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UNITED ACADEMICS PROPOSAL

ARTICLE 43 DRUG AND ALCOHOL TESTING

Section 1. The University Administration may conduct drug or alcohol testing of a bargaining unit member when the University has an reasonable suspicion articulable basis for believing that a bargaining unit member is or has been recently under the influence of alcohol or a controlled substance while performing job duties or responsibilities to a degree that it has an effect on performance of job duties. ~~A reasonable suspicion means a reasonable, articulable basis to believe that a bargaining unit faculty member is affected by alcohol or a controlled substance to a noticeable degree. A reasonable suspicion may be based on observation of indicia such as smell on breath or clothing, impaired speech or movement, erratic or unusual behavior, or other observations that typically demonstrate impairment.~~ A Tests may include both the initial test and confirmation of a single specimen. The University Administration will pay for such testing. If a bargaining unit member wants additional tests conducted, the bargaining unit member will pay for the additional tests.

Section 2. When the University receives notice of a bargaining unit member's positive test, the University may take one or more of the following actions, where appropriate:

- a. Require the bargaining unit member to take accrued leave, or leave without pay if no accrued leave is available.
- b. Limit the bargaining unit member's access to all or certain University buildings or other property.
- c. Mandate that the employee work with the University's employee assistance program to receive confidential assessment, counseling and referral for assistance with their personal problems identified drug and/or alcohol problem.
- d. Take disciplinary action pursuant to Article 18 of this Agreement.

Section 3. A bargaining unit member who refuses a test, or delays providing, adulterates or otherwise compromises a test sample may be subject to discipline pursuant to Article 18 of this Agreement.

Section 4. Nothing in this Article shall supersede provisions of the Americans with Disabilities Act or any other applicable statute or regulation.