

POLICY TITLE: ALCOHOL AND DRUG ABUSE
POLICY NUMBER: 3825

COMMITTEE APPROVAL DATE: 12/09/2022 **WRITTEN/REVISED BY:** HUMAN RESOURCES
BOARD APPROVAL DATE: 01/25/2023 **SUPERSEDES:** 11/28/2018

POLICY:

3825 It is the policy of Beach Cities Health District (“District”) to promote productivity and to provide a safe work environment free of alcohol and illegal drugs as classified under local, state, or federal laws. Substances covered under this policy include alcohol, illegal drugs, inhalants, prescription, and over-the-counter drugs.

SCOPE:

3825.1 This policy applies to all District employees and applicants for positions with the District as well as interns, volunteers, contractors and temporary workers.

RESPONSIBILITY:

3825.2 It is the responsibility of management to understand, communicate, and enforce this policy uniformly among District employees. It is the responsibility of employees to understand the policies, guidelines and procedures, and to follow them accordingly. Employees must ask their supervisors if they are unclear as to its application. More detailed responsibilities are outlined in Section 3825.14 and 3825.15.

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3825.3 Employees shall not be impaired by or have in their biological system or be in possession of alcohol or illegal drugs while on District property, at work locations, or while on duty or subject to being called to duty, and that employees shall not sell or provide illegal drugs or alcohol to any other employee or person while on duty or subject to being called to duty.

3825.4 Nothing in this policy is meant to prohibit the appropriate use of over-the-counter medication or other medication that can legally be prescribed under either federal or state law, to the extent that it does not impair an employee’s job performance or safety or the safety of others.

3825.5 Employees who take over-the-counter medication or other medication that can legally be prescribed under either federal or state law to treat a disability should inform their supervisors and/or Human Resources if they believe the medication will impair their job performance, safety or the safety of others, or if they believe they need a reasonable accommodation before reporting to work while under the influence of that medication.

3825.6 This policy does not prohibit the use or consumption of alcohol at District-sponsored activities where alcohol is served, or at social, business or professional events attended by District employees while performing work for or in their capacity as District employees. However, employees who choose to consume alcohol at such events must do so responsibly. They must conduct themselves properly and professionally at all times, and they must abide by all state and federal laws related to

alcoholic beverages, which include laws which prohibit the operation of vehicles while under the influence.

3825.7 The District reserves the right to search, without employee consent, all areas and property in which the District maintains control or joint control with the employee. Otherwise, the District may notify appropriate law enforcement agencies that an employee may have illegal drugs in their possession or in an area not jointly or fully controlled by the District. There is no reasonable expectation of privacy in such areas.

3825.8 Refusal to immediately submit to an alcohol and/or drug analysis when requested by District management may constitute insubordination and be grounds for discipline up to and including termination.

3825.9 Employees may be asked to submit to a drug and alcohol test if an employee's supervisor or any other person in authority has reasonable suspicion, based on objective factors such as the employee's appearance, speech, behavior or other conduct and facts, that the employee possesses or is under the influence of drugs or alcohol, or both.

3825.10 All drug and alcohol testing under this policy will be conducted by an independent testing facility, per the procedure in Appendix A. The District will pay for the full cost of the test and employees will be compensated at their regular rate of pay for time spent submitting to a drug and alcohol test required by the District to the extent required by law.

3825.11 Employees suspected of working under the influence of illegal drugs or alcohol will be suspended with pay until the District receives the result of a drug and alcohol test from the testing facility and any other information the District may require to make an appropriate determination. All records relating to an individual's or applicant's drug and alcohol test results will be kept confidential and maintained separately from the individual's personnel file.

3825.12 The District is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as disabled under federal and/or state law to the extent permitted by law.

3825.13 The District has established a voluntary Employee Assistance Program (EAP) to assist employees who voluntarily seek help for alcohol or drug problems. Employees may use accrued, unused sick leave when taking leave under this policy. Confidentiality of records and information will be maintained in accordance with all local, state and federal laws. Employees should contact their supervisor or Human Resources for additional information.

