



Policy Number 3.3.14

Chapter: Administration

Title: Alcohol and Other Drugs (AHEC Employee Policy)

Division/Department: Administration/ Human Resources

Policy Administrator: Director of Human Resources

Adoption Date: 9/1/2000

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1. PURPOSE

The Auraria Higher Education Center (AHEC) has a vital interest in maintaining a safe, healthful, and productive campus. Employees impaired by alcohol or other drugs during work hours may pose safety and health risks to themselves and others. Productivity and quality of work are also potentially impacted by such Impairment. The purpose of this policy is to address alcohol and drug use by employees of AHEC that potentially impacts the workplace.

2. DEFINITIONS

- 2.1. Alcohol or Alcoholic Beverage: Beer, wine, and all forms of distilled liquor and other ingestible substances containing ethyl alcohol, no matter how ingested by or administered to a person.
- 2.2. Auraria Campus: All grounds, buildings and facilities located within the boundaries of the Auraria Higher Education Center.
- 2.3. Auraria Higher Education Center or "AHEC": The higher education complex established in Title 23, Article 70, Colo. Rev. Stat. (C.R.S.) and located in the City and County of Denver.
- 2.4. Controlled Substance: Any substance defined in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. 812, 21 C.F.R. 1308.11-1308.15, or in C.R.S. §18-18-102(5). Generally, these are drugs that have a high potential for abuse. Such drugs include, but are not limited to, heroin, cocaine, marijuana and marijuana derivatives containing tetrahydrocannabinol (THC), phencyclidine (PCP), crack cocaine, fentanyl, amphetamines and methamphetamine.

- 2.5. Drug Paraphernalia: Equipment, products, and materials that are or have been used to produce, conceal, or consume Illicit Drugs. Examples include bongos, roach clips, spoons, various types of pipes and other smoking equipment, syringes, grinders, and ordinary items possessed for use as paraphernalia.
- 2.6. Illicit Drug: Includes all of the following:
 - 2.6.1. A Controlled Substance.
 - 2.6.2. Any prescription drug, whether or not it is a Controlled Substance, when used or possessed without a valid prescription, or by a person other than the individual for whom it was prescribed, or used in a manner, combination, or quantity other than as prescribed.
 - 2.6.3. Any non-prescription (over the counter) drug, when used or possessed in order to induce psychotropic or intoxicating effects.
 - 2.6.4. Any other product or substance (such as glue, paint, household chemical, plant, fungus, Kratom, bath salts, etc.) that is used to induce psychotropic or intoxicating effects.
- 2.7. Impairment or Impaired: The use of Alcohol or Illicit Drugs so as to adversely affect job performance (e.g., reduced alertness, coordination, reactions, responses, or effort); threaten the safety of the employee or others, or of property; or exhibit unprofessional conduct detrimental to the public's perception of state personnel. Impairment is determined through observation by the supervisor and/or by blood alcohol test. If a blood alcohol breath test indicates that the employee has a blood alcohol level of 0.08% or higher, the employee will be deemed to be Impaired.
- 2.8. Reasonable Suspicion: Suspicion of Impairment based on specific objective facts as observed and documented by a supervisor.

3. POLICY

- 3.1. AHEC complies with federal and state laws, regulations and policies concerning substance abuse in the workplace, including the [Drug Free Workplace Act of 1988, 41 U.S.C. Chapter 81](#). AHEC will follow and apply the state of Colorado's [Universal State Personnel System Drug and Alcohol Policy for State Employees](#) and [Governor's Executive Order D0002 91](#).
- 3.2. Prohibitions:
 - 3.2.1. Open alcohol containers are prohibited on the Auraria Campus, except in designated areas or at scheduled events at which alcohol is authorized to be sold, served, or consumed. Events including alcohol shall be scheduled through the Special Events Department.
 - 3.2.2. Impairment at Work

All employees of AHEC are prohibited from reporting to work or being subject to duty while Impaired. This applies during all work hours, whenever conducting business or representing AHEC and while on-call or paid standby. This also includes the use of Illicit Drugs on the Auraria Campus, regardless of whether the employee is working at the time.

3.2.3. Convictions

Employees convicted of Driving While Impaired (DWI) or Driving Under the Influence (DUI), or for a drug offense, may also be disciplined by AHEC. An employee who drives as part of their work duties and who is convicted of DWI or DUI occurring during or outside of work hours must report this fact within five calendar days to their supervisor.

Consistent with the Federal Drug-Free Workplace Act, any employee who is convicted of a criminal drug violation occurring in the workplace must notify the AHEC Human Resources Department in writing within five calendar days of the conviction.

