

SAN JOAQUIN COUNTY

ALCOHOL AND DRUG ABUSE POLICY

Preamble

The County of San Joaquin receives various federal grants. As a consequence of the federal law governing such grants, the County certifies that it will provide a drug-free workplace. As part of the provision of a drug-free workplace, the County requires each of its employees to notify the County in writing of any criminal drug statute conviction for a violation *occurring in the workplace* no later than five calendar days after such conviction. The County will notify the federal granting agency in writing within ten calendar days after receiving notice from an employee or otherwise receiving actual notice of such conviction. After having received such notice, the County will take one of the following actions with respect to any employee who is so convicted:

1. Instituting appropriate personnel action against such an employee, up to and including termination;
2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency.

I. PURPOSE

- 1.1 It is the purpose of this policy to eliminate substance abuse and its effects in the workplace. Drugs and alcohol consumption away from the job can affect job performance and employee safety. Employees must be able to perform their duties safely and efficiently, in the interest of the public and their fellow workers, as well as themselves. The use/abuse of drugs and alcohol on the job, and the influence of these substances on employees during working hours, are not consistent with this objective.
- 1.2 This policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of San Joaquin County managers and employees. The County will act to eliminate any substance abuse such as alcohol, illegal drugs, prescription drugs or any other substance, which could impair an employee's ability to safely and effectively perform the functions of the particular job. All Civil Service employees should be aware that violation of the policy means that they may be disciplined subject to Civil Service Rule 18. Contract, temporary and Civil Service exempt employees may be disciplined but are not eligible for rights afforded by Civil Service Rules.

OPTIONS, the Employee Assistance Program, is available to assist employees who may have an alcohol or drug usage problem. Employees are urged to voluntarily seek confidential assistance from the Employee Assistance Program. While San Joaquin County will be supportive of those who seek help voluntarily, the County will be equally firm in identifying and disciplining those who continue to be substance abusers and who do not seek help. Alcohol and drug abuse are recognized as treatable conditions. Unless resolved, these problems repeatedly and continually interfere with an employee's ability to perform his or her job. Therefore, OPTIONS is designed to assist troubled employees. OPTIONS staff will advise employees how to access other rehabilitation services of their choice, whether it be the County health plan or other health plans.

II. **POLICY**

- 2.1 Employees shall not:
 - 2.1.1 Be under the influence of or in possession of an unsealed alcoholic beverage container or drugs while on County property, in County vehicles, or at work locations.
 - 2.1.2 Nor shall they utilize such substances while they are on duty or paid standby.
 - 2.1.3 Nor shall they sell or provide drugs or alcohol to any other employee or to any person while such employee is on duty or paid standby.
 - 2.1.4 Nor shall they have their ability to work impaired as a result of the use of alcohol or drugs.
 - 2.1.5 The County may notify the appropriate law enforcement agency that an employee may possess illegal drugs.
- 2.2 An employee taking prescribed drugs which may interfere with safe work performance shall be required to provide written documentation from the prescribing physician indicating the level of interference with job performance addressed in 5.5. The employee's immediate supervisor or department head shall determine on a case-by-case basis the employee's ability to perform employment responsibilities (see 3.2). Failure to notify a supervisor may result in disciplinary action up to and including termination. An employee may be required to provide a statement from a licensed physician, nurse practitioner or physician assistant indicating when the employee is able to work safely while taking the prescribed medication.
 - 2.2.1 An employee who is not cleared to work shall not be permitted to work. The employee may use sick leave, accrued time off, or approved leave of absence

until he or she is released by a licensed physician, nurse practitioner or physician assistant.

2.3 A supervisor observing an employee with declining work performance and exhibiting ongoing behavior which could cause reasonable suspicion of a substance abuse problem may:

2.3.3 Counsel the employee regarding areas of declining work performance and recommend the employee utilize the Employee Assistance Program;

2.3.4 Document the behavior which has given rise to the suspicion of substance abuse;

2.3.5 Inform the appropriate manager (with departmental budget authority) of the supervisor's intent to recommend substance abuse testing;

2.3.6 Inform the employee of the department's intent to utilize this policy if (a) the behavior does not change; or (b) the employee does not utilize the Employee Assistance Program.

After a manager has received training on substance abuse testing and referral, and taken all measures outlined above, he/she can direct an employee to take a test. Refusal to submit immediately to an alcohol and/or drug analysis and authorize release of test results when requested by a manager may be grounds for discipline, subject to Civil Service Rule 18.

2.4 An employee believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and shall be directed to remain at the work site until transportation arrangements can be made.

2.4.1 Employees who insist on driving and who may be under the influence of alcohol or drugs are subject to arrest by a peace officer.

