

ALCOHOL AND CONTROLLED SUBSTANCES IN THE WORKPLACE POLICY

Policy

- A. It is the policy of Purchase College to maintain a workplace and campus free from unlawful and unauthorized possession, use, or distribution of alcohol and controlled substances. In compliance with the Federal Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments of 1989, and New York State Policy on Alcohol and Controlled Substances in the Workplace, employees of Purchase College must, as a condition of employment, be aware of and comply with this policy.
- B. The unlawful manufacture, dispensation, distribution, possession, or use of controlled substances on the Purchase College campus, at any Purchase College work site, or in the course of performing duties of employment with Purchase College, is prohibited.
- C. The unlawful or unauthorized possession, use, or distribution of alcohol on the Purchase College campus, at any Purchase College work site, or in the course of performing duties of employment with Purchase College, is prohibited.
- D. Purchase College employees are prohibited from on the job use of, or impairment from, alcohol or other lawful or unlawful substances and are expected to report to work in, and remain in, a condition that enables them to perform their job duties in a safe manner that does not jeopardize their own safety, the safety of others, or property.
- E. Employees who violate this Alcohol and Controlled Substances in the Workplace Policy are subject to penalties and/or disciplinary proceedings consistent with applicable laws, rules, regulations, and the disciplinary articles of collectively negotiated agreements.

Definitions

- A. "Controlled substance" means a substance identified in The Controlled Substances Act, 21 USC 812 and includes, but is not limited to, narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, including analogs, certain over the counter medications, look alike drugs and so called "street drugs".
- B. "Impaired" for the purpose of this policy means the condition of being under the influence of a substance or substances, such that the employee's work performance, sensory or motor senses (i.e., sight, hearing, balance, reaction, or reflex), capabilities, or judgment, are altered to the extent the employee's ability to perform job functions is diminished.
- C. "Substance" for the purpose of this policy means any alcoholic beverage, illegal drug, controlled substance, lawful prescription, over-the-counter medication, or other substance that has known mind altering or function altering effects on the human body.
- D. "Unfit for duty" means the employee is not in a physical, mental, or emotional state to perform the tasks of their work assignment in a manner that does not threaten the safety or health of the employee, co-workers, the public at large, or property.

Applicability

This Policy applies to all Purchase College employees and anyone working on the Purchase College campus, other property, or work location (including property leased or rented by Purchase College, and remote work sites) while on duty or in the course of performing duties of employment with the College, or when on official college business. When this Policy refers to "employee," it includes student employees, volunteers, contractors, and interns.

Responsibilities

Employees

It is the policy of Purchase College that:

- A. No employee shall manufacture, dispense, distribute, possess, or use any controlled substance, on any Purchase College property or work location (including property leased or rented by Purchase College or

remote work site) while on duty or in the course of performing duties of employment with the College, when on official college business, or while in a state vehicle, a vehicle leased or rented for state business, or a private vehicle being used for state business.

