

## Drug-Free Workplace Policy

**1.4.1**

### PURPOSE

It is the policy of the City of San Jose to maintain a workplace for all City employees that is free from illegal drugs and safe from the dangers associated with drug abuse in the workplace. In accordance with this policy, and the Federal Drug-Free Act of 1988, this policy is applicable to all City employees.

### AUTHORITIES

The City, as an employer who receives Federal Grants or Federal contract funds, is required to abide by the Federal Drug-Free Workplace Act.

### POLICY

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance by City employees is prohibited on any City worksite or in any area controlled partially or fully by the City. Controlled substances are defined by Federal law (21 U.S.C.S. 812) to include any illegal drug or prescription drug which has not been prescribed for the individual by a physician.

Any employee who violates the prohibition on drugs in a City workplace or in an area either partially or fully controlled by the City may be subject to appropriate disciplinary action under San Jose Municipal Code 3.04.1370, up to and including dismissal, and/or may be required to attend an initial screening session with the Employee Assistance Program (EAP) in accordance with the City's Substance Abuse Program.

City employees who work in programs which receive Federal grants or contracts are subject to the Act as follows:

1. City employees who work in qualifying programs must notify the City of any criminal drug statute conviction (including a plea of nolo contendere) for any violation occurring in the workplace or in the course of their employment. The employee must make this notification to their Department Director no later than five (5) days after such conviction.
2. When a Department Director receives notification of such a conviction of an employee, the Department Director will notify the Federal granting agency of the employee's conviction within ten (10) days, and will provide a copy of that notification to the Office of Employee Relations. Within thirty (30) days of receiving notification of the conviction, the City will take appropriate disciplinary action and/or require the employee to attend an initial screening session with the Employee Assistance Program (EAP), as required by the Drug-Free Workplace Act, and in accordance with the City's Substance Abuse Program.

To increase employee's awareness of the dangers of drugs in the workplace and inform employees of City policy in regards to drugs, the City conducts drug abuse awareness programs as a part of its employee training programs.

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To assist employees in preventing or overcoming substance abuse problems, professional services are available through the City's Employee Assistance Program (EAP). For more information regarding the City's EAP program, employees may contact Human Resources-Benefits Division at 535-1285.

Approved:

/s/ Alex Gurza  
Director of Employee Relations

5/27/2003  
Date

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