behalf of WCCS. A "controlled substance" will include any substance defined as a controlled substance in Section 102 of the Federal Controlled Substance Act (21 U.S. Code 802) or in the Alabama Uniform Controlled Substance Act (Code of Alabama, Section 20-2-1, et seq.). The use, possession, or distribution of alcoholic beverages on campus is also prohibited, with the exception of College-sponsored events where it has been authorized by the College.
2. Other types of misconduct for which appropriate disciplinary action may be taken include, but are not limited to, the commission of, or the attempt to commit, any of the following offenses on any property owned or controlled by the College, or off campus at any function which is authorized, sponsored, or conducted by the College, or at any off-campus function or event in which the College is a participant: intoxication, or the display, possession, sale, distribution, or use of any alcoholic beverage or any unprescribed controlled substance or illicit drug, or of any marijuana plant or part of a marijuana plant.

As a condition of employment, WCCS employees will abide by the terms of this policy and notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) calendar days after such conviction.

### Scope:

This policy applies to all WCCS students and employees during any activity involving the College, including the workday. In addition, visitors, vendors, contractors, and all other non-employees are expected to recognize and comply with College policies.

Students must also comply with federal and state laws regulating smoking and/or use of tobacco or cannabis products, controlled substances and alcohol.

### Definitions:

*Controlled Substance(s)*: The term "controlled substance" means a controlled substance in schedules I through V of section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 ([21 U.S.C. 812](#)).

*College Property:* Any property owned or leased by WCCS including buildings, land, or vehicles.

*Criminal Drug Statute Conviction:* When an employee is convicted of or pleads guilty to a drug statute under federal, state or local laws or regulations.

*Medical Review Office (MRO):* Physician officially designated by regulated agency with specific training in Department of Transportation drug and alcohol regulations and drug testing requirements.

*Reasonable Suspicion Testing:* Testing that is conducted after there is reasonable cause for suspicion of using or being under the influence of drugs or alcohol while at work.

*Smoke or Smoking:* The carrying, using, burning, inhaling, or exhaling of any kind of lighted pipe cigarette, cigar, weed, herb, hookah, water pipe, bong, or other lighted smoking equipment, including products containing or delivering tobacco, nicotine, or cannabis (including medical cannabis). This includes the use of "e-cigarettes" or personal vaporizers.

#### **Details:**

1. **Tobacco Free Campus:** Smoking and/or use of tobacco or cannabis products is prohibited on all premises and property of WCCS, including but not limited to, all land, buildings, facilities and college-owned or controlled vehicles. The federal Drug-Free Schools and Communities Act Amendments of 1989 prohibits the use and possession of cannabis on College property.
2. **Substance Free Campus:** As a condition of employment, WCCS requires that employees adhere to a strict policy regarding the use, possession, distribution, manufacture, and sale of illegal drugs, controlled substances, and unauthorized prescription drugs and alcohol.

The use, possession, distribution, manufacture or sale of any illegal drug, cannabis or its derivatives, controlled substance, unauthorized prescription drug, or alcoholic beverage on College property, in College-owned vehicles, while on duty or while participating in any College activity is prohibited.

3. **Drug- Free Awareness Program:** WCCS has and will maintain a drug-free awareness program to inform employees and students about:
  - Dangers of drug abuse in the workplace;
  - WCCS' policy of maintaining a drug-free workplace;
  - Available drug counseling, rehabilitation, and employee assistance program; and
  - Penalties that may be imposed upon employees and students for drug abuse violations.

The College will provide a program of education designed to encourage all members of the College community to avoid involvement with alcohol and/or illegal drugs. Education programs in orientation and other special presentations will:

- Provide current, accurate information on health risks;
- Provide accurate information on symptoms of illegal drug/alcohol abuse;
- Promote an institutional climate that discourages the use of illegal drugs and/or alcohol;
- Provide information on treatment centers and community agencies for referral;

- Provide in-house counseling for those with alcohol/drug problems;
- Provide accurate information concerning local, state, and federal laws dealing with the use of illegal drugs and alcohol; and,
- Provide a clear explanation of WCCS's policy on the use of alcohol and/or illegal drugs and including College disciplinary procedures.

### **Procedure(s):**

WCCS is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat to our goals. The procedures below are intended to provide employees with information regarding WCCS's Smoke-Free/Tobacco-Free Campus and Substance-Free Awareness Program.

#### **1. Prohibited Behavior:**

- a. It is a violation of the College's Smoke-Free/Tobacco-Free Policy to smoke and/or use tobacco products on all premises and property of the College, including but not limited to, all land, buildings, facilities and college-owned or controlled vehicles.
- b. It is a violation of the College's Drug Free College and Workplace Policy for an employee to use, possess, distribute, manufacture, or sell any illegal drug, cannabis or its derivatives, controlled substance, unauthorized prescription drug, or alcoholic beverage on the premises of any college building or facility, in college-owned vehicles, or in any other location while the employee is on duty, on call, or otherwise participating in college activities.
- c. Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of their job. If the use of a medication could compromise the safety of the employee, fellow employees, or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use available leave, request change of duty or to notify supervisor) to avoid unsafe workplace practices.
- d. The illegal or unauthorized use of prescription drugs is prohibited. It is a violation to misuse and/or abuse prescription medications while at work. Appropriate disciplinary action and drug/alcohol testing will be undertaken if job performance is impacted and/or at work safety accidents occur because of this misuse.

