

OGDEN-WEBER TECHNICAL COLLEGE	Number 520.49	Effective Date 4/23/98 Revised 10/14/11 5/31/12	Page 1 of 1
POLICY	Approval		
Title SUBSTANCE ABUSE/DRUG-FREE WORKPLACE ACT			

1. PURPOSE AND SCOPE

The purpose of the policy is to establish procedures to take reasonable steps to ensure a drug-free work environment is maintained. As a recipient of federal grants, the College is required to establish methods for maintaining a drug-free work environment. The College also desires to provide a safe and productive work environment for its employees and for those it serves. Employees must be free from the effects of alcohol or drugs in order to perform their duties safely and efficiently.

2. POLICY

It is the policy of the College that employees shall not be involved with the use, possession, sale, manufacture, or transfer of illegal drugs or alcohol in any manner while on duty or within such time prior to going on duty that the presence of such substances may affect their ability to perform assigned duties or otherwise adversely affect the College and/or its business.

Further, employees shall not possess alcoholic beverages or illegal substances in the workplace nor be under their influence while on duty.

3. DEFINITIONS

3.1 Illegal drugs/controlled substances: Those drugs defined as illegal under federal, state, or local laws. They include but are not limited to marijuana (THC), cocaine, phencyclidine (PCP), opiates, and amphetamines (including methamphetamines), or other substances determined by medical authorities to impair one's ability to perform his or her duties.

4. REFERENCES

- Drug-Free Workplace Act of 1988

<p style="text-align: center;">OGDEN-WEBER TECHNICAL COLLEGE</p>	<p>Number 520.49-PR</p>	<p>Effective Date 4/23/98 Revised 10/14/11 5/31/12</p>	<p>Page 1 of 4</p>
<p style="text-align: center;">PROCEDURE</p>	<p style="text-align: center;">Approval</p>		
<p>Title <b style="text-align: center;">SUBSTANCE ABUSE/DRUG-FREE WORKPLACE ACT</p>			

1. Employees are expected to perform assigned duties free from the effects of alcohol and drugs. The college will not tolerate any involvement with alcohol/drugs that adversely affects an employee's job performance or that could jeopardize other employees, students, customers, the community, or College equipment or reputation.

2. Training through local resources shall be provided for both employees and management staff to assist them in recognizing potential symptoms of alcohol/drug abuse that could lead to or be causing a performance problem.

3. **Voluntary Substance Abuse Disclosure**
 - 3.1 Employees experiencing problems with alcohol or other drugs are urged to seek voluntary assistance through the human resources director for resolution of such problems prior to their affecting job performance or requiring disciplinary action and/or management referral.

 - 3.2 An employee's voluntary contact with the human resources director in itself for an alcohol or drug problem shall in no way jeopardize an employee's job. In fact, successful treatment shall be viewed positively. However, such voluntary request shall not:
 - 3.2.1 Prevent disciplinary action for a violation that may have already occurred while an employee is obtaining assistance.

 - 3.2.2 Relieve an employee of the responsibility to perform assigned duties safely and efficiently.

 - 3.2.3 Any voluntary contact made with a human resources representative or any member of management shall be considered confidential. However, the degree of confidentiality is dependent on the facts of each case, the job description of a particular employee, and whether the activities of that job while under that influence of chemical abuse presents a substantial possibility of harm to the employee or others. If the possibility of such harm seems significant, the employee's supervisor may have to be knowledgeable of the request for assistance and job duties temporarily changed. Such action shall not be taken in a punitive manner and shall be intended solely for the safety of the employee and others. Every effort must be made to ensure that the employee's privacy is protected. Any records, notes, and/or files which are generated solely for this purpose shall be kept locked and separate from the employee's personnel file.

OGDEN-WEBER TECHNICAL COLLEGE	Number 520.49-PR	Effective Date 4/23/98 Revised 10/14/11 5/31/12	Page 2 of 4
PROCEDURE	Approval		
Title SUBSTANCE ABUSE/DRUG-FREE WORKPLACE ACT			

4. Consequences of Alcohol/Drug Use

For policy purposes, “work time” or “on duty” includes meal times, rest periods, or breaks. “Possession” includes being on one’s person, within the desk, locker, or personal automobile of the employee on College property.

