

NUMBER: 313

SUBJECT: DRUG- AND ALCOHOL-FREE WORKPLACE; DRUG AND ALCOHOL TESTING

APPROVAL DATE OF LAST REVISION: JANUARY 24, 2011

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313.1 – POLICY

It is the policy of Bridgerland Technical College (BTECH) to maintain a drug -and alcohol-free workplace. BTECH expects employees to report to all work assignments unimpaired and in a condition ready to perform their duties safely and efficiently. Unsatisfactory job performance and poor attendance or conduct caused by alcohol or substance abuse that is detrimental to BTECH, its employees, its students, the community, the state, or to any person or agency with whom the College serves or conducts business is unacceptable.

The unlawful and/or unauthorized manufacture, distribution, dispensing, sale, possession, or use of controlled substances or alcohol in the workplace is expressly prohibited.

Responsible, moderate use of alcohol by employees not in safety sensitive positions in connection with off-campus business meals, travel, entertainment, conferences and association meetings, or other appropriate social settings where alcohol is not expressly prohibited, is not a violation of this policy. Employees in safety sensitive positions must not use, be under the influence of, or be in possession of alcohol or drugs while on duty or on BTECH premises.

Consistent with federal and state law, drug/alcohol testing may be required of any employee if there is reasonable evidence to suggest that an employee is under the influence of alcohol or drugs while at work.

313.2 – PROCEDURES

313.2.1 – When an Employee is Unfit for Duty

When a department head or supervisor has reasonable grounds to suspect that an employee is not fit for duty, the department head or supervisor must see that the employee is removed from the workplace to a safe, non-threatening environment. An employee's refusal to leave the workplace will be considered insubordination and may result in disciplinary action.

Without making specific diagnosis, the department head or supervisor should meet with the employee and others as needed as soon as possible to determine whether there is sufficient evidence to support a violation of this policy.

313.2.2 – Testing

If reasonable evidence suggests that any employee is under the influence of alcohol or drugs while at work, the employee will be required to submit to a drug/alcohol test at a site designated by BTECH at the College's expense.

The employee may be suspended with or without pay until the results of the drug and/or alcohol test are made available to BTECH by the testing laboratory. An employee who refuses to consent and submit to a test when requested will be subject to disciplinary action, including the possibility of dismissal, pursuant to BTECH's discipline and dismissal procedures. Refusal to submit includes: failure to provide adequate breath-for-testing without a valid medical explanation after receiving notice of the requirement for breath testing, failure to provide adequate urine for controlled substance testing without a valid medical explanation after receiving notice of the requirement for urine testing, engaging in conduct that clearly obstructs the testing process, and leaving the scene of an on-the-job accident.

If the employee receives notice that their test results were confirmed positive, the employee will be given the opportunity to explain the positive result. In addition, the employee may have the same sample retested at a laboratory of the employee's choice at the employee's expense.

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All testing results will remain confidential, except that test results may be used in arbitration, administrative hearings, and court cases arising as a result of the employees' drug testing.

313.2.3 – Treatment

Bridgerland Technical College (BTECH) may require an employee to seek rehabilitation treatment if he or she tests positive for a drug (controlled substance). However, nothing in this treatment procedure is intended to imply or convey a right to treatment rather than immediate disciplinary action, including dismissal.

313.2.3.1 – The employee must enroll in a counseling and/or rehabilitation program.

313.2.3.2 – The employee must use accrued sick leave, compensation time, then vacation time until all leave is expended, after the employee uses all his or her paid time off.

313.2.3.3 – BTECH will pay the employee's benefit package **during the prescribed time of treatment**, after all leaves and coverage has been used.

313.2.3.4 – If prescribed rehabilitation involves confinement, BTECH will hold the employee's position until the prescribed length of treatment ends.

313.2.3.5 – Upon verified completion of substance abuse rehabilitation, BTECH will restore the employee to his or her former position, or one of equivalent value, as long as the return to work is within a reasonable time since from the inception of the rehabilitation process.

313.2.4 – Disciplinary Action

BTECH may impose disciplinary action on any employee who violates this policy. Progressive sanctions will be imposed under the disciplinary policies of BTECH. Depending on the frequency and seriousness of the offense, additional sanctions may be imposed, including satisfactory participation in an alcohol, drug, or substance abuse assistance or rehabilitation program.

Employees who have not voluntarily dealt with an alcohol or drug-related problem and whose conduct, performance, or attendance appears to violate this policy will be subject to sanctions by the College as a condition of continued employment.

313.2.5 – Conviction of a Workplace Violation

An employee who is convicted in a court of law for a workplace violation of this policy must provide notification of the conviction to the Vice President for Finance within five (5) days of the conviction. Failure to do so could result in immediate dismissal of the employee.

Bridgerland Technical College may impose sanctions on an employee convicted of a workplace violation within 30 days of the conviction. The minimum sanctions that may be imposed on an employee convicted of a violation include participation in an education/rehabilitation program and mandatory probation for at least 90 days, with weekly supervisory reviews.

Bridgerland Technical College reserves the right to dismiss any employee convicted of a workplace offense if BTECH considers it to be in the best interest to do so. All convictions resulting from buying, selling, transferring, or trafficking controlled substances in the workplace may be cause for immediate dismissal.

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313.2.6 – Exceptions

An employee undergoing medically prescribed treatment with a controlled substance, which might impair his or her ability to perform his or her work in a safe and efficient manner, must report this treatment to his or her department head or supervisor. The department head or supervisor will assess the employee's ability to perform and take appropriate action to ensure safe operation.

An employee, who fails to inform his or her department head or supervisor of medical treatment that may impair his or her ability and who is involved in an accident or behavior that is detrimental to the College or related to that treatment, may be subject to appropriate disciplinary action including the possibility of dismissal.

Employees who voluntarily seek assistance for an alcohol or drug dependency related problem before it is subject to formal disciplinary actions will not place his or her job in jeopardy. Rehabilitation, however, is the responsibility of the employee.

Any employee qualifying for consideration under the Americans with Disabilities Act (ADA) will be treated by BTECH under the provisions of that law, following the advice and recommendations of State Risk Management.

313.3 – RESPONSIBILITY

313.3.1 – Department Heads and Supervisors

Department heads and supervisors are responsible for ensuring that this policy is adhered to at all times within their department. Department heads and supervisors should coordinate with the appropriate administrative authority (the Vice Presidents or the President) in implementing this policy.