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Approved: Dr. Kimberly P. Blosser	
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POLICY ON SUBSTANCE AND ALCOHOL ABUSE

1.0 Purpose

To demonstrate the college's commitment to protecting the health, safety, and welfare of the citizens it serves by assuring that a drug-free workplace is maintained and that employees perform their duties unimpaired by the effects of drugs or alcohol, in compliance with the Federal Drug-Free Workplace Act of 1988 and The Safe and Drug Free Schools and Communities Act of 2001 (SDFSCA).

2.0 Revision History

Original Policy: May 1, 2019

3.0 Applicability

This policy applies to all individuals employed by Lord Fairfax Community College.

4.0 Policy Statement

A. The unlawful or unauthorized use of alcohol or other drugs on college property is prohibited. Any person employed by Lord Fairfax Community College (LFCC) must not unlawfully possess, sell, use, manufacture, give away, or otherwise distribute controlled substances, other drugs, or alcohol where prohibited, while on campus, attending a college-sponsored off-campus event, or while serving as a representative of the college at off-campus meetings. Violations of this policy must be handled according to existing human resource policies and procedures governing the conduct of administrators, faculty, and staff. Further, for employees who allegedly commit a criminal offense related to this policy, the college reserves the right to notify the appropriate agencies of the U.S. Government, the Commonwealth of Virginia, and county and/or city governments for investigation and, if warranted, prosecution.

B. Violations

1. Each of the following constitutes a violation of this policy:
 - a. the unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of alcohol or other drugs in the workplace
 - b. impairment in the workplace from the use of alcohol or other drugs, except from the use of drugs for legitimate medical purposes
 - c. a criminal conviction for a:
 - i. violation of any criminal drug law based upon conduct occurring either on or away from the workplace
 - ii. violation of any alcohol beverage control law or law that governs driving while intoxicated based upon conduct occurring either on or away from the workplace
 - d. an employee's failure to report to his/her supervisor the employee's conviction of any offense

C. Disciplinary Action

1. Any employee who violates this policy may be subject to disciplinary action, including discharge, referral for criminal prosecution, and/or referral to an assistance or rehabilitation program at the discretion of management.
2. Any employee who is referred to an assistance or rehabilitation program must satisfactorily participate in such a program. Satisfactory participation in such a program must be determined by management after consultation with the individual or organization providing the assistance or rehabilitation and/or Employee Assistance Program (EAP).

D. Employee Responsibilities

As a condition of employment, all employees must:

1. abide by the Department of Human Resource Management (DHRM) Policy 1.05, Alcohol and Other Drugs;
2. abide by the terms of college policy; and
3. notify the immediate supervisor of any conviction of criminal drug law in or outside the workplace or conviction of alcohol beverage control law or law that governs driving while intoxicated, based on conduct occurring in the workplace no later than five (5) days after such conviction is entered, as required by federal law. An employee's appeal of a conviction does not affect the employee's obligation to report the conviction.

E. College Responsibilities

1. The college must ensure that all new employees are provided with a copy of this policy, including resource information on the health risks associated with the illicit use of drugs or the abuse of alcohol, and a general description of criminal sanctions under federal and state law, for the unlawful possession or distribution of drugs and alcohol, as required by The Safe and Drug Free Schools and Communities Act of 2001 (SDFSCA). Furthermore, the college shall inform its employees of the dangers of drug abuse in the workplace, available drug and alcohol counseling, and rehabilitation and employee assistance programs.
2. The college must ensure that disciplinary actions taken as a result of a violation of this policy are consistent, fairly applied, and not unduly harsh or punitive based on the severity and nature of the violation.
3. The college must inform the federal contracting or granting agency within ten (10) days after receiving notice from an employee of any criminal drug statute conviction for a violation occurring at the workplace or otherwise receiving actual notice of such conviction, as required by the Drug-Free Workplace Act of 1988.
4. The college must, within thirty (30) days of receiving notice of an employee's conviction for a criminal drug statute offense occurring in the workplace, take appropriate disciplinary action against such employee and/or require employee to participate satisfactorily in a drug abuse assistance or rehabilitation program, as required by the Drug-Free Workplace Act of 1988.

F. Rehabilitation Programs

1. Employees experiencing a problem with drug or alcohol abuse or dependency are encouraged to seek counseling assistance. Supervisors are encouraged to assist employees seeking such assistance. Notwithstanding an employee's voluntary participation in a drug or alcohol rehabilitation program, the employee is expected to perform his/her duties according to developed job standards and expectations.
2. The Commonwealth's Employee Assistance Program (EAP) is available to full-time state employees (who participate in the Commonwealth's healthcare program) for counseling and referral for drug and alcohol-related problems as well as other personal problems. Part-time college employees shall be referred to community resource programs.
3. With respect to any violation of this policy, the following provisions regarding rehabilitation apply:

- a. Supervisors must consult with human resources prior to referring a college employee to the Employee Assistance Program. Supervisors must consult with human resources for referring to EAP.
 - b. Human Resources must provide management notification of satisfactory participation in the Employee Assistance Program.
4. Other agencies, such as the Virginia Department of Behavioral Health and Developmental Services and the Virginia Department of Health, may be contacted to provide assistance and referral information.
 5. Employees may be granted leaves of absence (leave without pay if no leave balances are available) to participate in the EAP for treatment of drug or alcohol abuse at the discretion of management.

G. Confidentiality and Maintenance of Records

All records and information concerning human resource actions related to this policy shall remain confidential and shall be disclosed only with the employee's permission or when the office of human resources and the supervisor determines that disclosure is necessary for the efficient operation of the college.

