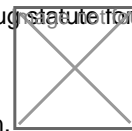


Policy title: Alcohol and Drug Policy for Employees	Category: Human Resources
Owner: Human Resources	Approved by: Business and Human Resources Office

Policy statement

- Employees are prohibited from the illegal use, sale, dispensing, distribution, possession, or manufacture of illegal drugs, controlled substances, narcotics, or alcoholic beverages on Nebraska Wesleyan University premises or work sites.
- In addition, the University prohibits off-premises abuse of alcohol and controlled substances, as well as the possession, use, or sale of illegal drugs, when these activities adversely affect job performance and job safety, violate federal, state, or local laws or adversely affect the University's reputation in the community.
- The consumption of alcoholic beverages is prohibited during work hours for all Nebraska Wesleyan University employees unless it is at a social function where the serving of alcohol beverages has been formally sanctioned by the University.
- It is unlawful and strictly prohibited for Nebraska Wesleyan University employees to manufacture, distribute, dispense, possess, or use without medical authorization mind- or mood-altering chemicals or controlled substances in the work environment.
- As a condition of employment, all employees must abide by the terms of this statement, and must report to the human resource office any arrest and all subsequent conviction under a criminal drug statute for conduct in or out of the workplace no later than five days after the arrest and any subsequent conviction.
- Employees will be subject to disciplinary action, up to and including termination, for violations of this policy.



Questions about this policy and implementation procedures should be referred to the Human Resource Office.

City and State Laws on Violations and Penalties for Abuse of Alcohol and Drugs

NOTE: Nebraska Wesleyan university complies with the Drug-Free School and Communities Act Amendments of 1989 (Public Law 101-226) through the publication of the Alcohol and Drugs Policy and other written materials distributed annually to students and employees. Further information is available from the Student Life Office (ext. 2223).

LAWS GOVERNING ABUSE OF ALCOHOL AND DRUGS

This information summarizes selected provisions of Federal, State and local laws which provide criminal and civil penalties for unlawful possession or distribution of alcohol or drugs. (References are to Nebraska statutes unless otherwise indicated)

Alcohol Laws

Minor In Possession

Nebraska law makes it illegal for a person under the age of 21 years to sell, dispense, consume, or possess alcohol. (S 53-180.02) Penalties for violation of this law may include one or more of the following:

impoundment of the offender's driver's license for thirty days or more; the requirement to attend an alcohol education class; the requirement to complete twenty hours or more of community service; or submission to an alcohol assessment by a licensed counselor. (S 53-180.05(4) and S 53- S 28-106(1))

Nebraska law also prohibits a minor from obtaining alcohol by misrepresenting one's age or creating false identification for a person under the age of 21. (S 53-180.01 and S 53-180.05)

Safe Harbor for Requesting Emergency Medical Assistance

If a person has otherwise violated the Minor-in-possession law, no penalty will be imposed if the person (i) requested emergency medical assistance in response to a possible alcohol overdose of himself or herself or another person as soon as the emergency situation is apparent; (ii) was the first person to make the request for medical assistance; and (iii) remained on the scene until the medical assistance arrived and cooperated with medical assistance and law enforcement personnel, when emergency assistance was requested for the possible alcohol overdose of another person. (S 53-180.05(4) and S 53-181)

Procuring Alcohol for Minors

Nebraska law makes it "legal to sell, furnish, give away, exchange, deliver, or permit the sale, gift, or procuring of any alcoholic liquors to or for any minor. (S 53-180) Violation of this law is generally punishable by not more than a 1-year

imprisonment or a \$1,000 fine or both. (S 53- and S 28106(1)) However, if alcohol is knowingly and intentionally provided to a minor and the minor's consumption of the alcohol or impaired condition leads to the serious bodily injury or death of any person, the person who provided the alcohol is guilty of a Class IIIA felony, which includes a mandatory minimum of at least 30 days' imprisonment. The penalty for a Class IIIA felony is a 3-year imprisonment and 18-month post release supervision or a \$10,000 fine or both and a minimum of a 9-month post-release supervision if imprisonment is imposed. (S 53-180.05(2) and S 28-105(1))

Consumption on Public Property

It is a violation of Nebraska law for any person to consume alcoholic liquors upon property owned or controlled by the State or any governmental subdivision thereof, unless authorized by the governing bodies having jurisdiction over such properties. (S 53-186)

Driving While Intoxicated—Age 21 and Above

Operating or being in physical control of a vehicle while under the influence of alcoholic liquors or drugs is a violation of Nebraska law when such person has a blood alcohol concentration ("BAC") of .08% or more. (S 60-6,196) Violators are subject to a range of penalties, which can include fines, imprisonment, license revocation and use of an ignition interlock device installed at their expense. Persons with higher concentrations of alcohol, a BAC of .15% or more, are subject to stiffer penalties.

