

*Combining the 'Drug-Free Workplace P&P' with the 'Drug and Alcohol Testing P&P' as the two policies had duplication and it makes sense to look in one place for all procedures related to drug and alcohol.

Drug and Alcohol Free Policy

The College affirms its responsibility and commitment to maintain a drug-free workplace as required by the Drug Free Workplace Act of 1988. The College also prohibits the unlawful possession, use, consumption, sale, dispensing, distribution, or manufacture of alcohol or controlled substances while when ~~unlawful manufacture, distribution, dispensing, possession, or use of controlled substances~~ employees report for duty, are on College controlled property, or while at a College activity on College property or while conducting College business off College premises (except as expressly permitted by the College).

The College Board of Governors requires strict compliance to the Drug-Free Schools and Communities Act Amendment of 1989, Public Law 101-226, as the same may from time to time be amended.

Violations of this policy will be governed by the CCC Code of Student Code and by the College Drug and Alcohol Testing Procedure. Violations of this policy shall be grounds for mandatory participation in an alcohol or substance use recovery program and/or the termination of employment for employees and potential dismissal from the College for students.

Drug and Alcohol Free Workplace Procedure

An employee needing help with drug or substance dependency is encouraged to seek assistance through the College's Employee Assistance Program, health insurance plan, or other substance use recovery program. An employee voluntarily seeking such help shall not receive any type of reprimand and no mention of the issue shall appear in the employee's personnel record.

The College shall notify, as required by law or government regulation, any of its federal contracting or granting agencies of any criminal convictions of employees for illegal drug activity in the workplace within ten (10) working days of learning about the conviction.

- The term "illegal drug" means intoxicants and/or narcotics including marijuana or any other controlled substance as defined by Nebraska or Federal law. The term "illegal drugs" does not include any medication, which has been lawfully prescribed to be used by the student or employee.
- The term "conviction" is defined as a finding of guilt (including a plea of nolo contendere) or imposition of a sentence or both, by any judicial body charged with the responsibility to determine violation of the federal or state criminal drug statutes.

All employees, as a condition of employment, shall report to their immediate supervisor any criminal drug conviction within five (5) working days after the conviction. This requirement is mandated by

the Drug Free Workplace Act of 1988.

An employee violating this procedure or convicted of a criminal drug offense in the workplace is subject to appropriate personnel or disciplinary action to include satisfactory participation in a drug rehabilitation program and/or termination.

Drug and Alcohol Testing Procedures

The results of any tests performed on the body fluid and/or breath specimen of a student or an employee, as directed by the College to determine the presence of drugs or alcohol shall not be used to deny any continued employment or administrative action unless the following requirements are met: (1) a positive finding of drugs by preliminary screening procedures has been subsequently confirmed by a method which has been or may be approved by the Nebraska Department of Health; or (2) a positive finding of alcohol by a preliminary screening procedure is subsequently confirmed by either: (a) gas chromatography or other method which has been, or may be approved by the Nebraska Department of Health; or (b) a breath-testing device operated by a trained and certified operator.

Conditions Warranting Drug and/or Alcohol Testing

The College may conduct drug and alcohol tests in three circumstances: (1) pre-employment for full-time and specified part-time positions, (2) to be in compliance with external entities that require a drug-screen (ex. clinical locations, etc.), and (3) for reasonable cause. Pre-employment testing shall be paid by the College.

1) Pre-Employment Testing

When required, applicants for employment must consent to a urine drug screen. The test shall be administered after a conditional offer of employment has been extended. If the applicant tests positive, the conditions for employment shall be deemed not to have been met and the applicant shall not be hired. Pre-employment testing shall be paid for by the College.

2) Compliance with External Entities Testing

When required, employees shall consent to tests per the requirements of external entities. The employee shall also be requested to execute a consent form authorizing the analysis of his or her urine for the purpose of determining the presence of illegal drugs and/or blood or breathe tests to determine alcohol content. The form shall authorize the release of the written results of such tests to the College. The refusal of an employee to submit a urine specimen, blood test, breath sample test, or execute a consent form when requested to do so shall be grounds for discharge or dismissal. If the employee tests positive for drug or alcohol use, the conditions for compliance with external entities shall be deemed not to have been met which may result in disciplinary action up to and including termination.

3) Reasonable Cause

Reasonable cause shall be defined as the College or a College official having reason to believe that the student and/or employee is under the influence of a drug or alcohol and/or has consumed or possessed a

drug or alcohol while on College property. Reasonable grounds for requesting that an employee or student submit to testing and execution of a consent form shall be deemed to exist when the employee or student manifests physical or physiological symptoms or reactions commonly associated with the use of a controlled substance or alcoholic beverages. Reasonable grounds include but are not limited to the following: the odor of alcohol on the breath or person; slurred or thick speech; apparent loss of coordination or unsteady gait; or uncharacteristic emotional behavior. Reasonable grounds shall also be deemed to exist whenever an employee or student is involved in an accident while on duty, which results in an injury to himself or herself or any other person, or which causes damage to the College property or the property of another individual.

