Drug Free Workplace Policy

PURPOSE

California State University, Fresno Foundation ("Foundation") is committed to providing a safe, healthy and productive work environment for all employees and other individuals in the workplace. Consistent with this commitment, and its obligations under applicable law, this policy establishes the Foundation's intent to provide an alcohol and drug-free environment and to encourage our employees to voluntarily seek help with any alcohol and drug-related problems.

STATEMENT OF POLICY

Any individual who conducts business for the Foundation, is applying for a position or is conducting business on the Foundation's premises is covered by this policy. Specifically, the policy applies to, but is not limited to, managers, supervisors, full-time, part-time, and temporary employees, independent contractors, visitors, volunteers, interns and applicants.

This policy is intended to apply whenever anyone is representing or conducting business for or on behalf of the Foundation. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is the Foundation's intent and obligation to provide a drug free, healthy, safe and secure work environment.

REGULATIONS and PROHIBITIONS

The Foundation prohibits the following:

- The unlawful possession, manufacture, distribution, dispensation, sale, transportation, offer to sell, promotion, purchase and/or use of drugs, alcohol*, or controlled substance at any Foundation worksite, at any Foundation sponsored/sanctioned activities and events, and while employees or other individuals as previously described perform Foundation-related business, regardless of the location. Employees and other individuals as previously described shall not report for work or work under the influence of any drug or alcohol or other substances that will impair work performance, alertness, coordination or response, or affect the safety and health of others.

    * On campus or Foundation worksite possession, distribution or use of alcohol is limited to certain approved events and locations covered by the guidelines of Fresno State's official Policy on Alcohol and Other Drugs.

Apart from said events, such possession, distribution or use of alcohol is strictly prohibited.

- Consistent with federal law and the provisions of the California Adult Use of Marijuana Act, Proposition 64, the Foundation strictly prohibits the use, consumption, possession, transfer, display, sale, or growth of cannabis, in any form, including but not limited to, smoking, oils, and edibles. This is true even if such use of cannabis is for medicinal purposes authorized and permitted under the California Compassionate Use Act, Proposition 215.
- Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, notify company doctor) to avoid unsafe workplace practices. The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of the Foundation's policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken if job performance deterioration and/or other accidents occur.
- If, at any time, a Foundation representative has a reasonable belief that an employee is in possession, use, or distribution of alcohol and/or drugs in violation of this policy, the Foundation may notify law enforcement to fully investigate the matter and/or take further corrective action, including but not limited to termination.

Mandatory Obligation to Report Convictions

In accordance with the Drug-Free Workplace Act of 1988, any Foundation employee must, as a condition of employment, abide by the terms of the policy and report any conviction (including a plea of nolo contendere i.e. no contest) under a criminal drug statute violation occurring at any Foundation worksite or university or while elsewhere conducting Foundation or university business. Said conviction must be reported to the Auxiliary Human Resources Department within five (5) days.

As a condition of continued institutional grant or contract eligibility, and as a condition of employment under any federal and/or state contract or grant, employees must not only comply with this policy but also with the requirement of notifying the Auxiliary Human Resources Department within five (5) days of any conviction under a criminal drug statute where the criminal act upon which the conviction is based occurred while on Foundation worksite or elsewhere

conducting Foundation or university business, or upon property owned, operated or controlled by the university.

Within ten (10) days after receiving such notice, the Foundation is required to notify the federal and/or state grant or contract authority. Within thirty (30) days after receiving such notice, the Foundation may initiate appropriate disciplinary action against the employee, up to and including termination, or require the employee to participate satisfactorily in an approved drug abuse assistance or rehabilitation program.

Legal Sanctions under Federal and State Law

Federal and state laws establish severe penalties for any individual convicted of the manufacture, possession, distribution or use of controlled substances. These penalties, upon conviction, may range from a small fine and probation to imprisonment, or both.

For a detailed list of federal penalties related to controlled substances, please refer to the U.S. Department of Justice Drug Enforcement Administration website. For a detailed list of state penalties related to controlled substances, please refer to Health and Safety Code, sections 11350—11356.5 and sections 11377—11382.5.

The Foundation is required by federal law to take disciplinary action up to and including suspension or termination of employment for any individual convicted of a workplace drug offense.

Drug and Alcohol-Related Health Risks

The use and abuse of drugs and alcohol can have severe negative effects in behavior and physiology. Drugs and alcohol are chemicals, and by their very nature, cause reactions in the body. Possible effects from drug and alcohol use include, but are not limited to, convulsions, memory loss, psychosis, anxiety, delusions, hallucinations, sleep disorders, depression, liver and kidney damage, cardiac irregularities, hepatitis, neurological damage, and even death.

For additional resources that describe the health risks associated with the use of drugs and alcohol, please visit the following websites:

- www.drugabuse.gov/drugs-abuse
- www.dea.gov/druginfo/factsheets.shtml
- www.niaaa.nih.gov/alcohol-health/alcohols-effects-body
- www.rethinkingdrinking.niaaa.nih.gov

Resources, Education and Assistance
The Foundation recognizes drug and alcohol dependency as treatable conditions and offers its employees services from the Employee Assistance Program (EAP) for substance abuse and/or dependency problems. Employees are encouraged to seek assistance from drug and alcohol-related problems and may request leaves of absence for this purpose, in addition to using approved vacation or sick leave.

Information obtained regarding an employee during participation in EAP will be treated as confidential. Access to this information is limited to those who have a legitimate need to know in accordance with federal and state laws, and management policies.

- Foundation employees may obtain confidential consultation regarding substance abuse or other personal problems at no cost to the employee or member of his/her immediate family. A careful assessment of the situation will be made and alternatives will be offered that are both appropriate and affordable.
- Community agencies are also available to address drug and alcohol-related problems. Most of the various local drug treatment programs offer no-cost assessment and may be located on the Internet under "Drug Abuse & Addiction Information & Treatment Centers."

Treatment for drug and alcohol-related problems may be covered by the employee's benefit plan. However, the employee bears the ultimate financial responsibility for any recommended treatment.

Shared Responsibility
A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and supervisors have important roles to play. All employees are required to not work or be subject to duty while their ability to perform job duties is impaired due to on/or off-duty use of alcohol and/or drugs.

Supervisors are responsible for informing employees of the Foundation's alcohol and drug-free workplace policy as well as documenting negative changes and/or problems in work performance.

Communication
This policy is included in the Foundation Employee Handbook and the Employee New Hire Packet. As a condition of employment, all employees are required to review, execute, and date an acknowledgment of having received a copy of said policy. The executed acknowledgment is placed in the employee's personnel file.

IMPLEMENTATION

The Associate Vice President for Auxiliary Operations and Enterprise Development or his/her designee, in accordance with the applicable auxiliary corporation Management Services Agreement, has the authority to implement this policy.

ACKNOWLEDGMENT

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California State University, Fresno Foundation

I understand that the Foundation is committed to protecting the safety, health and well-being of all employees and other individuals in the workplace. It is also my understanding that the drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the organization. Therefore, I understand that I am expected and required to report to work on time and in an appropriate mental and physical condition for work. Furthermore, I acknowledge that if I am convicted of a criminal drug violation in the workplace I must notify the organization in writing within five calendar days of the conviction.

Employee Acknowledgement: I certify that I have read and understand the contents contained in the Drug Free Workplace Policy for California State University, Fresno Foundation. I understand a copy of this agreement will be placed in my personnel file in Human Resources.

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Employee Signature Date