3.3.13 KCTCS Substance Abuse

3.3.13.1 Drug Abuse

3.3.13.1.1 KCTCS Policy Regarding Drug Abuse

The KCTCS is committed to providing a healthy and safe workplace for its employees. Conduct which is a violation of this policy poses unacceptable risk and disregard for the health, safety, and welfare of co-workers, students, and the total KCTCS community.

The unlawful possession, use, dispensation, distribution, or manufacture of controlled substances by employees, while on KCTCS property and/or on KCTCS business, is prohibited.

Any employee who engages in the unlawful possession, use, dispensation, distribution, or manufacture of controlled substances, while on KCTCS property and/or KCTCS business, or who is convicted of a criminal drug statute violation which occurred in the workplace or while on KCTCS business is subject to disciplinary action, up to and including suspension or discharge.

3.3.13.1.2 Legal Use of Prescribed Medicines

The legal use of prescribed medicines under the direction of a licensed physician is permitted. Employees in selected positions, designated by KCTCS, are required to make such use known to an appropriate KCTCS representative, as described in college standard operating procedures. Employees using prescribed medicines should consult with a physician concerning the safe use of the drug during working hours.

3.3.13.1.3 Delegation

Authority for enforcement of this policy is vested with the KCTCS Chancellor/Vice Presidents.

3.3.13.1.4 Procedure

The KCTCS provides for its employees educational programs and general information on the following:

1. The dangers of drug use and abuse in the workplace;

2. KCTCS Drug Free Policy;

3. The availability of drug counseling, rehabilitation, and employee assistance programs; and

4. The penalties for violation of the KCTCS Drug Abuse Policy.

In the KCTCS colleges, whenever a supervisor witnesses the unlawful possession, use, dispensation, distribution, or manufacture of controlled substances by an employee, that supervisor shall notify the college president/chief executive officer who shall (1) immediately notify the appropriate police authority, (2) suspend the employee pending further investigation, and (3) inform the college chief official for Human Resources.

The college president/chief executive officer in conjunction with the employee's supervisor and the college chief personnel officer, shall conduct an investigation and, based on the factual information obtained from all parties, determine whether there has been a violation of this policy, and report the evidence to the KCTCS Chancellor.

If the employee is engaged in the performance of a grant or contract, the KCTCS Chancellor shall notify the Kentucky Community and Technical College System President and the appropriate Kentucky Community and Technical College System staff that an investigation has been instituted.

All discussions, investigations and basis for disciplinary or rehabilitative actions shall be strictly confidential.

If the evidence confirms that the staff employee has violated this policy, the KCTCS Chancellor in conjunction with the college president/chief executive officer, and with the Kentucky Community and Technical College System staff, in accordance with Kentucky Community and Technical College System policies and procedures, shall determine the appropriate sanction to include the following:

1. Disciplinary action up to and including suspension or discharge; and/or

2. Referral to an employee assistance program and/or drug rehabilitative program.

3.3.13.1.5 Student Employees

If evidence confirms that a student employee has violated this policy, the college president/chief executive officer with the college chief personnel officer, consistent with Kentucky Community and Technical College System policies and procedures, shall determine the appropriate sanction in accordance with the student employee's status as an at-will employee.

Nothing in this policy shall be construed to prohibit or interfere with whatever appropriate disciplinary action may be taken in accordance with the student employee's student status, as provided by the Code of Student Conduct.

Whenever a supervisor notices an employee with overt signs of mental or physical impairment thought secondary to substance abuse, or when job related behavior or work performance suggests substance abuse, the college president/chief executive officer shall refer the employee to an appropriate local rehabilitation health service.

The decision to acknowledge substance abuse and accept therapeutic intervention rests with the employee, and participation in an employee assistance program or rehabilitation program is voluntary. However, refusal to participate in appropriate intervention program(s) shall result in disciplinary action, up to and including suspension or dismissal.

The college president/chief executive officer with the college chief personnel officer shall monitor the progress of the employee and inform the supervisor of the employee's progress and anticipated safe return to the job.

If an employee with suspected substance abuse and/or poor work performance, thought secondary to that substance abuse, refuses employee assistance program referral and/or appropriate rehabilitation services, the college president/chief executive officer with the college chief personnel officer and the employee's supervisor shall institute the appropriate work performance evaluation and action.

