

# Workplace Expectations and Conduct: Drug, Alcohol, and Tobacco Free Workplace

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<b>Subject:</b>	<b>Human Resources</b>
<b>Policy:</b>	<b>Drug, Alcohol, and Tobacco Free Workplace</b>
<b>Effective Date:</b>	<b>January 2021</b>
<b>Review Date:</b>	<b>Three (3) years from Effective Date above</b>
<b>Responsible Party:</b>	<b>Human Resources</b>
<b>Applicability:</b>	<b>This policy applies to all employees</b>

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## 1. INTRODUCTION AND PURPOSE

This policy implements the [Drug-Free Workplace Act](#) and portions of the [Drug-Free Schools and Communities Act](#) as well as [Board of Regents Policy 503.1](#). Alcohol abuse and the unauthorized use of controlled substances in the workplace can be highly detrimental to the safety and productivity of employees. Montana State University Billings has a longstanding commitment to maintaining a work environment that is drug free and has adopted this policy to provide a work environment that promotes the safety and productivity of its employees, students, and visitors.

## 2. PROHIBITIONS

The unlawful and unauthorized use, possession, manufacture, distribution, purchase, and sale of controlled substances and alcohol are prohibited while on university property, during the performance of one's duties, while attending university related activities, and while operating a vehicle or machine owned or leased by the university.

Employees will not be allowed to perform their duties while impaired by drugs or alcohol. A supervisor may require an employee to leave campus if the supervisor reasonably believes the employee is impaired by drugs or alcohol. The supervisor will work with Human Resources to arrange for appropriate transportation.

The university may require employees to refrain from the use of alcohol on breaks and lunch during workdays and while attending university events which may have been approved to serve alcohol that occur during the employee's work hours.

Compliance with this policy is a condition of continued employment and violations of this policy will result in disciplinary action, up to and including, termination of employment. An employee may be required to successfully complete a drug/alcohol abuse rehabilitation program before returning to work if termination of employment does not occur.

### **3. HEALTH RISKS**

The [Drug-Free Schools and Communities Act](#) requires the university to include a description of the health risks associated with the use of illicit drugs and alcohol to ensure employees are aware of the serious health consequences of the use, misuse, and abuse of alcohol and other drugs. An overview of the risks related to some commonly abused drugs and links for more information are provided below.

a. Alcohol: Alcohol is a depressant that slows down a person's central nervous system, including breathing and heart rates. Short-term risks of alcohol use include: impaired judgment, poor motor coordination, emotional instability, and increased aggression. Long-term risks include: irreversible damage to brain, liver, pancreas, and kidneys, memory problems, nutritional deficiencies, and high risk of fetal damage if used during pregnancy.

[\*Centers for Disease Control and Prevention alcohol fact sheets\*](#)

b. Marijuana: Marijuana is an illegal drug that can cause changes in the way people think and feel. Marijuana use can make it harder for students and employees to effectively function in school and at work-related activities. It slows reflexes and impairs visual perceptions.

[\*National Institute on Drug Abuse marijuana information\*](#)

c. Cocaine: Cocaine is an illegal drug that is a strong central nervous system stimulant. It is a powerfully addictive drug.

[\*National Institute on Drug Abuse cocaine information\*](#)

[\*National Institute on Drug Abuse health effects of commonly abused drugs\*](#)

d. Club Drugs: Club drugs, such as MDMA (Ecstasy), Rohypnol, GHB, and Ketamine are sometimes used in nightclubs, bars, or rave drug scenes. They have varying effects and can cause changes to critical parts of the brain.

[\*National Institute on Drug Abuse club drugs information\*](#)

### **4. LEGAL SANCTIONS**

The [Drug-Free Schools and Communities Act](#) also requires the university to describe the legal sanctions for unlawful possession or distribution of illicit drugs and alcohol. In addition to

disciplinary sanctions by the university, employees who violate this policy may also be subject to federal, state, and local laws that may result in imprisonment, fines, and loss of federal benefits for conviction of alcohol and drug-related offenses.

Local, state, and federal statutory penalties include the following:

- a. Public drinking (Billings Municipal Code 3-202) – fine first offense \$110.00..
- b. Criminal sale or possession of dangerous drugs (Title 45, Chapter 9, MCA) - fines from \$100 to \$50,000 and imprisonment for periods from six (6) months to life, depending on the type of drugs involved and the circumstances surrounding the sale or possession.
- c. Severe federal penalties exist for the use, possession, and/or distribution of illicit drugs, which include marijuana, speed, crack, and cocaine, ranging from up to one (1)-year imprisonment and a minimum fine of \$1,000 for simple possession to up to life imprisonment and a minimum fine of \$2,000,000 for an individual engaging in a continuing criminal enterprise. Federal controlled substance convictions also can lead to forfeiture of both real and personal property, the denial of federal benefits such as grants and student loans, and the denial of federally-provided or supported professional and commercial licensures. The seriousness of the offense and the penalty imposed generally depends on the type and amount of the drugs involved. See [Federal Trafficking Penalties](#).

## **5. TOBACCO FREE CAMPUS**

The university has adopted a [Tobacco Free Campus Policy](#) which prohibits the use of tobacco and e-cigarettes on campus.