

# DRUG FREE WORK PLACE

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## STANDARDS OF CONDUCT AND PURPOSE

In compliance with the Drug-Free Schools and Communities Act Amendments of 1989 and the Drug Free Workplace of 1988, MTSA prohibits the unlawful manufacture, possession, use, or distribution of illegal drugs, alcohol, and tobacco on the MTSA campus, any School owned vehicle, at any school sponsored activity or event, or on any campus of any affiliate site.

Alcohol and drug misuse poses a threat to the health and safety of MTSA employees and to the security of the School's equipment and facilities. For these reasons, MTSA is committed to the elimination of drug and alcohol use and misuse in the workplace.

## SCOPE

This policy applies to all employees and all applicants for employment of MTSA. The Office of Human Resources is responsible for policy administration.

## EMPLOYEE ASSISTANCE

MTSA will assist and support employees who voluntarily seek help for drug or alcohol addiction before becoming subject to discipline or termination under this or other MTSA policies. Such employees will be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. Employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or require driving, or if they have violated this policy previously. Once a drug test has been initiated under this policy, unless otherwise required by the Family and Medical Leave Act or the Americans with Disabilities Act, the employee will have forfeited the opportunity to be granted a leave of absence for treatment, and will face possible discipline, up to and including termination.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to the Office of Human Resources.

## WORK RULES

1. Whenever employees are working, are operating any MTSA vehicle, are present on MTSA premises or are conducting MTSA-related work offsite, they are prohibited from:

- Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).
  - Being under the influence of alcohol or an illegal drug as defined in this policy.
  - Possessing or consuming alcohol.
2. The presence of any detectable amount of any illegal drug, illegal controlled substance or alcohol in an employee's body system, while performing company business or while in a company facility, is prohibited.
  3. MTSA will also not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to perform their job duties safely and effectively. Employees taking a prescribed medication must carry it in a container labeled by a licensed pharmacist or be prepared to produce the container if asked.
  4. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

## REQUIRED TESTING

### REASONABLE SUSPICION

Employees are subject to testing based on, but not limited to, observations of apparent workplace use, possession or impairment by at least one member of administration and said supervisor. The Office of Human Resources should be consulted before sending an employee for testing. The reasonable suspicion observation checklist must be used to document specific observations and behaviors that create a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol.

Examples include:

- Odors (smell of alcohol, body odor or urine).
- Movements (unsteady, fidgety, dizzy).
- Eyes (dilated, constricted or watery eyes, or involuntary eye movements).
- Face (flushed, sweating, confused or blank look).
- Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).
- Emotions (argumentative, agitated, irritable, drowsy).
- Actions (yawning, twitching).
- Inactions (sleeping, unconscious, no reaction to questions).

When reasonable suspicion testing is warranted, both the supervisor and HR will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test within two hours. Refusal by an employee will be treated as a positive drug test result and will result in immediate termination of employment.

Under no circumstances will the employee be allowed to drive themselves to the testing facility. A member of administration or HR must transport the employee or arrange for a cab and arrange for the employee to be transported home.

## POST-ACCIDENT

Employees are subject to testing when they cause or contribute to accidents that seriously damage a MTSA vehicle, machinery, equipment or property or that result in an injury to themselves or another employee requiring offsite medical attention. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place within two hours following the accident, if not sooner. Refusal by an employee will be treated as a positive test result and will result in immediate termination of employment.

Under no circumstances will the employee be allowed to drive themselves to the testing facility. A member of administration or HR must transport the employee or arrange for a cab and arrange for the employee to be transported home.

## CONSEQUENCES

Applicants who refuse to cooperate in a drug test or who test positive will not be hired. Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, or dispense an illegal drug in violation of this policy will be terminated. The first time an employee tests positive for alcohol or illegal drug use under this policy, the employee will be subject discipline up to and including termination. Whether such employee is offered a last-chance basis to maintain their job is dependent on the circumstances and the employee's work history/record.

Employees will be paid for reasonable time spent in alcohol/ drug testing and then suspended pending the results of the drug/alcohol test. After the results of the test are received, a date/time will be scheduled to discuss the results of the test; this meeting will include a member of management and one from Human Resources. If the results prove to be negative, the employee will receive back pay for the work hours/days of suspension.

## CONFIDENTIALITY

Information and records relating to test results, drug and alcohol dependencies, and legitimate medical explanations will be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

## INSPECTIONS

MTSA reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, faculty, and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including termination.

All employees consent to and agree to inspections of themselves, their vehicles, lockers and personal property brought onto MTSA property that might conceal alcohol, drugs or other inappropriate material.

# CRIMES INVOLVING DRUGS

MTSA prohibits all employees from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on MTSA premises or while conducting School business. MTSA employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel may be notified, as appropriate, when criminal activity is suspected.

