



Substance and Alcohol Use and Testing Policy

Updated: September 2023

The health and well-being of FMD employees and the campus community is FMD's top priority. Alcohol and drug misuse and abuse can be detrimental to health, professional performance and relationships. This type of misuse and abuse can also contribute to unsafe practices in the workplace.

The University and FMD have specific policies and protocols associated with substances and alcohol. This document is to ensure that all FMD employees are aware of these policies and protocols.

Definitions

- *Possession of alcohol or drugs* refers, but is not limited, to holding, no matter the duration, alcohol or illegal drugs/ controlled substances in hand or, having them in one's clothing, purse/book bag (or similar case), automobile, residence, or other personal belonging.
- *Consumption of alcohol* refers to the act of drinking or ingesting any amount of an alcoholic beverage.
- *Use of drugs* refers to the act of ingesting, inhaling, drinking, eating, and/or any other method of introducing an illegal drug or controlled substance into one's body.
- *Distribution of drugs* refers to the sharing of illegal drugs/controlled substances with, or giving them to others.
- *Sale of drugs* refers to the exchange of illegal drugs/controlled substances for money or other forms of compensation.
- *Facilitating the possession/use of alcohol or drugs* refers to the act of allowing others to possess, consume, or use alcohol or illegal drugs/controlled substances in one's residence or automobile.

UGA Policy on Alcohol and Other Drugs

The abuse and misuse of alcohol and other drugs by members of the UGA community are incompatible with the goals and mission of the institution. To further the University's commitment to provide a healthy and thriving educational environment, and in compliance with the Drug-Free Schools and Communities Act Amendments of 1989, the University has established the following policy on alcohol and other drugs.

Employee misconduct related to alcohol or other drug abuse will not be tolerated. The unlawful manufacture, distribution, sale, use, or possession of a controlled substance, alcohol or other dangerous drug by employees of UGA is prohibited by federal and state law, as well as Board of Regents policy. Violation of this Policy will result in appropriate disciplinary sanctions, including but not limited to dismissal, demotion, or suspension of employment and/or referral to the appropriate state agency for legal prosecution.

Drug Related Arrest & Conviction

Any University employee who is convicted for the first time, under the laws of this state, the United States, or any other state, of any criminal offense involving the manufacture, distribution, sale, or possession of a controlled substance, alcohol, or a dangerous drug shall notify the Office of Legal Affairs (706-542-0006) of such conviction no later than 24 hours after the conviction. Any such employee shall be subject to, at a minimum, suspension from his or her employment for a period of not less than two months, or other disciplinary sanctions up to and including dismissal of employment. The employee may appeal the suspension or dismissal under procedures set forth in the University of Georgia Grievance and Disciplinary Review Policy.

In the case of a suspension, such employee shall be required as a condition of completion of suspension to complete a drug treatment and education program approved by the President of the University. Upon a second conviction, such employee must be terminated and made ineligible for any state employment for a period of five (5) years from the most recent date of conviction.

If, prior to an arrest for an offense involving a controlled substance, alcohol, or a dangerous drug, an employee notifies his or her immediate supervisor that he or she illegally uses a controlled substance, alcohol, or a dangerous drug and is receiving or agrees to receive treatment under a drug abuse treatment and education program approved by the President of the University, the employee shall be entitled to maintain employment for up to one (1) year as long as the employee follows the treatment plan. During this period, the employee shall not be separated from his or her employment solely on the basis of the employee's drug dependence, but the employee's work activities may be restructured if practicable to protect persons or property.

In addition, this Policy does not prohibit the University from taking appropriate disciplinary action for violations of the Conduct Policy. An employee retained in accordance with the provisions of this Policy will be subject to return-to-work and random selection for controlled substance testing for no less than one (1) year. In addition, the employee may be tested "for cause" if testing falls within the treatment center's contract time period and testing is arranged by the treatment center. No statement made by an employee to a supervisor or other person in order to comply with this Policy shall be admissible in any civil, administrative, or criminal proceeding as evidence against the employee. Rights granted by this Policy shall be available to an employee only once during a five (5) year

period and shall not apply to any employee who has refused to be tested or who has tested positive for a controlled substance, marijuana, or a dangerous drug.

