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SECTION: HUMAN RESOURCES

AREA: EMPLOYEE RELATIONS

SUBJECT: DRUG FREE WORKPLACE

PURPOSE

To promote a drug-free Workplace and campus and to provide opportunities for rehabilitation and assistance for employees and students with substance dependency conditions in accordance with the Drug Free Workplace Act and the Drug Free Schools and Campuses Act.

SCOPE

This policy applies to all members of the UAMS Workforce.

DEFINITIONS

UAMS Workforce shall mean physicians, employees, volunteers, resident/fellows, students, and other persons whose conduct, in the performance of work for UAMS, is under the direct control of UAMS, whether or not they are paid by UAMS.

Workplace means all UAMS campuses, facilities, properties, and leased spaces.

POLICY

It is the goal of UAMS to maintain a Workplace that is free from the illegal use, possession, or distribution of controlled substances. Unlawful possession, manufacturing, use, sale, or distribution of controlled or illegal substances by the UAMS Workforce while in the Workplace or while on UAMS business is prohibited. In addition, students and members of the UAMS Workforce shall not use illegal substances or abuse legal substances in a manner that impairs performance of assigned work or classroom or other academic activities.

This policy is not intended to preclude the *medical* or *research* use of alcohol or controlled substances.

PROCEDURE

1. Orientation: New members the Workforce are instructed that UAMS is a drug free campus. The UAMS Employee Handbook and the UAMS Academic Catalog applicable to all the colleges and schools contain information about drug free campus policies and procedures, sanctions for violations of such policies and procedures, and services and assistance for substance abuse conditions. The UAMS Office of Human Resources will provide all new employees with an electronic copy of the UAMS Employee Handbook at orientation. Each employee will be required to electronically sign, acknowledging they have received the UAMS Employee Handbook during orientation. The UAMS Office of Human Resources is

responsible for collection and retention of all signed acknowledgements. The UAMS Employee Handbook is available on the UAMS Office of Human Resources website, and the UAMS Academic Catalog is available on the UAMS Office of the University Registrar and/or the websites for each of the colleges and schools. .

2. Annual Notification: Employees and students will be provided information about the UAMS Drug Free Workplace program annually. The UAMS Offices of Human Resources and Academic Affairs are responsible for providing the annual notification to the UAMS Workforce and retaining documentation that the notification was provided annually. The annual notice must meet the following requirements:
 - (i) UAMS must distribute the notification electronically or in writing in a manner that ensures all UAMS Workforce members receive the notification (i.e., requiring students and employees to certify and acknowledge they have received the annual notification via the UAMS learning management system, U.S. Mail, distributing it in required classes, enclosing it with invoices for student financial accounts, e-mail as long as UAMS requires and maintains a read receipt, and/or enclosing notification with annual W-2 form).
 - (ii) The annual notification must include the following information or inform the UAMS Workforce where such information is available: (a) standards of conduct, policies, and procedures; (b) possible legal sanctions and penalties under federal, state, or local laws for the unlawful possession or distribution of illicit drugs and alcohol; (c) health risks associated with substance abuse; (d) counseling, treatment, and rehabilitation programs available to students and employees; and (e) disciplinary sanctions for violations of the standards of conduct, policies and procedures, up to and including expulsion from the academic program or termination of employment and referral for prosecution.
3. Grant Funded Employees: The Office of Research and Sponsored Programs (“ORSP”) is responsible for certifying UAMS as a drug free Workplace for federal grants. ORSP is responsible for notifying the appropriate federal contracting or granting agency of an employee convicted of any criminal drug statute violation occurring in the Workplace or while on UAMS business within ten calendar days of receiving notice of such conviction, or as other may be required by law, rule or regulation.
4. Assistance: UAMS recognizes drug and alcohol dependency as treatable conditions and offers support programs for members of the UAMS Workforce with substance dependency conditions through the UAMS Employee Assistance Program (“EAP”) or Student/Employee Health Services (“SEHS”). Any information obtained by UAMS about members of the UAMS Workforce who seek such services shall be maintained as strictly confidential in accordance with federal laws and regulations.
5. Penalties: Members of the UAMS Workforce who seek help through EAP or SEHS will not be penalized for seeking such help but may be subject to appropriate disciplinary procedures, up to and including termination or expulsion, for reporting to work or school in an impaired

state due to substance abuse, for performance issues that result from such impairment, or for theft of any controlled or non-controlled medication from the facility.

6. Drug Testing: UAMS employees are subject to drug testing in accordance with the UAMS Administrative Guide Policy 3.1.14, *Drug and Alcohol Testing*, which provides for pre-employment, random and for-cause drug testing. UAMS students are subject to drug testing in accordance with UAMS Academic Affairs Policy 1.4.4, *For Cause Drug Testing*.
7. Mandatory Reporting: Termination or voluntary resignation of a professionally licensed employee for diversion, misuse, or abuse of illicit drugs or controlled substances will be reported to the individual's licensing authority to the extent required by law, rule, or regulation. Termination or voluntary resignation of any member of the UAMS Workforce for diversion of a controlled substance will be reported to law enforcement as may be required by UAMS policies or federal or state law. However, information learned or maintained in connection with a drug or alcohol treatment program or by a healthcare professional in the course of providing healthcare services to a member of the UAMS Workforce is exempt from reporting as prohibited under applicable state or federal law, rule or regulation. Further, the duty to report under this policy does not require disclosure of records or communications that are privileged under state quality improvement or peer review laws.
8. Individual colleges and schools may have additional procedures outlined in the handbook or catalog related to a drug free campus and for students with substance abuse conditions that are consistent with this policy.
9. Sanctions: Any UAMS Workforce member who violates this policy is subject to discipline up to and including termination or expulsion, and may be subject to criminal prosecution as provided by federal, state and local law.
10. UAMS will maintain information on its website about the Drug Free Workplace program. The web site should include information regarding standards of conduct, policies and procedures; possible legal sanctions and penalties under federal, state, or local laws for the unlawful possession or distribution of illicit drugs and alcohol; health risks associated with substance abuse; counseling, treatment, and rehabilitation programs available to UAMS Workforce members; and disciplinary sanctions for violations of the standards of conduct, policies and procedures, up to and including expulsion from the academic program or termination of employment and referral for prosecution.
11. Biennial Review: The Drug Free Workplace Committee is an ad hoc committee that will meet during even years to determine program and policy effectiveness, identify any needed changes, and ensure the disciplinary sanctions for violating UAMS policies are enforced consistently. Members of the committee shall include a representative from the Provost's Office, the Office of Human Resources, and Office of Institutional Compliance. In addition to evaluating the objectives set forth in this section, the biennial review should describe the method of distribution of the annual notification to the UAMS Workforce and considerations addressed by the committee to ensure all UAMS Workforce members receive the

notification. The member of the committee who is the representative of the Office of Institutional Compliance shall ensure the committee meets biennially and shall maintain documentation of the biennial review.

REFERENCES

Arkansas Substance Abuse Reporting Act, Ark. Code Ann. 17-80-117 *et seq.*
Drug-Free Workplace Act of 1988
Drug-Free Schools and Communities Act Amendments of 1989
UAMS Administrative Guide Policy 3.1.14, *Drug and Alcohol Testing*
UAMS Academic Affairs Policy 1.4.4, *For Cause Drug Testing*

Signature:  _____

Date: December 9, 2020