

CALIFORNIA STATE UNIVERSITY, FRESNO FOUNDATION

Policy No. 2006

Drug Free Workplace Policy



This policy is applicable to the following auxiliary corporations:

- Agricultural Foundation
- Association
- Associated Students, Inc.
- Athletic Corporation
- Foundation
- Programs for Children

REVISION RECORD

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Responsible Position(s):	
 Deborah S. Adishian-Astone Executive Director	 Keith Kompsi Director of Foundation Financial Services

PURPOSE

California State University, Fresno Foundation ("Foundation") is committed to protecting the safety, health and well being of all employees and other individuals in our workplace. The Foundation is committed to providing an alcohol and drug-free environment and encourages our employees to voluntarily seek help with drug and alcohol problems.

STATEMENT OF POLICY

Any individual who conducts business for the organization, is applying for a position or is conducting business on the organization's property is covered by this drug-free workplace policy. The policy includes, but is not limited to managers, supervisors, full-time and part-time employees, independent contractors, volunteers, interns and applicants.

The drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the Foundation. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is our intent and obligation to provide a drug free, healthful, safe, and secure work environment.

REGULATIONS

The following behaviours are prohibited:

- The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance at a Foundation worksite or on the campus or while elsewhere conducting Foundation or university business is absolutely prohibited and subject to sanctions noted below.
- On campus or Foundation worksite 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. Workplace abuse of alcohol will not be tolerated.

The Foundation encourages employees to voluntarily seek help with drug and alcohol problems through the Office of Employee Assistance and Wellness at (559) 278-4357.

Notification of Convictions

Foundation employees must, as a condition of employment, abide by the terms of the Policy and report any conviction under a criminal drug statute for violations occurring at the Foundation worksite or university or while elsewhere conducting Foundation or university business. A conviction must be reported to Auxiliary

Human Resources within five (5) days. Violation of the Policy may result in disciplinary action up to and including suspension or termination of employment and referral for prosecution where laws have been broken. Federal/State contracting agencies will be notified when appropriate.

As a condition of continued institutional grant or contract eligibility, and as a condition of employment under any federal/state contract or grant, employees must comply not only 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 at a Foundation worksite or while 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 must notify the federal/state grant or contract authority. Within thirty (30) days after receiving such notice, the Foundation may initiate appropriate disciplinary action, including discharge, against the employee or require the employee to participate in an approved rehabilitation program.

Consequences

One of the goals of a drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment can be withdrawn. The applicant may not reapply.

If an employee violates the policy, he or she will be subject to disciplinary action (which may include termination) and may be required to enter rehabilitation. An employee required to enter rehabilitation that fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

Penalties for Workplace Drug Use

- **State and Federal penalties** apply to anyone convicted of the manufacture, distribution, possession or use of controlled substances.
- **Misdemeanor convictions** for workplace drug use can result in a fine and incarceration of up to a year in a county jail. Relatively few drug-related infractions may be considered misdemeanor offenses, however. Most drug use convictions are defined as felony acts.
- **Felony convictions** for workplace drug use can result in a substantial fine and a lengthy sentence in state prison. Convictions for manufacture,

possession for sale or use of substances such as the following examples are felony offenses: amphetamines (whites, uppers), barbiturates, codeine, cocaine/crack, heroin, L.S.D., Methamphetamines (crank, crystal), marijuana, and P.C.P.

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

Assistance

The Foundation recognizes drug and alcohol dependency as treatable conditions and offers its employees services from the Office of Employee Assistance and Wellness (EAW) for substance abuse or dependency problems. Employees are encouraged to seek assistance for 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 EAW will be treated as confidential.

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

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

Confidentiality

All information received by the Foundation through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

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 report to work or be subject to duty while

their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs. It is the supervisor's responsibility to:

- Inform employees of the drug-free workplace policy.
- Document negative changes and problems in performance.

Communication

The Drug Free Workplace Policy is included in the Foundation Employee Handbook and it is also provided to all Foundation employees in the Employee New Hire Packet. There is an acknowledgment that the employee signs and dates as having received a copy of the policy. The signed acknowledgement 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.