

4.4.020

Drug and Alcohol Free Workplace Policy

Date of last board of trustees review: June 12, 2024

The originator of this policy is People & Workplace Culture. Questions regarding this policy may be directed to the originator by calling 801-957-4210.

1. Policy

Salt Lake Community College aims to maintain a productive workforce, provide a drug-free workplace, and follow federal and state laws. The college prohibits all employees from manufacturing, distributing, possessing, using, or being under the influence of alcohol or an illegal controlled substance on college campuses and sites while performing work duties, including college grants and contracts.

The college encourages employees with substance abuse issues to utilize the health support available through various college and community resources.

The college does not restrict the lawful use of alcohol off college campuses, sites, or during off-campus social events. The college does permit alcohol at some college events in compliance with the president's cabinet-published rules.

2. References

- A. Safe and Drug-Free Schools and Communities Act, 20 U.S.C §§ 7101–7294.
- B. Controlled Substances Act, 21 U.S.C. §§ 801–971.
- C. Drug Free Workplace Act, 41 U.S.C. § 81.
- D. Americans with Disabilities Act, 42 U.S.C. §§ 12101–12213.
- E. Omnibus Transportation Employee Testing Act, 49 App. U.S.C.A. § 1434.
- F. Government Records Access and Management Act (GRAMA), Utah Code Ann. §§ 63G-2-101–901.
- G. Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, 49 C.F.R. § 655.
- H. Procedures for Transportation Workplace Drug and Alcohol Testing Programs, 49 C.F.R.

§ 40.

- I. Utah Medical Cannabis Act Utah Code §26-61a-101.**
- J. Fleet Operations, Utah Administrative Code R27-7-3.**

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Drug and Alcohol Free Workplace Procedure

Date of last executive cabinet review: March 19, 2024

The originator of this procedure is People & Workplace Culture. Questions regarding this procedure may be directed to the originator by calling 801-957-4210.

3. Definitions

- A. **Negative Result:** the result reported by an HHS-certified laboratory to a Medical Review Officer when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class, and the specimen is a valid specimen.
- B. **Positive Result:** the result reported by an HHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations.
- C. **Safety-Sensitive Position:** a position that involves some aspect of a heightened danger that requires an employee's full and unimpaired skills and judgment to execute their job safely. These include Commercial Driving faculty, Health Sciences faculty, and employees who use a commercial driver's license (CDL) for their employment duties.
- D. **Test Results:** the final result of a drug test, e.g., negative, positive, or invalid.

See [Personnel Definitions](#)

4. Procedures

- A. **General Testing Information**
 - 1. The college uses certified, qualified testing companies to complete the drug and alcohol testing ("testing") required by this policy.
 - 2. Some departments have specific drug and alcohol testing policies in addition to this policy due to the nature of their programs.
- 3. **Test Results and Employee Notification**
 - a. If pre-employment testing is required for a prospective employee, after the testing is completed and the college has received the test results, People and

Workplace Culture ("PWC") will notify the hiring manager of the test results. For positive test results, the senior director of PWC will consult the hiring manager to determine the appropriate course of action.

- b. If an employee is selected for random testing, for positive random test results, Risk Management will notify the employee's supervisor of the test results.

4. Reporting and Record Keeping

- a. The college submits all required reports and maintains testing records according to applicable law.
- b. Departments with safety-sensitive positions may keep confidential testing results separate from personnel records for accreditation and safety purposes.

5. Refusal to Test

- a. As a condition of continued employment, the college may require employees to participate in testing.
- b. The college will treat a refusal as a positive test.
- c. The college takes corrective action for any employee who refuses to take a test.

B. Types of Testing

1. Pre-Employment Testing

The college may require a drug test upon a conditional offer of employment or agreement of service for certain safety-sensitive positions.

