



# Drug-Free Workplace, Policy 7.30 Frequently Asked Questions

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The following information addresses the most frequently asked questions about the Human Resources Policy 7.30, Drug-Free Workplace. The policy is located on the Office of Human Resources (OHR) website at [hr.osu.edu/policy](http://hr.osu.edu/policy).

## General Information

### 1. Who does this policy apply to?

This policy applies to all university employees, including faculty, staff, graduate associates, and student employees. Departments can implement stricter guidelines with input from [Employee Relations](#).

### 2. Why does the university have a drug free workplace policy?

The policy complies with the requirements of federal [Drug-Free Workplace](#) regulations. The purpose of this policy is to provide for the health and safety of students, employees and visitors.

### 3. How will employees be informed of this policy?

The university will communicate this policy annually to current employees. New employees will be informed about the policy upon acceptance of a position.

### 4. What should be done if the problem involves a student employee?

Concerns related to student employees should be resolved by following the steps for all other employees. For assistance with alcohol or drug concerns, students may contact the [Counseling and Consultation Service](#) at 614-292-5766.

### 5. How does this policy affect employees who work at locations other than the Columbus campus such as OSU Extension offices or regional campuses?

Managers should contact the designated resources in their locale. Drug/alcohol testing must occur at a designated lab. University Health Services (614-293-8146) maintains a list of approved test locations in Ohio. Locations for reasonable suspicion testing can be found in Reasonable Suspicion Process.

### 6. What is the policy regarding alcohol at university sponsored events?

For guidance on this subject, contact the Business & Finance Office or refer to the Authorization to Serve Alcohol form at [busfin.osu.edu/document/authorization-serve-alcohol-request-form-pdf](http://busfin.osu.edu/document/authorization-serve-alcohol-request-form-pdf).

### 7. Can a department or business unit require all employees to be tested for drug or alcohol use?

The university completes pre-employment testing when the specific position requires pre-employment testing. Random drug testing is also aligned with position and regulatory requirements (i.e. DOT).

If a unit is seeking to have stricter testing guidelines based upon the nature of their business, consultation and implementation must be coordinated through and approved by [Employee and Labor Relations](#) and the [Office of Legal Affairs](#). Any costs for testing, review, and related services are the responsibility of the unit.

### 8. What should be done if an employee informs a chair/manager that she/he has a drug or alcohol problem or is in a treatment program?

A chair/manager should help the employee access appropriate services and also ensure that the workplace is safe. Chairs/managers should advise employees that the Ohio State Employee Assistance Program ([Ohio State EAP](#)) services are available. Drug and alcohol treatment programs are legitimate reasons to use paid or unpaid leave. If the chair/manager is concerned that the employee is in a position with safety-related duties, the chair/manager should contact their Employee



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and Labor Relations Senior Representative. A follow up meeting with the employee should be held to discuss the impact of alcohol and drug use specific to the safety issues.

**9. Are chairs/managers required to address drug or alcohol related issues that impact work once they become aware of them?**

Yes. Chairs and managers are required to consult with their Human Resources Business Partner/Consultant or Employee and Labor Relations Senior Representative about any alcohol or drug use in the workplace of which they have knowledge. Failure to do so could expose the chair/manager to personal liability and disciplinary action. The university may also be exposed to liability if the chair/manager acted outside the scope of her/his authority.

**10. What should chairs/managers do when they suspect that alcohol or drug use is affecting an employee's work performance?**

Chairs/managers must focus on work performance issues. This includes documentation and counseling about unacceptable performance and behavior. Chairs/managers should discuss the facts with the department administrator, Human Resources Business Partner/Consultant, and /or contact the resources listed under University Resources below.

