



RUTGERS POLICY

Section: 60.1.11

Section Title: Universitywide HR Policies & Procedures

Policy Name: Alcohol and Other Drugs Policy

Formerly Book: 6.4.13

Approval Authority: Senior Vice President for Administration

Responsible Executive: Senior Vice President for Administration

Responsible Office: University Human Resources

Originally Issued: 5/1975

Revisions: 5/19/84; 4/28/2010 (which revised policy applies only to employees); 7/23/2010; 7/1/2013; 2/6/2014

Revisions: Errors or changes? policies@hr.rutgers.edu or 848-932-3020

1. **Policy Statement**

This policy applies to all regularly salaried employees including faculty, staff, post doctoral associates, post doctoral fellows, visiting faculty/scholars, graduate assistants/teaching assistants, other student employees, and any member of the university community performing compensable work, but not necessarily for remuneration.

2. **Reason for Policy**

Rutgers, The State University of New Jersey has an obligation to promote a healthy and safe campus environment that includes one taking responsibility for one's own actions. The policy states the university's expectations regarding the use of alcohol and other drugs by employees and employees' responsibilities and obligations in using alcohol and other drugs. Additionally, the policy serves to express, describe, and articulate compliance and obligations with state and federal laws.

3. **Who Should Read This Policy**

All university employees as defined in Subsection 6.II.D below

4. **Related Documents**

- a. University Policy 10.2.11, Code of Student Conduct
- b. University Policy 10.2.14, Alcoholic Beverages Use Policy (for students)
- c. University Policy 40.2.9, State Accounts
- d. University Policy 60.9.55, Employees with Impairments

5. **Contacts**

- a. Office of Labor Relations: 848-932-3020
- b. Office of Academic Labor Relations: 848-932-7174
- c. Occupational Health_Department : 848-932-8254
- d. Camden Health Services: 856-225-6005
- e. Camden Office of the Chancellor: 856-225-6095
- f. Newark Health Services: 973-353-5231
- g. Newark Human Resources: 973-353-5500
- h. Rutgers Biomedical and Health Sciences – Newark Human Resources: 973-972-6741
- i. Faculty & Staff Assistance Program: 848-932-3020, ext. 28642
- j. Counseling, Alcohol and Other Drug Assistance Program, and Psychiatry Services (CAPS):
 - i. Camden: 856-225-6005
 - ii. Newark: 973-353-5805
 - iii. New Brunswick: 848-932-7884
- k. Rutgers Police Department (RUPD):
 - i. Camden: 856-225-6009
 - ii. Newark: 973-353-5581
 - iii. New Brunswick: 848-932-7211

6. **The Policy**

60.1.11 ALCOHOL AND OTHER DRUGS POLICY

I. Overview

- A. Rutgers, The State University of New Jersey is committed to sustaining an academic environment that both respects individual freedom and promotes health, safety, and well-being of all members of the university community. It is essential that all employees and students recognize that the misuse and abuse of alcohol and other drugs constitutes a threat to the educational mission of the university. Rutgers has an obligation to promote a healthy and safe campus environment that includes one taking responsibility for one's own actions.

Rutgers seeks to provide an environment that reduces or eliminates the adverse consequences of alcohol and other drug misuse and abuse on individuals, groups, and the university. All members of the university community are responsible for being fully aware of the requirements of university policies related to alcohol as well as local, state, and federal laws regarding alcohol and other drugs as outlined in sections III. B. and IV.A of this policy.

Education is an intrinsic component of the university's commitment to reduce or eliminate the harm caused by alcohol misuse and abuse. Awareness policies on alcohol and other drugs is an important component of reducing harm. Specific procedures have been developed for the use of alcohol and other drugs and will be strictly enforced. Review of policies and procedures shall occur on a regular cycle established by the university.

This policy is not designed to be punitive for individuals seeking rehabilitation. All information about those individuals who voluntarily avail themselves of drug or alcohol counseling or rehabilitation services will remain confidential to the extent possible and permissible by university policy and law. Seeking counseling or rehabilitation will not be used as a basis for disciplinary action or be used against an individual in any way.

B. Scope

This policy shall apply to all employees, as defined in subsection 6.II.D. on property under the jurisdiction of Rutgers as defined in subsection 6.II.B.

