



# University of New Haven

## *Human Resources Policy /Procedure*

<b>Policy / Procedure Title</b>	<b>Applicability</b>	<b>Purpose</b>	<b>Effective Date</b>	<b>Responsible Party</b>	<b>Pages</b>
Anti-Drug and Alcohol Misuse Policy & Procedure	All Employees	Provides University's policy regarding the prohibition of alcohol and/or illegal drugs in the workplace	7/1/21	Associate Vice President Human Resources & Organizational Development	3

The University of New Haven strictly prohibits the unlawful use, possession, sale, attempted sale, conveyance, distribution, attempted distribution, or manufacture of illegal drugs or controlled substances while engaged in University activities, on University premises, or in University vehicles owned or rented. In addition, employees are prohibited from reporting to work, driving on University business, or driving a University vehicle while under the influence of alcohol or any illegal drug. Employees may not drink alcoholic beverages while on University premises except at an official University-sponsored event that has been expressly approved by the President of the University or his/her designee. **Employees should also note that the legalization of marijuana in Connecticut does not impact this policy and that this substance, including its utilization or ingestion in any way, continues to be prohibited on campus and/or during working hours which includes but is not limited to flowers, edibles, topicals and concentrates.**

Any employee who violates this policy in any way, or who refuses to cooperate with any aspect of this policy, is subject to appropriate disciplinary action, up to and including immediate termination. In addition, violators may be subject to prosecution if they violate local, state, or federal drug and alcohol laws.

If supervisors feel they have an employee who may have a drug/alcohol problem, they should contact the Human Resources department for guidance and assistance in dealing with any aspect of the problem in the work setting.

Drug and/or alcohol tests may be required where there is reasonable suspicion that a University employee, regardless of position, is under the influence of illegal drugs or alcohol. The "Reasonable

Suspicion Alcohol & Drug Abuse on the Job Procedure” should be reviewed and followed. That procedure is included in this policy for reference.

## **Reasonable Suspicion Alcohol & Drug Abuse on the Job Procedure**

**Pre-Test Considerations & Procedures:** A supervisor, trained in “Reasonable Suspicion” testing, may initiate testing procedures if the supervisor **AND** one other trained employee have a reasonable belief, based on objective evidence that an employee may be under the influence of drugs or alcohol due to the individuals’ appearance, behavior, speech, or body odors and these indicators are specific, contemporaneous, and articulable.

### **Before confronting employee:**

- If “reasonable suspicion” exist:
  - Complete the reasonable suspicion recording form
  - Confirm your suspicions with at least one other individual who has completed the required reasonable suspicion testing. Both individuals will need to discretely observe and separately document the behavior on the check list. Trained individuals include the following:
    - Human Resources
    - University Police- Chief of Police, Assistant Chief of Police, Sergeant in Charge.
    - Custodial and Mechanic Managers and supervisors
  - Contact Human Resources during normal business hours
  - If reasonable suspicion is confirmed by the two trained individuals and/or Human Resources, then proceed with meeting the individual for testing.

### **Meeting with the Employee for Reasonable Suspicion:**

- The conversation with the employee must take place in a suitable location that is private and free of distractions. This conversation is confidential and should only be discussed with individuals that have a business need to know.
- If the employee is represented by a collective bargaining agreement, it is beneficial to meet with the employee and employee’s union representative.
- Advise the employee that the observed behaviors warrant the initiation of reasonable suspicion testing. Describe the behaviors to the employee and explain their behavior. Ask related questions, take notes, and document the conversation and the behaviors during the meeting.
- Inform the employee that you are requiring medical testing for alcohol and/or drug use.
- If the employee refuses cooperation, then advise the employee that their refusal will be considered a positive medical test result and disciplinary action will be taken.

**Reasonable Suspicion:** If you have established you have “reasonable suspicion” for testing, and it is confirmed by a second trained employee, you are required to have the employee submit to a substance screen on the University’s time and expense. Human Resources should be advised during normal business hours.

- Contact The Foley Group at 800-253-5506 to schedule the on-site testing. Be specific as to the testing required; alcohol, drug, or both. It may take a Foley representative up to one hour to arrive on campus.
- The employee may not return to work and is placed on administrative, paid leave pending the result of the testing.

- Do not allow the employee to drive any vehicle, personal or University, but do not restrain or use force to prevent their use of personal vehicle, however, do contact University Police. It is ultimately the employee's responsibility to arrange transportation home after the testing.
- Send the original checklist from both trained supervisors, meeting notes and documentation, and any other written documentation to Human Resources. **DO NOT** retain a copy for your files.

#### **Testing Results:**

- **If test results indicate no violation** the employee is removed from administrative leave and returns to their normal work schedule.
- **If test results indicate a violation** the employee remains on administrative leave and the supervisor(s) will meet with HR to discuss and communicate the final disciplinary action.