



# Eastern Kentucky University

## Policy and Regulation Library

Administrative Regulation: 8.3.7ADR

Responsible Office(s): Office of Human Resources

Effective: August 1, 2002

Next Review Date: January 3, 2014

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### Drug Free Workplace

#### Statement

Eastern Kentucky University is a drug free workplace. Unlawful manufacture, distribution, dispensation, possession, or use of controlled substance is prohibited in the workplace. In 1988, Congress enacted the Drug-Free Workplace Act, which places certain responsibilities on Eastern Kentucky University as a recipient of federal grants and contracts. To be in compliance with this act, EKU adopted this Drug Free Workplace Policy.

#### Entities Affected

All individuals are subject to this policy while they are in facilities or on property owned, controlled or operated by the University.

#### Policy Background

August 1, 2002 approved by the Board of Regents as part of the Staff Handbook approval. Procedures for this policy were adopted by the Human Resources Department in April 2006.

#### Procedures

#### **UNLAWFUL MANUFACTURE, DISTRIBUTION, DISPENSING, POSSESSION OR USE OF CONTROLLED SUBSTANCE**

The unlawful manufacture, distribution, dispensing, possession, or use of controlled substances is prohibited on all university property, work sites or while conducting University business off University premises. Any employee, who engages in any of these actions on University property or the work site or during work time, may be subject to disciplinary action up to and including termination.

## **EMPLOYEES CONVICTED OF ANY CRIMINAL DRUG STATUTE**

Under the requirements of this federal law, employees who are convicted of any criminal drug statute violation occurring in the workplace must notify their department director, chair, dean and/or vice president within five days of the conviction. If an employee receives such a conviction the University shall:

- a. Take appropriate personnel action against the employee, up to and including termination; and
- b. Require the employee to participate satisfactorily in an approved drug-abuse assistance or rehabilitation program.

## **INFORMATION ABOUT DRUG COUNSELING**

Through the human resources office the University makes available to employees information about drug counseling, rehabilitation, and employee assistance programs which may be accessed by contacting the Employee Assistance Program (EAP) at 800-364-4748 or [www.enweb.com](http://www.enweb.com).

## **EMPLOYEES UNDER THE INFLUENCE**

When it is reasonably believed that an employee is under the influence of drugs or alcohol while on the job, the following guidelines apply:

- a. The employee may be removed from the workplace until the employee is no longer under the influence and during the time an investigation is underway. In such circumstances, the supervisor will arrange to have the employee transported home.
- b. The employee may be required to undergo drug or alcohol testing. This could occur both at the time the employee is suspected of being under the influence and/or before the employee is allowed to return to work as evidence the employee is no longer under the influence.
  - i. Contact Director of Human Resources who will then arrange for confidential testing of the employee.
  - ii. An employee's refusal to participate in requested drug and/or alcohol testing is a separate offense subject to corrective action up to and including termination
- c. An employee found to be under the influence is subject to disciplinary action as provided in the Corrective Action Policy.
- d. The Supervisor may counsel the employee to seek assistance.

## **OFF-WORK USE OF ALCOHOL OR DRUGS**

An employee whose off-work use of alcohol or drugs can reasonably be established to be the cause of excessive absenteeism or tardiness, or the cause of accidents or poor performance will be counseled to seek assistance.

- a. Job performance problems are subject to the steps of the Corrective Action policy.

## **EMPLOYEE ASSISTANCE**

Employees requiring assistance in dealing with the use of alcohol or a controlled substance can receive such assistance in two ways: self refer and university referral to a Physician and/or Employee Assistance Program at 800-364-4748 or www.enweb.com.

### **Responsibilities**

- All EKU employees are responsible for maintaining a drug free workplace and complying with this policy

### **Violations of the Policy**

Violations of this policy will be handled according to normal University procedures.

### **Statutory or Regulatory References**

Drug Free Workplace Act of 1988

### **Relevant Links**

[Drug Free Workplace Act of 1988](#)

### **Regulation Adoption Review and Approval**

#### **Regulation Revisions**

| <u>Date</u> | <u>Entity</u>             | <u>Action</u> |
|-------------|---------------------------|---------------|
| April 2006  | Office of Human Resources | Approved      |

#### **Regulation Issued**

| <u>Date</u>    | <u>Entity</u>    | <u>Action</u> |
|----------------|------------------|---------------|
| August 1, 2002 | Board of Regents | Adopted*      |