



COUNTY OF EL DORADO, CALIFORNIA

BOARD OF SUPERVISORS POLICY

Subject: Drug and Alcohol-Free Workplace Policy	Policy Number: X-X	Page Number: 1 of 6
	Originally Adopted: XX/XX/XXXX	Last Revised Date: XX/XX/XXXX

I. PURPOSE

The County of El Dorado (County) is committed to providing and maintaining a drug and alcohol-free workplace. Work performed while under the influence of drugs and/or alcohol (substance or substances) poses a threat to the health and safety of County employees and the public they serve. It is also a risk to County assets and property. For these reasons, the County has established a Drug and Alcohol-Free Workplace Policy. It is the goal of this policy to maintain a safe and productive work environment; offer resources to those who need it; and send a clear message that substance use in the workplace is incompatible with County employment.

The County's statement of maintaining a substance-free workplace shall be widely disseminated. All employees shall certify by signature that they have received and read a copy of this policy. This acknowledgement will be placed in the employee's official personnel file.

This policy applies to all current employees and any individual who is applying for a position with the County. Volunteers, agents, contractors, and subcontractors are prohibited from engaging in the use/or being under the influence of substances while performing services for the County.

II. POLICY

- A. All employees are prohibited from manufacturing, cultivating, distributing, dispensing, possessing or using illegal drugs (including marijuana regardless of prescription) or other unauthorized, mind-altering or intoxicating substances while on County property (including parking areas and grounds) or while otherwise performing their work duties away from the County's premises. Included within this prohibition are lawful controlled substances, which have been illegally or improperly obtained, possessed, or used.
- B. All employees are prohibited from distributing, dispensing, possessing or using alcohol while at work or on duty. Furthermore, off-duty alcohol use, while generally not prohibited by this policy, must not interfere with employees' ability to perform the essential functions of their jobs.
- C. Unless legally authorized to do so or as necessary in the performance of job duties, employees are prohibited from (i) being at work under the influence of intoxicating beverages, cannabis, or non-prescribed narcotics or drugs, or (ii) being under the influence of intoxicating beverages, cannabis, or non-prescribed narcotics or drugs in any public place while wearing or displaying clothing, badges, or insignia identifying the employee as a County employee.



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- D. Employees in safety-sensitive positions that are subject to federal regulations may also be subject to additional policies and procedures related to substance impairment in the workplace in order to comply with federal requirements.
- E. Compliance with this policy is a condition of employment with the County.
- F. Any violation of this policy may result in disciplinary action, up to and including termination. The presence of non-psychoactive cannabis metabolites that do not indicate current impairment will not be considered a positive test result and will not result in disciplinary action or termination.

III. TESTING

- A. The County reserves the right to require pre-employment substance testing when a conditional job offer is made.
- B. Employees may be required to submit to substance screening whenever the County has a reasonable suspicion that an employee has violated any of the rules set forth in this policy. Reasonable suspicion may arise from, among other factors:
 - a) An employee's admission of substance use or possession.
 - b) Observable phenomena such as direct observation of substance use, possession, or physical symptoms of being under the influence.
 - c) A pattern of abnormal conduct or erratic behavior.
 - d) Arrest or conviction for a substance-related offense, or the identification of an employee as the subject of a criminal investigation into illegal substance possession, use or trafficking.
 - e) Information provided by a third party independently corroborated.
 - f) Any evidence the employee tampered with a previous substance test.
 - g) A significant change in an employee's behavior and/or an employee's work performance.
 - h) Involvement in a work-related injury or accident.
- C. Refusal to submit to testing will be deemed to be a positive test result, may constitute insubordination, and can result in disciplinary action, up to and including termination.

IV. Drug-Free Awareness Program

- A. The County shall communicate to employees the existence and terms of this policy and the risks and



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dangers of substance abuse. Using and/or being under the influence of substances poses significant risks and dangers to not only the employee, but also to the County as an employer, and to the public the County serves. Some key risks and dangers are:

- a) **Impaired judgment and performance:** Substance use can impair cognitive and motor functions, leading to poor decision-making, mistakes, decreased productivity, and substandard work performance.
- b) **Increased risk of accidents:** Impaired employees are more likely to be involved in workplace accidents which may lead to injury to themselves, colleagues, the public, and/or damage to County property.
- c) **Health and safety:** Substance use can lead to physical and mental health problems, including chronic conditions as well as the increased likelihood of unsafe behaviors further compromising workplace safety.
- d) **Legal and financial consequences:** Accidents and/or damages, resulting from employee substance use, can cause legal liabilities and monetary penalties.
- e) **Reduced morale and team dynamics:** Employees under the influence of substances can create a negative work environment, affecting team morale and productivity. Co-workers may feel uncomfortable and unsafe working in the presence of employees using substances.
- f) **Absenteeism and turnover:** Employees under the influence have higher rates of absenteeism and may be more likely to leave their jobs which can disrupt County services.
- g) **Reputation damage:** County officers and employees serve for the benefit of the public. The County prides itself on the services it provides to the public. Employees who engage in conduct that is not consistent with this policy could bring County service into disrepute or be a direct hindrance to the effective performance of County functions.
- h) **Ethical and professional standards:** Substance use can undermine professional standards and ethical behavior, leading to issues such as dishonesty, theft, or unprofessional conduct. All County officers and employees must demonstrate the highest standards of morality and ethics consistent with the requirements of their positions and consistent with the law.

V. EMPLOYEE ASSISTANCE AND ACCOMMODATION

A. Employee Assistance Program (EAP):

- a) EAP is designed to help with short-term counseling needs. It offers quick and 24/7 easy access to confidential, professional assistance and resources to help employees address difficulties related to emotional concerns, relationships, substance abuse, legal and financial concerns.



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b) Information for EAP can be found on Department of Human Resources' website.

B. Reasonable Accommodation:

- a) Some legally prescribed drugs and over-the counter medications have possible side effects which could interfere with the performance of the employee's job duties (e.g. may cause drowsiness, may interfere with the safe operation of vehicles or equipment, etc.). Any employee taking a medication that indicates potential side effects which could interfere with the safe and/or effective performance of an employee's essential job duties must notify the Department of Human Resources Risk Management (HR Risk Management) before performing their work duties so that HR Risk Management can appropriately assess the circumstances. If appropriate, HR Risk Management may initiate the interactive process with the employee to identify possible reasonable accommodations.
- b) If an employee wishes to receive treatment for a substance use problem, they are to notify HR Risk Management to discuss reasonable accommodation for attendance in a treatment program. The County will engage in an interactive discussion with the employee to determine if time off requests for employees attending substance use assistance or a rehabilitation program can be reasonably accommodated.

VI. INITIAL RESPONSE

- A. If an employee is suspected of being under the influence at work, immediate measures must be taken to protect the County and clients, such as removing the employee from the workplace, removing the employee from client contact, removing access to driving or use of equipment/machinery, or in extreme incidents, contacting law enforcement. Employees removed from the workplace for this reason may be placed on paid administrative leave or have their sick leave accrual balances deducted for the time away from the workplace; employees who would otherwise have their sick leave accrual balances deducted and who do not have sufficient sick leave accrual balances will be placed on leave without pay for the balance of their absence.
- B. The Department of the employee who is suspected of being under the influence of substances shall confer with HR Risk Management with regard to safely transporting an employee from the worksite.
- C. These measures are in addition to, and not in lieu of, the County's right to require reasonable suspicion testing as described above.



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VII. REPORTING OBLIGATIONS

- A. An employee shall notify the Department of Human Resources of any criminal substance(s) statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Such conviction will, within thirty days of the County’s receipt of such notice, result in either a disciplinary action, up to and including termination, or required participation in and verified completion of an approved substance abuse assistance or rehabilitation program, or both.

- B. Employee Responsibility to Report Reasonable Suspicion:
 - a) If an employee reasonably suspects another employee of being under the influence of substances while in the workplace, they are to immediately report it to their supervisor/manager or HR Risk Management.

- C. Supervisor/Manager Responsibility to Report Reasonable Suspicion:
 - a) If a supervisor/manager reasonably suspects an employee of being under the influence of substances while in the workplace, they are to immediately report it to HR Risk Management.
 - b) If a supervisor/manager receives information that an employee may be under the influence of substances while in the workplace, they are to immediately report it to HR Risk Management.

VIII. REFERENCES

Drug Free Workplace Act of 1988
 California Drug Free Workplace Act 1990
 Controlled Substances Act

IX. RESPONSIBLE DEPARTMENT(S)

The Department of Human Resources

X. DATES (ADOPTED, REVISED, NEXT REVIEW)

Originally Adopted:	XX/XX/XXXX		
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