

**OFFICE OF ADMINISTRATION & FINANCE  
ADMINISTRATIVE MEMORANDUM**



**DATE:**

**NUMBER: HR-04**

**TITLE: Drug and Alcohol-Free Workplace Policy**

**PURPOSE**

This policy is established to provide University employees with guidelines prohibiting drug and alcoholic beverage use on University premises, during the normal course of employment, or while conducting University business. The policy also outlines the methods for maintaining a work environment free from the effect of alcohol/drug abuse or other substances that adversely affect the mind or body and communicates to employees that they must report for work and perform assigned duties without any physical or mental impairment which would unreasonably interfere with their ability to perform the essential functions of their job.

**SCOPE**

This policy applies to all employees of East Stroudsburg University of Pennsylvania.

**POLICY**

It is the intent and obligation of East Stroudsburg University to provide a healthy, safe and secure work environment for its employees and students. The illegal possession, distribution, purchase, sale, or use of controlled substances or alcohol on University premises or while on University business is strictly prohibited. Additionally, the University fully subscribes to the provisions of the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. Under the Act, all employees are hereby notified of the serious dangers related to drug use in the workplace. With this in mind, the University has established the following Drug and Alcohol-Free Workplace Policy.

**DEFINITIONS**

- Controlled Substance:** Controlled substances are listed in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and are further defined in regulation 21 CFR 1308.11-1308.15.
- Conviction:** A finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.
- Criminal Drug Statute:** A Federal or non-federal criminal statute involving the manufacture, distribution, dispensing, possession or use of any controlled substance.
- Drug and Alcohol-Free Workplace:** A site for the performance of work done while on duty. This includes Commonwealth owned or leased properties, vehicles, and any other

field location where work is assigned.

**University Employee:** For purposes of this policy, any employee who performs services for East Stroudsburg University—whether on a regular full-time or part-time basis; also including, but not limited to, work-study employees, regular student employees, interns, practicum students, and contractors.

**Grant:** Any grant of any amount from any Federal agency.

**Grantee:** East Stroudsburg University or any University employee or group who receives Federal funding or grant money from any Federal agency.

**Substance Abuse:** Use or misuse of any drug or alcohol in a manner that may reduce employee effectiveness or pose an unsafe condition in the work environment.

**Fit for Duty:** A physical or mental health status that facilitates the performance of duties competently and efficiently, without impairment, in coordination or skill and the execution of job responsibilities in a safe and effective manner that does not jeopardize the health and safety of others.

**SEAP** A program designed to assist employees and their families with alcohol, drug, emotional, family, financial, marital, or personal problems. Policy and procedures are contained in *Executive Order 1996-10, Management Directive 505.22, and Manual M505.3, all titled State Employee Assistance Program.*

## **GUIDELINES AND PROCEDURES**

1. Employees are expected and required to report to work on time and fit for duty.
2. The Office of Human Resource Management will be responsible for instituting an educational program for all employees on the dangers of drug and alcohol abuse in the workplace.
3. Each employee will be given a copy of this policy and be required to sign a certification letter stating that they agree to abide by the terms of this Drug and Alcohol-Free Workplace Policy. The signed certification letter must be returned to the Office of Human Resource Management within ten (10) days of receipt and will be retained in the employee's personnel file.
4. Any employee or work-study student convicted of violating a criminal drug statute in this workplace must inform the Director of Human Resource Management of such conviction (including pleas of guilty and nolo contendere) within five (5) days of the conviction occurring.
5. Within thirty (30) days after receiving notice of this conviction, the Director of Human Resource Management or the appropriate campus administrator will impose sanctions or remedial measures on the convicted employee or refer the convicted work-study student to the Vice President of Student Affairs for similar sanction or remedial measures.

6. East Stroudsburg University will continue to make a good faith effort to maintain a drug and alcohol-free workplace by continuing to update and modify this policy.
7. Criminal activities by employees or work-study students that occur outside the University and not on University business are not covered under the regulations and this policy. However, other policies regarding off-campus behavior may apply.
8. All employees are responsible for being fit for duty when reporting to work and during working hours. In addition, an employee is expected to maintain a lifestyle that will not negatively impact upon their ability to perform his/her job safely, productively and efficiently; and, for observing the regulations and procedures set forth in this policy.
9. An employee should notify his/her manager/supervisor/department chairperson when his/her physical or mental condition may affect the performance of duties or may jeopardize personal safety or the safety of others.
10. An employee who suspects that another employee is unfit for duty by virtue of his/her observed physical or mental condition or performance of job duties and responsibilities is encouraged to immediately notify a manager/supervisor/department chair.
11. An employee having or suspected of having a problem with alcohol or other drugs, and/or poor or diminished work performance, may be referred to the State Employee Assistance Program (SEAP).
12. An employee who has self disclosed a problem with alcohol or other drugs shall be referred to SEAP.
13. An employee convicted of drug and/or alcohol abuse violations that occurred in the workplace and who refuses to participate in SEAP shall be subject to appropriate disciplinary action, up to and including termination.
14. Employees convicted of drug and/or alcohol violations that occurred in the workplace which do not result in termination, must satisfactorily participate in SEAP. This referral may be as a Condition of Continued Employment and consistent with Commonwealth policy and collective bargaining agreements.
15. In cases where the possibly impaired individual is the individual's manager/supervisor/department chairperson, the employee may report to the next higher-level supervisor or the available senior Human Resources staff member.
16. Managers/supervisors/department chairpersons are responsible for administering this policy according to the regulations and procedures identified herein. In addition, they are responsible for reinforcing an employee's understanding of the fitness for duty requirement and for administering this policy in a fair, uniform and consistent manner.
17. Managers/supervisors/department chairpersons and/or co-workers should be aware of the signs of substance abuse, which include, but are not limited to, behavior changes, absenteeism/lateness, noted change in interactions, and/or impairment in job performance. More specific behaviors which may indicate a lack of fitness for duty include, lethargy, slurred or incoherent speech, or speech which differs from the employee's usual pattern, unusual odor on breath, and/or accidents.
18. Managers/supervisors/department chairpersons should report unusual behavior or circumstances to the Office of Human Resource Management.

