

# William Paterson University Policy

## University Policy

<b>SUBJECT:</b>	University Policy	<b>TITLE:</b>	Drug-Free Workplace Policy and Procedures		
<b>CATEGORY: Check One</b>	<b>Board of Trustees</b> <input type="checkbox"/>	<b>University</b> <input checked="" type="checkbox"/>	<b>Functional</b> <input type="checkbox"/>	<b>School/Unit</b> <input type="checkbox"/>	
<b>Responsible Executive:</b>	VP for Human Resources		<b>Responsible Office:</b>	Division of Human Resources	
<b>CODING:</b>	02-30-60-00-111-	<b>ADOPTED:</b>		<b>AMENDED:</b>	11/14/22
			<b>LAST REVIEWED:</b> 11/14/22		

**I. PURPOSE**

Consistent with the requirements of the Drug Free Workplace Act of 1988, William Paterson University has a vital interest in providing safe and healthful working conditions for its employees, and in maintaining high standards of productivity. The intent of this policy is to offer assistance to those who need it, while sending a clear message that any illegal drug use or abuse of alcohol is, quite simply, incompatible with service to the University.

**II. ACCOUNTABILITY**

The Vice President for Human Resources has overall responsibility for policy compliance and administration. The Director of Human Resources Operations and Compensation maintains day-to-day administration of the process.

**III. APPLICABILITY**

The Governor of the State of New Jersey issued on March 14, 1989, Executive Order 204, in compliance with federal law. This order, the Drug-Free Workplace Act, is a condition of continued employment by all public employees, including William Paterson University employees. This policy prohibits the unlawful possession, use, distribution, dispensation, sale or manufacture of controlled substances on University premises. Violation of this policy may result in the imposition of employment discipline up to and including termination as defined for specific employee categories by existing college policies, statutes, rules, regulations, employment contracts and labor agreements. In addition to campus rules, faculty and staff must obey applicable Federal, State, and local laws concerning drugs and alcohol and are subject to criminal and civil penalties. The University cooperates with municipal and other law enforcement authorities in enforcing these laws.

**VII. POLICY**

Employees who use illegal drugs or abuse alcohol tend to be less productive, less stable, and prone to greater absenteeism. They may pose health and safety risks to themselves, their co-workers and others. This situation is particularly true in the case of drug use, whether it occurs on duty or off duty because many drugs can remain in the system for long periods of time after last being used.

William Paterson University prohibits on-the-job use of, or impairment from, alcohol, illegal drugs, or a cannabis item. An employee may be required to undergo medical testing if a supervisor has a "reasonable suspicion" that an employee is unable to perform job duties due to impairment, which may be caused by the use of alcohol or drugs.

The reasonable suspicion must be based on specific, reliable observations concerning the employee's appearance, behavior, and speech or body odor. Some examples include, but are not limited to (1) unsteady gait, (2) odor of alcohol or illegal drugs on the breath or body, (3) thick or slurring speech, (4) aggressive or abusive language or behavior and (5) disorientation or lethargy. Other factors to consider include (1) time and attendance patterns, (2) on-the-job accidents (3) difficulty in remembering instructions or conversations (4) poor relationships with co-workers and supervisors (5) appearance (6) confusion and (7) deteriorating job performance.

If the cause of the impairment is found to be drug or alcohol related, the Division of Human Resources, in conjunction with the employee's supervisor, may refer the employee to voluntary and confidential participation in the Employee Assistance Program (EAP). Other available options include pursuing disability leave procedures or disciplinary measures.

## **Authorized Use of Prescribed Medication**

An employee may possess and use medication in the workplace as prescribed by that employee's physician. A person using such a prescribed drug is not breaking any law. However, addiction to, or misuse of, prescribed drugs could also subject an employee to medical testing and discipline under the University's Drug-Free Workplace policy.

An employee undergoing prescribed medical treatment with any drug that may interfere with their ability to perform the essential functions of the job may voluntarily disclose this treatment to the Division of Human Resources. If necessary, the University will seek medical consultation or obtain medical documentation to determine whether to provide a reasonable accommodation to permit the employee to perform the essential functions of the job. Such consultation and/or documentation will be treated confidentially to the extent required by law.

## **Assistance in Overcoming Alcohol and Drug Problems**

Early recognition and treatment for alcohol abuse or illegal drug use are important for successful rehabilitation and for reduced personal, family, workplace and social disruption. William Paterson University encourages the earliest possible diagnosis and treatment for alcohol or illegal drug use and whenever feasible will assist employees in overcoming drug or alcohol problems. However, the decision to seek diagnosis and accept treatment is primarily the individual employee's responsibility. Employees who voluntarily request assistance may do so without jeopardizing their continued employment, provided they make a request in a timely manner, and strictly adhere to the terms of their treatment and counseling program. Any such program will require, at a minimum, the cessation of any use of alcohol or illegal drugs as a condition of returning to work.

