

EMPLOYEE RELATIONS PROCEDURE 720 – Drug Free Campus and Workplace

No./Title: 720 – DRUG FREE CAMPUS AND WORKPLACE	Resp. Office: HUMAN RESOURCES	Effective Date: 01/01/1991
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Related Policies: HR0720 – Drug Free Campus and Workplace		

PROCEDURE

Personnel Policy 720 *Drug Free Campus and Workplace* sets forth the University’s commitment to maintaining a safe and healthy environment for students and employees, and its compliance with the U.S. and Tennessee statutes relating to unlawful use of controlled substances. See also UTHSC Administrative Policy 2.090 *Controlled Substances*.

Any suspicion of alcohol or substance impairment should be reported to UTHSC Campus Police. If the reported behavior gives rise to work performance concerns, a drug and/or alcohol screening will proceed. At University of Tennessee Health Science Center, screening is required for employees filling positions that utilize commercial driver’s license. Human Resources maintains the Drug Screening Procedures.

Reasonably suspicious signs and symptoms of drug and alcohol abuse may include, but are not limited to, the following: *odor of alcohol; odor of marijuana; slurred speech; flushed, swollen face; red eyes; dilated or constricted pupils; unusual eye movement; lack of coordination; tremors or sweats; weariness; exhaustion and sleepiness.*

Health Risks of Drug and Alcohol Abuse

The use of alcohol can lead to serious health risk:

- loss of muscle control, poor coordination, slurred speech
- fatigue, nausea, headache
- increased likelihood of accidents
- impaired judgment
- possible respiratory paralysis and death
- birth defects/fetal impairment

Heavy drinking can lead to:

- alcoholism
- damage to brain cells

- increased risk of cirrhosis, ulcers, heart disease, heart attack, and cancers of liver, mouth, throat, and stomach
- hallucinations
- personality disorders

Health risks associated with the use of illegal drugs include:

- increased susceptibility to disease due to a less efficient immune system
- increased likelihood of accidents
- personality disorders
- addiction
- death by overdose
- anemia
- poor concentration
- fetal impairment and addiction

Resources for Assistance

The UTHSC is focused on helping individuals address obstacles that prevent them from achieving academic goals and developing as a person. If individuals have a problem with alcohol or other drugs, the following are resources for assistance:

- Employee Assistance Program (EAP) – 1-855-437-3486
- Student Assistance Program (SAP) – 1-800-327-2255
- University Health Services (UHS) – 901-448-7255

UTHSC Procedures for Employees

Employee Assistance

UTHSC will assist and support employees who voluntarily seek help for drug or alcohol problems before becoming subject to discipline or termination under this or other UTHSC policies. Such employees will be allowed to use accrued paid time off, placed on leave of absence, referred to treatment providers and otherwise accommodated, as required by law. Employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or require driving, or if they have violated this policy previously. Once a drug test has been initiated under this policy, unless otherwise required by the Family and Medical Leave Act or the Americans with Disabilities Act, the employee will have forfeited the opportunity to be granted a leave of absence for treatment and will face possible discipline, up to and including discharge.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must consult with their doctors about the medications' effect on their fitness for duty and ability to work safely. They must promptly disclose any work restrictions to their supervisor.

Work Rules

1. Whenever employees are working, operating any UTHSC vehicle, present on UTHSC premises, or conducting company-related work offsite, they are prohibited from:
 - a. Using, possessing, buying, selling, manufacturing, or dispensing an illegal drug. This includes possession of drug paraphernalia.
 - b. Being under the influence of alcohol or an illegal drug, as defined in this policy.
 - c. Possessing or consuming alcohol.
2. The presence of any detectable amount of any illegal drug, illegal controlled substance, or alcohol in an employee's body system, while performing company business or while in a company facility, is prohibited.
3. UTHSC will also not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in a container labeled by a licensed pharmacist or be prepared to produce the container, if asked.
4. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Required Testing

Pre-employment

Applicants being considered for certain positions must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.

Post-accident

Employees are subject to testing when they cause or contribute to accidents that seriously damage a UTHSC vehicle, machinery, equipment or property, or that results in an injury to themselves or another employee requiring offsite medical attention. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle (including a UTHSC forklift, pickup truck, overhead crane or aerial/man-lift) is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place within two hours of the accident. Refusal by an employee will be treated as a positive drug test result and will result in immediate termination of employment.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management must transport the employee or arrange for a cab and arrange for the employee to be transported home.

Collection and Testing Procedures

Employees subject to alcohol testing will be transported to a UTHSC-designated facility and directed to provide breath specimens. Alcohol tests may consist of a breath, blood, or saliva test, at the company's discretion. For purposes of this policy, test results generated by law enforcement or medical providers may be considered by the company as work rule violations.

