

**Procedure Title:** Substance Abuse Procedure  
**Procedure Number:** 03-2006-0011  
**Board Policy Reference:** IV.B. Human Resources Direction

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**Accountable Administrator:** President  
**Position responsible for updating:** Chief Human Resources Officer  
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**Purpose/Principle/Definitions:**

BMCC is committed to work cooperatively with all of our employees in achieving a drug-free workplace. Substance abuse is a significant public health problem and has a detrimental effect on the campus community in terms of increased medical claims, medical disability costs, decreased productivity, injuries, theft and absenteeism. Accordingly, we all have an obligation to maintain a safe, healthy, and productive working environment and to protect the College, its property, operations and reputation by establishing a drug-free workplace program. In turn, this will create a higher level of professionalism among our employees that will be passed on to our students and customers in all daily functions.

Working within the guidelines set forth by the State of Oregon and Federal Government, BMCC will achieve a work environment free from the effects of substance abuse by establishing the following rules. Violation of these rules will be subject to disciplinary action up to and including termination of employment.

**The following conditions and activities are expressly prohibited:**

**The manufacture, sale, use or possession** of controlled or illegal substances (except strictly in accordance with medical authorization) or any other substances that impair job performance or pose a hazard, when use or possession occurs on the College premises or property, or during work time, or while representing the College in any work-related fashion, without the expressed, written consent of the College.

**Reporting** for work having used illegal drugs or controlled substances at a time, or in such quantities, or in a manner that may interfere with one's abilities to perform job duties. For purposes of this procedure, having any detectable level or an illegal drug or controlled drug in one's system while covered by this policy, will be considered a violation.

**Employees** who are medically authorized to use drugs or other substances that may impair job performance are responsible to determine from the prescribing physician whether or not the substance can impair job performance. If the substance may impair performance, an employee must report the use of the substance to his or her immediate supervisor and provide proper written medical authorization from the prescribing physician to safely work while using such authorized drug.

**Failure** to report any illegal drug and alcohol activity on the job or convictions of drug and alcohol-related crimes on the job may be grounds for discipline up to and including termination.

### **Guidelines:**

The College has set forth the following rules to achieve a work environment that is free from the effects of drug abuse. To achieve the goal of a drug-free workplace, the College will:

1. Maintain pre-employment screening practices designed to prevent the hiring of individuals who use illegal drugs or individuals whose use of legal drugs is inconsistent with effective and safe job performance.
2. Provide drug abuse awareness information for all employees.
3. Provide information and literature to supervisors in recognizing employees with possible drug abuse problems.
4. Maintain well-defined practices designed to detect the presence of alcohol or drugs in employees.
5. Discipline employees, up to and including termination of employment, for (a) the use, purchase, transfer, or possession of illegal drugs or having illegal drugs in their system while on College property or engaged in College business; (b) conviction of illegal drug or alcohol-related crime on or off the job; and (c) being party to or having knowledge of other individuals engaged in illegal drug activity at work or on College premises, and not reporting it to one's immediate supervisor.

These rules apply to all Faculty and Staff of the College

### **Drug Testing**

1. Where we have reasonable suspicion that an employee is in violation of this policy, the employee will be required to submit to testing to determine the presence or use of or any involvement with drugs. The College reserves the right to determine whether reasonable suspicion exists.
2. Any employee driving a College-owned or leased vehicle or a privately-owned vehicle while on College business, who is involved in an accident, regardless of the location and fault, is required to submit to testing to determine the presence or use of any involvement with drugs unless the College President determines in his/her discretion that the accident could not have been caused by alcohol or drug use. Any employee involved in a job-related accident resulting in property damage in excess of \$500 or physical injury requiring off-site medical attention will be required to submit to testing to determine the presence or use or involvement with drugs unless the College determines in its discretion that the

accident or damage was not the cause of alcohol or drug use. Any employee engaged in unsafe job-related activities that pose a significant danger to themselves or to others will be required to submit to testing.

3. BMCC will also conduct testing as required or recommended under the provision of any state or federal government regulations. Any employee who is within a regulated group requiring testing will be required to abide by the College policy as well as government programs.

### **Circumstances and Procedures**

The purpose of drug testing is to prevent the employment of individuals who use illegal drugs, to deter employees from abusing drugs, and to provide early identification of employees with drug abuse problems.

The College will use the collection and drug testing guidelines and standards set forth by the Department of Health and Human Services for federal and government employees.

The following employee protection will be incorporated to ensure the accuracy and integrity of the drug-testing program.

1. Only a Substance Abuse and Mental Health Services Administration-certified drug-testing laboratory will be used.
2. A strict chain of custody will be used to ensure the integrity of each urine specimen.
3. The process will ensure individual privacy during the collection process and confidentiality of the test results.
4. All confirmed positive test results will receive a professional medical review that includes offering the employees the opportunity to explain or contest the results.
5. Due to the working conditions that surround the campus, including but not limited to handling sensitive and high value items, driving, insurance and security issues, any employee that tests positive for drugs or alcohol, while involved with job-related duties, may be subject to disciplinary action up to and including termination of employment. The refusal of an employee to take a drug or alcohol test will be considered insubordination and the employee will be subject to disciplinary action up to and including termination of employment. Tampering with a sample or providing a diluted sample will be considered the same as a positive test and the employee will be subject to disciplinary action up to and including termination.
6. An employee may request that any sample be split into two parts, with one part tested and the other retained by the testing laboratory for future retesting in the event of a positive test result. If an employee requests a retest, such retest will be at the employee's expense and must be conducted by a laboratory that is acceptable to BMCC. A list of approved laboratories will be provided upon request.
7. An employee who believes that his/her specimen was not collected in accordance with established procedures must report any deficiencies within 24 hours of the collection. Deficiencies reported after 24 hours have expired and will not be considered.

8. An employee who is found to be in violation of the procedure, or who refuses to submit to testing as required, or who refuses to cooperate with or attempts to subvert the testing process will be subject to disciplinary action up to and including termination of employment. The College also reserves the right to involve law enforcement officials for any conduct that it believes might be in violation of state or federal law.

## Terms

1. Reasonable suspicion is specific observations concerning such circumstances as the work performance, appearance (including, for example, noticeable odor of an alcoholic beverage), behavior, or speech of the employee, or as being in an accident on College premises that results in *physical injury* or property damage.
2. Controlled substance is defined as all forms of narcotics, depressants, stimulants, hallucinogens, and cannabis, whose sale, purchase, transfer, use or possession is prohibited or restricted by law (as the same is defined in ORS 475.005 or Schedules I through V under the Federal Controlled Substances Act, 21 U.S.C. Section 812).
3. Under the influence is defined as any detectable level of drugs in an employee's blood or urine or any noticeable or perceptible impairment of the employee's mental or physical faculties.
4. Over-the-counter drugs are those which are generally available without a prescription from a medical doctor and are limited to those drugs which are capable of impairing the judgment of an employee to safely perform his or her duties.
5. Prescription drugs are those drugs used in the course of medical treatment and have been prescribed and authorized for use by a licensed practitioner/physician or dentist.

## Legal References:

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707 (2006); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 85.600 - 85.645 (2006).  
Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11 - 1308.15 (2006).  
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2006).

Also see procedure # 07-2005-0003, Student Possession or Use of Intoxicants, Controlled Substances or Paraphernalia and 01-2005-0001, Alcohol as College Events.