

**GENERAL EMPLOYMENT MATTERS****1.5.16****P. DRUG AND ALCOHOL ABUSE**

The City of Redlands, its employees and their representatives, and prospective employees have a vital interest in maintaining safe, healthful, and efficient working conditions. Being under the influence of drugs or alcohol on the job may pose serious safety and health risk, not only to the user, but to co-workers and the public.

**1. Definitions**

- a. Alcohol is defined as any alcoholic beverages or substances, including any medication or food containing alcohol such that it is present in the body at a level in excess of that stated in the guidelines by the Department of Transportation.
- b. Drugs or controlled substances is defined as any substance which impairs an employee's ability to perform job duties, poses a threat to the safety of the employee or others and their property, or otherwise creates a risk of harm to the City.
- c. Safety-Sensitive Employee is defined as an employee who holds a commercial driver's license and who operates a commercial motor vehicle, on a full-time, part-time or intermittent basis.
- d. Commercial Drivers' License is defined as a Class A or Class B vehicle license.
- e. Reasonable Suspicion is defined as objective facts sufficient to lead a reasonably prudent manager or supervisor to suspect that an employee is under the influence of alcohol and/or drugs so that the employee's ability to perform his/her job functions is impaired or so that the employee's ability to perform his/her job safely is reduced.
- f. Substance Abuse Professional is defined as a licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of clinical experience in the diagnosis and treatment of alcohol and substance abuse.
- g. City Property – any facilities that are owned and/or operated by the City of Redlands.

**2. Provisions**

This policy applies to all City employees and prospective employees, hereinafter referred to collectively as "employees." Where indicated, some of the policies apply only to safety-sensitive employees. Employees who violate this policy may be subject to disciplinary action, up to and including termination.

**3. Prohibitions:**

All employees are prohibited from:

- a. reporting to work, including stand by or call-back time, or performing any job duties while their ability to perform job duties are impaired due to on or off-duty alcohol or drug use;
- b. possessing, manufacturing, or using alcohol or impairing drugs, including prescription drugs without a prescription, during working hours, on breaks, during meal periods or at any time while on City property;
- c. directly or through a third party selling, manufacturing, or providing drugs or alcohol to

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- any person, including any employee, while either or both employees are on duty, or on City property;
- d. failing to notify his/her supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of his/her duties or operation of City equipment;
  - e. failing to 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;
  - f. refusing to immediately submit to any aspect of an alcohol, drug, or controlled substance test required by this Policy, or any tampering, obstruction of or interference with testing procedures;
  - g. consuming alcohol, drugs, or controlled substances during the eight hours immediately following an accident in which the employee was involved, or until the employee undergoes a post-accident alcohol or drug test, whichever comes first;
  - h. refusing to submit to a search of personal properties when directed by the City, upon reasonable suspicion and in accordance with the Public Safety Officers Procedural Bill of Rights, The Firefighters Bill of Rights and any other applicable laws.
  - i. refusing to notify the City of any criminal drug statute conviction, in accordance with the Drug-Free Workplace Act of 1988, of a violation that occurred in the workplace no later than five days after such conviction;
  - j. purchasing drugs, excluding prescription and over the counter, and/or alcoholic beverages while in a City uniform or while driving a City vehicle; and
  - k. report any violations of this policy by a City employee to a supervisor, department head or Human Resources. Such reports shall be confidential with no reprisals.

**4. Alcohol and Drug Testing**

In carrying out and enforcing this policy, the City may require the following types of testing:

- a. **Pre-employment Testing.** Following an offer of employment, the City will require all applicants to submit to a test for alcohol and illegal drug use as a condition of employment. Any applicant who refuses to provide consent for this test, or who receives a verified positive result will be disqualified from City employment.
- b. **Reasonable Suspicion Testing and Search.** If a manager or supervisor reasonably suspects that an employee is under the influence of alcohol, drugs or controlled substances while performing his/her job duties or operating City equipment, an employee may be required to submit to an alcohol and/or drug test. Observation shall be based on indicators. Examples of indicators which can form a reasonable suspicion that an employee is under the influence of alcohol, drugs, or controlled substances include, but not limited to, direct

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observation of the following: changes in appearance, smell, speech, involvement in an accident, difficulty walking, clumsiness, dilated pupils, watery and/or red eyes, or suspicious movement or actions of the employee.

Steps to take when there is reasonable suspicion:

- i. Notify the HR Director, or if the HR Director is not available, a Department Head. Upon approval by the City Manager, or his/her designee, the employee may be required to submit to an alcohol and/or drug test. An employee's refusal to submit to such a test is cause for discipline, up to and including termination; and
- ii. Document in writing the facts constituting reasonable belief that the employee in question is under the influence of drugs or alcohol.

Moreover, the City reserves the authority to search, without employee consent, and subject to Section 3309 of the Public Safety Officers Procedural Bill of Rights where applicable, all areas of City property.

**5. Post-Accident Testing**

Any employee involved in an accident may be subject to an alcohol and/or drug test following the accident at the discretion of the HR/Risk Management Director. Not only may the operator of any involved vehicle be tested, but so may any other employee whose performance may have contributed to the accident, such as the employee who maintains the vehicle or work-site where the accident occurred.

**6. Random Testing**

All City employees in Safety-Sensitive positions will be subject to random alcohol and drug testing. Depending on the random selection, some employees may be tested more than once in a year, while other are not tested at all.

**7. Testing Procedures**

- a. Testing administrators. The drug or alcohol testing of applicants or employees shall be performed only by a laboratory, a physician or health care professional qualified and authorized to administer and determine the meaning of any test results;
- b. Once a reasonable suspicion determination is made the employee shall be transported to the medical facility for testing. After testing the employee shall be transported home. Under no circumstances shall the employee operate a motor vehicle;
- c. Random testing will be completed on City property. Employees will be transported to the City location, designated by Human Resources, by their manager;
- d. Human Resources shall inform the medical facility when supervisors are transporting an employee for a drug and/or alcohol test and the approximate time of arrival.

**GENERAL EMPLOYMENT MATTERS****1.5.16****8. Consequences of Failing an Alcohol and/or Drug Screen**

An employee whose alcohol test indicates an alcohol concentration level of .02 or greater will be removed from his/her duties and will be subject to disciplinary action, up to and including termination. The employee will also be given information to contact a Substance Abuse Professional (SAP).

The SAP will evaluate the employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substances abuse. Assessment by an SAP does not shield an employee from disciplinary action or termination.

If an employee is allowed to return to duty following a positive test result, he/she must follow the rehabilitation program prescribed by the SAP, pass return-to-duty drug and alcohol tests, and are subject to unannounced follow-up tests for a period of one to five years. The cost of any treatment or rehabilitation services will be the responsibility of the employee. Employees will be required to use all accruals prior to taking unpaid leave time while participating in the prescribed rehabilitation program and or any suspension that may result due to a positive test.

Employees who are allowed to re-enter the work force must agree to a re-entry contract. That contract may include, but is not limited to:

- A release to work statement from an approved Substance Abuse Professional (SAP);
- A negative test result from drugs and or alcohol;
- An agreement to unannounced frequent follow-up testing, as recommended by the SAP;
- A statement of expected work-related behaviors; and
- An agreement to follow specified after care requirements with the understanding that any violation of the re-entry contract is grounds for termination.

After the City has complied with any legal obligation to reasonably accommodate an employee's protected disability, if any, the City may terminate an employee who is unable to perform the essential functions of the job.