

CCS Administrative Procedure

2.30.03 – A Drug Free Workplace

Implementing Board Policy [2.30.03](#)

Contact: Human Resources

1.0 Drug Free Workplace Objective and Responsibilities (summary of Board of Trustees Policy 2.30.03)

It is the intention of Board Policy [2.30.03](#) – Drug Free Workplace, to eliminate substance abuse and its effects in district workplaces. While the Community Colleges of Spokane has no intention of intruding into the private lives of its employees, abuse of controlled substances negatively impacts the educational environment, job performance and employee/student safety. The Board's objective is to insure that employees are in a position to perform their duties safely and efficiently in the interests of their fellow employees, students, as well as themselves. The presence of controlled substances on the job, and the influence of these substances on the working environment, is inconsistent with this objective.

- 1.1 Employees who think they may have a controlled substance abuse problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program.
- 1.2 All employees are covered by Board policy [2.30.03](#) and this procedure and shall be made generally aware that violations could result in discipline, up to and including termination, or in declination of a job offer, where appropriate. Further, all applicants for positions with Community Colleges of Spokane are covered by this policy at time of application and may be disqualified at any time for violation.

2.0 Definitions

The following definitions are specific to the terms of this procedure and do not modify or revise similar terms as used in related procedures or collective bargaining agreements.

- 2.1 Substance abuse: abuse of controlled substances such that it impairs an employee's ability to safely and effectively perform the functions of his/her particular job and which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to the district's reputation.
- 2.2 Controlled substance: alcohol and all substances, drugs, or medications, legal or illegal, which could impair an employee's ability to effectively and safely perform the functions of the job and which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to CCS' reputation.
- 2.3 Reasonable suspicion: a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of a controlled substance so that the employee's ability to perform the functions of his/her job is impaired or so that the employee's ability to perform his/her job safely is reduced.
- 2.4 Accident: occurs when, as a result of an occurrence involving a vehicle or equipment, State or local law enforcement authority issues a citation to the covered employee for a moving violation arising from the accident.
- 2.5 Covered Employee: CCS employee, regardless of employment category.
- 2.6 Safety-Sensitive Functions: driving/operating one or more of the following vehicles:
 - 2.6.1 with a gross combination weight of at least 26,001 pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
 - 2.6.2 with a gross vehicle weight of at least 26,001 pounds;
 - 2.6.3 designed to transport 16 or more passengers, including the driver; or
 - 2.6.4 used to transport those hazardous materials found in the Hazardous Materials Transportation Act.

- 2.7 Refusal to submit to test: refusal to submit to an alcohol or controlled substance test required by this procedure includes, but is not limited to:
- 2.7.1 A refusal to provide a requested sample for a drug test;
 - 2.7.2 An inability to provide a requested sample without a valid medical explanation;
 - 2.7.3 A refusal to complete and sign the breath alcohol testing form, or otherwise to cooperate with the testing process in a way that prevents the completion of the test;
 - 2.7.4 An inability to provide breath or to provide an adequate amount of breath without a valid medical explanation;
 - 2.7.5 Tampering with or attempting to adulterate a provided specimen or collection procedure;
 - 2.7.6 Not reporting to the collection site in the time allotted by the supervisor or manager who directs the employee to be tested;
 - 2.7.7 Consuming alcohol or ingesting a controlled substance during the eight hours immediately following an accident, unless the employee has been informed that his/her actions have been discounted as a contributing factor, or if the employee has already been tested.

3.0 Prohibitions and Application

- 3.1 Employees shall not:
- 3.1.1 be under the influence of a controlled substance while on duty; nor
 - 3.1.2 possess a controlled substance while on CCS property or work locations; nor
 - 3.1.3 sell or provide controlled substances to any other employee, student. or to any person while such employee is on duty; nor
 - 3.1.4 have their ability to work impaired as a result of the use of controlled substances when reporting for work.
- 3.2 While use of medically prescribed medications and drugs is not (per se) a violation of Board policy [2.30.03](#), attempting to work while taking medications or drugs which could interfere with the safe and effective performance of duties or operation of district equipment may result in discipline, up to and including termination. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified medical practitioner may be required. Bona fide proof of prescription must be in the employee's name and must be provided as soon as practical, but no later than 72 hours after request.
- 3.3 Community Colleges of Spokane reserves the right to search, without employee consent, all areas and property in which CCS maintains control or joint control with the employee.
- 3.4 Employees reasonably believed to be under the influence of controlled substances shall be prevented from engaging in further work and shall be detained until he/she can be safely transported from the work site to their home or other appropriate location.
- 3.5 Community Colleges of Spokane has established a voluntary Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for substance abuse problems. Employees should contact their supervisors or the EAP directly for additional information.

4.0 Alcohol and Drug-Free Awareness and Training Program

- 4.1 Community Colleges of Spokane shall develop and implement an on-going awareness training program for all supervisors, designed to build a general understanding of this procedure, awareness of the observable symptoms and actions of someone under the influence of a controlled substance, and other general knowledge necessary to carry out assigned responsibilities under this procedure.

- 4.2 CCS shall distribute and explain this procedure to all current and future CCS employees. The purpose of the awareness training program is that all CCS employees acknowledge and support the intent and provisions of Board policy 1.70.03.
 - 4.2.1 All current employees will receive an annual reminder of Board Policy [2.30.03](#) and a summary of this procedure.
 - 4.2.2 New CCS employees will be asked to sign a notice acknowledging receipt of a copy of this procedure and their understanding of its contents. Attachment "A" shall be used for this purpose.