In addition to criminal sanctions described below, employees convicted of drug-related offenses are subject to civil penalties. Such penalties may include suspension or revocation of professional and occupational licenses, restriction from public employment for up to five years, denial of retirement benefits, and denial of state-sponsored loans and mortgages. Workers' compensation benefits will also be denied in certain instances where alcohol or other drugs are a cause of injury.

Drug Related Criminal Sanctions

Under Georgia and federal law, it is a crime to possess, manufacture, sell, or distribute illegal drugs.

Federal sanctions for illegal possession of drugs include imprisonment up to 1 year and/or a minimum fine of \$1,000 for a first conviction; imprisonment for 15 days-2 years and a minimum fine of \$2,500 for a second drug conviction; and imprisonment for 90 days-3 years and a minimum fine of \$5,000 for a third or subsequent drug conviction. For possession of a mixture or substance which contains a cocaine base, federal sanctions include 5-20 years in prison and a minimum fine of \$1,000, for a first conviction if the mixture or substance exceeds 5 grams, for a second conviction if the mixture or substance exceeds 3 grams, and for a third or subsequent conviction if the mixture or substance exceeds 1 gram. Additional possible penalties for the illegal possession of drugs are forfeiture of real or personal property used to possess or to facilitate possession of a controlled substance if the offense is punishable by more than 1 year imprisonment; forfeiture of vehicles, boats, aircraft, or any other conveyance used, or intended for use, to transport or conceal drugs; civil fine up to \$10,000 per violation; denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses for up to 1 year for a first and up to 5 years for a second or subsequent offense; successful completion of a drug treatment program; community service; and ineligibility to receive or purchase a fire-arm. Georgia law prohibits the purchase or possession of alcohol by a person under the age of 21, or the furnishing of alcohol to such a person. Driving under the influence of alcohol or other drugs also is illegal. It is against Georgia law, under certain circumstances, to walk or be upon a roadway while under the influence of alcohol or other drugs. The punishment for these offenses may include imprisonment, fines, mandatory treatment and education programs, community service, and mandatory loss of one's driver's license.

Link to UGA Policy: <https://safeandsecure.uga.edu/drugs-alcohol-policy/>

CDL Random Testing

In compliance with U.S. Department of Transportation (DOT) regulations, UGA HR administers the random testing of employees that must have a commercial driver's license in order to perform the essential duties of their position. FMD Safety and Human

Resources work with UGA HR to administer this program at FMD.

FMD Post-Accident Testing

In effort to create a safer, more productive work environment, and in concert with the guidelines of the University of Georgia Policy on Alcohol and Other Drugs (September 2017), and the University System of Georgia Policy on Drug Testing (September 2010), FMD performs post-accident drug screening under the understanding that certain jobs within the Division are safety sensitive (high risk) in nature, and as such, are subject to the drug testing as outlined in USG and UGA policy.

Facilities Management Division employees considered as safety sensitive (high risk) positions include those who:

- Operate/manage/maintain industrial equipment
- Operate/manage/maintain heavy equipment
- May have exposure to potentially dangerous situations/environments
 - Work at elevated heights
 - Work with hazardous chemicals/waste
 - Work in high-risk animal/research areas
- Others, as designated by DOT, Federal or institutional guidelines

Post-accident testing will be performed in accordance to State Law in the following situations:

- An FMD employee is involved in a workplace accident that requires medical evaluation (worker's compensation)
- An FMD employee is involved in a workplace accident that involves a third party
- An FMD employee is involved in a workplace accident that results in property damage exceeding \$2,000

Facilities Management Division employees are often required to drive a UGA owned vehicle in the course of performing official University duties. FMD employees involved in a motor vehicle accident (including with a third party) are subject to post accident testing in the following situations:

- requires medical evaluation (worker's compensation)
- results in property damage exceeding \$2,000
- as law enforcement responding to the accident directs employee

*** Please note, our testing for THC does not differentiate between THC derived from cannabis and hemp products. Many retail establishments are now selling CBD items that are labeled as being Delta 8, 9 or 10 legally in the state of Georgia. These products may result in a positive test result for THC, so please consider your activities accordingly.*

Post-accident testing must be done within eight (8) hours after the accident occurred. Any re-testing must occur within a thirty-two (32) hour window from the time of incident.

