

**NEW COLLEGE OF FLORIDA  
REGULATIONS MANUAL**

**CHAPTER 3 - Administrative Affairs**

**3-4021 Drug- and Alcohol-Free Workplace**

NCF is a drug-free workplace in accordance with Chapter 112.0455, Florida Statutes. The unlawful manufacture, distribution, possession or use of alcohol or a controlled substance is prohibited on New College of Florida property or in connection with any of its activities. No employee is to report to work while under the influence of illegal drugs or alcohol. Any New College of Florida employee determined to have violated this policy shall be engaged in misconduct as defined in NCF Regulation 3-4007 Misconduct, and will be subject to disciplinary procedures and actions under NCF Regulation 3-4010 Discipline. Possible action may include, but not limited to, probation, counseling, psychiatric treatment, drug or alcohol evaluation/treatment, suspension, and termination.

Under provisions of Chapter 775.16, Florida Statutes, a person who has been convicted in Florida during or since October 1990 of a drug-related felony is disqualified from obtaining employment at New College of Florida unless he/she provides proof of completion of all sentences of imprisonment or supervisor/probation sanctions imposed by the court, by the Parole Commission or by law. This law applies to all applicants including faculty, A&P, USPS, and OPS employees.

(1) Notification Requirement and Procedures Upon Conviction of Violation of Criminal Drug Statute

- (a) In accordance with 41 U.S.C. 8103 and 41 U.S.C. 81, and New College of Florida Regulations, a College employee engaged in the performance of work under a grant or contract from a federal agency must notify the College of his/her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) days after such conviction, and the College must notify the Federal agency of such conviction within 10 days after receiving such notice from an employee or otherwise receiving actual notice of such conviction. The purpose of this policy is to provide clear guidelines for the submission of these required notifications.
- (b) Procedures for Reporting Workplace Drug Convictions. Within five (5) calendar days following the conviction, the employee shall report in writing a drug conviction to his/her department chair or other immediate supervisor. The appropriate supervisory official, as determined above, will promptly send copies of the employee's written notification to his/her area Vice President, and to the President.
- (c) Procedures for Notifying Federal Contracting Agency. The President is the administrative official responsible for notification of Federal contracting or granting agencies. The President, or his designee, shall notify, in writing, the appropriate Federal contracting agency within ten (10) calendar days of having received notice that an employee engaged in the performance of such contract or grant has had a criminal drug statute conviction for a violation occurring in the workplace. The written notification shall include the employee's name, position title, and the identification number(s) of such affected grant.

**NEW COLLEGE OF FLORIDA  
REGULATIONS MANUAL**

**CHAPTER 3 - Administrative Affairs**

- (d) Unless the Federal agency has designated a central point for the receipt of such notices, the President, or his designee, shall provide written notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working.

(2) Alcohol and Drug Testing of Employees Requiring Commercial Drivers' License

- (a) The purpose of this policy is to comply with the Federal Omnibus Transportation Employee Testing Act of 1991 which mandates testing for alcohol and controlled substances of all employees in and applicants for positions requiring a commercial drivers' license as a condition of employment. The policy applies to all applicants for employment and all New College of Florida employees (hereafter referred to as employees), including faculty, staff, OPS, and graduate assistants applying for or holding positions requiring a commercial drivers license as a condition of employment.
- (b) **Statement of Policy.** The Omnibus Transportation Employee Testing Act of 1991 mandates testing for alcohol and controlled substances of all employees in and applicants for positions requiring a commercial drivers' license as a condition of employment. Testing is conducted under the following circumstances: pre-employment (controlled substances only) random, reasonable suspicion, post-accident, and return-to-work. Testing is conducted at approved sites and in accordance with Federal law. The employee/applicant's department is responsible for the costs associated with the alcohol and/or controlled substances testing and the medical review officer, including any follow- up/return-to-work tests.
- (c) An employee whose test confirms prohibited alcohol concentration levels (.02 or greater) or the presence of a controlled substance will be terminated from employment. Applicants for employment with like test results will be denied employment. An employee is required to comply with all testing requirements; refusal to take a test is considered to be a positive test and will result in termination. The College will make available to applicants and provide to employees educational materials that explain the requirements and procedures of the College policy. Employees shall sign a statement acknowledging receipt of the policy, procedures, and specific program information. A copy of the signed and dated receipt will be placed in the employee's official personnel file.
- (d) The President or his or her designee will maintain all records relating to the alcohol and controlled substances testing programs according to Federal requirements.

*Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. 112.0455; Fla. Board of Governors Regulation 1.001*

*History: Adopted 04-27-02, as Policy 0-603; Revised and renumbered 06-29-10; Revised 05-31-14, 03-11-17 (technical amendment)*