Applicants and employees subject to drug testing will be transported to a UTHSC-designated testing facility and directed to provide urine specimens. The laboratory will screen all specimens and confirm all positive screens. There must be a chain of custody from the time specimens are collected through testing and storage.

UTHSC Sanctions for Employees

Consequences

Applicants who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to reapply/retest in the future.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, or dispense an illegal drug in violation of this policy will be terminated. If the employee refuses to be tested, yet the company believes he or she is impaired, under no circumstances will the employee be allowed to drive himself or herself home.

Employees who test positive or otherwise violate this policy, will be subject to discipline, up to and including termination.

Employees will be paid for time spent in alcohol or drug testing and then suspended pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled to discuss the results of the test; this meeting will include a member of management, a union representative (if requested), and HR. If the test results are negative, the employee will receive back pay for the times/days of suspension.

Inspections

UTHSC reserves the right to inspect all portions of its premises for drugs, alcohol, or other contraband; affected employees may have union representation involved in this process. All employees, contract employees, and visitors may be asked to cooperate in inspections of their persons, work areas, and property that might conceal a drug, alcohol, or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

Crimes Involving Drugs

UTHSC prohibits all employees, including employees performing work under government contracts, from manufacturing, distributing, dispensing, possessing, or using an illegal drug in or on company premises or while conducting company business. UTHSC employees are prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel may be notified, as appropriate, when criminal activity is suspected.

All employees are required to notify the University of any criminal drug statute conviction for a violation occurring in the workplace or affiliated activity within five (5) days after such conviction. Failure to report a criminal conviction may result in termination once the conviction is discovered.

UTHSC Sanctions for Students

See the *UTHSC Student Handbook* ([Centerscope](#)).

State of Tennessee Sanctions

[This document contains a summary of state and federal sanctions for the unlawful use of controlled substances and alcohol. Portions of the summary were provided by the federal government, and while the summary is a good faith effort to provide information, UTHSC does not guarantee its accuracy.] Under state law, it is unlawful for any person under the age of twenty-one (21) to buy, possess, transport (unless in the course of their employment and over the age of 18), or consume alcoholic beverages, including wine or beer. It is also unlawful for any adult to buy alcoholic beverages for or furnish them for any purpose to anyone under twenty-one years of age. These offenses are classified Class A Misdemeanors punishable by imprisonment for not more than eleven months and twenty-nine days, or a fine of not more than \$2,500, or both. (T.C.A. §§ 1-3-113, 39-15-404, 57-5-301.) The offense of public intoxication is a Class C Misdemeanor punishable by 11 hours of community service, possible revocation of driver's license, imprisonment of not more than thirty days or a fine of not more than \$50, or both. (T.C.A. § 39-17-310.) Under Tennessee law, the offense of possession or casual exchange of a controlled substance (such as marijuana) is punishable as a Class A Misdemeanor (eleven months twenty-nine days and/or a fine of \$2,500). For the third and subsequent offense of possession of 1/2 oz. or less of marijuana, punishment is one to six years of imprisonment and a \$3,000 fine. If there is an exchange from a person over twenty-one years of age to a person under twenty-one, and the older person is at least two years older than the younger, and the older person knows that the younger is under twenty-one years of age, then the offense is classified as a felony. Possession of more than 1/2 oz. of marijuana under circumstances where intent to resell may be implicit is punishable by one to six years of imprisonment and a \$5,000 fine for the first offense. (T.C.A. §§ 39-17-417, 39-17-418; 21 U.S.C. § 801, et seq.)

State penalties for possession of substantial quantities of a controlled substance or for manufacturing or distribution range up to a maximum of fifteen to sixty years of imprisonment and a \$500,000 fine. (Title 39, T.C.A., Chapter 17.) For example, possession of more than

twenty-six grams of cocaine is punishable by eight to thirty years of imprisonment and a \$200,000 fine for the first offense.

The state may, under certain circumstances, impound a vehicle used to transport or conceal controlled substances.

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United States Penalties and Sanctions for Illegal Possession of a Controlled Substance:

21 U.S.C. 844(a)

- *First conviction:* Up to one year imprisonment and fine of at least \$1,000.
- *After one prior drug conviction:* At least fifteen days in prison, not to exceed two years, and fine of at least \$2,500.
- *After two or more prior drug convictions:* At least ninety days in prison, not to exceed three years, and fine of at least \$5,000.

21 U.S.C. §§ 853(a)(2) and 881(a)(7)

- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment.

21 U.S.C. § 881(a)(4)

- Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance. [An automobile may be impounded in cases involving any controlled substance in any amount.]

21 U.S.C. § 844a

- Any individual who knowingly possesses a controlled substance in a personal use amount shall be liable to the United States for a civil penalty in an amount not to exceed \$10,000 for each such violation.

21 U.S.C. § 862

- Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first offense, up to five years for second and subsequent offenses.

18 U.S.C. 922(g)

- Ineligibility to receive or purchase a firearm or ammunition.