

COUNTY OF INYO

ALCOHOL AND DRUG ABUSE POLICY

I. PURPOSE

It is the intention of this policy to ensure the absence of drugs and alcohol as defined in this policy and its effects in the workplace. It is also the intention of this policy to ensure confidentiality, and offer assistance and treatment of chemical dependency. While the County of Inyo 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. This policy reiterates the County's expectation that employees 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 these substances on employees during working hours, are inconsistent with this expectation.

Employees who think they may have an alcohol or drug problem are urged to voluntarily seek confidential assistance from the Substance Abuse Division of the County Human Services Department or other appropriate facility. While the County will be supportive of those who seek help voluntarily, the County will be equally firm in identifying and disciplining those whose work performance may be impaired from substance use/abuse and who do not seek assistance.

Supervisors will be trained to identify the signs and symptoms of substance use/abuse and become involved in the implementation of this policy. Alcohol or drug abuse will not be tolerated. Progressive discipline, up to and including termination, will be used as necessary to achieve this goal.

This policy provides guidelines for the identification and deterrence of alcohol and drug abuse in the work place. It also outlines the responsibilities of County managers and employees. To that end, the County will act to eliminate any substance abuse which 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, or in not being hired.

In recognition of the public service responsibilities entrusted to the employees of the County, the following policy against drug and alcohol abuse is hereby adopted by the County of Inyo.

II. DEFINITIONS

1. “Substance Abuse” – the use of alcohol or drugs, as defined below, in such a manner on one or more occasions as to impair or reduce a person’s ability to use good judgment and/or act responsibly in everyday work situations, or to safely and efficiently perform the duties and functions of a particular assigned job.
2. “Alcohol” – any alcoholic beverage, such as, but not limited to beer, wine, or liquor; or any other substance containing alcohol which, when ingested in sufficient quantity, can cause an impairment in perception, judgment, or physical ability.
3. “Drugs” – any substance whose possession or use is prohibited by any Federal, State or local law excepting those validly prescribed medicines which are taken in accordance with prescription directions.
4. “Under the Influence” – any condition where drugs or alcohol has so affected the nervous system, brain or muscles of a person as to impair, to an appreciable degree, his/her ability to act as an ordinary, prudent, and cautious person would act if they were in full possession of their faculties and using reasonable care.
5. “DUI” – a conviction for driving under the influence or other alcohol or drug related Vehicle Code violations.
6. “Medical Clearance” – written release by employee’s physician and/or County physician regarding an employee’s fitness to return to duty without restriction. Release to be provided to the employee’s immediate supervisor and personnel before returning to duty.

III. POLICY

The County policy regarding alcohol and/or drug abuse is that employees shall NOT:

1. Be under the influence of alcohol or drugs while at work or subject to being called to work (“on call”);
2. Possess, consume or take any alcohol or drug while working, while on work time, or while in a County vehicle;
3. Consume any alcohol or drug while on meal or break period or while traveling to or from work when such travel includes any job related function;

4. Sell, or provide any alcohol or drug to any employee while such employee is working, on call, or in a County vehicle;
5. Have a suspended driver's license as the result of a DUI while possession of a valid California driver's license is part of an employee's job as defined in the employee's job description.

The use of medically prescribed medications and drugs is not per se a violation of this policy. An employee taking medications or drugs which could foreseeably interfere with the safe and effective performance of duties or operation of County equipment, must notify his/her supervisor of such fact before beginning work. Failure to make such notification 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 prescribed medications or drugs, medical clearance from a qualified physician may be required.

IV. PROCEDURES

~~Employees reasonably believed to be~~ If there is reasonable suspicion an employee is under the influence of alcohol or drugs shall be prevented from engaging in further work and shall be allowed to remain on the work location until transportation to an appropriate health or medical facility is arranged by the Personnel Director.

Appropriate law enforcement personnel may be contacted when the employee refuses to remain at the job site and there is reasonable suspicion to believe that the employee, by driving his personal vehicle, would create a danger to himself/herself or others.

Law enforcement personnel may also be contacted to transport the employee to an appropriate health or medical facility.

Once at the health or medical facility, the employee shall submit to a drug or alcohol screening, with results of such screen submitted to the Personnel Director. If the employee refuses screening, he or she will be subject to discipline, up to and including termination. A positive drug or alcohol screen ~~shall~~ may result in a referral of the employee to County Substance Abuse Services within 24 hours of positive results, for assessment and treatment recommendations. A positive result may also result in discipline, up to and including termination.

The County has established a voluntary employee assistance program through the County Human Services Department, Substance Abuse Division to assist those employees who voluntarily seek help for alcohol or drug problems.

Employees should contact their supervisors, Personnel or Human Services Department (Substance Abuse Division) for additional information.

V. APPLICATION

This policy applies to all employees of and to all applicants for positions with the County.

It is the intent of the County to administer consistency of discipline and assist the employee with reasonable accommodation in respect to drug and alcohol abuse.

Reasonable accommodation may include, but is not limited to, the following:

1. The ability for the affected employee to obtain a second opinion from an appropriate substance abuse program regarding the issue of the suspected drug or alcohol abuse.
2. The assistance of the County for assessment, drug abuse or alcohol abuse treatment, utilizing the County Substance Abuse services.
3. Assistance by the County to place the individual within a drug/alcohol abuse program and coordinate the payment as provided under the County's medical insurance policy.
4. The temporary restructuring of the individual's job to facilitate the treatment process.
5. The voluntary demotion or lateral transfer of the affected employee into a position more suitable to facilitate the treatment process.
6. Reasonable accommodation where reasonably feasible based upon workplace requirements to employee whose driver's license has been suspended as the result of a DUI.
7. Any combination of the above.

