

DRUG AND ALCOHOL USE

Related Board of Trustees Policy: BP 2.4

OPR: Vice President for Administration

Approval: May 1, 2012

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DRUG AND ALCOHOL USE

The College maintains an educational and working environment that is free from drugs and alcohol as set forth in Board Policy 2.4.

No part of this procedure is intended to affect the College's right to manage its workplace or discipline its employees, nor is it intended to alter the at-will status of employment with the College. The College reserves the right to implement further drug and alcohol testing to the extent required or permitted by law. The College also reserves the right to turn over any and all controlled substances found in or on the College property to the appropriate authorities and to assist in any resulting criminal prosecution.

To the extent, if any, that this procedure conflicts with the Americans with Disabilities Act (ADA), the Family Medical Leave Act (FMLA), or other federal or state laws, such acts and laws will control.

All employees of the College are provided a copy of the Drug and Alcohol Use Policy and Procedure in their initial employment packet. Employees are required to read the document, sign and date the consent form, acknowledging that they understand its contents and requirements. Consent forms are placed in each employee's personnel file.

Questions regarding the College's Drug and Alcohol Policy and Procedures should be directed to the Human Resources Department.

Drug and Alcohol Testing of Employees

Any drug/alcohol screening is conducted in an approved laboratory identified by the College and in accordance with the NC Controlled Substance Examination Regulation Act. All drug/alcohol screens must be approved by, and coordinated through, the Human Resources Department. Drug and/or alcohol testing may occur under the following circumstances:

Post-Offer, Pre-employment Testing: Pre-employment drug screens are required for employees in certain safety-sensitive positions and/or positions requiring a valid operator's license. Pre-employment drug testing is also required in College programs where such screening is a requirement for placement at clinicals or other sites. Before employment with the College commences, these particular applicants who have been given a conditional offer of employment may be required to satisfactorily complete a drug test pursuant to the College's guidelines. In the event an applicant's test results are positive, the applicant will not be considered further for employment with the College, the application will be terminated and such applicant shall have no further rights or privileges under this procedure or otherwise with the College.

Post-Accident/Unsafe Activity Testing: If an employee's impairment could have been a factor in causing the accident or unsafe activity, the College may require the employee to submit to a drug and/or alcohol test after any work-related accident. If the employee is too seriously injured to provide a sample and/or specimen, authorization must be provided for the College to obtain and review hospital records or other documents that would indicate whether there were any prohibited drugs or alcohol in the employee's system at the time of the accident or unsafe activity. The College will treat any such records as confidential medical records. If testing is required under this policy, post-accident/unsafe activity testing should be conducted as soon as possible after an accident or unsafe activity, generally within 32 hours in the case of drug testing, and within 8 hours in the case of alcohol testing. An employee must not use alcohol following an accident or unsafe activity for which a post-accident/unsafe activity alcohol test is required until the alcohol test has been conducted.

Reasonable Suspicion/For Cause Testing: If the College has a reasonable suspicion that an employee is in violation of this policy, the employee may be required to submit to drug and/or alcohol testing immediately upon request by his or her supervisor or any other member of management. The decision to test an employee should be based on specific and contemporaneous observations concerning the appearance, behavior, or body odor of the employee, or performance indicators of probable prohibited drug use and/or alcohol misuse. This may include involvement in any unusual circumstance that merits further investigation, violence, conduct exhibiting less than total consciousness or self-control, difficulty in performing normal tasks and other behavior for which there appears to be no explanation. The supervisor or other College administrator will arrange for transportation of the employee to an approved testing facility. The employee will not be allowed to drive and will be escorted to the testing facility.

Return to Duty After Testing

An employee who is tested will not be allowed to return to duty if the drug or alcohol test result is positive. The employee will be instructed to make arrangements to be transported home.

Notice and Consent

Prior to drug or alcohol testing conducted under this policy, the individual will be required to sign a written consent form, which will authorize the test to be performed and the urine sample or other sample or specimen to be collected, and will authorize the sample/specimen to be analyzed and the results of the analysis to be communicated to the College, any designated representative of the College and any medical review officer retained by the College. Any applicant who refuses to sign the consent form or to submit to a drug test will not be considered further for employment with the College. Any current employee who refuses to sign the consent form or to submit to a drug or alcohol test will be subject to disciplinary action up to and including an unpaid suspension or immediate dismissal.

Specimen Collection and Testing Procedures

Drug Testing. The College's independent collection facility will collect specimens under reasonable and sanitary conditions, in a manner reasonably calculated to prevent substitution of samples or specimens and interference with the collection, examination or screening of samples or specimens. Individual dignity and privacy will be preserved to the extent practicable.