Employee Responsibilities

3825.14 An employee must:

3825.14.1 Not report to work or be subject to duty while their ability to perform job duties is impaired due to on- or off-duty alcohol or drug use;

3825.14.2 Not possess (unless authorized by the District) or use alcohol or impairing drugs, including illegal drugs and drugs without a prescription, during working hours or while subject to duty, on breaks, during meal periods or at any time while on District property;

3825.14.3 Use discretion and demonstrate good judgment if consuming alcohol at a District-sponsored event or at social, business or professional events attended by District employees while performing work for or in their capacity as District employees;

3825.14.4 Not, directly or through a third party, sell or provide drugs or alcohol to any person, including an employee, while either or both employees are on duty or subject to being called to duty;

3825.14.5 Submit immediately to an alcohol or drug test when requested by an authorized District representative;

3825.14.6 Notify their supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of District equipment; and

3825.14.7 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 and not be considered illegal by either state or federal law.

Management Responsibilities

3825.15 A manager must:

3825.15.1 Reasonably enforce this policy.

3825.15.2 Make the decision on whether or not to request an employee submit to a drug and/or alcohol test when a manager or supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol while on the job or subject to being called.

3825.15.2.1 "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 the employee's ability to perform their job safely is reduced.

3825.15.2.2 For example, any of the following, alone or in combination, may constitute reasonable suspicion depending upon the circumstances in which the behavior is observed and/or reported:

3825.15.2.2.1 Slurred speech

3825.15.2.2.2 Alcohol odor on breath

3825.15.2.2.3 Unsteady walking and movement

3825.15.2.2.4 An accident involving District property where it appears the employee's conduct is at fault

3825.15.2.2.5 Physical altercation

3825.15.2.2.6 Verbal altercation

3825.15.2.2.7 Unusual behavior

3825.15.2.2.8 Possession of alcohol or drugs

3825.15.2.2.9 Note: Information obtained from a reliable person with personal knowledge may also be considered if there are other observable factors such as any one or combination of those listed above.

3825.15.3 Any manager requesting an employee to submit to a drug and/or alcohol test should document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence and confer with Human Resources. If it is not possible to confer with Human Resources, then either the department head for the functional area or the Chief Executive Officer must be notified prior to taking action.

3825.15.4 Any manager encountering an employee who refuses an order to submit to a drug and/or alcohol analysis upon request shall remind the employee of the requirements and disciplinary consequences of this policy. Where there is reasonable suspicion that the employee is then under the influence of alcohol or drugs, the manager or supervisor should arrange for the employee to be safely transported home.

3825.15.5 The District reserves the right to conduct an inspection or search for prohibited materials on District premises when there is reasonable cause to believe the employee has prohibited materials in their possession, with or without the employee's presence. Searches for prohibited materials and District property may include an office, desk, work area, file cabinet, closet, computer files, locker, District vehicle, or similar places where prohibited materials or District property may be stored, whether or not the places are locked or protected by access codes and/or passwords. The District may confiscate such prohibited materials and take any other appropriate action. "Reasonable cause" is defined as those facts that would lead a reasonably prudent person to believe that the employee has prohibited materials or that prohibited materials are in the area to be searched. Employees have no reasonable expectation of privacy in District-supplied property such as workstations, desks, lockers, and cabinets.

3825.15.6 In cases involving an inspection or search of an employee's pockets, purse, briefcase or other item of personal property that is being worn or carried by the employee, the employee may be requested to conduct a self-search (i.e., by turning out or emptying pockets, purses, etc.) in the presence of an observer. Because even a routine search for prohibited materials or District property might result in the exposure of an employee's personal possessions, all employees are encouraged to refrain from bringing into the workplace any item of personal property that they do not wish to show to the District. Employees should be aware that the workplace is any area used to conduct work by the District, including parking areas.

3825.15.7. Managers and supervisors shall notify their department head and Human Resources when they have reasonable suspicion to believe than an employee may have illegal drugs in their possession or in an area not jointly or fully controlled by the District. If the department head and Human Resources concurs that there is a reasonable suspicion of illegal drug possession, Human Resources shall notify the appropriate law enforcement agency.

Physical Examination and Procedure

3825.16 The drug and/or alcohol test may test for any substance that could impair an employee's ability to effectively and safely perform the functions of his or her job, including, but not limited to, prescription medication, alcohol, heroin, cocaine, morphine and its derivatives, P.C.P., methadone,

barbiturates, amphetamines, marijuana, and other cannabinoids. Appendix “A” describes the method in which the initial test will be conducted, how the sample will be processed after the drug, and/or alcohol test is completed, and how a confirmatory test after an initial positive result will be performed.

Results of Drug and/or Alcohol Analysis

3825.17 Pre-Employment

3825.17.1 The District requires pre-employment drug testing for all positions. Employment is contingent upon successfully passing the drug screen. Employment cannot begin until the applicant has successfully completed and passed the drug screen.

