

Bergen Community College

Board of Trustees

Section B: Personnel/Human Resources

BD: Workplace Issues
BDA: Drug Free Workplace

1. The objective of this policy is to comply with the Drug Free Schools and Communities Act Amendments of 1989 (PL 101-226) and the Drug Free Workplace Act of 1988 as well as to prevent drug and alcohol related workplace accidents, illness, absenteeism and performance problems. All employees must report to work in a condition fit to perform their assigned duties unimpaired by alcohol or drugs. Employees may not consume alcohol while on duty (except as otherwise permitted under Paragraph 2 below) nor come to work while under the influence of alcohol consumed prior to reporting for duty. The possession or use of illegal drugs is strictly prohibited. These terms also apply to any work or services being performed for the College on or off campus or to participation in or attendance at any College function, event or meeting.
2. Employees are prohibited from possessing or consuming alcoholic beverages on the Bergen Community College campus or in other College owned buildings off campus, except in conjunction with an event approved by the Board of Trustees during which the consumption of alcohol is allowed. (See Bergen Community College Policy Manual and Administrative Guidelines, Regulations and Procedures, Section B:BD:BDB, *Controlled Use of Alcohol on Campus*.) Violators of this prohibition may be subject to disciplinary action up to and including termination.
3. Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the Bergen Community College Employee Assistance Program or their health insurance provider. Employees who demonstrate a substance abuse problem may be given the option to seek assistance and thereby defer consideration of termination or other disciplinary action provided the employee adheres to the treatment plan set forth by his or her treatment provider. Employees who undergo voluntary counseling or treatment and who continue to work must meet all established standards of conduct and job performance.
4. To further ensure a drug-free environment, applicants for safety-sensitive positions are subject to pre-employment drug testing and breath alcohol testing. (A complete description of the program is contained in the College's "Drug Testing Procedures.") The College reserves the right to conduct reasonable suspicion or post-accident drug and breath alcohol testing for all employees. The consequences for a refusal to test will be the same as those for receiving a positive test result. Testing will be conducted in such a manner as to ensure maximum accuracy and reliability by utilizing certified testing facilities that use accepted techniques and chain of custody protocols. All records associated with alcohol or drug testing of employees will be considered confidential and will be maintained with employees' confidential medical records. The cost of the testing

conducted at the direction of the College shall be at the College's expense. Any test conducted at an employee's or applicant's direction shall be at his or her expense.

5. An employee suspected of being impaired has the right to have union representation at a meeting with his/her Department Head or designee prior to a decision to have a medical evaluation of the employee, provided that the union representative can be contacted and arrive within one (1) hour. The union representative may also accompany the employee to the selected drug testing facility.
6. Positive results may result in disciplinary action, including termination.
7. Any employee convicted for violation of any criminal drug statute occurring in the workplace must notify the Executive Vice President, in writing, of said conviction no later than five (5) days after any such conviction. Bergen Community College is required by the Drug Free Workplace Act to report any conviction for violation of a criminal drug law in its workplace, of which it is notified, to the federal government within ten (10) days of receiving said notice of conviction. Any employee convicted of a violation of a criminal drug statute occurring in the workplace shall be required to participate satisfactorily in an approved drug abuse assistance or rehabilitation program or face disciplinary action which could result in termination.
8. Every employee will be given a copy of this policy, including a written notice stating the date on which the policy will become effective. Receipt of this policy and the accompanying notice will be acknowledged by each employee in writing. In addition, a copy of the policy will be posted in various locations throughout the College.
9. This policy will not become effective until at least 60 days after the College distributes copies of the policy to all employees. This period will be considered a "Voluntary Identification" period during which all employees with dependency problems will be encouraged to seek help voluntarily. The same conditions as stated in Paragraph 3 above will apply.
10. Any dispute arising from the interpretation or application of this Policy shall be resolved through the grievance procedure of the collective bargaining agreement where applicable.

Section: B:BD:BDA
Adopted: 12/6/89
Resolution: 18
Updated: 2/12/96
Replaced: 2/6/08