

---

**LAKE-SUMTER STATE COLLEGE  
ADMINISTRATIVE PROCEDURES**

---

TITLE: DRUG AND ALCOHOL-FREE WORKPLACE

NUMBER: 5-24

REFERENCE: Rule 2.04, Rule 2.14  
FL Statute 440.102

PAGE: 1 of 6

---

**I. GENERAL**

LSSC's Drug-Free Workplace Rule is aimed at insuring zero tolerance for illegal drugs at all times and its Alcohol-Free Rule to zero tolerance under circumstances that affect or might affect the safety and well-being of employees, students, and others or the effective operation of College business. In accordance with Federal law and Florida State law regulatory penalties for infractions are in addition to disciplinary action including termination of LSSC employment.

**II. PROHIBITIONS**

- a. Illegal Controlled Substances
- b. The College prohibits the use, distribution, possession, manufacture, cultivation, sale or attempt to sell or distribute illegal controlled substances at any time whether on or off duty, whether on or off College property. Illegal controlled substances are those substances defined and listed in the federal Controlled Substance Act schedules as established by the Department of Justice and Department of Health and human Services.
- c. Alcohol Abuse
- d. Other than College events sanctioned by the President, College employees are prohibited from using or possessing alcohol while on College premises. College employees are prohibited from using or possessing alcohol while driving a College vehicle, operating a piece of College equipment, and/or being transported in College vehicles at any time. Also, College employees are prohibited from reporting to work under the influence of alcohol; or, otherwise using alcohol in a manner at any time which adversely affects College business and interests.

**III. USE OF LEGAL DRUGS**

The use of legal drugs, that is drugs prescribed by licensed physicians for a specific medical purpose, is often necessary. However, such drugs can and often have a direct impact on the vigilance, judgment and/or coordination of the employee. Such impact can adversely affect the employee's job performance and the employee's ability to work in a safe and efficient manner. This is particularly true in safety-sensitive assignments involving the operation of motor vehicles

and other moving equipment. Therefore, an employee for whom a licensed physician or dentist prescribes a controlled substance, must advise the supervisor immediately in order that an evaluation can be made on the impact, if any, on the employee's safety, other employee's safety and efficient operation of assignments/tasks.

#### **IV. TESTING FOR ILLEGAL CONTROLLED SUBSTANCES**

The College will require drug or alcohol testing for job applicants and employees in the following situations.

- a. Pre-employment drug testing will be required of the selected candidate for an open position whose background screening and/or fingerprinting report shows any activity/involvement with illegal drugs.
- b. An employee shall undergo drug and/or alcohol testing when reasonable suspicion exists that the employee: is directly involved in an equipment or vehicular work-related accident on the job; or was found in the act of performing unsafe negligent maintenance or operation of the College's equipment or vehicles.
- c. An employee will undergo drug and/or alcohol testing when reasonable suspicion exists per this procedure that the employee is using drugs or alcohol.
- d. Definition of reasonable suspicion: Reasonable suspicion is a belief by two or more supervisors or managers that an employee is using or has used drugs or alcohol in violation of this procedure. Such a belief shall be drawn from specific, objective and specific facts and reasonable inferences drawn from those facts in light of experience. Among other things such facts and inferences may be based upon:
  1. Observable phenomena while at work such as direct observation of drug use or of physical symptoms;
  2. Manifestation of being under the influence of a drug or alcohol;
  3. Abnormal conduct or erratic behavior while at work;
  4. Significant deterioration in work performance;
  5. Evidence of tampering with a drug test;
  6. Evidence that an employee has used, possessed/transferred, manufactured, cultivated, sold or solicited drugs; and,
  7. Frequent absences from work without a satisfactory explanation.

**V. DRUG SUBSTANCES TO BE TESTED**

- a. Employees or applicants, required to undergo drug testing as described above, will be tested for the detection of the following drugs/drug groups as well as any others that will be further declared by state and federal law. Alcohol and its level will also be tested as necessary.
  1. Amphetamines;
  2. Barbiturates;
  3. Benzodiazepines;
  4. Cannabinoids (marijuana);
  5. Cocaine;
  6. Methadone;
  7. Opiates (heroin, morphine, codeine);
  8. Phencyclidine (pcp);
  9. Propoxyphene.

**VI. EMPLOYEE RIGHTS**

- a. Employees or job applicants have the right to consult with the testing laboratory for technical information regarding prescription and non-prescription medications. The name, address and telephone number of the testing laboratory will be provided to the employee or job applicant upon request.
- b. All test results will be kept confidential and will only be provided to Human Resources and managerial employees on a need-to-know basis.
- c. A manager who has been designated the spokesperson for the College, herein named Employer, will meet with and inform an employee that, in the opinion of the Employer, there is a basis for reasonable suspicion and of the Employer's intention to schedule a drug or alcohol screen or test. At this meeting, the Employer shall consider the comments of the employee regarding the manner and shall then make a final determination of whether to proceed and require the screen or test. An employee may upon his request have a representative present at this meeting. However, the meeting shall not be delayed because the employee wishes to have a specific representative present.
- d. If it is determined by the Employer that a drug or alcohol screen or test will be required, the employee shall be immediately escorted to the appropriate facility for the test. Refusal by the employee to submit to the test may be grounds for disciplinary action, including termination of employment.
- e. Procedures for drug and alcohol testing shall be conducted consistent with the provisions of Florida Statute. For drugs a positive result is in accordance with the detection levels established by Federal Agency for Health Care Administration or Department of Health and Human Services guidelines. For alcohol a positive result is 0.02 or greater.