3825.17.2 A positive result from a drug and/or alcohol analysis may result in the applicant not being hired where the applicant’s use of drugs and/or alcohol could affect requisite job standards, duties, or responsibilities.

3825.17.3 If a drug screen is positive at the pre-employment physical, the applicant must provide within 24 hours of request bona fide verification of a valid current prescription for the drug identified in the drug screen. If the prescription is not in the applicant’s name or the applicant does not provide acceptable verification, or if the drug is one that is likely to impair the applicant’s ability to perform the job duties, the applicant may not be hired.

3825.18 During Employment

3825.18.1 A positive result from a drug and/or alcohol analysis may result in disciplinary action, up to and including termination.

3825.18.2 If the drug screen is positive, the employee must provide within 24 hours of request bona fide 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.

3825.18.3 If an alcohol/drug test is positive for alcohol or drugs, the District shall conduct an investigation to gather all facts. The decision to discipline or discharge will be carried out in conformance with District Policy 3835: Employee Conduct and Working Environment.

3825.19 Employees who refuse to submit to testing as required by the District or who failed to complete the test will be subject to discipline, up to and including termination of employment. Job applicants who refuse to submit to drug and alcohol testing will be deemed to have withdrawn themselves from the application process and will no longer be considered for employment.

Confidentiality

3825.20 Laboratory reports and test results shall not appear in an employee’s general personnel file. Information of this nature will be contained in a separate confidential folder that will be securely kept under the control of Human Resources. The reports or test results may be disclosed to District

management on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without employee's consent, may also occur when: (1) the information is compelled by law or by judicial or administrative process; (2) the information has been placed at issue in a formal dispute between the employer and employee; (3) the information is to be used in administering an employee benefit plan; (4) the information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

EXCEPTIONS

3825.21 The Chief Executive Officer is the only person authorized to make exceptions to this policy.

APPENDIX A

Drug/Alcohol Testing Procedures

Alcohol Testing

Alcohol testing will be conducted by using an evidential breath-testing device (EBT) approved by the National Highway Traffic Safety Administration. Non-EBT devices may be used for initial screening tests.

A screening test will be conducted first. If the result is an alcohol concentration level of less than 0.02, the test is considered a negative test. If the alcohol concentration level is 0.02 or more, a second confirmation test will be conducted.

Drug Testing

A urine specimen will be split into two bottles labeled as “primary” and “split” specimen. Both bottles will be sent to the lab;

If the urinalysis of the primary specimen tests positive for the presence of illegal, controlled substances, the employee has 72 hours to request that the split specimen be analyzed by a different certified lab;

The urine sample will be tested for the following: marijuana, cocaine, opiates, amphetamines, and phencyclidine;

If the test is positive for one or more of the drugs, a confirmation test will be performed using a gas chromatography/mass spectrometry analysis;

All drug test results will be validated, reviewed and interpreted by a physician (medical review officer or MRO) before they are reported to the employee and then to the employer agency;

With all positive drug tests, the physician (MRO) will first contact the employee to determine if there is an alternative medical explanation for the positive test result. If documentation is provided and the MRO determines that there was a legitimate medical use for the prohibited drug, the test result may be reported to the employer as “negative”.

Specimen Collection Protocol

Employees should anticipate the following protocol to be followed at the designated collection facility:

- Access to water in the collection site area is controlled. There is no running water in the restroom
- There is a blue coloring agent in the toilets and the water source is off
- Collector should provide identification to donor, upon request
- Donor will be instructed to remove any unnecessary outer garments
- A request will be made that all personal belongings (e.g., purse, briefcase) remain with outer garments and allow donor to retain wallet. The donor will be provided with a receipt for belongings if requested
- Donor will be instructed to wash and dry hands before urination
- After washing hands, donor will remain in the presence of the collector at all times. There will be no access to water, cleaning agents, or any other material that could be used to adulterate

the specimen

- Donor will be allowed to select an unopened collection kit
- Donor will be advised that a sufficient amount of urine is required (45 mls)
- Donor will be allowed privacy to provide specimen
- Donor will be instructed that the specimen must remain within collector's view as well as the donor's) at all times until it is packaged and sealed. The specimen will be inspected for volume, color and temperature. The temperature must be measured within four minutes.
- The specimen bottle will be sealed in full view of the donor and the donor will be directed to initial the label seal on the bottle
- Donor will be instructed to sign the Chain of Custody Form (CCF)
- The collector then signs the CCF
- Package is then sealed and the donor is provided with the "donor copy" of the CCF