

University of Alabama at Birmingham

DRUG-FREE WORKPLACE POLICY

March 10, 1992

(Replaces policy dated November 2, 1990.)

[Edited February 10, 2009, for changes in unit names]

NOTE: This policy was approved by the University of Alabama System on March 2, 1992.

NOTE: See also the following related policies:

Board of Trustees Board Rule 315 *Compliance with Drug-free Workplace Requirements*;
Drug-free Campus Policy for Students;
School of Medicine "Policy on Impairment and Chemical Substance Abuse";
School of Dentistry "Policy on Impairment and Chemical Substance Abuse";
School of Nursing "Policy on Impairment and Chemical Substance Abuse";
University Hospital pre-employment drug testing rules and regulations;
"Dismissal" sections of the following handbooks and manuals: *You & UAB Handbook for Faculty and Staff*; *Personnel Policies and Procedures Manual*; and *Faculty Handbook*.

Policy Statement

Unlawful possession, use, manufacture, distribution, or dispensing of illicit drugs, controlled substances, or alcoholic beverages by any UAB employee, including employees of UAB programs in foreign countries, during his or her work period, whether on the premises of UAB or at any other site where the employee is carrying out assigned UAB duties, is prohibited. The legal possession, use, or distribution of alcoholic beverages on UAB property or at UAB activities is governed by the UAB *General Policy Regarding the Use and Consumption of Alcoholic Beverages* and applicable local, state, and federal laws.

In certain situations, the University is required to report the activities prohibited by this policy to appropriate law enforcement authorities. In all cases, the University may report activities prohibited by this policy to appropriate law enforcement authorities if it appears that the activity is a violation of law.

Disciplinary Actions

Violation of this policy by employees shall result in immediate suspension. Except in those cases in which an unusual mitigating or extenuating circumstance exists, suspension will be followed by dismissal without notice.

All disciplinary measures against tenured employees/faculty members or against those employed for a specific term will be carried out in accordance with rules governing those situations.

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In some cases of first violation of this policy for unlawful use, an employee may be given, at the discretion of the University, the option to participate satisfactorily in an approved drug or alcohol abuse assistance or rehabilitation program in lieu of dismissal. Participation in such an assistance or rehabilitation program is at the expense of the employee. The option shall not be available for subsequent violations of the policy.

Drug-free Awareness Program

UAB shall inform employees of the dangers of drug and alcohol abuse in the workplace, of the existence of this policy statement and its penalties for violations, and of available drug and alcohol counseling, rehabilitation, and assistance through the following activities:

1. Publication, at least annually, of this policy in appropriate employee publications such as the *UAB Reporter* and distribution to employees in UAB's foreign programs and to employees in programs conducted in conjunction with foreign universities;
2. Inclusion of this policy in future editions of employee handbooks;
3. Dissemination of this policy and of information at employee orientation and assistance programs regarding the dangers of drug and alcohol use and abuse and available rehabilitation programs;
4. Dissemination of information to supervisors concerning their responsibilities relative to the provisions of this policy.

Notifications and Distribution of the Policy

All persons employed by the University will be provided a copy of this policy and will be advised that, as a condition of employment, they are required (1) to abide by this policy and (2) to notify their supervisors of any criminal drug statute conviction for a violation occurring in the University workplace within five days after such conviction. A supervisor who receives such a notice from an employee shall forward the notice through proper administrative channels to the appropriate vice president/Provost/ CEO of UAB Health System. Within thirty days of receiving notice, UAB will implement personnel action as indicated in the "Disciplinary Actions" section of this policy.

Special Conditions Applicable to Persons Performing Work on Federal Grants or Contracts

In cases in which a UAB employee is supported by a federal grant or contract, the appropriate vice president/Provost/CEO of UAB Health System, upon receiving a notice of conviction covered by this policy, shall notify the UAB Office of Grants and Contracts Administration. Within ten days after receiving notice of conviction of an employee, the Office of Grants and Contracts Administration shall notify the granting agency of the conviction.

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Applicability to Other Policies

Other drug-free policies created to cover specific areas of the University may be more restrictive than this policy but may not be less restrictive. At a minimum, other such policies must include, or reference, the provisions of this policy. Violators will be subject to the provisions of the more stringent policy but will not be punished under more than one policy for the same offense.

This policy does not revoke or otherwise interfere with policies in the health professional schools designed to determine whether health care professionals are impaired and to offer rehabilitation, subject to the above provisions.

The wording in the "Dismissal" sections of the *You & UAB Handbook for Administrative, Professional, and Support Personnel* and the *Personnel Policies and Procedures Manual* which relates to causes of dismissal due to the use, possession, etc. of illicit drugs, controlled substances, or alcoholic beverages is superseded by the wording of this policy's "Policy Statement" section until those publications sufficiently incorporate the provisions of this policy.

Attachments

The "Applicable Legal Sanctions," "Drug and Alcohol Use Health Risks," and "Drug and Alcohol Counseling, Treatment, and Rehabilitation Programs" attached to this policy are a part of the policy but may be revised from time to time without affecting the policy itself.

Effective Date and Implementation

This policy is effective immediately upon its being signed by the President.

The Office of the Vice President for Financial Affairs and Administration is responsible for the development and maintenance of procedures to implement this policy.

In addition to being distributed to employees on the UAB campus, this policy will be distributed to employees in UAB's foreign programs and to employees in programs conducted in conjunction with foreign universities. The Center for International Programs is responsible for all distributions to UAB employees participating in foreign programs.