Driving While Intoxicated—under Age 21

Nebraska has a "zero-tolerance" DWI law for underage drinkers. This law makes it illegal for a person under the age of 21 to drive if he or she has a BAC of .02% or more. Violation will result in the impoundment of the driver's license for 30 days, and if the driver refuses to submit to a blood or breath test, the driver's license will be impounded for 90 days. These penalties are in addition to any that may result if the BAC is above .08%. (60-6,211.01)

Local Liquor Laws

Local laws may also make it a crime to operate a motor vehicle under the influence of alcohol or to commit certain acts involving the consumption or possession of alcohol (e.g., "open container laws").

Laws Governing Illegal Possession of Controlled Substances

Nebraska's Uniformed Controlled Substances Act ("UCSA") Governs the regulation of most illegal drugs, which are also called controlled substances. (S 28401 et seq.) There are other Nebraska laws which establish penalties for various drug-related offenses. Federal and local also regulate the manufacture, distribution and use of controlled substances.

Prohibited Acts under the UCSA, it is illegal to manufacture, distribute, deliver, dispense or possess with the intent to take any of these actions involving controlled substances or counterfeit controlled substances. The definition of controlled substances includes, but is not limited to marijuana, cocaine, heroin, amphetamines, and anabolic steroids. Depending on the type of controlled substance involved, the quantity, and the nature of the offense, violations of the UCSA can result in fines up to \$10,000 and imprisonment up to 20 years.

Crimes Involving Minors

Any person who is age 18 or older is subject to enhanced penalties for knowingly and intentionally manufacturing, distributing, delivering or possessing with intent to commit one of these actions involving controlled substances to persons under the age of 18 (a) within 1,000 feet of a school, college, university, or playground or (b) within 100 feet of a youth center, public swimming pool, or video arcade. The law also provides for an enhanced penalty for anyone 18 or older who employs, uses, induces, or coerces any person under age 18 to commit any act which violates the IJCSA. (S 28-416(4) and (5))

Persons under the age of 18 who violate the drug laws may also be subject to sentencing provisions which include impounding driver's licenses or permits, completion of community service and attending drug education classes. (S 28416(4))

Using Controlled Substances for Unauthorized Purpose

Persons may legally possess controlled substances which have been prescribed by licensed health practitioners, if they are used for the prescribed purpose. It is illegal to be under the influence of a controlled substance which is being used for a purpose other than the treatment of a sickness or injury as prescribed or administered by a licensed practitioner. If a person is prosecuted under this provision, it is sufficient for the State to show that the accused manifested symptoms or reactions caused by the use of any controlled substance and the State is not required to show that the accused was under the influence of a specific controlled substance. (S 28-417)

Drug Paraphernalia Offenses

The UCSA also prohibits the use, or possession with the intent to use, drug paraphernalia used to manufacture, inject, ingest, inhale, or otherwise introduce a controlled substance into the human body. (S 28-441) "Drug paraphernalia" includes such things as hypodermic syringes, needles, pipes, bong, roach clips, and other items used, designed, or intended for use with controlled substances. (S 28-439) Use or possession of drug paraphernalia is punishable by fines up to \$500, depending on whether it is a first or repeat offense. (SS 28-441 and 28-436)

Nebraska law prohibits the manufacture and delivery of drug paraphernalia generally (S 28442) The penalties for delivery or manufacture of drug paraphernalia can include up to 6 months in prison, a \$1,000 fine, or both. (SS 28-442 and 28-106) There are enhanced penalties for persons over the age of 18 who deliver drug paraphernalia to persons who are under the age of 18 and at least 3 years his or her junior.

(SS 28-442 and 28-106)

Inhaling or Drinking Controlled Substances

The UCSA prohibits persons from breathing, inhaling, or drinking any compound, liquid, or chemical containing substances for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis, inebriation, excitement, or irrational behavior, or in any manner changing, distorting, or disturbing the auditory, visual, mental, or nervous processes. (S 28417) Violations can result in a penalty of up to three months imprisonment, a \$500 fine, or both. (528-106)