



Policy Number: 1003 – Drug and Alcohol Free Workplace

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Approved By: Brandon Gatlin, Interim Chief of Police

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines for the Montana State University Billings Police Department (Department) regarding drugs and alcohol in the workplace.

1003.2 POLICY

It is the policy of this Department to provide a drug and alcohol free workplace for all members.

1003.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace, or on Department time, can endanger the health and safety of Department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof that would tend to adversely affect their mental or physical abilities, shall not report for duty. Affected members shall notify the on-duty supervisor, or duty officer, as soon as the member is aware that s/he will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, s/he shall be immediately relieved of duty and released from work (see Work Restrictions section 1003.6).

1003.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required, or has a need to take any such medication, shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

Possession of medical marijuana, or being under the influence of marijuana on or off duty, is prohibited and may lead to disciplinary action (§ 39-2-313, MCA; § 50-46-320, MCA).

1003.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on Department premises or on Department time (41 USC §

8103). The lawful possession or use of prescribed medications, or over-the-counter remedies, is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow on duty member is impaired due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1003.5 EMPLOYEE ASSISTANCE PROGRAM

Insurance coverage that provides treatment for drug and alcohol abuse is available. Employees should contact the Human Resources Department and/or their insurance providers for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1003.6 WORK RESTRICTIONS

If a member informs a supervisor that s/he has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that s/he is safely transported away from the Department.

1003.7 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction, for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104; § 39-2-207, MCA).

1003.7.1 COMPLIANCE WITH THE MONTANA WORKFORCE DRUG AND ALCOHOL TESTING ACT

The Administration, or their designee should (§ 39-2-207, MCA):

1. Be familiar with the Montana Workforce Drug and Alcohol Testing Act (Testing Act) (§ 39-2-205, MCA, et seq.).
2. Develop appropriate education programs or other information about the health and workplace safety risks associated with drug and alcohol use.

3. Maintain a list of available employee assistance programs.
4. Develop and maintain written procedures related to drug and alcohol testing in compliance with the Testing Act that include, at a minimum (§ 39-2-207, MCA):
 - a. A description of legal sanctions related to the unlawful use of controlled substances.
 - b. A list of available programs and information about the risks of controlled substance and alcohol use.
 - c. Established policies related to controlled substance and alcohol use by employees and possible discipline.
 - d. A list of the types of drug and alcohol tests used.
 - e. A list of the controlled substances tested for and the prohibited alcohol concentration level.
 - f. A description of testing procedures, including dispute resolution procedures.
 - g. Confidentiality rules.
 - h. A description of follow-up testing procedures (§ 39-2-208, MCA).
5. Ensure that the written procedures are available for employees to review 60 days before they are implemented or changed.
6. Ensure that tested employees are provided with copies of test reports (§ 39-2-209, MCA).