1. Under federal law, marijuana is classified as a Schedule 1 drug. Although the State of New York has legalized cannabis¹ for adult recreational use and as prescribed for certain medical purposes by legally registered individuals, Purchase College is subject to federal laws that prohibit the possession, use, distribution, or cultivation of marijuana, including medical marijuana. It continues to be Purchase College policy that employees are prohibited from on the job use of or impairment from, controlled substances. This prohibition includes both adult cannabis use and medical cannabis use.
- B. No employee shall possess, use, or distribute alcohol without proper authorization² on any Purchase College property or work location (including property leased or rented by Purchase College or remote work site) while on duty or in the course of performing duties of employment with the College, when on official college business, or while in a state vehicle, a vehicle leased or rented for state business, or a private vehicle being used for state business.
- C. No employee will report for work; return from any break, lunch, or rest period; or perform work, while impaired as a result of consuming any controlled substance, alcohol, lawful prescription, over-the-counter medication, or other substance.
- D. The use of legally prescribed and over-the-counter medications is not prohibited when taken as directed, provided such use does not render the employee unfit for duty.
 1. An employee taking a prescribed or over-the-counter medication that has the potential to negatively impact the employee's ability to perform their job functions in a safe and effective manner, should bring the situation to the attention of their supervisor or Human Resources, especially if the employee's job responsibilities have an impact on the health or safety of themselves or others. It may be necessary for the employee to provide certification to the Office of Human Resources from their physician stating that the medication does not adversely impact fitness to do the job. These situations are to be addressed confidentially on a case-by-case basis.
- E. An employee observed to be exhibiting signs and symptoms of being impaired and believed to be unfit for duty may not remain at the workplace. An employee may not leave the workplace until they have made satisfactory arrangements to be transported off-campus safely.
- F. An employee on paid standby status shall remain fit for duty at all times in accordance with this Policy.
- G. Work-related accidents or injuries involving state vehicles, equipment and/or property where it can be demonstrated that the use of alcohol or controlled substances may have been a contributing factor, will result in disciplinary action consistent with the disciplinary articles of applicable collective bargaining agreements which can include penalties up to and including termination of employment and possible criminal or civil penalties consistent with applicable laws, rules, and regulations.
- H. Medical testing may be done if the College has a reasonable suspicion that an employee is unable to perform their job duties due to the misuse of alcohol or controlled substances.
- I. An employee may be directed to undergo a medical examination and/or testing under Section 72 of the NYS Civil Service Law at the expense of Purchase College if there is a belief that the employee is not able to perform their duties as a result of alcohol or substance related disabilities.
- J. Any employee convicted of a criminal drug offense involving the workplace, must notify the Chief Human Resources Officer or designee, and their supervisor of the conviction within five (5) days after the conviction

¹ Although state and federal law use different terms, cannabis and marijuana (marihuana) are defined the same. (NYS Penal Law article 222; Controlled Substances Act, 21 U.S. Code § 802(16)).

² The [Purchase College Alcohol Policy](#) governs the use of alcohol at college events on or off campus and permits the lawful use of alcohol by persons over the legal drinking age at approved college-sponsored functions. An employee attending an approved college-sponsored event where alcohol is served is responsible for complying with applicable New York State laws, Town of Harrison ordinances, and college policies governing the use and misuse of alcohol and may be subject to disciplinary, administrative, criminal, or civil action for any illegal alcohol use or inappropriate behavior.

as required by the Federal Drug-Free Workplace Act of 1988. A supervisor who has been notified of such conviction must inform the Chief Human Resources Officer or designee, within twenty-four (24) hours of receiving the information from the employee.

- K. Compliance with this policy is a condition of employment. Employees who violate this policy are subject to criminal, civil, and disciplinary penalties consistent with applicable laws, rules, regulations, and collective bargaining agreements, and/or may be referred to the Employee Assistance Program or required to complete an approved drug or alcohol rehabilitation program.
- L. Purchase College will assist employees who have a substance abuse or alcohol problem in their recovery provided the employee seeks or accepts assistance. However, the College will take appropriate disciplinary action, which can include penalties up to and including termination of employment, to resolve drug or alcohol related performance issues.

Supervisory

It is the policy of Purchase College that:

