

Rock Valley College

RVC Board Policy 3:10.110

Drug and Alcohol-Free Workplace Policy

Purpose

In compliance with the following:

- *Drug-Free Workplace Act of 1988*, 41 U.S.C. § 8101, et seq.
- *Safe and Drug-Free Schools and Communities Act of 1994*, 20 U.S.C. § 7101, et seq.
- *Code of Federal Regulations*, 49 C.F.R. Part 40
- *Substance Abuse Prevention on Public Works Projects Act*, 820 ILCS 265/1, et seq.
- *Right to Privacy in the Workplace Act*, 820 ILCS 55/1, et seq.
- *Cannabis Regulation and Tax Act*, Illinois Public Act 101-0027

Rock Valley College has a longstanding commitment to provide a safe, quality-oriented and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of Rock Valley College employees and students, in addition to the security of the College's equipment and facilities. For these reasons, Rock Valley College is committed to the elimination of drug and alcohol use and abuse in the workplace.

Scope and Enforcement

This Policy applies to all employees and all applicants for employment of Rock Valley College. The Human Resources (HR) department, under the direction of the Vice President of Human Resources, is responsible for policy interpretation, administration, and enforcement.

Employee Assistance

The College will assist and support employees who voluntarily seek help for drug or alcohol problems before they become subject to a drug test, discipline or termination under this or other College Policies. Such employees will be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers or otherwise accommodated as required by law.

Employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or require driving, or if they have violated this Policy previously. When a drug test is initiated under this policy, the tested employee forfeits the opportunity to be granted a leave of absence for treatment, unless otherwise required by law, and will face possible discipline for any violation of this policy, up to and including discharge.

Rock Valley College

Work Rules

Employees should report to work fit for duty and free of any impairment by illegal drugs, marijuana or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and employees must promptly disclose any work restrictions to their supervisor.

1. Whenever employees are working for the College, are operating any College vehicle, are operating a private vehicle in the course of employment with the College, are present on College premises, are conducting college-related work offsite or are on call, they are prohibited from:
 - a. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug or drug paraphernalia;
 - b. Being under the influence of alcohol, marijuana or an illegal drug as defined in this Policy; and
 - c. Possessing or consuming alcohol or marijuana.
2. Likewise, employees are prohibited from misuse of legal drugs when they are working for the College or are on call. Such misuse may include, without limitation, the use of legal drugs that have not been obtained legally, the use of a drug in a manner different than prescribed, and abuse of over-the-counter medications.
3. Rock Valley College will not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in a container labeled by a licensed pharmacist or be prepared to produce the container if asked. Prescribed drug containers must include the patient's name, the name of the substance, quantity/amount to be taken and the period of authorization.
4. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Required Testing

Employees subject to the requirements of U.S. Department of Transportation regulations or the *Substance Abuse Prevention on Public Works Projects Act*, 820 ILCS 265/1, et seq., shall be tested in accordance with the applicable regulations and statutory provisions, in addition to the testing and discipline provisions of this policy.

Rock Valley College

Pre-employment

Applicants being considered for hire in safety-sensitive positions such as Police and Maintenance, or positions requiring a Commercial Driver's License (CDL), must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.

Reasonable suspicion

Employees are subject to testing at any time a supervisor or other member of College management observes or reasonably suspects apparent workplace use of, possession of or impairment by illegal drugs, alcohol or marijuana. A member of the HR department or the Chief Operating Officer should be consulted before sending an employee for testing.

When reasonable suspicion testing is warranted, both the member of management and a member of the HR department will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test within two hours of the initial observations or, if not practicable within two hours, as soon as practicable thereafter. Refusal by an employee will be treated as a positive drug test result and will make the employee subject to discipline, including termination.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of Human Resources or management must transport the employee.

Post-accident

Employees are subject to testing when they cause or contribute to accidents that seriously damage a Rock Valley College vehicle, machinery, equipment or property or that injures or reasonably could have injured themselves or another individual. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle (including without limitation a College vehicle, lawn mowing equipment or aerial/man-lift) is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must begin within two hours following the accident or, if not practicable within two hours, as soon as practicable thereafter. Refusal by an employee will be treated as a positive drug test result and will result in immediate termination of employment.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of Human Resources or management must transport the employee.

Collection and Testing Procedures

Alcohol – Employees subject to alcohol testing may be transported to a College-designated facility and directed to provide specimens. Alcohol tests may involve a

Rock Valley College

breath, blood or saliva test, at the College's discretion. For purposes of this policy, positive test results generated by law enforcement or medical providers may be considered by the College as work rule violations.

