



## **ALCOHOL AND DRUG USE IN THE WORKPLACE POLICY**

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### **POLICY SUMMARY**

The unlawful use, possession, manufacture, dispensation or distribution of controlled substances or alcohol in all college campus and work locations, or in the course of performing duties of employment with the College, is prohibited. This policy is applicable to all Niagara County Community College employees.

### **POLICY**

In compliance with the Federal Drug-Free Workplace Act of 1988, employees of Niagara County Community College (“NCCC”) should be aware of and must adhere to the policy stated below:

- The unlawful use, possession, manufacture, dispensation, purchase or distribution of controlled substances or alcohol in all NCCC campus and work locations, or in the course of performing duties of employment with the College, is prohibited. The term “controlled substance” means a controlled substances in Schedules I through V of Section 202 of the controlled Substances Act (21USC8112), and as further defined in regulation at 21 CFR 1308.11–1308.15.
- Students and employees should be aware there are significant psychological and physiological health risks associated with the use of controlled substances and alcohol. Physical addiction, loss of control and withdrawal syndrome as well as serious damage to vital organs of the body can result from drug and alcohol use and abuse.
- No employee will report for work or will work impaired by any controlled substance, alcohol, or lawful prescription or over-the-counter medication. “Impaired” means under the influence of a substance such that the employee’s motor senses (i.e., sight, hearing, balance, reaction, or reflex) or judgement either are or may be reasonably presumed to materially impact the employee’s ability to perform job functions. An employee should contact the Director of Human Resources in advance to review any circumstances where the employee believes or reasonably should be expected to know that performance of job functions may be affected by use of lawful prescription or over-the-counter medication.
- Employees will be subject to criminal, civil, and disciplinary penalties consistent with applicable laws, rules, regulations and collective bargaining agreements if they use, manufacture, distribute, sell, attempt to sell, possess, or purchase controlled substances while at the workplace, while performing in a work-related capacity or under circumstances which have a nexus to the employee’s employment with the College. An employee may possess and use a controlled substance which is properly prescribed for him/her by a physician, subject to the conditions on use set forth above.
- As required by the Federal Drug-Free Workplace Act of 1988, any employee at NCCC convicted of a criminal drug statute violation occurring at the workplace must notify his/her supervisor of the conviction within five (5) days after the conviction. NCCC must inform contracting or granting agencies of such convictions within ten (10) days after receiving notification from the employee or otherwise receiving notice of a conviction

- NCCC will impose appropriate disciplinary sanctions on employees found to be in violation of standards of conduct as follows:
  - NCCC will take all steps necessary to assure the proper conduct of its activities. This may include the use of the counseling and discipline procedures. If a decision is reached to allow the affected employee to continue employment at NCCC, the employee may be required to participate in and satisfactorily complete an approved drug abuse assistance or rehabilitation program
  - Where an appointing authority or designee has a reasonable suspicion that an employee is not able to perform his/her duties as a result of disability which may be caused by alcohol or a controlled substance, the appointing authority may proceed under the provision of Section 72 of the Civil Service Law and require that the employee undergo a medical examination to ascertain the cause of the disability. Where testing for alcohol or a controlled substance occurs, appropriate medical procedures and tests should be utilized to assure accurate and proper results. Confidentiality of the testing process and results is an important aspect of this procedure for any affected State employee. Such medical examinations may be required under the safeguards of Section 72 of the Civil Service Law for employees who are permanently appointed competitive employees subject to due process before termination. Other State employees who are not entitled to any due process protections before being terminated or placed on involuntary examination may also be required to undergo such a medical examination, if appropriate under the circumstances.
  - Once a determination is made that any employee at NCCC is in violation of this Policy, the appointing authority may determine that the affected employee should be disciplined, subject to administrative action and/or whether a referral should be made to appropriate law enforcement authorities. Disciplinary action may be taken pursuant to the procedures contained in the collective bargaining agreements or the law, as appropriate and required
  - The appointing authority may determine that the employee could benefit from the Employee Assistance Program. In such a case, a referral will be made. EAP is a free, voluntary, information and referral service available to NCCC employees and family members. Should the employee have a substance abuse problem, EAP will provide the employee with resources in the community for treatment services, and may assist the employee in making the contact
- State Sanctions
  - The State Penal Code has numerous penalties for the possession and sale of controlled substances; stimulants, LSD, hallucinogenic substances, and marijuana. Possession and sale of controlled substances sanctions range from misdemeanor to felony, with penalties ranging from one year to life. Marijuana possession and sale sanctions range from violations to felonies, with penalties from fines up to \$1000 and up to fifteen years in prison.
- Federal Sanctions
  - Federal law has numerous penalties for the illegal possession of controlled substances, possession of crack cocaine, and trafficking in methamphetamine, heroin, cocaine, cocaine base, PCP, LSD, fentanyl, and fentanyl analogue
  - Possession sentences range from up to one year imprisonment and \$1,000 fine to 20 years imprisonment and fines up to \$250,000. Forfeiture of personal and real property used to

possess or to facilitate possession of a controlled substance can be a sanction for convictions. Sanctions can also include denial of federal benefits, such as student loans, grants, contracts, public housing tenancy, eligibility to receive or purchase firearms, and professional and commercial licenses. Federal trafficking sanctions can range from one year imprisonment and \$100 fine to life in prison and a fine of \$8 million dollars

**The following NCCC resources are available for assisting those with possible problems of chemical abuse:**

- Wellness Center Science Building Room C122 or by calling (716) 614-6275
- EAP-Northpointe Council, Inc. 800 Main Street Suite 2A, Niagara Falls, NY 14094 716-284-2255
- YWCA of the Niagara Frontier 32 Cottage Street, Lockport, NY 14094 or by calling 716-433-6714

**For further information on the Alcohol & Drug Use in the Workplace Policy, please visit:**

- [https://www.suny.edu/sunypp/documents.cfm?doc\\_id=440](https://www.suny.edu/sunypp/documents.cfm?doc_id=440) (SUNY guidelines)
- [https://www.goer.ny.gov/Labor\\_Relations/ManagementConfidential/handbook/appdxk.cfm](https://www.goer.ny.gov/Labor_Relations/ManagementConfidential/handbook/appdxk.cfm) (New York State Guidelines)
- <https://ifap.ed.gov/regcomps/attachments/86.pdf> (Federal Guidelines)

**Policy Information Contact Information:**

Niagara County Community College Human Resources Department  
A261 Notar Administration Building, 3111 Saunders Settlement Road, Sanborn, New York 14132  
716-614-5950 phone