Rock Valley College

RVC Board Policy 3:10.110

Drug- and Alcohol-Free Workplace Policy

Purpose

Rock Valley College has a longstanding commitment to provide a safe, quality-oriented and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of Rock Valley College employees and students, in addition to the security of the College's equipment and facilities. For these reasons, Rock Valley College is committed to the elimination of drug and alcohol use and abuse in the workplace.

Scope and Enforcement

This policy applies to all employees and all applicants for employment of the College. The Human Resources (HR) department, under the direction of the Vice President of Human Resources/Chief Human Resources Officer is responsible for policy interpretation, administration, and enforcement.

Prohibited Conduct

The College prohibits the use, possession, distribution, sale, or manufacture of illegal drugs, cannabis (both recreational and medical) and its derivatives, controlled substances, alcohol, and unauthorized prescription drugs, which are not prescribed to the individual or are used in a way other than prescribed, in the workplace. This is prohibited on College property, including any worksite designated for the performance of work, in College-owned vehicles, while on duty or while acting in an official capacity on behalf of the College, and/or while participating in any College-sponsored activities. Alcoholic beverages are prohibited on College property, in College-owned vehicles, and while participating in any College-sponsored activities unless expressly authorized by the College President, in accordance with the Illinois Liquor Control Act of 1934 and any applicable local ordinances. Employees are, as a condition of employment, required to abide by this policy. All employees will receive a copy of this policy and will abide by this policy as a condition of employment. The College reserves the right to order an employee to undergo drug and/or alcohol testing as part of pre-employment screening, upon reasonable suspicion that the employee is under the influence while on duty or while acting in an official capacity on behalf of the College, or for any other reason deemed necessary by the College and permitted by applicable federal and state law.

Inspections

In order to assure that employees comply with the prohibition on manufacturing, distributing, dispensing, possessing, or using alcohol, controlled substances, or cannabis, employees may be subject to inspection as follows:

A. Desks, files, vehicles, equipment and other containers and property owned or leased by the College and which an employee is permitted to use during employment with the College, are and remain the property of the College.

Employees are not permitted to keep controlled substances, cannabis or alcohol in or on such property. Any such property reasonably suspected of having or holding such substances is subject to search by the College

B. Any refusal to submit to such an inspection will be treated as an act of insubordination and may result in disciplinary action, up to and including dismissal.

Disciplinary Action

Employees who test positive for drugs and/or alcohol in violation of this policy may be subject to disciplinary action, up to and including termination. Further, the College will discipline an employee up to and including termination for the following: (1) if the employee refuses to submit to diagnosis, testing or screening upon request of the College; (2) if the employee tampers in any way with the specimen given to the medical facility for purposes of alcohol or drug screening or testing or if employee provides a false sample to the drug screening/testing facility; (3) if the medical facility recommends treatment and the employee refuses to undergo such treatment; (4) if, while undergoing treatment, the employee fails or refuses to follow the course of treatment; (5) if the employee, during the course of or following treatment, is again under the influence of alcohol or drugs in violation of this Policy; or, (6) if the employee fails to notify HR of a conviction for violating any federal or state criminal drug statute.

In place of, or in addition to, any disciplinary sanctions for violation of this policy, the College in its sole discretion may require the employee to satisfactorily participate in and complete a drug abuse assistance or rehabilitation program approved by the College and approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency. Any employee who undergoes such a rehabilitation program will be required to complete and successfully pass a drug and alcohol test upon release from the program before returning to work. Participation in such treatment will be at the employee's expense, although some of these expenses may be covered under the employee's personal health insurance.

Notice of Convictions

Any College employee or prospective employee who is convicted of a violation of any federal or state criminal drug statute must notify the Human Resources Department as soon as reasonably possible after such conviction. For purposes of this notice requirement, a conviction includes a finding of guilty; a no-contest plea; or a judgment entered by a judicial body for any violation of criminal statue involving the unlawful manufacture, distribution, dispensation, possession or use of illegal drugs or controlled substance.

If the employee is directly engaged in performance of work pursuant to the provisions of a federal grant or federal contract, the College shall give notice of the conviction to the federal agency with whom it has contracted or from whom it received the grant within ten (10) calendar days of receiving notification of conviction.

In accordance with the Illinois Human Rights Act, before taking any employment action, the College will review an employee or prospective employee's drug-related conviction to determine if: (1) there is a substantial relationship between the criminal offense and the employment sought or held; and (2) the continuation of employment involves an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. The College may consider the following factors during this review:

- The length of time that has passed since the conviction.
- The number of convictions.
- The relationship between the conviction and the individual's job duties or prospective job duties.
- The facts surrounding the conviction.
- The individual's age at the time of the conviction.
- Evidence of rehabilitation efforts.

Employee Assistance

It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to disciplinary action. The College will not discipline an employee who voluntarily seeks treatment for a substance abuse problem if the employee is not in violation of the College's drug and alcohol policy or other rules of conduct. Seeking such assistance will not be a defense for violating the College's drug and alcohol policy, nor will it excuse or limit the employee's obligation to adhere to the College's policies, rules of conduct, and standards including, but not limited to, those regarding attendance, job performance, and safe and sober behavior on the job.

Employees who suffer from alcohol or drug abuse are encouraged to consult voluntarily with the Director of Employee Relations and undergo appropriate medical treatment. Participation in such treatment will be at the employee's expense, although some of these expenses may be covered under the employee's personal health insurance.

Confidentiality

The results of any drug and/or alcohol test shall be kept strictly confidential among the tested individual, the clinic, any outside laboratory used by the clinic for analysis and the College. However, the College may use the results to decide upon what course of action, if any, shall be taken towards the tested individual. In addition, in the event of any legal or administrative proceedings involving the College and the tested individual, the College may utilize the test results in the prosecution or defense of said legal or administrative proceeding.

Drug and Alcohol Abuse Prevention Program

The College shall maintain a drug and alcohol abuse prevention program to inform all employees about: a) the health risks associated with drug and alcohol abuse; b)

the College's intent to maintain a drug-free workplace; c) any available drug counseling rehabilitation and employee assistance programs; and d) the penalties that may be imposed for violation of this policy.

Compassionate Use of Medical Cannabis Program Act

In compliance with the Compassionate Use of Medical Cannabis Program Act, the College will not discriminate against an employee or applicant based solely on their status as a registered qualifying patient. The College will enforce its drug and alcohol-free workplace policies in a non-discriminatory manner. Notwithstanding the foregoing, this policy prohibits the use or possession of medically prescribed cannabis in the workplace, and/or being under the influence of cannabis, as a qualifying patient under the Illinois Compassionate Use of Medical Cannabis Program Act, during the workday, on College property, in College-owned vehicles, and while participating in College-sponsored activities.

Implementing Procedures

The College will establish and maintain procedures implementing this Policy. The Human Resources Department shall be responsible for the administration and implementation of this policy.

This Policy will be administered consistent with the College's collective bargaining agreement obligations where applicable.

Reference: Board Policy 641, Board Report 6156, AR 314, Board Report 7674, Board Report 8377
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