

# ALCOHOL AND DRUG ABUSE POLICY – GLENN COUNTY

## TITLE 12 MANAGEMENT POLICIES Chapter 12.04

### ALCOHOL AND DRUG ABUSE POLICY

#### 12.04.01 Introduction

The County of Glenn and its employees recognize that behavior resulting from the misuse of alcohol and/or other drugs may detrimentally affect work performance, safety, and public confidence in the County's work force, and may present a risk to County employees and to the health and welfare of the citizens of the County. Our concern is that employees are in a condition to perform their duties safely and efficiently, in the interests of their fellow workers and the public as well as themselves. The presence of drugs and alcohol on the job and the influence of these substances on employees during working hours, are inconsistent with this objective.

This policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of County managers and employees. To that end, the County will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs, or any other substance which could impair an employee's ability to safely and effectively perform the functions of the particular job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale, or damage the County's reputation.

#### 12.04.02 Purpose

A. It is the intention of this policy to eliminate substance abuse and its effects in the workplace. While the County has no intention of intruding into the private lives of its employees, involvement with drugs and alcohol off the job can take its toll on job performance and employee safety. The Board's concern is that employees be in a condition to perform their duties safely and efficiently, in the interests of their fellow workers and the public as well as themselves. The presence of drugs and alcohol on the job, and the influence of these substances on employees during working hours, are inconsistent with this objective.

B. It is County policy that employees shall not be under the influence of or in possession of alcohol or drugs; nor possess alcohol or drugs while on County property (except at locations where the general public may be exempt from this

requirement) at work locations, or while on duty or on call back status; shall not utilize such substances while they are on call back status subject to County duty, sell, or provide drugs or alcohol to any other employee or to any person while such employee is on duty or on call back status, nor have their ability to work impaired as a result of the use of alcohol or drugs.

C. This policy sets forth the general terms and conditions of the County of Glenn Alcohol and Drug Abuse Policy which applies to all County employees. In addition to the provisions of the general County policy, certain employees in specially funded programs or specific classifications are also covered by the following legislated requirements as outlined in this policy.

- Federal Drug-Free Workplace Act of 1988
- California Drug-Free Workplace Act of 1990
- US Department of Transportation (DOT) Omnibus Transportation Employee Testing Act of 1991

If any provisions of this policy conflict with the above referenced laws, the legislated requirements will take precedence. All employees will be provided with a copy of the Alcohol and Drug Abuse Policy.

D. Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program (EAP). While the County will be supportive of those who seek help voluntarily, Glenn County will be equally firm in identifying and disciplining those who continue to be substance abusers and do not seek help.

E. Supervisors will be trained to recognize abusers and become involved in this control process.

F. This policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of the County managers and employees. To that end the County will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee's ability to safely and effectively perform the functions of the particular job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to the County's reputation. All persons covered by this policy should be aware that violations of the policy may result in discipline.

G. In recognition of the public service responsibilities entrusted to the employees of the County, and that drug and alcohol usage can hinder a person's ability to perform duties safely and effectively, the County adopts the following policy against drug and alcohol abuse.

#### 12.04.04 Policy

A. It is the County's policy that employees shall not be under the influence of or in possession of alcohol or drugs; nor possess alcohol or drugs while on County property, at work locations, or while on duty or on a paid standby status, shall not utilize such substances while they are on a paid standby status; employees shall not sell or provide drugs or alcohol to any other employee or to any person while such employee is on duty or on a paid standby status; and employees shall not report to the job site with their ability to work impaired as a result of the use of alcohol or drugs. The County is committed to providing a safe and healthy work environment for all employees, and is dedicated to ensuring dependable and efficient services to the community. To this end, it is the policy of the County of Glenn to:

1. Provide a workplace free from the adverse effects of drug and alcohol abuse or misuse;
2. Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner;
3. Prohibit the unlawful manufacture, distribution, dispensing, possession or use of controlled substances in the workplace; and
4. Encourage employees to seek professional assistance if drug and/or alcohol abuse or dependency adversely affect their ability to perform assigned duties.
5. The County will establish an ongoing drug-free awareness program to inform employee about
  - a) The dangers of drug abuse in the workplace;
  - b) The grantee's policy of maintaining a drug-free workplace;
  - c) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

B. Prescription Drugs. While the use of medically prescribed medications and drugs is not per se a violation of this policy,

the following policies shall apply to prescription drugs:

1. Failure by the employee to notify his or her supervisor, before beginning work, when taking medications or drugs which could foreseeably interfere with the safe and effective performance of such employee's duties or operation by such employee of County equipment can result in discipline.

2. In exercising the supervisor's discretion in assignments of duties in the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medication or drugs, clearance from a qualified physician may be required by the County.

3. For purposes of this subdivision (B) "medications or drugs which could foreseeably interfere with the safe and effective performance of such employee's duties or operation by such employee of County equipment" shall mean medications or drugs that have written warnings advising that the drug or medication could cause drowsiness or other side effects that could affect performance or judgment on the job.

C. Use of Non-Prescription, Over the Counter Drugs or Medications. An employee using non-prescription, over-the-counter drugs or medications, such as allergy, cold or pain relief medications, must inform his/her supervisor if the employee experiences symptoms from the drugs which could interfere with the safe and effective performance of duties or the safe operation of County vehicles or equipment. It is the employee's responsibility to know of the impairing effects of an over-the-counter drug. Failure to inform the supervisor of a known impairment may result in discipline, up to and including dismissal.

D. The County reserves the right to search, with reasonable suspicion, all areas and property in which the County maintains control or joint control with the employee for the purpose of detecting the suspected presence of alcohol or illegal drugs. (All searches applying to sworn personnel shall be consistent with Government Code Section 3309 - Police Officer's Bill of Rights.) The County may notify the appropriate law enforcement agency that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the County. Areas in which the County maintains full control include, but are not limited to, all County owned properties, buildings, and County owned vehicles and equipment. Areas jointly controlled by the County and the employee include, but are not limited to, desks, lockers, file cabinets, office cabinets, and bookshelves.

GCPER 20 3/16/20- Continued

E. Employees reasonably believed to be under the influence of alcohol or drugs, upon order of the department head or the employee's immediate supervisor, shall not engage in further work until reasonable, appropriate and safe action can be taken to ensure the safety of the work place.

F. The County is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as disabled under federal or state law or when employees voluntarily recognize that they have a drug/alcohol problem and seek treatment. However, any employee found to be in violation of this policy may still be subject to disciplinary action, up to and including dismissal, regardless of the employee's leave status or participation in a treatment or rehabilitation program.

G. Employees are strongly encouraged to seek professional assistance if they have a drug or alcohol problem. The County provides all employees with the services of an Employee Assistance Program (EAP). The EAP is a voluntary, confidential, limited counseling services which can help employees acquire counseling and/or treatment for substance abuse problems. Employees can contact the Personnel Department or their department head for a brochure describing the EAP and how to access the counseling services.

#### **12.04.06 Application**

This policy applies to all employees of and to all applicants for positions with the County. This policy applies to alcohol and to all substances, drugs, or medication, legal or illegal, which could impair an employee's ability to effectively and safely perform the functions of the job.

#### **12.04.07 Drug or Alcohol Testing**

A. Drug-Free Workplace Acts All departments of the County receiving federal and/or state grants are specifically required to comply with the Drug-Free Workplace Acts, provisions of which are incorporated herein. The Drug-Free Workplace Acts define a "drug-free workplace" as any site for the performance of work done in connection with a specific grant at which employees of the grantee are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance. It is the responsibility of affected department heads to notify their employees if they are covered by the requirements of the Drug-Free Workplace Act.

