

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 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 medications is also strictly 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.

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

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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EXHIBIT A

FEDERAL TRAFFICKING PENALTIES

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500-4999 gms mixture	<p>First Offense: Not less than 5 years, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p>Second offense: Not less than 10 yrs., and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	5 kgs. or more mixture	<p>First Offense: Not less than 10 yrs., and nor more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p>Second Offense: Not less than 20 yrs., and nor more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p>2 or More Prior Offenses: Life imprisonment.</p>
Cocaine Base (Schedule II)	28-279 gms mixture		280 gms or more mixture	
Fentanyl (Schedule II)	40-399 gms mixture		400 gms or more mixture	
Fentanyl Analogue (Schedule I)	10-99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100-999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1-9 gms mixture		10 gms or more mixture	
Methamphetamine (Schedule II)	5-49 gms pure or 50-499 gms mixture		50 gms or more pure or 500 gms or more mixture	
PCP (Schedule II)	10-99 gms pure or 100-999 gms mixture		100 gm or more pure or 1 kg or more mixture	

PENALTIES

Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs., or more than life. Fine \$1 million if an individual, \$5 million if not an individual. Second Offense: Not more than 30 yrs. If death or serious injury, not more than 15 yrs. Fine \$2 million if an individual, \$10 million if not an individual.
Other Schedule III drugs	Any amount	First Offense: Not more than 10 yrs. If death or serious injury, not less than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine \$1.5 million if an individual, \$5 million if not an individual.
All other Schedule IV drugs <u>Flunitrazepam (Schedule IV)</u>	Any amount Less than 1 gm	First Offense: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.
All Schedule V drugs	Any amount	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

Source: DEA "Drugs of Abuse" 2011 ed.

FEDERAL TRAFFICKING PENALTIES – MARIJUANA

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE*
Marijuana (Schedule I)	1,000 kg or more mixture or 1,000 or more plants	Not less than 10 years, not more than life If death or serious injury, not less than 20 years, nor more than life Fine not more than \$4 million if an individual, \$10 million if other than an individual	Not less than 20 years, not more than life If death or serious injury, mandatory life Fine nor more than \$8 million if an individual, \$20 million if other than an individual
Marijuana (Schedule I)	100 kg to 999 kg mixture or 100 to 999 plants	Not less than 5 years, not more than 40 years If death or serious injury, not less than 20 years, not more than life Fine not more than \$2 million if an individual, \$5 million if other than an individual	Not less than 10 years, not more than life If death or serious injury, mandatory life Fine not more than \$4 million if an individual, \$10 million if other than an individual
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg mixture More than 1 kg of hashish oil; 50 to 99 plants	Not more than 20 years If death or serious injury, not less than 20 years, not more than life Fine \$1 million if an individual, \$5 million if other than an individual	Not more than 30 years If death or serious injury, mandatory life Fine \$2 million if an individual, \$10 million if other than individual
Marijuana (Schedule I)	1 to 49 plants of less than 50 kg	Not more than 5 years Fine not more than \$250,000, \$1 million other than Individual	Not more than 10 years Fine \$500,000 if an individual, \$2 million if other than individual
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$8 million if an individual and \$20 million if other than an individual.

Source: DEA “Drugs of Abuse” 2011 ed.

FEDERAL POSSESSION PENALTIES (21 U.S.C. §844)

DRUG/SCHEDULE	QUANTITY	CIRCUMSTANCES	PENALTIES
Schedules I-V and List 1 chemicals	Determined by the U.S. Attorney General – See 28 C.F.R. 76.2	Knowing or intentional possession without a valid prescription.	First Offense: not more than 1 year imprisonment and/or minimum fine of \$1,000.
List 1 chemicals		Knowing or intentional possession when registration to possess, manufacture, distribute, etc. has been revoked or entity has ceased as a registered business.	Second Offense: If under this statute or state law there is a prior final conviction – not less than 15 days and up to 2 years imprisonment and/or minimum fine of \$2,500. Third Offense: If under this statute or state law there is a prior final conviction – not less than 90 days to 3 years imprisonment and a fine of not more than \$5,000.
Ephedrine base and pseudoephedrine base Phenylpropanolamine base	More than 9 gms.	Combination of cold, cough, etc. drugs purchased at retail within 30 days.	Reasonable cost of investigation and prosecution. Ability to pay considered only after it is determined whether there will be a fine.
Flunitrazepam	More than 9 gms	Simple possession	Up to 3 years imprisonment and the above fines. Reasonable cost of investigation and prosecution. Ability to pay considered only after it is determined whether there will be a fine.

