

## **ALCOHOL AND DRUG ABUSE POLICY**

### **6.4 ALCOHOL AND DRUG ABUSE POLICY**

**PURPOSE:** The purpose of this policy is to ensure that no employee under any circumstances comes to work under the influence of drugs/alcohol and to ensure all employees abide by the laws pertaining to alcohol and drug use while at work. No person may consume or be under the influence of alcohol while attending classes, at any official meetings, or while fulfilling employment responsibilities. Employees must conduct themselves in a responsible and professional manner at all times.

- Any violation of the drug/alcohol policy can result in disciplinary action up to and including termination.
- Alabama State University (ASU) requires that University employees report to work in a condition to perform their duties safely and efficiently in the interest of their co-workers and students, as well as themselves. For these reasons, the use of illegal drugs and alcohol is prohibited during work hours at the University workplace, while occupying University vehicles, while on University business, during class time, on field trips and during other educational activities.
- All state, federal, and local laws, and campus regulations pertaining to alcohol and other drugs apply to all members of the University community including employees, organizations/groups and guests. Violators will be subject to disciplinary action and subject to prosecution under the laws of the State of Alabama, as well as the University policy. These laws and regulations include, but are not limited to, the following:

### **ALCOHOL POLICY**

- Alcoholic beverages may not be sold or consumed on property owned or controlled by Alabama State University except where permitted by the University in compliance with applicable laws.
- On-campus possession or consumption of alcoholic beverages by those of legal age (the State of Alabama has established twenty-one as the legal age for consumption of alcohol) will be allowed only in areas previously designated by the University and in compliance with applicable laws.
- No person shall sell or give away any alcoholic beverages to anyone under the age of twenty-one or to an intoxicated person.
- University employees conducting and participating in meetings or gatherings on behalf of the University in which alcohol is served are strongly advised to seek consultation with appropriate personnel prior to such events due to liability and risk-related concerns. It is not the intent of this policy to ban or prohibit the consumption

of alcohol at such events; however, it is imperative such events are conducted in a responsible manner.

The sale of alcohol at any University or campus event must adhere to local, state, federal and campus regulations. This may include obtaining an appropriate liquor license.

- No person may consume or be under the influence of alcohol while attending classes, at any official meetings, or while fulfilling employment responsibilities. Employees must conduct themselves in a responsible and professional manner at all times.
- Any University employee who maintains University responsibilities that require a valid driver's license must report to his or her immediate and departmental supervisor if and when his or her driver's license has been invalidated or surrendered. This reporting procedure must be followed when violations of State of Alabama Statutes occur including, but not limited to, alcohol related violations. The University reserves the right to request pertinent reports from the Department of Public Safety to enforce this policy.

## **DRUG POLICY**

- The possession, use, sale, manufacture, transfer or cultivation of any types of controlled substances (to include, but not limited to, barbiturates, opiates, marijuana, amphetamines, or hallucinogens) or aiding in the use of such, violates the laws of the State of Alabama.
- The use of illegal drugs or the misuse of prescription medication or over the counter drugs is dangerous and unacceptable behavior in the University community and is prohibited.
- Use or possession of any controlled substance or illegal drug or paraphernalia for illegal drug use, and the unauthorized distribution or possession for the purpose of distribution of any controlled substance or illegal drug is prohibited.
- University employees must report to the vice president of human resources any criminal drug statute conviction for a violation occurring in the workplace no later than five working days after such conviction.

## **REPORTING VIOLATIONS OF THE ALCOHOL/DRUG POLICY**

- Complaints made by University employees and/or guests about a University employee should be reported in writing to the employee's immediate supervisor (i.e., supervisor, department head), and then the supervisor will contact the Office of Human Resources.

## **ALCOHOL/DRUG TESTING**

PURPOSE: This policy has been established to ensure that Alabama State University meets the requirements of the U.S. Department of Transportation under the authority of the Omnibus Employee Testing Act of 1991, which mandates alcohol and controlled substance testing of commercial driver licensed employees. Additionally, Alabama State University seeks to ensure that all personnel who are in safety-sensitive positions are free from alcohol and controlled substances. Furthermore, those who are reasonably suspected of drug and alcohol use will be subjected to drug testing. All testing shall be coordinated by the Office of Human Resources.

