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## Purpose

The purpose of this procedure is to establish and implement a drug free work environment at Florida State College at Jacksonville (FSCJ) consistent with state and federal law and to outline the process for pre-employment drug/alcohol testing of primary candidates for certain full-time safety-sensitive positions, testing when there is reasonable suspicion of drug or alcohol abuse by any employee, and follow-up drug/alcohol testing when an employee has participated in a drug/alcohol rehabilitation program as a condition of continued employment.

## Statement of Policy

- A. The unlawful manufacture, distribution, possession or use of a controlled substance or abuse of alcohol is prohibited on College property or in connection with any College activities. Employees shall not report to work at the College while under the influence of illegal drugs or alcohol.
- B. All employees of the College are subject to the terms of this procedure.
- C. Any employee determined to have violated this procedure shall be subject to disciplinary action for misconduct. Violation of this policy by an employee will be reason to require evaluation or treatment for a drug/alcohol use disorder; or disciplinary action up to and including termination in accordance with applicable collective bargaining agreements, policies and procedures; and/or referral for prosecution consistent with local, state and federal law.
- D. All employees of the College must notify the Chief Human Resource Officer (CHRO) no later than five (5) days after a conviction for a criminal drug violation in the workplace. If the convicted employee was working on a grant or contract receiving federal funds, the College will notify the appropriate federal agency within ten (10) days.

## Procedure

- A. Pre-employment testing of safety sensitive positions:
  1. The Offices of Risk Management and Human Resources will work together to develop and maintain a list of safety sensitive positions that will require a pre-employment drug test as a condition of employment. The Office of Human Resources shall inform appropriate hiring administrators and supervisors of positions within their areas that will require pre-employment drug screening.
  2. Administrators and supervisors with authority to recommend the hiring of candidates for employment are responsible for notifying the Office of Human Resources of the name and contact information of the primary candidate for any full-time safety sensitive position and shall:



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- a. Advise the primary candidate for a full-time safety-sensitive position that the College's Drug-Free Workplace Policy requires negative results on a pre-employment drug test as a condition of employment, and;
  - b. The primary candidate will be contacted by a representative of the Office of Human Resources with further information and instructions to arrange for drug/alcohol testing.
3. The Office of Human Resources will be responsible for contacting designated candidates, arranging pre-employment drug/alcohol screening, and for notifying the hiring administrator of the results by the most expeditious confidential means.
- a. Negative (satisfactory) test results - When advised of negative results, the hiring administrator or supervisor may advise the candidate that the conditions of employment have been met and schedule a date and time for the candidate to complete required employment documents in the Office of Human Resources.
  - b. Positive (Unsatisfactory) test results - Upon receipt of a confirmed positive result by the testing laboratory, the hiring administrator shall inform the candidate that they have failed to meet the College's hiring criteria. It shall be the option of the hiring administrator to notify the candidate or request that they be notified by the Office of Human Resources. Candidates who fail to pass a drug/alcohol test shall not be eligible to reapply for positions at the College for a minimum of six (6) months.
4. Current part-time, temporary or adjunct faculty employees whose screening reports are positive when applying for full-time safety sensitive positions shall immediately be recommended for termination from any current employment by the College in accordance with the College's rules and procedures and be ineligible for consideration as an employee of the College for a minimum of six (6) consecutive months.

### B. Procedures for post-accident testing

1. Full-time, part-time or adjunct employees who, while in the performance of their duties, are involved in accidents in which personal injury or property damage is sustained may be required to undergo testing if there is reasonable suspicion that drugs or alcohol were involved.
2. Supervisors and/or the Security Department shall immediately inform the CHRO and the Director of Risk Management of any accident meeting the criteria for such testing. The CHRO is responsible for arranging drug screening within four hours of receipt of a report of the accident.

