

PLACER COUNTY DEPUTY SHERIFF'S ASSOCIATION

ALCOHOL AND DRUG ABUSE POLICY

I. PURPOSE

It is the intention of this policy to eliminate substance abuse and its effects in the work place. While Placer County has no intention of intruding into the private lives of its employees, involvement with alcohol and drugs off the job can take its toll on job performance and employee safety. Employees must 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 alcohol and drugs on the job, and/or the influence of these substances on employees during working hours, are inconsistent with the objective of eliminating substance abuse and its effects on the workplace.

Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the County's Employee Assistance Program. While the County will be supportive of those who seek help voluntarily, the County will be equally firm in identifying and disciplining those who continue to participate in substance abuse, even if enrolled in counseling or rehabilitation programs.

Supervisors will be trained to recognize symptoms of substance abuse and become involved in this control process. Alcohol or drug abuse will not be tolerated and disciplinary action, up to and including termination, will be used as necessary to achieve this goal.

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 including alcohol; drugs (illegal and prescription) or any other substance which could impair an employee's ability to safely and effectively perform the functions of the particular job, or which increases the potential for accidents; danger to the health and safety of others and themselves; absenteeism; sub-standard performance; poor employee morale; damage to the County's property or reputation; and/or, violations of federal, state, or County laws/policies.

In recognition of the public service responsibilities entrusted to the employees of the County, and the fact that alcohol and drug usage can hinder a person's ability to perform duties safely and effectively, the following policy against alcohol and drug abuse is hereby adopted by Placer County. This policy applies in addition to the federal Department of Transportation Alcohol and Drug Program as enforced by the County.

II. POLICY

Employees shall not be impaired by, or be in possession of alcohol or drugs while on County property, at work locations, while on duty, or subject to being called to duty. Employees shall not manufacture, sell, distribute, or dispense alcohol or drugs (directly or through a third party) to any person, including any employee, while either employee or both employees are on duty or subject to being called to duty.

While use of validly prescribed medications and drugs is not per se a violation of this policy, failure by an 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 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.

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. Otherwise 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. For applicable public safety employees, the County shall inform employees under the Public Safety Officers Procedural Bill of Rights of its intent to search areas of joint control.

Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and shall be detained for a reasonable period of time to allow for testing and arranging for the employee's safe transportation from the worksite.

Employees who test positive for alcohol or drugs, refuse to complete a required drug test, adulterate a sample, substitute a sample, have a test cancelled because their specimen failed laboratory validity testing, fail to report for a drug test when scheduled, refuse to sign forms required for the completion of any test, or refuse to cooperate in the testing process in any way that prevents completion of any test, will be subject to discipline up to and including termination.

The County is committed to providing reasonable accommodation to those employees whose alcohol or drug problem classifies them as disabled under federal and/or state law.

The County established a voluntary Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol and/or drug problems. Employees interested in this service should contact the County's benefit provider directly for additional information.

III. APPLICATION

This policy applies to all employees of Placer County.

IV. MANAGEMENT RESPONSIBILITIES AND GUIDELINES

Department Heads, managers, and supervisors are responsible for:

- A. Reasonable enforcement of this policy.
- B. Requesting that an employee submit to an alcohol and drug test when there is a "reasonable suspicion" that an employee is under the influence of alcohol and/or drugs while on the job or subject to being called to duty.

"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 alcohol or drugs so that the employee's ability to perform the functions of the job is impaired, or so the employee's ability to perform his or her job safely is reduced. For example, any of the following, alone or in combination, may constitute reasonable suspicion depending upon the circumstances in which the behavior is observed and/or reported:

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1. Slurred speech;
 2. Alcohol odor on breath;
 3. Unsteady walking and movement;
 4. An accident involving County property, where it appears the employee's conduct is at fault;
 5. Physical altercation;
 6. Verbal altercation;
 7. Unusual behavior that warrants intervention by a manager or supervisor;
 8. Possession of alcohol or drugs;
 9. Information obtained from a reliable person with personal knowledge;
 10. Bloodshot eyes.
- C. Documenting the facts and circumstances that articulates and substantiates that the employee in question is reasonably suspected of being under the influence of alcohol or drugs.
- D. Reminding the employee who refuses an order to submit to an alcohol and drug analysis 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 should arrange but not provide for the employee to be safely transported home.
- E. Managers and supervisors should notify the 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.
- F. Managers and supervisors should immediately notify the Department Head or designee and Risk Management of any action taken under this Policy.

V. EMPLOYEE RESPONSIBILITIES

An employee must:

- A. Not report to work or be subject to duty while his or her ability to perform job duties is impaired due to on or off duty alcohol or drug use;
- B. Not possess or use alcohol, drugs (illegal and prescription), or substances that cause impairment during working hours or while subject to duty, on breaks, during meal periods, or at anytime while on County property;

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- C. Not manufacture, sell, distribute, or dispense drugs (illegal and prescription), directly or through a third party, to any person, including any employee, while either employee or both employees are on duty or subject to being called to duty;
 - D. Submit immediately to a reasonable suspicion alcohol and drug test when requested by a supervisor, manager, Department Head, or designee;
 - E. Notify his or her supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of County equipment;
 - F. Provide within 24 hours of request 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; and,
 - G. Notify his or her supervisor within five calendar days of a conviction for an alcohol and/or drug offense.

VI. TESTING, MEDICAL EVALUATION, AND PROCEDURE

Upon request, employees shall be entitled to representation during any interviews or discussions that could lead to a decision by the department head or designee to take adverse action against the employee, regardless of whether these interviews or discussions occur before or after the sample is taken. However, the employee may be ordered to take a test without a representative so long as there is no interview or discussion with the employee.

The alcohol and drug tests may test for any substance which could impair an employee's ability to effectively and safely perform the functions of his or her job, including, but not limited to, alcohol, prescription medications, heroin, cocaine, morphine and its derivatives, P.C.P., methadone, barbiturates, amphetamines, marijuana and other cannabinoids.

Testing for the presence of alcohol and/or metabolites of drugs will be conducted by analysis of breath, saliva, urine, and/or blood at the County's discretion.

VII. RESULTS OF ALCOHOL AND DRUG ANALYSIS

Employees who test positive for alcohol or drugs, adulterate a sample, substitute a sample, or have a test cancelled because their specimen failed laboratory validity testing will be subject to discipline up to and including termination.

The results of the tests will be reviewed and analyzed by the County Health Officer or designee and submitted to Risk Management.

For positive test results, the County Health Officer or designee may interview the affected employee to determine if factors other than illegal drug use may have caused the result. If the employee reports the positive result is based on medications, 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 to the County Health Officer or designee. The prescription must be in the employee's name. If the employee does not provide acceptable verification of a valid prescription, the prescription is not in the employee's name, or the employee has not previously

notified his or her supervisor of the same, the employee will be subject to disciplinary action up to and including termination.

The County Health Officer or designee will provide an analysis of the test results to Risk Management. Laboratory reports or test results shall be securely kept under the control of Risk Management. The employee shall receive a full copy of any test results upon request. Risk Management will provide information on a strictly need-to-know basis to the appropriate County management staff for appropriate actions.

VIII. CONFIDENTIALITY

Laboratory 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 employee consent may also occur when:

- A. The information is compelled by law or by judicial or administrative process;
- 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/or,
- D. The information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize disclosure.

IX. TRAINING

- A. Employee Training: The County will inform employees about the policy on alcohol and drug abuse; the availability of an Employee Assistance Program (EAP) for treatment and counseling services for those employees who voluntarily seek such assistance.
- B. Manager/Supervisor Training: The County will provide training to assist managers and supervisors in identifying factors, which constitute reasonable suspicion for drug testing, as well as a detailed explanation and emphasis on the terms and conditions of the alcohol and drug policy.