- A. Supervisors have an important role in establishing and perpetuating a productive work environment at the College. As such, they are responsible for determining through direct observation whether there is a reasonable suspicion that an employee is impaired by alcohol, a controlled substance, or other substance, and not able to perform their assigned duties. A reasonable suspicion must be based upon specific, reliable observation that can be articulated concerning the appearance, behavior, speech, or body odor of the employee.
 - 1. Signs that an employee may be under the influence of alcohol or other substance include unsteady gait, odor of alcohol on the breath, thick or slurred speech, aggressive or abusive language or behavior, disorientation, or lethargy.
 - 2. With respect to cannabis, "reasonable suspicion" means the employee manifests specific articulable symptoms while working that decrease or lessen the employee's performance of the duties or tasks of the employee's job position, or such specific articulable symptoms interfere with the College's obligation to provide a safe and healthy work place, free from recognized hazards, as required by state and federal occupational safety and health law. These symptoms are not defined in law and may vary from situation to situation.
- B. A supervisor who has observed an employee, and believes that employee is exhibiting signs or symptoms of being under the influence of or impaired by alcohol or controlled substance or other substance, should immediately consult a second supervisor or manager to confirm the observations of the primary supervisor. If a second supervisor or manager is not available, the supervisor should contact Human Resources for assistance.
- C. Employees reasonably suspected of being impaired and believed to be unfit for duty may represent a danger to themselves, others, or college property cannot continue to perform work duties and may not remain at the workplace. Any incident representing performance problems possibly resulting from substance or alcohol use should be documented in writing immediately.
- D. Once a supervisor has performed due diligence in terms of ascertaining an employee's fitness to do their job and perform their duties, if the supervisor remains convinced that the employee is under the influence of alcohol, a controlled substance, or other substance while at work, the supervisor should inform the employee they cannot remain at the workplace. An employee believed to be impaired should not be permitted to drive home from the workplace and must make arrangements for safe transport home. If all other alternatives have been exhausted, a supervisor may allow the employee to be driven home in a state vehicle. Whenever possible, supervisors should contact the Office of Human Resources before allowing an employee to leave. Supervisors must document any instance when an employee is removed from the workplace.
- E. The fact that an employee is suspected of being unfit to perform their duties due to the influence of alcohol, a controlled substance, or other substance is not automatically a disciplinary incident. Each situation requires a case-by-case review. After an employee is removed from the workplace, the supervisor(s) and manager(s) will be contacted by the Office of Human Resources to get more information. Human Resources will determine whether disciplinary charges or other administrative actions should be pursued, or what actions seem prudent.

- F. If an employee displays dangerous, aggressive, or abusive behavior that constitutes a danger to persons or property or resists voluntarily leaving the workplace, the Office of Human Resources must be contacted immediately to proceed with clearance to suspend the employee under the provisions of the disciplinary procedures of the appropriate union contract. If necessary, the College Police Department will be contacted to assist in removing the employee from the workplace since safety is always the first priority.
- G. An employee, who is determined to be unfit to remain on duty and is removed from the worksite, may be subject to a medical exam at the expense of Purchase College as a condition of returning to work and may be eligible to use accrued leave. In such cases, supervisors should contact the appropriate staff of Human Resources for advice and assistance.
- H. A supervisor notified that an employee was convicted of a criminal drug offense involving the workplace, shall inform the Chief Human Resources Officer or designee, within twenty-four (24) hours of receiving the information from the employee. Purchase College will notify the appropriate federal agencies, if applicable, within ten (10) days of receipt of a notice of an employee drug conviction.

Management

It is the policy of Purchase College that:

- A. An alcohol and controlled substance free workplace will be maintained.
- B. All employees must understand and comply with this Policy. Purchase College may periodically provide information and training to employees on recognizing the behaviors of alcohol and substance misuse or abuse, the dangers related to alcohol and substance misuse or abuse, and the availability of support services.
- C. Appropriate corrective actions will be taken with managers and supervisors who fail to perform the duties and responsibilities outlined in this policy.

Resources

The following resources are available to assist Purchase College employees with possible alcohol or substance misuse or abuse problems:

Employee Assistance Program

An Employee Assistance Program (EAP) is available on campus for employees who wish to seek assistance in addressing drug or alcohol related problems as well as other personal and family matters. For information contact: Odile Delgado, EAP Coordinator at 914-251-6098 or EAP@purchase.edu

Health Insurance Information

Purchase College's employee health insurance plans provide coverage for substance abuse programs. Information regarding policy coverage is available at the [SUNY Insurance Website](https://www.suny.edu/insurance/) - <https://www.suny.edu/insurance/>

or,

Contact Noemi Spaziante, Purchase College Benefits/Payroll Office Coordinator at: 914-251-6448.

New York State Office of Addiction Services and Supports (OASIS)

Information about the substance use disorder treatment system, treatment options, access to care, including working with insurance companies, and locating a provider is available at [OASAS](http://www.oasas.ny.gov) - <http://www.oasas.ny.gov>

HOPEline

Provides 24-hour, 7-day-a-week help to New Yorkers struggling with addiction. HOPEline can be reached by calling: 1-877-8-HOPENY (1-877-846-7369) or by texting: HOPENY (Short Code 467369)

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