

NORTHWEST FLORIDA STATE COLLEGE
Policy Number 6Hx17-5.021

TITLE	DRUG-FREE WORK PLACE ACT OF 1988
REFERENCE	Public Law 100-690
HISTORY	New Policy, September 1989

Local Language

Northwest Florida State College prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a drug as defined in the Drug Free Work Place Act in the work place. Accordingly, the following procedures are set forth:

Procedures

A. The College recognizes that the use of drugs inhibits a person from performing duties safely; therefore, employees will be advised on the dangers of drug use in the work place.

B. The use of medically prescribed medications and drugs is not a violation of this policy. However, failure by the employee to let his/her supervisor know, before beginning work, that he/she is taking medications or drugs that have the potential to interfere with the safe and effective performance of duties or operation of equipment is a violation of this policy. Such a violation can result in disciplinary action up to, and including termination. If there is a question about an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified physician is required.

C. The College reserves the right to search, without employee consent, all areas and property over which the College maintains complete control or joint control with the employee. Otherwise the College may notify the appropriate law enforcement agency that an employee may have illegal drugs in his/her possession or in an area not jointly or fully controlled by the College.

Any employee reasonably believed by supervisors or law enforcement personnel to be under the influence of drugs or alcohol may be prevented from engaging in further work.

D. NWFSC is committed to providing reasonable job support as an accommodation (including rehabilitation) to employees whose drug or alcohol problems classify them as handicapped (impaired) under Federal Law. However, the handicap must not prevent them from safely and efficiently performing the functions of the job. Accordingly, a voluntary Employee Assistance Program is available for employees who voluntarily seek help for alcohol or drug problems. Employees may contact the Personnel Office for additional information.

E. Whether or not an employee accepts a referral to the voluntary Employee Assistance Program or another acceptable program and starts counseling, the supervisor continues to be responsible for monitoring job performance. The College's disciplinary procedure (written below) is to be followed if performance does not improve.

Step 1

Informal discussion of the performance problem with the employee sets up corrective action. Each employee deserves a chance to correct his/her behavior with normal supervisory guidance. Supervisors should try to understand the problem but must insist that substandard job performance be corrected. If an employee admits to a drug/alcohol related problem, the supervisor should ask the employee to discuss his/her situation with a counselor through the voluntary Employee Assistance Program or another acceptable program. The supervisor should document the meeting in writing.

Step 2

Formal verbal warning that unless corrective action is taken, more severe steps will be required. The meeting should be documented in writing by the supervisor and a follow up meeting scheduled.

Step 3

Written warning. The employee should sign the written warning. A follow up meeting to evaluate the employee's performance should be established between the supervisor and the employee.

Step 4

Job Action. This may include suspension, demotion, and/or termination.

F. Employees shall let the employer know of any criminal drug statute conviction for a violation occurring in the work place no later than five (5) days after such conviction.

G. Definitions

1. **Controlled substance** means a substance in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as prescribed in Florida Statute 893.03.

2. **Conviction** means a finding of guilt (including a plea of no contest) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

3. **Criminal drug statutes** means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.

4. **"Drug-Free Work Place"** means a site for the performance of work done in connection with a specific grant or contract at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

See APPENDIX L for *Drug Free Work Place Testing Procedures*