5.0 Responsibilities

- 5.1 All CCS employees shall:
 - 5.1.1 Not report to work while his/her ability to perform job duties is impaired due to on- or off-duty controlled substance use.
 - 5.1.2 Not possess or use controlled substances during working hours or at any time while on district property or using district vehicles or equipment.
 - 5.1.3 Not directly or through a third party sell or provide controlled substances to any person, including any employee or student, while either or both are on-site or on-duty;
 - 5.1.4 Provide, as soon as practical, but no later than 72 hours after request, a bona fide verification of a current valid prescription for any potentially impairing drug or medication. The prescription must be in the employee's name.
 - 5.1.5 Notify his/her supervisor of any criminal drug statute conviction by not later than five (5) days after conviction.
- 5.2 All CCS managers and supervisors shall:
 - 5.2.1 be responsible for reasonable enforcement of Board policy 1.70.03 and this procedure and for insuring that each employee under his/her direction is made aware of this procedure.
 - 5.2.2 require that an employee submit to a controlled substance test when he/she has a reasonable suspicion that an employee is under the influence of a controlled substance while on the job or standby duty.
 - 5.2.2.1 Such test shall be performed in a clinical setting approved for use by the Chief Administration Officer.

6.0 Reasonable Suspicion Testing

- 6.1 Factors and/or behaviors that may constitute reasonable suspicion may include, but are not limited to:
 - 6.1.1 An accident involving CCS property where employee is deemed to be at fault.
 - 6.1.2 Unprovoked physical altercation;
 - 6.1.3 Unprovoked verbal altercation;
 - 6.1.4 Deviation from regular behavior;
 - 6.1.5 Possession of alcohol, drugs or any other controlled substance;
 - 6.1.6 Information obtained from a reliable person with personal knowledge.
- 6.2 A manager/supervisor, prior to requiring an employee to submit to a reasonable suspicion test shall document in writing the facts constituting reasonable suspicion that the employee in question is under the influence of a controlled substance. Attachment "B" is to be used for this purpose. It shall then be routed to the appropriate vice president or designee with a copy to the employee. Except in situations to avert immediate potential harm to the district, fellow employees, or to students, an employee shall have the right to representation and shall be informed thereof; provided, in no event shall said test be delayed for more than two (2) hours awaiting representation. Attachments "C, D, and E" shall be provided to the employee for signatures prior to the testing.
- 6.3 Where there is reasonable suspicion that the employee is then under the influence of a controlled substance, the manager/supervisor shall not direct the employee to go home,

but shall ask the employee to remain for a reasonable time until the employee can be safely transported home or to another appropriate location.

- 6.4 The manager/supervisor shall not physically search the person of employees, nor shall he/she search the personal possessions of employees without the freely given consent of, and in the presence of, the employee. This consent is authorized only when the employee has signed Attachment B.
- 6.5 Community Colleges of Spokane reserves the right to search, without employee consent, all areas and property in which CCS maintains control or joint control with the employee.
- 6.6 A covered employee who refuses to submit to a required test will be treated in the same manner as an employee who tested 0.04 or greater on an alcohol test or tested positively on a controlled substance test;
- 6.7 The manager/supervisor shall notify the appropriate law enforcement agency when he/she has reasonable suspicion to believe that an employee has illegal drugs in his/her possession or in an area not jointly or fully controlled by CCS.
- 6.8 The manager/supervisor shall notify his/her vice president or designee when he/she has reasonable suspicion to believe that an employee may have illegal drugs in his/her possession or in an area not jointly or fully controlled by CCS. If the vice president or designee concurs that there is reasonable suspicion of illegal drug possession, he/she shall notify the Chief Administration Officer.
- 6.9 An employee who refuses to submit to a requested controlled substance test shall be considered an employee who tested positive on a controlled substances test for purposes of this procedure.
- 6.10 If the employee has been convicted of a criminal drug statute and the employee is working under a Federal grant, the supervisor shall notify the grant agency within ten (10) calendar days after receiving notice of the conviction and shall take appropriate personnel action against such employee, consistent with rights provided under the appropriate collective bargaining agreement or rule.

7.0 Chemical Dependency as a Disability

- 7.1 Title I of the American's with Disabilities Act (ADA) protects qualified individuals with disabilities from employment discrimination. Under the ADA, a person has a disability if he has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment, and people who are regarded as having a substantially limiting impairment.
- 7.2 To be protected under the ADA, an individual must have, have a record of, or be regarded as having a substantial, as opposed to a minor, impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, learning or working.
- 7.3 The ADA allows that an employer can test applicants or employees for current illegal controlled substance use, can make employment decisions based upon verifiable test results and/or refuse to hire an individual or terminate a current employee who uses controlled substances illegally. Individuals who currently use controlled substances illegally are specifically excluded from the ADA's protection. The ADA does not encourage, authorize, or prohibit tests and therefore does not interfere with the CCS' authority to do so. However, the ADA may protect a person who has successfully completed or is currently in a rehabilitation program and no longer illegally using controlled substances; if all other provisions of the Act are also met. See Administrative Procedure [2.30.01-B](#).

- 7.4 Chemical dependency may or may not be considered a disability, then, based upon that dependency's degree of impact upon the major life activities of the employee in question. Any employee who thinks they can be helped by entering a treatment program will be granted a special leave of absence under the terms and conditions of their applicable collective bargaining agreement or rule, so long as they voluntarily seek that treatment and request the leave. Help in finding an appropriate program is available through the EAP.

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