

Utah Tech University Policy

324: Drug and Alcohol-Free Workplace



- I. Purpose
- II. Scope
- III. Definitions
- IV. Policy
- V. References
- VI. Procedures
- VII. Addenda

I. Purpose

- 1.1 In compliance with state and federal statutes, Utah Tech University (“the University”) is committed to a Drug-free, Alcohol-free, and smoke-free workplace.

II. Scope

- 2.1 This policy applies to all employees, both full-time and part-time, at the University, as well as official University volunteers (as defined by University Policy 301).

III. Definitions

- 3.1 **Administrative Officials:** Those supervisors, at or above the Executive Director level, within an employee’s chain of that are not the immediate supervisor.
- 3.2 **Alcohol:** Ethyl Alcohol, or ethanol, is an intoxicating ingredient found in beer, wine, and liquor.
- 3.3 **Drug:** For the purposes of this policy, a controlled medicine or substance which has a physiological effect when ingested or otherwise introduced into the body, that is not legal or prescribed for personal use by a licensed health care provider, in accordance with Utah laws. This also includes Drug paraphernalia, which is any equipment that is used to produce, conceal, and/or consume said Drugs.
- 3.4 **Tobacco:** A preparation of the nicotine-rich leaves of the Nicotiana plant, which is cured by the process of drying and fermentation for smoking or chewing.

IV. Policy

- 4.1 The University expects all employees to report to any work assignment unimpaired and fully able to perform their duties safely, efficiently, and inoffensively.
 - 4.1.1 Unsatisfactory job performance, poor attendance, or poor behavior caused by Alcohol or Drug abuse will not be tolerated.
- 4.2 The unlawful manufacture, distribution, dispensing, possession, or use of controlled substances and/or the unauthorized manufacture, use, sale, dispensing, or possession of Alcohol in the workplace is expressly prohibited.
 - 4.2.1 The workplace includes University property, University vehicles, or any other location at which an employee is performing official duties for the University.
 - 4.2.2 The use of any University funds or the attempt to use University funds for the procurement of Alcohol or illegal Drugs is prohibited.
- 4.3 The University will impose disciplinary sanctions upon any employee who is determined to have violated this policy.
 - 4.3.1 Employees found working under the influence of Drugs or Alcohol will be suspended without pay for at least five (5) working days. See University Policy 372.
 - 4.3.2 All policy violators, if employment is to be continued, must satisfactorily participate in an Alcohol, Drug, or substance abuse assistance or rehabilitation program.
 - 4.3.3 Termination is a possible disciplinary action, if deemed appropriate by the supervisor, the division vice president, and the Human Resources Director.
- 4.4 In compliance with the State of Utah Clean Air Act, smoking is prohibited in all buildings and within 25 feet of all buildings on campus.
 - 4.4.1 Smoking is also prohibited in any University-owned vehicle.
- 4.5 All members of the University community have a responsibility to report illegal and prohibited activity covered under this policy. Employee violations are to be reported to the employee's supervisor and/or their chain of command.

V. References

- 5.1 Drug Free Workplace Act of 1988, 41 U.S.C. 701 through 767
- 5.2 University Policy 301: Personnel Definitions and Classifications
- 5.3 University Policy 323: Employment Physical Examinations
- 5.4 University Policy 372: Corrective and Disciplinary Action
- 5.5 Utah Clean Air Act, Utah Code 26-38-1 to 9

VI. Procedures

- 6.1 Administrative Officials and/or supervisors may require Drug testing for any employees whose impairment would cause a personal or public hazard.
- 6.2 When a supervisor has reasonable grounds to suspect that an employee is not fit for duty, the supervisor shall see that the employee is removed from the workplace to a safe environment.
 - 6.2.1 An employee's refusal to comply with a supervisor's request to be removed from the workplace under the conditions of this policy shall be considered insubordination and will result in further disciplinary action, up to and including termination.
 - 6.2.2 As soon as possible, after it is suspected that the employee is not fit for duty because of the Drug related impairment, the supervisor should meet with the employee and others as needed to determine whether there is sufficient evidence of a violation of this policy.
 - 6.2.3 The supervisor must document supportive evidence.
- 6.3 It is mandatory that an employee who is convicted in a court of law for a workplace violation of this policy provides notification of the conviction to Human Resources within five (5) days of the conviction.
 - 6.3.1 The University is required to impose sanctions on an employee convicted of a workplace violation within thirty (30) days of the conviction.
 - 6.3.1.1 Minimum sanctions include participation in an education or rehabilitation program and mandatory probation for at least 90 days with weekly supervisory reviews.
 - 6.3.1.2 All convictions resulting from buying, selling, transferring, or

trafficking controlled substances in the workplace will be cause for automatic termination.

- 6.4 It is the responsibility of employees to report any prescribed medical treatment, by a licensed physician, that includes a controlled substance which might impair their ability to perform their work in a safe and efficient manner, to their supervisor.
 - 6.4.1 Impacts on the employee's ability to perform should be assessed and appropriate action taken to ensure safety.
- 6.5 Employees who have an Alcohol or substance abuse problem are encouraged to seek confidential assistance through Human Resources.
 - 6.5.1 The University will not discipline an employee for voluntarily seeking assistance. However, future performance, conduct, and attendance must remain satisfactory.

VII. Addenda – N/A

Policy Owner: Executive Director of Human Resources
Policy Steward: Executive Director of Human Resources

History:

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