

 Wharton County Junior College		ADMINISTRATIVE PROCEDURE MANUAL	
WCJC Title: Drug-Free Workplace and Drug and Alcohol Abuse for Employees		Section D: Personnel	Page(s): 5
Policy Title: Employee Welfare, Employees Standards of Conduct		Policy: DI, DH	
Subtitle: None		Date Adopted: 8-01-21	

Purpose

WCJC is committed to protecting the safety, health, and well-being of its employees, students, and all people who come into contact with WCJC employees, property and facilities. The College's philosophy is that unlawful use of drugs or abuse of other authorized drugs and alcohol is inconsistent with the behavior expected of members of the College community. The use of illegal drugs by College employees can result in less than complete reliability, stability, and good judgment. The College is committed to providing an environment that prohibits any influences that might have a detrimental effect upon the orderly, safe and efficient operation of the College and that prevents the possibility of coercion, influence, and irresponsible action under pressure by employees that may pose a risk to health, safety, and the College's educational mission. Based upon these goals, the College requires that its employees report for work and perform their duties within the standards established.

The intent of the College is to prevent the hiring and/or continued employment of persons who, due to the use of alcohol or illegal drugs, may harm themselves or others, or cause damage to property. WCJC, recognizing this, is committed to providing a drug and alcohol-free working environment for all of its employees.

WCJC's Drug-Free Workplace policy is based on the following objectives:

- To maintain the good reputation of the College and its employees within the communities where the College components are located;
- To minimize accidental injuries to persons or property;
- To minimize absenteeism and tardiness and improve the effective job performance and productivity of all employees;
- To comply with the federal Drug-Free Workplace Act of 1988, and the Drug-Free Schools and Communities Act Amendments of 1989; and
- Other applicable legislation as they are enacted

WCJC prohibits the following when an employee is on the job, on College property, in a vehicle owned or used for College business, or while representing the College:

- The College prohibits the illicit use, sale, attempted sale, conveyance, distribution, storage, manufacture, cultivation, dispensation, purchase, and possession of illegal drugs, intoxicants, or controlled substances, at any time and in any amount, or in any manner, in the workplace during and after business hours. Illicit drugs include all drugs for which possession is illegal under federal or state law, including prescription drugs for which the individual does not have a valid prescription.
- The College prohibits the use of prescription medications for which the employee does not have a valid prescription and the use of prescription medication in a manner inconsistent with the prescription, in the workplace during and after business hours. (Exception: An employee who uses a drug authorized by licensed physician through a prescription specifically for that employee's use.)
- The use of alcohol and intoxicating beverages shall be prohibited in classroom buildings, laboratories, auditorium, library buildings, faculty and administrative offices, intercollegiate and intramural athletic facilities, and all other public campus areas. However, with the prior consent and approval of the College President, the provisions may be waived for specified culinary instructional programs or with respect to any specific event that is sponsored by the College and/or the Wharton County Junior College Foundation. State law shall be strictly enforced at all times on all property or facilities controlled by the College in regard to the possession and consumption of alcoholic beverages. All other possession, consumption, or use of alcoholic beverages or illegal drugs shall be prohibited on College property or facilities. Any person who appears to be under the influence of intoxicating liquor or drugs shall be denied access to and/or the use of College property or facilities.
- Employees shall report suspected violations to their immediate supervisors or to the Human Resources Department.

Procedure

A. Employee Notification

A copy of the College's notice regarding a drug-free workplace (see DI [Exhibit]) will be distributed to all new employees. This policy is contained in the WCJC Employee Handbook, and is available on the WCJC Intranet for review by all employees. Employees will be notified annually that WCJC has an official Drug-Free Workplace/Drug and Alcohol Abuse Policy that must be adhered to by all employees, at all times.

B. Prohibited Employee Conduct

- No employee will report to any work site in an unfit or impaired condition due to drug or alcohol use, whether lawful or unlawful. (Exception: An employee taking an authorized drug will be allowed to report to work based strictly on the assessment of the employee's supervisor as to the employee's ability to perform his/her regular or assigned duties safely and efficiently. In seeking supervisory approval, an employee need not disclose his/her underlying medical condition.)
- No employee at any work site will be under the influence of, use or possess any quantity

of any drug or alcohol, lawful or unlawful, except for authorized drugs.

- No employee at any work site shall manufacture, store, dispense, distribute, or sell any drug or alcohol, lawful or unlawful.
- No employee shall engage in off-duty illegal drug-related activity.

C. Alcohol and Drug Referrals and Services

The College is committed to providing alcohol and drug education as well as early intervention and referral services. WCJC's Human Resources Department will provide services for campus faculty and staff that include information and referral. The Human Resources Department staff, within the framework of state and federal laws, will maintain confidentiality of all inquiries regarding alcohol and drug abuse issues, to the extent permitted by law. Services can also be sought independently through local service organizations within the community, such as the Houston Area Council on Alcoholism and Drug Abuse, and Alcoholics Anonymous, etc. Community service hospitals can also be contacted for emergency care.

D. Disciplinary Action and Consequences

- Any employee who violates the College's prohibition against working while impaired by any drug or alcohol, lawful or unlawful, except with supervisory approval, will be subject to disciplinary action, up to and including dismissal.
- Any employee who is convicted of or otherwise caught possessing, using, manufacturing, storing, dispensing, distributing, or selling any illegal drug or alcohol in the workplace in violation of the College's policy prohibiting such conduct may be immediately discharged. Employees must report any conviction involving illicit drug use or use or possession of an illegal or controlled substance no later than five days after such conviction to the Human Resources Department.
- Any employee who is convicted of off-duty illegal drug-related activity, including use, possession, storage, manufacture, dispensation, distribution, or sale of drugs, or who otherwise is determined to have engaged in off-duty illegal drug-related activity, will be considered to be in violation of the College's Drug-Free Workplace/Drug and Alcohol Abuse policy and may be suspended, terminated, or subjected to other discipline by the College. Employees must report any conviction of illicit drug use or use or possession of an illegal or controlled substance no later than five days after such conviction to the Human Resources Department.
- Any employee who pleads guilty to or is convicted of driving under the influence of alcohol and who, as an essential function of the employee's job, operates a motor vehicle, machinery or other motorized equipment that could be dangerous to himself/herself or others, will not be permitted to operate such vehicle, machinery or equipment until the employee has entered in and successfully completed a treatment or rehabilitation program. Additionally, to the extent an individual has his/her driver's license revoked or suspended as a result of a conviction or guilty plea to driving under the influence of alcohol, he/she will not be permitted to operate such vehicles until the license is reinstated. The individual may be discharged or may be reassigned to another position during this time period, depending on the circumstances. At the College's

discretion, the employee may also be permanently barred from operating motor vehicles, machinery, and/or equipment at the College.

- Any employee who violates the College's Drug-Free Workplace/Drug and Alcohol Abuse Policy but is not terminated must successfully complete a treatment or rehabilitation program offered by an outside provider. The employee will be required to attend this mandatory treatment or rehabilitation program at the employee's expense. Failure to complete a treatment or rehabilitation program may result in disciplinary action, up to and including suspension or termination. If an employee is required to be absent from work to comply with this section, the College's Family and Medical Leave Policy shall govern his/her employment rights.
- An employee's decision to seek voluntary help, before he or she is found to be in violation of the College's regulation, will not be used as a basis for disciplinary action. Cost of medical assistance with a drug or alcohol problem may be covered under the employee's health insurance plan.
- An employee who violates any local, state or federal laws may be reported to the appropriate law enforcement agency and may be subject to prosecution in accordance with the law. (Legal sanctions for violation of local, state, and federal laws may include, but not be limited to fines, probation, and jail or prison sentences.)

E. Guidelines

The following is a list of employee responsibilities for complying with the Drug-Free Workplace/Drug and Alcohol Abuse Policy:

- Employees are responsible for notifying their supervisor and/or the Human Resources Department of drug and alcohol issues in the workplace.
- It is the employee's responsibility to check with a physician regarding whether any medication may adversely affect performance.
- An employee must report to their supervisor any use of a prescribed or over-the-counter medication that could adversely affect his/her job performance.
- Medical information will be kept confidential to the extent permitted by law and shared with appropriate College personnel only on a need-to-know basis, and as permitted by law.
- An employee working in safety-or security-sensitive positions will not be allowed to perform any work-related activity(s) that will affect their or other individual's safety or security while taking medication that may have an adverse effect on the performance of their safety and security job duties.
- An employee must seek assistance for drug and alcohol problems before the problem leads to a disciplinary action.
- An employee shall notify his or her immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony or offense involving moral turpitude.
- Employees shall report suspected violations of this policy to their immediate supervisors and to the Human Resources Department.

The following is a list of supervisor responsibilities for insuring compliance with the Drug-Free Workplace/Drug and Alcohol Abuse Policy:

- An employee's supervisor is responsible for ensuring their employees comply with this policy. Indicators of possible job performance problems that could be related to illicit drug usage include, but are not limited to, the following:
 - An employee exhibiting unfit behavior, including drowsiness, sleepiness or sleeping, slurred and/or incoherent speech, unusually aggressive behavior, unusually depressive behavior, unusual and rapid changes in mood, disorientation or inability to concentrate and lack of coordination in walking or performing other tasks.
 - An employee with indications of unsatisfactory job performance, including unexplained work errors, unusual difficulty in performing normal or routine duties, unexplained on- the-job accident, and unexplained on-the-job injury.
 - An employee exhibiting unsatisfactory job performance such as poor work performance, absenteeism, tardiness, minor injuries/accidents or other job difficulties.
 - An employee exhibiting physical signs of alcohol and/or illegal drug usage such as glassy eyes or having an odor of alcohol or drugs.
- An employee's supervisor is responsible for making referrals of individuals who are suspected of illegal substance or alcohol abuse to the WCJC Human Resources Department.
- An employee's annual performance evaluation will not be penalized if the employee experiencing problems resulting from drug or alcohol abuse or dependency seeks assistance before the problem leads to a disciplinary action. Job performance alone, not the fact the employee has identified him/herself as having sought assistance for their drug or alcohol abuse or dependency, will be the basis for performance evaluations.

The following is a list of the College's responsibility for insuring compliance with the Drug-Free Workplace/Drug and Alcohol Abuse Policy

- The College may, to the extent permitted by law, take appropriate action against any employee who is convicted for a violation occurring in the workplace or may require the employee's satisfactory participation in a drug treatment or rehabilitation program.
- Disciplinary action can range from a warning to permanent separation/termination from the College, depending on the circumstances, including but not limited to the seriousness of the infraction and the degree to which violation of the policy adversely affects the well-being of the community or the fulfillment of the College's educational mission.

Date Prepared: 11/18/21 RYB

Revised Date: