

## 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 (CCS) has no intention of intruding into the private lives of its employees, abuse of controlled substances negatively impacts the educational environment, job performance and the safety of employees and students. The Board's objective is to ensure that employees are able to perform their duties safely and efficiently in the interests of their colleagues, students, as well as themselves. The presence and influence of controlled substances on the job and working environment are inconsistent with this objective.

1.1 Employees who think they may have a controlled substance abuse problem are encouraged to voluntarily seek confidential assistance from the [Employee Assistance Program](#) (EAP).

1.1.1 To access the EAP, please contact the Human Resources Office (HRO) for the organization code.

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 withdrawal of a job offer, where appropriate. Further, all applicants for positions with CCS 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 Accident: an incident involving one or more CCS employees that causes damage or harm to CCS property, to the involved individuals or to bystanders. Employees may be subject to state or local law enforcement involvement if the accident involved a law violation.

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 Covered Employee: CCS employee, regardless of employment category, while on CCS property, during their scheduled work time, or otherwise in paid status.

2.4 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 safely perform the functions of their job is impaired.

2.5 Substance abuse: abuse of controlled substances such that it impairs an employee's ability to safely and effectively perform the functions of their particular job, and which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to the district's reputation.

### 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 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.
- 3.2 While use of legitimately prescribed medications is not a violation of Board Policy [2.30.03](#), per se, attempting to work while taking medications 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.
  - 3.2.1 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.
  - 3.2.2 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 CCS has contracted with an EAP to assist those employees who voluntarily seek help for substance abuse problems. Employees should contact their supervisors, the HRO, or the EAP directly for additional information.

### 4.0 Alcohol and Drug-Free Awareness and Training Program

- 4.1 CCS 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 their responsibilities under this procedure and the resources available to them.
  - 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" Drug Free Workplace Employee Acknowledgement Form](#) shall be used for this purpose.

### 5.0 Responsibilities

- 5.1 All CCS employees shall:
  - 5.1.1 Not report to work while their 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 their 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 this procedure and for ensuring that each employee under their direction is made aware of this procedure.
  - 5.2.2 Notify new employees of the location of CCS's Drug and Alcohol Abuse Prevention Program and encourage them to review it.
  - 5.2.3 Require that an employee submit to a controlled substance test when they have a reasonable suspicion that an employee is under the influence of a controlled substance while on the job or standby duty.
    - 5.2.3.1 Such test shall be performed in a clinical setting approved for use by the Chief Strategy and Administration Officer (CSAO).
  - 5.2.4 Notify the applicable grant agency within ten calendar days after receiving notice of a criminal drug statute conviction if the employee is working under a federal grant.
    - 5.2.4.1 The manager or supervisor shall take appropriate personnel action against the employee, consistent with rights provided under the appropriate collective bargaining agreement or rule.

## 6.0 Reasonable Suspicion

- 6.1 Where there is reasonable suspicion that the employee is under the influence of a controlled substance, the manager or 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.
- 6.2 Factors and/or behaviors that may constitute reasonable suspicion may include, but are not limited to:
  - 6.2.1 An accident involving CCS property where employee is deemed to be at fault.
  - 6.2.2 Unprovoked physical altercation;
  - 6.2.3 Unprovoked verbal altercation;
  - 6.2.4 Deviation from regular behavior;
  - 6.2.5 Possession of alcohol, drugs or any other controlled substance;
  - 6.2.6 Information obtained from a reliable person with personal knowledge.
- 6.3 Reasonable Suspicion Testing