**11. What behaviors or signs indicate drug and/or alcohol use?**

Common indirect indicators (if present, may indicate possible drug or alcohol use):

- Missed work time
- Long breaks
- Patterns of absence (Monday mornings, Friday afternoons)
- Unexplained mood swings
- Sudden changes in performance
- Gradual worsening of performance

If these conditions appear or persist, chairs/managers should discuss them with the employee and document them as work performance issues. Chairs/managers may also want to note the impact of the performance or behavior upon the unit's ability to meet its goals. For further guidance, managers may seek assistance from the Human Resources Business Partner/Consultant, Employee and Labor Relations Senior Representative, or [Ohio State EAP](#).

Common direct indicators (if present, seek assistance for reasonable suspicion testing):

- Difficulty walking
- Slurred speech
- Smell of alcohol on breath
- Severe confusion or disorientation

These conditions indicate a high probability that the employee is in violation of the Drug-Free Workplace policy. Certain medical conditions can also cause these symptoms; thus, it is important to troubleshoot the situation before taking action. The chair/manager should contact Human Resources Business Partner/Consultant, Employee and Labor Relations Senior Representative, or the Ohio State EAP, inform them of the status of the impaired employee, and seek guidance. If these resources are unavailable, the manager should follow the steps in the Reasonable Suspicion Testing Process.



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**12. What should a chair/manager do if an employee appears to be under the influence of alcohol or drugs at work?**

The chair/manager must follow the steps in the Reasonable Suspicion Testing Process.

**13. Can chairs/managers refuse to allow an employee to be tested?**

If it is unclear whether an employee is in violation of the Drug-Free Workplace policy, the chair/manager is encouraged to seek assistance from their Human Resources Business Partner/Consultant, Employee and Labor Relations Senior Representative, or the [Ohio State EAP](#). If there is reasonable suspicion that the employee is in violation of the Drug-Free Workplace policy, the chair/manager must follow the policy. Failure to follow the policy may result in disciplinary action for the chair/manager and will also put university federal grant funding at risk.

**14. Should employees be required to be tested for drugs or alcohol if they have an accident at work?**

Employees may be tested if there is reasonable suspicion (consult the Reasonable Testing Process and Checklist) that drugs or alcohol are involved. Having an accident at work is not enough suspicion to test. U. S. Department of Transportation (DOT) regulations may require post-accident testing for designated positions. If a position is covered under DOT regulations, call the Human Resources Business Partner/Consultant or Employee and Labor Relations Senior Representative.

**15. What steps should be taken if an employee is tested for drugs and/or alcohol and the results are positive?**

Employee and Labor Relations, Ohio State EAP, and University Health Services will work with the Human Resources Business Partner/Consultant and the employee to devise a plan of action. The plan may include referral to treatment facilities or counselors, corrective action, and/or random testing to ensure compliance with the policy. Employees in safety-related positions will not be allowed to resume safety-related duties until evaluation and /or treatment have been successfully completed. For non-safety-related positions, there will be a referral made to see an Ohio State EAP counselor for assessment, treatment recommendations, and follow-up options.

**16. Can employees be compelled to go to the Ohio State EAP to get assessed regarding their drug or alcohol use?**

No. Ohio State EAP is a voluntary employee assistance program. If the employee agrees to go for a voluntary assessment, you may contact the Ohio State EAP at 800-678-6265 on their behalf or have them directly contact the Ohio State EAP. If the employee refuses to be assessed, continue to manage the employee's performance and behavior.

**17. Who should be contacted if testing is needed on Saturday, Sunday, a holiday, or second/third shift?**

The chair/manager must follow the steps in the Reasonable Suspicion Testing Process.

**18. What steps should be taken if an employee is suspected of using drugs outside of the workplace?**

You may refer the employee to the Ohio State EAP at 800-678-6265 for assessment. Employees are responsible for their conduct on their own time. If their conduct away from work leads to behavior that affects the workplace, contact the Human Resources Business Partner/Consultant or Employee and Labor Relations Senior Representative.

**19. What should be done if an employee reports that other faculty or staff are drinking or using drugs?**

Any employee who observes another employee use alcohol or illegal drugs while on duty is encouraged to report the employee to their supervisor, the suspected employee's supervisor, the Human Resources Business Partner/Consultant, the Employee and Labor Relations Senior Representative, or the OSU Police.