### **REASONABLE SUSPICION TESTING**

Supervisors who have a reasonable suspicion that an employee is under the influence of alcohol or drugs may require the employee to take a drug or alcohol test through the Office of Human Resources. Refusal to take this test or failure to pass the test may result in an immediate administrative leave and/or disciplinary action, up to and including termination. Reasonable suspicion is defined as a belief based upon specific and objective facts and drawn from reasonable inferences based upon the facts in light of experience.

### **EMPLOYMENT SCREENING TESTING**

All applicants for safety-sensitive positions, positions requiring a Commercial Driver's License (CDL) or positions where operating a University-owned vehicle is a job requirement are required to submit to drug and alcohol testing. This request will not be made until the applicant is extended a conditional offer. The refusal to submit to testing shall result in disqualification for hiring.

### **POST-ACCIDENT TESTING**

Any employee who is involved in any on-the-job accident or is otherwise injured while conducting official University business will be subject to drug and alcohol testing. Refusal to take this test and/or failure to pass the test will result in an immediate suspension with pay and/or disciplinary action, up to and including termination.

### **RANDOM DRUG TESTING**

Any University employee (regular full-time or part-time, and/or temporary employee) whose job description involves a safety-sensitive function; requires possession of a commercial driver's license (CDL) for employment purposes; or operates a University-owned vehicle to fulfill his or her job description may be subject to random drug and/or alcohol testing. Some examples of these job descriptions include: police officer, bus driver, heavy equipment operator, and groundskeeper. Refusal to take this test or failure to pass the test may result in an immediate suspension with pay and/or disciplinary action, up to and including termination.

### **RETURN-TO-DUTY TESTING**

Any employee who has been suspended, disciplined or referred to rehabilitation counseling by the University in accordance with the Alcohol/Drug Policy cannot return to work until a negative result is obtained from a drug test. Once the employee returns to duty, the employee may be subject to random drug and/or alcohol testing for a period of not less than twelve (12) months and not more than twenty-four (24) months. Refusal to take this test or failure to pass the test may result in an immediate suspension with pay and/or disciplinary action, up to and including termination.

#### **SUBSTANCES TO BE TESTED**

Substances to be tested for under this policy are:

- 1) Breath alcohol concentration (BAC)
- 2) Controlled substances (to include but not limited to) cocaine, marijuana, opiates (including heroin) amphetamines, and phencyclidine (PCP).

In accordance with the federal regulations:

- No employee shall be on duty while possessing or consuming alcohol.
- No employee shall be on duty while possessing, using or exhibiting any trace of controlled substances in the body.
- No employee shall report for duty or remain on duty while having a breath alcohol concentration (BAC) of 0.04 or greater.
- No employee shall report to duty within a minimum of eight hours after consuming alcohol.
- No employee required to take a post accident alcohol test shall consume alcohol for a minimum of eight hours following the accident, or until he or she undergoes a post-accident test, whichever occurs first.
- Medicine which may contain alcohol or controlled substances may be used while operating a vehicle pursuant to the instructions of a physician who has informed the employee that the substance will not adversely affect the employee's ability for safe operation. An employee is required to inform his or her supervisor of such instances and may be required to provide appropriate medical documentation prior to performing safety-sensitive functions. Failure to notify the supervisor of such instances may result in disciplinary action, up to and including termination.
- An employee must notify his or her supervisor if controlled substances are used during participation in religious ceremonies. The employee may be required to provide documentation to the supervisor from a physician confirming the substance will not adversely affect the employee's ability for safe operation. This is to be provided prior to the performance of safety-sensitive functions. Failure to notify the supervisor of such use of controlled substances may result in disciplinary action, up to and including termination.

## **RANDOM TESTING POOL AND FREQUENCY**

- A minimum of 50 percent of the eligible employee pool will be tested each calendar year for controlled substances.
- A minimum of 25% of the eligible employee pool will be tested each calendar year for random alcohol testing.
- The names of all eligible employees will remain in the selection pool until they are no longer required to possess a commercial driver's license (CDL).
- Those employees selected from the pool and tested for any reason are not exempt from future drawings. Therefore, it is possible for an employee to be drawn for any or all tests listed above throughout the calendar year.

