Administrative Policy

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Effective:	3/21/2019
Supersedes:	09/26/2005
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SUBJECT: DRUG-FREE WORKPLACE

A. Background

The California State University (CSU) is committed to maintaining a workplace free from the unlawful manufacture, possession, distribution, dispensation or use of controlled substances, as defined in Schedules I through V of the Controlled Substances Act (21 U.S.C. §812) and 21 C.F.R. Park 1308. The Drug-Free Workplace Act of 1988 mandates that organizations receiving federal monies (federal financial aid for students, grants, and contract) develop and implement programs that combat illegal drugs in the workplace. It also mandates legal sanctions against any employee convicted of the illegal use, distribution, manufacture and sale of controlled substances in the workplace.

B. Policy Statement

The illegal possession, manufacture, cultivation, distribution, use or sale of any controlled substance is prohibited in and on California State University, Los Angeles (Cal State LA), owned or controlled property. Staff and faculty members found to be in violation of this policy will be subject to referral for prosecution consistent with the appropriate local, state or federal law.

In addition, staff and faculty who violate this policy on University time or premises shall be subject to discipline, up to and including dismissal, demotion or suspension, or may be required, at the discretion of the University, to participate satisfactorily in an approved counseling or rehabilitation program. Discipline shall be imposed in a manner consistent with the applicable labor agreements, CSU policies, and law.

Education Code section 89535 addresses both staff and faculty causes as follows:

> Any permanent or probationary employee may be dismissed, demoted or suspended for the following causes:
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> (a) Immoral conduct
> (b) Unprofessional conduct
> (c) Dishonesty
> (d) Incompetency
> (e) Addiction to the use of controlled substances
> (f) Failure or refusal to perform the normal and reasonable duties of the position
> (g) Conviction of a felony or conviction of any misdemeanor involving moral turpitude
> (h) Fraud in securing appointment
> (i) Drunkenness on duty

Approved: _____ **Date:** _____

Drug Prevention Program

The University offers a drug prevention program through its Employee Assistance Program (EAP). The program includes 1) health consequences/dangers of substance abuse, 2) stage of chemical dependency, 3) symptoms and signs, and 4) how to access help, to name just a few. Through support of this program, the University will continue to ensure a good faith effort to maintain an environment free of substance abuse.

Drug Counseling, Treatment or Rehabilitation Programs

The University recognizes that drug and alcohol dependency are treatable diseases. EAP is available to all University employees and their household members for a variety of services, including substance and dependency problems. Faculty and staff are encouraged to seek assistance for drug and alcohol-related problems and may use approved leaves of absence for this purpose. Faculty and staff are also encouraged to use approved vacation or sick leave for attending these programs whether during or outside regular working hours.

All information regarding an individual's participation in the EAP is considered confidential and will not be disclosed to anyone nor made part of the official personnel file. A faculty or staff member's job security or opportunity for promotion will not be jeopardized by participation in the EAP or other approved substance abuse counseling or rehabilitation programs. Human Resources Management (HRM) has brochures on the services provided and contact information is available on the HRM website: Employee Assistance Program: http://www.calstatela.edu/hrm/elr-employee-relations#lifematters-employee-assistance-program. In addition, employees have access to the EAP's Wellness Library, which offers informational videos and webinars. Employees also have counseling, treatment or rehabilitation programs available through University-offered health plans.

Risks Associated with Alcohol and Other Drugs

Alcohol

Health hazards associated with the excessive use of alcohol or with alcohol dependency include dramatic behavioral changes, retardation of motor skills, and impairment of reasoning and rational thinking. These factors result in a higher incidence of injury and accidental death for such persons than for nonusers of alcohol. Nutrition also suffers, and vitamin and mineral deficiencies are frequent. Prolonged alcohol abuse causes bleeding from the intestinal tract, damage to nerves and the brain, psychotic behavior, loss of memory and coordination, damage to the liver (often resulting in cirrhosis), impotence, severe inflammation of the pancreas, and damage to the bone marrow, heart, testes, ovaries, and muscles. Cancer is the second leading death in alcoholics and is 10 times more frequent than in non-alcoholics. Sudden abstinence from alcohol by persons dependent on it may cause serious physical withdrawal symptoms.

Drugs and Chemicals

The use of illicit drugs and chemicals may cause the same general type of physiological and mental changes seen with alcohol, though frequently those changes are more severe and more sudden. Death or coma resulting from overdose of drugs and chemicals is more frequent than from alcohol, but unlike alcohol, abstinence can lead to reversal of most physical problems associated with drug use. There are also health risks resulting from intravenous drug use. In addition to the adverse effects associated with the use of a specific drug, intravenous drug users who use unsterilized needles or who share needles with other drug users can develop AIDS, hepatitis, tetanus (lockjaw), and infections in the heart. Permanent brain damage may also result. Chemicals, which include solvent inhalants and aromatic hydrocarbons, such as glue, lacquers, and plastic cement also present health risks. Fumes from these substances cause symptoms similar to alcohol. Hallucinations and permanent brain damage may occur.

Special Requirements for Individuals Employed Through Federal Contracts and Grants

The Drug-Free Workplace Act of 1988 requires that Cal State LA faculty, staff and other employees directly engaged in the performance of a contract or grant that is awarded by any federal or state agency, abide by this policy as a condition of employment.

Faculty, staff and other employees directly engaged in the performance of a contract or grant that is awarded by any federal agency, shall notify the University within five (5) days of conviction of any criminal drug conviction for a violation occurring in the workplace. Cal State LA shall notify the federal contracting or granting agency within ten (10) days after receiving this information from an employee or otherwise receiving actual notice of such conviction.

C. Application

This policy applies to CSU employees. "Employee" means a person legally holding a position in the CSU, which includes student employees.

D. Responsibility

The campus president shall be responsible for implementing this policy. HRM will be responsible for the administration of this policy as it relates to faculty, staff and other employees. The Department of Public Safety will be responsible for referral of any violation of drug and related statutes to the appropriate law enforcement agency for prosecution. The Department of Public Safety will be responsible for notifying the appropriate units, including HRM, of conviction of the illegal possession, manufacture, cultivation, distribution, use or sale of, any controlled substance by any employee on University property or time.

E. References

FSR 89-18 Drug-Free Workplace Requirements-Public Law 100-690; 41 U.S.C. 701; Executive Order 930, CSU Drug-Free Workplace Policy