



## Alcohol & Drug Free Workplace

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Human Resources

Administrative Policy & Procedure 3-180

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### 1.0 Alcohol & Drug Free Workplace Objective and Responsibilities

It is Columbia Basin College's (CBC) intention to eliminate substance abuse and its effects in the College's workplaces. While CBC has no intention of intruding into the private lives of its employees, abuse of controlled substances negatively impacts the educational environment, job performance and employee/student safety. The objective is to ensure that employees are in a position to perform their duties safely and efficiently in the interests of their fellow employees, students, as well as themselves. The presence of controlled substances on the job, and the influence of these substances on the working environment, is inconsistent with this objective. Pursuant to the provisions of the Drug-Free Workplace Act, qualifying institutions are required to make an ongoing good faith effort to maintain a drug-free workplace. Marijuana remains an illegal drug on college campuses based on federal law despite Washington law regarding its use in the state.

- 1.1 Employees who think they may have a controlled substance abuse problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program.
- 1.2 All employees are covered by this procedure and shall be made generally aware that violations could result in discipline, up to and including termination, or in declination of a job offer, where appropriate.

### 2.0 Definitions

The following definitions are specific to the terms of this procedure and do not modify or revise similar terms as used in related procedures or collective bargaining agreements.

- 2.1 Substance abuse: abuse of controlled substances such that it impairs an employee's ability to safely and effectively perform the functions of his/her particular job and which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to CBC's reputation.
- 2.2 Controlled substance: alcohol and all substances, drugs, or medications, legal or illegal, including marijuana and/or medical marijuana, which could impair an employee's ability to effectively and safely perform the functions of the job and which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to CBC's reputation.
- 2.3 Reasonable suspicion: a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of a controlled substance so that the employee's ability to perform the functions of his/her job is impaired or so that the employee's ability to perform his/her job safely is reduced.

- 2.4 Accident: occurs when, as a result of an occurrence involving a vehicle or equipment, State or local law enforcement authority issues a citation to the covered employee for a moving violation arising from the accident.
- 2.5 Covered Employee: CBC employee, regardless of employment category. Volunteers at CBC are not covered by this procedure.
- 2.6 Safety-Sensitive Functions: driving/operating one or more of the following vehicles:
- 2.6.1 With a gross combination weight of at least 26,001 pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
  - 2.6.2 With a gross vehicle weight of at least 26,001 pounds;
  - 2.6.3 Designed to transport 16 or more passengers, including the driver; or
  - 2.6.4 Used to transport those hazardous materials found in the Hazardous Materials Transportation Act.
- 2.7 Refusal to submit to test: refusal to submit to an alcohol or controlled substance test required by this procedure includes, but is not limited to:
- 2.7.1 A refusal to provide a requested sample for a test;
  - 2.7.2 An inability to provide a requested sample without a valid medical explanation;
  - 2.7.3 A refusal to complete and sign the breath alcohol testing form, or otherwise to cooperate with the testing process in a way that prevents the completion of the test;
  - 2.7.4 An inability to provide breath or to provide an adequate amount of breath without a valid medical explanation;
  - 2.7.5 Tampering with or attempting to adulterate a provided specimen or collection procedure;
  - 2.7.6 Not reporting to the collection site in the time allotted by the supervisor or manager who directs the employee to be tested;
  - 2.7.7 Consuming alcohol or ingesting a controlled substance during the eight hours immediately following an accident, unless the employee has been informed that his/her actions have been discounted as a contributing factor, or if the employee has already been tested.

### **3.0 Prohibitions and Application**

- 3.1 Employees shall not:
- 3.1.1 Be under the influence of a controlled substance while on duty; nor
  - 3.1.2 Possess a controlled substance while on CBC property or work locations; nor
  - 3.1.3 Sell or provide controlled substances to any other employee, student, or to any person while such employee is on duty; nor
  - 3.1.4 Have their ability to work impaired as a result of the use of controlled substances when reporting for work.
- 3.2 While use of medically prescribed medications or over the counter medications is not (per se) a violation of this procedure, attempting to work while taking medications or drugs which could interfere with the safe and effective performance of duties or operation of College equipment may result in discipline, up to and including termination. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified medical practitioner may be required. If the use of the medications impairs the ability of the employee to perform the essential functions of the job effectively and in a safe manner, leave options must be considered. Bona fide proof of prescription must be in the employee's name and must be provided as soon as practical, but no later than 72 hours after request.

- 3.3 Employees reasonably believed to be under the influence of controlled substances shall be prevented from engaging in further work and shall be detained until he/she can be safely transported from the work site to an approved testing facility and eventually their home or other appropriate location.
- 3.4 CBC has established a voluntary Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for substance abuse problems. Employees should contact their supervisors or the EAP directly for additional information.
- 3.5 CBC reserves the right to permit the service of alcoholic beverages on the campus, though it may not be served at an employee or student event during regular work hours of 7:00 a.m. to 4:30 p.m. Monday - Thursday or 7:00 a.m. to 12:00 p.m. on Friday. Employees scheduled to work at an event where alcohol is served shall not consume alcohol. It is presumed that administrative/exempt and faculty, who are salaried employees, are not being compensated if the event occurs outside of regular work hours. There may be occasions in which service is provided earlier in the day at faculty-only events at a time after the conclusion of their workday with the approval of the College President.

