

Saint Joseph's College

Policy Manual

Human Resources

Section Name: The Work Environment

Section Number: 4.06

Effective Date: 1/1/2020

SUBJECT: Use of Drugs, Alcohol and Marijuana

Purpose:

It is the policy of the College that employees shall not possess, consume, be impaired by or be under the influence of drugs, alcohol, or marijuana during the workday, including rest and meal periods.

Eligibility:

All Employees

Policy:

Saint Joseph's College commits to providing a drug-free, healthful, safe, and secure work environment. Use or abuse of alcohol or any other drug in a manner that affects or impairs an individual's ability to carry out their job responsibilities is prohibited. In addition, the Drug-Free Workplace Act of 1988 requires that federal grant recipients (such as Saint Joseph's College) take several very specific steps to ensure a drug-free workplace. As an example, the law requires that employers notify employees and students of the health risks associated with alcohol or drug use. Also, as a condition of employment, employees must abide by the terms of this policy.

These restrictions hold true for employees who are serving in an on-call capacity. While on call, an employee must refrain from drug, alcohol and/or marijuana 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, with management approval.

Except for the situation outlined above, employees who use or are under the influence of illegal drugs, alcohol or marijuana during work time will be subjected to disciplinary action up to and including discharge.

MARIJUANA REMAINS A PROHIBITED SUBSTANCE

Please note that although Maine has legalized, under state law, the medical and recreational use of marijuana, **use of marijuana remains illegal under the federal Control Substances Act ("CSA") and remains a prohibited substance under SJC's compliance obligations under the College's Substance Abuse Policy and the Drug Free Workplace Act.**

Because of the federal CSA, employees should understand that the possession of a medical marijuana card does not make the use of marijuana legal under federal law. Therefore, a medical marijuana card will not provide an employee with any protection from discipline up to and including termination of employment if the employee's possession or use of marijuana violates College policy.

Employees taking prescription drugs (with a warning label for the operation of machinery, motored vehicles, etc.) who typically use machines and/or motored vehicles need to inform their supervisor prior to beginning work allowing the supervisor to evaluate the safety of the situation.

Employees suspected of using or being under the influence of marijuana or illegal drugs will be suspended pending an investigation.

All suspensions resulting from this policy will be without pay unless otherwise provided by state or federal law.

On duty employees who are suspected of being under the influence of alcohol will be required to submit to a breathalyzer test administered by either the nurse in the Health and Wellness Center or the security officer on duty. The College has a zero tolerance policy. Any positive reading subject to the error guidelines of the machine will be considered a violation of this policy. The employee will be suspended immediately. The Director of Human Resources will review the facts of the incident and decide on appropriate disciplinary action.

Procedure:

When a staff member is suspected of being at work under the influence of alcohol, the following procedure will be followed:

Supervisor of the staff member will immediately call the Department Director; the Department Director will immediately call Human Resources. Human Resources will determine if a breathalyzer test will be given.

Staff member will be escorted to the Security Department by the Department Director. Director will be present for test administration. Results of test will immediately be called into Human Resources.

If the result of the test is positive for alcohol the staff member will be sent home.

If under the legal limit, the staff member will drive themselves home. If he/she is found to be over the legal limit of alcohol, he/she will be offered two options:

1. Call a family member/friend for a ride home.
2. A cab will be called for the staff member and be paid initially by Saint Joseph's College.

The staff member will be responsible for reimbursing Saint Joseph's College the cost of the cab ride.

If the breathalyzer is positive, Human Resources will place the staff member on suspension and will initiate an investigation. Human Resources will review the facts and decide on appropriate disciplinary action.