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

2.6 The County's voluntary Employee Assistance Program (Options-EAP) is available to assist employees who voluntarily seek help for alcohol or drug problems. Employees are encouraged to contact the EAP program directly for additional information.

3.0 DEFINITION

3.1 "Reasonable suspicion" is a belief based on subjective evidence sufficient to lead a

reasonably prudent supervisor to suspect that an employee is under the influence of drugs or alcohol to the degree the employee's ability to perform the functions of the job is impaired.

3.1.1 Any of following, alone or in combination, may constitute reasonable suspicion:

- 3.1.1.1 Slurred speech
- 3.1.1.2 Alcohol odor on breath
- 3.1.1.3 Unsteady walking and movement
- 3.1.1.4 An accident involving County property for which the employee is determined to be at fault.
- 3.1.1.5 Physical altercation
- 3.1.1.6 Declining work performance
- 3.1.1.7 Possession of alcohol or unauthorized drugs

3.2 The presence of the above indicators does not determine that an employee is chemically dependent.

3.3 Managers are defined as any employee in Executive, Senior Management, Middle Management, Sheriff's Management, and Sheriff's Sergeant bargaining unit.

4.0 **APPLICATION**

This policy applies to all full, part-time, contract, and temporary employees of the County. This policy applies to all substances, drugs, or medications, legal or illegal, which could impair an employee's ability to effectively and safely perform the functions of the job.

5.0 **EMPLOYEE RESPONSIBILITIES**

An employee must:

- 5.1 Not report to work or be on paid standby while his/her ability to perform job duties is impaired due to alcohol or drug use;
- 5.2 Not possess or use alcohol, or illegal drugs, during working hours or while on County property;
 - 5.2.1 Periodically, County-sponsored functions permit the use of alcoholic beverages, when specifically sanctioned by the Department Head (see San Joaquin County Work Rules, page 2).
- 5.3 Not directly, or through a third party, sell or provide drugs or alcohol to any person, including any employee, while either employee or both employees are on duty or on

paid standby except as required in the performance of an employee's duties;

- 5.3 Submit to an alcohol and drug test when requested by responsible County manager, and authorize the release of results of the evaluation and/or test subject to Section 2.3 of this policy.

- 5.3.1 Laboratory reports and/ or test results shall not be placed in an employee's personnel file. Laboratory reports, test results and/or rehabilitation-related records shall be maintained in a separate confidential file. The confidential file shall be maintained by the Employee Assistance Program Manager in a locked secure location. The EAP program manager shall implement procedures to maintain the confidentiality of the laboratory reports and/or test results and rehabilitation documents. Laboratory reports, rehabilitation documents and/or test results shall not be released to law enforcement agencies without express written approval of the employee. Such information shall be disclosed to other individuals only on a substantiated need-to-know basis and to the employee upon request. Such disclosure shall be documented. The employee may receive a copy of the report and may review the log upon request. In the event a test does not indicate the presence of alcohol or controlled substance, an employee, upon request, shall be given a letter indicating confirmation of such results.

It is the policy of the Employee Assistance Program to destroy all lab reports, rehabilitation documents and test results after a period of five years unless intervening referrals have been made.

- 5.4 If, in the course of medical treatment an employee is prescribed medication, it is the employee's responsibility to ascertain from the prescribing physician whether the medication would interfere with job performance. If the medication causes impairment, the immediate supervisor or department head will determine the employee's fitness for duty.

6.0 MANAGEMENT RESPONSIBILITIES AND GUIDELINES

- 6.1 Department heads are responsible for reasonable enforcement of this policy, maintaining confidentiality and for providing appropriate training to supervisory staff.
- 6.2 Managers can refer an employee to EAP for declining job performance or reasonable suspicion of chemical use. The EAP will provide assessment and referral services to appropriate treatment facilities. Supervisors are encouraged to refer employees to the EAP for intervention and rehabilitation. EAP services are confidential and supervisory referred employees are requested to sign a release of information for attendance purposes.

6.3 Drug/alcohol testing is used as a last resort after an employee refuses an EAP referral or EAP recommendations are rejected. The cost of the test(s) will be borne by the referring department. Managers may request that an employee submit to a drug and/or alcohol test when there is a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol while on the job or on standby. Testing methods, procedures and laboratory procedures are arranged and managed by the Department of Health Care Services.

6.3.1 The initial screening shall be performed by a National Institute of Drug Abuse certified facility using the Immunoassay screening process where they use radioisotopes to develop antibodies (EMIT method). If the results are positive, the results will be confirmed by the gas chromatography/mass spectrometer (GC/MS method) – San Diego.