B. US DOT Omnibus Transportation Employee Testing Act of 1991 Employees in certain "safety-sensitive" classifications who are required to possess a commercial driver's license (Class A or Class B) are covered under the federal Omnibus Transportation Employee Testing Act of 1991. These employees must submit to pre-employment, random, reasonable suspicion, post-accident and return-to-work drug and/or alcohol testing as a condition of employment.

C. Applicants for Specific County positions. The County requires certain job applicants to take a drug and alcohol test after a conditional job offer has been made. This requirement applies to all external applicants for jobs classified by the County as safety-sensitive positions including, but not limited to, those jobs where individuals perform work that involves a danger to the public (for example: operation of equipment or heavy trucks used to transport hazardous material, work requiring national security, and work involving the enforcement of drug laws and those jobs that can directly influence children (for example: working directly with children and overseeing those who work directly with children).

D. An external applicant for a County safety-sensitive position who has received a conditional offer of employment shall be required to undergo and successfully pass a preplacement/post-offer drug screening analysis prior to beginning work with the County. Any offer of employment by the County for a safety-sensitive position will be conditioned upon compliance with this Policy. The post-offer applicant will be requested to review and sign a consent form for the controlled substance test, which includes a waiver and release. The form will be completed by the applicant and by the collection center at the time of collection. A positive test indicating the presence of controlled substances as defined in this Policy will result in the withdrawal of the conditional offer and constitute disqualification of the applicant for the position. The applicant will not be considered for employment for a safety sensitive position for one year from the applicant's last positive test.

E. A post-offer external applicant for a position who refuses to submit to testing as defined herein will be considered to have refused to participate in the testing process and will not be hired. In addition, the applicant will not be considered for employment for safety-sensitive positions for one year from the job applicant's refusal to participate in the testing process.

#### 12.04.08 Employee Responsibility

Employees have the following responsibilities:

A. They shall not report to work or be on paid standby status while their ability to perform job duties is impaired due to on or off duty alcohol or drug use.

B. They shall not possess or use alcohol or impairing drugs (illegal drugs and prescription drugs without a prescription) during working hours or while on paid standby status, on breaks, or at anytime while on County property.

C. They shall not directly or through a third party manufacture, distribute, dispense, possess, or use a controlled substance while at the County workplace. They shall not provide drugs or alcohol to any person, including any employee, while either employee or both employees are on duty or on paid standby status. Action that will be taken against an employee for violation of such prohibition may include termination.

D. They shall submit to an alcohol and drug test when requested pursuant to section 12.04.10 (B) below.

E. They shall notify their supervisor, before beginning work, when taking any medication or drugs, prescription or non-prescription, as defined in paragraph (B) (3) of section 12.04.04, above.

F. They shall provide upon request a bona fide verification of a current valid prescription for any potentially impairing drug or medication identified when a drug screen/test is positive. The prescription must be in the employee's name.

G. As a condition of employment all employees must abide by this policy and notify his/her supervisor in writing of any conviction for any violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

#### 12.04.10 Management Responsibilities and Guidelines

A. Managers and supervisors are responsible for reasonable enforcement of this policy.

B. Managers and supervisors may request that an employee submit to a drug or alcohol test when a manager or supervisor has a "reasonable suspicion" that an employee is intoxicated or under the GCPER 20 3/16/20– Continued

influence of drugs or alcohol while on the job or on paid standby status.

"Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or the employee's ability to perform the job safely is reduced.

For example, any of the following may constitute reasonable suspicion:

1. Slurred speech;
2. Alcohol odor on breath;
3. Unsteady walking and movement;
4. An accident involving County property;
5. Physical altercation;
6. Verbal altercation;
7. Unusual behavior;
8. Non job required possession of alcohol or drugs;
9. Information obtained from a reliable person with personal knowledge.

C. Any manager or supervisor requesting an employee to submit to a drug or alcohol test should document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs.

