

**CITY OF UKIAH**  
**SUBSTANCE ABUSE FREE WORKPLACE POLICY**

NOVEMBER, 1992  
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**I. PURPOSE**

It is the intention of this policy to eliminate substance abuse and its effects in the workplace. While the City of Ukiah has no intention of intruding into the private lives of its employees, involvement with drugs and alcohol can take its toll on job performance and employee safety. We want employees 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.

This policy applies to all employees and to all applicants for positions with the City. This policy applies to alcohol and 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. Possession of these substances for use (except for medication) or sale on City premises is prohibited, and constitutes grounds for discipline including termination.

Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance. All employees are encouraged to go to the Personnel Director to discuss possible problems the employee may be having and to find solutions. The County Division of Alcohol and Other Drug Programs has counseling services available for anyone seeking assistance. While the City will be supportive of those who seek help voluntarily, the City will be equally firm in identifying and disciplining those who continue to be substance abusers and do not seek help. Disclosures made by employees to the City concerning their use of drugs and/or alcohol and their participation in any drug or alcohol rehabilitation program will be treated confidentially and will not be revealed to others.

This policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of the City's managers and employees. To that end, the City will act to eliminate any substance abuse which increases the potential for accidents, absenteeism, substandard performance, poor employee morale, or damage to the City's reputation.

**II. POLICY**

It is the City of Ukiah's policy that employees shall not be under the influence of or in possession of alcohol or drugs; nor possess alcohol or drugs while on duty, or become intoxicated while on standby duty; shall not utilize such substances while they are on City duty, sell or provide drugs or alcohol to any other employee or to any person while employee is on duty, nor have their ability to work impaired as a result of the use of alcohol or drugs.

There may be occasions when the consumption of alcohol will be permitted during working hours for a specific event, if permission is given by the Department Head or City Manager.

While use of medically prescribed medication and drugs is not per se a violation of this policy, the employee must notify his/her supervisor, before beginning work, when taking medications which could foreseeably interfere with the safe and effective performance of duties or operation of City equipment. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medication or drugs, clearance from a qualified physician may be required.

**III. REASONABLE SUSPICION OF DRUG USE**

If an employee's supervisor or manager has a "reasonable suspicion" that the employee is working in an impaired condition or otherwise in violation of this policy, the employee will be asked about any observed behavior and offered an opportunity to give a reasonable explanation. If the employee is unable to explain the behavior to the manager's or supervisor's reasonable satisfaction, he or she will be requested to take a drug test in accordance with the procedures outlined below.

"Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonably prudent supervisor to suspect 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.

For example, any of the following, alone or in combination, may constitute reasonable suspicion:

1. Slurred speech.
2. Alcohol odor on breath.
3. Unsteady walking and movement.
4. An accident involving City property (in combination with any other factor).

5. Physical altercation.
6. Verbal altercation.
7. Unusual behavior.
8. Possession of alcohol or drugs.
9. Information obtained from a reliable person with personal knowledge.

Any manager or supervisor requiring an employee to submit to a drug and/or alcohol test shall document in writing, on the attached form, within 24 hours, the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs.

If an employee refuses to cooperate with the administration of the drug test, the manager or supervisor shall remind the employee of the requirements and disciplinary consequences of this policy. Refusal to submit immediately to a drug and/or alcohol test when required by management personnel may be grounds for discipline up to and including termination.

If the employee is under the influence of alcohol or drugs and refuses to submit to a drug test, the manager or supervisor should attempt to require the employee to remain for a reasonable time until the employee can be safely transported home by an authorized City employee.

If there is reasonable suspicion and an employee is confronted regarding this policy, the employee shall have the right to have a bargaining unit member be present as a witness.

#### **IV. PROCEDURES FOR DRUG TESTING**

##### **A. Procedures**

The supervisor or manager will consult with the Department Head before any drug testing is performed. If the Department Head agrees that reasonable suspicion of drug or alcohol abuse exists, he or she shall call the Personnel Director to consult with and to order the drug test. Both the supervisor/manager and the Department Head shall take reasonable steps to keep the determination of reasonable suspicion, the drug test, and its results confidential. The Department Head will refer the employee to the Ukiah Valley Medical Center, which uses a National Institute on Drug Abuse (NIDA) certified medical collection site and laboratory, which will administer the test. The City will pay the cost of the test. The employee will have the opportunity to alert the clinic or laboratory personnel to any prescription or non-prescription drugs that he or she has taken that may affect the outcome of the test. All drug testing will be performed by urinalysis. Initial screening will be done by EMITII. If the test comes back positive, a second test will be performed from the same sample and be confirmed by gas chromatography/mass spectrometry.

The clinic or laboratory will inform the Personnel Director as to whether the applicant passed or failed the drug test. If the drug screen is positive, the employee must provide within 48 hours of request bonafide 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, if the prescription is not in the employee's name, or if the employee has not previously notified his or her supervisor, the employee will be subject to disciplinary action up to and including termination.

