

# Policy 240 - Alcohol & Drug Free Workplace

Lower Columbia College intends to provide an alcohol and drug-free work environment. Each employee is expected to report to work in an appropriate mental and physical condition to perform their assigned duties safely and efficiently in the interests of their fellow employees, students and themselves, and shall refrain from reporting to work under the influence of a controlled substance. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in all facilities, grounds, events or activities directly or indirectly under the control of Lower Columbia College, or while conducting college business, shall not be tolerated and, pursuant to this policy, shall be prohibited. Lower Columbia College will comply with the Federal Drug-Free Workplace Act, Drug-Free Schools and Communities Act, U.S. Department of Transportation regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991, along with other applicable federal, state and local laws and regulations, including but not limited to the enforcement of state underage drinking laws. Marijuana use is illegal under federal law and permitting its use at Lower Columbia College would violate the Drug-Free Schools and Communities Act. If LCC fails to comply with that act, it could become ineligible for federal funding and financial aid programs for its students. Employees or students engaging in prohibited activities shall be subject to disciplinary action, pursuant to applicable rules, regulations and employment contracts, which may result in suspension or termination.

## Employees

Violation of this policy by employees may result in disciplinary action being taken in accordance with the rules, regulations, employment contracts, bargaining unit agreements, tenure laws or other policies of the institution. Violation may be reason for discipline, up to and including termination of employment, or participation in evaluation and/or satisfactory participation in an approved drug abuse assistance or rehabilitation program. Lower Columbia College recognizes drug use and/or dependency to be a health, safety and security problem. Employees needing assistance with problems related to drug or alcohol abuse are encouraged to use the Employee Assistance Program and/or employee medical insurance plans as appropriate. Employees shall be encouraged to voluntarily seek expert assistance for alcoholism, drug dependency, or any other job-impairing personal problem. Employees whose job performance or work-related behavior is adversely affected by alcoholism or drug dependency will be encouraged to seek appropriate assistance and support from Human Resources. Any employee suffering from either condition will be given the same consideration that is extended to employees having any other illness, including the use of sick time to pursue a professionally prescribed program of treatment.

Employees must, as a condition of working on any Lower Columbia College contract or grant, abide by the terms of this statement, and notify the employee's supervisor no later than five days after any conviction for a criminal drug statute violation that occurred

in the workplace or while conducting college business. Lower Columbia College must report the conviction to the appropriate federal grant/contracting agency with ten days after having received notice.

While use of medically prescribed medications or over the counter medications is not (per se) a violation of this policy, attempting to work while taking medications or drugs, which could interfere with the safe and effective performance of duties or operation of College equipment, may result in discipline, up to and including termination. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified medical practitioner may be required. If the use of the medications impairs the ability of the employee to perform the essential functions of the job effectively and in a safe manner, other options must be considered through Human Resources.

LCC reserves the right to permit the service of alcoholic beverages on the campus, though it may not be served at an employee or student event during regular work hours of 8:00 a.m. to 4:30 p.m. Monday - Friday. Employees scheduled to work at an event where alcohol is served shall not consume alcohol. Administrative/exempt and faculty, who are salaried employees, are presumed not to be working if the event occurs outside of regular work hours.

## Students

If a student violates this code, he or she is subject to discipline pursuant to the **Code of Student Conduct ( [lowercolumbia.edu/publications/student-handbook/code-of-student-conduct](http://lowercolumbia.edu/publications/student-handbook/code-of-student-conduct) )**.

## Criminal Sanctions

Violations of this policy may also violate local, state and federal criminal law, and will be referred to the appropriate law enforcement agency for investigation which may result in separate penalties, such as monetary fines or imprisonment. Individuals concerned about specific circumstances should seek the advice of their personal attorney.

## Reporting

If an individual observes or believes an employee, contractor, student, visitor or volunteer may be under the influence or in violation of this policy, please report so immediately.

- For employee-related concerns, contact a supervisor immediately. The supervisor should contact Human Resources.
- For student-related concerns, contact Student Conduct Officer/Safety & Security.
- For all other individuals, contact Safety & Security.

All LCC managers and supervisors shall be responsible for reasonable enforcement of this policy and immediately notify Human Resources when they have a reasonable suspicion that an employee is under the influence of a controlled substance while on the job or standby duty. The manager/supervisor shall not direct the employee to go

home or otherwise provide transportation from the worksite prior to a Human Resources response. Managers and supervisors will be trained on detecting the signs/symptoms of being affected by controlled substances/alcohol.

## Historic Information

- Adopted 1-22-2020
- Adopted 2-23-09
- Replaces policy 318 adopted October 1989

Resource/Reference/ Procedure	Title	Unit Responsibility
<b>Procedure 240.1 ( service s4.lowercolumbia.edu/info/webResources2/internal/Policy/240.1A%20Procedure%20Drug%20%20Alcohol%20Testing.pdf )</b>	Drug & Alcohol Testing	
<b>Procedure 240.2B ( services4.lowercolumbia.edu/info/webResources2/Internal/Policy/240.2b_alcohol_and_drug-free_procedure_1-22-20.pdf )</b>	Alcohol & Drug Procedure	
<b>Washington Federation of State Employees collective bargaining agreement ( ofm.wa.gov/sites/default/files/public/labor/agreements/21-23/wfse_he.pdf )</b>	Article 22	VP of HR and Legal Affairs
<b>Administrative &amp; Exempt Handbook ( http://internal.lowercolumbia.edu/departments/human-resources/_assets/documents/AdministrativeExemptHandbook.pdf )</b>	Workplace Conduct and Expectation	
<b>Available Assistance for Treatment Washington State Employee Assistance Program ( low</b>		

Resource/Reference/ Procedure	Title	Unit Responsibility
<a href="http://lowercolumbia.edu/red-devil-wellbeing/employee-assistance">lowercolumbia.edu/red-devil-wellbeing/employee-assistance</a> )		
Drug-Free Schools - ( <a href="http://lowercolumbia.edu/publications/student-handbook/drug-free-schools-and-communities-act">lowercolumbia.edu/publications/student-handbook/drug-free-schools-and-communities-act</a> ) Student Resources ( <a href="http://lowercolumbia.edu/publications/student-handbook/drug-free-schools-and-communities-act">lowercolumbia.edu/publications/student-handbook/drug-free-schools-and-communities-act</a> )		
Drug Free Workplace - Resources ( <a href="http://lowercolumbia.edu/red-devil-wellbeing/drug-free-schools-and-communities-act">lowercolumbia.edu/red-devil-wellbeing/drug-free-schools-and-communities-act</a> )		
The Higher Education Opportunity ACT of 2008 ( <a href="http://www2.ed.gov/policy/highered/leg/hea08/index.html">www2.ed.gov/policy/highered/leg/hea08/index.html</a> )	Public Law 110-315: 8/14/08	