## **SELF-IDENTIFICATION**

- An employee may voluntarily admit that he or she may be impaired due to drug or alcohol use. Discipline will not be initiated because an employee self-identifies. The employee will be referred to a substance abuse professional (SAP) for evaluation and testing. An employee will not be permitted to drive until the substance abuse professional (SAP) has released the employee for driving. The employee will be subject to return to work/follow-up testing. An employee involved in rehabilitation may be accommodated within the employee's department by being placed in a non-safety-sensitive position if appropriate and available. If a non-safety-sensitive position is not available, the employee will be placed on leave (paid and unpaid as available) until completion of the rehabilitation program.
- Self-identification must be totally voluntary and is not allowed after an employee has been notified to report for a random, post-accident, or reasonable-cause test. The employee will still be required to report for the tests stated above.

## **THE FOLLOWING BEHAVIORS CONSTITUTE REFUSAL**

- Failure to appear for scheduled testing or failure to proceed to the testing site within one hour of being notified to report unless documentation of a medical reason is provided to the supervisor.
- Conduct that impedes the testing process including but not limited to tampering with urine, hair specimens or testing devices.
- Failure to provide adequate breath, urine or hair for testing without documentation of a medical reason to the supervisor.

## **CONSEQUENCES OF TESTING REFUSAL**

- New hires that refuse pre-employment testing, or fail to appear for testing will have the job offer withdrawn unless valid medical documentation is presented to the supervisor in advance or no later than one working day following the scheduled test.
- Employees who refuse testing, unless valid medical documentation is presented to the supervisor, will receive disciplinary action up to and including termination.

### **CONSEQUENCES OF POSITIVE BREATH ALCOHOL CONTENT (BAC)**

- Employees who have a (BAC) greater than .02 but less than 0.04 when tested shall be suspended from performing the employee's duties for a minimum of twenty-four hours. Disciplinary action may be taken and a breath alcohol concentration test will be required before resuming the performance of safety-sensitive functions.
- Employees who have a (BAC) of 0.04 or greater when tested shall be removed from performing such duties for a minimum of twenty-four hours and disciplinary action may be taken up to and including termination. If it is determined that the employee may return to the safety-sensitive position, the following conditions shall apply:
  1. Referral within one working day of receipt of positive test results will be made from ASU to a Substance Abuse Professional (SAP) for evaluation.
  2. Successful completion of an approved rehabilitation program if recommended by a SAP will be required. The University shall assume the cost for the initial evaluation by a SAP to determine if the employee is to be considered for continued employment.
  3. Participation in a return to duty alcohol test with a result less than 0.02 will be required. Employee is subject to unannounced periodic follow-up tests during the first twelve months following an employee's return to duty. The number and frequency will be determined by the SAP. Follow-up testing may be extended for up to sixty months following an employee's return to duty.
- If an employee's behavior suggests alcohol misuse, a reasonable suspicion alcohol test must be conducted.

### **CONSEQUENCES OF A POSITIVE DRUG TEST**

- An employee who has a positive drug test shall be suspended from performing safety sensitive functions within a minimum of twenty-four hours of receipt of the positive test and disciplinary action may be taken up to and including termination. If it is determined that the employee may return to the safety-sensitive position, the following conditions shall apply:

1. Referral and completion of appointment with a SAP for evaluation shall occur within one working day of receipt of a positive drug screen.
  2. Successful completion of an approved rehabilitation program if recommended by a SAP.
    - a) The University shall assume the cost for the initial evaluation by a SAP to determine if the employee is to be considered for continued employment.
  3. Participation in unannounced periodic testing, during the first twelve months following an employee's return to duty. The number and frequency will be determined by the SAP. Follow-up testing may be extended for up to sixty months following an employee's return to duty.
- If an employee's behavior suggests drug abuse, a "reasonable suspicion" drug screen test must be conducted. The employee will be suspended from performing safety-sensitive duties for a minimum of twenty-four hours pending test results.

The Office of Human Resources and the director of the University Health Center will be responsible for coordinating regularly scheduled drug-free awareness programs, providing printed information for dissemination through campus-wide publications, and providing information about available rehabilitation or counseling resources.

### **Confidentiality**

All information regarding Alcohol and Drug Testing will be held in strict confidence by all parties involved. Failure by any employee to maintain confidentiality will result in disciplinary action, which may include termination from employment.