- An initial screening test will be conducted. If the initial screening test is positive, the same sample or specimen will be retested using a confirmation test that complies with applicable law. All confirmation tests will be performed by a laboratory approved under the North Carolina Controlled Substance Examination Act (the "CSERA"). The results of the confirmation test will take precedence over the results of the initial screening test, meaning that the results of the confirmation test must be positive before the test will be considered positive. Confirmed positive test results may be reviewed by a medical review officer retained by the College for verification. The College will be responsible for the cost of the test.
- An applicant or employee who fails to provide an adequate sample or specimen for testing without a genuine inability to provide the sample or specimen (as determined by a medical evaluation), or who engages in conduct that obstructs the testing process, will be considered to have refused to submit to the test. Adulterated or otherwise unreadable samples or specimens, or samples or specimens that clearly are not authentic, also will be considered as evidence of an applicant's or employee's failure to cooperate with the College and its administration of this policy. If a satisfactory explanation is provided, a new drug test may be performed at the College's discretion. If a satisfactory explanation is not provided, an applicant will not be considered further for employment with the College, and his or her application will be terminated, and an employee will be subject to disciplinary action, up to and including an unpaid suspension or immediate dismissal.
- An applicant or employee whose test is confirmed positive may request a retest of the original specimen sample by the same or another approved laboratory at his or her expense. The individual must request release of the specimen in writing to the original laboratory within 90 days of the laboratory's notification to the College of a confirmed positive test result, specifying the approved laboratory to which the sample is to be sent. Any applicant or employee requesting a retest will be responsible for all reasonable expenses for chain of custody procedures, shipping and retesting of confirmed positive specimens related to his or her request.

Alcohol Testing. Alcohol tests will be conducted by qualified individuals. The College may utilize an independent medical facility as an alcohol testing site or may permit a law enforcement officer who is competent to administer an alcohol test to conduct the alcohol test. Any designated alcohol testing site will provide for as much privacy as feasible during the testing process.

- An employee who refuses to provide a breath sample, saliva sample, or other sample or specimen, who fails to provide an adequate sample or specimen for testing without a valid medical explanation, or who engages in conduct that obstructs the testing process, will be considered to have refused to submit to the test. If a satisfactory explanation is not provided, an employee will be subject to disciplinary action, up to and including an unpaid suspension or immediate dismissal.

Notification of Results

Upon completion of the requisite procedures at the collection site and at the discretion of Human Resources, the employee may be permitted to resume his or her normal work duties, as is safe and practical, until the College receives the test results. If the test results are negative, the employee will be permitted to return to work without any loss of pay.

An individual who undergoes a drug or alcohol test conducted pursuant to this policy will be notified by the College of the results of any such test if the results are confirmed positive. The College will treat all

information relating to an individual's testing as a confidential medical record accessible only to management with a need to know.

Screening and test results will be confidential with disclosure of results provided only to approved Human Resources personnel and those with a need to know. Screening and test results will be maintained separate from other personnel records.

Consequences of Violations

Any applicant who refuses to submit to a drug or alcohol test, has a confirmed positive result in any drug or alcohol test, or otherwise violates this policy will not be considered further for employment with the College, and his or her application will be terminated.

An employee will be immediately dismissed under any of the following circumstances:

- When he or she refuses to sign a consent and release forms prior to being tested;
- When he or she refuses to take a drug or alcohol test; or
- When he or she interferes with the testing process or refuses to cooperate.

When the medical review officer advises the College that any employee drug or alcohol test results are verified positive, the following will occur:

- For the first test in which the employee tests positive, the employee may be given the opportunity to enroll in a drug or alcohol rehabilitation program approved by the College. The expense for such program is the responsibility of the employee. Any employee who refuses to enroll in a program or who fails to successfully complete the program will be dismissed.
 - An employee whose job involves a safety-sensitive function may not be allowed to continue working in that job, during the initial drug or alcohol rehabilitation period. The College will use its best efforts to reassign the employee to a no-risk job; however, the College cannot guarantee a job will be available or that the employee will qualify for such job. If there is no available job, the employee must take accumulated leave or leave without pay.
 - Once the officials of the drug or alcohol rehabilitation program determine that the employee has successfully completed the program and certifies this to the College, the employee may return to work without any loss of benefits, except for salary if he or she was required to take leave without pay.
- For the second test in which an employee tests positive, the employee will be dismissed from employment and will be classified as ineligible for re-employment.

Drug and Alcohol Abuse Prevention Program

In accordance with the Drug-Free Schools and Communities Act of 1989, Craven Community College will develop and implement a Drug and Alcohol Abuse Prevention Program plan for employees and students.

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