Drug and Alcohol Policy

Purpose

In compliance with the Drug-Free Workplace Act of 1988, Trenholm State Community College (Trenholm State or College) has a longstanding commitment to provide a safe, quality-oriented and productive work environment. Alcohol and drug abuse poses a threat to the health and safety of Trenholm State employees and to the security of the College's equipment and facilities. For these reasons, Trenholm State is committed to the elimination of drug and alcohol use and abuse in the workplace.

Scope

This policy applies to all employees and all applicants for certain regulated positions of Trenholm State. The Office of Human Resources is responsible for policy administration.

Employee Assistance

Trenholm State will assist and support employees who voluntarily seek help for drug or alcohol problems before becoming subject to 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 and 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. Once a drug test has been initiated under this policy, unless otherwise required by the Family and Medical Leave Act or the Americans with Disabilities Act, the employee will have forfeited the opportunity to be granted a leave of absence for treatment, and will face possible discipline, up to and including discharge.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of medications prescribed to the employee by their licensed medical provider. Employees must, however, consult with their licensed medical provider about the medications’ effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor.

Work Rules
1. Whenever employees are working, are operating any Trenholm State vehicle, are present on college premises or are conducting college-related work offsite, they are prohibited from:

   a. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).
   
   b. Being under the influence of alcohol or an illegal drug as defined in this policy.
   
   c. Possessing or consuming alcohol.

2. The presence of an amount sufficient to cause a positive test result for any illegal drug, illegal controlled substance or alcohol in an employee’s body system, while performing College business or while in a college facility, is prohibited.

3. Trenholm State will also 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.

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**

**Reasonable suspicion**

Employees are subject to testing based on (but not limited to) observations of apparent workplace use, possession or impairment. The Director of Human Resources should be consulted before sending an employee for testing. Management must use the *Reasonable Suspicion Observation Checklist* to document specific observations and behaviors that create a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol. Examples include:

- Odors (smell of alcohol, body odor or urine).
- Movements (unsteady, fidgety, dizzy).
- Eyes (dilated, constricted or watery eyes, or involuntary eye movements).
- Face (flushed, sweating, confused or blank look).
- Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).
- Emotions (argumentative, agitated, irritable, drowsy).
- Actions (yawning, twitching).
- Inactions (sleeping, unconscious, no reaction to questions).

When reasonable suspicion testing is warranted, both the appropriate Dean and Director of Human Resources will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test within two hours. Refusal by an employee will be treated as a positive drug test result and will subject the employee to termination.

*Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. Campus Police or other individual designated by the Director of Human Resources will transport the employee or arrange for a cab and arrange for the employee to be transported home.*

**Post-accident**
Employees are subject to testing when they cause or contribute to accidents that seriously damage a Trenholm State vehicle, machinery, equipment or property or that result in an injury to themselves or another employee requiring offsite medical attention. A circumstance that constitutes reasonable 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 a Trenholm State forklift, pickup truck, overhead crane or aerial/man-lift) is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place within two hours following the accident, if not sooner. Refusal by an employee will be treated as a positive drug test result and will subject an employee to termination.

_Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. Campus Police or other individual designated by the Director of Human Resources must transport the employee or arrange for a cab and arrange for the employee to be transported home._

**Collection and Testing Procedures**

Employees subject to alcohol testing will be transported to a Trenholm State designated facility and directed to provide breath specimens. Breath specimens will be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If an employee’s breath alcohol concentration is .04 or more, a second breath specimen will be tested approximately 20 minutes later. The results of the second test will be determinative. Alcohol tests may, however, be a breath or saliva test, at the College’s discretion. For purposes of this policy, test results generated by law enforcement or medical providers may be considered by the College as work rule violations.

Employees subject to drug testing will be transported to a Trenholm State designated testing facility and directed to provide urine specimens. 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 mood/mind altering substances. 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 Trenholm State, 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 Trenholm State until such time that the MRO has confirmed the test to be positive.

**Consequences**

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 termination. If the employee refuses to be tested, yet the College believes he or she is impaired, under no circumstances will the employee be allowed to drive himself or herself home. The College shall make all reasonable attempts to prevent the employee from driving.
Employees who test positive, or otherwise violate this policy, will be subject to discipline, up to and including termination. Depending on the circumstances, the employee’s work history/record and any state law requirements, Trenholm State may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies determined by the College for a minimum of one year but not more than two years as well as a waiver of the right to a hearing or 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. 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 the appropriate Dean and Director of Human Resources, and/or President or designee.

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 among supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

Inspections

Trenholm State reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees and contractors may be asked to cooperate in inspections of work areas 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

Trenholm State 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 or while conducting College business. Trenholm State employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel may be notified, as appropriate, when criminal activity is suspected.

Trenholm State does not desire to intrude into the private lives of its employees but recognizes that employees’ off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, Trenholm State reserves the right to take appropriate disciplinary action for drug use, sale or distribution while off college premises. 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 days. Failure to comply will subject the employee to discharge. Cooperation in complying may result in suspension without pay based on administrator’s review of the nature of the charges and the employee’s past record with Trenholm State.

Commercial Driver’s License (CDL)
In conjunction with its Drug and Alcohol Policy, the College also complies with the Omnibus Transportation Employees Testing Act of 1991. This act relates to those employees possessing or required to possess a Commercial Driver’s License (CDL). Any employee in or applicant for such a CDL position has special obligations to notify the College that he or she has recently or is currently using certain physician-prescribed drugs or other medication that may affect that person’s test results and/or ability to perform his/her duties. Current CDL employees are subject to the following rules:

1. When Reasonable Suspicion to believe that they have used a controlled substance or have otherwise violated the substance abuse rules, they may be tested.

2. The College may conduct unannounced Random Testing.

3. When employees are involved in any accident resulting in injury or damage to College property they are subject to testing. They must notify the Director of Human Resources and the Director of Physical Plant immediately following the accident if possible.

4. When employees return from substance-abuse rehabilitation, the College may require that they submit themselves to follow-up testing.

5. All affected employees may be required to undergo urinalysis as part of a physical examination.

Applicants for positions for which a CDL license is required will be tested as a condition of any offer of employment. A positive test will result in the offer of employment being withdrawn.

Definitions

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

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

3. “Controlled substance” shall include any substance defined as a controlled substance in Section 102 of the Federal Controlled Substance Act (21 U.S. Code 802) or in the Alabama Uniform Controlled Substance Act (Code of Alabama, Section 20-2-1, et seq.).

4. “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 and will be subject to discharge.

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

6. “Under the influence of drugs” means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in
the course of medical treatment (containers must include the patient’s name, the name of the substance, quantity/amount to be taken and the period of authorization).

**Enforcement**

The Director of Human Resources is responsible for policy interpretation, administration and enforcement.
Drug and Alcohol Policy Certificate of Receipt

Click on the link below to certify that you have received and read a copy of Trenholm State Community College Drug and Alcohol Policy.

Drug and Alcohol Policy Certificate