Testing Procedure:

- Employees must notify their supervisor immediately if they are involved in any accident
- Supervisors must notify FMD Safety and FMD Human Resources of the accident to determine if testing is required
- FMD Safety or FMD Human Resources will contact an approved provider to arrange for the testing
- Testing is performed at no cost to the employee
- An FMD supervisor (does not have to be the employee's direct supervisor) not involved in the accident must transport the employee to the testing site
 - If non-emergency, the employee should be taken to Piedmont Occupational Health Care on Highway 29, North
 - If accident requires emergency care, the employee should be taken to the closest Emergency Room

Tampering with a specimen is prohibited and will be considered a positive test. A refusal to test is also considered a positive test.

After-testing Procedure:

- Until testing results are received, employees must not perform safety sensitive job duties. These include:
 - Operating/managing industrial equipment
 - Operating/managing heavy equipment
 - Working at elevated heights
 - Working with hazardous chemicals/waste
 - Working in high risk animal/research areas
 - Driving state owned vehicles

Positive Test Results

A positive screening for controlled substances or alcohol will result in the following:

- No less than a thirty (30) day suspension without pay
- As a condition of continued employment at the University, the employee is required to be evaluated by an accredited drug abuse treatment program approved by the University
 - Paid for by the employee
- If the evaluation results in a recommendation for participation in a treatment program, the employee is required to complete a drug or alcohol abuse and education program before returning to work

- Paid for by the employee
- If the employee enters a treatment program, the employee should give the program medical consent to provide Facilities Management Division Director of Human Resources updates on treatment progress
- Employees are subject to random selection testing for no less than one year

Any employee who refuses to be tested (resulting in a positive test assumption), will be suspended from work at UGA for 60 days and workers compensation benefits may be withdrawn. Additionally, CDL program drivers may be suspended/terminated from their position and result in suspension of CDL license. Violation of this policy will result in disciplinary action. Depending on surrounding circumstances, such as property damage, destruction of UGA owned property, or associated criminal activity, the resulting disciplinary action may include immediate termination.

Use and Impairment

Substance Use

- The use of illegal drugs on UGA premises or in UGA owned or leased vehicles is prohibited and will result in disciplinary action up to and including termination.
- Use of illegal substances or abuse of legal substances off work time, that result in impairment at work, will result in disciplinary action or, at the discretion of the University, an opportunity to participate in and successfully complete an appropriate substance-abuse program.
- The use of alcohol at work is not permitted and alcohol consumption off work, which results in impairment at work, will result in action described in the Impairment Section below.
- Staff who are taking legally prescribed and/or over-the-counter medications and report to work impaired to an extent that it affects job performance, safety or the efficient operation of work will be subject to fit for duty examination/evaluation.

Alcohol on the Breath

- Having alcohol on the breath at work raises questions concerning a staff member's competence and will not be tolerated for any staff members working in safety-sensitive positions. Additionally, other select work areas may prohibit alcohol on the breath.

Employee Assistance

The University offers an Employee Assistance Program (EAP) to faculty and staff. Through the EAP, employees have access to programs related to the misuse and abuse of alcohol and drugs. These programs provide education, consultation, assessment,

counseling and referral in a professional environment that respects individual confidentiality and integrity.

These programs provide confidential, professional services for employee regarding the abusive effects of alcohol and other drugs. Any employee who self declares a substance abuse problem, prior to being impaired on the job, will not jeopardize an individual's employment. FMD employees are encouraged to seek professional assistance before alcohol and drug problems lead to on-the-job impairment. Clinical assessment can certify an individual's need to be placed on leave from work based on a Fitness-for-Duty Evaluation, which is coordinated by FMD HR.

This policy will apply to all activities conducted on University-owned or leased property and to all other University-sponsored events.