#### **2. Confidentiality:** All related information received by the College will be treated as confidential information. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

#### **3. Notification of Convictions:**

- a. Any employee who is convicted of a criminal drug violation must notify their supervisor within five (5) calendar days of the conviction. The employee's supervisor will notify the Human Resources Office. By law, the College must then provide written notice

within ten (10) calendar days to the appropriate person or office in the federal agency from which the College receives a contract or grant. The notice must include the convicted employee's position title and grant or contract identification number. The College must notify the appropriate federal contact regardless of how the College was informed of the employee's conviction (i.e., by the employee, a co-worker, the newspaper, etc.).

- b. Persons who are convicted of drug related crimes arising at the workplace may be terminated and may be reinstated, at the College's sole discretion, only after satisfactory completion of a drug abuse assistance or rehabilitation program acceptable to the College.

#### **4. Drug Testing:**

- a. To ensure the accuracy and fairness of the College's testing program, all testing will be conducted by an independent third-party according to Department of Health and Human Services/Substances Abuse and Mental Health Services (DHHS/SAMHSA) guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody. All drug-testing information will be maintained in separate confidential records.
- b. Each employee, as a condition of employment, will be required to participate in the following testing program, as applicable:
  - 1) Post-Accident Testing: Employees may be required to take a drug and/or alcohol test after having been involved in, or after causing, an accident or incident, which caused or could have caused personal injury or damage to College equipment or property. Drug and alcohol testing by use of blood will only be used for post-accident/incident testing when the employee is unable to provide a normal urine drug test and/or breath screen.
  - 2) Reasonable Suspicion/Cause Testing: Employees may be subject to a drug and/or alcohol test based on the reasonable and articulated belief that an employee is using or has recently used drugs, alcohol or substances while on College property, in a College-owned vehicle, while participating in College activities, or while on duty. A decision to test will be based on specific physical, behavioral, and/or performance indicators as documented by a supervisor who has received training in the detection of possible symptoms of drug and alcohol use. Supervisors should contact Human Resources to discuss the concern. Human Resources will assist the employee in scheduling the employee's appointment with the testing center.
  - 3) Return to Work Testing: Employees will be required to successfully pass a drug and alcohol test upon release from an approved drug abuse assistance or rehabilitation program and prior to returning to work.
  - 4) Commercial Driver's License (CDL) License Testing: Employees holding a Commercial Driver's License (CDL) must adhere to drug free testing as dictated by federal and/or state licensing procedures.

## 5. **Violation of Policy:**

- a. Employees are encouraged to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates College Policy or this Procedure, the consequences are considered serious misconduct and may result in disciplinary action up to and including termination of employment.
- b. If an employee fails to pass a reasonable suspicion authorized drug test, they will be subject to disciplinary action. In such cases, the employee must sign and abide by the terms set forth in a Drug Free Workplace Return to Work Agreement Form as a condition of continued employment. An employee who enters a drug abuse assistance or rehabilitation program and who is unsuccessful in completing the program will be terminated from employment. Nothing in this Procedure prohibits the employee from being disciplined or discharged for violations of other College policies or procedures and/or as a result of other performance problems. Refer to the Employee Discipline section of the Policies and Procedures Manual for additional information.
- c. Any employee who tests positive will be immediately removed from duty.
- d. An employee will be subject to the same consequences of a positive test if they refuse the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms, or refuses to cooperate in the testing process in such a way that prevents completion of the test.

6. **Searches:** Entering WCCS property constitutes consent to searches and inspections. An individual who is suspected of using, possessing, distributing, manufacturing or selling a prohibited substance while on college property, in a college-owned vehicle or while participating in college activities may be asked to submit to a search or inspection at any time. Searches can be conducted of pockets and clothing, lockers, wallets, purses, briefcases, lunchboxes, desks, and workstations.

## 7. **Shared Responsibility:**

- a. A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and administration have important roles to play.
- b. If an employee is impaired due to on or off duty use of drugs or alcohol, they are not to report to work. If the employee is at work, the employee is to be relieved of their work duties and provided with safe transportation home.
- c. In addition, employees are encouraged to:
  - Be concerned about working in a safe environment;
  - Support fellow workers in seeking help;
  - Seek treatment;
  - Report dangerous behavior to their supervisor.
- d. It is the Supervisor's responsibility to:

- Inform employees of the Drug Free Schools and Communities Act;
  - Observe employee performance;
  - Investigate reports of dangerous practices;
  - Document negative changes and problems in performance;
  - Counsel employees as to expected performance improvement;
  - Clearly state consequences of policy violations.
8. **Communicating Drug-Free Workplace Policy:** Communicating the drug-free workplace policy to both supervisors and employees is critical. To ensure all employees are aware of their role in supporting our drug-free workplace program:
- a. The policy will be reviewed in orientation sessions with new employees.
  - b. Every supervisor will receive training to help them recognize and manage employees with alcohol and other drug problems.
9. **Communicating Smoke Free/Tobacco Free Campus Policy:** No Smoking signs and additional signage educating students, employees and guests on the Tobacco-Free Policy will be clearly and conspicuously posted on each campus.
10. **Education:** WCCS will provide ongoing educational programs to educate employees about the dangers of drug abuse as well as the College's policy on Drug Free Awareness. Educational program may include educational seminars, brochures and/or posters, video materials, and online learning.

#### **Additional Provisions / Information:**

Refer to Drug-Free Workplace Act of 1988; as amended 1994

Refer to Controlled Substances Act (21 U.S.C. § 811)

Refer to Drug-Free Schools and Communities Act (20 U.S.C. § 1145g)

Refer to Part 86 of the Drug and Alcohol Prevention Regulations (34 C.F.R. Part 86)