3.2.4. Possession, Use, or Sale of Marijuana

Marijuana and its derivatives are Controlled Substances, and, despite state law, they remain illegal under federal law. Their use and possession on the Auraria Campus and at AHEC events can put the institution at risk of non-compliance with strict laws and regulations that carry severe penalties. All employees are prohibited from using, possessing, or being impaired by the use of marijuana on the Auraria Campus, regardless of whether they hold a prescription for medical marijuana.

3.2.5. Drug Paraphernalia

Possession, sale or use of Drug paraphernalia on the Auraria Campus is prohibited.

3.2.6. Prescription Medication

The distribution, dispensation, or possession of prescription medication other than as prescribed by the employee's licensed treating provider is prohibited. Employees who have been prescribed medications (including Controlled Substances) must only use those medications as prescribed by their treating provider, must not be Impaired by such medications at work, and must not drive or operate machinery if so indicated by the prescription or medication warnings. Any other use or unauthorized sale is prohibited. All prescription medication must remain in the original labeled packaging provided to the individual to whom it was prescribed.

3.3. Reasonable Suspicion of Impairment

All employees have an obligation to report to their supervisor if they observe another employee appearing to be Impaired at work. Impairment may be marked by a person's behavior, appearance or odor, or by observing that the individual is in possession of Alcohol or Illicit Drugs at work. Supervisors who receive a report that an employee may be Impaired must observe the employee and determine whether it appears warranted to proceed to document Reasonable Suspicion of Impairment by following the Procedures for Reasonable Suspicion of Drug or Alcohol Impairment on the Job (Non-DOT) ("Procedures", Attachment A to this policy).

- 3.4. A supervisor who has reason to suspect an employee of being Impaired at work or while subject to duty (i.e., on call) should document the reasons for the suspicion using the Reasonable Suspicion of Impairment Checklist for Supervisors ("Checklist", Attachment B). If, after completing the Checklist, the supervisor concludes that the employee may be Impaired, the employee must be asked to consent to submit to Drug and Alcohol testing in accordance with the Alcohol and Drug Testing Procedures (Attachment C). The employee must sign the Reasonable Suspicion of Alcohol or Drug Impairment Alcohol and Drug Testing Consent Form (Attachment D). An employee who refuses consent to such testing, or fails to complete the test, will be presumed to be Impaired based on the supervisor's observations and is subject to disciplinary action in the same manner as an employee who tests positive for Drug or Alcohol Impairment.
- 3.5. The supervisor must not permit the employee to leave work in an unsafe manner, for example, by driving, biking or walking, and is required to [contact the Auraria Campus Police Department](#) at 303-556-5000 if necessary to prevent this from happening.
- 3.6. Employees will be subject to post-accident Drug and Alcohol testing when they cause or contribute to workplace accidents that result in personal injuries or damage to property, including motor vehicle accidents while driving a vehicle for work. Testing must be completed within two hours after the accident.
- 3.7. Training
 - 3.7.1. Appointing Authorities are responsible for advising their employees of all aspects of this policy.
 - 3.7.2. The Human Resources department will provide training to all supervisors regarding this policy.
- 3.8. Employee Assistance:
 - 3.8.1. Employees who are concerned about substance use, abuse, and rehabilitation are strongly encouraged to contact their family physicians,

their health plan, or the [Colorado State Employees Assistance Program](#). (C-SEAP contacts are confidential and free of charge to the employee.)

3.8.2. Health insurance plans may provide coverage for substance abuse programs that address substance abuse and rehabilitation. Human Resources has information about the health plans. Information on AHEC health plans may be obtained by contacting Human Resources Department.

3.8.3. Employees may also be entitled to:

- Family Medical Leave: Employees seeking treatment for substance abuse dependence may be eligible for leave under the Family and Medical Leave Act.
- Americans with Disabilities Act (ADA) Accommodation: All employees, including those who do not qualify for Family Medical Leave, may be eligible for job-protected leave or other reasonable accommodations under the ADA if they have a qualifying disability.
- Short-term Disability Insurance: Employees may be eligible to receive short-term disability insurance benefits if they are unable to work during a period of substance abuse treatment.

3.9. Attachments

[A: Procedures for Reasonable Suspicion of Drug or Alcohol Impairment on the Job \(Non-DOT\)](#)

[B: Reasonable Suspicion of Impairment Checklist for Supervisors](#)

[C: Alcohol and Drug Testing Procedures](#)

[D: Reasonable Suspicion of Alcohol or Drug Impairment Alcohol and Drug Testing Consent Form](#)

4. APPROVAL AND ADOPTION

This Policy has been reviewed and approved by the Board of Directors for the Auraria Higher Education Center.

Date: _____

Approved by: _____

Chairperson of the Auraria Board