1. **PURPOSE:** To establish and set forth the State's policy regarding alcohol and other drug use in the workplace. It is the State's policy to maintain a drug and alcohol-free workplace.

2. **NON-DISCRIMINATION:** The University's policy on work-related substance abuse is nondiscriminatory in intent and application. However, in accordance with Minnesota Statues, Chapter 363, disability does not include any condition resulting from alcohol or other drug abuse, which prevents a person from performing essential functions of the job or creates a direct threat to property or the safety of individuals. In accordance with the Drug-Free Workplace Act of 1988, all employees engaged in the performance of federal grants will be given a copy of this policy.

3. **CONSEQUENCES OF VIOLATIONS:** Violations of this policy may constitute just cause for discipline, including possible discharge. Each situation will be evaluated on a case-by-case basis depending upon the severity and circumstances involved.

4. **STATE EMPLOYEE ASSISTANCE PROGRAM:** The University has in place a formal Employee Assistance Program to assist employees in addressing problems such as alcohol or other drug abuse. Employees who may have an alcohol or other drug abuse problem are encouraged to seek a professional assessment from the Employee Assistance Program before the problem affects their employment status. Participation in this program is voluntary and confidential.

5. **PROHIBITIONS:**

   A. No employee shall report to work under the influence of alcohol, marijuana, controlled substances, or other drugs, which affect his/her alertness, coordination, reaction, response, judgment, decision-making, or safety.

   B. No employee shall operate, use, or drive any equipment, machinery, or vehicle of the State or University while under the influence of alcohol, marijuana, controlled substances, or other mood-altering drugs. Employees are under an affirmative duty to immediately notify his/her supervisor that he/she is not in appropriate mental or physical condition to operate, use, or drive University equipment.

   C. During work hours, while on the University's premises or wherever the University's work is being performed, no employee shall manufacture, use, sell, possess, or transfer any illegal drug, including marijuana, or any prescription drug (except as medically prescribed and directed). Additionally, employees shall not participate in these activities during rest breaks or during overtime work.

   During work hours or while on the University's premises, or wherever the University's work is being performed, no employee shall use, sell, possess, or transfer alcoholic beverages, with the following exceptions:
- Consumption, possession, sale, or purchase of alcohol when authorized by a Commissioner under separate statutory or executive agency authority.
- Possession of alcohol while being transported in a University vehicle in compliance with applicable statutory requirements.
- Possession of alcohol while in an employee's personal vehicle on the University's premises in compliance with applicable statutory requirements.

Additionally, employees shall not participate in these activities during rest breaks or during overtime work.

D. Engaging in off-duty sale, purchase, transfer, use, or possession of illegal drugs, or controlled substances may have a negative effect on an employee's ability to perform his/her work for the University. In such circumstances, the employee is subject to discipline.

E. When an employee is taking medically authorized drugs or other substances which may negatively alter job performance, the employee is under an affirmative duty to notify the appropriate supervisor of his/her temporary inability to perform the job duties of his/her position.

F. Supervisors shall notify the Human Resources Office before notifying the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in his/her possession at work or on University premises. Where appropriate, the University shall also notify licensing boards.

G. Employees are not prohibited from consuming alcoholic beverages during lunch or dinner meals, they are however, discouraged from this practice if they will be returning immediately thereafter to perform work on behalf of the University. Employees are advised that in any situation subsequent to the intake of alcohol where the employee must continue conducting the University's business, any employee whose condition or behavior adversely affects his/her work performance shall be subject to possible discipline, up to, and including discharge.

6. LEGAL SANCTIONS EXAMPLE: Federal and state sanctions for illegal possession of controlled substances range from up to one year imprisonment and up to $100,000 in fines for a first offense, to three years imprisonment and $250,000 in fines for repeat offenders. Additional penalties include forfeiture of personal property and the denial of federal student aid benefits. Under federal laws, trafficking in drugs such as heroin or cocaine may result in sanctions up to and including life imprisonment for a first offense involving 100 gm or more. Fines for such an offense can reach $8 million. First offenses involving lesser amounts, 10-99 gm, may result in sanctions up to and including 20 years imprisonment and fines of up to $4 million. A first offense for trafficking in marijuana may result in up to five years imprisonment and fines of up to $500,000 for an offense involving less than 50 kg, and up to life imprisonment and fines of up to $8 million for an offense involving 1,000 kg or more. The State of Minnesota may impose a wide range of sanctions for alcohol-related violations. For example, driving while intoxicated (blood alcohol content of .10 or more) may result in a $700 fine, 90 days in jail, and/or revocation of driver's license for 30 days. Possession of alcohol under age 21 or use of false identification to purchase alcohol results in a $100 fine. Furnishing alcohol to persons under 21 is punishable by up to a $3,000 fine and/or one year imprisonment.
A resource is available in Human Resources and Health Services regarding the legal sanctions and health risks pertaining to substance abuse.

This WSU Regulation supersedes WSU Regulation 7-4 dated April 13, 1989.

AUTHENTICATED BY:

[Signature]

Judith Ramaley
President

December 12, 2007
Date of Adoption

Authoritative References:
- DOER Policy, Alcohol and Other Drug Use by State Employees
- Drug-Free Workplace Act of 1988
- Minnesota Statute 340A.101, Definitions
- MnSCU Policy 5.18, Alcoholic Beverages or Controlled Substances on Campus
- MnSCU Procedure 5.18.1, Alcohol Use and Controlled Substances on Campus

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Date of Revisions: