

C-3 ALCOHOL AND DRUG FREE WORKPLACE POLICY



Inception Date: 5/3/2005
Last Revision Date: 4/28/2009
By: Human Resources
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3.1.0 PURPOSE

- 3.1.1 Solano County is committed to providing employees with a safe and healthy work environment and to fostering the well being and health of its employees. This policy addresses the use of drugs and alcohol in the workplace. The above commitment is jeopardized when any employee illegally uses drugs on the job or comes to work under the influence of drugs and/or alcohol or possesses, distributes or sells drugs in the workplace.
- 3.1.2 While Solano County has no intention of intruding into the private lives of its employees, involvement with drugs and alcohol can take its toll on job performance and employee safety. 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 and influence of drugs and alcohol on the job, and the influence of these substances on employees during working hours, are inconsistent with this objective.

3.2.0 APPLICABILITY

- 3.2.1 This Policy applies fairly and equitably to all County Employees and all applicants after a conditional offer of employment is made for positions with the County that may pose great danger to the public and/or operate dangerous instrumentalities, with the following exceptions:
- A. Elected officials
 - B. Employees in job classifications defined in the County's Policy for Drug and Alcohol Testing of Employees in Safety-Sensitive Positions are covered by the Federal Department of Transportation (DOT) Regulations and are excluded from this Policy.
 - C. The provisions of this policy related to the presence and use of alcoholic beverages shall not apply to off duty employees in County buildings participating in events approved by the County Administrator.

3.3.0 DEFINITIONS

- 3.3.1 The following definitions are provided solely as a guide to assist in the application of this policy. Further detail is set forth in the Federal Drug-Free Workplace Act of 1988, and the California Drug-free Workplace Act of 1990. The following definitions may be subject to change due to a change in applicable law.
- A. "Alcohol" The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol.

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- B. "Drugs" The drugs for which tests are required under this policy. This includes but is not limited to: marijuana, cocaine, amphetamines, phencyclidine (PCP), opiates and all derivatives of these drugs as described in DOT guidelines. In the event that the DOT adds to this list of mandated drugs for testing, the additional drug(s) shall be included in the list of tested drugs following thirty (30) days' written notice to affected employees.
- C. "Employee" A County employee.
- D. "Impair or Impairment" Shall be considered use by an employee of alcohol and/or all substances, drugs, or medication, legal or illegal, which impair an employee's ability, physically and/or mentally to perform the functions and duties of his or her position.
- E. "Medical Review Officer (MRO)" A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.
- F. "Reasonable Suspicion" A belief based on objective facts sufficient to lead the employer to suspect that an employee is under the influence of drugs or alcohol in the workplace or in connection with the workplace.
- G. "Substance Abuse Professional" A person who evaluates employees who have tested positive on a drug or alcohol test and makes recommendations concerning education, treatment, follow-up testing and aftercare.

3.4.0 POLICY

- 3.4.1 It is County Policy that employees shall not be under the influence, impaired by or have in their biological system, or be in possession, of alcohol or drugs while on County property, at work locations, or while on duty or on standby, and that employees shall not manufacture, sell or provide drugs or alcohol to any other employee or person while on duty or on standby.
- 3.4.2 While use of validly prescribed medications does not violate this policy per se, failure by an employee to notify his/her supervisor, before beginning work, when taking medications or drugs which could foreseeably interfere with the safe and effective performance of duties, or the operation of County equipment, can result in discipline up to and including termination. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified physician may be required.

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3.4.3 The County reserves the right to search, without employee consent, all areas and property in which the County maintains control or joint control with the employee. Refusal to submit to the above search or refusal to submit to a request for a search by law enforcement personnel may constitute insubordination and subject the employee to discipline up to and including termination. The County shall not physically search the person of employees, nor shall the County search the personal possession of employees without the freely given written consent of the employee.

3.4.4 The County has established a voluntary and confidential Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol or drug problems. Employees should contact the EAP Program, Human Resources or Occupational Health for additional information. The County also has a drug and alcohol awareness program available to inform employees of this policy, the dangers of drug and alcohol abuse in the workplace, and any available counseling, rehabilitation and treatment. Resources for information on alcohol and drug abuse are listed in Attachment D.

3.4.5 The County is committed to providing reasonable accommodation to those employees whose alcohol or drug addiction classifies them as disabled under Federal and/or State law.

3.5.0 RESPONSIBILITIES

A. Department Heads

1. Department Heads are responsible for implementation and oversight of this Policy.

B. Management

1. Managers and supervisors are responsible for reasonable enforcement of this Policy.
2. Managers and supervisors may require that an employee submit to a drug and/or alcohol test when a reasonable suspicion exists that an employee is under the influence of or impaired by alcohol or drugs while on the job or on stand-by. This should only occur when management has made observations and can specifically articulate and document such observations that an employee is suspected to be under the influence of or impaired by alcohol or drugs. Observations can be made prior to, during or just after an employee is performing his/her job functions. Observations should be recorded on the "Reasonable Suspicion Observation Checklist" (Attachment A).
3. Management who sends an employee for testing because of reasonable suspicion shall arrange for transportation to the testing location. Under no

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circumstances shall an employee under reasonable suspicion be allowed to drive to the testing location.