II. Definitions

- A. *Alcoholic beverage*: Any liquid beverage containing at least one (1) percent of alcohol by volume, including methyl and isopropyl alcohol that is not intended for human consumption.
- B. *Area under the jurisdiction*: Includes all on- and off-campus property owned, occupied, leased, or used by Rutgers. This includes all campuses, research sites, and leased indoor and outdoor spaces or spaces occupied with a user permit, license, or contract for the conduct of performing university business.
- C. *Controlled substance*: A drug or chemical substance whose possession and use are controlled by title 21, Section 812, Schedules I through V of the United States Code (also known as the “*Controlled Substances Act*”). This includes, but is not limited to, narcotics, depressants, hallucinogens, stimulants, and other substances commonly or collectively known as “*Illicit Drugs*.”
- D. *Employee*: Any member of the university community performing compensable work, but not necessarily for remuneration.
- E. *Events*: Any program or activity sponsored by and under the auspices of the university.
- F. *Illicit Drug*: A type of controlled substance that is imported, grown, or manufactured illegally. This includes, but is not limited to, heroin, cocaine, amphetamines, ecstasy, marijuana, methamphetamine, and LSD.
- G. *Legally prescribed medication*: Includes drugs prescribed by a licensed practitioner and over-the-counter drugs that have been legally obtained and are being used in the appropriate amount solely by the individual and for the purpose for which the medication was prescribed or manufactured.
- H. *Manufacture*: The production, preparation, propagation, compounding, conversion, or processing of a controlled substance or alcohol. This does not include manufacturing for the intended purpose of scholarly research.
- I. *Minor*: An individual not of legal drinking age, under 21 years of age.
- J. *Possession*: Knowing or intentionally possessing a controlled substance and/or having direct physical control over a controlled substance. This does not include possession for the purpose of scholarly research.
- K. *Safety-sensitive*: Activities involving a risk of moderate to severe injury to the person or property of oneself or others, in the performance of job duties. This includes, but is not limited to, direct support of patient care and treatment, police and security duties, operating a motor- or motorized vehicle or potentially hazardous equipment, use of ladders and/or working at heights, use of hazardous materials, maintenance of hazardous facilities such as boilers, utilization of explosives, utilization of IIIb or IV lasers, work with high-voltage electricity, or access to controlled substances within the university.
- L. *Sponsoring*: The hosting of an official activity on behalf of the university or a unit of the university. Events held by university affiliated foundations shall be considered a university-sponsored event for purposes of obtaining the vice president’s/chancellor’s permission to serve, possess, or consume alcohol.

- M. *Under the influence/impairment.* Defined without limitation as being impaired or intoxicated by alcohol or controlled substances, smelling of alcohol or controlled substances, or appearing disheveled or unkempt, slurring one's speech, being argumentative, or being incapable of performing the job satisfactorily, and when such conduct is reasonably related to an employee's use of alcohol or controlled substances.
- N. *While at Work:* All times when an individual is on Rutgers property, on-call, supposed to be working, including paid breaks, operating Rutgers' vehicles, or on official Rutgers business either on- or off-site. This does not include events sponsored by Rutgers at which alcohol may be served.

III. Compliance with Federal Law and State Statutes

- A. The sale, provision, serving, possession, and consumption of alcoholic beverages on the Rutgers campuses are regulated by federal and state laws and by local ordinances. All members of the university community are obligated to obey these laws, regulations, and ordinances. The university does not have the authority to alter the laws or secure exemption from them. Members of the university are individually responsible for determining how applicable laws, regulations, and ordinances apply to them, and for obeying them.
- B. As an institution of higher education and an employer, Rutgers is obligated to abide by and enforce provisions in the *Drug Free Workplace Act of 1988*, *Drug Free School and Campus Act*, and State of New Jersey Statutes.
- C. University police officers, in the performance of their duties as assigned, are exempt from relevant provisions of this policy in specific situations and are regulated by state law and departmental policy.

IV. Expectations for Employees

- A. Legal Restrictions
 - 1. No member of the university community may possess, manufacture, distribute, or use drugs, narcotics, or controlled substances and/or paraphernalia containing evidence of such substances on university property except as expressly permitted by law. *New Jersey Controlled Dangerous Substance Act*, New Jersey Statutes Annotated (N.J.S.A.) 24:21-1 et seq.; New Jersey Statutes Annotated (N.J.S.A.) 2C:36, generally; *Federal Controlled Substances Act*.
 - 2. A person who is a minor may not acquire, possess, or consume alcoholic beverages on any university property or university sponsored event. New Jersey Statutes Annotated (N.J.S.A.) 2C:33-15.
 - 3. A person who is of legal drinking age (21 years of age or older) may not give any alcoholic beverage to a minor, assist or allow a minor to acquire or consume any alcoholic beverage, except a parent or guardian of the minor, if the alcoholic beverage is consumed for religious observance, ceremony, or rite. New Jersey Statutes Annotated (N.J.S.A.) 2C:33-17; N.J.S.A. 33:1-81.
 - 4. No member of the university community may sell alcoholic beverages to any person of any age without a license or special permit issued by the New Jersey Alcoholic Beverage Control Commission. New Jersey Statutes Annotated (N.J.S.A.) 33:1-2 and Title 33 of the New Jersey Statutes, generally.
 - 5. No person, regardless of age, may possess an open container of an alcoholic beverage in any motor vehicle. New Jersey Statutes Annotated (N.J.S.A.) 39:4-51a.