2. Post-Accident Testing

- a. Employees involved in an accident while on college business, whether driving a state vehicle or any other vehicle, must report the accident to Fleet Services immediately.
- b. After receiving notification that an accident has occurred, Fleet Services will inform Risk Management immediately.
- c. Risk Management will arrange post-accident testing as necessary.
- d. For Vehicle Accidents Where Law Enforcement Investigates

- (1) Each surviving employee involved in an accident will, as soon as possible, undergo post-accident testing for any controlled substances or alcohol following federal Department of Transportation ("DOT") regulations or if any of the following conditions are present:

- (a) a citation is given to anyone involved;
 - (b) a vehicle is disabled in the accident; or
 - (c) the accident results in any passenger(s) or pedestrian injuries or fatalities.
- (2) Any employee who does not remain available for post-accident testing will be determined to have refused to submit to testing.
- (3) If the employee leaves the accident scene, the employee must advise their supervisor of their location.
- (4) The college does not require employees to delay necessary medical attention for injured persons following an accident or prohibit an employee from leaving the scene of an accident for a period necessary to obtain emergency medical care.
- e. For all other vehicle accidents, if the driver is suspected of driving under the influence of alcohol or a controlled substance, see section 4.B.3 of this policy for reasonable suspicion testing procedures.

3. Reasonable Suspicion Testing

- a. All college employees are subject to reasonable suspicion testing.
- b. The college is not required to give an employee advance notice to request testing when the request is based on reasonable suspicion.
- c. College supervisors with positions that engage with reasonable suspicion testing must undergo college-approved related training at least annually.
- d. A supervisor who has undergone reasonable suspicion testing training must initiate reasonable suspicion testing when the supervisor, in consultation with Employee Relations, determines that there is reasonable suspicion to warrant a test. The decision must be based on specific, documentable, contemporaneous observations outlined in the reasonable suspicion testing training.
- e. Supervisors must consult Employee Relations and the Environmental Health and Safety ("EHS") manager in the decision to arrange a reasonable suspicion test. If the EHS manager is unavailable, supervisors must contact the senior director of PWC or Risk Management.
- f. A supervisor must move an employee in a safety-sensitive position who is tested to non-safety-sensitive duties or on administrative leave until results from the test are available.

- g. An employee who tests positive may be subject to corrective action, up to and including termination.
- h. Conducting Substance Testing Based on Reasonable Suspicion
 - (1) The test should be administered within two hours of the decision to test the employee. If the test is not administered within eight hours from that time, all attempts to administer the test must stop.
 - (2) The employee in question must not drive themselves to the lab. The EHS Manager, Public Safety, or the employee's supervisor will drive them to the lab for testing.
 - (3) The college may require the initial or further testing to occur at an authorized testing facility at the college's discretion.

C. Medical Cannabis

- 1. The Utah Medical Cannabis Act allows for controlled use of medical marijuana in Utah. However, the federal law prohibiting marijuana preempts state laws attempting to legalize the drug.
- 2. Under federal law, using, possessing, or distributing marijuana remains a crime under the federal Controlled Substances Act.
- 3. SLCC receives considerable federal funding. The college's receipt of federal funds, e.g., student loans, grants, etc., is conditioned upon SLCC's compliance with the federal Drug-Free Schools and Communities Act and the federal Drug-Free Workplace Act,
- 4. These acts require the college to adopt and implement a program that prevents the possession, use, or distribution of federally controlled substances, including marijuana.
- 5. Despite the passage of the Utah Cannabis Act, the college must continue to prohibit faculty, staff, and members of the public from possessing, using, or distributing marijuana or THC in any form on college campuses and facilities and during any college activities.
- 6. College faculty and staff who violate this policy will be subject to corrective action, including expulsion from the college and termination of employment.

D. Duty to Report Alcohol and Drug Law Charges and Convictions

- 1. Existing employees and volunteers must report criminal convictions, arrests, or criminal charges in any form initiated by any governmental authority. This report must be provided to their Supervisor and Employee Relations within five business

days, consistent with the [SLCC Employee Conduct Policy](#).

2. After receiving a report from an employee, supervisors must:
 - a. immediately notify the executive director for the Office of Sponsored Projects and include the date the employee notified the supervisor if the employee is engaged in the performance of a federal grant or contract; and
 - b. notify Driver Safety within 2 business days if the employee has college driving privileges.
3. The executive director for the Office of Sponsored Projects must notify the appropriate federal agency within 10 calendar days of the date the employer is notified of the conviction.
4. The college may suspend or revoke an employee's employment-related driving privileges for up to 3 years if they are convicted of a substance-related violation. To regain driving privileges, convicted employees must also meet all court-imposed requirements and related suspension periods.

