# **Policy 120: Drugs and Alcohol**

Category: Personnel

Covered Individuals: All CEI Employees and Students

Approved: 02/12/2020

**120.1 Policy**

CEI has a strong commitment to the health, safety and welfare of our employees, students, and visitors. Consequently, it is the policy of CEI to provide a safe and drug-free work environment. Widely available statistics and information establish that the incidence of drug and alcohol abuse is increasing, and the effect is devastating to the lives, business, and the community at large. Our commitment to maintaining a safe and secure workplace requires a clear policy and supportive programs relating to the detection, treatment, and prevention of substance abuse by employees. CEI strictly prohibits the unauthorized use, possession, manufacture, distribution, dispersal, purchase or sale of controlled substances or alcohol on CEI properties, as part of its activities, or in the performance of an employee’s duties, except as noted below.

Only upon the express approval of CEI’s President, limited quantities of beer or wine may be served, on occasion, at CEI-sponsored social events, dinners or business conferences, for the sole purpose of entertaining guests. Only the moderate and limited use of alcohol is acceptable by employees at such pre-approved events, and employees are expected to conduct themselves in a responsible and professional manner at all times.

All employees are responsible for their compliance with this policy, and with local, state and federal laws. Reporting to work under the influence of controlled substances or alcohol is prohibited. Each employee must be able to perform work in a condition that presents a favorable public image and contributes to a climate of safety and well-being for the employee, faculty, staff, students, and the public.

Adherence to this policy is a condition of employment with CEI. Violation of this policy may lead to disciplinary action, up to and including termination of employment.

**120.2 Definitions**

* Unauthorized includes without limitation, the manufacture, distribution or sale of alcohol, and possession, use, manufacture, distribution, dispensation or sale of controlled substances, at any time during an employee’s working hours or on College property, except as noted below.
* Under the influence is defined without limitation as being impaired or intoxicated by alcohol or controlled substances, smelling of alcohol or controlled substances, or appearing disheveled or unkempt, slurring one’s speech, being argumentative, or being incapable of performing his/her job satisfactorily, when such conduct is reasonably related to an employee’s use of alcohol or controlled substances.
* A Controlled Substance is any drug, substance or immediate precursor as listed in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. § 812, as now exists or may be later amended or updated, including but not limited to amphetamines (including methamphetamines), barbiturates, opiates (including heroin, morphine and codeine), marijuana, THC, cocaine, hallucinogens and phencyclidine (PCP). For purposes of this policy, the term “controlled substance” does not include prescription drugs which are properly possessed and/or properly taken under the supervision of a licensed health care professional.
* CEI Properties include all CEI owned or leased buildings and surrounding areas such as sidewalks, driveways, and parking lots. This policy applies also to CEI vehicles, regardless of whether they are on CEI property at the time.

**120.3 Procedures**

Additional Prohibited Actions

In addition to those actions previously identified in this policy as prohibited, the following actions are also strictly prohibited, and may subject any employee who is found to have committed any such violation to disciplinary action, up to and including termination:

* Driving any vehicle or operating equipment impaired by alcohol, controlled substances or a prescription drug which warns against such activity at any time while on CEI property or while performing duties on behalf of CEI.
* Performing or engaging in any of the above while performing duties on behalf of CEI whether or not on CEI property.
* Testing positive for use of an illegal substance or for alcohol (a positive test for alcohol is indicated by a test result of not less than .02% blood alcohol content [BAC]).

Off the job illegal drug use or an employee’s conviction of a charge of illegal sale, use or possession of any controlled substance while off-duty will also be considered a serious breach of the intent of this policy. Such incidents will be treated similarly to substance abuse on CEI’s premises. Employees must notify CEI of any criminal drug statute conviction within five (5) days after the conviction. Similarly, employees who must maintain a valid driver’s license to perform their job must notify CEI of any citation for or conviction of any traffic offense involving alcohol or drugs, whether on the job or off duty, within five (5) days of the citation or conviction. Failure to do so may result in corrective action up to and including termination. For purposes of this policy, “conviction” means a plea or finding of guilt or the imposition of a withheld judgment by any applicable judicial body.

Seeking Help for a Drug or Alcohol Problem

CEI recognizes that there may be employees who have an alcohol or other drug problem and stand willing to assist in the resolution of that problem by encouraging employees to seek help. CEI strongly encourages employees who believe they have an alcohol or drug dependency to voluntarily seek treatment and/or rehabilitation before it is discovered through a violation of this policy. Employees should contact CEI’s Human Resources Department for information as to what assistance may be available for this purpose. All inquiries of this nature will be treated as confidential and only those persons with a legitimate need to know will be made aware of any such inquiry. Employees should be advised, however, that voluntarily disclosing an alcohol or drug dependency or seeking assistance for any such dependency or problems does not relieve the employee from job expectation requirements or preclude CEI from taking corrective action for any violation of this policy. CEI may require any employee with an alcohol or drug problem to participate in the College’s Employee Assistance Program (EAP) and other wellness resources.

Drug and Alcohol Testing

In furtherance of this policy, CEI may conduct drug screening of employees to meet the requirements of this policy. The following guidelines are in place regarding alcohol and drug screening (“substance test”):

* Each applicant to whom an offer has been extended for employment in a position for which a preemployment substance test is required by law will be required to submit to a substance test before the applicant will be allowed to commence employment. For example, applicants for the following positions will be required to submit to a substance test before commencement of employment:
	+ Employee positions that are required by accreditation standards to submit a pre-employment substance test, e.g. nursing program.
	+ Instructors in the professional drivers training program.
	+ Applicants testing positive or refusing to submit to such testing will not be allowed to commence employment and will be eliminated from consideration for the position for which they have applied.
* Employees involved in an on-the-job accident including any accident causing injury to any person that requires medical attention beyond just first aid, or employees whose conduct, appearance or behavior creates reasonable suspicion to believe they are under the influence of an illegal substance or alcohol or that they have otherwise violated the provisions of this policy will be required to submit to a substance test. If feasible, the conduct, appearance or behavior should be witnessed by at least two supervisors.
* Substance testing of employees generally will not be conducted on a random basis. However, random substance testing or additional periodic substance testing may be required as a consequence of earlier corrective action, as a component of a drug rehabilitation program or to the extent required by law. Employees may also be required to submit to a substance test upon returning to work after completion of a drug rehabilitation program.
* For current employees, any substance testing shall occur during or immediately after the regular work period and shall be deemed work time for purposes of compensation and benefits.
* CEI will pay all costs of testing, including the costs of transportation, if the testing of a current employee is conducted at a place other than the workplace. CEI is responsible for selecting an appropriate laboratory service for testing and for taking such other steps as may be necessary for the implementation of this policy.
* All substance testing will be performed in accordance with SAMHSA Guidelines for procedures and confidentiality. In the event a new hire or employee believes a substance test to be a false positive, a second test may be conducted (using the same specimen) at the employee’s expense at a mutually agreed upon laboratory if requested within 7 days. If a second test is found to be negative, CEI will pay for the testing and will follow procedures for a negative test result. If applicable, CEI will reimburse the employee for time suspended, or, if terminated solely because of the positive test, reinstate the employee with back pay.