

Drug-Free Workplace Disclosures

Federal Drug-Free Workplace Act of 1988

California Drug-Free Workplace Act of 1990

California State University Drug-Free Workplace Policy

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ABOUT THE DRUG-FREE WORKPLACE ACT AND PREPARATION OF RELATED DISCLOSURES

San José State University (SJSU) is required to comply with both the federal Drug-Free Workplace Act and California's Drug-Free Workplace Act in order to secure contracts, grants, and other funding. These laws require that employers who receive such resources make continuous efforts to maintain a drug-free workplace for their employees. The California State University Chancellor's Office oversees the implementation and management of these requirements across all CSU institutions through the systemwide Drug-Free Workplace Policy.

At SJSU, People & Culture is tasked with establishing and maintaining procedures to ensure institutional compliance with the following requirements:

- Publishing and distributing a drug-free workplace statement for employees
- Establishing an ongoing drug-free awareness program for employees
- Implementing reporting and disciplinary measures for employees convicted of drug statute violations in the workplace

It's important to note that these Drug-Free Workplace disclosures are maintained separately from SJSU's policy on Alcohol and Other Drugs, and updates to both may occur concurrently or sequentially.

DRUG-FREE WORKPLACE STATEMENT

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in all SJSU workplaces.

Pursuant to [California Education Code Section 89535](#), [CSU Collective Bargaining Agreements](#) and CSU Systemwide policies where applicable, the university will impose sanctions (consistent with local, state and federal law) upon employees found to violate the prohibition outlined above. Refer to the Employee Drug-Free Awareness Program section of this document for more information regarding such sanctions.

Employees must notify People & Culture in writing, via email to equal-employment@sjsu.edu if they are convicted for a violation of a criminal drug statute occurring in the workplace and must do so no more than five calendar days after the conviction. Employees may also provide, in person, a written statement addressed to Employee/Labor Relations at People & Culture, Administration Building, Room 242.

As a condition of employment, all SJSU employees will abide by the terms in this statement. An “employee” is considered to be a person legally holding a position at SJSU. This term includes full-time, part-time, permanent, tenured, probationary, temporary, intermittent, casual, and per-diem positions. Under California’s Higher Education Employer-Employee Relations Act of 1979 ([HEERA](#)), student employees whose employment is contingent on their status as students are also considered employees for the purposes of Drug-Free Workplace Act compliance.

The SJSU Research Foundation offers administrative and business support for the university's research endeavors, while the Tower Foundation serves as SJSU's dedicated philanthropic auxiliary. Both entities are required to adhere to federal and state drug-free workplace requirements. They are responsible for overseeing their own compliance with these regulations and aligning their policies with relevant SJSU and CSU system guidelines.

EMPLOYEE DRUG-FREE AWARENESS PROGRAM

Dangers of drug abuse in the workplace

Drug abuse in the workplace poses risks that include but are not limited to:

1. **A loss of productivity and job performance:** Drug abuse can impair cognitive functions, reaction times, and decision-making abilities, leading to reduced productivity, and inefficiencies in job performance.
2. **Safety Risks and Legal Consequences:** Drug abuse can create hazardous conditions, leading to safety risks and increased incidence of accidents and injuries. Additionally, employers may face legal liabilities if drug-abusing employees cause accidents, injuries, or harm others in the workplace.

3. **Employee absenteeism:** Drug abuse often leads to higher rates of absenteeism due to health issues, legal problems, or personal crises.
4. **Low employee morale:** Drug abuse can create a negative work environment, affecting morale, trust among employees, and team dynamics.
5. **Security risks:** Drug-abusing employees may compromise workplace security through theft, violence, or other illegal activities.
6. **Reputation damage:** Workplace drug abuse can harm the organization's reputation and credibility among various community partners and stakeholders.