E. College-Identified Substance Assistance or Rehabilitation Programs

1. For a Conviction
 - a. The college may require an employee convicted of violating an alcohol or drug law to participate in an alcohol or drug assessment.
 - b. The college will select a licensed agency or clinic to complete the assessment.
 - c. If recommended by the alcohol or drug assessment and approved by the supervisor, the college may require the employee to participate in and complete a substance abuse assistance or rehabilitation program or both. The supervisor must consult with Employee Relations before making this determination.
 - d. The college may administer corrective action up to and including termination of employment instead of an assessment.
2. For Substance Abuse-Related Substandard Performance
 - a. The college may offer an option for an employee with a substance-related deficiency in conduct or performance to participate in a substance abuse program instead of corrective action.
 - b. The college may require an employee who exhibits substance-related conduct or performance deficiencies to participate in and complete a substance abuse program.
 - c. The college may identify employees to qualify for a college-identified

rehabilitation program through reasonable suspicion testing in section IV.B.3 of this policy or through employees self-reporting to their supervisor or Employee Relations.

- d. Supervisors must notify Employee Relations within 2 business days of any employee self-reports they have received.

3. Assistance or Rehabilitation Programs Agreement

- a. Where substance abuse programs are required, PWC will represent the college in providing the employee with a written agreement signed by both parties. If the employee refuses to sign, the employee may be subject to corrective action.
- b. The agreement must state:
 - (1) the required work-related standards of conduct or performance provided by the employing department;
 - (2) the name and location of the substance abuse program; and
 - (3) the employee is subject to corrective action or termination if the employee does not complete the program.

F. Substance Abuse Self-Reporting for Safety-Sensitive Positions

1. The college may refer an employee in a safety-sensitive position who self-reports alcohol or controlled substance misuse and requests college assistance with treatment to a substance abuse professional ("SAP").
2. The college will immediately remove the employee from safety-sensitive duties until the SAP clears the employee and the supervisor approves them for reinstatement.

G. Commercial Driver's License ("CDL") Operators

1. The college prohibits employees with CDL operator responsibilities ("CDL employees") from:
 - a. reporting or returning to work within four hours after using alcohol;
 - b. using or possessing alcohol or any controlled substance on the job;
 - c. reporting for and remaining on duty when the employee is under the influence of or has used any controlled substance;
 - d. testing positive for a controlled substance; or
 - e. refusing to submit to an alcohol or controlled substance test as federal law requires.

2. Testing CDL Employees

- a. The college selects certified, qualified testing companies and breath alcohol technicians to complete testing according to DOT regulations.**
- b. The college may require CDL employees to complete the initial or further testing at an authorized facility at the college's discretion.**
- c. The college conducts random alcohol and drug testing following the federal DOT regulations and this policy.**
- d. Supervisors must move CDL employees who have failed a substance test to non-safety-sensitive duties or on administrative leave until they can return to a safety-sensitive function.**
- e. CDL employees who have failed a substance test must comply with DOT return-to-duty regulations before being allowed to return to a safety-sensitive function.**
- f. The college will immediately remove from duty any CDL employee who refuses to submit to a required alcohol or drug test.**
- g. If an SAP identifies a CDL employee who is not part of a college-identified substance assistance or rehabilitation program as needing assistance to resolve substance abuse problems, the CDL employee will be subject to unannounced follow-up tests as determined by the SAP.**

3. Penalties

- a. If a CDL employee tests positive on an alcohol test, the college will comply with appropriate DOT regulations and may pursue corrective action.**
- b. CDL employees who test positive for a controlled substance for their first offense must submit a urine specimen with a negative result before returning to a safety-sensitive position. The college will refer these employees to an SAP.**
- c. CDL employees who test positive for a controlled substance for a second offense within three years are subject to corrective action, which may include termination. The college will refer these employees to an SAP.**