Preliminary release of statute, current as of February 21, 2012.

**CIVIL PENALTIES FOR POSSESSION OF SMALL AMOUNTS OF CERTAIN
CONTROLLED SUBSTANCES (21 U.S.C. §844a)**

DRUG/SCHEDULE	QUANTITY	CIRCUMSTANCES	PENALTIES
Drugs listed in §844 and §841(b)(1)(A)	“Personal use amount”: as determined by the U.S. Attorney General and as defined in 28 C.F.R. 76.2(h) and no evidence of distribution, manufacturing, etc., and other indicators that drugs are not merely for own use. (h)6 has a list of specific amounts for a number of drugs.	Knowingly possesses substances listed in §841(b)(1)(A) and in violation of §844. Proposed order on the record by U.S. Attorney General must be commenced within 5 years. Notice to the accused of his right to have a hearing. He must ask for such a hearing within 30 days of notice. After 3 years, the record of the accused may be expunged.	<p>First Offense: Instead of criminal proceedings, penalty provided to U.S. is not to exceed \$11,000 for each violation. Income and net assets are considered once it is determined that there will be a civil penalty.</p> <p>Second Offense: Can not replace criminal proceeding if final conviction of previous state or federal control substance offense(s).</p>

Preliminary release of statute, current as of February 21, 2012

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**SIGNIFICANT NEW JERSEY LAWS REGARDING
CONTROLLED SUBSTANCES AND ALCOHOL**

ALCOHOL LAWS

New Jersey state law prohibits the sale, possession, and/or consumption of alcohol by individuals who are less than 21 years of age. N.J.S.A. 9:17B-1b. Possession or consumption of alcoholic beverages by persons under legal age in any public place or motor vehicle is guilty of a disorderly persons offense and shall be fined not less than \$500. N.J.S.A. 2C:33-15. The purchase or attempt to purchase alcohol by/for a person under legal age or who mistakes his/her age, or a person of legal age who purchases alcohol for an underage person faces a conviction of a disorderly persons offense, which incurs a fine and loss of a motor vehicle driver's license for six months. In addition, underage persons may be required to participate in a state-sponsored alcohol education program. N.J.S.A. 33:1-81. An under age individual operating a motor vehicle after consuming enough alcohol to have a blood alcohol level of at least .01% and less than .08% may forfeit his/her driver's license for 30-90 days when eligible for a license or from when the incident occurred. N.J.S.A. 39:4-50.14.

Anyone who purposely or knowingly offers or serves or makes available an alcoholic beverage to a person under the legal age for consuming alcoholic beverages or encourages that person to drink an alcoholic beverage is a disorderly person. N.J.S.A. 2C:33-17. Pursuant to New Jersey case law (Kelly v. Gwinell), a host or hostess who serves alcoholic beverages to a guest, knowing that the guest is intoxicated and will soon be driving, can be held liable for injuries inflicted on a third party if that guest is involved in a motor vehicle accident.

Someone who is under age and uses another person's ID card to obtain alcohol, or someone of legal age who gives his/her ID card to an under aged person so that s/he can obtain alcohol, faces a fine or up to 60 days in jail. N.J.S.A. 33:1-81. A person who knowingly possesses a document or other writing which falsely purports to be a driver's license, birth certificate or other document issued by a governmental agency and which could be used as a means of verifying a person's identity or age or any other personal identifying information is guilty of a crime in the fourth degree. N.J.S.A. 2C:21-2.1 d.

COMPREHENSIVE DRUG REFORM ACT OF 1987 N.J.S.A. 2C:35-1 et seq.

It is unlawful for a person to possess, use or be under the influence of a controlled substance unless he/she has a valid prescription. N.J.S.A. 2C:35-10. Unless there is a prescription, it is unlawful to sell or purchase more than 3 packages containing up to 9 grams of cold and cough drugs: ephedrine, pseudoephedrine, or phenylpropanolamine. N.J.S.A. 2C:35-25.

