

## **21.5 Safety Footwear**

The Employer will determine the employees that are required to wear safety footwear as essential Personal Protective Equipment (PPE). Those Employer-designated employees within the following classifications will receive a biennial allowance up to \$200 per designated employee. The process for purchasing safety footwear will follow the Employer's policy or practice.

- Buildings and Grounds Supervisors
- Control Tech
- Cooks
- Custodians
- Electricians and Electrician Leads
- Facility Operations Maintenance Specialist
- Food Service Workers, Worker Leads, Supervisors and Managers
- Grounds & Nursery Services Specialists
- HVAC Techs
- Maintenance Custodians, Specialists and Mechanics
- Painters and Painter Leads
- Security Guards; Campus Security Officers, Sergeants and Safety Supervisors
- Warehouse Workers and Equipment Operators
- Utility Workers

## **ARTICLE 22**

### **DRUG AND ALCOHOL-FREE WORKPLACE**

**22.1** All employees must report to work in a condition fit to perform their assigned duties unimpaired by alcohol or drugs. Each institution is required to comply with the Drug-Free Schools and Communities Act (DFSCA) and the Drug-Free Schools and Campuses Regulations in order to be eligible for federal funding.

#### **22.2 Possession of Alcohol and Illegal Drugs**

Employees may not use or possess alcohol and/or marijuana while on duty, except when authorized by Employer policy. The possession or use of illegal drugs or marijuana is strictly prohibited. Marijuana is still an illegal controlled substance under federal law.

#### **22.3 Prescription and Over-the-Counter Medications**

Employees taking physician-prescribed or over-the-counter medications, if there is a substantial likelihood that such medication will affect job safety, must notify their supervisor or other designated official of the fact that they are taking a medication and the side effects of the medication.

#### **22.4 Drug and Alcohol Testing – Safety-Sensitive Functions**

A. Employees required to have a Commercial Driver's License (CDL) are subject to pre-employment, post-accident, random and reasonable suspicion testing in accordance with the U.S. Department of Transportation rules, Coast Guard Regulations (46 CFR Part 16) or the Federal Omnibus Transportation Employee

Testing Act of 1991. The testing will be conducted in accordance with current Employer policy.

- B. In addition, employees who perform other safety-sensitive functions are subject to pre-employment, post-accident, post-firearm shooting incidents and reasonable suspicion testing. The testing will be conducted in accordance with Employer policy. For the purposes of this Article, employees who perform other safety-sensitive functions are those positions where an employee is issued a firearm and those licensed health care professionals who administer or dispense medications as a part of their job duties.

## **22.5 Reasonable Suspicion Testing – All Employees Performing Safety Sensitive Functions**

- A. Reasonable suspicion testing for alcohol or controlled substances may be directed by the Employer for any employee performing safety sensitive functions when there is reason to suspect that alcohol or controlled substance use may be adversely affecting the employee’s job performance or that the employee may present a danger to the physical safety of the employee or another.
- B. Specific objective grounds must be stated in writing that support the reasonable suspicion. Examples of specific objective grounds include but are not limited to:
  - 1. Physical symptoms consistent with controlled substance and/or alcohol use;
  - 2. Evidence or observation of controlled substance or alcohol use, possession, sale, or delivery; or
  - 3. The occurrence of an accident(s) where a trained manager, supervisor or lead worker suspects controlled substance/alcohol use may have been a factor.
- C. Referral  
Referral for testing will be made on the basis of specific objective grounds documented by a supervisor or manager who has attended the training on detecting the signs/symptoms of being affected by controlled substances/alcohol and verified by another trained supervisor or manager.

## **22.6 Post-Accident Testing – All Employees**

Post-accident drug and alcohol testing may be conducted by the Employer for any employee when a work-related incident has occurred involving death, serious bodily injury or significant property/environmental damage, or the potential for death, serious bodily injury, or significant property/environmental damage, and when the employee’s action(s) or inaction(s) either contributed to the incident or cannot be completely discounted as a contributing factor. Referral for post-accident testing will be made in accordance with Subsection 22.5 C, above.

## **22.7 Testing**

Employees must submit to alcohol and/or controlled substance testing when required by the Employer, in accordance with Sections 22.4, 22.5 and 22.6, above. A refusal to test is considered the same as a positive test. When an employee is referred for testing, they will be removed immediately from duty and transported to the collection site. The cost of testing, including the employee's salary, will be paid by the Employer.

Testing will be conducted in such a way to ensure maximum accuracy and reliability by using the techniques, chain of custody procedures, equipment and laboratory facilities, which have been approved by the U.S. Department of Health and Human Services. An employee notified of a positive controlled substance or alcohol test result may request an independent test of their split sample at the employee's expense. If the test result is negative, the Employer will reimburse the employee for the cost of the split sample test.

An employee who has a positive alcohol test and/or a positive controlled substance test may be subject to disciplinary action, up to and including dismissal, based on the incident that prompted the testing, including a violation of the drug and alcohol free work place rules.

## **22.8 Training**

Training will be made available to managers, supervisors and shop stewards. Attendance at training will be considered time worked. The training will include:

- A. The elements of the Employer's Drug and Alcohol-Free Workplace Program;
- B. The effects of drugs and alcohol in the workplace;
- C. Behavioral symptoms of being affected by controlled substances and/or alcohol; and
- D. Rehabilitation services available.

## **ARTICLE 23**

### **TRAVEL**

Employees required to travel in order to perform their duties will be reimbursed for any authorized travel expenses (e.g., mileage and/or per diem), in accordance with the regulations established by the Office of Financial Management and college/district policy.

## **ARTICLE 24**

### **TELEWORK, COMMUTE TRIP REDUCTION AND PARKING**

**24.1** The Employer will maintain a telework policy, process, and procedure to provide for telework opportunities.

**24.2** The Employer will continue to encourage but not require employees to use alternate means of transportation to commute to and from work consistent with the Commute Trip