## EDUCATION AND TRAINING

East Stroudsburg University recognizes its responsibility and commitment to the Commonwealth and the University Community in providing a drug and alcohol free workplace for its students and employees. To protect the vast majority of employees who do not misuse drugs or alcohol and to insure that the University's interests are properly safeguarded, a program, which includes awareness, training, communication, and employee assistance, will be periodically conducted.

When there is reason to believe that alcohol or drugs may be affecting any employee's safety, health, or productive performance, the University may take action in order to detect or confirm the use or presence of controlled substances.

The University recognizes drug or alcohol dependence as an illness and a major health problem. The University also recognizes drug abuse as a potential health, safety, and security problem. To assist employees or students in overcoming drug and alcohol abuse problems and/or to inform employees and students about the dangers of drug and alcohol abuse in the workplace, the University will offer the appropriate rehabilitative help. For information about any of these programs, Faculty and Staff should contact the Human Resource Management Office and Students should contact the Office of Student Affairs:

- Medical benefits for substance-abuse treatment
- Information about community resources for assessment and treatment
- Counseling and educational programs using the resources of the University
- State Employee Assistance Program (SEAP)

In addition, the University will provide supervisory training to assist in identifying and addressing drug or alcohol abuse by employees or students. Employees or students who seek treatment for their drug and/or alcohol disorder will be treated with strict confidentiality to the fullest extent possible. A conscientious effort to seek such help will not jeopardize any employee's job, and will not be noted in any personnel record.

The University believes that rehabilitation is the preferred solution to any such problem from all standpoints, as it both protects our investment in our human resources and treats individuals with dignity for what is, in fact, an illness. We will, therefore, as a matter of policy, extend the rehabilitation option whenever possible. **We should also note, however, that sale or other attempts to distribute illegal substances will not be tolerated and will result in immediate termination of employment from the University.**

## IMPLEMENTATION AND RESPONSIBILITIES

The Director of Human Resource Management will be responsible for implementing and monitoring the East Stroudsburg University Drug and Alcohol-Free Workplace Policy.

When there are known incidents or reason to believe that the University's policy on substance abuse has been violated, details concerning such incidents and the individuals involved must be immediately reported to the Director of Human Resource Management. An exception to this

reporting are those incidents involving employees, who on their own volition, seek and accept treatment for an abuse problem.

It is also the responsibility of all Vice Presidents, Deans, Directors, and Department Chairpersons to ensure that this policy is communicated and implemented throughout the University for all employees and students.

## **ENFORCEMENT**

The University reserves the right to offer employees or work-study students convicted of violating a criminal drug statute in the workplace, participation in an approved rehabilitation or drug abuse assistance program as an alternative to, or concurrent with, disciplinary action. By law, the University will notify the Federal contracting officer within ten (10) days of receiving such notice from an employee or work-study student or otherwise receiving notice of such conviction.

Within thirty (30) days after receiving notice that an employee has been convicted of violating a criminal drug statute in this workplace, the following sanctions or remedial measures will be imposed upon that employee or work-study student:

- Taking whatever appropriate corrective action deemed necessary at the time against such an employee or work-study student, up to and including termination for the first offense;
- Requiring such employee or work-study student to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency;
- During and after participation in the assistance program, the employee or work-study student will be required to maintain an alcohol and/or drug-free status in order to remain employed or enrolled.

It is the goal of East Stroudsburg University to provide a safe work environment and a healthy, productive workforce for our students and employees. On-going compliance with the policy statement is required by all. Failure to comply with this law may result in suspension of all Federal grant funding and suspension or debarment from future funding for East Stroudsburg University.

## **REVIEW PROCESS**

The Office of Human Resource Management will conduct a biennial review of this Policy and:

- Determine its effectiveness and implement changes if they are needed;
- Ensure that the sanctions herein developed are consistently enforced.

This policy will become effective immediately.