

PERSONNEL, NEBRASKA STATE COLLEGE SYSTEM

**POLICY: 5006 Drug-Free Workplace;
Standards of Conduct**

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BOARD POLICY

The Board of Trustees recognizes and affirms its responsibility and commitment to maintain a drug-free workplace environment. In accordance with this responsibility and to ensure worker safety and workplace integrity, under the Drug-Free Workplace Act of 1988, (41 U.S.C. §701), and the Drug-Free Schools and Communities Act of 1989, (20 U.S.C. §1145g), the Board prohibits the illegal manufacture, possession, distribution or use of controlled substances or alcohol in the workplace by its employees or those who engage or seek to engage in business with the State College System.

The term "controlled substance" refers to a controlled substance as defined by the Federal Controlled Substances Act (21 U.S.C. 801) et seq, or Nebraska Drug Control Laws, Neb. Rev. Stat. 28-401 et seq.

In an effort to bring about a drug-free workplace in the System and to assure employees of a workplace free from illegal drugs and their effect, the Board through its College administrations will implement the following Drug-Free Workplace Policy and standards of conduct.

SCOPE: Applicable to all employees.

POLICY: It is unlawful to illegally manufacture, distribute, dispense, possess, or use a controlled substance, drug paraphernalia or alcohol in the workplace. The Board, therefore, establishes a drug-free workplace policy for its employees.

STANDARDS OF CONDUCT

The Board has formulated the following standards of conduct for its employees which prohibit the following acts:

1. Unauthorized use, possession, manufacture, distribution or sale of illegal drugs, drug paraphernalia or alcohol on College premises or while on College business or at College activities, or in College supplied vehicles either during or after working hours;
2. Unauthorized use, possession, manufacture, distribution, or sale of a controlled substance as defined by the Federal Controlled Substances Act, (21 U.S.C. 801) et seq, or Nebraska Drug Control Laws, Neb. Rev. Stat. 28-401 et seq., on College premises, or while engaged on College business or attending College activities, in College supplied vehicles, either during or after working hours;
3. Storing in a locker, desk, vehicle, or other place on College owned or occupied premises, any unauthorized controlled substances, drug paraphernalia or alcohol;
4. Possession, use manufacture, distribution or sale of alcohol or illegal drugs off College premises that adversely affects an employee's work performance, safety or the safety of others;
5. Violation of State or Federal laws relating to the unauthorized use, possession, manufacture, distribution or sale of alcohol, controlled substances or drug paraphernalia;
6. Failure to report within five (5) days any criminal drug **or alcohol** statute **citation**, arrest or conviction occurring in the workplace to his or her immediate supervisor. The supervisor will immediately report such citation, arrest or conviction to the President or designee.

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PROCEDURE

1. All employees, including part-time student employees, and each new hire will receive a copy of this policy.
2. Each employee will receive a drug abuse awareness form which will state it is unlawful to manufacture, distribute, dispense, possess, or use a controlled substance or alcohol in the workplace unless alcohol is allowed at an event authorized and hosted by the President as outlined in Board Policy 8035. Each employee will sign and date this statement certifying that he or she:
 - A. Understands and will abide by the drug-free workplace policy; and
 - B. Has knowledge of disciplinary actions which may be imposed for violations of the drug-free workplace policy.

The signed and dated statement will be provided to the Director of Human Resources. The signed and dated statement will be permanently maintained in the employee's personnel file.
3. All current employees will receive drug and alcohol abuse awareness training. New hires will receive the training within the first six (6) months of date of hire. This training shall include:
 - A. A definition of drug and alcohol abuse;
 - B. Information on specific drugs and alcohol and the effects of drug and alcohol abuse;
 - C. Dangers of drug and alcohol abuse in the workplace;
 - D. Availability of counseling and treatment services; and
 - E. Disciplinary actions which may be imposed on employees for violations of this policy.
4. If an employee violates the drug free workplace policy, disciplinary action may be imposed according to established Board policy and procedures. Disciplinary action shall include one or more of the following actions:
 - A. Referral to an assistance program for evaluation and assessment to determine the appropriate treatment for rehabilitation; and/or
 - B. Participation in a drug rehabilitation program; and/or
 - C. Termination of employment.
5. If an employee is convicted of violating any criminal drug statute while in or at the workplace, he or she will be subject to discipline up to and including termination. Alternatively, the College may require the employee to successfully complete a drug abuse program sponsored by an approved private or governmental institution at the employee's expense.

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6. If the employee is hired on federal contracts or grants, as a condition of employment, the College shall notify the Federal granting agency within ten (10) days after receiving notice of an employee's drug or alcohol statute conviction.

Policy Adopted: 4/14/89
Policy Revised: 3/11/94
Policy Revised: 6/2/11