

# Davis Technical College

## Drug and Alcohol-Free Workplace; Drug and Alcohol Testing Policy

**Effective Date: 03 December 2020**

CDMT Approval: 05 August 2003

President's Council Approval: 12 August 2003

Board Approval: 28 August 2003

Employee Input Team Approval: 30 November 2020

President's Council Approval: 30 November 2020

Board Approval: 03 December 2020

### 1. Purpose

To maintain and reinforce the Davis Technical College (College) continuing goal of establishing, maintaining, and supporting a work environment that is free from the effects of alcohol and controlled substance abuse.

### 2. References

- 2.1. Utah Code §34-41-103. Policy requirements.
- 2.2. Utah Code §34-41-104. Requirements for identification, collection, and testing of samples.
- 2.3. Utah Code Title 63, Chapter 2, Government Records Access and Management Act (GRAMA)
- 2.4. Americans with Disabilities Act of 1990, 42 U.S.C. 12101 through 12213
- 2.5. Davis Technical College Disciplinary Sanctions of Personnel Policy
- 2.6. Davis Technical College Employment Grievances Policy
- 2.7. Drug-Free Schools and Campuses Act (EDGAR Part 86)

### 3. Definitions

- 3.1. **Alcoholic Beverages** - Beverages intended for human consumption that contains alcohol, and/or a substance that has alcohol content other than prescribed medication.
- 3.2. **College Sponsored Activity** - Any event, activity, or endeavor that has the official sanction of the College or any activity on or off campus initiated, aided, authorized or supervised by the College administrative entities of organizations. This does not include off campus business meals, travel, entertainment, conferences and association meetings, or other appropriate social settings where alcohol is not expressly forbidden, except when students are being chaperoned.
- 3.3. **Employee** - Any person in a salaried, hourly, adjunct, clinical, volunteer, contract, or other position that directly relates to work being performed for the College purposes.
- 3.4. **Reasonable Suspicion** - Knowledge sufficient to induce an ordinary, prudent, and cautious supervisor, to believe that a prohibited activity has occurred or is occurring.
- 3.5. **Refusal to Submit to Testing** - Failure to provide an adequate breath or urine sample (without a valid and verified medical explanation) after the employee has received notice that a breath or urine sample is required; or engaging in conduct that clearly obstructs the testing process.

### 4. Policy

- 4.1.** The College expects employees to report to all work assignments unimpaired and in a condition ready to perform their duties safely and efficiently.
- 4.2.** The College strictly prohibits the unlawful manufacture, distribution, dispensing, sale, possession, or use of controlled or illegal substances, possession of paraphernalia associated with the use, being under the influence on the College campus or at any College sponsored activity, unsatisfactory job performance and poor attendance or conduct caused by alcohol or drug use. The College will reasonably accommodate employees who are attempting to treat an alcohol dependency but reserves the right to maintain acceptable job standards and behavior of all employees regardless of their dependency status.
- 4.3.** All employees of the College are subject to the terms of this policy. Violations of this policy will lead to disciplinary sanctions under the Davis Technical College Disciplinary Sanctions of Personnel Policy.
- 4.4.** Any employee convicted of a criminal drug statute violation occurring on the College campus or at any College sponsored activity, must notify the Human Resource Director within five days of conviction. Failure to do so could result in immediate dismissal of the employee.
  - 4.4.1.** Within 30 days of learning of such a conviction, a disciplinary sanction will be imposed against the employee found in violation of this policy. The minimum sanctions that may be imposed on an employee convicted include but may not be limited to, mandatory participation in an education/rehabilitation program and mandatory probation for at least ninety days, with weekly reviews, as a condition of continued employment.
  - 4.4.2.** The employee is responsible for all costs associated with a drug abuse assistance rehabilitation program, except as may be covered by the College's regular health insurance program.
- 4.5.** In addition to the sanctions imposed, the College reserves the right to refer all matters in violation of its substance and alcohol abuse policy to the appropriate law enforcement agencies.
- 4.6.** Consistent with federal and state law, drug/alcohol testing may be required of any employee if there is sufficient evidence to suggest that an employee is impaired while at work or at a College sponsored activity. Any employee that is reasonably suspected of being impaired, shall be removed from the workplace to a safe, non-threatening environment. Refusal to leave the workplace will be considered insubordination and may result in immediate dismissal.
  - 4.6.1.** Without making specific diagnosis, the immediate 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. If sufficient evidence suggests that an employee is impaired by alcohol or drugs while at work, the employee will be required to submit to a drug/alcohol test at a site designated by the College, at the College expense. Any drug testing shall occur during or immediately after the regular work period and shall be considered work time for purposes of compensation and benefits.
  - 4.6.2.** The collection and testing of samples shall be conducted in accordance with Utah Code §34-41-104 (1953) as amended and in accordance with Utah Code §34-41-103.
- 4.6.3.** The use and disposition of all drug test results are subject to the limitations of the Government Records Access and Management Act and Americans with Disabilities Act of 1990, 42 U.S.C. 12101 through 12213.
- 4.7.** Successful candidates for safety sensitive positions at the College will be required to submit to, and pass, a drug and blood alcohol test. A position offer will be rescinded if a candidate refuses to take the required drug and blood alcohol test, tests positive for a controlled substance, or the test detects a blood alcohol content equal to or greater than the upper limit designated by the Department of Transportation regulations.
- 4.8.** The College will establish and administer a drug and alcohol prevention program for employees and students, in accordance with the federal Drug-Free Schools and Campuses Act. This program will be published and disseminated to employees and students annually, and a biennial review of the program will be published.