ARTICLE 38. DRUG AND ALCOHOL TESTING

Section 1. The University may conduct drug or alcohol testing of a bargaining unit faculty member when the University has an articulable basis for believing that a bargaining unit faculty member is or has been recently affected to a noticeable degree by consumption of alcohol or a controlled substance while performing job duties or responsibilities. Tests may include both the initial test and confirmation of a single specimen. The University will pay for such testing. If a bargaining unit faculty member wants additional tests conducted, the bargaining unit faculty member will pay for the additional tests.

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

(a) Require the bargaining unit faculty member to take accrued leave, or leave without pay if no accrued leave is available.

(b) Limit the bargaining unit faculty 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 identified drug and/or alcohol problem.

(d) Take disciplinary action pursuant to Article 24 of this Agreement.

Section 3. A bargaining unit faculty member who refuses a test, or delays providing, adulterates or otherwise compromises a test sample may be subject to discipline pursuant to Article 24 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.