



The College at
BROCKPORT
STATE UNIVERSITY OF NEW YORK

Category:
Office of Human Resources

Responsible Office:
Human Resources

Policy Title:
Drug and Alcohol Use in the Workplace

Effective Date:
Revised May 2008

Policy:

Illegal drug use and alcohol abuse adversely impacts the educational and work environment of The College at Brockport. The College prohibits the unlawful possession, manufacture, use, distribution or dispensing of illicit drugs and/or alcohol on the campus of The College at Brockport, its satellites off campus facilities or as a part of any College sponsored activity. In addition, in keeping with longstanding policy of the state of New York, employees are prohibited from on-the-job use of, or impairment from, alcohol or controlled substances.

The policy of the State of New York is that employees will be subject to criminal, civil and disciplinary penalties if they distribute, sell, attempt to sell, possess or purchase controlled substances while at the workplace or while performing in a work-related capacity. Such illegal acts, even if engaged in off duty, may result in disciplinary action.

In those work locations where it is permitted, an employee may possess and use a controlled substance that has been properly prescribed by a physician.

Employees in positions that require a Commercial Drivers License are required to undergo random medical testing, as prescribed by Federal law.

The State of New York Policy on Alcohol and Controlled Substances in the Workplace provides that upon “reasonable suspicion” a supervisor may require an employee to undergo a medical examination, which could include a drug and alcohol test. Examples of behavior giving rise to reasonable suspicion are included in the attached Policy of the State of New York on Alcohol and Controlled Substances in the Workplace at GOER.state.ny.us/train/onlinelearning/dfw/policymemo.html.

The College will actively work to prevent and eliminate drug use, illegal alcohol use and alcohol abuse from the campus through education, advisement, assessment, preventive activities and when appropriate, referrals to campus and community resources. The College will engage in good faith efforts to maintain a drug-free workplace which will include educational efforts to raise the awareness of all employee to the issues and concerns of illicit drug use and alcohol dependency and abuse.

This policy shall be deemed supplemental to all applicable state and federal laws and all personnel rules and regulations. Nothing in this policy alters any other reporting obligation established in campus policies or in state, federal or applicable laws.

Sanctions

The College will respond promptly to violations of this policy. This response may include disciplinary action up to and including termination, referral to appropriate assistance programs and will include timely

involvement of law enforcement agencies, when appropriate. The College will make every effort to make the appropriate referrals/disciplinary actions within 30 days of learning of a conviction of an employee in a drug related matter.

The unlawful possession, manufacture, use, distribution or dispensing of illegal drugs and alcohol on campus or a part of any College activity shall be considered a form of employee misconduct. Employee charged with offering, giving or selling controlled substance to employees, student or visitor on campus will be suspended without pay and disciplinary action will seek their dismissal from State service. Such employee may also be subject to criminal or civil penalties. In addition, the discharging of employment duties while under the influence of any illegal drugs and/or alcohol shall be considered a serious form of employee misconduct.

Additional Actions by the College – Employees who award financial assistance

If an employee who engages in the performance of an award as defined in 34 CFR 84.606 is convicted of a drug offense in the workplace, the Office of Human Resources will notify each federal agency in which the employee was processing awards. The notification will be in writing and mailed within ten calendar days upon learning of the conviction and include the employee's position title and identification numbers of each award.

Illegal Drugs Defined

Illegal drugs include the many substances covered by the Controlled Substances Act (21 U.S.C.811). Se Schedules I-V of Section 202 of the Controlled substances Act (21 U.S.C. 812) and Schedule I-V of New York State Public Health Law 3306. All so called "street drugs" (heroin, cocaine, crack, marijuana, speed, acid) are illegal drugs.

Education and Prevention

In compliance with the Drug-Free Workplace Act of 1988, in support of the New York State Policy on Alcohol and Controlled Substances in the Workplace and in keeping with the College's interest in maintaining a climate which promotes optimum student and employee health and welfare, the College will continue, on a periodic basis, to offer training programs designed to increase awareness of the dangers of drug and alcohol abuse and of an of service available for treatment.

Employees at the College are served by the Employee Assistance Program (EAP, which provides individualized substance abuse counseling and referrals to appropriate community agencies. Services provided by the EAP program are confidential and free to all College employees. Information about AP can be obtained by calling one of the Coordinators at 395-5117, 395-5483 or 232-2730 X260.

A copy of this policy will be mailed to each employee on an annual basis.

Procedure:

Supervisor who believes there is reasonable suspicion to believe that an employee is under the influence of an illegal drug or alcohol while at the workplace shall seek the corroborating opinion of another supervisor. The supervisor shall call the Director of Human Resources who will arrange a drug or alcohol test.

Reference(s):

New York State Policy on Alcohol and Controlled Substances in the Workplace.