MTSA does not desire to intrude into the private lives of its employees but recognizes that employees' off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, MTSA reserves the right to take appropriate disciplinary action for drug use, sale or distribution while off MTSA premises. All employees who are convicted of, plead guilty to or are sentenced for a crime involving an illegal drug are required to report the conviction, plea or sentence to the Office of Human Resources within four business days. Failure to comply will result in automatic termination. Cooperation in complying may result in suspension without pay to allow Executive Administration to review the nature of the charges and the employee's past record with the organization.

## MTSA SANCTIONS

MTSA takes the problem of drug and alcohol abuse and the issue of health and welfare of its constituents seriously and is committed to providing a substance free workplace. Employees violating this policy including drinking alcoholic beverages or using drugs while working or reporting to work under the influence will be subject to disciplinary action up to and including termination. MTSA will impose appropriate sanction(s), consistent with local, state and federal law, on any employee who fails to comply with the terms of this policy. If criminal activity is involved, MTSA may notify local authorities for investigation and potential prosecution.

Taking legally prescribed medications or over-the-counter medications are permitted to the extent that use of such medications does not adversely affect your job performance or safety, or the safety of others. If you are using prescription or over-the-counter medications that may impair your ability to perform your job safely, you must report such use to your supervisor or HR representative before starting or resuming work. If you discover that such medication impairs or adversely impacts your ability to work, immediately stop working and report your condition to your supervisor. Working while affected by prescription or over-the counter medication is dangerous. Consult with your physician if you are impaired or affected by prescription or over-the-counter medications.

Affiliate Clinical Coordinators and preceptors/instructors administer controlled drugs daily and must meet institutional standards in record keeping, administration, and disposing of unused portions of controlled drugs. If circumstantial or other evidence renders any clinical staff a suspect of drug abuse, it will be reported to their employer. Any suspected violation of this policy may result in a request for the immediate removal from appointment as a clinical coordinator, preceptor, or instructor.

## RESOURCES

MTSA does not provide on-campus drug/alcohol counseling, treatment, or rehabilitation programs for employees. Upon request or in appropriate situations, the Office of Human Resources may refer the employee to a counselor, center, or program for assistance with such needs.

# LOCAL RESOURCES FOR HELP

Nashville Poison Control	615-936-2034	<a href="https://www.vumc.org/poisoncenter/">https://www.vumc.org/poisoncenter/</a>
AANA Peer Assistance Resource	800-654-5167	<a href="http://peerassistance.aana.com/directory.asp">http://peerassistance.aana.com/directory.asp</a>
TANA Peer Assistance Resource	800-654-5167	<a href="https://www.tncrna.com/peer-assistance/">https://www.tncrna.com/peer-assistance/</a>
Alcoholics Anonymous	615-831-1050	<a href="http://www.aanashville.org/">http://www.aanashville.org/</a>
Narcotics Anonymous	888-476-2482	<a href="https://nanashville.org/">https://nanashville.org/</a>
Cumberland Heights Treatment Ctr	615-356-2700	<a href="https://www.cumberlandheights.org/">https://www.cumberlandheights.org/</a>
TN Professional Assistant Program	615-726-4001	<a href="http://www.tnparp.org/">http://www.tnparp.org/</a>
JourneyPure Treatment Center	888-633-9588	<a href="https://journeypure.com">https://journeypure.com</a>
Celebrate Recovery	615-604-2210	<a href="https://www.celebraterrecovery.com/">https://www.celebraterrecovery.com/</a>
Foundations Nashville	615-994-7872	<a href="https://www.foundationsrecoverynetwork.com">https://www.foundationsrecoverynetwork.com</a>
TN Crisis Svs & Suicide Prevention	855-274-7471	<a href="https://www.tn.gov/behavioral-health/need-help.html">https://www.tn.gov/behavioral-health/need-help.html</a>

It is MTSA's policy to assist employees who suffer from drug or alcohol abuse who voluntarily seek treatment or rehabilitation. You may be eligible for payment for treatment in accordance with our group health insurance plan or a medical leave of absence. We encourage any employee to contact your manager for more information. MTSA will make every reasonable effort to ensure that any disclosures you make to MTSA concerning your participation in any drug or alcohol counseling program remain confidential. We are not obligated, however, to continue to employ a person whose job performance is impaired because of drug or alcohol use, nor are we obligated to re-employ simply because they have participated in treatment or rehabilitation if that person's job performance was below standard.

## HEALTH RISKS

As a part of the Drug Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989, MTSA is required to inform all students, staff and faculty of the health risks associated with the use of illicit drugs and the abuse of alcohol. MTSA recognizes that Substance Use Disorder of any sort is a major health problem.

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

You can find more information on Substance Abuse and Health Risks in the Department of Justice's, *Drugs of Abuse* resource guide here [https://www.dea.gov/sites/default/files/drug\\_of\\_abuse.pdf](https://www.dea.gov/sites/default/files/drug_of_abuse.pdf).

