



Ohio Administrative Code Rule 3337-41-133 Alcohol and other drugs.

Effective: December 15, 2019

The version of this rule that includes live linksto associated resources is online at
<https://www.ohio.edu/policy/41-133>

(A) Purpose

The Ohio university alcohol and other drugs policy and program is designed to prevent drug and alcohol problems within the university setting. The policy and programs are designed to identify problems at the earliest possible stage, motivate the affected individual(s) to seek help, and to direct the individual toward the best assistance available.

(B) Policy

The university recognizes that the use and abuse of alcohol and other drugs can seriously impair an employee's performance and create an unhealthy and unsafe environment for employees, students and visitors and is therefore a university-wide concern. Due to the university's concern, this alcohol and other drugs policy is instituted.

With that said, it is strictly prohibited for an employee to use, possess, manufacture or distribute drugs and/alcohol, or be under the influence of drugs and/or alcohol, while in the workplace or in university vehicles and equipment and while on duty. This includes the misuse or inappropriate use of prescription medications and drugs. The consumption of alcohol at university sanctioned events may be permitted if such use has been authorized by the university. This policy is in accordance with the Drug-free Workplace (41 USC 701) and the Drug-free Schools and Communities Act (PL 101-226).

(C) Alcohol and other drugs awareness program

(1) Ohio university hereby establishes an alcohol and other drugs awareness program. Under this



program, the university will regularly and periodically publish literature warning about the dangers of the abuse of alcohol and other drugs in the workplace or in any environment. The program will specifically cover the following major topics:

- (a) Health and safety concerns associated with drug abuse;
- (b) University policy regarding illegal drug or alcohol use;
- (c) Availability of counseling and assistance for employees;
- (d) Penalties that may be imposed for drug or alcohol abuse violations.

(D) Employee compliance with university substance abuse policy

(1) An employee found to be illegally possessing or using alcohol, or other drugs or being under the influence of such, shall be subject to disciplinary action up to and including termination of employment in accordance with university policy, the faculty handbook or the collective bargaining agreements. A disciplinary sanction may include the completion of an appropriate rehabilitation program. Such sanctions may include disciplinary action up to and including termination of employment.

(2) All university employees shall, as a condition of employment, abide by the following requirements:

- (a) Comply with the terms of the university's alcohol and other drugs policy and guidelines promulgated pursuant to this policy.
- (b) Notify their administrative supervisor of any alcohol or drug related arrests and/or convictions no later than five working days after such conviction.
- (3) As required by legislation and upon receipt of notice under the preceding paragraph, the university shall notify the federal agency sponsoring grants or contracts with the employee's department. This notification shall take place within ten working days after receiving such



conviction notice.

(E) Employee disclosure

(1) Any employee who is chemically dependent will not be disciplined for disclosing this dependency. If the substance abuse dependency adversely affects the employee's behavior, job performance or poses a direct threat to the property or safety of the university or fellow employees, such employee shall be subject to disciplinary action up to and including termination of employment consistent with university policies and procedures.

(2) Records pertaining to the diagnosis or treatment of alcohol or drug related medical conditions will not be made part of the faculty or staff member's personnel file and will be regarded as strictly confidential in all cases. Self-disclosure of a medical diagnosis or documented substance abuse treatment shall be referred to the university accessibility office.

(3) The principal investigator of any grant, project, or contract from a federal agency is required to ensure that each employee engaged in the performance of the grant be given a copy of and acknowledge receipt of this policy.

(F) Employee assistance program

The university shall operate an Employee Assistance Program (EAP) that shall be monitored through university human resources. For details of the EAP, refer to policy 41.130, employee assistance program.

(G) Guidelines for reasonable suspicion testing

University human resources will maintain and post guidelines online for supervisors to follow when it is suspected that an employee may be under the influence of alcohol and/or drugs.

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