

SUBSTANCE ABUSE POLICY

City of Dinuba
Resolution No. 90-15
Adopted *March 27, 1990*

TABLE OF CONTENTS

SECTION ONE

Administration

- I. Introduction
- II. Purpose
- III. Policy
- IV. Employee Assistance Program
- V. In-Patient and Out-Patient Substance Abuse Treatment
- VI. Employee Responsibilities
- VII. Administrative Procedures
- VIII. Severability Clause

SECTION TWO

Management and Supervisory Guidelines

- I. Purpose
- II. Supervisory and Management Guidelines
- III. Physical Examination and Procedure
- IV. Confidentiality

APPENDICES

- I. Glossary of Terms
- II. Government Code, Sections 53296 and 53297
- III. Instructions for Completing Substance Abuse Reporting Form
- IV. Substance Report

SUBSTANCE ABUSE POLICY

SECTION ONE

ADMINISTRATION

I. INTRODUCTION

The City and its various employee associations recognize that behavior resulting from the use of alcohol and/or other drugs detrimentally affects work performance, safety, security, public confidence in the City's workforce; and presents a risk to City employees and the health and welfare of the citizens of Dinuba.

In recognition of the City's responsibility to maintain a safe, healthful and productive work environment, and 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 performance, poor employee morale or damage to the City's reputation. Substance abuse includes the use or possession of illegal drugs, alcohol or controlled substances which could impair an employee's ability to perform his or her job safely, effectively, and efficiently.

The City of Dinuba believes that its employees are its most important asset and that substance abuse when successfully treated, will enable the affected employee to return to a satisfactory job performance level.

II. PURPOSE

This policy sets forth the City position regarding substance abuse and provides guidance to employees, supervisors and managers in addressing substance abuse issues.

III. POLICY

It is the policy of the City of Dinuba that employees shall not be at work under the influence of alcohol or drugs, shall not use or possess alcohol or drugs while on duty or while on paid stand-by time and shall not sell or provide drugs to any person at any time.

Use of medically prescribed drugs is not a violation of this policy. Employees must notify their supervisor before beginning work, however, when taking drugs which may interfere with the safe and effective performance of their duties. Any questions about an employee's ability to perform duties while using prescribed medication will be addressed by a qualified physician. Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and shall be requested to remain on the premises for a reasonable time until an authorized City representative arrives for proper handling.

Refusal to remain on the premises and/or submit immediately to an alcohol and/or drug analysis when requested by an authorized City representative shall be grounds for discipline up to and including termination.

This policy applies to all employees of the City.

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 purpose of detecting alcohol or illegal drugs. Areas in which the City maintains full control include but are not limited to all City owned properties and buildings and City owned equipment. Areas jointly controlled by the City and the employee include but are not 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.

The City is committed to providing reasonable accommodation to those employees whose drug or alcohol usage classifies them as handicapped under federal law. An employee may not be considered handicapped if that employee's current use of alcohol or drugs prevents the individual from performing the duties of the job in questions, or whose employment would cause a direct threat to property or safety.

IV. EMPLOYEE ASSISTANCE PROGRAM

The City has a well established voluntary Employee Assistance Program (EAP) to assist employees who seek help for substance abuse problems.

The EAP is available for assessment, referral to treatment, and follow-up. Any employee of the City of Dinuba wishing confidential assistance for a possible alcohol or drug problem may call the EAP office and arrange for an appointment with a counselor.

Employees who are concerned about their alcohol and/or drug use are strongly encourage to voluntarily seek assistance through the EAP. In addition, employees who are concerned about alcohol and/or drug use among their co-workers should strongly encourage those individuals to seek assistance through the EAP.

All self-referral contacts are held in confidence by the EAP unless the employee requests, through specific written release of information, that the department, supervisor, or other parties be notified.

The employee's compliance with recommendations of the EAP is voluntary. The employee's job security and/or promotional opportunities will not be jeopardized by utilization of the EAP or any other treatment services. Use of the program does not replace normal disciplinary procedures for unsatisfactory job performance.

Confidentiality is an essential element of both the EAP and substance abuse treatment. Any employee violating this confidentiality will be subject to disciplinary action.

The employee may schedule an appointment on his/her own time (days off, before or after the work shift, during lunch break) without letting anyone in the department know of this. Sick leave time may be used for appointments during regular work hours.

