

# MANUAL OF PERSONNEL RULES, PRACTICES, AND PROCEDURES

SECTION: 6.00

Safety and Loss Control

SUBJECT: 6.30

Alcohol and Drug Abuse Policy

SUPERSEDES: June 1, 1993

**NEW EFFECTIVE DATE:** June 1, 1994

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APPROVED BY CITY MANAGER:

#### Ī. Purpose

It is the purpose of this policy to eliminate substance abuse and its effects in the workplace, and to ensure 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.

#### II. Policy

It is the City's policy that employees shall not be under the influence of, or in possession of, alcohol or drugs while on City property, at work locations, while on duty, or before reporting for duty; shall not utilize such substances when they have a reasonable expectation of call in for duty; shall not possess, provide or sell illegal drugs to any other employee or to any person while on or off duty; nor have their ability to work impaired as a result of the use of alcohol or drugs.

While use of medically prescribed medications and drugs is not per se a violation of this policy, the employee must notify his/her supervisor, before beginning work, when taking medication or drugs (including the possible effects of taking such medication and drugs) which could foreseeably interfere with the safe and effective performance of duties or operation of equipment. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medication or drugs, clearance from a qualified physician may be required.

The City reserves the right to search, without employee consent, all areas and property in which the City maintains control, or joint control with the employee, such as desks, file cabinets, City vehicles, etc. Otherwise the City 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 City, such as lockers assigned exclusively for the employee's personal use.

Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and shall, for safety purposes, be provided transportation from the work site.

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The City is committed to providing reasonable opportunity for rehabilitation for those employees whose drug or alcohol problem classifies them as handicapped under federal and/or state law. Persons performing the duties of their position, or whose use constitutes a direct threat to property or safety of others, are not considered handicapped under federal or state law.

The City has established a voluntary Employee Assistance Program (EAP) to assist those employees who voluntarily seek help from alcohol and drug problems. Employees should contact their supervisors or the Human Resources Department for additional information.

#### III. Application

This policy applies to all management and non-represented employees of the City, and to all applicants for positions with the City of Pasadena. (For represented employees refer to the applicable Memorandum of Understanding.)

This policy applies to alcohol and to all substance, drugs, or medications, legal or illegal, which could impair an employee's ability to effectively and safely perform the functions of the job.

### IV. Employee Responsibilities

#### An employee must:

- A. Refrain from the use of, or possession of, illegal drugs or narcotics while on duty or off duty.
- B. Not report to work while his/her ability to perform job duties is impaired due to on duty or off duty alcohol or drug use;
- C. Not possess or use alcohol or impairing drugs (illegal drugs, and prescription drugs without a prescription) during working hours, when on there is a reasonable expectation of being called to duty, when on breaks, during meal period or at anytime while on City property. (Consumption of alcohol at City functions or at City facilities is permitted only if the employee is off-duty);
- D. Not directly or through a third party sell or provide illegal drugs to any person, including any employee, while either employee or both employees are on duty or off duty;
- E. Submit immediately to a urine, breath or blood test, or other test as deemed appropriate, when ordered by a supervisor or manager;

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- F. Notify his/her supervisor, before beginning work, when having consumed alcohol or when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of equipment;
- G. Provide within 24 hours of request a 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
- H. Report to the supervisor or take other appropriate action when it is believed other employees may be under the influence of drugs or alcohol, or engaging in illegal drug related activities.

Employees who believe they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program or other resources available in the community. While the City will be supportive of those who seek help voluntarily, the City will be equally firm in identifying and disciplining those who continue to be substance abusers and do not seek help.

## V. Management Responsibilities and Guidelines

- A. Managers and supervisors are responsible for reasonable enforcement of this policy, and for the administration of discipline as deemed appropriate, consistent with the Discipline Section of this manual.
- B. Managers and supervisors may request and, if necessary, subsequently order that an employee submit to a drug and/or alcohol test when a manager or supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol while on the job or subject to being called. "Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired, or so that the employee's ability to perform his/her job safely is reduced.

For example, any of the following, alone or in combination, may constitute reasonable suspicion:

- 1. Slurred speech;
- 2. Odor of an alcoholic beverage on breath;
- 3. Unsteady walking and movement;
- 4. An accident involving the employee and/or equipment or property where the cause may be symptomatic.

