

NOVA SOUTHEASTERN UNIVERSITY POLICY

Drug- And Alcohol-Free Workplace Policies



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Overview

NSU maintains a work and educational environment that is safe for its employees and conducive to high work standards. Additionally, NSU complies with all appropriate federal, state and local regulations regarding substance use in the workplace.

Policy Statement

Any individual who conducts business for NSU, is applying for a position or is conducting business on NSU property is covered by our drug and alcohol free workplace policy. This policy includes, but is not limited to, full-time employees, part-time employees, off-site employees, contractors, volunteers and interns.

The workplace is presumed to include all NSU premises where the activities of NSU are conducted.

The following conduct is prohibited by all employees:

- the use, possession, manufacture, distribution, dispensation, sale, attempt to sell, or being under the influence of illegal controlled substances on campus or off campus;
- the illegal or unauthorized use of prescription drugs;
- the possession, distribution, sale, or attempt to sell alcoholic beverages on duty, other than as part of assigned job duties;
- the unauthorized use, or being under the influence, of alcoholic beverages on duty;
- the use of alcohol off duty that adversely affects the employee's work performance, his or her own or other's personal safety, or NSU's reputation in the community

Failure to comply with the NSU alcohol and substance abuse policies may result in appropriate corrective action, up to and including criminal prosecution as well as immediate termination. For individuals who are not NSU employees but who perform work at NSU for its benefit (i.e. independent contractors, temporary employees provided by agencies, volunteers, and so forth) failure to comply with the NSU alcohol and substance abuse policies may result in refusal or disallowance from further work for and at NSU.

Policy Application

NSU exercises the right to establish drug and/or alcohol search and screening procedures consistent with applicable local, state, and federal laws and where deemed necessary. An employee may be required to submit to an alcohol and/or drug test if reasonable suspicion exists. Supervisors must contact the OHR immediately when there is reasonable suspicion that an employee is under the influence of alcohol or illegal drugs or otherwise impaired in their performance due to the use of prescription drugs. Employees who are directed to submit to such tests and refuse or fail to do so when asked will be subject to immediate termination for insubordination. The alcohol and/or drug test must be completed within two hours; transportation will be provided.

Depending on the nature of the position, employees who test positive for alcohol or illegal drugs may be referred to NSU's Employee Assistance Program (EAP) for professional assistance or may result in appropriate corrective action, up to and including criminal prosecution as well as immediate termination. In such cases where the employee is offered an opportunity to participate in rehabilitation, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment. Employees who refuse such assistance or who fail to follow the treatment outlined for their recovery are subject to termination. Further, an employee who has successfully completed his or her defined treatment plan but who later tests positive for alcohol or illegal drugs will be subject to corrective action up to and including immediate termination of employment.

Positions deemed safety-sensitive are subject to random alcohol and/or drug testing. Random testing must be completed within two hours of request.

Safety-sensitive positions include, but are not limited to the following classes of jobs:

- Positions requiring employees, students, or anyone who provides transportation to athletes, students, clients, patients, etc., as a requirement of their position comprising 25% or more of their work load regardless of whether they are operating and NSU owned or leased vehicle, personal vehicle, shuttle bus or other commercial vehicle.
- Positions requiring employees, students, or anyone who provides transportation of equipment or services as a requirement of their position comprising 25% or more of their work load regardless of whether they are operating an NSU owned or leased vehicle, personal vehicle, shuttle bus or other commercial vehicle;
- Public Safety Officers;
- Individuals operating any vehicle for company purposed requiring a commercial driver's license (CDL); or

- Any position held by an employee so designated by an authorized representative from the NSU Office of Human Resources to ensure continued compliance with Federal, State, or local regulation or law.

NSU reserves the right to modify the list of identified "safety sensitive positions" to ensure continued vitality of a comprehensive drug and alcohol program.

All drug-testing information will be maintained in separate confidential records.

Responsibilities

NSU recognizes that drug addiction is an illness that requires professional assistance or treatment. Assistance for recovery from such illnesses is available through the EAP or NSU health plan. Please contact OHR to discuss in confidence any issues that fall within the provisions of this policy.

Employees must notify OHR of any criminal conviction related to drug activity in the workplace within five days after such conviction. If the individual is supported by a federal grant or contract, NSU must notify the appropriate government agency within 10 days after receiving such notice as required by the provisions of the federal Drug-Free Workplace Act of 1988.