Moreover, improper use of prescription or over-the-counter medications can adversely affect an employee's job performance and significantly impair their productivity. Likewise, the misuse or possession of illegal substances, such as marijuana, or the abuse of alcohol can detrimentally impact an employee's judgment, work performance, efficiency, safety, and overall health. Consequently, these behaviors undermine the employee's ability to make meaningful contributions to SJSU's mission and uphold its values.

A table outlining the general health risks associated with use and misuse of alcohol and other drugs can be viewed in SJSU's Drug and Alcohol Abuse Prevention Program [document](#).

[Policy of maintaining a drug-free workplace](#)

SJSU is committed to establishing and maintaining a drug-free workplace. The university prohibits the unauthorized use of drugs or alcohol, including but not limited to the unlawful manufacture, distribution, dispensation, possession or use of alcohol or controlled substances in the workplace.

All SJSU students, faculty, staff, and visitors are subject to SJSU policies, as well as local, state, and federal laws regarding the unlawful possession, manufacturing, distribution, sale, or use of alcohol and illegal drugs. As a Title IV participating institution, the University does not recognize medical marijuana authorization cards because marijuana is classified as an illegal substance under federal law.

[Available drug counseling, rehabilitation, and employee assistance programs](#)

LifeMatters® by Empathia, San José State University's confidential Employee Assistance Program (EAP), is dedicated to employee well-being. From emotional and family counseling to providing geriatric care management, LifeMatters® offers both online and in-person support. Employees can visit [LifeMatters®](#) online for more information. Password: SPARTANS. Employees who want to speak to someone from LifeMatters® confidentially can call 800-367-7474.

More community resources can be found in SJSU's [Community Resource Referral List for Alcohol and Drug Use/Abuse](#)

Penalties for drug abuse violations occurring in the workplace

Employees alleged to have engaged in drug abuse violations in the workplace are subject to university administrative discipline procedures and/or referral to the appropriate authorities for legal action. Administrative disciplinary proceedings for People & Culture are independent from court or other legal proceedings. Additionally, the University Police may be consulted on referral of cases for criminal prosecution. Accordingly, administrative discipline may still be instituted against an employee that is also charged in civil or criminal courts for alleged violation of laws. Potential sanctions imposed by the university may include, but are not limited to those described below. One or more sanctions may be imposed upon review and analysis of the severity of the infraction(s).

1. **Reprimand:** A disciplinary document detailing the infraction, expectations moving forward, and inclusion of the document in the official personnel file.
2. **Demotion:** A demotion is a reduction in rank or job title with associated reduction in salary and/or benefits.
3. **Suspension:** A temporary separation, without pay and/or benefits, of the employee from the university. The length of the separation would be determined by the severity of infraction and/or prior infractions.
4. **Termination:** Permanent separation of the employee from the university with complete cessation of pay and benefits.
5. **Participation in Treatment Program:** May be utilized, for example, as part of a disciplinary action as described above, in a last chance agreement, or in any other appropriate action as determined by the University.

Federal, state and local penalties may be imposed by external agencies on employees for drug abuse violations occurring in the workplace. More information can be found in the appropriate section of SJSU's [Drug and Alcohol Abuse Prevention Program](#).

DRUG-FREE SCHOOLS AND COMMUNITIES ACT

The Drug-Free Schools and Communities Act (DFSCA) and its Part 86 implementing regulations pose ongoing annual and biennial requirements for SJSU to comply as a condition of receiving federal funds. The purpose of the DFSCA is to prevent the unlawful possession, use and distribution of illicit drugs and alcohol by students and employees on institutional property, or as part of any of its activities. These legal requirements are distinct from those of the Drug-Free Workplace Act and California Drug-Free Workplace Act.

SJSU employees receive at least two annual disclosures regarding the use or misuse of substances on institutional property or as part of university activities: the Drug-Free Workplace Disclosure (this document) and the Drug and Alcohol Abuse Prevention Program ([DAAPP](#)). While both documents contain overlapping or complementary content, they are maintained separately due to the nature and scope of their objectives and compliance mandates.