If an employee fails the test, he or she will be considered to be in violation of this Policy and will be subject to discipline accordingly, up to and including termination. The City shall conduct a thorough investigation to gather all facts. The decision to discipline or terminate an employee will be conducted in conformance with the City's Civil Service Rules, the City's policies and procedures, and the due process rights of the employee. If an employee passes the test, the City will investigate other causes for the observed behavior.

**B. Acknowledgment and Consent**

Any employee subject to testing under this Policy will be asked to sign a form acknowledging the procedures governing testing and consenting to (1) the collection of a urine sample for the purpose of determining the presence of alcohol or drugs, and (2) the release to City of medical information regarding the test results. Refusal to sign the agreement and consent form, or to submit to the drug test, will subject an employee to discipline up to and including termination.

**C. Time Spent**

Any time spent remaining on the premises at the request of a manager or supervisor or time spent for drug and/or alcohol testing will be considered City time and paid for by the City.

**V. CONFIDENTIALITY**

Disclosures made by employees to the Department Head concerning their use of legal drugs will be treated confidentially and will not be revealed to managers or supervisors unless there is an important work-related reason to do so in order to determine whether it is advisable for the employee to continue working. Disclosures made by employees to the Department Head concerning their participation in any drug or alcohol rehabilitation program will be treated confidentially.

Managers and supervisors should restrict communications concerning possible violations of this policy to persons who have an important work-related reason to know. In addition, managers and supervisors should not disclose the fact of an employee's participation in any drug or alcohol counseling or rehabilitation program.

**VI. QUALIFIED HANDICAPPED EMPLOYEES**

**A. Commitment To Employ Handicapped Individuals**

Nothing in this Policy is intended to diminish the City's commitment to employ qualified handicapped individuals or to provide reasonable accommodation to such individuals. As noted above, however, employees are encouraged to consult with the Department Head concerning their use of legal drugs, when they know or should know that their use of the drugs might result in their working in violation of this policy.

**B. Reasonable Accommodation**

If an employee's use of a legal drug is related to a handicap condition, and the employee voluntarily self-identifies as a handicapped individual to the City in connection with an effort to determine whether it is advisable to continue to work in his or her regular job while using the legal drug, a reasonable effort will be made to determine whether, in the same facility or location, another position is open that the employee is qualified to fill.

**VII. EMPLOYEE RESPONSIBILITIES**

An employee must:

- A. Not report to work or be subject to duty while his/her ability to perform job duties is impaired due to on- or off-duty alcohol or drug use.
- B. Not possess or use alcohol or impairing drugs (illegal drugs and prescription drugs without a prescription) during working hours or while subject to duty, on breaks, during meal periods, or at any time while on City property.
- C. Not directly or through a third party sell or provide impairing drugs (illegal drugs and prescription drugs without a prescription) or alcohol to any person, including any employee, while either employee or both employees are on duty.
- D. Notify his/her supervisor, before beginning work, when taking any medication or drugs, prescription or non-prescription, which may interfere

## **ADDENDUM "D"**

with the safe and effective performance of duties or operation of City equipment. The employee may be asked to provide a bonafide verification of a current valid prescription for any potentially impairing drug or medication.

- E. Employees are required by this policy to notify their supervisor of any conviction under a criminal drug statute for a violation occurring in the workplace or during any City-related activity or event, not later than five days after any such conviction. When required by federal law, the City will notify any federal agency with which it has a contract of any employee who has been convicted under a criminal drug statute for a violation occurring in the workplace.

### **VIII. MANAGEMENT RESPONSIBILITIES AND GUIDELINES**

- A. Managers and supervisors should be attentive to the performance and conduct of those who work with them and should not permit an employee to work in an impaired condition or otherwise in violation of this Policy. When management has reasonable suspicion to believe an employee or employees are working in violation of this Policy, prompt action should be taken.
- B. Managers and supervisors must deal with suspected offenders as discreetly, inconspicuously, and confidentially as possible.
- C. Managers and supervisors shall not physically search the person of employees, nor shall they search the personal possession of employees without the freely given consent of, and in the presence of, the employee. Note: All searches must be cleared with the Personnel Department. (This section does not apply to Police investigations.)
- D. Managers and supervisors shall notify their Department Head or designee when they have reasonable suspicion 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 City. If the Department Head or designee concurs that there is reasonable suspicion of illegal drug possession, the Department Head shall notify the appropriate law enforcement agency.
- E. The City shall provide training for management and supervisors to recognize the symptoms of drug abuse.
- F. Demands for drug or alcohol analysis testing by managers or supervisors, which are determined to be malicious, will not be tolerated and will subject the directing individual to disciplinary action.