If a chair/manager is advised that their employee has been observed using drugs or alcohol while at work, the manager must discuss this with the employee. If the chair/manager confirms the report is accurate (smell of alcohol, slurred speech, etc.),



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contact the Human Resources Business Partner/Consultant or the Employee and Labor Relations Senior Representative. If a chair/manager observes an employee using alcohol or drugs while at work, call the Employee and Labor Relations Senior Representative immediately and the OSU Police if necessary.

### **20. What steps should be taken if an employee reports that she/he has been convicted of a drug or alcohol offense occurring in the workplace?**

The workplace includes and is not limited to Ohio State property; Ohio State owned, leased, or rented vehicles; and locations where an employee is on paid university business. Advise the employee to contact the Employee and Labor Relations Senior Representative within three business days of the conviction, if the conviction resulted from the use of drugs or alcohol in the workplace.

### **21. How can chairs/managers schedule training for their departments?**

Contact the Ohio State EAP at 800-678-6265 or OHR Employee Relations at 614-292-2800. If necessary, a trainer will provide on-site training to meet the department's needs. Training is available on-line; links are available in the Resources section of the policy.

### **22. How do I get training on the Drug Free Workplace policy?**

Campus Employee and Labor Relations and Medical Center Employee and Labor Relations teams facilitate training on the drugfree workplace policy. For requests or information contact [HR-elr@osu.edu](mailto:HR-elr@osu.edu). Additional information can be found on the Employee and Labor Relations Website.

## **Medical Marijuana**

### **1. Does the Drug Free Workplace policy permit the use of medical marijuana?**

No. The use and possession of marijuana continues to be prohibited by and a violation of university policy and remains a crime under federal law.

### **2. Why is it prohibited?**

The university receives federal funding, and as a result, the university must follow federal law including, but not limited to, the [Drug Free Schools and Communities Act](#). In compliance with these laws, Ohio State prohibits: the unlawful manufacture, distribution, dispensation, possession or use of alcohol, illegal drugs, intoxicants, or controlled substances; inappropriate use of prescription drugs at work; unauthorized use of alcohol by university employees on university premises or in university vehicles on or off campus; and working under the influence of alcohol or while unlawfully using controlled substances.

### **3. What if Ohio law makes possession of marijuana legal, is it still prohibited by the policy?**

Yes. Federal law prevails because possession is illegal under federal law and the university, because it receives federal funding, must comply with federal law.

### **4. What if I have a medical marijuana card/prescription that says I can use medical marijuana?**

You may not use marijuana on campus, or while you are conducting university business on or off campus, or when you are participating in any university activity.

You may be eligible for a leave or workplace accommodation. Human Resources, [Integrated Absence Management and Vocational Services](#) (IAMVS) department, in consultation with the [ADA Coordinator's Office](#), partners with employees and departments throughout the interactive process.



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**5. What if I can legally purchase CBD and/or marijuana products, is consuming these products a violation of the Drug Free Workplace policy?**

Although you may be able to purchase these products, they still may contain, or be, controlled substances which are prohibited under policy. The definition of controlled substances is outlined in the [policy](#).

More information is available from two federal agencies, the [Drug Enforcement Administration](#) (DEA) and the [Food and Drug Administration](#) (FDA). These agencies determine which substances are added to or removed from the various schedules.

**6. What if I have a prescription and I fail a drug test, even though I used it as prescribed, and off campus when I was not conducting university business or participating in a university activity?**

Observations of reasonable suspicion, or self-disclosure, of the use marijuana---even if prescribed, will still subject the employee to reasonable suspicion testing in accordance with policy.

**7. What if I violate the policy?**

Violations will result in corrective action which may include:

- Termination from employment; or
- Required participation in an evaluation by Ohio State EAP or an external Substance Abuse Professional (SAP); and/or
- Required follow through with an education/treatment program.

**8. What do I do if an employee is working from home and exhibits signs of being under the influence?**

Contact Employee and Labor Relations as soon as possible for consultation.