



PERSONNEL POLICY & PROCEDURES — SECTION 300

NUMBER: 342

SUBJECT: DRUG & ALCOHOL-FREE WORKPLACE POLICY & PROCEDURE

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342.1 POLICY

- 1.1** It is the policy of Mountainland Technical College (MTECH) to maintain a drug-free workplace in order to establish a safe and healthy working and learning environment for employees, guests, students and volunteers.

It is a violation of this policy for any individual to:

- 1.1.1** Engage in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance at the workplace,
- 1.1.2** be under the influence or impaired by a controlled substance at the workplace,
- 1.1.3** be under the influence or impaired while engaged in college business on or off campus, or in any manner that violates criminal drug statutes.
- 1.1.4** participate in unauthorized use or possession of alcohol at the workplace,
- 1.1.5** be under the influence or impaired by alcohol at the workplace, or
- 1.1.6** be under the influence or impaired by alcohol while engaged in college business on or off campus.

All of these activities are strictly prohibited.

1.2 Prescription and Over-the-counter Drugs

- 1.2.1** Prescription and over-the-counter drugs are not prohibited when taken in standard dosages and/or according to a physician's prescription. The prescribed drug must be legal under both federal and state law.

- 1.2.2** 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 could compromise the safety of the employee or other person. It is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, notify supervisor etc.) to avoid unsafe workplace practices.

- 1.2.3 The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of the college's drug-free workplace policy to intentionally misuse and/or abuse prescription medications. As appropriate, disciplinary action may be taken up to and including termination.
- 1.2.4 Employees whose inability or impaired ability to perform their essential functions could impose a direct threat to public safety may be required to report their prescription drug usage, and they may be prohibited from performing functions which endanger themselves or others.

1.3 Exceptions

- 1.3.1 The college's Culinary program may possess and utilize alcohol for instructional purposes, but the alcohol must be securely stored by the program instructors.
- 1.3.2 The responsible and moderate use of alcohol by employees not in safety sensitive positions in connection with off-campus business meals, travel, entertainment, conferences and association meetings, or other appropriate social settings where alcohol is not expressly prohibited is not in violation of this policy.
- 1.3.3 An employee is not in violation of this policy if the employee engages in the conduct in accordance with Title 4, Chapter 41a or Title 26, Chapter 61a, Utah Medical Cannabis Act."

342.2 PROCEDURE

2.1 When an Employee is Unfit for Duty

When a supervisor has reasonable grounds to suspect that an employee is not fit for duty, the supervisor should see that the employee is removed from the workplace to a safe, non-threatening environment. An employee's refusal to leave the workplace will be considered insubordination and may result in disciplinary action. Without making a specific diagnosis, the supervisor should meet with the employee and others as needed as soon as possible to determine whether there is sufficient evidence to support a violation of this policy.

2.2 Grounds for Testing

- 2.2.1 **Reasonable Suspicion:** A drug test may be administered to an individual when a supervisor or other responsible administrator concludes, after reviewing the facts and circumstances, that it is more likely than not the individual has engaged in

conduct that violates this policy. Reasonable suspicion of drug and /or alcohol use may be based on: (1) observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug or alcohol; (2) a pattern of abnormal conduct or erratic behavior; (3) information provided by reliable and credible sources regarding the covered individual's violation of this policy; or (4) newly discovered evidence that the employee tampered with a previous drug test. All employees tested under this provision shall be placed on paid administrative leave pending the results and review of the drug test by the designated management official. Tested volunteers will be temporarily relieved from service.

2.2.2 Agency Directives: Individuals may be tested as required or requested by state or federal agencies, including Post Accident Testing, Random Testing, Reasonable Suspicion Testing and Return to Duty Testing.

2.3 Testing Process

2.3.1 The collection and testing of samples shall be conducted in accordance with Section 34-41-104 of the Utah Code and not necessarily limited to circumstances where there are indications of individual job-related impairment of an employee or volunteer.

2.3.2 Current employees who fail to report to the collection site at the designated time or who fail to provide a specimen suitable for testing shall be deemed to have failed the test. Volunteers who fail to report for testing will be immediately relieved from service.

2.3.3 Human Resources will designate the testing location and the specific window of time in which the test will need to be completed.

2.3.4 If transportation is required by an employee or volunteer, the College will reimburse mileage, or Human Resources will make the arrangements at the College's expense.

2.3.5 Upon arriving at the collection site, the individual will be asked to sign a waiver consenting to the test. Refusing to consent to a test will be grounds for employee discipline, up to and including termination. Volunteers who refuse to consent will be immediately relieved from service.

2.4 Drug Test Results

2.4.1 All information related to test results and subsequent substance abuse treatment will be treated confidentially and will be placed in a file managed by the Director of Human Resources separate from the employee's personnel file. Personnel files will only include the pass/ fail result from the test and the prohibited substance resulting in a "failed" test.

2.5 Disciplinary Action

2.5.1 Employees: Because all MTECH employees are employed on an at-will basis, an employee who fails a drug test may be terminated immediately. However, MTECH reserves the right to instead impose the following progressive sanctions.

1. First failed drug test, five (5) consecutive work days unpaid administrative leave, and required participation in a substance abuse rehabilitation program at the employee's expense. The employee will be subject to additional random drug testing (up to six (6) times per year) for the period of two years after the failed drug test.
2. Second failed drug test, ten (10) consecutive work days of unpaid administrative leave and re-enrollment in a substance abuse rehabilitation program at the employee's expense. The employee will be subject to additional random drug testing for the period of five years after the second failed drug test.
3. Third failed drug test results in automatic termination. The individual would be ineligible for rehire for a period of one year from termination.
4. Employees will coordinate with the Director of Human Resources to verify participation in rehabilitation programs.
5. MTECH reserves the right to refer all suspected violations of this policy to the appropriate law enforcement agencies.

2.5.2 In all cases, the President of the College, in coordination with the Director of Human Resources may amend any of the before mentioned progressive sanctions as deemed appropriate and necessary.