

PROCEDURES MEMORANDUM

TO: MCC Staff

FROM: Office of the President

SUBJECT: Drug-Free Workplace Requirements

DATE: August 22, 2022

PURPOSE: To provide College procedures implementing the requirements of the Drug-Free Workplace Act of 1988, as amended.

SCOPE: This procedure applies to all employees of Metropolitan Community College.

GENERAL PRINCIPLES:

The Drug-Free Workplace Act of 1988, as amended, requires organizations with federal grants or contracts falling within the limits of the regulations to certify to the applicable agencies that they are providing a drug-free workplace. Implementation requirements include the following:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violation of the prohibition;
2. Establishing a continuing drug-free awareness program to inform employees about the dangers of drug abuse, MCC's drug-free workplace policy, the penalties for drug abuse violations occurring in the workplace, and the availability of any drug counseling, rehabilitation, and employee assistance program;
3. Providing all employees with a copy of the drug-free workplace statement;
4. Notifying employees in the drug-free workplace statement that, as a condition of employment, the employee will abide by the terms of the published statement and notify the employer of any criminal drug statute conviction occurring in the workplace; and
5. Taking disciplinary action up to and including termination in regard to any employee who is convicted of unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace or requiring satisfactory participation by the convicted employee in a drug abuse assistance program or a rehabilitation program.

All employers covered by the law are subject to suspension of payments, termination of the contract or grant, suspension or debarment if the head of the contracting or granting organization determines that the employer has made any type of false certification to the contracting or grant

office, has not fulfilled the requirements of the law, or has excessive drug violation convictions in the workplace. Penalties may also be imposed upon those employing a number of individuals convicted of criminal drug offenses as this demonstrates a lack of good faith effort to provide a drug-free workplace. The contract or grant officer may determine the number on a case-by-case basis. Employers who are debarred are ineligible for other Federal contracts or grants for up to five (5) years. Compliance may be audited by the Federal agency administering the contract or grant.

NOTE: Specific provisions of the Act as applied to student recipients of financial aid at the College are not covered in this Procedures Memorandum (PM).

## 1. References

In addition to the Drug-Free Workplace Act of 1988, as amended and implemented in the procedures herein, the Procedures Memoranda listed below apply. These PMs can be found on the College's website.

- A. PM VI-24, Employee Discipline Procedural Suggestions and General Work Expectations
- B. PM V-4, Student Conduct and Discipline

## 2. Specific Requirements and Responsibilities

A. Employee Notification Statement – The College will notify employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in College workplaces and specify the actions that will be taken against employees for violation of such prohibition. The notification will further indicate that, as a condition of employment, the employee will abide by the College's standards of conduct and notify the College of any criminal drug conviction for a violation occurring in the workplace no later than five days after such conviction. The required notification statement is included in the 'Drug Free Schools and Communities Act' booklet located on the MCC Police/Public Safety Resource website.

Responsibilities – The Vice President of Human Resources, in concert with the College Chief of Police, and the General Counsel, is responsible for implementing a program to ensure that all employees of the College are provided with a copy of the statement.

B. Drug-Free Awareness Program – The College will establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the College requirement of maintaining a drug-free workplace; available drug counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed upon employees for violations occurring in the workplace.

Responsibilities – The College Chief of Police, with assistance from the Associate Vice President for Compliance and General Counsel, and the Vice President of Human

Resources, is responsible for implementing a Drug-Free Awareness Program which meets the requirements of the Drug-Free Workplace Act.

- C. Notifications – All employees of the College must abide by the terms of this PM. An employee of the College who is convicted of any criminal drug statute violation occurring in the workplace must notify his/her director level supervisor no later than five (5) days after such conviction. The director-level supervisor will immediately notify the Associate Vice President for Compliance and General Counsel, the Vice President of Human Resources, and the Associate Vice President of Advancement if the employee is paid totally or partially from federal funds. The Associate Vice President of Advancement must then notify the federal agency involved in the grant (or contract) within ten (10) days either after notice is given by the convicted employee or actual notice of the conviction is otherwise received.

Responsibilities – The notification responsibilities of an employee convicted of a drug statute violation occurring in the workplace are as outlined above.

- D. Rehabilitation and/or Disciplinary Actions – The condition of maintaining a drug-free workplace is an employment requirement at the College and violations may result in actions being taken as specified in PM-VI-24, Employee Discipline and General Work Expectations.

Employees may contact, or supervisors may refer employees to, the Employee Assistance Program for assistance and confidential counseling and referral. Participation in the Employee Assistance Program and/or participation in a treatment program will not affect future employment or career advancement, nor will participation protect the employee from disciplinary action for substandard job performance or rule infractions.

Responsibilities – The director-level supervisor, with the concurrence of the appropriate Vice President, and in conjunction with the advice and counsel of the Vice President of Human Resources, will determine proper action to be taken in individual cases involving an employee convicted of a drug-free workplace violation.

Adopted 6/25/89; Revised 12/1/01; 10/17/05; 9/8/06; 1/4/11; 9/5/14; 7/26/21 (title changes only), 8/22/22