If the Senior Director of Human Resources for employees or the Vice President for Student Success and Enrollment Management for students concludes that reasonable cause exists to believe that an employee or student is demonstrating characteristics of illegal drug and/or alcohol use, that individual shall request that the employee or student submit a test of the employee or student's urine for the purpose of determining illegal drug or alcohol use. A breath test, blood test, or other approved method shall be used to determine blood alcohol content. The testing shall be performed by a trained and certified operator under the supervision of the Senior Director of Human Resources, the Vice President of Student Success and Enrollment Management or by their designee. The employee or student shall also be requested to execute a consent form authorizing the analysis of his or her urine for the purpose of determining the presence of illegal drugs and/or blood or breathe tests to determine alcohol content. The form shall authorize the release of the written results of such tests to the College. The refusal of an employee or student to submit to drug and alcohol testing or execute a consent form when requested to do so shall be grounds for discharge or dismissal.

Refusal to Test

Refusal to submit to the drug and alcohol testing employed by the College shall be grounds for refusal to hire applicants, termination of employment of existing employees, and the dismissal of students. A refusal to test is defined as conduct, which would obstruct the proper administration of a test. A delay in providing the urine, blood, or breath specimen could be considered a refusal. If an employee or student cannot provide a sufficient urine or blood specimen or adequate breath, the employee or student shall be evaluated by a physician of the College's choice. If the physician cannot find a legitimate medical explanation for the inability to provide a specimen (either urine, blood, or breath), it shall be considered a refusal to test. In that circumstance, the employee shall be subject to termination or the student to dismissal.

Drug Urinalysis

Drug testing shall be performed through urinalysis. Urinalysis shall test for the presence of drugs and/or metabolites considered to be a controlled substance, including but not limited to the following substances: (1) marijuana, (2) cocaine, (3) opiates, (4) amphetamines, and (5) phencyclidine (PCP); or a controlled substance as defined by the federal Controlled Substances Act (21 U.S. C§801 et. seq) or Nebraska Uniform Controlled Substances Act (Neb. Rev. Stat. §28-401 to §28-456.01 and §28-458 to §28- 462), as such laws may from time to time be amended. The urinalysis procedure starts with the collection of a urine sample. Urine specimen shall be submitted to and all confirmatory tests shall be performed by a clinic, hospital, or laboratory which is licensed pursuant to the federal Clinical

Laboratories Improvement Act of 1967, 42 U.S.C. 263a, or which is accredited by the College of American pathologists for testing.

As part of the collection process, the specimen provided shall be split into two vials: a primary vial and a secondary vial. A certified laboratory shall perform initial screenings on all primary vials. If the primary specimen tests positive, a confirmation test of that specimen shall be performed before being reported by the laboratory to the Medical Review Officer (MRO) as a positive. A written record of the chain of custody of the specimen shall be maintained from the time of the collection of the specimen until the specimen is no longer required.

All Laboratory results shall be reported by the laboratory to an MRO designated by the College. Negative test results shall be reported by the MRO to the Senior Director of Human Resources for employees or Vice President of Student Success for students. Before reporting a positive test to the College, the MRO shall attempt to contact the employee or student to discuss the test result. If the MRO is unable to contact the employee or student directly, the MRO shall contact the Senior Director of Human Resources for employees and Vice President of Student Success for students, who shall, in turn, contact the employee or student and direct the employee or student to contact the MRO. Upon being so directed, the employee or student shall contact the MRO immediately or, if after the MRO's customary business hours, then the start of the next business day. In the MRO's sole discretion, a determination shall be made as to whether a result is positive or negative.

Any individual testing positive may make a request of the MRO to have the secondary vial tested. The employee or student may request that the secondary vial be tested by a different certified lab than that which tested the primary specimen. The individual making the request for a test of the second specimen must prepay all costs associated with the test. Request for testing of a second specimen is timely if it is made to the MRO within 72 hours of the individual being notified by the College of a positive test result.

Alcohol Tests

The College shall perform alcohol tests using an approved breath testing device. The College shall utilize the approved breath testing device provided by a vendor or agent. Employees or students shall report to the site of the approved breath-testing device as directed by the College. The approved breath- testing device shall be operated by a certified breath alcohol technician. The employee or student shall follow all instructions given by the certified breath alcohol technician. Employees or students with tests indicating a blood alcohol concentration in violation or the then-current state limit for driving or greater are considered to have engaged in conduct prohibited by this policy which may result in disciplinary action up to and including termination. All alcohol tests (except pre-employment) shall be performed just prior to, during or just after employee's work time.

The College shall insure supervisors or deans designated to determine whether reasonable suspicion exists to require an employee or student to undergo testing to receive training on alcohol misuse and training on controlled substance use. Training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

Confidentiality

The results of any tests conducted under this policy shall be made available to the employee or

student and the Senior Director of Human Resources for employees or Vice President of Student Success for students. The results of such tests shall not otherwise be divulged to any other person except when approved by the President. The College shall not be precluded, however, from divulging such test results upon request from agencies of local, state, or federal government; in any administrative or judicial proceeding wherein the results of such a test are relevant to the issues involved; or when the College is required to divulge such test results by subpoena.