

## DRUG AND ALCOHOL USE PROHIBITED

Policy # **1140**  
Original Effective Date: 01/15/2020  
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Type of Policy: ☒ BOARD ☐ DISTRICT ☐ FIRE ☐ PARKS

### **POLICY**

1140.1 Cosumnes Community Services District ("District") views illegal drug use and excessive use of legal drugs and alcohol as a threat to the public welfare and the health, safety and productivity of employees of the District.

### **PURPOSE AND SCOPE**

1140.2 The District has a strong commitment to its employees to provide a safe work environment and promotes high standards of employee fitness. Consistent with the intent of this commitment, the District established this policy regarding drug and alcohol abuse. The District's goal is to establish and maintain a work environment that is free from the effects of drug and alcohol abuse.

While the District has no intention of interfering with the private lives of employees, the District expects its employees to report to work in a condition to perform their duties in a safe, effective and efficient manner.

1140.3 This policy applies to all District elected officials, executives, employees, interns, volunteers, contractors, vendors, suppliers, and other persons who contract with the District.

### **APPLICATION / PROCEDURE**

1140.4 Definitions:

a. Alcohol

1. Any alcohol or alcoholic beverage as defined in the California Business and Professional Code Sections 23003 and 23004.

b. Drugs

1. As used in this policy include marijuana and all illegal controlled substances.

c. Positive Test Result

1. The result reported by independent, certified medical clinic or laboratory, when a specimen contains a drug or drug metabolite equal to or greater than

the cutoff concentrations and confirmed positive by the clinic or laboratory or a refusal to test. A positive test or refusal to test will result in discipline up to and including termination.

d. Prescription Medication

1. Medication that requires a valid prescription from a qualified physician.

e. Reasonable Suspicion

1. As used in this policy mean a determination by a supervisor or other manager that an employee may be under the influence of drugs or alcohol.
2. This determination must be based on specific contemporaneous, articulable, objective facts and reasonable inferences drawn from those facts, and must be made by a trained supervisor and/or manager.

f. Workplace

1. District work locations, including contracted worksites, or operating District vehicles or equipment.

1140.5

No employee shall:

- a. Unlawfully manufacture, distribute, dispense, possess or use alcohol or drugs in the workplace;
- b. Report for duty under the influence of alcohol or drugs;
- c. Report for duty with the odor of alcohol on their person;
- d. Absent themselves from duty or be unfit to fully perform duties for reasons attributable to, or produced by, indulgence in alcohol, drugs, or the excessive or other improper use of prescription or nonprescription medications.
- e. Use any prescription medications which may interfere with the safe and effective performance of duties or operation of District equipment or vehicles, without notifying their supervisor prior to beginning work or operating the equipment or vehicle.
- f. Refuse to respond to questions within the scope of this policy.
- g. Refuse to submit to a Reasonable Suspicion drug and alcohol test when required by the District. Refusal to submit includes:
  1. Refusing an order to take a required test;
  2. Inability to provide a urine specimen or breath sample without a valid

medical reason, confirmed by a physician;

3. Tampering, adulterating, or substituting a specimen or any other attempt to defeat or obstruct a drug or alcohol test;
4. Delaying arrival at the designated collection site;
5. Leaving the collection site before the drug or alcohol testing process is complete;
6. Failing to permit an observed or monitored collection when required;
7. Failing to take a second test when required;
8. Failing to undergo a medical evaluation when required; or
9. Failing to cooperate with any part of the testing process.

1140.6 While working, operating a District vehicle (on or off duty) or wearing a District uniform, no employee shall:

- a. Have the odor of alcohol on their person;
- b. Use alcohol or drugs;
- c. Have their ability to work impaired as a result of the use of alcohol or drugs;
- d. Possess alcohol or drugs;
- e. Provide, manufacture, deliver, transfer, offer, or sell alcohol or drugs to any other employee or to any person while on duty;

If there is a question regarding an employee's ability to work safely and effectively while using prescription or nonprescription medications, clearance from a qualified physician will be required. The District will continue to retain the right to make the final determination concerning an employee's fitness to perform work.

