

6Hx19-2.58 DRUG AND ALCOHOL ABUSE BY EMPLOYEES

The purpose of this Board Rule is to establish Board policy prohibiting the possession and use of alcohol or illegal controlled substances by employees while on the college premises or while engaged in College-sponsored off-campus activities.

Use or possession of alcohol or illegal use of controlled drugs by employees while on College premises, or while engaged in College sponsored activities off campus, is prohibited. No employee shall manufacture, sell, distribute, provide drugs, or make arrangements for the same on College premises or while engaged in College sponsored activities off campus. For a violation occurring in the workplace, the employee must notify the appropriate supervisor of any criminal drug statute conviction, no later than five (5) days after such conviction. No employee shall report to work, or work on College premises, while intoxicated, impaired, or under the influence of drugs or alcohol.

When there is a reasonable suspicion of drug or alcohol abuse during duty hours the College may demand an immediate drug/alcohol test of an employee under the provisions of District Board of Trustees Rule 6Hx19-2.10, *Right to Request Examination* and Florida Statute 440.09. Where there is a reasonable suspicion that drug/alcohol abuse during non-duty hours contributes to Misconduct in Office, Gross Insubordination, or Willful Neglect of Duty, or Incompetency, as outlined in District Board of Trustees Rule 6Hx19-2.23, *Dismissal, Return To Annual Contract - Continuing Contract Personnel* the College may require contract personnel to undergo a medical examination in accordance with Rule 6Hx19-2.10. The President is empowered to take appropriate action against non-contract personnel without recourse to medical examination or drug/alcohol tests (Paragraphs 7 and 8, District Board of Trustees Rule 6Hx19-2.26, *Personnel Definitions*).

Drug or alcohol abuse, as defined in Board Rule 6Hx19-2.23 (g), and as referenced in District Board of Trustees Rule 6Hx19-2.24, *Criteria for Suspension or Dismissal of Employees*, shall subject an employee to termination, suspension, or other disciplinary action, as shall willful failure to undergo a drug/alcohol test or medical examination when requested by the College. Further, Worker's Compensation benefits may not be available to an employee who is injured on the job and whose injury was occasioned primarily by the intoxication of the employee or the influence of non-prescription controlled substances.

An employee using controlled substances, as outlined in Florida Statute 893.03, that are lawfully prescribed by a physician shall notify the college in advance of this fact. The notification shall be in writing and shall include the name of the physician and identification of the controlled substance.

Rule Adopted: 11/16/87; 5/14/91; 10/21/97; ■02/16/09

Effective Date: 11/16/87; 5/14/91; 10/21/97; ■02/16/09

6Hx19-2.58
Drug and Alcohol Abuse by Employees

Reviewed:
President's Administrative Leadership Team – Non-Substantive/Editorial: 11/05/18

Legal Authority:

General Authority: 34 CFR Part 85, Subpart F (1988);
Public Law 101-226 S. 22 (1989);
Florida Statutes: 1001.64; 1001.65; 877; 893; 440

Other References:

Law Implemented: Florida Statutes: 1001.64(1)(2)(4)(18)(43)(44);
1001.65(1)(3)(16)(25); 440.09; 877.111; 893.03; 893.13

Proposer Timothy L. Beard, President

- President's Cabinet Approval – Non-substantive/Editorial