



Drug-Free Workplace Policy

ADM 38.0

Human Resources

Policy Type: Administrative
Applies to: Faculty, staff, student employees, and volunteers

POLICY DATES

Issued: March 5, 2024
Revised:
Edited:
Reviewed:

The University of Mount Union prohibits the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance on the property of Mount Union or as any part of the institution’s activities. Keeping our work force free of drugs requires a commitment on the part of the University and you, our faculty, staff, student employees and volunteers.

Drug abuse and alcohol dependency can have devastating consequences to individuals and their friends and families, which can also have a negative impact on the workplace. Mount Union believes it is important to provide a safe workplace for all of its employees. We are committed to ensuring the health, safety, and welfare of the University workplace and community.

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Definitions

Term	Definition

Policy Details

General Policy Guidelines

The University complies fully with local, state, and federal law regarding the sale, possession, and consumption of alcoholic beverages and the unlawful manufacture, possession, use or distribution of illicit drugs or controlled substances, including recreational and medical marijuana on university property or as part of University activities. Marijuana, including medical marijuana, is not permitted because it remains a drug prohibited by federal law. One cannot come to the workplace under the influence, high or intoxicated. All employees, visitors, and vendors of the University community are held responsible for their behavior and for respecting the rights of others.

The Omnibus Drug Initiative Act better known as the Federal Drug-Free Workplace Act (Act), which became effective on March 18, 1989, requires that all grantees receiving grants from any federal agency certify to that agency that they will maintain a drug-free workplace, or, in the case of a grantee who is an individual, to certify to the agency that the staff member will not engage in certain unlawful actions involving controlled substances while conducting grant activities.

The statute provides that if an individual is convicted of certain drug-related federal, state or local offenses, the court may suspend eligibility for federal benefits. Since the University of Mount Union is a recipient of funding from the federal government, all staff members (including students) are required by federal law to abide by this prohibition as a condition of their employment with the University. Further, all staff members are required to report to the Director of Human Resources any arrest or conviction under a criminal drug statute for conduct in the workplace within five days of the conviction or arrestment.

Staff members who are convicted under a criminal drug statute for conduct in the workplace will be subject to any one of the following remedies:

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1. Participation in a drug rehabilitation program approved by the University.
2. Suspension, without pay, from employment until satisfactory progress has been made in a drug rehabilitation program;
3. Immediate dismissal from employment with the University.
4. Referral for prosecution for violations of the standards of conduct.

Post-Accident Drug/Alcohol Screening:

A drug test will be ordered when an employee is involved in a work-related accident, causing injury to a person, or damage to property, for which drug or alcohol impairment **may reasonably** be thought to have been a contributing factor.

Reasonable Suspicion:

The appropriate Vice President or the Director of Human Resources (or their designee) may require an employee to undergo such testing immediately with reasonable suspicion that the employee has been impaired by drugs, including marijuana, or alcohol while in the scope of their employment by the University of Mount Union.

Reasonable suspicion testing may be based upon, among other things:

1. Observable phenomena, which may include but are not limited to: direct observation of drug or alcohol use or possession; the physical symptoms of being under the influence of a drug or alcohol; the odor of alcohol or other prohibited substances.
2. An abnormal pattern of conduct or erratic behavior which may include deteriorating job performance, absenteeism, tardiness, recurrent accidents, repeated violations of established safety or work rules, etc., which are not attributable to other known factors:
3. Conviction of or plea (including no contest or nolo contendere) to a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, manufacture, use or trafficking. The employee is responsible for notification of the University within five (5) working days of any drug-related conviction or plea.
4. Newly discovered evidence that the employee has tampered with a previous drug or alcohol test.
5. Information from a reliable source that an employee is impaired by drugs, marijuana, or alcohol at work.

Although reasonable suspicion testing does not require certainty, mere “hunches” are not sufficient to meet this standard. To prevent this, security and supervisors will be trained in the recognition of drug and alcohol related signs and symptoms, and testing may only be requested by at least one trained supervisor with the concurrence of a second individual (preferably a second trained supervisor).

Any employee, who observes or suspects another employee, visitor, or vendor of possible use of or impairment because of alcohol or drugs, including marijuana, shall report observations and concerns to their supervisor or to campus security immediately.

The first priority is to remove the employee suspected of abusing controlled substances or alcohol from the work environment. This shall be done to prevent the employee from causing harm to himself or herself, other individuals in the workplace, or anyone else. Security will conduct a preliminary assessment of the individual so identified and notify the appropriate Vice President, and/or the Director of Human Resources the outcome of the assessment without leaving the employee.

A trained security guard or supervisor shall instruct the employee under suspicion to accompany them to a private area that is removed from the employee's co-workers, and any transportation required for testing will be the responsibility of the University. If the employee is sent home, they must call someone for a ride or be driven home from university property. If the employee attempts to drive themselves home, the police will be informed for the employee's and others protection.

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Based on the outcome of the preliminary assessment, the employee may be immediately escorted to a local health care facility for a drug screen.

The employee is required to wait for the results of the alcohol screening. The full drug testing results should be sent to the Director of Human Resources.

The employee will not be paid for the time off for a reasonable cause test.

Refusal to Cooperate with Requested Test:

Refusal to comply with the testing requirement, failure to provide the required valid specimen(s), or adulteration or substitution of the specimen(s) will be considered a refusal to test and will be interpreted the same as a positive test. Any such refusal subjects the individual to the full range of discipline, up to and including termination of employment or cancellation of an offer of employment.

Prohibited Conduct:

An employee may not use or be impaired by alcohol or drugs, including marijuana, while in the scope of his or her employment by the University. For the purpose of this policy, testing positive for drugs, marijuana or alcohol shall be considered impaired.

Engagement in Prohibited Conduct

Any employee who engages in prohibited conduct may be:

- . Immediately removed from duty.
- . Referred to the Employee Assistance Program (EAP).
- . Required to successfully complete an alcohol or drug abuse treatment program as a condition of employment.
- . Reported to authorities for criminal prosecution or other appropriate action.
- . Disciplined, up to and including termination of employment.
- . Subject to any other appropriate action by the University.

Any visitor and/or vendor who engages in prohibited conduct may be:

- . Barred from further work for the University or from participating in other University-related activities as may be permitted by law.
- . Reported to authorities for criminal prosecution or other appropriate action.

PROCEDURE

Responsibilities

Position or Office	Responsibilities
Director of Human Resources	

Resources

Contacts

Subject	Office	Telephone	E-mail/URL
Director of Human Resources	Human Resources	330-829-6560	humanresources@mountunion.edu

History

All changes must be listed sequentially, including edits and reviews. Note when the policy name or number changes.

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