If an employee requires leave time for substance abuse treatment, he/she should follow established personnel policy concerning sick leave usage. If the employee requests that the purpose of the sick leave not be disclosed to his/her immediate supervisor, the doctor's medical slip can be processed directly through the EAP. The EAP counselor may contact the department head or his/her designee for authorization of leave time. The department head or designee shall maintain confidentiality regarding the reason for the leave when advising the supervisor of the employee's time away.

Employees and/or their dependents are responsible for all deductibles and copayment costs associated with out-patient counseling services under their individual health insurance.

V. IN-PATIENT AND OUT-PATIENT SUBSTANCE ABUSE TREATMENT

Leave time for substance abuse treatment should be allowed in accordance with the City's established personnel policy concerning sick leave usage. The City assumes no responsibility for the costs associated with substance abuse treatment except as outlined in the City's current medical insurance plan.

VI. EMPLOYEE RESPONSIBILITIES

An employee must:

- A. Demonstrate satisfactory job performance;
- B. not report to work or be subject to duty on paid stand-by time while his/her ability to perform job duties is impaired due to alcohol or drug use;
- C. not possess, use or be under the influence of alcohol during compensated working hours or while subject to duty on paid stand-by time;
- D. not possess, use or be under the influence of illegal drugs or legal drugs without a prescription during working hours or while subject to duty on paid stand-by time;
- E. not directly or through a third party sell or provide illegal drugs to any person at any time, on or off duty;
- F. submit immediately to an alcohol and drug analysis when requested by a responsible City supervisor or management representative who is familiar with the employee's normal behavior. If there isn't someone available who is familiar with the employee's normal behavior, then at least one other supervisor or manager will be consulted before alcohol and/or drug analysis is requested;

- G. notify his/her supervisor, before beginning work, when taking any medications or drugs, prescription, which may interfere with the safe and effective performance of duties or operation of City equipment;
- H. notify his/her supervisor of any conviction of possession, use, sale or distribution of drugs within five days of the conviction.

VII. ADMINISTRATIVE PROCEDURES

This section establishes administrative procedures for employees to follow when there is reason to file a complaint regarding a supervisor or manager who is abusing substances such as drugs and/or alcohol.

- A. Sections 53296 through 53299 of Article 4.5, Disclosure of Information: Local Government of the California Government Code may apply to this section of the Substance Abuse Policy. A copy of Article 4.5 is attached to this policy (see Appendix). Depending upon the severity of the conduct complained of, such a complaint may constitute a "disclosure of information" within the meaning of Government Code Section 53296(c). If so, the following procedure constitutes the locally adopted administrative procedure authorized by Government Code Section 53297(c). A copy of Article 4.5 of Chapter 2, Part 1, Division 2, of the Government Code (commencing with Section 53296) is attached (see Appendix). If the complaint filed is intended to also constitute a complaint under Article 4.5, it shall be under penalty of perjury and filed in writing with 60 days of the date of the act or event complained of.
- B. Any employee may file a written or verbal complaint with the Human Resource Services Manager or their department head regarding any supervisor or manager whose performance is being affected by substance abuse.
- C. Written or verbal complaints shall contain detailed evidence regarding the allegation of substance abuse.
- D. Employees filing such a complaint may elect to be held in confidence.
- E. All verbal or written complaints will be immediately forwarded to the appropriate supervising authority who may then request that the supervisor or manager submit to a drug and/or alcohol analysis in accordance with Section Two, Management and Supervisory Guidelines of this policy.
- F. No manager or supervisor shall take reprisal action through any act of intimidation, restraint, coercion, or discrimination against any employee who files a complaint.
- G. Complaints which are determined to be malicious or vexatious will not be tolerated and will subject the complaining individual to disciplinary action.

VIII. SEVERABILITY CLAUSE

If any section of this Policy shall be held invalid by operation of law or by any tribunal of competent jurisdiction or if compliance with or enforcement of any section shall be restrained by such tribunal, the remainder of this Policy shall also be held invalid.

Glossary of Terms

Substance Abuse: Includes the use or possession of illegal drugs, alcohol or controlled substances which could impair an employee's ability to perform his or her job safely, effectively and efficiently.

Reasonable Suspicion: A belief based on objective and specific facts sufficient to lead a reasonable prudent person to suspect that an individual is under the influence of drugs or alcohol to the extent that the employee's ability to perform job functions appears to be impaired.

Substance Abuse Behaviors:

Slurred or thick speech
Alcohol on breath
Inability to perform work properly
Fight where blows are exchanged
Problems walking or other physical activity impairment
Very unusual, anti-social behavior
Possession of alcohol or drugs
Blank, glassy-eyed stare
Wide and severe mood swings
An accident involving City property