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# Drug, Controlled Substance and Alcohol-Free Workplace Policy

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### Effective:

**Last Updated:** August 1, 2021 (format only)

**Responsible University Office:** Human Resources

**Policy Contact:** Director Human Resources, Client Services

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## Notice:

Effective August 1, 2021 this policy was converted into an easily accessible standalone PDF document. This policy still remains in Part II of the Policies and Procedures Manual and no changes were made to this policy when it was converted to the standalone PDF document.

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## Policy

Gonzaga University encourages employees who might have a drug, controlled substance or alcohol abuse problem to seek assistance through outside sources or to contact HR for referral to an agency providing rehabilitative and counseling services.

**Illegal Drugs:** In compliance with the Drug-Free Workplace Act of 1988 (41 U.S. Code, Section 702) and consistent with its Mission Statement, Gonzaga University prohibits in its workplace the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances that are illegal under state or federal law.

**Controlled Substances/Prescription Medication:** Employees must not be working when they are under the influence of prescription medication that impairs their personal safety or ability to perform the essential functions of their job or affects their perception or judgment. If an employee has been prescribed a controlled substance and the employee or his/her medical professional believes this medication may impair him/her, the employee must report this information to Gonzaga's Accommodations and Leaves Manager (313-5996).

**Alcohol:** Employees must not be working when they are under the influence of alcohol.

## A. Procedure

1. **Administration and Education:** The Assistant Vice President for HR (AVPHR) is responsible for administering the Drug, Controlled Substance and Alcohol-Free Workplace Policy. Information, support, guidance and resources for staff and faculty dealing with a drug, controlled substance or alcohol problem are provided through Curalinc, Gonzaga's Employee Assistance Program (EAP).
2. **Reporting:** Any employees observing or having knowledge of others in a condition adversely affecting their ability to perform job responsibilities or posing a hazard to the safety and welfare of themselves or others shall promptly report such condition to the appropriate supervisor or HR.
3. **Violations:** A violation of this policy may result in actions ranging from mandatory participation in a drug rehabilitation program up to dismissal from employment.
4. **Notifications:** In order to comply with the Federal Drug-Free Workplace Act, the AVPHR will, if required, notify the appropriate government agency within ten (10) days after receiving notice of an employee's criminal drug statute conviction occurring in the workplace. The Office of Sponsored Research and Programs (SRP) will provide copies of Gonzaga's Drug, Controlled Substance and Alcohol-Free Workplace Policy to all employees involved with federally-funded grants or contracts.

## B. Testing Program

1. **For-Cause Testing:** Employee drug, controlled substance and alcohol testing may occur whenever a reasonable suspicion exists that an employee is under the influence of illegal drugs, controlled substances or alcohol. When an incident occurs, the employee's supervisor and HR must immediately be notified to review the circumstances and facts related to the event that gave rise to the suspicion that an employee is under the influence. No prior notice is required to test for-cause.
2. **Post-Accident Testing:** Gonzaga reserves the right to require a post-event drug test of employees involved in an on-the-job accident or incident, where there is a reasonable possibility that drug use contributed to the accident.
3. **Group Testing:** Gonzaga reserves the right to conduct drug, controlled substance or alcohol tests for an area, team, shift or department when reasonable suspicion of wide-spread use exists.
4. **Testing Company:** Drug, controlled substance and alcohol testing will be conducted by a certified testing company.
5. **Paid Administrative Leave:** If a drug, controlled substance, or alcohol test is administered to an employee, the employee immediately will be placed on paid administrative leave until a full evaluation is complete and an appropriate course of action has been determined.

6. **Refusal to Test**: Any employee refusing to be tested will be deemed to have failed the relevant test and will be subject to disciplinary action, up to and including dismissal.

### **C. Washington State Marijuana Law**

Gonzaga prohibits the use or possession of marijuana on Gonzaga-owned, leased, or managed property or during any university-sponsored or affiliated activity or program whether on campus or at another location.

As a condition of receiving federal funds, Gonzaga is required by the federal Drug-Free Schools and Communities Act to certify it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illegal drugs and alcohol by students and employees on campus and as part of its activities and programs. At the federal level this law includes any amount of marijuana.

Although Washington State Chapter 69.50 RCW allows people over the age of 21 to possess small amounts of marijuana for personal use, it is in conflict with federal law. When state and federal laws are in conflict, federal law takes precedence.