

## **EMPLOYEE DRUG AND ALCOHOL ABUSE**

### **Authority**

This College policy draws its authority from the following sources.

- Drug Free Workplace Act of 1988, as currently codified at 41 U.S.C. § 8101, *et seq.*
- Drug Free School and Campus Act of 1989, as currently codified in 20 U.S.C. § 1011i.
- Federal Controlled Substances Act of 1994, 21 U.S.C. § 801, *et seq.*
- New Jersey Controlled Dangerous Substances Act, N.J.S.A. 24:21-1, *et seq.*
- New Jersey Comprehensive Drug Reform Act of 1987, N.J.S.A. 2C:35-1, *et seq.*
- Related State Alcohol and Motor Vehicle Laws

### **Policy**

It is the College's policy to provide a drug and alcohol free workplace to all College employees. As a condition of employment, all employees must agree to abide by this policy.

### **Standard of Conduct**

Employees are required to report to work in appropriate mental and physical condition to perform their jobs in a safe and satisfactory manner.

It is a violation of this policy to, use, possess, manufacture, sell, trade, distribute, or dispense, and/or be under the influence of illegal drugs, alcohol, marijuana, cannabis or other intoxicants while on College property and/or at any other location where the College offers courses or sponsors events; while conducting College business or representing the College; and/or in the course of any College activity, except at College functions where prior alcohol distribution has been approved for consumption at events by the food service vendor. Unauthorized use, misuse, or abuse of prescription medication during employment is also prohibited.

Prescription and over the counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician to ascertain whether the medication may interfere with safe performance of his/her job. If use of a medication could compromise the safety of the employee, fellow employees, students, or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request a change of duty, notify supervisor, etc.) to avoid unsafe workplace practices.

The provisions of this policy apply to all applicants and employees of the College, including student workers, and to all consultants, contractors, and other individuals performing work for the College or on College property.

While New Jersey has decriminalized cannabis, instituted a state-wide program allowing people with certain enumerated medical conditions to legally obtain medicinal cannabis, and now permits adults aged 21 or older to possess and consume certain quantities of cannabis recreationally, the federal laws concerning cannabis have not changed. Under the Controlled Substances Act, cannabis is still categorized as a Schedule One Drug, which is defined as a drug with no current medical use and that has a high potential for abuse and addiction. Therefore, the use, possession, manufacture, sale, trade, distribution, dispensing, and/or being under the influence of cannabis/marijuana while on College property and/or at any other location where the College offers courses or sponsors events; while conducting college business or representing the College; and/or in the Course of any College activity is prohibited.

### **Disciplinary and Legal Sanctions**

Persons found to be in violation of this policy will be subject to civil and/or criminal penalties and to College disciplinary penalties up to and including termination of employment and referral for prosecution. The College may require rehabilitation in lieu of discipline. If the employee agrees to a rehabilitation plan and does not fulfill the requirements of that plan, the College may impose discipline up to and including termination of employment. Employment supervisors are responsible for reporting suspected violations of this policy to the Vice President for Human Resources and Labor Relations.

A list of penalties for federal drug offenses may be found at <http://www.justice.gov/dea/agency/penalties.htm> and a listing is also summarized in Exhibit A to this Policy. New Jersey statutes similarly provide for criminal penalties for drug and alcohol offenses, including fines and imprisonment, which penalties are summarized in Exhibit B to this Policy. Similarly, alcohol offenses involving under age drinking and/or operating vehicles and/or machinery under the influence of alcohol can result in fines and/or imprisonment as outlined in Exhibit B to this Policy.

### **Health Risks**

The use of illegal drugs and/or alcohol carries serious health risks. Illegal drugs and alcohol may be addictive and may lead to long term damage to the body. Heavy and long-term use of some illegal drugs or alcohol may cause the user to overdose, which may cause permanent damage to the body and can be fatal. Use of illegal drugs and/or alcohol may also significantly impair judgment. A more detailed list of the potential health effects of using illegal drugs and/or abusing alcohol are attached hereto as Exhibits C and D.

## **Dangers of Alcohol and Drugs in the Workplace**

Violations of this policy may pose a threat to the safety, health, and wellbeing of the employee or others at the College and can seriously impede the performance of the employee or others.

## **Counseling Programs**

Employees with questions or concerns about substance dependency or abuse are encouraged to use the resources of the Employee Assistance Program. They may also wish to discuss these matters with the Human Resources Department to receive assistance or referrals to appropriate resources. Employees may also seek treatment and/or counseling from the following resources:

Hunterdon Medical Center, Employee Assistance Program, 2100 Wescott Drive, Flemington, NJ 908 788 6369.

## **Notification of Convictions**

An employee convicted of, or pleading guilty to, a criminal act resulting from, or related to, the use of illegal drugs or the abuse of prescription drugs must report that conviction to the Vice President for Human Resources and Labor Relations within five days of the conviction. Failure to report such a conviction may result in disciplinary penalties up to and including termination of employment. The College will comply with all reporting requirements associated with receipt of this information from an employee.

## **Biennial Review**

The College will conduct a biennial review of its Drug Prevention Program to determine its effectiveness and assess appropriateness of changes and to ensure that disciplinary sanctions are consistently enforced.

## **Questions**

Employees with questions or concerns about this policy or issues related to drug or alcohol use in the workplace should direct their questions to the Vice President of Human Resources without fear of reprisal.

## **Responsible Administrators**

- Vice President for Human Resources and Labor Relations

**Revised and reaffirmed**

- 8.5 and 8.6 (10/29/2002)
- 8.6 revised May 21, 2013
- Revised November 11, 2022

**Communication** – This policy is communicated to the College community in the following documents:

- Employment Documentation
- Faculty Handbook
- College Website
- Annual Distribution to All Employees

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