

COUNTY OF SAN LUIS OBISPO

DRUG AND ALCOHOL POLICY

I. PURPOSE

The Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as "County") is committed to providing a workplace free from the influence of drugs or alcohol to help ensure a safe, efficient and businesslike environment that serves in the best interest of the public¹. This commitment is reflected in this Drug and Alcohol Policy, the County's core values statement, and the Board's ongoing support for employee assistance and safety programs. All County employees are required to report, as soon as possible, any conduct that is believed to violate this policy. This policy may be modified at the discretion of the Human Resources Director to comply with changes in state or federal law, or for administrative reasons.

Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program. The County will be supportive of those who seek help voluntarily.

II. SCOPE

This policy applies to all County employees, contractors, volunteers or vendors when they are on County property, when performing County-related business, or while designated as on standby duty or on-call duty. This policy may apply to off-duty employee conduct in some circumstances where there is a nexus to the job and the impact on the County.

Employees who are in safety sensitive positions or who must drive a motor vehicle as a part of their job may be subject to additional policies and laws, including but not limited to Department of Transportation (DOT) regarding alcohol or drug use or impairment in the workplace.

This policy applies to all locations where County employees work or represent the County. This includes the workplace, County vehicles, customer and vendor premises and County sponsored events and activities.

¹ On June 6, 1989, the County adopted a resolution in compliance with the Federal Drug-Free Workplace Act.

Any violation of this policy may be grounds for discipline up to and including termination.

III. DRUG AND ALCOHOL POLICY

The County maintains a no impairment policy which includes a drug and alcohol free workplace and prohibits an employee from working while impaired by alcohol and/or drugs, including marijuana and medical marijuana. In addition, the County prohibits the illegal manufacture, distribution, dispensation, or use of alcohol, or any controlled substance, including marijuana, in the workplace. Compliance with this policy is a condition of employment. Violation of this policy will result in discipline up to and including termination.

Use of Illegal Drugs:

In accordance with the Drug-Free Workplace Act of 1988, the County prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance (illegal drugs or prescription drugs without a prescription) in all County work places and vehicles. The County further prohibits use of illegal drugs outside of the workplace, which impairs the employee's on-the-job performance or impairs the employee's ability to perform their duties in a safe and effective manner.

Use of Alcohol:

The County prohibits the use of alcohol by an employee, vendor or volunteer, in the workplace, while on duty, or while conducting County business. Exceptions for law enforcement personnel in the Sheriff's Office shall be in accordance with applicable Sheriff's Office policies. In addition, use of alcohol outside of the workplace, which impairs the employee's on-the-job performance or impairs the employee's ability to perform their duties in a safe and effective manner, is prohibited. Prior to the beginning of their shift, employees must notify their supervisor if their use of alcohol could potentially interfere with the safe and effective performance of their job, or before operating County vehicles or equipment. Reasonable consumption of alcohol, when at an off-duty, County-sponsored event, and authorized by a Department Head is allowed under this policy.

Use of Marijuana:

In November 2016, Proposition 64 passed. Proposition 64 explicitly allows public employers to enact and enforce workplace policies pertaining to marijuana. The County prohibits the use of marijuana by an employee, vendor or volunteer, in the workplace, while on duty, or while conducting County business. In addition, the use of marijuana outside of the workplace, which impairs the employee's on-the-job performance or impairs the employee's ability to perform their duties in a safe and effective manner is prohibited. Prior to the

beginning of their shift, employees must notify their supervisor if they have used marijuana that could potentially interfere with the safe and effective performance of their job, or before operating County vehicles or equipment.

Use of Prescription Drugs and Over-the-Counter Medications:

The County prohibits the abuse of prescription drugs or over-the-counter medication, whether in the workplace or outside the workplace. In addition, the use of prescription drugs and over-the-counter medications, which impairs the employee's on-the-job performance or impairs the employee's ability to perform their duties in a safe and effective manner is prohibited. Prior to the beginning of their shift, employees must notify their supervisor if they are taking prescribed medication that could potentially interfere with the safe and effective performance of their job, or when operating County vehicles or equipment. This policy does not prohibit the possession and proper use of lawfully prescribed drugs taken in accordance with the prescription, as long as such use does not impair the employee's ability to perform their job safely.