To ensure a proper chain of custody, three specimens shall be collected as follows:

One specimen shall be provided in circumstances, which maintain the integrity of the sample.

The specimen shall be divided into three containers, which shall be sealed, labeled, and initialed without the containers leaving the employee's presence.

If a specimen is deemed positive, the employee shall have the option of submitting a second sample to a laboratory of his/her choice for a testing.

Any specimen deemed positive shall be retained and preserved by the laboratory for a minimum of six (6) months or until all legal proceedings relative to the test have concluded, whichever is later.

If the employee tests positive for a substance(s) with a medically recognized usage as a prescription drug without having disclosed such usage as a prescription for the drug or a physician's (or a dentist's) statement relative to the need for such drug. The said prescription must be dated before the date of the drug screen.

If any one of the tests is negative, the entire drug test shall be considered negative.

6.4 Managers requesting an employee to submit to a drug and/or alcohol test shall document, in writing within two (2) working days, the facts constituting reasonable

suspicion that the employee is intoxicated or under the influence of drugs.

- 6.4.1 Original document is placed in employee's departmental file and one copy given to the employee.
- 6.5 Where there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the manager or supervisor is required to advise the employee to remain at the work site until transportation arrangements can be made to return the employee to his or her home. (See 2.5 & 2.5.1)
- 6.6 Managers and supervisors shall not physically search the person of employees, nor shall they search the personal possessions of employees.
- 6.7 Managers shall notify department heads or designees when they have reasonable suspicion that an employee may have illegal drugs or alcohol in his or her possession, including areas such as parking areas, break rooms, etc. If the Department Head or designee concurs that there is reasonable suspicion of illegal drug possession, the Department Head or designee may notify the appropriate law enforcement agency. Reasonable suspicion is defined in 3.1 if this document.
- 6.8 Alcohol and drug use or abuse by employees is not always evident. Managers shall continue to monitor job performance indicators of employees and refer troubled employees the EAP for intervention of possible chemical dependency. EAP counselors will determine treatment plans and inform the referring managers.

7.0 CONFIDENTIALITY

- 7.1 Specific treatment services provided by OPTIONS-EAP are confidential and are not released without the employee's authorization. Employees who are referred by supervisors will be required to sign a release of information to notify their supervisor of attendance. Specific information shared with EAP staff is confidential unless required by law for child abuse or threats of bodily harm.
- 7.2 For the purpose of this policy, alcohol and drug use or abuse by employees will be held in the strictest confidence and shared on a need-to-know basis with appropriate management supervisory and EAP staff.

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN
STATE OF CALIFORNIA

ORDINANCE NO. 3623

AN ORDINANCE AMENDING SECTION 5-1303 OF THE ORDINANCE CODE
OF SAN JOAQUIN COUNTY PERTAINING TO SMOKING WITHIN
COUNTY FACILITIES OR VEHICLES

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The Board Supervisors of the County of San Joaquin, State of California, does ordain as follows:

SECTION 1. Section 5-1303 of the Ordinance code of San Joaquin County is amended to read as follows:

SECTION 5-1303. NO SMOKING IN COUNTY FACILITIES.

No smoking shall be permitted in County vehicles or enclosed facilities owned, operated or controlled by the County except:

- (a) In patients rooms under doctor's order when consistent with accreditation or licensing requirement.
- (b) In the inmate, living units of the main jail and the women's jail until such time as the jail Complex under construction is occupied.
- (c) In the Airport Terminal Restaurant and Lounge area with the ratio 75 percent no smoking and 25 percent smoking.
- (d) In leased buildings to private parties, which shall comply with the other provision of this Chapter.
- (e) In Sheriff's vehicles when the non-smoking Sheriff's personnel consent.

SECTION 2. COUNTY MANAGEMENT is directed to work to eliminate the exemptions that permit smoking. Health Care Services and Personnel are direct to increase the no smoking education program.

SECTION 3. This ordinance shall take effect thirty (30) days from the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance shall be published in "The Record", a newspaper of general circulation, printed and publish in the County of San Joaquin, State of California, with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED at a regular meeting of the board of Supervisors of the County of San Joaquin, State of California, on this 24th day of September, 1991.

AYES: WILHOIT, COSTA, SOUSA, BARBER

NOES: NONE

ABSENT: SIMAS

A. GEORGE L. BARBER

GEORGE L. BARBER, Chairman
Board of Supervisors
County of San Joaquin
State of California

ATTEST: JORETTA J. HAYDE
Clerk of the Board of Supervisors of the
County of San Joaquin, State of California

By: CINDY DUBRUTZ
Deputy Clerk



(C: SMOKING)