

Policy On Alcohol and Other Drug Use By Employees of Minnesota State University of Moorhead

Purpose

The purpose of this policy is to set forth the University's policy regarding alcohol and other drug use, including unlawful drug use or abuse in the workplace in accordance with the Drug Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D, and Drug Free Schools and Communities Act Amendments of 1989 (Public Law 101-226).

Non-Discrimination

The University's policy on work-related substance abuse is non-discriminatory in intent and application. However, in accordance with Minnesota Statutes, Chapter 363, disability does not include any condition resulting from alcohol or other drug abuse that prevents a person from performing essential functions of the job or creates a direct threat to property or the safety of individuals.

Consequence of Violations

Violations of this policy may constitute just-cause for discipline, including possible discharge. Each situation will be evaluated on a case-by-case basis depending upon the severity and circumstances involved.

Prohibitions:

- A. No employee shall report to work under the influence of alcohol, marijuana, controlled substances, or other drugs which affect his/her alertness, coordination, reaction, response, judgment, decision-making or safety.
- B. No employee shall operate, use, or drive any equipment, machinery, or vehicle of the University/State while under the influence of alcohol, marijuana, controlled substances, or other mood-altering drugs. Such employee is under an affirmative duty to immediately notify his/her supervisor that he/she is not in appropriate mental or physical condition to operate, use, or drive University/State equipment.

C. During work hours or while on the University/State's premises, no employee shall use, sell, possess, or transfer alcoholic beverages, with the following exceptions:

- Consumption, possession, sales, or purchase of alcohol when authorized by a Commissioner under separate statutory or executive agency authority.
- Possession of alcohol while being transported in a University/State vehicle in compliance with applicable statutory requirements.
- Possession of alcohol while in an employee's personal vehicle on the University/State's premises in compliance with applicable statutory requirements.

Additionally, employees shall not participate in these activities during rest breaks or during overtime work.

D. Engaging in off-duty sale, purchase, transfer, use, or possession of illegal drugs or controlled substances which may have a negative effect on an employee's ability to perform his/her work for the University/State. In such circumstances, the employee is subject to discipline.

E. When an employee is taking medically authorized drugs or other substances which may alter job performance, as defined in III (D) above, the employee is under an affirmative duty to notify the appropriate supervisor of his/her temporary inability to perform the job duties of his/her position.

F. Supervisors shall notify the Director of Personnel before notifying the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in his/her possession at work or on University premises. Where appropriate, the University shall also notify licensing boards.

G. Employees are discouraged from consuming alcoholic beverages during lunch or dinner meals when returning immediately thereafter to perform work on behalf of the University/State. Employees are advised that in any situation subsequent to the intake of alcohol where the employee must continue conducting the University/State's business, any employee whose condition or behavior adversely affects his/her work performance shall be subject to possible discipline, up to and including discharge.

State Employee Assistance Program

The University/State has in place a formal Employee Assistance program to assist employees in addressing problems such as alcohol or drug abuse. The University recognizes that the misuse and abuse of alcohol and other chemicals is a serious health problem affecting every aspect of human life. Employees who may have an alcohol or other drug abuse problems are encouraged to seek a professional assessment from the Employee Assistance Program before the problem affects their employment status. Participation in this program is voluntary and confidential, except as may be required to pursuant to Public Law 100-690, Title V, Subtitle D. The University's EAP is handled through the Minnesota State Employee Assistance Program Counseling Services. The telephone number is: 1-866-477-1586 (toll-free).

Data Disclosure

Disclosure of information regarding employee alcohol and drug use in the workplace must be consistent with applicable collective bargaining agreements and law. Questions in this area should be directed to the Employment and Labor Law Section of the Attorney General's Office or to the Department of Employee Relations, Labor-Relations Bureau, State of MN.

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Federal Grant Employees

Each employee engaged in the performance of work on federal grants or contracts is required to notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Failure to comply may result in disciplinary action.

Drug/Alcohol Testing

Any alcohol and/or other drug testing undertaken by the University shall be in accordance with Minnesota Statutes 181.950-957 (1987), the Minnesota Drug and Alcohol Testing in the Workplace Act.

Effective Date

This Policy on Alcohol and Other Drug Use in the Workplace shall be in full force and effect beginning March 18, 1989.

Definitions

“Work-related alcohol and other drug abuse” is defined as the use of mood-altering drugs, including all forms of alcohol, narcotics, depressants, stimulants, hallucinogens, marijuana, or the use of prescription drugs when resulting behavior or appearance adversely affects work performance.

“Adversely affects work performance” and **“under the influence”** shall be determined

to be present if the employee is perceptibly impaired; has impaired alertness, coordination, reaction, responses, or effort; if the employee’s condition threatens the safety of him/herself or others; or if employee’s condition or behavior presents the appearance of unprofessional or irresponsible conduct detrimental to the public’s perception of the University/State as an employer as determined by the supervisor or manager or others observing the employee.

“Controlled substances” and **“alter”** means changed behavior that may limit an employee’s ability to safely and efficiently perform his/her job duties, or poses a threat to the safety of the employee or others.