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- 5. Physical altercation;
- 6. Verbal altercation;
- 7. Unusual behavior where the cause may be symptomatic of suspected use;
- 8. Possession of alcohol or drugs; or
- 9. Information obtained from a reliable person with personal knowledge.
- C. Any manager or supervisor requesting or ordering an employee to submit to a drug and/or alcohol test shall document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs.
- D. When reasonable suspicion exists, any manager or supervisor encountering an employee who refuses an order to submit to a drug and/or alcohol analysis shall remind the employee that failure to comply is insubordination and will result in disciplinary action.

Where there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the manager or supervisor shall, for safety purposes, provide the employee transportation from the work site.

- E. Managers and supervisors shall not physically search the person of employees, nor shall they search the personal possession of employees without the consent of the employee.
- F. Managers and supervisors shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession, or when the supervisor is unable to reasonably control a situation where the employee poses a potential liability to himself/herself, or others.

# VI. Physical Examination and Procedure

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

VII. Results of Drug and/or Alcohol Analysis

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#### A. Pre-employment Physicals

- 1. Failure to take a pre-employment drug test when scheduled may result in not being hired.
- 2. A positive result from a drug and/or alcohol analysis which is confirmed by a second reliable test will result in the applicant not being hired where the applicant's use of drugs and/or alcohol (including lawful use of prescribed drugs/alcohol) could affect requisite job standards, duties or responsibilities.
- 3. If a drug screen confirmation is positive at the pre-employment physical, the applicant must provide within 24 hours of request bona fide verification of a valid current prescription for the drug identified in the drug screen.

If the prescription is not in the applicant's name or the applicant does not provide acceptable verification, or if the drug is one that is likely to impair the applicant's ability to perform the job duties, the applicant may not be hired.

#### B. During Employment Physicals or Alcohol/Drug Tests

- 1. A positive result with confirmation from a drug and/or alcohol analysis may result in disciplinary action, up to and including discharge. The confirming test must be at the same or better level of accuracy as a Gas Chromotography/Mass Spectrometry (GC/MS) test. Employees who are being tested shall have the right to request a sample split for analysis by an independent laboratory.
- 2. If the drug screen is positive, 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. The prescription must be in the employee's name. If the employee does not provide acceptable verification of a valid prescription or if the prescription is not in the employees's name, or if the employee has not previously notified his or her supervisor, the employee will be subject to disciplinary action, up to and including discharge.
- 3. If an alcohol or drug test is positive for alcohol or drugs, the City shall conduct an investigation to gather all facts. The decision to discipline or discharge will be carried out in conformance with applicable discipline procedures.

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#### VIII. Confidentiality

Laboratory reports or test results shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the Director of Human Resources. The reports or test results may be disclosed to City management on a strictly need-to-know basis and to the tested employee upon request.

Disclosures, without patient consent, may also occur when: (1) the information is compelled by law or by judicial or administrative process; (2) the information has been placed at issue in a formal dispute between the employer and employee; (3) the information is to be used in administering an employee benefit plan; (4) the information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize.

### IX. Drug-Free Workplace Act

In accordance with the Drug-Free Workplace Act, all employees performing work under a federal grant administered by the City shall be provided a copy of the attached "Notification to Employees of the Requirements Under the Drug-Free Workplace Act of 1988.

# CITY OF PASADENA

#### NOTIFICATION TO EMPLOYEES

#### OF THE REQUIREMENTS

#### UNDER THE DRUG-FREE WORKPLACE ACT OF 1988

The Drug-Free Workplace Act of 1988 requires all agencies receiving federal grants to notify employees of the following:

- 1. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace and the employee is subject to disciplinary action, including discharge, for violation of such prohibition.
- 2. The City has established an employee assistance program for employees and/or family members who have drug or alcohol dependency. See Policy 4.25, Employee Assistance Program.
- 3. The City has established a Drug and Alcohol Policy Statement. See Policy 6.30, Alcohol and Drug Abuse Policy.
- 4. Each employee engaged in the performance of a federal grant shall be provided a copy of the Employee Assistance Program Policy and the Alcohol and Drug Abuse Policy.
- 5. As a condition of employment under the grant, the employee will:
  - a. abide by the terms of the Alcohol and Drug Abuse policy and
  - b. notify the City of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- 6. Under the provisions of 5-b above, the City will notify the grantor within ten days after receiving notice from the employee under 5-b above, or upon otherwise receiving actual notice of such conviction. Further, within 30 days of receiving such notice, the City will take appropriate personnel action against the employee, up to and including discharge, or require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.