It is illegal to knowingly or purposely manufacture, distribute, dispense or possess a controlled dangerous substance with the intent to manufacture, distribute or dispense such a substance. N.J.S.A. 2C: 35-5. Distribute means more than selling drugs. It can also mean passing or attempting to transfer drugs to another person even without money exchanging hands. N.J.S.A. 2C:35-2. Any one convicted of a drug offense of any type will have to pay a cash penalty of \$500 to \$3,000. If convicted of distributing a controlled substance to someone under age 18, that person will be subject to twice the number of years of prison, fine and also pay a cash penalty of \$500 to \$3,000. N.J.S.A. 2C:35-15.

Whether or not a victim takes certain illegal drugs voluntarily, if the drug use results in death, the person who passed

the drug to the victim will be prosecuted for homicide and can receive up to 25 years in prison before eligible for parole. N.J.S.A. 2C:35-9.

A person may be considered a dealer and subject to 25 years in prison before parole if convicted of conspiring with two or more people to pass certain drugs. N.J.S.A. 2C:35-3.

It is unlawful to distribute, dispense or possess a controlled substance or analog within 1,000 feet of any school property. N.J.S.A. 2C:35-7. If convicted as an adult for passing an illegal drug, other than marijuana, in a school zone, he/she will serve 3 years in prison without parole. If convicted as an adult for dealing one ounce or less of marijuana in a school zone, he/she will serve 1 year in prison without parole. Simple possession of illegal drugs in a drug free school zone requires the individual to perform at least 100 hours of community service. N.J.S.A. 2C:35-10.

A landlord will be notified that some one who lives in a building owned by the landlord has been convicted or pled guilty to a crime under the Comprehensive Drug Reform Act. If the tenant is a juvenile, under the age of 17 who has been adjudicated as a delinquent and has not attended drug rehabilitation, the landlord will be notified. N.J.S.A. 2C:35-16.1. In either case, the crime must have been committed on the landlord's property. He can then file a suit for eviction. N.J.S.A. 2A18-61.1n.

MOTOR VEHICLE RELATED LAWS

It is unlawful to operate a motor vehicle under the influence of intoxicants. N.J.S.A. 39:4-50. A person is said to be legally drunk in New Jersey if his/her blood alcohol concentration is at or above 0.08%. All persons convicted of a DWI must pay an insurance surcharge of \$1,000 per year for three years. In addition, for the first offense, there are fines and charges of at least \$500 (bringing the total minimum charges for a first offense to \$3,500); loss of license for 7-12 months; and a requirement to spend 12-48 hours in an Intoxicated Driver Resource Center. A first time offender also faces a possible 30-day jail term. For a second offense, there are additional fines and charges of at least \$720; loss of license for 2 years; a requirement to perform 30 days of community service and to spend 48 hours in an Intoxicated Driver Resource Center or jail. Also, there is a possible 90-day jail term. For a third offense, additional fines and charges of at least \$1,220; loss of license for 10 years; and a 180-day jail term. The insurance surcharge for a third-time offender is \$1,500 per year for three years. These fines and charges do not include court and legal fees. N.J.S.A. 39:4-50.

If a person is found driving while his/her license is suspended due to a conviction for Driving While Intoxicated, that person upon conviction again shall be fined \$500, shall have his license to operate a motor vehicle suspended for an additional period of not less than one year and not more than two years, and may be imprisoned in the county jail for not more than 90 days. N.J.S.A. 39:3-40.

Refusal to take the breathalyzer test where there is probable cause for arrest for DWI will result in up to 10 year loss of license, a fine of \$300-\$1000, and an obligation to satisfy the requirements of an alcohol education or rehabilitation program. A person can also be convicted of DWI without the results of a breathalyzer test, and then additional fines and penalties will be assessed. N.J.S.A. 2C:35-16.

Any one convicted of a drug offense of any type may lose his/her driver's license for 6 months up to 2 years. Anyone under 17 years old who is convicted of any drug offense may not get his/her driver's license for at least 6 months after turning 17. N.J.S.A. 2C:35-16.