D. Any manager or supervisor encountering an employee who refuses an order to submit to a drug or alcohol analysis upon request shall remind the employee of the requirements and disciplinary consequences of this policy. Where there is reasonable suspicion that the employee is then under the influence of alcohol or drugs, the manager or supervisor shall take appropriate, safe and reasonable action to ensure the safety of the employee, other employees and the work place in general.

E. Managers and supervisors shall not physically search the person of employees, nor shall they search the personal possessions of employees without the freely given consent of, and in the presence of, the employee.

F. Managers and supervisors shall notify their department head or designee when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the County. If the department head or designee concurs that there is reasonable suspicion of illegal drug possession, the department head shall notify the appropriate law enforcement agency.

The County will establish an ongoing drug-free awareness program to inform employees about –

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

#### G. Grant Administration

The County must notify the grant agency in writing, within ten calendar days after receiving notice from an employee of his or her conviction for a violation of a criminal drug statute occurring the workplace, or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted:

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee 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.

#### 12.04.12 Physical Examination

The drug and alcohol tests may test for any substance which could impair an employee's ability to effectively and safely perform the functions of the employee's job.

#### 12.04.14 Results of Drug and Alcohol Analysis

##### A. Pre-employment Physicals

1. A positive result from a drug or alcohol analysis may result in the applicant not being hired where the applicant's use of drugs or alcohol could affect requisite job standards, duties or responsibilities.

2. If a drug screen is positive at the pre-employment physical, the applicant must provide within 24 hours of request bona fide verification of a valid current prescription for the drug identified in the drug screen. If the prescription is not in the applicant's name or the applicant does not provide acceptable verification, or if the drug is one that is likely to impair the applicant's ability to perform the job duties, the applicant may not be hired.

#### B. During Employment Alcohol/Drug Tests

1. A positive result from a drug or alcohol analysis may result in disciplinary action.

2. If the drug screen is positive, the employee must provide within 24 hours of request bona fide verification of a valid current prescription for the drug identified in the drug screen. The prescription must be in the employee's name. If the employee does not provide acceptable verification of a valid prescription, or if the prescription is not in the employee's name, or if the employee has not previously notified the employee's supervisor pursuant to section 12.04.08 (E), the employee will be subject to disciplinary action.

3. If an alcohol or drug test is positive for alcohol or drugs, the County shall conduct an investigation to gather all facts. The decision to discipline or terminate will be carried out in conformance with applicable disciplinary policies.

#### **12.04.15 Consequences of a Positive Test Result Following Reasonable Suspicion Testing**

A confirmed positive test result from a drug and/or alcohol test will result in appropriate personnel action which may include disciplinary action, up to and including dismissal. If a drug test is positive, the employee must provide, within 24 hours of request, proof of a current prescription for the drug identified in the drug screen, if the employee is taking the identified drug under the orders of a physician. The prescription must be in the employee's name. If the employee does not provide acceptable proof of a prescription, or if the prescription is not in the employee's name, or if the employee has not previously told his or her supervisor of potential impairment due to use of medication, the employee will be subject to disciplinary action, up to and including dismissal.

If an alcohol or drug test is confirmed positive, the Personnel Director, or designee, shall conduct an investigation to gather all available, pertinent information.

Any disciplinary action will be carried out according to applicable County rules regarding disciplinary action (Personnel Rules, Chapter 10).

Any Personnel Department investigation or action will be separate and distinct from and shall not interfere with any concurrent law enforcement criminal investigation of the employee which may be taking place.

#### **12.04.16 Confidentiality**

Laboratory reports or test results shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the Personnel Director. The reports or test results may be disclosed to County management on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without the employee's consent, may also occur under the following circumstances:

A. The information is compelled by law or by judicial or administrative process to be disclosed;

B. The information has been placed at issue in a formal dispute between the employer and employee;

C. The information is to be used in administering an employee benefit plan; and

The information is needed by medical personnel for the diagnosis or treatment of the employee, who, as a patient, is unable to authorize disclosure.