B. On the job

While at work, an employee may not consume alcohol or controlled substances, except where allowed in subsections (1) and (2) below.

1. *Alcohol*: Limited consumption of alcohol at university-sponsored events held during the workday or during a traditional meal break in the employee's workday and off university property is not prohibited by this policy with the exception of safety sensitive functions as described below. While consumption of alcohol as set forth above is not prohibited, any employee who exhibits behavior consistent with having consumed alcohol that renders him or her unfit to perform the functions of his or her position may be subject to removal from the worksite and discipline up to and including termination. For student employees, this may also include appropriate action pursuant to the *Code of Student Conduct*. Employees are expected to present themselves in a manner fit to perform the functions of their job.
2. *Controlled Substances*: Consumption of a controlled substance that has a currently accepted medical use, is at the direction of a health care provider, is prescribed for the employee, and is being consumed during or prior to the work day consistent with the manner in which it was prescribed, is not prohibited with the exception of safety sensitive functions as described below. However, employees are expected to present themselves in a manner fit to perform the functions of their job. Additionally, during the work day, any use of a controlled substance inconsistent with the criteria set forth above is strictly prohibited. Any employee who is found to have violated this section of the policy will be dealt with as appropriate. This may include removal from the worksite and/or discipline up to and including termination. For student employees, this may also include appropriate action pursuant to the *Code of Student Conduct*.
3. *Safety Sensitive Functions*: Notwithstanding subparagraphs (1) and (2) above, consumption of alcohol either at university-sponsored events or during a traditional meal break is prohibited for individuals whose positions include one or more safety-sensitive components as described in subsection II.K above. Additionally, consumption of a controlled substance may not be permitted, even when consumption is consistent with the criteria of subparagraph (2) above. Individuals who have taken a controlled substance, or who must take a controlled substance during the course of the work day, must report this information to their supervisor. Any employee who exhibits the effects of having consumed alcohol or a controlled substance, whether before or during the work day, will be dealt with as appropriate; this may include removal from the worksite and/or discipline up to and including termination. For student employees, this may also include appropriate action pursuant to the *Code of Student Conduct*.

- C. Drug testing: Employees who must have a Commercial Drivers License (CDL) to perform their job duties are required to undergo drug and/or alcohol testing upon hire as a commercial driver, when randomly chosen, for due cause or reasonable suspicion, following certain motor vehicle accidents, or as ordered by the Substance Abuse Professional (SAP) hired by Rutgers or by Occupational Health clinicians as defined by federal law and by Rutgers policy.

V. Responsibilities of Supervisors

- A. Supervisors are expected to communicate to employees that there are support services available to employees who may need medical and/or therapeutic treatment for the abuse of alcohol or other drugs. If an employee serves in a safety sensitive function, then the supervisor must clearly state that the employee cannot be under the influence of alcohol and/or other drugs while performing his or her job duties.

B. If a supervisor is suspicious that there is an alcohol or other drug problem with an employee and that the problem is affecting work performance, it is a supervisor's responsibility to address the situation. When a supervisor suspects that an employee is under the influence of or impaired by a controlled substance the supervisor will, if possible, notify the Office of Labor Relations. Early recognition of a problem and a prompt response by a supervisor are preferred. Possible behavioral indicators of alcohol or drug related problems may include, but are not limited to, those shown below:

- Drowsiness or sleepiness
- Alcohol or drug odors on the breath
- Slurred or incoherent speech
- Confusion
- Unusually aggressive behavior
- Unexplained mood changes
- Lack of manual dexterity
- Lack of coordination (e.g., staggering, inability to walk)
- Unexplained work related accidents or injuries
- Excessive sloppiness
- Leaving work areas for extended periods or for unexplained reasons
- Patterns of absenteeism or tardiness
- Corroborating evidence

It should be noted that some of these symptoms may be indicative of a serious medical condition. If the supervisor believes that the employee requires urgent medical attention, the supervisor should call the appropriate campus Rutgers Police Department.

C. A supervisor who reasonably believes that an employee is exhibiting behavior that may be in violation of expectations as indicated in subsection IV.B above, or that an employee may be unfit to perform the duties of his or her position, should contact the appropriate campus Occupational Health Department to request a fitness-for-duty evaluation. After a discussion with Occupational Health, the employee should be escorted or otherwise safely transported to the Occupational Health Department (or other medical facility as directed by Occupational Health) If the Occupational Health Department is closed, and the supervisor believes the employee needs urgent medical care, the supervisor may call the appropriate campus Rutgers Police Department.