### C. Procedures for testing when there is reasonable suspicion of drug/alcohol abuse:

1. Immediate supervisors and supervising administrators for the College shall be responsible for identifying these potential drug/alcohol abuse behaviors of employees, which include, but are not limited to:



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- a. Performance deterioration
- b. Patterns of absenteeism
- c. Attitude and physical appearance changes
- d. Lack of concern for safety procedures

Any employee whose behavior or performance indicates a reasonable concern as to their ability to safely and adequately perform the duties of their regularly assigned work may be asked to submit to testing. The behavior must create a reasonable suspicion of drug or alcohol use. The behaviors must be documented and reasonable suspicion will be determined by the appropriate Vice President in consultation with the Office of Human Resources and the Office of the General Counsel.

2. Immediate supervisors and supervising administrators who observe such behavior shall discuss questionable behavior with the employee as appropriate. If a satisfactory explanation is not evident, the employee may be required to submit to substance testing as deemed advisable by the appropriate Vice President. Administrators may also contact the College's Employee Assistance Program (EAP) counselors confidentially for assistance in understanding the behavior.
3. An employee who requests assistance in overcoming an alcohol/drug problem may volunteer for help through the EAP. Drug screens will not be required in this event and the employee shall not be subjected to disciplinary action solely on the basis of their admission.
4. If the appropriate Vice President approves a request to require the employee to submit to a drug screening, the employee will be informed and the Office of Human Resources will be instructed to arrange drug screening within 24 hours of the request. The refusal by an employee or candidate for employment to submit to drug testing shall be considered an unsatisfactory test result.
  - a. If the supervising administrator questions the ability of an employee to safely travel, they may request a security officer to provide transportation for the employee to the testing facility and then to their home.
  - b. Employees will be considered to be in a duty status during and while traveling in connection with required drug screening.
  - c. If the result is negative, the employee will be returned to their position without prejudice. Continued performance problems will be handled by appropriate College rules and procedures. Any employee can be asked to submit to drug screening at any time in the future if warranted by reasonable suspicion.
  - d. If the result is positive, the College, following appropriate due process rules and procedures, shall have the option to:
    - i. suspend or terminate the employee in accordance with College rules and procedures; or
    - ii. request the employee obtain drug rehabilitation treatment through the College's Employee Assistance Program and/or personal physician.



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The EAP or personal physician will report the employee's attendance at the required programs to the Office of Human Resources. If the employee participates in the programs prescribed by the EAP and/or their personal physician, they may be permitted to continue in their position subject to existing policies for continued employment and satisfactory results on drug tests. Drug tests shall be required at least every six (6) months for a period of up to two (2) years, as determined by the responsible Vice President. A second positive during that period shall be considered grounds for termination.

- e. Refusal to accept drug rehabilitation treatment through the EAP or a personal physician shall be considered a violation of the Board Rule 6Hx7-2.22, Drug Free College Environment, and the employee will be subject to suspension, termination and/or such other action the College deems appropriate.

- 5. Any employee who witnesses the use, possession or selling of an illegal substance by another employee on College property should immediately report that information to campus police.

### D. Employee and job-related rights:

1. Present employees or job applicants will be provided copies of the results of their drug tests upon receipt of their written requests to the Office of Human Resources.
2. Within five (5) working days after receiving notice of a positive, confirmed test result, an employee or applicant for employment may submit written information explaining or contesting the test results and explaining why the test results do not constitute a violation of College rules and procedures. Such information shall be addressed to the CHRO.
3. If the response is satisfactory, the CHRO will take appropriate steps to reverse the results of the original positive, confirmed test results. If the employee or applicant's information is not sufficient evidence that a College rule or procedure has not been violated, the CHRO will reply as to why the information is not satisfactory.
4. Within 180 calendar days after receiving written notice of a positive drug test, an employee or job applicant can demand that a portion of the original specimen be retested at their own expense at another laboratory licensed and approved by the Florida Department of Health and Rehabilitative Services which the employee or applicant selects. The second laboratory must test the specimen at the same or greater sensitivity for the drug in question.
5. If a drug test is conducted on the basis of reasonable suspicion, the appropriate Vice President requiring the test must, within five (5) working days, provide the Office of Human Resources with the details of the circumstances which formed the basis for the determination of reasonable suspicion. The Office of Human Resources must provide a copy of this information to the employee upon receipt of their written request.



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REFERENCES: F.S. 440.102, 1001.64, 1001.65, SBE Rule 6A-10.050

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