

3341-5-12 Drug Free Workplace and Reasonable Suspicion Protocol Policy.

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| Applicability | All University units |
| Responsible Office | Office of Human Resources |
| Responsible Administrator | Chief Human Resources Officer |

(A) Policy Statement and Purpose

To set out the policy governing a drug free workplace.

(B) Policy

Bowling Green State University has adopted a Drug Free Workplace Policy (Board of Trustees, May 10, 1991) in order to ensure a quality educational and work environment, one free from the effects of alcohol and other substance abuse. It is the responsibility of each faculty, administrative and classified staff member to adhere to the policy described here.

The Drug Free Workplace policy prohibits the unlawful use, sale, dispensing, transfer, or possession of controlled substances, alcoholic beverages, substances not medically authorized or any other substance that may impair an individual's academic or work performance or pose a hazard to the individual, public, students, or employees of the university on its property or at any of its activities.

If a violation of this policy occurs, support programs will be made available when appropriate. However, disciplinary action may be taken up to and including dismissal or expulsion from the university and possible criminal prosecution. The university will make appropriate efforts to provide rehabilitative support before giving consideration to termination of employment as stipulated in the Charter and Ohio Revised Code, Sections 124.34 and 3345.22-25.

Employees must, as a condition of employment, report any conviction under a criminal drug statute for violations occurring on or off university premises while conducting university business. The Drug Free Workplace Act of 1988 mandates that a report of a conviction must be made within five days after the conviction.

(1) Reasonable Suspicion Testing Protocol

- (a) As part of Bowling Green State University's obligation to ensure a quality and safe educational and work environment, a Reasonable Suspicion Testing Protocol has been adopted. Using or being under the influence or the effects of drugs or alcohol on the job, using such substances in a manner which effects work performance, or having such substances or their metabolites in one's system may pose serious safety and health risks. To reduce these risks, employees may be required to provide body substance samples (such as breath, urine and/or blood) to determine if the illicit, illegal or improper use of drugs or alcohol has affected one's work performance.
- (b) The intent of this protocol is to outline for supervisors and managers the steps they may take in the event an employee appears to have violated the Drug Free Workplace Policy.
- (c) Whether or not a person's behavior rises to the level of "reasonable suspicion" must be based on the manager's/supervisor's specific observations concerning the employee's appearance (including odor), behavior, and/or speech. Some examples of behaviors on which reasonable suspicion may be founded include:
 - (i) Shaky, unstable or staggering walk
 - (ii) Red, glazed, or watery eyes
 - (iii) Dilated or contracted pupils
 - (iv) Obvious motor skill impairment

- (v) Odors on breath or clothes.
 - (vi) Credible eyewitness reports of usage
 - (vii) Impaired reaction time
- (d) Behaviors leading to reasonable suspicion must be documented in writing. Supervisors should write only what is observed as it relates to unsafe behavior, performance deterioration or policy violation. No comments are to be recorded which reflect on suspected reasons for the behavior or opinions about it.
- (e) If, based on reasonable suspicion, any employee is believed to pose an immediate safety risk to anyone (including self), the supervisor is to move to relieve the individual of all work responsibilities.
- (2) Procedure for the supervisor/manager in case of reasonable suspicion:
- (a) Direct the employee to a private office or area. The employee's supervisor and, if possible, another manager/supervisor, should be present to observe the employee's condition.
 - (b) Both managers/supervisors will describe in writing the employee behavior which has led to reasonable suspicion of substance abuse.
 - (c) Notify the Office of Human Resources of the incident/behavior and the actions taken. Provide them with a written report. (Continue the process even if unable to notify HR immediately, e.g., outside of normal business hours.)
 - (d) If the managers/supervisors determine testing is appropriate, they must accompany the staff member to Wood County Hospital for testing. No forms are required or appointment needed, but we suggest you call ahead (Ready Works) during business hours to inform them of

your intentions. After normal business hours, employees should be escorted to the Laboratory in the Wood County Hospital.

- (e) If the employee refuses to proceed with the testing, the manager/supervisor is to contact Human Resources. The employee will be suspended immediately, without pay, pending an HR review of the incident. A determination of appropriate disciplinary action will follow. While immediate suspension means that the employee must leave the workplace, s/he should not be allowed to drive home alone. If the employee refuses the transportation arrangements and leaves alone in his/her own vehicle, notify the BGSU Police Department. If possible, obtain a witness to corroborate the refusal of transportation and document the incident.
- (f) When testing occurs, the manager/supervisor is to make immediate arrangements, following testing and return to campus, for the employee to get home (supervisor, relative, another employee, cab, etc.). The employee should not be allowed to drive home alone. If the employee refuses the travel arrangements and leaves using his/her personal vehicle, notify the BGSU Police Department. Obtain a witness to corroborate the refusal of transportation and document the incident. At that time and pending the results of the testing, the employee is to be placed on suspension with pay.
- (g) Upon receipt of the test results, Human Resources will notify the manager/supervisor to determine the appropriate course of action according to BGSU policy. If the test result is negative, the employee is to be returned to work at the next regular shift. A positive test result will result in disciplinary action as provided for in the appropriate employee handbook.

Registered Date: March 17, 2015