## **Policy Violations**

Violations of the University's Drug-Free Workplace policy may be the subject of disciplinary action pursuant to University policy, federal and state law and collective bargaining agreements. University employees are also subject to criminal, civil, and disciplinary penalties for the distribution, possession, sale, or the attempt to sell illegal drugs both in the workplace and while performing in a work-related capacity.

The following are violations of the University's Drug-Free Workplace Policy:

1. Reporting to work or being at work with illegal drugs in the system or under the influence of alcohol;
2. Reporting to work or being at work with prescribed drugs in the system in an amount exceeding the dosage requirement and/or use of prescribed drugs contrary to warning labels;
3. The unauthorized possession of an illegal drug or alcohol on University premises, in a University supplied vehicle or during working hours;

4. The sale or attempted sale, distribution or manufacture of an illegal drug on or off University premises;
5. Without authorization, storing alcohol or any illegal drug or drug paraphernalia in a locker, desk, automobile or other area on University premises;
6. Failure to adhere to the requirements of any University required drug or alcohol treatment or counseling program in which the employee is enrolled;
7. Conviction for a drug offense and/or failure to notify the University within 5 days after the conviction.

A. Requirements:

## **Testing**

Any employee may be required to submit a urine and/or blood sample for testing for illegal drugs or alcohol in any of the following circumstances:

1. When a supervisor or managerial employee determines that "reasonable suspicion" exists based on observations of conduct, reactions, job performance, work habits, physical symptoms, or appearance of the employee are indicative of the use of illegal drugs or being under the influence of alcohol while on the premises or during working hours.
2. When a supervisor or managerial employee receives information from a credible source that an employee used illegal drugs or is under the influence of alcohol while on the premises or during working hours or immediately before reporting to work.
3. When an employee is involved in an accident or incident during working hours which caused or contributed to substantial injury to person or property or where there is evidence that it may have resulted, in whole or part, from their use of illegal drugs or being under the influence of alcohol.

## **Safety-Sensitive Positions**

An employee in a safety-sensitive position may be required to submit a urine, breathalyzer and/or blood sample for testing for drugs or alcohol at any time and for any reason and without advance notification. The positions that have been determined to be "safety-sensitive" are all public safety employees including public safety officers and campus police.

## **Employees Required to Possess Commercial Driver's License**

An employee whose position requires a commercial driver's license will be required to submit to testing consistent with University Policy and the Omnibus Transportation Employee Testing Act of 1991 and its attendant regulations.

The sample will be tested for the presence of drugs and/or alcohol only, and for no other purpose. A "positive" test represents a violation of the policy. Switching, adulterating, or tampering with any urine sample submitted for testing is also a violation.

Testing is not necessarily required as a condition to the University taking disciplinary action, including discharge, against an employee who violates this Policy.

## **Inspections**

Where there are or have been violations of the Drug-Free Workplace Policy, William Paterson University may conduct inspections of property and personal effects. This includes, but is not limited to property contained in desks, lockers, vehicles, purses, brief cases, packages, lunch boxes and clothing. If an

employee's consent to such inspection is requested, a refusal to consent to such inspection will be a violation of this policy.

B. Enforcement:

### **Consequences of Violation of this Policy**

Violation of the Drug-Free Workplace Policy may result in severe disciplinary actions, including discharge for a first offense, at the University's sole discretion. In addition, the University may, in its sole discretion, refer such an employee to a treatment and counseling program for alcohol or drug use. Under certain circumstances, the University may require an employee to successfully complete a treatment and counseling program for alcohol or drug use.

The University will promptly terminate any employee who uses alcohol or illegal drugs while undergoing University required counseling and treatment for alcohol or drug use. Employees who undergo counseling and treatment for substance abuse and who continue to work must meet all other established standards of conduct and job performance. Further, additional testing on a random basis for a period of time established by the University may be a condition of continued employment.

### **Condition of Employment**

Compliance with the Drug-Free Workplace Policy is a condition of employment or continued employment. Failure or refusal of an employee to adhere to the "Fitness for Duty Determination" procedures or this policy, including failure to sign any required document, submit to any inspection or test, or to follow any prescribed course of treatment by the University's EAP or other approved substance abuse treatment provider will be grounds for discipline up to and including termination.

VIII. REFERENCES

### **Support Services Available**

The Employee Assistance Program (EAP) is a service available to William Paterson University faculty and staff and their household members. The EAP offers short term counseling and referral for problems ranging from work-related concerns to personal difficulties that affect an individual's everyday life. Employees who are being affected with substance abuse issues should contact the EAP for a consultation with a counselor.

- [Fitness for Duty Policy](#)
- [Reasonable Suspicion-Supervisor's Observation Report Form](#)
- [Reasonable Suspicion-Supervisory Responsibilities](#)
- [Resources Supporting Addiction and Substance Abuse Recovery](#)

Rev. 2023.

By Direction of the President and Cabinet:

Date

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(Title of Executive or Vice President(s) whose area of responsibility the policy covers.)