

1 UNITED ACADEMICS UNIVERSITY COUNTERPROPOSAL

2 4-24-13

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4 **ARTICLE 43**
5 **DRUG AND ALCOHOL TESTING**
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7 **Section 1.** The University ~~Administration~~ may conduct drug or alcohol testing of a bargaining
8 unit member when the University has a reasonable ~~suspicion~~, ~~articulable basis~~ for believing that
9 a bargaining unit member is or has been recently under the influence of alcohol or a controlled
10 substance while performing job duties or responsibilities. A reasonable suspicion means a
11 reasonable, articulable basis to believe that a bargaining unit faculty member is affected by
12 alcohol or a controlled substance to a noticeable degree. A reasonable suspicion may be based
13 on observation of indicia such as smell on breath or clothing, impaired speech or movement,
14 erratic or unusual behavior, or other observations that typically demonstrate impairment, to a
15 degree that it has an adverse effect on performance of job duties. ~~A t~~ Tests may include both the
16 initial test and confirmation of a single specimen. The University ~~Administration~~ will pay for
17 such testing. If a bargaining unit member wants additional tests conducted, the bargaining unit
18 member will pay for the additional tests.
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20 **Section 2.** When the University ~~Administration~~ receives notice of a bargaining unit member's
21 positive test, the University ~~Administration~~ will may take one or more of the following actions,
22 where appropriate:
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- 24 a. Require the bargaining unit member to take accrued leave, or leave without pay if no accrued
25 leave is available.
26 b. Limit the bargaining unit member's access to all or certain University buildings or other
27 property.
28 c. Mandate that the employee work with the University's employee assistance
29 program of Oregon and Cascade Centers, Inc. to receive confidential assessment, counseling
30 and referral for assistance with their personal problems, complete an evaluation and all
31 recommended treatment or rehabilitation, and require a last chance agreement.
32 d. Take disciplinary action pursuant to Article 18 of this Agreement.
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34 **Section 3.** A bargaining unit member who refuses a test, or delays providing, adulterates or
35 otherwise compromises a test sample may be subject to discipline pursuant to Article 18 of this
36 Agreement.
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38 **Section 4.** Nothing in this Article shall supersede provisions of the Americans ~~With~~with
39 Disabilities Act or any other applicable statute or regulation.