Marijuana and Other Drugs – Applicants and employees subject to drug testing for marijuana and other drugs may be transported to a College-designated testing facility and directed to provide urine specimens. Applicants and employees may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. Collected specimens will be sent to a federally certified laboratory and tested for evidence of marijuana, cocaine, opiates, amphetamines, PCP, benzodiazepines, methadone, methaqualone and propoxyphene use. (Where indicated, specimens may be tested for other drugs.) The laboratory will screen all specimens and confirm all positive screens. There must be a chain of custody from the time specimens are collected through testing and storage.

The laboratory will transmit all positive drug test results to a Medical Review Officer (MRO) retained by the College, who will offer individuals with positive results a reasonable opportunity to rebut or explain the results. Individuals with positive test results may also ask the MRO to have their split specimen sent to another federally certified laboratory to be tested at the applicant's or employee's own expense. Such requests must be made within 72 hours of notice of test results. If the second facility fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as passing the test. In no event should a positive test result be communicated to Rock Valley College until such time that the MRO has confirmed the test to be positive.

Consequences

Applicants who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to reapply or retest in the future.

If the College determines that it will impose discipline on the basis that an employee is under the influence or impaired by illegal drugs, marijuana or alcohol, the College will afford the employee a reasonable opportunity to contest the basis of the College's determination.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be subject to discipline, up to and including termination. If the employee refuses to be tested, and the College believes he or she is impaired, under no circumstances will the employee be allowed to drive himself or herself home.

Employees who test positive, or otherwise violate this policy, will be subject to discipline, up to and including termination. The College in its discretion may offer an employee the opportunity to return to work on a last-chance basis pursuant to a rehabilitation program based on mutually agreeable terms, which may include without limitation follow-up drug testing at times and frequencies determined by

Rock Valley College

the College for a minimum of one year but not more than two years, as well as a waiver of the right to contest any termination resulting from a subsequent positive test. If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be immediately discharged from employment.

Employees will be paid for time spent in alcohol or drug testing and then suspended without pay pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled to discuss the results of the test; this meeting will include a member of management, a union representative (if requested and applicable), and Human Resources. Should the results prove to be negative, the employee will receive back pay for the time of suspension.

Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO will be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed as required by law, among College management and supervisors on a need-to-know basis, and when relevant to a grievance, charge, claim or other proceeding initiated by or on behalf of an employee or applicant.

Inspections

Rock Valley College reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband; affected employees may have union representation (if applicable) involved in this process. All employees, students and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

Crimes Involving Drugs

Rock Valley College prohibits all employees, including employees performing work under government contracts, from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on College premises, while conducting College business, or while on call. Law enforcement personnel may be notified, as appropriate, when criminal activity is suspected.

The College reserves the right to take appropriate disciplinary action for illegal drug use, sale or distribution while off College premises and off duty. All employees who are convicted of, plead guilty to or are sentenced for a crime involving an illegal drug are required to report the conviction, plea or sentence to HR within five calendar days. Failure to comply will result in automatic discharge. Cooperation in complying may result in suspension without pay to allow the College to review the nature of the charges and the employee's past record.

Rock Valley College

Definitions

“College premises” includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by Rock Valley College or any site on which the College is conducting business.

“Employee” includes, for purposes of this policy, any person receiving compensation to perform services for the College, including full-time employees, part-time employees, and independent contractors.

“Illegal drug” means a substance whose use or possession is controlled by **federal** law and that is not being used as prescribed by a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)

“Refuse to cooperate” means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate.

“Under the influence of alcohol” means an alcohol concentration equal to or greater than .04, or actions, appearance, speech or odors that reasonably cause a supervisor or other member of College management to conclude that an employee is impaired because of alcohol use.

“Under the influence of drugs” means a confirmed positive test result for illegal drug use or actions, appearance, speech or odors that reasonably cause a supervisor or other member of College management to conclude that an employee is impaired because of drug use. Such drug use may be of illegal drugs or legal drugs, including without limitation the use of legal drugs that have not been obtained legally, the use of a legal drug in a manner different than prescribed, and abuse of over-the-counter medications.

Reference: Board Policy 641, Board Report 6156, AR 314, Board Report 7674

Implemented: April 11, 1989

Revised: April 28, 2004; April 8, 2014; December 17, 2019