

Saint Joseph's College

Policy Guidebook

Human Resources

Section Name: The Work Environment

Section Number: 4.06

Effective Date: 10/10/2023

SUBJECT: Impairment in the Workplace (Drug and Alcohol Policy)

Purpose:

Saint Joseph's College believes that illegal drugs and the abuse of alcohol have no place in the College environment. Furthermore, Congress passed the Drug-Free Workplace Act of 1988, requiring certification by federal grantees of a drug-free workplace; and the Drug-Free Schools and Communities Act Amendments of 1989 requiring institutions of higher education receiving federal funds to certify adoption and implementation of programs to prevent possession, use or distribution of illicit drugs and alcohol by students and employees.

Applicable to:

Faculty and Staff

Policy:

The College is committed to providing a safe work environment and to fostering the well-being and health of its faculty and staff, as well as compliance with the Drug Free Workplace Act of 1988. That commitment is jeopardized when any member of the community uses illegal drugs or alcohol on the job, comes to work with these substances present in their body, or possesses, distributes, or sells drugs in the workplace. The College has established the following guidelines with regard to alcohol and other drugs to ensure that we can meet our obligations to faculty and staff, students, our community, and the public.

- It is a violation of our policy for any employee to possess, sell, trade, offer for sale, furnish, or engage in the use of illegal drugs, alcohol, or other controlled substances (including cannabis*) in the workplace.
- It is a violation of our policy for anyone to report to work under the influence of/impaired by drugs, alcohol or other controlled substances (including cannabis*).
- It is a violation of our policy for anyone to use prescription drugs illegally. This policy does not prohibit employees from the lawful use and possession in the workplace of prescribed medications (other than cannabis*). Employees must, however, promptly notify Human Resources if the prescribed medication may affect the employee's ability to perform their job. Human Resources will not disclose the nature of an employee's medication but may inform the employee's supervisor of any required restrictions of duty.

The violations listed above hold true for employees who are serving in an on-call capacity. While on call, an employee must refrain from drug, alcohol and/or cannabis* consumption.

Notwithstanding this, there may be certain College functions, removed from the usual work setting, at which it is permissible to consume alcohol in moderation.

Except for the situation outlined above, employees who use or are under the influence of illegal drugs, alcohol or cannabis* during work time will be subjected to disciplinary action up to and including terminations. Saint Joseph's College reserves the right to inspect the workplace for alcohol, controlled substances, illegal drugs or paraphernalia relating to alcohol, controlled substances or illegal drugs, and to question any employee when it reasonably suspects that this policy or any procedure under this policy has been violated.

In accordance with the Drug-Free Workplace Act, employees are required to report to Human Resources any criminal drug statute conviction based on acts in the workplace within **five days of conviction**. The College, within ten days of such Report, will generally in turn report the conviction to any Federal Agency funding any program in which the employee participates. Human Resources will determine within 30 days if the charges warrant any action taking into consideration the interests of the campus community, the rights of the individual, and personnel guidelines. The action may include disciplinary action up to and including termination. It may require satisfactory participation in an approved substance abuse or rehabilitation program. If participation in a rehabilitation program is required, the College expressly reserves the right to require as a condition of continued employment the successful completion of a planned program of recovery from the identified substance abuser. This plan, which will be in writing, may stipulate that failure to fully participate in the programs or meetings required therein, or to satisfactorily complete the requirements of the plan may result in termination of employment.

The Human Resource Office maintains a list of local agencies that offer assistance from a trained professional for issues of drug dependency issues, treatment, and/or referral:

- [211 Maine Substance Use Treatment & Recovery Support](#)
- [Maine Recovery Hub](#)
- [Recovery Community Centers in Maine](#)

Saint Joseph's College's health insurance program has provisions for coverage of both inpatient and outpatient drug dependency and alcohol dependency treatment for both employees and dependents.

The College recognizes alcohol and drug abuse as treatable health problems that should receive the same consideration and offer of assistance extended to employees having any other health problem, including our [Employee Assistance Program](#). The employee's ability to perform their employment responsibilities will be determined on an individual basis. The

College will provide time off, consistent with the College's Family Medical Leave policy, for employees who wish to or are required to undertake inpatient drug dependency treatment.

Employee violations of these policies should be reported to Human Resources for review and action.

The College commits to continuing efforts to heighten awareness of the dangers of drug abuse in the workplace; to maintain information on available drug counseling, rehabilitation and to uphold the College's policy of maintaining a drug-free workplace.

The College shall make a good faith effort to continue to maintain a drug-free environment through the implementation of this policy, and ensure that all new employees are informed of the policy.

* Please note that although Maine has legalized, under state law, the medical and recreational use of cannabis, *use of cannabis remains illegal under the federal Controlled Substances Act ("CSA") and remains a prohibited substance under SJC's compliance obligations.* In accordance with State of Maine law, the College recognizes prescribed medical cannabis as a legally prescribed medication, however the College prohibits the smoking of cannabis for medical purposes on the College premises in accordance with the College's Tobacco Free Policy as well as the Maine law. The College is not required to accommodate the ingestion of medical cannabis in the workplace or any employee working while under the influence. The College also prohibits the use, consumption, possession, trade, display, transportation, sale or growing of cannabis for recreational purposes in the workplace. The College prohibits employees from working under the influence of recreational cannabis in the workplace.