



Personnel

Board of Trustees Policy

SUBJECT: Alcohol-Free & Drug Free Workplace Policy	NUMBER: 2.18
	DATE: May 13, 2024
	SUPERSEDES: Policy 2.18 – Alcohol-Free and Drug-Free Environment Policy, dated April 9, 1990, pursuant to Resolution #90-36

The Board of Trustees of SUNY Schenectady County Community College (“SUNY Schenectady” or the “College”) adopts this Alcohol-Free and Drug-Free Workplace Policy pursuant to the Federal Drug-Free Schools and Communities Act of 1989, and SUNY Policy 3400 – Drug-Free Schools and Communities Act/Drug-Free Work Place Act Compliance.

I. Standards of Conduct:

SUNY Schenectady prohibits the unlawful possession, use or distribution of illicit drugs and the abuse of alcohol by employees on College property or while taking part in the College’s activities. Employees are prohibited from coming to or being at work impaired by drugs or alcohol.

II. Applicable Legal Sanctions:

A. *New York State Laws:*

1. Penal Law: New York State Penal Law Article 220 provides information on the penalties associated with possession of controlled substances (including opiates, opium derivatives, hallucinogenic substances, depressants, stimulants, synthetic cannabinoids, and cannabimimetic agents), as well as presumption of possession and possession of precursors of controlled substances and manufacturing materials. Penalties range from sentences of one year (for Class B and E felonies) to 8 to 20 years (for Class A-1 felonies), and fines from

\$15,000 to \$30,000 (for Class B and C felonies) to \$100,000 (for Class A-1 felonies). See <https://codes.findlaw.com/ny/penal-law/pen-sect-220-00/>.

2. Alcoholic Beverage Control Law: New York prohibits selling or giving any alcoholic beverage to a minor (anyone under 21) or to a person already intoxicated. A fine of up to \$200, five days in jail, or both can punish a violation of this law. Any minor using false identification to purchase alcohol faces a maximum fine of \$100; or up to 30 hours of community service; or participation in an alcohol awareness program. If the I.D. used is a New York state driver's license, the minor faces a 90-day suspension.

See <https://codes.findlaw.com/ny/alcoholic-beverage-control-law/abc-sect-65-c/>.

3. Vehicle and Traffic Law: It is a misdemeanor punishable by a fine of at least \$350 and/or imprisonment for up to one year, plus suspension and/or revocation of your driver's license, to operate a motor vehicle with a blood alcohol content of 0.08%. Multiple convictions result in more serious penalties. See <https://dmv.ny.gov/tickets/penalties-alcohol-or-drug-related-violations>.

B. Federal Law: Federal law prohibits the distribution, manufacturing, and possession of controlled substances. Federal Trafficking Penalties vary in degree and length based on the quantity and number of offenses. The applicable penalties are available at: https://www.campusdrugprevention.gov/sites/default/files/2022-07/Federal_Trafficking_Penalties_Chart_6-23-22.pdf. Further information regarding federal law may be found on the United States Drug Enforcement Administration's website at: <https://www.dea.gov/drug-information/drug-policy>.

C. City of Schenectady Open Container Law: The City of Schenectady has an ordinance prohibiting the consumption of or possession of an open container with the intent to consume an alcoholic beverage in any public place or in any vehicle. Violation of this law is punishable by a fine of up to \$250 or imprisonment up to 15 days. Second offenses warrant a fine of up to \$500 and up to 30 days of imprisonment.

III. Health Risks:

There are significant psychological and physiological health risks associated with the use of illicit drugs and alcohol. Physical addiction, loss of control and withdrawal syndrome as well as serious damage to vital organs of the body can result from drug and alcohol abuse. Abuse of drugs and alcohol takes a toll on the individual, their family and the community.

Additional information regarding the health risks associated with alcohol is available on the National Institute on Alcohol Abuse and Alcoholism website at: <https://www.niaaa.nih.gov/alcohols-effects-health/alcohols-effects-body>, the World Health Organization website at: <https://www.who.int/news-room/fact->

[sheets/detail/alcohol](#), and the centers for Disease Control and Prevention website at: <https://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>.

Additional information regarding the health risks associated with drug use is available at the National Institute of Drug Abuse website at: <https://nida.nih.gov/research-topics/addiction-science/drugs-brain-behavior-science-of-addiction>, and the Substance Abuse and Mental Health Services Administration website at: <https://www.samhsa.gov/adult-drug-use>.

IV. Programs Available:

Employees may be referred to the SUNY Schenectady Employee Assistance Program (EAP). The EAP is a joint labor management committee program available to all State employees and their families. It is confidential and free of cost. The program is an information, assessment and referral program providing requested services for employees. The program may assess for referral to the appropriate community resource providers for services related to emotional or physical illnesses, alcohol and other drug-related problems. If an employee is interested in seeking a referral to the EAP, they should contact Human Resources.

V. Enforcement of Policy & Sanctions:

There is an expectation that employees will report any known or suspected violation of this policy to Human Resources for further handling. Supervisory employees who have such suspicions, but fail to report such known or suspected violations may be subject to disciplinary action, up to and including termination of employment.

Upon receipt of a report that an employee may have violated this Policy, Human Resources will investigate and request any necessary documentation to help determine the level of impairment. This will ordinarily include receiving two written statements providing information regarding the employee's potential impairment, including the specific behaviors being exhibited by the employee. Human Resources will then inform the College's legal counsel of the alleged violation. Based on the investigation, if Human Resources and legal counsel believe there is a reasonable suspicion that the employee is impaired by drugs or alcohol, Human Resources will call law enforcement and the employee will be subject to applicable drug and alcohol testing.

Employees in violation of this Policy will be subject to disciplinary procedures consistent with applicable criminal and civil laws, rules, regulations, policies and collective bargaining agreements, up to and including termination of employment and/or referral for prosecution. The College may also require satisfactory participation in an approved drug or alcohol rehabilitation program.