

PERSONNEL DEPARTMENT POLICY
San Luis Obispo County

Topic: Alcohol and Drug	
<p>Subject: Workplace Safety/Employee Rights</p> <p>County Board of Supervisor Resolution No. 89-287 Concerning Sections 5151 et seq. of Subtitle D of Title V of United States Public Law 100-690 (100th Congress), and; Exhibit A: County of San Luis Obispo Notice Regarding the Federal Drug-Free Workplace Act of 1988.</p> <p>Location: P:\PERSONNEL DEPT. POLICIES - 2004\Final Policies 2004\WORKPLACE SAFETY EMPLOYEE RIGHTS\Alcohol and Drug.doc</p>	<p>Revised: August 2004</p> <p>Approval: _____</p> <p>Date: _____</p> <p>Note: Original signed copy on file in Personnel Department.</p>

I. PURPOSE

It is the intention of this policy to eliminate impairment in the workplace. While the County of San Luis Obispo has no intention of intruding into the private lives of its employees, involvement with drugs and alcohol off the job can take its toll on job performance and employee safety. Our concern is 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. The presence of drugs and alcohol on the job, and the influence of these substances on employees during working hours, are inconsistent with this objective.

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.

The County will be equally firm in identifying impaired employees and disciplining those who continue to have job-related problems without seeking help. Supervisors will be trained to recognize impairment on the job and to become involved in the control process. Employees will be educated regarding this policy. Alcohol or drug abuse will not be tolerated.

On June 6, 1989, the County adopted a resolution in compliance with the Federal Drug-Free Workplace Act. To expand on that Board adopted resolution, this policy provides guidelines for the detection and deterrence of impairment on the job. It also outlines the responsibilities of County employees and managers. To that end, the County will act to eliminate the use of any substance which could impair an employee's ability to safely and effectively perform the functions of the job. Substance misuse which causes impairment increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to the County's reputation. All persons covered by this policy should be aware that violations of the policy may result in discipline, up to and including termination.

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In recognition of the public service responsibilities entrusted to the employees of the County, and that drug and alcohol usage can hinder a person's ability to perform duties safely and effectively, the following policy promoting an impairment-free workplace is hereby adopted by the County.

II. POLICY

It is the County's policy that employees and officials shall not have their ability to work impaired as a result of the use of alcohol or drugs.

The use of medically prescribed medication and drugs is not per se a violation of this policy. However, employees are urged to notify their supervisors, before beginning work, when taking medications or drugs, which could foreseeably interfere with the safe and effective performance of duties or operation of county equipment. 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.

An employee reasonably believed to be working impaired (see paragraph 2, nos. 1-7, page 5) and endangering his/her own safety or the safety of others, shall be prevented from engaging in further work until he or she can be safely transported from the work-site.

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

The County has established a voluntary Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol or drug problems. It should be emphasized that Employee Assistance is a constructive alternative for the employee and should not be confused with discipline. The counseling process is to work on behalf of the employee in developing personal recognition of, and insight into, personal problems and the subsequent motivation to pursue appropriate assistance.

III. APPLICATION

This policy applies to all employees and officials of the County. This policy applies to all substances, 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. Not report to work or be on designated standby while his/her ability to perform job duties is impaired due to on or off duty alcohol or drug use;
- B. Not misuse any substance, legal or illegal, during breaks or meal periods to such an extent that upon returning to work the employee's work performance is impaired;

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- C. Not operate a vehicle on County business under the influence of alcohol or drugs in accordance with the Board adopted rules under County Ordinance 1789.

Note: it is recommended that an employee notify his/her supervisor, before beginning work, when taking any medications, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of County equipment.

V. COUNTY RESPONSIBILITIES AND GUIDELINES

- A. The County, all employees and officials, are responsible for reasonable enforcement of this policy, which may entail immediate action to ensure workplace safety.
- B. When an employee believes that another employee is working impaired, that employee should notify the immediate supervisor or department management. EMPLOYEES MAY ALWAYS NOTIFY THE PERSONNEL DEPARTMENT IF THERE IS ANY CONCERN THAT SUPERVISORY/MANAGEMENT PERSONNEL ARE A PART OF THE WORK IMPAIRMENT PROBLEM.
- C. Managers or supervisors may:
 - 1. Refer the employee to the County's Employee Assistance Program. Supervisors are encouraged to contact the Employee Assistance Counseling Program prior to notice of referral to the employee.
 - 2. After consultation with the Personnel Department, the employee may be required to submit to and pass a medical examination designated or approved by the Personnel Director and pursuant to Rule 8 of the Civil Service Rules. In accordance with Rule 8, if the examination finds the employee to be in an unfit condition to perform the position duties, the appointing authority, subject to the approval of the Personnel Director, may require that the employee take a leave of absence to correct the condition as provided in Section 2.44.040a(1) of the San Luis Obispo County Ordinance Code. Any manager or supervisor requesting a Personnel Department approved medical exam pursuant to Civil Service Rule 8 should document in writing the facts indicating that the employee in question is working impaired. Impaired Behavior Report Forms are available in the department or from the Personnel Department.

Impairment means under the influence of a substance such that the employees' motor senses (i.e., sight, hearing, balance, reaction, reflex) or judgment are affected. Some of the factors, which may indicate impairment, are the following:

- 1. Slurred speech;
- 2. Alcoholic beverage odor on breath;
- 3. Unsteady walking and/or movement;

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4. An accident involving County property, where it appears the employee's conduct is at fault;
 5. Physical altercation;
 6. Verbal altercation;
 7. Possession of alcohol and/or drugs.
- D. Where there is a belief that the employee is working impaired, a manager or supervisor should be contacted to arrange for the employee to be safely transported home or another appropriate location.
- E. Managers and supervisors shall not physically search the person of employees, nor shall they search the personal possessions of employees without the freely given written consent of, and in the presence of, the employee. **Note:** All searches must be authorized by the Personnel Director.
- F. The County reserves the right to search, without employee consent, all areas and property in which the County maintains control. Managers and supervisors shall notify their Department Head or designee when they have reason 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 may be illegal drug possession, the Department Head shall notify the appropriate law enforcement agency.

VI. COMPLAINT/REFERRAL PROCEDURE:

Whenever there is an indication of job impairment, employees shall immediately advise the closest level supervisor not a part of the problem. Employees shall also contact the Personnel Department. In all cases, the complainants are urged to give a written account of all allegations and observations. An "Impaired Behavior Report Form" is available in all departments. Referrals for Medical Examination must be made through the Personnel Department. IT IS THE POLICY OF THE PERSONNEL DEPARTMENT TO INVESTIGATE ALL ALLEGATIONS OF WORK IMPAIRMENT DUE TO SUBSTANCE MISUSE

Additionally, every employee has the right to use the formal written grievance procedures of the Civil Service Commission. The Personnel Department Affirmative Action Officer (Extension 5959) is available to discuss inquiries, formal and informal complaints and appropriate solutions.

NOTE: This policy was adopted by the Board of Supervisors as Resolution No. 89-287 Concerning Sections 5151 et seq. of Subtitle D of Title V of United States Public Law 100-690 (100th Congress) and Exhibit A: County of San Luis Obispo Notice Regarding the Federal Drug-Free Workplace Act of 1988.