Use of Medical Marijuana

Marijuana remains classified as a Schedule I drug under Federal law which does not recognize the use of marijuana for recreational or medicinal purposes. The passage of Proposition 64 in California does not change its classification. Accordingly, the County continues to enforce its Drug and Alcohol Policy prohibiting the use of drugs or alcohol, including medical marijuana, in the workplace. The use of medical marijuana in or outside the workplace, which impairs the employee's on-the-job performance or impairs the employee's ability to perform their duties in a safe and effective manner is prohibited. Prior to the beginning of their shift, employees must notify their supervisor if they are taking prescribed medication, including medical marijuana, that could potentially interfere with the safe and effective performance of their job or when operating County vehicles or equipment.

Enforcement and Response:

All Department Heads, managers, supervisors, lead workers and officials are responsible for ensuring that this Drug and Alcohol Policy is enforced. Any such person who believes that this policy is being violated shall immediately contact their superior. If an employee is suspected of being under the influence at work, immediate measures must be taken to protect the County and clients, such as removing individuals from the workplace, removing the employee from client contact, removing access to driving or use of equipment/machinery, or in extreme incidents, contacting law enforcement. Human Resources must be contacted in all cases where suspected violation of this policy occurs. Upon consultation with Human Resources or County Counsel, employee may be required to undergo alcohol/drug testing.

Reporting:

Any County employee who is aware of a violation of this policy is required to report the matter to any supervisor, manager, lead worker, discrimination/harassment Coordinator, departmental head, or County Human Resources. An employee who becomes personally aware that another employee may potentially pose a risk of impairment in the workplace, whether or not it is in violation of this policy, must inform their supervisor or any other available manager. For example, a person who has reason to believe a coworker has a substance abuse problem that *may* impair them at work, must advise their supervisor upon becoming aware of the problem.

If there is a reasonable suspicion of impairment in the workplace, the Drug and Alcohol Impairment Checklist should be completed immediately, and the suspected employee may be required to submit to an alcohol/drug screening based on the "Reasonable Suspicion Alcohol/Drug Testing" section of this policy below.

Reasonable Suspicion Alcohol/Drug Testing:

Employees may be required to submit to an alcohol/drug screening whenever the County has a reasonable suspicion that they have violated any of the rules set forth in this policy. The County Human Resources Director or designee shall be the determining party for the procedure for reasonable suspicion alcohol and drug testing.

Refusal of an employee to submit to an alcohol and/or drug test or failure to successfully complete the alcohol and/or drug test pursuant to this policy and the reasonable suspicion procedure, will be treated the same as a positive test result and will further be considered as insubordination in violation of Civil Service Commission rules.

In certain circumstances when directed, employees in violation of this policy shall, at the department head's discretion and in consultation with Human Resources, participate in the County's Employee Assistance Program or another County directed program for evaluation and treatment. The employee may be required to sign a last chance agreement and fully cooperate with his or her rehabilitation.

Investigation:

It is the policy of the County to investigate all credible allegations of violations of this policy, including those in which anonymity is requested. Departmental supervisors, managers, Human Resources staff or Harassment Prevention Coordinators who receive complaints of impairment in the workplace or other violations of this policy must document the complaint and promptly advise the Human Resources Department.

Searches:

The County reserves the right to search, without employee consent, all areas and property in which the County maintains control. Such areas include vehicles, offices, cubicles, desks, lockers, file cabinets, storage cabinets, closets, or any container, location, or area owned by the County. Concerning law enforcement personnel who are subject to Government Code Sections 3300 et. seq., this Policy shall be applied to be consistent with reference to the Public Safety Officers Procedural Bill of Rights.

Retaliation:

The County will not discriminate or retaliate against any person who reports or supports others who report a violation of this policy. In addition, it is a violation of this policy for any employee to retaliate against any person who reports or supports others who report a violation of this policy.