



Administrative Policy Manual

Policy No: A-16

Updated As Of: 9-24-2015

Approved: *Don Moutz*

SUBJECT: DRUG AND ALCOHOL FREE WORKPLACE

PURPOSE: It is each employee's responsibility to perform work for the public safely, effectively and efficiently. The City will act to eliminate any substance abuse which increases the risk for accidents, absenteeism, sub-standard work performance, poor employee morale or damage to the City's reputation.

GENERAL POLICY:

The City of Indio and its employees recognize that behavior resulting from the use of alcohol and/or other drugs detrimentally affects work performance and presents a risk to City employees and the health and welfare of the citizens of Indio. This policy provides guidance to employees, supervisors and managers in addressing substance abuse issues. Substance abuse includes the use or possession of illegal drugs, alcohol or controlled substances which could impair an employee's ability to perform his/her job safely, effectively and efficiently.

PROVISIONS:

1. Employees shall not be at work under the influence of alcohol or illegal drugs, in possession of alcohol or drugs, nor sell or provide drugs to any person while on or off duty.
2. Recommended use of medically prescribed drugs is not a violation of this policy if directions are followed properly. Employees must notify his/her supervisor and the Director of Human Resources and Risk Management before beginning work, when taking recommended prescription drugs which may interfere with the safe and effective performance of his/her duties. The supervisor and Director of Human Resources and Risk Management reserve the right to have a City physician or the employee's own physician determine whether it is advisable for the employee to continue working while taking such drugs.
3. Commitment to Employ Disabled Individuals: Nothing in this Policy is intended to diminish the Agency's commitment to employ qualified disabled individuals or to provide reasonable accommodation to such individuals consistent with all federal, state and local laws. As noted above, however, employees are required, under certain limited circumstances, to obtain the supervisor's and the Director of

Human Resources and Risk Management's consent to continue working while using legal prescription drugs.

4. Reasonable Accommodation: If an employee's use of a legal prescription drug is related to a disability and the employee voluntarily self-identifies as a disabled individual to the Agency in connection with an effort to determine whether it is advisable to continue working despite the use of the drug, and if it is determined that the employee should not continue to work in his or her regular job while using the legal prescription drug, an effort will be made to reasonably accommodate that employee.
5. Employees reasonably believed to be under the influence of alcohol or drugs shall be transported by an authorized City representative and/or law enforcement personnel for an alcohol and/or drug analysis.
6. Refusal to submit to an alcohol and/or drug analysis when directed to do so by appropriate City supervisory management or law enforcement personnel, or collection faculty shall be considered a positive result and may be grounds for discipline up to and including termination.
7. The City reserves the right to search, without employee consent, all areas and property in which the City maintains full or joint control with the employee for the purposes of detecting alcohol or illegal drugs. Areas in which the City maintains full control include but are not limited to all City owned properties, buildings, and City owned equipment. Areas jointly controlled by the City and the employees include but are limited to desks, lockers, file cabinets, office cabinets, and bookshelves. The City may notify the appropriate law enforcement agency if it is believed that an employee may have illegal drugs in his or her possession. However, in the event such an area is occupied by a Peace Officer defined under the Penal Code Sections 830.1, 830.3, 930.4, and 830.5, all searches shall be consistent with Government Code Section 3309 (Police Officer Bill of Rights).
8. Assessment, referral, and out-patient and in-patient treatment for substance abuse for employees and dependents is available through City sponsored employee assistance program. Enrollment in a treatment plan is optional for the employee, unless so required by the City as part of a disciplinary action.
9. Employee participating in a treatment program may use his/her own sick leave accrual in accordance with City policy of sick leave usage.
10. All employees convicted of violating a criminal drug statute, must inform their supervisor within five days of the conviction occurring. Failure to inform their supervisor is subjected to disciplinary action, up to and including termination of employment.
11. It is every employee's responsibility to:
 - a. Demonstrate satisfactory job performance;

- b. Not report to work or be subject to duty on paid call/stand-by time while his/her ability to perform job duties is impaired due to on or off-duty alcohol or drug use;
- c. Not be in immediate possession, use or be under the influence of alcohol during working hours or subject to duty on paid call/stand-by time or at anytime while on City of Indio property.

12. It is management's and supervisor's responsibility to:

- a. Enforce this policy;
- b. Encourage employees to seek professional assistance when deteriorating or unsatisfactory job performance, or when a specific on-the-job incident is cause for concern;
- c. Request that an employee submit to a drug and/or alcohol analysis when a reasonable suspicion exists that an employee is under the influence of drugs or alcohol.

