

Substance Abuse/Drug Free Work Environment (Policy)

I. Policy Objective

The Oglala Lakota College (OLC) is committed to providing a safe environment that fosters excellence in learning for its students and in work performance for all its employees. OLC recognizes that drug and/or alcohol dependence is an illness which under most circumstances can be successfully treated. OLC wants to encourage and assist any employee with controlled substance and/or alcohol dependency to voluntarily enter a rehabilitation program.

II. Policy

The misuse, illegal use, possession, transportation, distribution, manufacture, dispensation of alcohol or controlled substances by OLC employees and local Board/Board of Trustees (BOT) members is not permitted on property owned or controlled by OLC, or while representing OLC on business or in other college-sponsored activities.

Employees and local Board/BOT members who possess, use, attempt to possess or use, participate in the transfer, sale, offering or possession of illegal controlled substances while on the job or on property owned or controlled by OLC (including parking lots) are in violation of this policy and are subject to disciplinary action up to and including termination. Further, the Oglala Sioux Tribe under Section 88.01 of the Penal Code prohibits the possession, transportation, or manufacture of beer, wine, whiskey or any other article which produces alcoholic intoxication. Any criminal violation under Federal, Tribal, or State law by an employee, local Board/BOT member will result in action by law enforcement officials.

III. Applicability

This policy applies to all present part-time and full-time employees of OLC (including adjunct faculty), applicants OLC may hire in the future, BOT members, and local college center Board members.

IV. Definitions

A. "Controlled substance" means any controlled substance, dangerous drug(s) or intoxicating compounds as defined under federal, tribal or state law and includes, but is not limited to, narcotics, opiates, hallucinogens, stimulants, marijuana, and so-called "designer drugs."

B. "Illegal drug" or "illegal controlled substance" means any drug(s) or controlled substance(s) which is not legally obtainable or is being used in a manner inconsistent with the prescribed dosage or by an individual other than the person the medication was originally intended.

C. "Impaired" means an alcohol concentration established by a properly administered breath alcohol test to be equal to or greater than 0.02.

D. "Legal drug" means any prescribed drug(s), over-the-counter drug(s), or prescribed controlled substance(s), which has been legally obtained and is being used in the dosage prescribed according to the manufacturer's and/or physician's instructions.

E. "Randomly selected" means a computer generated random selection of employees for drug testing, and may acquire a different definition over time based on case law and legal opinions, but at no time shall any employee be chosen for a "random" test by a method that could arguably have been prejudiced to include a particular employee.

V. Criminal Convictions

Any OLC employee, local Board/BOT member convicted of a criminal controlled substance and/or alcohol-related offense under Federal, Tribal, or State law either on or off duty must notify the President or their immediate supervisor in writing within five (5) days of the conviction. Employees who fail to notify his/her supervisor within five (5) days are subject to immediate termination. Within thirty (30) days after OLC receives notice of such violation, OLC will require the employee, local Board member/BOT member to participate in a controlled substance and/or alcohol abuse assistance or rehabilitation program through a referral process. Failure to comply with directed participation in a controlled substance and/or alcohol abuse assistance or rehabilitation program may result in termination.

VI. Prescription Medication and Over the Counter Medication:

When a positive result occurs, it is the responsibility of the employee to notify the Medical Review Officer (MRO) if the employee is taking ANY prescription or over-the-counter medication that may create impairment or result in a false-positive drug test.

If an employee tests positive and cannot produce a prescription, the Medical Review Officer (MRO) will report a positive result to the employer. Consequences for a positive test will then apply. If an employee tests positive and has a valid prescription the MRO will report the results as negative.

VII. Required Testing Circumstances

Pre-Employment Testing:

Pre-Employment Testing applies to any job applicant who has received a contingent offer of employment. Current employees applying for different positions within OLC are subject to Pre-Employment Testing. OLC will withdraw an offer of employment if Applicant fails to pass the controlled substance and/or alcohol test. Applicant may re-apply after forty five days (45) after the date of the pre-employment screen.

Random Testing:

Unannounced Random Testing is mandatory for local Board/BOT members and all current full and part-time employees. OLC will test 33% of its employees annually for controlled substances and/or alcohol. All employees must be tested over a three (3) year cycle. Employees who were not randomly selected within the first two (2) years will be tested in the third year. Once notified of random selection, the employee must proceed immediately to the collection site.

Reasonable Suspicion Testing:

Employees are required to submit to alcohol and/or controlled substance testing whenever there is reasonable suspicion that this policy has been violated or conduct that results in property damages in the amount of \$1,000 or greater. Reasonable suspicion may arise based, for example, on a supervisor's assessments of the employee's work performance, excessive employee tardiness and/or absenteeism, the detection of suspicious odors on or about the employee's person, slurred speech, stumbling/staggering not attributable to a medical condition, and other indicators typical of alcohol or controlled substance use. Reasonable Suspicion Testing shall occur as soon as possible.

In order to limit accidental and liability exposure, supervisors will not allow employees who are unable to perform their assigned duties due to controlled substance and/or alcohol related impairment to leave the work premises without an escort.

VIII. Consequences for Employees:

In a case of controlled substance testing, an employee is in violation of this policy if he/she has tested positive for drug metabolite. Under such circumstances, the employee must be evaluated by a substance abuse professional (SAP) within two (2) working days.

In a case of alcohol testing, employee is in violation of this policy if he/she has a blood alcohol concentration of equal to or greater than .02. Under such circumstances, the employee must be evaluated by a substance abuse professional (SAP) within two (2) working days.

An employee will be required to satisfactorily complete all recommendations of the SAP. Failure to comply with directed participation in a controlled substance and/or alcohol abuse assistance or rehabilitation program may result in termination.

An employee may utilize their sick leave, annual leave, or donated sick leave for lost-time due to treatment recommended by the SAP.

Consequences for Local Board/Board of Trustees: