

Policy Statement Regarding an Alcohol and Drug-Free Workplace

Date Revised

Date Reviewed

Date Issued October 1, 2013

**Functional
Responsibility**

Human Resources on the Stockton campus is responsible for establishing and overseeing the application of this Alcohol and Drug-Free Workplace Policy. Human Resources on the Stockton campus, at the Arthur A. Dugoni School of Dentistry, and at the Pacific McGeorge School of Law are responsible for administering this Policy on each campus of the University, respectively. In case of doubt as to which Human Resources Department is responsible, please contact Human Resources on the Stockton campus.

**Purpose and
Goal**

University of the Pacific is committed to protecting the safety, health and well being of all employees and other individuals in our workplace. We recognize that College and University campuses may be particularly vulnerable to alcohol and drug abuse which poses a significant threat to our goals. As members of the Pacific community, we must share in the work of solving this problem. We have established an alcohol and drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

The following is a summary of University of the Pacific's policies, procedures and programs relating to the use of alcohol and other drugs on our campuses. This information is sent to you annually as a requirement of the Drug-Free Schools and Campuses Act of 1990, and the Drug-Free Workplace Act of 1990. Universities that receive federal/state funds in any form are required to comply with the above acts. In general, we support the following approach to alcohol and other drugs:

- Excessive use or abuse is neither condoned nor tolerated.
- Treatment and diversion are the preferred method when confronting a problem. However, disciplinary action, including termination, may be imposed for violations of this policy.
- Direct, human, behavior based communication is important.

Should you have any questions, please call the appropriate Human Resources Department.

**Covered
Workers**

An individual who conducts business for the University, is applying for a position or is conducting business on the University's property is covered by the Alcohol and Drug-free Workplace Policy. The policy includes, but is not limited to full-time employees, faculty, part-time employees, off-site employees, temp-casual employees, student employees, graduate assistants, contractors, volunteers, and applicants.

Applicability

The Alcohol and Drug-Free Workplace Policy is intended to apply whenever anyone is representing or conducting business for the University. Therefore, this policy applies during all working hours, whenever conducting business or representing the University, while on call and paid standby, while on University property and at University-sponsored events.

Prohibited Behavior

It is a violation of the Alcohol and Drug-Free Workplace Policy to use, manufacture, possess, solicit, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.

The use of alcohol is strictly prohibited under any circumstance where impairment would impact the delivery of care or present a safety concern to include, but not limited to clinic environments, patient care or public safety.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, notify Human Resources) to avoid unsafe workplace practices.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of the Alcohol and Drug-Free Workplace Policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken if job performance deterioration and/or other accidents occur.

Notification of Convictions

Any employee who is convicted of a criminal drug violation in the workplace must notify the University in writing within five calendar days of the conviction. The University will take appropriate action within 30 days of notification. Federal contracting agencies will be notified when appropriate.

Drug and Alcohol Testing

To ensure that accuracy and fairness of the testing program, all testing will be conducted by medical personnel, and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.

Applicants for administrator or staff designations, as a condition of employment, will be required to participate in pre-employment testing. All employees, as a condition of employment, will be required to participate in post-accident, reasonable suspicion, return-to-duty and follow-up testing upon selection or request of management. Please see below as to when these types

of testing may apply.

- **PRE-EMPLOYMENT TESTING:** The University will screen applicants for drugs and alcohol after a job offer is tendered, but before the employee goes on the payroll. Administrators and staff must pass a drug screen before starting to work as a condition of employment.
- **POST-ACCIDENT TESTING:** Any employee involved in an on-the-job accident, injury or serious safety violation under circumstances that suggest possible use or influence of drugs or alcohol in the accident or injury event may be asked to submit to a drug and/or alcohol test. “Involved in an on-the-job accident or injury” means not only the one who was injured, but also any employee who potentially contributed to the accident or injury event in any way.
- **REASONABLE SUSPICION:** When there is a reasonable suspicion that an employee is under the influence of any drugs or alcohol, the University may ask an employee to submit to a drug and/or alcohol test. Reasonable suspicion includes, but is not limited to, cases where an employee’s supervisor or other member of management has reasonable suspicion to believe that the employee possesses or is under the influence of drugs and/or alcohol. The suspicion may be based on factors related to the employee’s appearance, behavior, performance and/or speech.
- **RETURN-TO-DUTY and FOLLOW-UP-TESTING:** The University may require return-to-duty and follow-up-testing as conditions of Return-to-Work Agreements.