13. Types of Testing:

- A. **PRE-EMPLOYMENT TESTING:** All applicants who have received a conditional offer of employment must take a drug test before receiving a final offer of employment. All interns and volunteers will also be required to undergo a pre-employment drug test. A verified negative drug test result is required before an applicant, intern or volunteer can be allowed to perform any City duties for the first time. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass the test with a verified negative result before starting employment.
- B. **REASONABLE SUSPICION TESTING:** For all employees, a reasonable suspicion drug and alcohol test will be conducted only if the reasonable suspicion observation is made just before, or during, employee work duties. Reasonable suspicion is a belief based on objective and specific facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs or alcohol to the extent that an employee's ability to perform the functions of the job appears to be impaired. Any or some combination of the following may constitute reasonable suspicion of substance abuse:
 - a. Slurred or thick speech;
 - b. Alcohol on breath;
 - c. Inability to perform work properly;
 - d. Problems walking or other physical activity impairment;
 - e. Possession of alcohol or drugs;
 - f. Eyes that stare blankly or appear glassy;
 - g. Wide and severe mood swings;
 - h. An accident involving City property or equipment.

i. Dilated or constricted pupils.

- C. POST-ACCIDENT TESTING: Any employee who is involved in any accident including but not limited to driving a City owned or rented vehicle, or using a City owned or rented equipment, shall be tested for alcohol and drugs as soon as possible. The employee must remain available for testing or be deemed to have refused testing.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

If it is determined that a post-accident test is required, the employee's supervisor must notify the Director of Human Resources and Risk Management within two (2) hours of the accident.

For purposes of this policy, "accident" is defined as an accident involving a motor vehicle or motorized equipment, or any work related incident where the result is any one or some combination of the following:

- a. Fatality;
- b. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment;
- c. One or more motor vehicles or motorized equipment incurring damage as a result of the accident.

Employees involved in an accident that requires testing must remain readily available for testing, including notifying the City of their location if they leave the scene of the accident before testing to obtain emergency medical care, or to obtain assistance in responding to the accident. They will be considered to have refused to submit to testing if they fail to do so.

- D. RANDOM DRUG AND ALCOHOL TESTING: As required by the Department of Transportation (DOT) regulations, employees in safety-sensitive positions are required to undergo random drug and alcohol tests to deter the use of prohibited drugs and misuse of alcohol. Performing a safety-sensitive function means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work.

Safety-sensitive functions shall include:

- a. All time at an employer facility, other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- b. All time inspecting equipment as required by §392.7 and §392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- c. All time spent at the driving controls of a commercial motor vehicle in operation;
- d. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- e. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

The random selection will be conducted using a scientifically valid method, such as a random number table or a computer-based random number generator that gives each covered employee an equal chance of being selected every time a selection is made. As is the nature of the random method, it is possible that some employees will be selected several times in one year, and other employees not be selected for several years. The testing dates and times are unannounced and employees are required to immediately proceed to the designated collection site following notification.

E. RETURN-TO-DUTY TESTING: Employees who have been on an approved or unapproved leave from the workplace for more than thirty (30) days are required to submit to a drug and alcohol test prior to performing a safety-sensitive position. The test must produce a negative result before the employee is returned to duty.

F. FOLLOW-UP TESTING: Any employee who has violated this alcohol and drug testing policy and is allowed to return to work must submit to a return-to-duty test and unannounced follow-up tests after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty. The test results of all return-to-duty and follow-up tests must be negative.

14. Any manager or supervisor requesting that an employee submit to a drug and/or alcohol analysis shall immediately document in writing all the facts constituting question is intoxicated or under the influence of drugs. The documentations must be submitted to the Director of Human Resources and Risk Management for approval.

15. Managers and/or supervisors will handle the incident discreetly, inconspicuously and confidentially as possible.
16. Managers and/or supervisors shall not physically search employees.
17. The drug and/or alcohol test will be administered by a laboratory service contracted by the City. The laboratory will comply with the scientific and technical guidelines for Federal Drug Testing Programs and the standards of the Alcohol, Drug Abuse and Mental Health Administration of the U.S. Department of Health and Human Services.
18. The laboratory service will screen urine samples with the EMIT procedure. Thin layer chromatography (TLC) and/or gas chromatography/mass spectrophotometry (GC/MS) will be used for confirming positive results found in the screening process. All positive results will be additionally confirmed by an alternative methodology. The following standards shall be used to determine what levels of detected substance shall be considered as positive:

Amphetamines	1,000 mg/ml
Barbiturates	300 mg/ml
Benzodiazepines	300 mg/ml
Cannabinoids	100 mg/ml
Cocaine [Benzoyllecgoinne]	300 mg/ml
Opiates Codeine/Morphine	300 mg/ml
Phencyclidine [PCP]	25 mg/ml
Ethyl Alcohol [blood sample]	5 mg/ml

19. If an alcohol or drug test is confirmed positive, the City shall conduct an investigation to gather all salient facts.
20. A positive result from or refusal to submit to a drug and/or alcohol analysis may result in disciplinary action up to and including termination from employment.
21. An employee whose drug test and alcohol test produces a negative result shall be promptly returned to his or her regular work and be made whole for any lost wages, unless the employee is suspended for any additional purposes concurrent with the waiting of the test results.
22. Test results shall be kept in the medical folder contained separately from the employee's personnel file.

Reference:

Previous policy dated 7/14/2015