H. Coverage of College Faculty and Staff

This policy is applicable to all employees of the college.

I. Biennial Review

The college must conduct periodic reviews (at least biennially) of its drug prevention programs to determine their effectiveness to ensure that disciplinary sanctions are consistently enforced and to implement changes as required.

5.0 Definitions

Alcohol: any product as defined in the Code of Virginia, Title 4.1, Chapter 1-100, The Alcoholic Beverage Control Act, as amended.

Controlled drug: any substance defined as such in the Code of Virginia, Title 54.1, Chapter 34, The Drug Control Act, as amended, and whose manufacture, distribution, dispensation, use, or possession is controlled by law.

Conviction: a finding of guilt (including a plea of guilty or nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility of determining violations of the federal or state criminal drug laws, alcohol beverage control laws, or laws that govern driving while intoxicated.

Criminal drug law: any criminal law governing the manufacture, distribution, dispensation, use or possession of any controlled drug.

Employee: administrative faculty, professional faculty, teaching faculty, classified and non-classified, full-time and part-time, salaried and hourly persons, and any and all other individuals, except independent contractors, employed by the college.

Employee Assistance Program (EAP): a confidential assessment, referral, and short-term problem-solving service available to eligible employees and family members. Enrollment in the EAP is automatic as part of the Commonwealth's health care coverage plan. The EAP helps participants deal with problems affecting personal and work life, such as conflicts within the family and workplace; personal and emotional concerns; alcohol and substance abuse; financial and legal problems; elder and childcare; and career concerns and other challenges.

Other drug: any substance other than alcohol that may be taken into the body and may impair mental faculties and/or physical performance.

Workplace: any state-owned or leased property, or any site where college employees are performing official duties.

6.0 Responsibilities

7.0 Procedures

A. Education and Prevention

The college is committed to protecting the health, safety, and welfare of all employees. Above and beyond potential disciplinary action resulting from the possession or consumption of illegal substances on campus, the college recognizes the need and responsibility to provide information and counseling services regarding the hazards of substance abuse. The following activities and services will be offered at LFCC in an effort to prevent substance abuse by faculty and staff:

1. All new employees will receive and acknowledge, by signature, the "Summary of the Commonwealth of Virginia's Policy on Alcohol and Other Drugs."
2. All new employees must be directed to and acknowledge by signature the DHRM's Substance and Alcohol Abuse Policy and includes a link to the full text of LFCC Policy, Substance and Alcohol Abuse.
3. LFCC Policy, Substance and Alcohol Abuse, must be made available to all employees on the college's intranet site.
4. The college's CommonHealth Program will routinely incorporate information regarding the hazards of alcohol and substance abuse, while promoting healthy lifestyle options for college employees.

5. Human resources must ensure college training opportunities in the areas of safety, workers' compensation, and other human resource topics incorporate the hazards of alcohol and substance abuse in the workplace.

B. Reasonable Suspicion Drug Testing

Reasonable suspicion drug testing, also known as for cause drug testing, may be performed when the college has evidence or reasonable cause to suspect an employee is under the influence of drugs and/or alcohol. Evidence will be based upon direct observation, either by a supervisor or another employee. Specific reasons for reasonable suspicion testing may include physical evidence of illicit substances (slurred speech, bloodshot or dilated eyes, unsteady or staggering walk), erratic or abnormal behavior, disorientation or confusion, or an inability to complete routine tasks.

1. An employee who observes another employee exhibiting signs of being under the influence of drugs is to notify their supervisor/manager or the supervisor of the employee in question. A supervisor who observes an employee exhibiting signs of being under the influence of drugs and/or alcohol must notify his/her manager or, if not available, another supervisor.
2. If, after also observing the employee, the manager or second supervisor agrees that there is cause to believe the employee may be under the influence of illicit substances, the office of human resources must be notified. Meanwhile, the supervisor is to retain the employee in the work unit under direct observation; the department of police may be contacted to assist if needed.
3. The supervisor and/or a representative from the office of human resources must notify the employee that the college believes there is reasonable suspicion that he/she is under the influence of an illicit substance and request that he/she submit to a drug test. If the employee has legally obtained a drug, proof may be presented to the Chief of Police. Determination of proof lies with the Chief of Police.
4. The police department must be contacted to provide transportation to and from the site of the drug testing facility.
5. If the employee declines to submit to drug testing, he/she must be advised of the potential violation of DHRM Policy 1.05, Alcohol and Other Drugs, and possible subsequent disciplinary action.
6. The employee under suspicion must not be allowed to drive home; college management must assist in arranging transportation home.
7. The office of human resources must provide appropriate guidance to the supervisor regarding the status of the employee while the results of the drug test are pending and must consult with the supervisor and manager regarding disciplinary action, if appropriate, once test results are received.

8. An employee whose drug test is reported positive will be offered the opportunity to obtain an independent test at the employees' expense of the remaining portion of the urine specimen that yielded the positive result and be reviewed by a medical review officer (MRO). An employee may present documentation to the MRO for situations of a possible false positive.
9. All communications in these matters must remain strictly confidential, and only parties with a specific need to know must be included in such communications.

8.0 Sanctions

Failure to adhere to this policy could result in disciplinary action up to and including termination of employment.

9.0 Interpretation

The Office of Human Resources is responsible for official interpretation of this policy. Questions regarding the application of this policy should be directed to the Office of Human Resources.

10.0 Authority/Reference

- Department of Human Resource Management (DHRM) Policy 1.05, Alcohol and Other Drugs
- Virginia Community College System (VCCS) Policy 3.14.3, Illegal Substance Policy
- Virginia Community College System (VCCS) Policy 3.14.4, Substance Abuse Policy