

Drug and Alcohol-Free Workplace

712.1 PURPOSE AND SCOPE

The purpose of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any employee or member of the public. The Yolo County Probation Department discourages alcohol and drug abuse and strives to achieve a workforce free from the influence of drugs and alcohol.

712.2 GENERAL GUIDELINES

The Yolo County Probation Department is a Drug Free Workplace as required by federal law. Employees shall not possess, use, store or bring into any Department facility or vehicle, alcoholic beverages or controlled substances as enumerated in Sections 11054 through 11058 of the Health and Safety Code, except when prescribed by a licensed physician or dentist.

- (a) Upon arrival or return to duty, employees shall not be under the influence of alcohol and/or controlled substances, which would impair their job performance.
- (b) Employees shall not consume intoxicating substances or beverages while on duty including training days.

The Yolo County Alcohol and Drug Abuse Policy provides further guidelines on the misuse and abuse of alcohol and controlled substances by Department members, including applicable definitions and testing requirements. Department procedures will follow the Yolo County Alcohol and Drug Abuse Policy, where applicable; however, County policy will not be applied in violation of any member's rights under the Public Safety Officers Procedural Bill of Rights Act.

712.2.1 USE OF PRESCRIBED MEDICATIONS

Any employee who is required to take any medication that has side effects that might impair his or her ability to perform fully and safely perform all requirements of his or her assignment shall report the need for such medication to his or her immediate Supervisor prior to commencing any on-duty status. No employee shall be permitted to work or drive a Department-owned or Department-leased vehicle while taking such potentially impairing medication without a written release from his or her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action. Any exception to this policy will be at the discretion of the Chief Probation Officer and/or designee.

712.3 EMPLOYEE ASSISTANCE PROGRAM

Employees who wish to seek help for alcohol and/or drug problems may be able to receive assistance through the County's Employee Assistance Program (EAP), or through the employee's individual healthcare provider.

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Employees are encouraged to contact the Human Resources Department, their insurance provider, or the Employee Assistance Program (EAP) for additional information or rehabilitation programs.

It is the responsibility of each employee to seek assistance before alcohol and/or drug problems lead to negative performance issues.

712.4 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy rights of its employees. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall be only with the express written consent of the employee involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the Employee Assistance Program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

712.5 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program. (41 USC § 8104.)

712.6 REQUESTING SCREENING TESTS

Management may order an employee to submit to a screening test under the following circumstances:

- (a) If Management has reasonable suspicion to believe, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his or her ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm, other than by accident, in the performance of his or her duties.
- (c) During the performance of his or her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him or herself or another person, or substantial damage to property and there is reasonable suspicion to believe the incident is related to the employee's use of drugs or alcohol.

"Reasonable suspicion" is a belief based on objective facts sufficient to lead a prudent manager, supervisor, or co-worker to suspect that a County employee is under the influence of drugs and/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 the job in a safe manner is reduced.

712.6.1 MANAGEMENT RESPONSIBILITY

Management shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

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- (a) The test will be given to detect either alcohol, drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in termination or other disciplinary action.

Management will take reasonable steps necessary to maintain confidentiality of the results of any screening test and shall only disseminate the results as required by law or necessary for administration purposes.

712.6.2 SCREENING TEST REFUSAL

An employee may be subject to disciplinary action if he or she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested to do so, that he or she took the controlled substance as directed pursuant to a current and lawful prescription issued in his or her name.
- (c) Violates any provisions of this policy.