In compliance with the Federal Drug-Free Workplace Act of 1988 (Section 5151), an employee shall abide by this Drug Abuse Policy, and notify the immediate supervisor if the employee is convicted of a criminal drug offense occurring in the work place or while on KCTCS business within (5) days after the conviction. The immediate supervisor shall immediately notify the college president/chief executive officer when a staff employee is involved.

If the employee is under federal contract or grant, the immediate supervisor shall notify the sector chief personnel officer who shall notify the Chancellor who in turn shall notify the appropriate federal contract/granting agency within ten (10) days after notification by the supervisor of the conviction.

Within thirty (30) days after an employee's conviction for a drug offense on KCTCS property and/or on KCTCS business, the KCTCS shall take appropriate sanctions and remedies in accordance with this policy, and Kentucky Community and Technical College System policies and procedures, up to and including suspension or dismissal, and/or satisfactory participation in an approved substance abuse assistance/rehabilitation program.

3.3.13.1.6 Drug Free Workplace Notification

Set forth in Appendix I is a memorandum regarding Drug-Free Workplace Notification.

3.3.13.1.7 KCTCS Policy on Alcohol Abuse

KCTCS is committed to providing a healthy and safe workplace for its employees. The problem of alcohol abuse constitutes a growing national crisis; therefore, the KCTCS has this alcohol abuse policy.

Conduct which is a violation of this policy poses unacceptable risk and disregard for the health, safety, and welfare of co-workers, students, and the total KCTCS community.

Alcohol abuse, or being under the influence or the unauthorized use or consumption of alcohol on KCTCS property or while on KCTCS business, is prohibited and is subject to disciplinary action up to and including suspension or discharge.

Reporting to work under the influence of alcohol is prohibited and is subject to disciplinary action, up to and including suspension or discharge.

Authority for enforcement is vested with the KCTCS Chancellor/KCTCS Vice Presidents.

3.3.13.1.8 Procedure Regarding Alcohol Abuse

The KCTCS provides educational programs and general information on the danger of alcohol use and abuse in the workplace. The KCTCS trains its supervisors to recognize mental and physical signs of problem drinking.

In the KCTCS, the supervisor shall notify the college president/chief executive officer who shall (1) suspend the employee pending further investigation and (2) inform the college chief personnel officer.

The college president/chief executive officer in conjunction with the employee's supervisor and the college chief personnel officer shall conduct an investigation and, based on factual information obtained from all parties involved, determine whether there has been a violation of this policy.

All discussions, investigations and basis for disciplinary or rehabilitative actions shall be strictly confidential.

If the evidence confirms that the staff employee has violated this policy, the college president/chief executive officer, with the employee's supervisor and the college chief personnel officer, shall review the factual information to determine the appropriate action which includes as follows:

1. Disciplinary action up to and including suspension or discharge; and/or

2. Referral to an employee assistance program or rehabilitation program.

If evidence confirms that a student employee has violated this policy, the college president/chief executive officer, consistent with Kentucky Community and Technical College System policies and procedures, shall determine the appropriate sanction in accordance with the student employee's status as an at-will employee. Nothing is this policy shall be construed to prohibit or interfere with whatever appropriate disciplinary action may be taken in accordance with the student employee's student status, as provided by the Code of Student Conduct.

Whenever a supervisor notices an employee with overt signs of mental and physical impairment thought to be secondary to substance abuse, or when job related behavior or work performance suggests substance abuse, the employee shall be referred to the appropriate local rehabilitation health service by the college president/chief executive officer.

The decision to acknowledge problem drinking and accept therapeutic intervention rests with the employee, and participation in an employee assistance program or rehabilitative program is voluntary. However, refusal to participate in appropriate intervention program(s) shall result in disciplinary action, up to and including suspension or dismissal.

The college president/chief executive officer shall monitor the progress of the employee, and inform the employee's supervisor of the employee's progress and anticipated safe return to the job.

If an employee with problem drinking and/or poor work refuses or fails therapy, then the college president/chief executive officer, in conjunction with the employee's supervisor, shall institute an appropriate work performance evaluation and action.

4-30-99	6-14-05	6-14-05
Approval Date	Date(s) of Last Review	Date(s) of Last Revision *(Include all dates in chronological order)*

(SIGNED)	6-14-05	(SIGNED)	6-14-05
Recommended by	Date	President, KCTCS	Date