Notwithstanding this policy of reasonable accommodation, the County retains the right to take such disciplinary action as may be appropriate under the circumstances.

IV. EMPLOYEE RESPONSIBILITIES

An employee must:

- A. Not report to work or be subject to duty while his/her ability to perform duties is impaired due to on or off duty alcohol or drug use.
- B. Not possess or use alcohol or drugs during working hours or while subject to duty, on breaks, during meal periods or at anytime while on County property or in County vehicles.
- C. Not directly or through a third party sell or provide drugs or alcohol to any employee, while such employee on duty or subject to being called, or at anytime while such employee is on County property or in a County vehicle.
- D. Submit immediately to an alcohol or drug test when ~~requested~~ directed by the Personnel Director when based upon reasonable suspicion.
- E. Notify his/her supervisor, before beginning work, when taking any prescription medication or drug, 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.
- G. Immediately inform his/her immediate supervisor if there is a restriction or suspension of a driver's license for those employees who drive at work and whose job duties require possession of a valid California driver's license. The supervisor shall inform the Department Head and Personnel Director to determine if job accommodation can be arranged during the restriction or suspension of a driver's license. Failure to immediately notify the immediate supervisor shall result in disciplinary action, up to and including termination.
- H. Employee shall immediately inform supervisor if a driver's license has been taken by a Peace Officer and employee has been issued a temporary driver's license as the result of an arrest for driving under the influence or other related Vehicle Code offense, if the employee is required to drive at work.-

VI. MANAGEMENT RESPONSIBILITIES AND GUIDELINES

- A. Department Heads, Chief Assistants, Managers, and supervisors are responsible for enforcement of this policy.
- B. Upon discovery by a manager or supervisor that there is reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol while on the job or subject to being called, must immediately contact the Personnel Director. Employees who are responsible to enforce this policy who fail to contact the Personnel Director where there is a basis for having reasonable suspicion shall be subject to disciplinary action.
- C. Employees may volunteer to submit to an alcohol and/or drug screening test when involved in a motor vehicle accident resulting in a fatality or serious bodily injury in which the employee is on County time or driving a County vehicle.

Employees will submit to an alcohol and drug screening test as a matter of routine under the following circumstances:

- a. A motor vehicle accident resulting in a fatality or serious bodily injury in which a participant is a County employee on County time or driving a County vehicle; and reasonable suspicion exists to warrant an alcohol and drug test; and
- b. A peace officer involved in the discharge of his/her weapon, on or off duty, which results in a fatality or serious bodily injury.

Any positive result would be subject to the procedures set forth in III. Policy Above.

“Reasonable suspicion” is a belief based on objective facts sufficient to lead a reasonably prudent supervisor to believe 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.

The following factors may give rise to reasonable suspicion:

1. Physical impairment normally associated with being under the influence of drug or alcohol such as slurred speech, unsteady gait, inability to walk;
2. Impaired oral communication or cognitive functions such as inability to carry on a conversation; lack of contact with reality;

3. Odor of alcohol on body or breath;
 4. Accident involving County property due to impaired physical abilities, such as ability to perceive, respond and exercise good judgment, normally associated with drug or alcohol under the influence;
 5. Possession of alcohol or drugs at the workplace or work location.
 6. Unusual behavior normally associated with drug or alcohol under the influence
- D. Managers or supervisors shall not physically search the person of employees, nor shall they search the personal possessions of employees without the freely given consent of the employee. Searches of employee's possessions, when consented to, shall be made in the presence of the employee and a witness.

VIII. PHYSICAL EXAMINATION AND PROCEDURE

The drug and/or alcohol test will check for any substance which could impair an employee's ability to effectively and safely perform the functions of his/her job.

A. Pre-employment Physical

1. A Positive result from a drug and/or alcohol analysis will result in the applicant not being hired when the applicant's use of drugs and/or alcohol could affect requisite job standards, duties or responsibilities.
2. If the pre-employment drug screen is positive for a drug which is legally prescribed by a medical doctor, the applicant must provide within 24 hours of request a bona fide verification of a valid current prescription for the drug identified in the drug screen. Where the prescription is not in the applicant's name or the applicant does not provide acceptable verification, or where the drug is one that is likely to impair the applicant's ability to perform the job duties, the applicant will not be hired.

B. During Employment Physicals or Alcohol/Drug Tests

1. A positive result from a drug and/or alcohol analysis may result in disciplinary action, up to and including discharge. A positive

alcohol analysis shall mean the blood alcohol percentage meets the legal standard (currently .08) for violation of Vehicle Code Section.

2. 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, the employee will be subject to disciplinary action up to, and including discharge.

An employee may be subject to a retest within three (3) months of testing positive for using a legally prescribed medication by a medical doctor to verify non abuse by the employee.

3. If an alcohol, drug or combination of drugs and alcohol test is positive, the County shall conduct an investigation to gather all facts. The decision to discipline or discharge will be carried out in conformance with Resolution 83-03. A positive alcohol analysis shall mean the blood alcohol percentage meets the legal standard (currently .08) for violation of Vehicle Code.

IX. 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 Personnel Director. The reports or tests results may be disclosed to the employee's appointing authority on a strictly need-to-know basis and to the test 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 disclosures.