



Policy Title: **Drug-Free Workplace Program**

Policy Number: PS 509

Purpose of Policy: To create a drug-free workplace in conformance with the Drug-Free Workplace Act of 1988 and other applicable federal and state laws.

Applies to: All Employees

Policy Statement:

1. **General:** It is the policy of Bellevue University to create a drug-free workplace in conformance with the Drug-Free Workplace Act of 1988 and other applicable federal and state laws. Being under the influence of a drug or alcohol on the job may pose serious safety and health risks, not only to the user, but to all those who work with or otherwise come into contact with the user. The possession, use, or sale of illegal drugs or alcohol on the job may pose unacceptable risks for safe, healthful, and efficient educational operations.

Bellevue University recognizes that its own health and future are dependent upon the physical and psychological wellbeing of its employees. The University's stance against alcohol and drug use in the workplace is not a "moral" issue; but rather, it is an issue that affects the University's health and safety, employees and their families, and monetary resources.

Studies show that drug and alcohol use in the workplace may be the single greatest factor responsible for accidents and injuries, declining productivity, employee theft, and low employee morale.

The Drug-Free Workplace Act of 1988 requires federal contracts and recipients of federal grants to publish and implement a drug-free workplace program. Accordingly, it is the University's right, obligation, and intent to provide and maintain a safe, healthful, and efficient working environment for all of its employees and to protect University property, equipment, and operations from risks associated with drug and alcohol use in the workplace.

2. **Alcohol and Drugs Policy:** The University has established a campus-wide Alcohol and Drugs Policy, PS 11. PS 11 applies to all employees.

3. Employee Compliance: Compliance with this policy and PS 11 is a condition of employment with Bellevue University. Any violation of PS 11 or of this policy will result in immediate disciplinary action, up to and including termination for University employees that facilitate or permit violations, and expulsion for students guilty of violations, consistent with the provisions of the Employee Handbook.
4. Employee Drug Or Alcohol Testing: Employees may be required to submit to drug or alcohol testing at a laboratory selected by the University under the following circumstances:
 - a. "For Cause" testing occurs when the University has a reasonable suspicion, based upon specific objective and articulated facts and reasonable inferences drawn from those facts in light of experience that the employee is under the influence of alcohol, a legal or illegal drug. This includes, but is not limited to, the following:
 - i. observable phenomena while at work, such as direct observation of drug or alcohol use or abuse or the physical symptoms or manifestations of being impaired due to alcohol or other drug use;
 - ii. abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
 - iii. report of alcohol or other drug use provided by a reliable and credible source;
 - iv. evidence that an individual has tampered with a Drug or Alcohol Test during the individual's employment with the University or;
 - v. evidence that an employee has manufactured, used, possessed, sold, solicited, distributed, and/of transferred drugs while working or while on University property.
 - b. "Post-Accident" testing may occur when an employee has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident. Following a work place accident, an employee should remain readily available for drug and/or alcohol testing if requested by management.
5. Other Prohibited Conduct:
 - a. Switching, adulterating, or committing any other misconduct pertaining to any specimen collected for drug and/or alcohol testing.
 - b. Refusing to consent to testing or refusing to submit a specimen for testing. The following conduct will be treated as a refusal to submit to testing:

- i. Failure to provide an adequate sample for testing without a valid medical explanation; or
 - ii. Engaging in conduct that clearly obstructs the testing process including, but not limited to:
 - 1. not reporting to the collection site in the time allocated; or
 - 2. failure to cooperate with transportation assistance to and from the collection site; or
 - 3. failing to remain readily available for a post-accident/incident test.
 - c. Conviction under any criminal drug or alcohol statute for a violation occurring in the workplace or occurring while conducting University business or on or about the University property.
 - d. Refusing, when required under this policy, to sign the:
 - i. Drug and Alcohol Control Policy Acknowledgment Form;
 - ii. Drug and Alcohol Testing Consent Form; or
 - iii. Rehabilitation Agreement.
4. Testing Procedures:
- a. In order to determine if a test is necessary for “reasonable suspicion testing,” the employee’s supervisor or other University representative should have a witness present stating that the employee’s behavior warrants reasonable suspicion testing. If the employee’s supervisor or other University representative, together with the witness, both feel that there is reasonable suspicion to believe that the employee may be under the influence of alcohol and/or drugs, the employee’s supervisor or other University representative should ask the employee to submit to a Drug and/or Alcohol Test. ***The supervisor initiating the test must immediately notify the Human Resource Department of the testing activity and facility used (contact person/phone number at the testing facility) so that a “chain-of-custody” can be established.***
 - b. Employees requested to undergo a test for alcohol or drugs will be transported to a clinic or hospital by a University vehicle or specifically ordered transportation. The employee will be required to sign a consent form authorizing the testing. Refusal to sign the form or refusal to submit to the Drug or Alcohol Test, as well as, any attempt to invalidate or tamper with the test, will subject the employee to disciplinary action, up to

and including termination. The University will pay for all costs associated with the testing.

- c. The third party medical provider will require a specimen from the employee for the purposes of valid testing. Typically, breath and/or urine are used. The specimen will be tested for an initial test result.
 - d. All initial positive test results for drugs will be confirmed by gas chromatography-mass spectrometry or other medically accepted testing procedures. All confirmed positive test results will be verified by a licensed physician or Medical Review Officer who has contracted with the University through a third party provided (clinic or hospital). An employee may immediately request further confirmation of any breath-testing results by a blood sample if the employee voluntarily submits to give a blood sample taken by qualified medical personnel in accordance with the rules and regulations adopted and promulgated by the Nebraska Department of Health.
5. Confidentiality: The University will maintain the confidentiality of drug and alcohol testing results through an established chain-of-custody through the Human Resource Department, as well as other information obtained during the administration of the drug and alcohol testing policy. An employee's test results will be disclosed under the following circumstances:
- a. to the employee, upon request;
 - b. if and as required by law;
 - c. to those officers, agents, or employees of the University who "need to know" the information for reasons connected with employment.
6. Reporting Requirements/Convictions:
- a. Employees are required to notify the University within five (5) calendar days of any and all criminal drug statute convictions for violations occurring in the workplace. Appropriate personnel action will be taken against any employee convicted of a criminal drug offense occurring in the workplace. This will take place immediately after the University receives notice of the employee's conviction.
 - b. An employee who is arrested or charged with a drug-related offense, but whose guilt or innocence has not yet been established by a court of law, may be subject to immediate suspension or termination, with or without pay, at the discretion of the University.
7. Available Treatment and Counseling:

- a. In an effort to assist employees in overcoming drugs or alcohol dependency, Bellevue University will provide information to interested employees pertinent to obtaining counseling and treatment for chemical dependency. These informal requests will be confidential, except when disclosure is required by law or upon a “need to know” basis for employment-related reasons.
- b. A voluntary referral for drug and/or alcohol counseling and treatment and/or voluntary requests for assistance will not prevent disciplinary action for violations of the University’s Drug-Free Workplace Program. The University may condition continued employment on such terms and conditions it deems appropriate, including participation in a counseling or treatment program, follow-up reports regarding participation in such counseling or treatment program, and submission to future periodic Drug or Alcohol Tests. However, if an employee voluntarily requests drug counseling or treatment prior to any conduct that would typically result in disciplinary action or positive result on a Drug or Alcohol Test, the employee will not be disciplined for requesting drug and/or alcohol counseling or treatment.

Supporting Documentation: PS 11 (Alcohol and Drugs Policy), Employee Handbook

Keywords: employees, alcohol, drugs, testing, drug-free workplace

Responsible Office: Human Resources

Contact Information: Human Resources
402-557-7351

Approved by: Dr. Mary Hawkins

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Review Cycle and Dates: This policy statement supersedes previous versions of PS 509, dated November 15, 2004.

APPROVED:

/signed/
Dr. Mary Hawkins, Bellevue University President

1/31/2018
Date