



KENTUCKY STATE UNIVERSITY POLICIES AND PROCEDURES

POLICY TITLE:

Drug-Free Workplace Policy

VOLUME, SECTION & NUMBER:**ENTITIES AFFECTED:**

**Faculty
Staff**

ADMINISTRATIVE AUTHORITY:

Office of Human Resources

APPROVED BY:

Kentucky State University Board of Regents

EFFECTIVE DATE:

August 9, 2024

REVISED FROM:

2013 Human Resources Policy Manual

POLICY STATEMENT:

Kentucky State University (KSU) is a drug-free workplace. Recognizing the health and safety hazards posed by drugs, KSU prohibits the use, possession, distribution, dispensation, and manufacture of such substances. Additionally, as a recipient of federal funds, KSU fully subscribes to the provisions of the Drug-Free Workplace Act of 1988, which requires KSU to promulgate this policy and notify employees and students of the risks posed by using drugs in the workplace.

DEFINITIONS:**Appropriate Use**

Appropriate use is defined as the use of a drug that conforms with the recommendations of a medical provider (for a prescription drug) or the drug's packaging (for an over-the-counter drug).

Drug

A drug is defined as any legal or illegal substance that may affect an individual's productivity and ability to perform their duties, or that may impact the safety and well-being of KSU students, faculty, staff, and visitors. For the purposes of this policy, drugs include, but are not limited to, unprescribed medication, illicit drugs, and alcoholic beverages. Prescribed medication and over-the-counter medication are not included.

PROHIBITED ACTIVITY:

Employees are required to understand and comply with the following:

- KSU strictly prohibits the use, possession, distribution, dispensation, and manufacture of drugs while on KSU premises or while conducting KSU business.
- It is a violation of KSU policy for any employee or student to possess, sell, trade, or offer drugs while on KSU premises or while conducting KSU business.
- It is a violation of KSU policy for anyone to enter KSU premises while under the influence of drugs.
- It is a violation of KSU policy for anyone to serve or ingest alcohol on KSU premises without the prior approval of KSU administration. Such approval shall be given only for special events and shall be limited to designated areas. Under no circumstances shall a minor be served alcohol at KSU-approved events.
- KSU strongly encourages employees and students with substance abuse problems to voluntarily seek treatment.
- Nothing in this policy should be construed as prohibiting employees from appropriately using prescription and over-the-counter drugs while on KSU premises or while conducting KSU business. However, it is a violation of KSU policy for anyone to illegally or improperly use prescription or over-the-counter drugs.

VIOLATIONS:

Employees who are found to have committed a violation of this policy are subject to disciplinary action, up to and including termination of employment. Disciplinary actions will be issued based on the severity of the violation.

UNDER THE INFLUENCE WHILE WORKING:

Whenever a supervisor reasonably believes that an employee is under the influence of drugs or alcohol while on KSU property or while conducting KSU business, the supervisor shall notify the Office of Human Resources (HR) and then:

- Arrange transportation for the employee and remove him or her from the workplace until he or she is no longer under the influence; and
- Require the employee to undergo drug or alcohol testing.

The employee's drug test may occur both at the time the employee is suspected of being under the influence and before the employee is allowed to return to work. An employee's refusal to take a drug test is an act of insubordination and is a separate offense subject to disciplinary action, up to and including termination.

An employee found to be under the influence is subject to disciplinary action as described herein and in the Corrective Action Policy.

An employee who is sent home due to the reasonable belief that he or she is under the influence of drugs may use vacation leave to receive payment for any unworked time.

OFF-WORK USE OF CONTROLLED SUBSTANCES:

If an employee's poor work performance or excessive tardiness or absenteeism can be reasonably determined to be caused by the off-work use of controlled substances, the employee's supervisor may advise the employee to seek counseling or assistance. The employee's supervisor shall also follow the Corrective Action Policy to address the employee's performance issues.

REQUIRED REPORTING FOR DRUG-RELATED OFFENSES:

As required by the Drug-Free Workplace Act of 1988, any employee who works in any capacity under a federal grant or contract must notify his or her supervisor or HR of his or her conviction for a violation of any criminal drug statute that occurred while on KSU premises or while he or she was conducting KSU business. The employee must submit such notification to his or her supervisor or HR in writing and within five (5) days of such conviction. KSU shall take appropriate action within thirty (30) days of receipt of such notice.

If an employee is employed through a federal contract or grant, KSU shall notify the federal agency that awarded the grant or contract of the conviction within ten (10) days.

KSU shall impose a sanction on any employee who is convicted of a workplace drug violation. KSU may also require that the employee participate in a drug abuse assistance or rehabilitation program.

DRUG-AWARENESS:

KSU will inform employees annually of the dangers associated with drug and alcohol abuse, the existence of this policy, and the drug abuse counseling services available to them. Employees may also contact HR at any time for such information.

DRUG TESTING:

Employees required to operate vehicles or machinery as part of their job duties may need to undergo periodic drug testing to ensure their safety and that of others.

Regardless of job duties, an employee will be drug tested if any of the following occurs:

- A serious workplace injury.

- The employee's supervisor has reasonable suspicion that the employee is under the influence of drugs or alcohol while on KSU premises or while conducting KSU business.

RELATED POLICIES:

Corrective Action Policy

Established Work Rules Policy

Leave of Absence Policy

Vacation Leave Policy

STATUTORY AND REGULATORY REFERENCES:

Drug-Free Workplace Act of 1988