#### **4.0 Alcohol and Drug-Free Awareness and Training Program**

- 4.1 CBC shall develop and implement an on-going awareness training program for all supervisors, designed to build a general understanding of this procedure, awareness of the observable symptoms and actions of someone under the influence of a controlled substance, and other general knowledge necessary to carry out assigned responsibilities under this procedure.
- 4.2 CBC shall distribute and explain this procedure to all current and future CBC employees. All employees will receive an annual reminder of this procedure.

#### **5.0 Responsibilities**

- 5.1 All CBC employees shall:
  - 5.1.1 Not report to work while his/her ability to perform job duties is impaired due to on- or off-duty controlled substance use.
  - 5.1.2 Not possess or use controlled substances during working hours or at any time while on College property or using College vehicles or equipment.
  - 5.1.3 Not directly or through a third party sell or provide controlled substances to any person, including any employee or student, while either or both are on-site or on-duty.
  - 5.1.4 Provide, as soon as practical, but no later than 72 hours after request, a bona fide verification of a current valid prescription for any potentially impairing drug or medication. The prescription must be in the employee's name.
- 5.2 All CBC managers and supervisors shall:
  - 5.2.1 Be responsible for reasonable enforcement of this procedure and for ensuring that each employee under his/her direction is made aware of this procedure.
  - 5.2.2 Immediately notify the Vice President for Human Resources & Legal Affairs or the Human Resources Director when he/she has a reasonable suspicion that an employee is under the influence of a controlled substance while on the job or standby duty. The manager/supervisor will provide the facts constituting reasonable suspicion that the employee in question is under the influence of a controlled substance. The manager/supervisor shall not direct the employee to go home or otherwise provide transportation from the worksite prior to a Human Resources response.

- 5.2.3 The manager/supervisor shall not physically search the person of employees, nor shall he/she search the personal possessions of employees without the freely given consent of, and in the presence of, the employee.

## **6.0 Reasonable Suspicion Testing**

- 6.1 Factors and/or behaviors that may constitute reasonable suspicion may include, but are not limited to:
  - 6.1.1 Physical symptoms consistent with controlled substance and/or alcohol use;
  - 6.1.2 Evidence or observation of controlled substance or alcohol use, possession, sale or delivery;
  - 6.1.3 The occurrence of an accident where a trained manager, supervisor or lead worker suspects controlled substance/alcohol usage may have been a factor. Post-accident drug and alcohol testing may be conducted when a work-related incident has occurred involving death, serious bodily injury or significant property/environmental damage, and when the employee's action(s) or inaction(s) either contributed to the incident or cannot be completely discounted as a contributing factor.
- 6.2 Prior to requiring an employee to submit to a reasonable suspicion test the Vice President for Human Resources & Legal Affairs, Human Resources Director or his/her designee shall document in writing the facts constituting reasonable suspicion that the employee in question is under the influence of a controlled substance.
- 6.3 When an employee is referred for testing, he or she will be removed immediately from duty and transported to the collection site. The cost of reasonable suspicion testing, including the employee's salary, will be paid by the College.
- 6.5 CBC reserves the right to search, without employee consent, all areas and property in which CBC maintains control or joint control with the employee.
- 6.6 A covered employee who refuses to submit to a required test will be treated in the same manner as an employee who tested 0.04 or greater on an alcohol test or tested positively on a controlled substance test;
- 6.7 Testing will be conducted in such a way to ensure maximum accuracy and reliability by using the techniques, chain of custody procedures, equipment and laboratory facilities, which have been approved by the U.S. Department of Health and Human Services. All employees notified of a positive controlled substance or alcohol test result may request an independent test of their split sample at the employee's expense. If the test result is negative, the College will reimburse the employee for the cost of the split sample test.
- 6.8 If the employee has been convicted of a criminal drug statute and the employee is working under a Federal grant, the supervisor shall notify the grant agency within ten (10) calendar days after receiving notice of the conviction and shall take appropriate personnel action against such employee, consistent with rights provided under the appropriate collective bargaining agreement or rule.

## **7.0 Chemical Dependency as a Disability**

- 7.1 Title I of the American's with Disabilities Act (ADA) and Washington's Law Against Discrimination (WLAD) protects qualified individuals with disabilities from employment discrimination. Under the ADA and WLAD, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity. These laws

also protect individuals who have a record of or are regarded as having a substantially limiting impairment.

- 7.2 To be protected under the ADA, an individual must have, have a record of, or be regarded as having a substantial, as opposed to a minor, impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, learning or working.
- 7.3 The ADA allows that an employer can test applicants or employees for current illegal controlled substance use, can make employment decisions based upon verifiable test results and/or refuse to hire an individual or terminate a current employee who uses controlled substances illegally. Individuals who currently use controlled substances illegally are specifically excluded from the ADA's protection. The ADA does not encourage, authorize, or prohibit tests and therefore does not interfere with CBC's authority to do so. However, the ADA may protect a person who has successfully completed or is currently in a rehabilitation program and no longer illegally using controlled substances; if all other provisions of the Act are also met.
- 7.4 Chemical dependency may or may not be considered a disability, then, based upon that dependency's degree of impact upon the major life activities of the employee in question. Any employee who thinks they can be helped by entering a treatment program will be granted a special leave of absence under the terms and conditions of their applicable collective bargaining agreement or rule, so long as they voluntarily seek that treatment and request the leave. Help in finding an appropriate program is available through the EAP.