4. Management encountering an employee who refuses a request to submit to a drug and/or alcohol test 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, and the employee refuses a request to submit to a drug and/or alcohol test, management should arrange for the employee to be safely transported home.
5. Management shall notify their Department Head or designee when they have reasonable suspicion to believe that an employee may have illegal drugs or alcohol in his or her possession or in an area not jointly or fully controlled by County. If the Department Head or designee concurs that there is a reasonable suspicion of illegal drug possession, the Department Head shall notify the appropriate law enforcement agency.

C. Employee

An employee must:

1. Not report to work or be subject to duty or standby while his or her ability to perform job duties is impaired due to on or off duty alcohol or drug use.
2. Not possess or use alcohol or impairing drugs, including illegal drugs and prescription medications without a prescription, during working hours or while subject to duty, on breaks, during meal periods or at anytime while on County property. Sheriff personnel performing a sanctioned police task are excluded from this requirement.
3. Not directly or through a third party manufacture, sell or provide drugs or alcohol to any person, including any employee, while either or both employees are on duty or on stand-by. Sheriff personnel performing a sanctioned police task are excluded from this requirement.
4. Submit immediately to an alcohol and/or drug test when requested by a manager or supervisor when there is reasonable suspicion that the employee is under the influence of or impaired by alcohol or drugs;
5. Notify his or her supervisor, before beginning work, when taking any medications, prescription or non-prescription, which—could foreseeably interfere with the safe and effective performance of duties or operation of County equipment.

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3.6.0 TESTING

3.6.1 Tests that will be conducted as part of this Policy are Pre-Employment, Reasonable Suspicion, Post Accident, Return-To-Duty and Follow-Up Testing. All Testing will be completed only at Collection/Testing Locations identified in Attachment B (County Protocols for Testing for Alcohol & Drugs) or designated by Risk Management.

A. Pre-Employment

After conditional offers of employment have been made, all prospective employees for County employment in job classifications which may pose a great danger to the public and/or who may operate dangerous instrumentalities (as listed in Attachment E, Job Classifications Authorized for Pre-Employment Drug Screening) will be required to have a Urine Drug Test. Prospective employees with a positive drug test will not be hired. Prospective employees who refuse to undergo a Urine Drug Test or who engage in any conduct that obstructs or impairs the testing process will not be hired.

The Director of Human Resources shall have the authority to modify, amend, supplement, add, or remove, job classifications or series within a classification from the testing protocol as necessary to meet the personnel needs of the County, and as to conform to legal and/or regulatory changes which may occur from time to time.

B. Reasonable Suspicion Testing

All County employees covered under this Policy will be required to undergo testing if a director, manager or supervisor has made observations and can specifically articulate and document such observations that an employee is suspected to be under the influence of or impaired by alcohol or drugs.

Employees sent for testing under Reasonable Suspicion will be required to have both a Urine Drug Test and a Breath Alcohol Test.

When an employee is tested under Reasonable Suspicion, the manager or supervisor must arrange for transportation of the employee to the Collection/Testing Location. The employee will remain off work with pay until the test results are confirmed.

Employees who engage in any conduct that obstructs or impairs the testing process will be deemed to be in violation of this policy and will be subject to discipline up to and including termination.

Refusal to undergo Reasonable Suspicion Testing will result in immediate termination.

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See Attachment C for county protocol relating to positive Urine Drug Tests, Positive Breath Alcohol Tests, Refusal to Test or Engaging in conduct that obstructs or Impairs the Testing.

C. Post Accident Testing

Employees covered under this Policy will be required to undergo testing following an accident while driving on County business, if the accident involves a fatality, if one or more vehicles must be towed from the scene of the accident, or if one or more persons have to be transported away from the scene of the accident by ambulance.

Employees sent for testing under Post Accident Testing will be required to have both a Urine Drug Test and a Breath Alcohol Test. Alcohol testing should be completed within 8 hours following a covered accident. Urine Drug Testing should be completed within 32 hours following a covered accident.

The employee's supervisor or manager will be required to ensure that the employee is tested by arranging for the transportation of the employee to the Collection/Testing Location After any post-accident testing, the employee will remain off work with pay until the test results are confirmed.

Employees who engage in any conduct that obstructs or impairs the testing process will be deemed-to be in violation of this policy and will be subject to discipline up to and including termination.

Refusal to undergo Post-Accident Testing will result in immediate termination.

See Attachment C for procedures for positive Urine Drug Tests, Positive Breath Alcohol Tests, Refusal to Test or Engaging in conduct that obstructs or impairs the Testing.

D. Return to Duty/Follow-up Testing

These tests will be completed as outlined in County Protocols for Testing, under Section III, regarding Positive Test Results/Refusal to Test/Obstructing or Impairing Test.