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## Drug and Alcohol Free Workplace

### 909.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

### 909.2 APPLICABILITY

These policies and procedures apply to all Department staff.

### 909.3 DEFINITIONS

For purposes of this policy the following terms mean:

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

"Alcohol" means any alcohol or alcoholic beverage as defined in California Business and Professional Code Sections 23003 and 23004.

"Reasonable Suspicion" means a suspicion, based on objective facts that an employee is under the influence of drugs and/or alcohol. Such objective facts include characteristics of employee's appearance, behavior, mannerisms, speech, body odors, actual observation of or reliable witness information on the use of drugs and/or alcohol.

### 909.4 POLICY

It is the policy of this department to provide a drug and alcohol free workplace for all employees.

### 909.5 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department employees and the public. Such use shall not be tolerated (41 USC § 8103).

Employees who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected employees shall notify the Watch Commander or appropriate Supervisor as soon as the employee is aware that he/she will not be able to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the Supervisor in a timely manner. If the employee is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

#### 909.5.1 USE OF MEDICATIONS

Employees should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any employee who is medically required or has a need to take any such medication shall report that need to his/her immediate Supervisor prior to commencing any on-duty status.

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No employee shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on-duty or off-duty is prohibited and may lead to disciplinary action.

#### **909.6 EMPLOYEE RESPONSIBILITIES**

Employees shall report for work in an appropriate mental and physical condition. Employees are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Employees shall notify a Supervisor immediately if they observe behavior or other evidence they believe demonstrates a fellow employee poses a risk to the health and safety of the employee or others due to drug or alcohol use.

Employees are required to notify their immediate Supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

#### **909.7 EMPLOYEE ASSISTANCE PROGRAM**

It is County policy to provide a confidential Employee Assistance Program (EAP) to facilitate the emotional well being of employees and their families in order to maintain a productive workforce to conduct the business of the County. Employees should contact the Department of Human Resources, their insurance providers or the Employee Assistance Program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

##### **909.7.1 ELIGIBILITY CRITERIA**

Any employee who receives a paycheck from the County is eligible to use the EAP services. In addition, the employee's spouse, dependents or any family member living in the employee's household may also use the services.

##### **909.7.2 PROCEDURE**

Employee: An employee or eligible dependent may contact the Employee Assistance Program directly via a toll-free number to discuss his/her concerns. He/She may receive telephonic counseling, or face-to-face visits to address and rectify the concerns. If additional resources are required, the EAP professional may refer the employee to other providers through the appropriate medical plan or community-based services.

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Manager/Supervisor: Managers and Supervisors may also consult with the EAP to receive assistance dealing with employees who are having difficulty in the workplace, and to help identify the warning signs of personal problems affecting job performance. The EAP will help develop a constructive approach for intervening and motivating troubled employees to seek help by developing an appropriate plan of action to deal with the situation.

#### **909.8 WORK RESTRICTIONS**

If an employee informs a Supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the employee may be required to obtain clearance from his/her physician before continuing to work.

#### **909.9 REQUESTING SCREENING TESTS**

An employee may be required to submit to a screening test under the following circumstances:

- (a) Two observers (pursuant to the applicable MOA and County Policy) reasonably believe, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.

##### **909.9.1 SUPERVISOR RESPONSIBILITY**

The Supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

##### **909.9.2 SCREENING TEST REFUSAL**

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, and the employee fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.
- (c) Violates any provisions of this policy.

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#### **909.10 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving an employee, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

#### **909.11 CONFIDENTIALITY**

The Department recognizes the confidentiality and privacy due to its employees. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the Employee Assistance Program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.