

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

County of San Diego Drug and Alcohol Use Policy

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Purpose

In recognition of the County's responsibility to maintain a safe, healthy and productive work environment and in recognition of the responsibility of each County elected official, officer, employee, recognized employee organization, contractor, and grantee to perform services for the public as safely, effectively and efficiently as possible, the County, and all parties listed above commit that the work environment and the services performed shall not be adversely affected or impaired in any way by the use or presence of alcohol or drugs.

The County currently has the right and responsibility to eliminate any circumstance or activity that might impair or reduce the safe and effective performance of County services.

Objectives:

1. To strengthen the leadership role for the County and for each County elected official, officer, employee, recognized employee organization, contractor, and grantee in ensuring a drug-free and alcohol-free County work environment.
2. To provide efficient and economic services to the public.
3. To provide a safe and healthy work environment.
4. To provide a County work environment free of any adverse effects on job performance caused by a drug or alcohol related problem.
5. To provide assistance toward rehabilitation for a County employee seeking help for a drug or alcohol related problem.

Definitions

For purposes of this policy the following terms shall have the following meanings:

1. Alcohol means any alcohol or alcoholic beverage as defined in California Business and Professional Code Sections 23003 and 23004.
2. Applicant includes any person who has a bona fide and conditional offer of employment with the County.

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3. Contractor means a person or entity that enters into a contract with the County to provide ongoing services. The term contractor does not include vendors of real or personal property.

4. Controlled Substance means any narcotic drug or immediate precursor that is specified or referenced in any provision of the California Uniform Controlled Substance Act (Division 10 of the California Health and Safety Code) or the Federal Controlled Substances Act (Chapter 13 of Title 21 of the United States Code) which may subject an individual to criminal penalties.

5. County Property includes all County-owned or leased property work sites, parking lots, vehicles, including property assigned to or used by employees, such as desks, lockers, storage bins.

6. Drug means any drug, other than alcohol, including but not limited to illegal drugs and prescription or over-the-counter drugs.

7. Grantee means a person or entity who receives financial assistance, including a cooperative agreement, in the form of money or property in lieu of money, from the County.

8. Illegal drug means any controlled substance, drug, narcotic or immediate precursor which is specified or referenced in any provision of the California Uniform Controlled Substance Act (Division 10 of the Health and Safety Code) which may subject an individual to criminal penalties, or a legal drug which has not been legally obtained or is being used by an individual for whom it was not prescribed, or is not being used in the manner, combination or quantity for which it was manufactured, prescribed, or intended.

9. Impairment or Reduction in Job Performance means the quality or quantity of an employee's performance on the job is less than should be expected or accepted, or less than usual, standard, or average as judged against the past job performance of an individual employee.

10. Legal drug means any over-the-counter drug or prescription drug which has been legally obtained and is being used in the manner, combination and quantity for which it was manufactured, prescribed, or intended.

11. On Duty for the County means the span of time between the time the employee reports for his/her work shift through the time the employee ends duty for the same shift, and also, while on paid standby duty.

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12. Under the Influence means that a drug or alcohol is present in employee's bodily system.

Policy:

A. Elected Official

Each member of the San Diego County Board of Supervisors commits, and urges all other County elected officials to commit, that while performing services for the County on County property or using County equipment, each elected official:

1. Shall not in any way be impaired because of being under the influence of alcohol or a drug.
2. Shall not possess, consume, or be under the influence of alcohol and/or an illegal drug.
3. Shall not sell, offer, or provide alcohol or an illegal drug to another person.

B. Contractor

It is the policy of the Board of Supervisors that in order to attain or maintain a contract with the County, each contractor shall agree that while performing services pursuant to the contract or using County equipment, the contractor or the contractor's employees:

1. Shall not be in any way be impaired because of being under the influence of alcohol or a drug.
2. Shall not possess, consume, or be under the influence of alcohol and/or an illegal drug.
3. Shall not sell, offer, or provide alcohol or an illegal drug to another person.

This policy, as it relates to contractors, shall be implemented by requiring appropriate contract provisions to be included in any contract between the County and a contractor.

C. Grantee

It is the policy of the Board of Supervisors that in order to receive or maintain a grant from the County, each grantee shall agree that while performing services pursuant to the grant agreement, the grantee or the grantee's employees:

1. Shall not be in any way be impaired because of being under the influence of alcohol or a drug.
2. Shall not possess, consume, or be under the influence of alcohol and/or an illegal drug.
3. Shall not sell, offer, or provide alcohol or an illegal drug to another person.

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This policy, as it relates to grantees, shall be implemented by requiring appropriate provisions to be included in any grant application and agreement between the County and a grantee.

D. County Officers and Employees

It is the policy of the Board of Supervisors that while a County officer or employee (hereinafter referred to as employee) is on duty for the County, on County property, or using County equipment:

1. An employee's job performance or safety shall not be in any way impaired because the employee is under the influence of alcohol or a drug.
2. An employee shall not possess, consume, or be under the influence of alcohol and/or an illegal drug.
3. An employee shall not sell, offer, or provide alcohol or an illegal drug to another person.

This policy, as it relates to County employees, shall be implemented in the County of San Diego Department of Human Resources Policy and Procedures Manual as Policy Number 107.

E. Applicants for County Employment

An applicant for a position in County employment in a classification designated for testing by the Director of Human Resources must participate in and successfully pass a drug test as part of the County's medical pre-screening process. Failure or inability to successfully pass the drug test shall constitute disqualification of the applicant for the position.

F. Exceptions to This Policy:

1. County employees transferring, demoting, or promoting to other County positions will not be required to undergo pre-employment drug screening unless the employee transfers, demotes, or promotes to a job classification regulated by the Omnibus Transportation Employee Testing Act of 1991.

2. Job Related Exceptions:

Performance of job duties and responsibilities directed by assignment or detail shall not result in an employee's violation of this Policy.

3. Chief Administrative Officer Authorized Exceptions:

During special, infrequent occasions, consumption of alcoholic beverages and, therefore, open containers of alcohol, may be allowed on County property while an employee is on duty for the County or while using County property but only upon specific prior written authorization from the Chief Administrative Officer. On such

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authorized occasions, an employee's consumption of alcohol must be limited to avoid any actual or perceived impairment or reduction in job performance if the employee returns to work.

This exception does not apply to an employee who, upon return to work from said infrequent occasions, has a reasonable expectation of contact with the public wherein an intoxicant odor on breath or clothing might impair the public trust and confidence in the sobriety of the employee.

4. Residing on County-Owned Property:

An employee who resides on County-owned property is exempt from provisions of this policy for circumstances that would be considered appropriate or legal if his/her residence were on private property.

Sunset Date

This policy will be reviewed for continuance by 12-31-24.

Board Action

10-24-89 (34)

4-4-95 (28)

4-8-97 (29)

9-23-97(12)

5-16-06 (16)

12-09-08 (33)

12-07-10 (27)

11-08-11 (24)

11-14-17 (27)

10-30-18 (23)

CAO Reference

1. Department of Human Resources