If the Occupational Health Department determines that an employee is unfit to perform the duties of his or her position following an evaluation, the employee may be subject to removal from the worksite and/or discipline up to and including termination. Supervisors are encouraged to contact the Office of Labor Relations, the Chancellor's Office-Camden, or Human Resources-Newark, for consultation prior to taking administrative action. If an employee is covered by a collective negotiations agreement, said employee shall, upon request, be afforded the opportunity to have a union representative present during questioning by a supervisor or manager, or during initial intake discussions with staff of the Occupational Health Department.

D. If an employee reasonably believes that his or her supervisor is engaging in behavior that suggests the influence of alcohol or other drugs because the supervisor is demonstrating behavior as described in subsection V.B. above, the employee should report the behavior.

1. The employee's first point of contact would be the following:

- Camden : Chancellor's Office
- Newark: Human Resources or dean's office, as appropriate
- Rutgers Biomedical and Health Sciences -Newark Human Resources
- New Brunswick: Office of Labor Relations or the Office of Academic Affairs, as appropriate.

2. If the employee is uncomfortable with contacting one of the offices indicated above, he or she may report the issue through the Ethics Point hotline, which is a confidential reporting service.
- E. A supervisor who reasonably believes that a student employee is exhibiting behavior that may be in violation of responsibilities should contact the Occupational Health Department/campus Health Services to request a fitness-for-duty evaluation-as indicated in subsection IV.B above. A student employee should then be escorted or otherwise safely transported to the Occupational Health Department/campus Health Services for the evaluation. If the Occupational Health Department/campus Health Services is closed, and the supervisor believes the employee needs urgent medical care, the supervisor may call the appropriate campus Rutgers Police Department.
1. If the Occupational Health Department/campus Health Services determines that the student employee has violated paragraph IV.B above or is unfit to perform the duties of his or her position following an evaluation, the student employee may be subject to removal from the worksite and/or discipline up to and including termination.
 2. The supervisor may also refer the student employee to the student counseling center for additional help.
 3. The supervisor determines if discipline is necessary per departmental expectations for student employees. The supervisor may also choose to file an official complaint through the *Code of Student Conduct*.

VI. Alcohol at Campus Events

- A. The use of alcoholic beverages at social functions on the Rutgers campuses is restricted to those functions open to members of sponsoring departments/organizations and their invited guests where service of alcohol is restricted to those of legal drinking age as defined by pertinent New Jersey Statutes. Such functions must be restricted to areas designated by the deans, chancellors, or vice presidents. In all cases, state laws governing the dispensing of alcoholic beverages must be observed.
- B. Per university policy 40.2.9, *State Accounts*, and *Circular, State of New Jersey, Department of the Treasury, Office of Management and Budget, No.: 06-14-OMB*, departmentally allocated state funds may not be used for the purpose of purchasing alcoholic beverages.
- C. As a further guide to responsible use of alcohol, sponsoring departments are urged to observe the following practices when alcoholic beverages are served:
1. Provide an equal quantity of nonalcoholic beverages at the same place in an equally attractive variety.
 2. Provide food in sufficient quantity for the number of persons present.
 3. Discontinue the sale or service of alcohol for a reasonable period of time prior to the anticipated end of the event.
 4. Note the availability of nonalcoholic beverages and food in any advertisement.
 5. Provide for oversight by persons who have a demonstrable awareness of these regulations and the techniques to reduce risk and/or those who are so trained through the university.

6. Designate at least one person to be responsible for ensuring adherence to these guidelines in any group where alcoholic beverages are served.
 7. Have an adequate mechanism in place to properly identify of-age drinkers (i.e., verification of picture identification).
- D. In instances where an employee serves alcohol in his or her capacity as an employee of Rutgers in a facility or an area not under the jurisdiction of the university, the employee providing alcohol should be cognizant of those participating in the event who may not choose to use alcohol. When evaluating the location of such events, the employee coordinating the event should consider the personal needs of the individuals participating and whether they may be in recovery. In planning such events, the employee should follow the guidelines stated above.

VII. Resources

The following are resources available to employees and supervisors. Employees are encouraged to seek assistance through the Faculty and Staff Assistance Program if they believe they may have an alcohol or other drug abuse problem.

Drug Free Workplace Act of 1988
<http://www.dol.gov./elaws/asp/drugfree/screen4.htm>

Faculty & Staff Assistance Program
848-932-3020, ext. 28642
<http://uhr.rutgers.edu/fas/EmployeeCounseling.htm>

Occupational Health Department
848-932-8254
<http://occhealth.rutgers.edu/>

Camden Health Services
856-225-6005
<http://healthservices.camden.rutgers.edu/>

Newark Health Services
973-353-5231
<http://health.newark.rutgers.edu/>

Dining Services (Alcohol at Events)
<http://food.rutgers.edu/policies-and-procedures/liquor-policy-pp>

Rutgers Biomedical and Health Sciences -Newark Human Resources
973-972- 6741