



4.3 Drug-Free Workplace Policy (Revised Draft)

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Category: Human Resources

Name of Responsible Office: Human Resources & Organizational Development

Title of Responsible Executive: Vice President, Diversity-Equity-Belonging and Executive Director, MCC
Downtown Campus

Date Established: March 7, 2016

Date Last Approved:

Summary

This policy applies to all College faculty, staff, and student employees and is in compliance with the requirements of the Drug-Free Workplace Act of 1988.

Policy

Policy Statement

The College is committed to the development and maintenance of a drug-free environment in accordance with the Drug-Free Workplace Act. Accordingly, the College will not tolerate any unlawful activity such as including but not limited to the possession, use, manufacture, distribution, and/or dispensation, of a controlled substance during working time on College-owned or controlled property or while engaged in College business or work duties.

- **Sanctions for Violation or Non-compliance**

Disciplinary charges and/or remedial action will be pursued consistent with existing contractual agreements. The nature and extent of these charges and/or action depend on a variety of factors, including the severity of any work rule violations, the pattern and frequency of observed substance related problems, past work record, or any other consideration which may be considered relevant by the College. The need for disciplinary action and the appropriate penalty shall be discussed with the Executive Director, Human Resources and Organizational Development. Any and all disciplinary actions taken shall be consistent with the obligations of the College under any applicable collective bargaining agreements, including all due process requirements.

- **Compliance as a Condition of Employment**

Compliance with the provisions of this policy shall be a condition of employment at Monroe Community College.

- **Employee Obligation for Notification of Conviction**

In compliance with the federal law Drug-Free Workplace Act of 1988, any faculty member, staff member or student employee convicted of any criminal drug statute violation that occurred in or on the workplace premises is required to notify the College within five (5) calendar days following such conviction. The College will take appropriate action, up to and including termination of employment, or require satisfactory participation in a drug abuse assistance or rehabilitation program by an employee convicted of any criminal drug statute with 30 calendar days of receiving notice of the conviction.

- **Employer Obligation for Notification**

The College is obligated to notify the appropriate federal contracting agency, within ten (10) days of receipt of notice of an employee conviction as described in "C" above.

- **Maintenance of Drug-Free Workplace**

The College will make good faith efforts to on the part of MCC to establish and maintain a drug-free workplace. As part of this effort, the College will also provide will include proving ongoing drug awareness educational programs and dissemination of drug awareness information for all members of the College community as well as implementation and strict enforcement of this policy.

- **Marijuana**

The College recognizes that effective March 31, 2021, New York legalized adult (21+) recreational use of marijuana (cannabis). In accordance with state law, the College will not refuse to hire, employ, or will not discharge an employee, or otherwise discriminate against an individual in terms, conditions, or privileges of employment because of an individual's lawful off-duty use of consumable cannabis products or for engaging in lawful off-duty cannabis related recreational activities, in accordance with state law. However, as set forth above, the College is subject to compliance with the federal Drug-Free Workplace Act of 1988. Moreover, marijuana remains unlawful under the federal Controlled Substances Act. Accordingly, possession, use, manufacture, cultivation, purchase, sale, distribution, or dispensation of marijuana on College premises or during working time (including during meal or break periods), or while using College-owned vehicles, equipment, or property, remains strictly prohibited.

Employees are prohibited from working while impaired by, the use of marijuana, meaning the employee manifests specific articulable symptoms while working, which may include a decrease or decline in the employee's performance of the duties or tasks of their position, or which interfere with the College's obligation to provide a safe and healthy workplace.

In addition, the College acknowledges that New York's Compassionate Care Act legalizes a physician's prescription of marijuana for individuals with certain medical conditions. An employee who qualifies as a patient under the applicable medical marijuana laws and protections may be entitled to a reasonable accommodation. It is the policy of the College not to discriminate against a qualified individual with a medical marijuana prescription with regards to any terms or conditions of employment. However, employees are reminded that use, possession, dispensation, distribution, manufacture, cultivation, of or impairment by marijuana during working time on, College premises, or while using College equipment, vehicles, or property, is still generally prohibited. An employee who believes that they qualify for these protections and need a reasonable accommodation should contact the Executive Director, Human Resources and Organizational Development. The College will comply with federal, state, and local laws, where applicable, in evaluation of any such accommodation request. Employees should also refer to the College's policy regarding reasonable accommodation for known disabilities for more information.

- **Employee Assistance Program (EAP)**

The Employee Assistance Program provides professional confidential employee services to all employees who suffers from life issues including problems with substance abuse. Confidential services are provided at no cost to employees and experienced professionals are available 24 hours a day, 7 days a week at 1-833-475-0980.

Applicability

This policy applies to all members of the College faculty and staff, including student employees.

Responsibility

Executive Director, Human Resources and Organizational Development

Contact Information

Executive Director, Human Resources and Organizational Development

Director, Public Safety

Related Information

College Documents

- [4.3P Drug-Free Workplace Procedure](#)
- [5.2 Drug and Alcohol Prevention Policy](#)

Other Related Documents

- [Drug-Free Schools and Communities Act/Drug-Free Work Place Act Compliance, SUNY](#)
- ~~[New York State Policy on Alcohol and Controlled Substances in the Workplace](#)~~
- [New York State Policy, Making New York State A Drug and Alcohol-Free Workplace](#)