



Drug and Alcohol Testing Procedure

- A. Prohibition:** McHenry County College (MCC) strictly prohibits employees from reporting to work under the influence of drugs and/or alcohol and the unlawful possession, use, distribution, dispensation, sale, or manufacture of controlled substances or alcohol on College premises or while employees are engaged in employment activities. Improper use of drugs or alcohol can seriously injure the health of employees, impair the performance of their job responsibilities, and endanger the safety and well-being of fellow employees, students, and members of the general public. The Board will take appropriate disciplinary action against any employee who violates the Drug and Alcohol Free Workplace Policy up to and including termination of employment. Any individual engaging in prohibited conduct relating to drugs and/or alcohol may also be subject to law enforcement action.
- B. Intent and Purpose:** This procedure provides for drug and alcohol testing of employees. The President is authorized to adopt such administrative rules and regulations as may be necessary or appropriate to implement this procedure. This procedure as supplemented by any rules and regulations is intended to comply with all applicable federal and state laws governing drug and alcohol testing and is designed to safeguard employee privacy rights.
- C. Applicability:** This procedure and companion rules and regulations apply to all MCC premises and to all employees. All employees are responsible for being familiar with and complying with these requirements and related policies.
- D. Definitions:**
- 1. Possession** – to have drugs or alcohol on one’s person, in one’s personal effects, or otherwise under one’s care, custody, or control.
 - 2. Controlled substance** – any drug or substance whether ingested, inhaled, injected, or otherwise that has known mind-altering or function-altering effects on the human body or that impairs one’s ability to safely perform his or her work or responsibilities, including but not limited to: prescription drugs; drugs and other substances made illegal under federal or state law; synthetic drugs; illegal inhalants; amphetamines, cannabinoids (marijuana, THC metabolite, hashish), cocaine, phencyclidine (PCP), and opiates. The term “controlled substance” is further defined in Schedules I – V of the Federal Controlled Substance Act. (21 USC 812).
 - 3. Premises** – all property, facilities, buildings, structures, installations, work locations, work areas, or vehicles owned, operated, leased, rented, used, or that are under the control of the College. Premises also include, but are not limited to, clinical, internship site, or practicum location.
 - 4. Under the influence** – the condition in which a person’s sensory, cognitive or motor functions or capabilities are altered, impaired, diminished, or affected due to alcohol or a controlled substance.
An employee with any detectable presence of alcohol within the body, regardless of when or where it was consumed, will be considered under the influence.
 - 5. Prescription** – a valid prescription issued to the employee by a licensed health care provider authorized to issue such prescription and used for its intended purpose as prescribed. This procedure is not intended to prohibit the proper and lawful use of prescription drugs, but this does not preclude consideration whether an employee using a prescription drug is fit for duty.

E. Reasonable Suspicion Testing:

1. **All Employees Subject to Reasonable Suspicion Testing:** McHenry County College requires drug and/or alcohol testing if there is reasonable suspicion to believe that an employee while on College premises, at or in connection with work, or in the course of the performance of the employee's duties, is under the influence of drugs and/or alcohol. Where reasonable suspicion exists, all employees are subject to mandatory drug and/or alcohol testing. "Reasonable Suspicion" means specific objective facts or reasonable inferences drawn from such facts, which cause a supervisor, campus public safety professional, or campus nurse to believe an employee is using, has used, or is under the influence of drugs or alcohol in violation of this policy.
2. **Post-accident Testing.** Any employee, who is involved in an accident while operating a motor vehicle on College business, whether in a College vehicle or the employee's own vehicle, may be required to undergo drug and/or alcohol testing at the discretion of the College, as determined by the Assistance Vice President of Human Resources.
3. **Discipline or Termination:** If results of drug or alcohol testing are "positive" and indicate a violation of Board policy, the employee may be placed on paid administrative leave by the President, or the president's designee, pending further investigation. Disciplinary actions will be pursued up to and including termination.
4. **Refusal or Attempt to Delay Test Warrants Termination:** Refusal to submit to drug and/or alcohol testing or attempts to delay testing under any provision of this policy will be considered gross insubordination and an admission of being under the influence of drugs or alcohol which may be grounds for termination of employment.

F. Pre-employment Testing. The College may require post-offer and pre-employment drug and alcohol testing of applicants for certain security-sensitive positions, and positions where safety of the employee and others is of particular concern. All offers of employment for these positions (including internal transfers and promotions) will be contingent upon satisfactory results from such testing. The College will maintain a list of the job positions that are subject to this requirement.

G. Testing Procedures:

1. **Generally:** Drug and alcohol testing shall be conducted in accordance with applicable federal and state standards or practices. Testing may be based on but not limited to, breath, saliva, urine, blood and/or hair samples as appropriate.
2. **Consent:** An employee subjected to drug and/or alcohol testing will be required to sign a consent form at time of testing. Refusal to sign the form or leaving the work area prior to the test without permission of the appropriate supervisor or refusal to cooperate in any way with the testing process prior to administration of test shall be grounds for termination of employment. In the event an employee consents to a substance test but fails to sign the consent form the failure to do so will not invalidate consent for testing.
3. **Removal:** An employee who appears to be under the influence of drugs or alcohol will be removed from the College and transported by Campus Public Safety to the place of testing. If testing is positive, the employee will be responsible for arranging alternate transportation to their residence. If necessary the College, at its expense, will arrange for transportation for the employee from the testing facility to the employee's home. If testing is negative, the employee will be assessed by the campus nurse or other designated medical professional to determine whether a medical issue may be causing the behavior or appearance that was suspected to be the result of drug or alcohol use. Appropriate action, which may include contacting 911 or the employee's emergency contact, will be taken.
4. **Administrative Leave:** At the discretion of the College, employees suspected of violating the Drug and Alcohol Free Workplace Policy, may be placed on paid administrative leave pending further investigation by the College.

5. **Alteration of Sample:** Specimens reported by the testing laboratory as adulterated or substituted will be considered a refusal to test by the employee and an admission of being under the influence of drugs and/or alcohol and may be grounds for termination of the employee.
6. **Collection of Sample:** Testing samples will be collected and analyzed by a qualified individual at a College designated facility.
7. **Confidentiality:** Test results will be handled on a confidential basis and will be available only to the McHenry County College personnel who have a need to know such results or as may be necessary in connection with any discipline of the employee. The President or Assistant Vice President of Human Resources, or their designees, will determine who will have access to the records. Test results will also be available to others as required by applicable laws, rules, or regulations.
8. **Implementation:** The offices and/or officials who have general responsibility to implement and achieve the goals of this procedure include:
 - a. College President
 - b. Designated administrators
 - c. Director of Occupational Health
 - d. Director of Campus Public Safety
9. **Costs:** The College will pay the costs for any drug and/or alcohol testing when an employee is required to submit to such testing, including any re-testing of confirmed “positive” results. The employee is financially responsible for any additional tests and any testing conducted by alternate certified laboratories at the employee’s request.