- 6.3.1 A manager or supervisor may require an employee to submit to a test for controlled substance use if the following has occurred first:
  - 6.3.1.1 The manager or supervisor has documented in writing the facts constituting reasonable suspicion that the employee in question is under the influence of a controlled substance.
    - 6.3.1.1.1 See the [Supervisor Guide for Recognizing Drug and Alcohol Abuse in the Workplace](#).
    - 6.3.1.1.2 See the [Reasonable Suspicion Testing Consent Checklist](#).
  - 6.3.1.2 The written documentation has been routed to the appropriate vice president and a copy provided to the employee.
- 6.3.2 Except in situations to avert potential immediate harm to the district, fellow employees or students, an employee shall have the right to representation and shall be informed thereof.
  - 6.3.2.1 In no event shall said test be delayed for more than two hours while the employee awaits representation.
- 6.3.3 The employee shall be provided the [Reasonable Suspicion Testing Consent Form](#) for signature prior to testing.
- 6.3.4 In the event that the requested test must be performed at an off-site location, the supervisor or manager will ensure that the employee has a safe means of transportation to and from the testing or collection site. This may include but is not limited to:
  - 6.3.4.1 The supervisor or manager may personally transport the employee to the testing or collection site.
  - 6.3.4.2 The supervisor or manager may contact Campus Security and request transportation for the employee to the testing or collection site.
  - 6.3.4.3 The supervisor or manager may contact the employee's emergency contact listed in their employee information and request that the emergency contact transport the employee to the testing or collection site.
  - 6.3.4.4 The vice president, designee, or CSAO may designate another employee to transport the employee to the testing or collection site.
- 6.4 Refusal to Submit to Reasonable Suspicion Testing
  - 6.4.1 Refusal to submit to an alcohol or controlled substance test required by this procedure includes, but is not limited to:
    - 6.4.1.1 A refusal to provide a requested sample for a drug test;
    - 6.4.1.2 An inability to provide a requested sample without a valid medical explanation;
    - 6.4.1.3 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;
    - 6.4.1.4 An inability to provide breath or to provide an adequate amount of breath without a valid medical explanation;

- 6.4.1.5 Tampering with or attempting to adulterate a provided specimen or collection procedure;
- 6.4.1.6 Not reporting to the collection site in the time allotted by the supervisor or manager who directs the employee to be tested;
- 6.4.1.7 Consuming alcohol or ingesting a controlled substance during the eight hours immediately following an accident, unless the employee has been informed that their actions have been discounted as a contributing factor, or if the employee has already been tested.

6.4.2 An employee who refuses to submit to a requested controlled substance test shall be considered an employee who tested positive on the requested test.

## 6.5 Reasonable Suspicion Searches

- 6.5.1 CCS, to include the manager or supervisor, reserves the right to search all areas and property in which CCS maintains control or joint control with the employee without employee consent.
- 6.5.2 The manager/supervisor shall not physically search the person of employees, nor shall they 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 the [Reasonable Suspicion Testing Consent Form](#).
- 6.5.3 The manager or supervisor shall notify their vice president or designee when they have reasonable suspicion to believe that an employee may have illegal drugs in their 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, they shall notify the CSAO.
- 6.5.4 The manager/supervisor shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee has illegal drugs in their possession or in an area not jointly or fully controlled by CCS.

## 7.0 Chemical Dependency as a Disability

- 7.1 Title I of the [Americans 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 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.
- 7.4 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.

- 7.4.1 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](#) Reasonable Accommodation and Return to Work.
- 7.5 Chemical dependency may or may not be considered a disability, based upon the degree of impact upon the major life activities of the employee in question.
- 7.6 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.
  - 7.6.1 Help in finding an appropriate program is available through the EAP.

## 8.0 Related Information

- 8.1 [Americans With Disabilities Act](#)
- 8.2 Applicable Collective Bargaining Agreements:
  - 8.2.1 For represented classified employees – [Collective Bargaining Agreement with Washington Federation of State Employees](#)
  - 8.2.2 For represented faculty – [Master Contract with Association of Higher Education](#)
- 8.3 Associated Forms:
  - 8.3.1 [Attachment “A” Drug Free Workplace Employee Acknowledgement Form](#)
  - 8.3.2 [Supervisor Guide for Recognizing Drug and Alcohol Abuse in the Workplace](#)
  - 8.3.3 [Reasonable Suspicion Testing Consent Checklist](#)
  - 8.3.4 [Reasonable Suspicion Testing Consent Form](#)
- 8.4 CCS Administrative Procedure [2.30.01-B](#) Reasonable Accommodation and Return to Work
- 8.5 [CCS Drug and Alcohol Awareness Prevention Program](#)
- 8.6 Contact Information for Campus Safety:
  - 8.6.1 [Spokane Community College Office of Campus Safety](#)
  - 8.6.2 [Spokane Falls Community College Office of Campus Safety](#)
- 8.7 [Employee Assistance Program](#)