4.1 An employee shall be considered in violation of this College policy if any of the following occur:

4.1.1 Employees are involved in the use, possession, sale, manufacture, or distribution of illegal drugs in any manner while on duty or within such time prior to going on duty that the presence of such substances within their bodies may affect their abilities.

4.1.2 Employee is convicted of a violation of a criminal drug statute which occurred either on or off the job.

4.1.3 Employee is convicted of a drunk driving violation, driving under the influence of alcohol or similar statute, and such violation occurs while on duty or using a College vehicle, or employee is convicted for a second offense of such statutes regardless of where or when the violation occurs.

4.1.4 It should be understood that employees scheduled to be “on-call” are expected, when called, to report for duty free of the influence of illegal drugs or alcohol. If employees, when called, state that they are under the influence of alcohol or drugs, the employees shall be subject to College policies for failure to report for work but shall not be considered to have violated the Substance Abuse policy.

An employee not scheduled to be on-call but who is called for work is expected to report for work free of the influence of illegal drugs or alcohol. If employees, when called, advise their supervisors that they cannot work because of being under the influence of illegal drugs or alcohol, then no violation of College policy shall be considered to have occurred.

4.2 A supervisor having reason to believe that an employee is on duty and is under the influence of illegal drugs or alcohol is entitled to request the employee to immediately submit to a drug/alcohol test at an approved laboratory at the College’s expense. The supervisor shall first ask the employee if he is under the

OGDEN-WEBER TECHNICAL COLLEGE	Number 520.49-PR	Effective Date 4/23/98 Revised 10/14/11 5/31/12	Page 3 of 4
PROCEDURE	Approval		
Title SUBSTANCE ABUSE/DRUG-FREE WORKPLACE ACT			

influence of illegal drugs or alcohol. Regardless of admission, the employee shall be released from duty pending an investigation and may be subject to disciplinary action.

- 4.3 Employees convicted of drug crimes in the workplace or while conducting College business must report such a conviction to their supervisors within five days. Failure to do so shall result in immediate discharge from employment. Any supervisor receiving such information must notify the human resources director immediately.
- 4.4 Decisions regarding termination shall be recommended by management to the president after consultation with the human resources director.

5. Physical Searches of Employees and Property

- 5.1 Management shall take whatever measures are necessary to ensure alcohol or illegal drugs are not located or being used on College property. Such measures shall not be taken unreasonably but only when management determines there is justifiable cause to suspect the presence of alcohol or illegal drugs on the premises and preventive action is deemed necessary. The measures that may be used shall include, but not be limited to, the following:
 - 5.1.1 Searches of College property, facilities, or equipment may be conducted by authorized personnel and trained dogs.
 - 5.1.2 Searches of persons and of personal property may be conducted by security officers if available or by management if security officers are not readily available.
- 5.2 Searches of persons and of non-College property where reason to suspect exists shall not be conducted if the individual refuses to submit to a search. In this case, the purpose of the requested search and the potential implications of refusal shall be carefully explained to the employee. Further refusal to submit shall result in immediate removal from the workplace and may result in termination for insubordination.
- 5.3 Federal, state, or local authorities may be called upon to assist in an investigation.
- 5.4 The decision to use the search measures described above or other similar measures must be approved by the president except as follows:

<p align="center">OGDEN-WEBER TECHNICAL COLLEGE</p>	<p align="center">Number 520.49-PR</p>	<p align="center">Effective Date 4/23/98 Revised 10/14/11 5/31/12</p>	<p align="center">Page 4 of 4</p>
<p align="center">PROCEDURE</p>	<p align="center">Approval</p>		
<p>Title SUBSTANCE ABUSE/DRUG-FREE WORKPLACE ACT</p>			

5.4.1 Physical searches of employees and property may be conducted with division head approval only in situations where time is critical to success of the search.

6. Employees who are involved in an OSHA-recordable work-related accident or injury shall be required to submit to a drug screening. This screening shall be conducted at the College's expense at a qualified laboratory.