If a person less than the age to legally possess or consume alcohol in a public place, including a motor vehicle, does so, he will pay a fine of at least \$500 and lose his license for 6 months. If the person is not 17 years of age, the 6

month suspension will not begin until he is 17. Any of the statutes in the N.J.S.A. 2C:33 chapter which includes underage possession of alcohol and providing alcohol to a minor carries with it a mandatory loss of driver's license from a minimum of 6 months to a maximum of 2 years. N.J.S.A. 2C:33-15.

NEW JERSEY CONTROLLED DANGEROUS SUBSTANCES ACT. N.J.S.A. 24-21-1 et seq.

The lists of State defined illegal drugs can be found in the schedules of the Controlled Dangerous Substances Act.

Schedule I - N.J.S.A. 24:21-5

Schedule II - N.J.S.A. 24:21-6

Schedule III - N.J.S.A. 24:21-7

Schedule IV - N.J.S.A. 24:21-8

Schedule V - N.J.S.A. 24:21-8.1

This listing of Significant New Jersey Laws is a sampling of laws that can affect the lives of students and employees involved with substance abuse. The listing is not meant to be exhaustive.

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EXHIBIT C

THE HEALTH EFFECTS OF THE FIVE CLASSES OF DRUGS REGULATED BY THE CONTROLLED SUBSTANCES ACT

NARCOTICS

Psychological Effects – drowsiness, inability to concentrate and apathy

Physical Effects – slowed physical activity, constriction of pupils, flushing of the face and neck, constipation, nausea, vomiting and slowed breathing

Withdrawal - restlessness, irritability, loss of appetite, nausea, tremors, drug craving, severe depression, vomiting, increased heart rate and blood pressure, and chills alternating with flushing and excessive sweating

DEPRESSANTS

Psychological Effects – amnesia, leaving no memory of events that occurred while under the influence, reduction of reaction time, impairment of mental functioning and judgment, and confusion

Physical Effects – slurred speech, loss of motor coordination, weakness, headache, lightheadedness, blurred vision, dizziness, nausea, vomiting, low blood pressure, and slowed breathing

Withdrawal - can be life-threatening if high doses taken or used with alcohol and can cause heart rate and breathing to slow enough to cause death

STIMULANTS

Psychological Effects – chronic high dose use frequently causes agitation, hostility, panic, aggression, suicidal or homicidal tendencies, and hallucinations based on paranoia

Physical Effects – dizziness, tremors, headache, flushed skin, chest pain with palpitations, excessive sweating, vomiting and abdominal cramps

Withdrawal – tolerance of the drug can develop quickly causing more of the drug to be required, if abruptly stopped causes depression, anxiety, drug craving, and extreme fatigue

HALLUCINOGENS

Psychological Effects – distortions of thought associated with time and space, time appearing to stand still and forms and colors seem to change, flashbacks of drug experience can occur

Physical Effects – elevated heart rate, increased blood pressure and dilated pupils

Withdrawal – flashbacks are unpredictable and may occur in times of stress and happens more frequently to younger individuals and become less intense over time

ANABOLIC STEROIDS

Psychological Effects – high doses can cause mood and behavioral effects, including mood swings, increased hostility, impaired judgment and aggression

Physical Effects – in adolescents it may stunt growth, in boys – cause early sexual development, acne and stunted growth, in girls and women – deepening voice, increased facial and body hair, menstrual irregularities, and male pattern baldness, in men – shrinkage of testicles, reduced sperm count, sterility and increased risk of prostate cancer, for both sexes – high cholesterol levels and damage to the liver

Withdrawal – depression that can lead to suicide, psychological dependence and addiction

The following household products are not regulated by the Controlled Substances Act but are, nevertheless, dangerous when ingested:

INHALANTS

Psychological Effects – can cause damage to the brain that controls thinking, moving, seeing, hearing and possible dementia

Physical Effects – body functions slowed, loss of consciousness possible, intoxication similar to alcohol, drowsiness, lingering headache and damage to the nervous system and other organs, possible death if long term use

Withdrawal – rapid absorption of inhalants can causes the user to loose consciousness and if withdrawal is accomplished some of the effects may be partially reversed

Source: DEA “Drugs of Abuse” 2011 Ed.

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EXHIBIT D

HEALTH RISKS OF ALCOHOL

The following information on health risk is from *What Works: Schools Without Drugs*, U.S. Department of Education (1992):

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

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