1140.7 All employees must:

- a. Comply with all aspects of this policy
- b. Notify their supervisor before beginning work, when taking any prescription or non-prescription medications which may interfere with the safe and effective performance of duties or operation of District equipment.
- c. Consult with the supervisor if there is any question concerning whether the use of a particular prescription or non-prescription medication is covered by this policy. Note: This policy is not intended to prohibit the safe and legal use of prescription and nonprescription medications.

- d. Provide, as soon as possible and no later than within 48 hours of a request, proof of a valid prescription for any medication identified by the employee as the cause of their behavior. The prescription must be in the employee's name.
- e. Notify the District of any felony drug arrest or conviction by the next regularly scheduled workday.
- f. Notify the District of any drug conviction for acts occurring on District premises or on duty by the next regularly scheduled workday.

**1140.8 Managers and Supervisors must:**

- a. Investigate any question which arises about an employee's fitness to work due to use of prescription or nonprescription medications.
- b. Investigate any employee who appears to be in violation of this policy.
- c. Refer for Reasonable Suspicion testing any employee who appears to be under the influence of drugs or alcohol while on duty.
- d. Advise an employee of their right to have either an available union representative (if any) or another employee present during an investigatory interview

**1140.9 The District has established an Employee Assistance Program (EAP) to assist employees with a full range of personal issues including alcohol and drug abuse problems. The EAP provider can evaluate an employee's case and determine the appropriate level and type of treatment, if any.**

- a. Employees are encouraged to voluntarily seek professional assistance for alcohol and drug abuse with or without contacting management.
- b. Employees are encouraged to utilize chemical dependency programs offered under benefit plans.
- c. A manager or supervisor who has reason to believe that an employee may have a drug or alcohol problem which is affecting the employee's work performance, may suggest that the employee go to the District's EAP provider for an assessment. Participation in the assessment is voluntary.
- d. Contact between the employee and the EAP provider is confidential unless otherwise authorized by the employee.
- e. A referral to the District's EAP program is separate from any disciplinary action that may result from the employee's violation of this policy.

**1140.10 As a part of the District's employment screening process, any applicant for a safety sensitive position, to whom a conditional offer of employment is made, must pass a test for controlled**

substances, per procedures described below. The offer of employment is conditioned on a negative drug test result. Applicants will be informed of the District's requirement for testing in the employment application.

- 1140.11 If an employee's supervisor or manager has a verifiable and confirmed reasonable suspicion by at least two (2) people, including any Board Members, that the employee is working in an impaired condition or otherwise engaging in conduct that violates this policy, then the employee will be asked about any observed behavior or impaired condition and offered an opportunity to give a reasonable explanation. If the employee is unable to explain the behavior, the employee will be requested to take a drug test in accordance with the procedures described herein. If the employee refuses to cooperate with the administration of the drug test, the refusal will be handled in the same manner as a positive test result, which results in termination.
- 1140.12 Should an injury or motor vehicle incident occur while working, a drug or alcohol test may be administered if the injured employee's supervisor has a reasonable suspicion that an employee was injured due to drug or alcohol use.
- 1140.13 The District will refer the applicant or employee to an independent, certified medical clinic or laboratory, which will administer the test. The District shall require drug testing for: A) pre-employment testing and B) reasonable suspicion testing. The District will pay the cost of the test. If the employee is determined by verifiable and confirmed reasonable suspicion observation as unable to drive or impaired for driving, then a District supervisor, Manager, Division Director, or member of the Human Resources Division will transport the individual to a medical facility for immediate testing or treatment. 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. The clinic or laboratory will handle the required testing. The District will have no control over the clinic or laboratory's testing methods. The clinic or laboratory will inform the District as to whether or not the applicant passed or failed the drug test. 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.
- 1140.14 Any employee subject to testing under this policy will be directed to sign a form acknowledging the procedures governing testing and authorizing (1) the collection of a urine sample for the purpose of determining the presence of alcohol or drugs, and (2) the release to the District of medical information regarding the test results. Refusal to sign the authorization form or to submit to the drug test, will result in the revocation of an applicant's job offer, or will be considered the same as a positive test leading to termination.
- 1140.15 All drug testing records will be treated as confidential.

## **REFERENCES**

None