## DRUG LAWS

A full list of controlled substances as defined by Tennessee state law can be found here:

[http://www.lcle.la.gov/sentencing\\_commission/Resources/1%20C.%20TN%20drug%20laws.pdf](http://www.lcle.la.gov/sentencing_commission/Resources/1%20C.%20TN%20drug%20laws.pdf)

<https://statelaws.findlaw.com/tennessee-law/tennessee-drug-laws.html>

<https://discoveryplace.info/legal/drug-laws-tennessee/>

The Federal DEA guidebook of Drugs of Abuse can be found on the DEA website. For more information:

[https://www.dea.gov/sites/default/files/drug\\_of\\_abuse.pdf#page=30](https://www.dea.gov/sites/default/files/drug_of_abuse.pdf#page=30)

## FEDERAL TRAFFICKING PENALTIES

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500-4999 grams mixture		5 kgs or more mixture	
Cocaine Base (Schedule II)	28-279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40-399 grams mixture		400 grams or more mixture	<b>First Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.
Fentanyl Analogue (Schedule 1)	10-99 grams mixture	<b>First Offense:</b> Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.	100 grams or more mixture	<b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Heroin (Schedule 1)	100-999 grams mixture	<b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	1 kg or more mixture	<b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual. \$75 million if not an individual.
LSD (Schedule 1)	1-9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5-49 grams pure or 50-499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10-99 grams pure or		100 gm or more pure	

	100-999 grams mixture		or 1 kg or more mixture
<b>PENALTIES</b>			
Other Schedule 1 & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<b>First Offense:</b> Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual. <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.	
Flunitrazepam (Schedule IV)	1 gram		
Other Schedule III drugs	Any amount	<b>First Offense:</b> Not more than 10 years. If death or serious injury, not more that 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.	
All other Schedule IV drugs	Any amount	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.	
Flunitrazepam (Schedule IV)	Other than 1 gram or more	<b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.	
All Schedule V drugs	Any amount	<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. <b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.	

## LEGAL SANCTIONS UNDER STATE AND FEDERAL LAW

The following is a summary of Tennessee and federal sanctions for the unlawful use of illicit drugs and alcohol. While the summary is a good faith effort to provide information, MTSA does not guarantee that it is an error-free or exhaustive accounting

Under federal law, a civil penalty of up to \$100,000 and imprisonment of up to one year may be imposed for simple possession of certain specified controlled substances. Possession of crack cocaine may lead to civil penalties of up to \$250,000 and imprisonment of up to twenty years. Also, possession of a controlled substance can result in the denial of federal benefits, such as student loans, grants, contracts and professional and commercial licenses, and the forfeiture of personal property and real estate used to transport, conceal or facilitate such possession. In addition, possession of a controlled substance can lead to ineligibility to receive or purchase a firearm.

Under federal law, it is unlawful to manufacture, distribute, dispense, deliver, sell or possess with intent to manufacture, distribute, dispense, deliver or sell controlled substances. The penalty imposed depends upon many factors that include the type and amount of controlled substance involved; the number or prior offenses, if any; whether death or serious bodily harm resulted from the use of such substance; and whether any other crimes were committed in connection with the use of the controlled substance. Even a first-time violation can result in life imprisonment; a fine of up to \$4,000,000 per individual; supervised release; or any combination of these penalties. These sanctions are doubled when the offense involves either: (1) distribution or possession at or near a school or university campus, or (2) distribution to persons under 21 years of age. Repeat offenders may face greater penalties.

Under Tennessee law, it is unlawful for any person under the age of 21 to buy, possess, transport (unless in the course of their employment) or consume alcoholic beverages, including wine or beer. It is unlawful for any adult to buy

alcoholic beverages for or furnish them for any purpose to anyone under 21 years of age. These offenses are classified Class A Misdemeanors punishable by imprisonment for not more than eleven months and twenty-nine days or a fine of not more than \$2,500 or both. The offense of public intoxication is a Class A Misdemeanor punishable by imprisonment of not more than thirty days or a fine of not more than \$50 or both.

Under Tennessee law, the offense of possession or casual exchange of a controlled substance (such as marijuana) is punishable as a Class A Misdemeanor (eleven months, twenty-nine days and/or a fine of \$2,500). For the third and subsequent offense of possession of ½ oz. or less of marijuana, punishment is one to six years of imprisonment and a \$3,000 fine. If there is an exchange from a person over 21 years of age to a person under 21 and the older person is at least two years older than the younger and the older person knows that the younger person is under 21, then the offense is classified as a felony. Possession of more than ½ oz. of marijuana under circumstances where intent to resell may be implicit is punishable by one to six years of imprisonment and a \$5,000 fine for the first offense. Maximum Tennessee penalties for possession, manufacture or distribution of substantial quantities of a controlled substance range from fifteen to sixty years of imprisonment and up to a \$500,000 fine. The State of Tennessee may, under certain circumstances, impound a vehicle used to transport or conceal controlled substances.

## DRUG-FREE WORKPLACE ACT OF 1988

In compliance with the Drug Free Schools and Communities Act regulations, MTSA will notify employees of its Drug and Alcohol policy and drug awareness program on an annual basis. MTSA also will perform a biennial review of its program and retain the records of that review in accordance with the Department of Education's requirements.