- f. The common and chemical names of drug substances as listed above, a copy of Florida Statute 440.102 (5) and (6) and a list of drug rehabilitation programs is available upon request from Human Resources.

#### **VII. REPORTING AND CONVICTION OF ALLEGED CRIMES INCLUDING DRUGS AND ALCOHOL**

- a. All employees must report to their supervisor any arrest, indictment or conviction of a drug or alcohol related violation or alleged violation of law not later than the next work day after they become aware of it. Failure to report such will result in disciplinary action up to and including termination of employment.
- b. Upon conviction of a crime involving controlled substances the employee shall be terminated.
- c. Without regard to prosecution or conviction by appropriate governmental entities, the College as approved by the President, may at its option, conduct its own independent investigation to determine whether or not there has been a violation of the College's drug and/or alcohol rules. If, in the opinion of the College as approved by the President, it believes a violation has occurred, then it will take whatever disciplinary action it deems appropriate regardless of the ultimate outcome of any criminal case that may be brought against the employee.

#### **VIII. DISCIPLINE FOR VIOLATION OF PROCEDURE**

Employees who violate this procedure or who are directed to take a physical examination, blood, breathalyzer, urinalysis or other test allowed by law, and refuse or fail to do so when directed will be subject to immediate termination. However, after having taken a test in which the presence of a controlled substance is established, the employee may within five working days of receipt of written notification of the positive result request an opportunity to explain the result to the College. The College shall review the employee's explanation of the positive result and render its final decision to terminate. The College may elect to not terminate the employee with a positive result but require the employee to undergo approved medical or rehabilitative assistance. See Employee Assistance Program section.

#### **IX. EMPLOYEE INJURED ON THE JOB**

Any employee injured on the job that refuses to submit to a drug test, or has a positive confirmation test, in addition to other provisions of this procedure, may forfeit his eligibility for all worker's compensation medical and indemnity benefits depending upon applicable law.

**X. EMPLOYEE ASSISTANCE PROGRAM**

The College has an Employee Assistance Program (EAP) with one of its missions being to assist employees who voluntarily report drug or alcohol related problems, which has not yet adversely affected their job performance. The College may require any employee in violation of this policy, whether one voluntarily reports the problem or not, to participate in EAP or other medical and rehabilitative assistance programs as a condition of continued employment. For further information regarding EAP, contact Human Resources (HR).

**a. Employees Who Voluntarily Ask for Help**

Employees with drug or alcohol related problems who wish assistance through the EAP may contact the EAP provider on a confidential basis or through the Human Resources. If the request is made through HR, HR referrals will be made only upon execution by the employee of a release to the EAP provider. The release is only used for EAP to keep HR advised as to the employee's attendance and progress in the rehabilitative program. If the employee has a satisfactory performance record and is otherwise qualified to perform his job, and elects to not use his accrued paid leave then the supervisor may grant the employee unpaid leave in a College approved treatment or rehabilitative program. Such a leave will be granted only one time. The employee will be responsible for all expenses resulting from the treatment or program of which was not covered by insurance.

**b. Other Employees**

In the event the College discovers a violation of this drug or alcohol procedure, or an alcohol-related problem that adversely affects the College it may proceed to take disciplinary action up to and including termination. However, the College may elect to require the employee to undergo approved medical or rehabilitative assistance. The College may grant the employee unpaid leave or allow the employee to use accrued paid leave to participate in a rehabilitative program. Such leave may be granted only one time. Allowing rehabilitation under the College EAP program will be conditioned on the execution of consent by the employee to permit the EAP Provider, or persons providing medical or rehabilitative assistance, to keep HR advised of the employee's attendance and progress of the rehabilitation. The employee will be responsible for all expenses resulting from the treatment or rehabilitation of which was not covered by insurance.

**c. Return to Work**

Employees who are granted leave of absence must successfully complete all EAP, medical and other rehabilitative requirements within a reasonable amount of time as jointly established by the College and service provider. A successfully rehabilitated employee who has been granted leave of absence per "A" above shall be returned to his former job provided he successfully completes the rehabilitation within the period of leave. Return is also conditioned on maintaining all certifications required for the job. Employees who successfully complete rehabilitation within the period of leave per "B" above will be returned to his former job only if the former job is vacant or an equivalent job is vacant. Should an employee's former job or an equivalent job not be vacant the employee shall be terminated.

d. Re-testing

An employee allowed to return to work from an illegal controlled substance or alcohol problem shall be subject to retesting anytime without notice and must submit to such testing as directed by the College for one year. An employee who receives a positive drug re-test after a rehabilitation program shall be terminated.

**XI. REPORTING VIOLATION OF DRUG AND ALCOHOL-FREE WORKPLACE RULES**

a. Reporting Violations

It is the obligation of every employee of the College to report violations of the College's drug and alcohol abuse rules. Failure to report may subject employees to discipline up to and including termination.

b. Good Faith Reports

Any employee who in good faith, based upon reasonable suspicion or observation, reports an alleged violation of these rules shall not be harassed, retaliated against, or discriminated against in any manner. Likewise, any supervisory/managerial employee who investigates or acts in good faith based on reasonable suspicion or observation, shall not be harassed, retaliated against, or discriminated against in any manner. Such applies but is not limited to the employee's involvement in making reports, participating in the investigation or because of any reasonable action he takes as a result of an investigation.

c. Bad Faith Claims

Any knowingly false reporting of a violation of these rules shall subject an employee to immediate termination.

**XII. COORDINATION WITH HUMAN RESOURCES**

All action taken by employees of the College pertaining to these rules must be coordinated through the Human Resources Executive or Assistant Director to ensure compliance with all applicable laws.