All drug/alcohol-testing information will be maintained in separate confidential files.

All substances that will be tested for include, but are not limited to: Amphetamines, Cannabinoids (THC), Cocaine, Opiates, Phencyclidine (PCP), Alcohol, Barbiturates, Benzodiazepines, Methaqualone, Methadone and Propoxyphene.

Testing for the presence of alcohol will be conducted by either analysis of breath, urine, hair and/or blood.

Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine.

Any employee who tests positive will be immediately removed from duty and may be subject to disciplinary action up to and including demotion, suspension, or termination.

An employee or applicant will be subject to the same consequences of a positive test if he/she refuses the screening or the test or refuses to cooperate in the testing process in such a way that prevents completion of the test.

Consequences

One of the goals of the alcohol and drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

If an applicant tests positive for drugs and/or alcohol and the applicant is unable to provide a reasonable explanation for the result, the University will withdraw the offer of employment. The applicant may not reapply.

If an employee violates the policy, he or she may be subject to disciplinary action up to and including demotion, suspension, or termination. The University, in its discretion, may choose not to terminate an employee, and in such event, the University, in addition to any disciplinary action may refer the employee to a treatment and/or counseling program for substance abuse.

Staff challenging the imposition of such sanctions may appeal through the Grievance Procedure as outlined in the University of the Pacific Staff Handbook, and, if applicable, through processes provided by union contracts. A copy of the Staff Handbook can be obtained from the Department of Human Resources. The appeal process for faculty is outlined in the Faculty Handbook.

Return-to-Work Assignments

Following a violation of the Alcohol and Drug-Free Workplace Policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

Assistance

The University recognizes that alcohol and drug abuse and addiction are treatable illnesses. The University also realizes that early intervention and support improve the success of rehabilitation. To support all employees, the Alcohol and Drug-Free Workplace Policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- Ensures the availability of a current list of qualified community professionals.
- Offers all employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP).
 - The University provides an EAP for eligible employees and dependents of eligible employees. The EAP is available to eligible employees who voluntarily seek the University's assistance prior to any discovery by the University that the employee has a drug or alcohol-related problem.
- Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.
- The University offers group health plans to eligible employees which provide benefits for the treatment of substance abuse.

Treatment for alcoholism and/or drug use disorders may be covered by the employee benefit

plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

Confidentiality All information received by the University through the alcohol and drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

Shared Responsibility A safe and productive alcohol and drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play. It is the responsibility of every staff member to report incidents involving infractions of federal, state and local drug and alcohol laws on campus or at officially sponsored off-campus activities to the appropriate Director of Human Resources and the Assistant Vice President for Human Resources.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Use the Employee Assistance Program.
- Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- Inform employees of the Alcohol and Drug-free Workplace Policy.
 - Observe employee performance.
 - Work with Human Resources to investigate reports of dangerous practices.
 - Document negative changes and problems in performance.
 - Counsel employees as to expected performance improvement.
 - Refer employees to the Employee Assistance Program.
 - Clearly state consequences of policy violations.
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Communicating the Alcohol and Drug-free Workplace Policy to both supervisors and employees is critical. To ensure all employees are aware of their role in supporting the alcohol and drug-free workplace program:

- All employees will receive a written or electronic copy of the policy.
- The policy will be reviewed in orientation sessions with new employees.
- The policy and assistance programs will be reviewed at safety meetings.
- All employees will receive an update of the policy annually.
- Employee education about the dangers of alcohol and drug use and the

availability of help will be provided to all employees.
