



University of Miami Personnel Policies and Procedures Manual

Revised 12/2004

Drug Free Workplace

PURPOSE: To provide guidelines and procedures relative to the University's Drug/Alcohol Policy.

DEFINITIONS: *Reasonable suspicion:* An act of observance where there is a reason, through use of sound judgment, to suspect that an employee is under the influence of drugs or alcohol.

POLICY: It is the policy of the University to provide all employees, patients, students, customers, and visitors with as safe a working environment as is possible, and to promote the safe and efficient performance of job duties including the safe operation of University equipment and vehicles. In order to do so, the University must establish certain policies and procedures regarding the use and possession of intoxicants including drugs and alcohol.

The University does not permit any individual to report to work or to continue to work under the influence of drugs or alcohol. This includes but is not limited to, alcohol (at or above 0.05% blood level), THC (marijuana, hashish), amphetamine/methamphetamine ("speed," "crystal"), cocaine or crack cocaine, opiates (codeine, heroin, hydromorphone, hydrocodone), phencyclidine (PCP or "angeldust"), or similar intoxicants or mind altering substances, including so called "designer" drugs. University policy prohibits the unlawful possession, use, manufacture, purchase, sale and distribution by employees of any kind of drugs or alcohol on University property, which includes all of the University's parking lots and adjacent areas, and in University vehicles. University Policy prohibits employees from making arrangements for such acts while on University business or on or off University property. This policy does not prohibit the proper use of prescribed medication under the direction of a physician. However, abusing prescription drugs during work hours on or off University property is prohibited. Employees who take prescription or non-prescription drugs which could affect their ability to perform their duties in a safe and efficient manner are expected immediately to notify their supervisor of this fact when they report to work.

Finally, the unlawful possession, use, manufacture, purchase, sale or distribution of intoxicants including drugs or alcohol, as well as any other mind altering substance by an employee away from the University's premises while off duty may also result in disciplinary action since such conduct may reflect unfavorably on the reputation of the University. (See [Drug-Free Workplace Policy, B071](#) and [Disciplinary Policy, B070](#)).

Consistent with the University's effort to provide a drug-free workplace, it has established a pre-employment drug testing policy for job applicants and an on-the-job testing policy where there is reasonable suspicion of drug use. The procedures below detail the testing policies and procedures.

PROCEDURE: I. PRE-EMPLOYMENT DRUG TESTING

A. TESTING OF APPLICANTS

Within 48 hours of the job offer being made to all final candidates, the final candidates for employment in non-faculty positions will be tested for drug/alcohol use. Appointment arrangements with a testing facility will be made by the Human Resources Office for drug/alcohol screening. Failure to keep the appointment on the date and time arranged may preclude employment with the University.

B. TESTING PROCEDURE

Any test given under this policy will be administered by qualified personnel under established methods. If an individual tests positive, the individual's sample will be re-tested using appropriate laboratory procedures to confirm the results. If the positive results are not confirmed in the second test, the test will be considered negative.

C. TESTING RESULTS

If an applicant's test discloses that intoxicants or mind altering substances are present in the applicant's system, the applicant will not be employed. Applicants who test positive will not be eligible for any University position for one year from the date of the test. Results of all tests will be kept confidential and will not be disclosed except to the extent necessary to administer and enforce this policy or pursuant to appropriate legal process.

II. ON-THE-JOB DRUG TESTING (Reasonable Suspicion)

A. TESTING OF EMPLOYEES

Testing of an employee during the employee's normal working hours may be done in instances where there is reasonable suspicion that an employee is under the influence of a mind altering substance, drug and/or alcohol in violation of this policy. In such cases, the supervisor is to contact the appropriate Human Resources Office for instructions.

The Human Resources Office will review the situation with the supervisor immediately and determine if the employee is to be tested. If the decision is to test the employee and the employee refuses to be tested, he/she will be suspended immediately without pay and will be subject to disciplinary action up to and including termination, for refusing to cooperate. If the employee agrees to be tested, the employee will be required to sign the Informed Consent and Release of Liability form.

An employee designated for testing is to be accompanied to the testing site by the supervisor or designee. The University will pay for taxi fare or arrange for other modes of transportation equivalent to or less costly than a taxi fare for transportation for both the supervisor or designee and the employee, to and from the test site. Following the test and return to the University, the employee is dismissed for the rest of the day. The University will make reasonable efforts to assist the employee in obtaining transportation to place of residence or to a relative or friend. The employee is not to return to work until told to do so by the supervisor.

B. TESTING PROCEDURE

Any test given under this policy will be administered by qualified personnel under established methods. If an individual tests positive, the individual's sample will be re-tested using appropriate laboratory procedures to confirm the results. If the positive results are not confirmed in the second test, the test will be considered negative.

C. TESTING RESULTS

If the test discloses that intoxicants or mind altering substances are present in the employee's system, the employee should be suspended pending the outcome of a review. The department supervisor will work with the appropriate Human Resource Office to review the situation and determine the appropriate disciplinary action. In cases involving employees in safety sensitive positions or positions of trust which are key to maintaining effective business operations, the University at its sole discretion may determine to immediately terminate employment upon notification of a positive test result regardless of a first violation situation. Any evidence that the employee attempts to alter the results of the test may result in disciplinary action up to and including termination of employment.

If the employee is eligible to return to employment with the University, he/she must be released by the treatment program and certified by the EAP and Human Resources as being able to perform the essential functions of the job. Failure to follow prescribed procedures will lead to the termination of the employee. The employee will be subject to random drug/alcohol testing for a period of one year following completion of the program prescribed by the EAP office. The employee is required to sign a Random Drug Test Agreement Form. If, during this period, the employee refuses to adhere to the prescribed procedures, refuses to sign the informed consent and release of liability form or tests positive for drug/alcohol use, the employee's employment with the University will be terminated.

An INFORMED CONSENT AND RELEASE OF LIABILITY FORM which applicants are required to sign before taking a urine/blood test, and a RANDOM DRUG TEST AGREEMENT (applicable in certain instances), are an addendum to this policy, and are on file in the Human Resources Office.

Acknowledgement of Receipt of University of Miami Policy on Drug Free Workplace

I, acknowledge that I have received on this date a copy of
(Please Print Last Name and First Name)

the University of Miami policy on a Drug Free Workplace.

Employee Signature Date

Employee C # Department Name Department #

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