



TRINITY COUNTY PERSONNEL POLICY

SUBJECT:	DRUG AND ALCOHOL TESTING POLICY
POLICY NO.:	14-02
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RESOLUTION NO.:	N/A

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I. PURPOSE

It is the intention of this policy to eliminate substance abuse and its effects in the work place. While Trinity County (County) has no intention of intruding into the private lives of its employees, involvement with drugs and alcohol off the job can take its toll on job performance and employee safety. Our concern is that employees are in a condition 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.

As well, the County encourages any employee who believes they may have an alcohol or drug dependency or addiction problem, or disability, to obtain assistance through the EAP program. These sources of assistance are detailed in Section III (F) and (G) of this policy.

This policy provides guidelines for the detection and deterrence of alcohol and drug use. It also outlines the responsibility of County managers and employees.

In recognition of the public services responsibility to the employees of the County, and the fact that drug and alcohol abuse can hinder a person's ability to perform duties safely and effectively, the following policy against drug and alcohol use is hereby adopted by the Trinity County Board of Supervisors.

II. APPLICATION

This policy applies to all applicants who have been offered a position with the County and to all current employees, including but not limited to, part-time, full-time, permanent and probationary employees, extra help and appointed department heads. This policy addresses the use of alcohol and 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. If the provisions of federal, state, or local laws or regulations, or those contained in other departmental policies, are more stringent than the provisions contained herein, those more stringent requirements shall prevail.

III. POLICY

- A. It is County policy that employees, while on duty, on standby, on-call, in uniform, on County property or work locations, or in County vehicles, shall not:
1. Consume, or be under the influence of alcohol or drugs. See III(B) regarding medically prescribed medication and drugs;
 2. Possess controlled substances or prescription drugs without being able to produce documentation of a prescription;
 3. Manufacture, cultivate, sell, provide, distribute, or dispense prescription drugs or controlled substances to any other employee or to any person, unless designated in your job description;

4. Sell, provide, distribute, or dispense alcohol to any other employee or to any person; or,
 5. Have his/her ability to work impaired as a result of the use of alcohol or drugs.
- B. Employees must notify his/her supervisor, before beginning work, when taking medications or drugs which could foreseeably interfere with the safe and effective performance of his/her duties. In the event there is a question regarding an employee's ability to safely and effectively perform his/her duties while using such medications or drugs, clearance from a qualified physician may be required.
- C. Notwithstanding any part of this policy, employees are notified that they do not have an expectation of privacy as to any property or areas in which the County maintains sole control or joint control with an employee. The County reserves the right to view, inspect, or search any such areas without advance notice to an employee and without any need for employee consent to such a search. The County shall not, however, search the person of an employee or any personal effects, nor an employee's private vehicle not used for work. In areas not jointly or fully controlled by the County, the County may notify an appropriate law enforcement agency that an employee may have, or is believed to have, illegal drugs in his or her possession.
- D. Refusal to submit immediately to an alcohol and/or drug analysis when requested, based on reasonable suspicion (see Section IV(B)(1)(a)) or any other basis contained in Section IV(B), by County management or law enforcement personnel may constitute insubordination and may be grounds for separate disciplinary action up to and including termination of employment.
- E. Employees reasonably believed to be under the influence of alcohol and/or drugs shall be prevented from engaging in further work and shall be detained for a reasonable time until he or she can be safely transported from the worksite.
- F. The County is committed to providing reasonable accommodations to those employees whose drug or alcohol problem classifies them as disabled under federal and/or state law.
- G. The County has established a voluntary Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol and/or drug problems.
1. Employees who think they may have an alcohol or drug usage problem are invited to voluntarily seek confidential assistance. Such assistance may be found through either the County's Employee Assistance Program, which offers up to three hours of counseling services per six months, or through the County's health insurance program, which includes various provisions for mental health and chemical dependency counseling or through the

employees' private insurance. While the County will be supportive of those who seek help voluntarily, this policy does not preclude the County from taking disciplinary action when necessary, whether or not an employee continues a pattern of substance abuse. Decisions on whether to take disciplinary action will be made on a case-by-case basis.

IV. MANAGEMENT RESPONSIBILITIES AND GUIDELINES

- A. Department heads, managers, and non-management employees who supervise, ("Management Staff") are responsible for reasonable enforcement of this policy in conjunction with the Personnel Department. The Personnel Department should be contacted prior to testing under this policy.
- B. The following are grounds for Management Staff to require an employee to submit to a drug and/or alcohol test.

1. *Reasonable Suspicion Testing:*

- (a) Management Staff may direct that an employee submit to a drug/alcohol test when there is a "reasonable suspicion" that an employee is intoxicated and/or under the influence of drugs or alcohol while on the job, subject to stand-by duty, or on call.

"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:

- (i) Slurred speech;
- (ii) Movements (e.g. unsteady, fidgety, dizzy);
- (iii) An odor of alcohol, or other odor signifying the presence of drugs on the breath, body, or clothing;
- (iv) Dilated pupils or constricted pupils or difficulty focusing eyes;
- (v) Unsteady walking and/or movement;
- (vi) Unusual speech (e.g. slurred, slow, distracted, inability to verbalize);

- (vii) An accident involving damage to County property, or bodily injury;
 - (viii) Physical altercation;
 - (ix) Verbal altercation;
 - (x) Unusual behavior or emotions (e.g. argumentative, agitated, irritable, drowsy);
 - (xi) Possession of alcohol or drugs;
 - (xii) Information obtained from a reliable person with personal knowledge;
 - (xiii) Substandard work or unusual changes in work performance, provided, however, that substandard work or changes to work performance may not be the sole grounds for suspicion.
- (b) Any Management Staff or designee directing an employee to submit to a drug and/or alcohol test shall clearly document in writing the objective facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs or alcohol. Written documentation will be preserved in the employee's medical file.
- (c) Once the Management Staff has determined that an employee may be under the influence of drugs or alcohol, that individual should immediately remove the employee to a private area, and, in the presence of a second Management Staff, interview the employee as follows:
- (i) The Management Staff should state the facts that support his or her preliminary conclusion that the employee may be under the influence of, or in possession of drugs or alcohol. The interview should not disclose the names of any other employees that have provided information.

If reasonable suspicion is based solely on a report to the County from an informant, and the identity of the informant is known to the County, the identity of the informant shall be provided to the Union subject to the Union's express agreement that the information is "attorney's eyes only". The agreement for release of the informant's identity shall have the effect of a protective order over the informant's identity and any statement they may have provided. Any

further distribution of the identity or statement/s of the informant shall be strictly prohibited.

- (ii) The interviewer should ask the employee if he or she is under the influence of, or in possession of drugs or alcohol and invite the employee to explain his/her conduct.
 - (iii) If the interviewer is not fully satisfied by the employee's responses, or if the employee fails to respond, as to whether they are in possession of, have consumed, or are under the influence of drugs or alcohol and with the explanation of the employee's conduct they should direct the employee to submit to a drug and/or alcohol test.
- (d) Any Management Staff 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. Refusal constitutes a positive test under this policy. Where there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the manager or supervisor should detain the employee for a reasonable time until the employee can be safely transported home.
- (e) Management Staff 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 jointly or fully controlled by the County. If the Department Head or designee concurs that there is reasonable suspicion of illegal drug possession, the Department Head or designee shall notify the appropriate law enforcement agency.

2. *Pre-Employment Testing:*

All applicants for safety-sensitive positions, including current non-safety sensitive employees who promote, demote or transfer to such positions, shall undergo drug testing. Receipt by the County of satisfactory test results is required prior to employment, and failure of a drug or alcohol test will automatically disqualify a new applicant for employment from consideration of employment for a period of one hundred twenty (120) days. Current employees who promote, demote or transfer from non-safety-sensitive to safety-sensitive positions shall obtain a negative test result prior to assignment to a safety-sensitive position.

- i. "Safety-sensitive positions" include positions in which failure to properly perform the function would put the employee or others in risk of physical injury.

A non-exhaustive listing of safety sensitive classifications within County service are attached hereto as Exhibit "A".

3. *Random Testing:*

Safety-sensitive employees will be subjected to random, unannounced testing for drugs and/or alcohol use at any time, including periods of extended leaves. Each such employee shall have an equal chance at selection for random testing and shall remain in the selection pool even after being tested. The basis for random selection shall be by a scientifically valid random number generation method.

A non-exhaustive listing of safety sensitive classifications within County service are attached hereto as Exhibit "A".

4. *Return-To-Duty Testing:*

All safety-sensitive employees who previously tested positive for drugs and/or alcohol must test negative and be evaluated prior to returning to work. Employees will be required to undergo unannounced randomly scheduled drug and alcohol testing during the period of their re-entry contract. This also applies to any employee who has previously tested positive for drugs and/or alcohol and consented to random testing as a term of their re-entry contract.

5. *Post-Accident Testing:*

Employees will be required to undergo post-accident testing if they are involved in an accident while driving a County owned or controlled Commercial Vehicle under the following circumstances:

- (a) If the accident results in injury or death, or;
- (b) When the employee receives a citation under state or local law for a moving traffic violation arising from the accident or when any vehicle requires towing from the accident scene. An employee in such an accident is required to report it as soon as possible to his/her supervisor, Personnel Department and Risk Management.

6. *Possession of Drugs or Alcohol as part of Official Duties:*

Certain employees may be required, as part of their official duties, to be in possession of alcohol or drugs. Possession of drugs or alcohol alone, required of an employee in the course of discharging their duties as employees of the County, shall not be deemed reasonable suspicion under this section. However, employees who are involved in drug prevention or enforcement work are nevertheless subject to testing in the absence of reasonable suspicion. This includes, but is not limited to, employees

involved in under-cover drug work, evidence storage, court presentations and similar roles related to prevention of drug and/or alcohol abuse.

- C. If an employee refuses an order to submit to a drug and/or alcohol test, he or she shall be reminded by Management Staff of the requirements and potential disciplinary consequences of such refusal. Where there is reasonable suspicion that the employee is under the influence of alcohol or drugs, and the employee refuses to be tested, the Management Staff shall contact law enforcement if the employee attempts to operate a motor vehicle or there is a potential danger to the employee or others. For the purpose of discipline, the County may consider the failure to submit to a drug or alcohol test as tantamount to a positive test.
- D. Management Staff will be trained to recognize symptoms of substance abuse and become involved in this control process. Alcohol and/or drug abuse will not be tolerated and disciplinary action, up to and including termination, will be used as necessary to achieve this goal.

V. 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-duty or off-duty alcohol or drug use;
- B. Not possess or use impairing drugs (illegal drugs or prescription drugs without a prescription) during working hours or while subject to duty, on breaks, during meal periods or at any time while on County property;
- C. Not directly or through a third party sell or provide drugs to any person, including any employee, while either the employee or other employees are on duty or subject to being called, unless designated in their job description;
- D. Submit immediately to an alcohol and/or drug test when requested, based on reasonable suspicion (see Section IV(B)(1)(a)) or any other basis contained in Section IV(B), by a Management Staff or designee;
- E. Notify his/her supervisor, before beginning work, when taking any medication or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of County equipment;
- F. 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.

VI. MEDICAL EXAMINATION AND PROCEDURE

- A. The drug and/or alcohol examination may test for any substance which could impair an employee's ability to effectively and safely perform the function of

his/her job, including, but not limited to, alcohol, prescription medications, heroin, cocaine, morphine and its derivatives, P.C.P., methadone, barbiturates, amphetamines, marijuana and other cannabinoids;

No testing shall be conducted in public, and no spectacle shall be made of an employee being tested.

B. Transportation:

1. Management Staff shall arrange for the employee's transportation to and from the laboratory or County facility for all drug and/or alcohol testing, except random testing or as agreed as part of a reentry contract. The employee will remain with the Management Staff or designee until results are obtained or their scheduled work day ends, at which time the Management Staff or designee shall arrange for transporting the employee home pending results;
2. If an employee refuses to be transported to and from the testing facility and wants to drive, the Management Staff must inform the employee that if they do decide to drive, the police will be contacted. Management Staff should then identify the vehicle and license plate number of the employee who is driving.


VII. RESULTS OF DRUG AND/OR ALCOHOL ANALYSIS

- A. A positive result from a drug and/or alcohol test may result in disciplinary action, up to and including discharge;
- B. If the drug screen is positive, the employee must provide within 24 hours of request a 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 the valid prescription, or 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 discharge.
 1. The Compassionate Use Act of 1996 does not exempt an employee from the County's Drug and Alcohol policy. The possession of a valid medical marijuana card does not exonerate an employee under this policy.
- C. Discipline: Employees found in possession of drugs and/or alcohol or who test positive for drug and/or alcohol or violate any terms of this policy are subject to discipline, up to and including termination.

VIII. CONFIDENTIALITY

Laboratory reports or test results shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate confidential medical folder that will be

securely kept under the control of the Personnel Director or designee. The reports or test results may be disclosed to County management on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without patient 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 needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.


JUDITH N. PFLUEGER, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

WENDY G. TYLER
Clerk of the Board of Supervisors

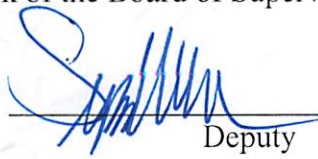
By:  _____
Deputy

Exhibit A

Assistant Chief Probation Officer
Assistant Deputy Probation Officer
Assistant Road Crew Supervisor I
Assistant Road Crew Supervisor II
Behavioral Case Manager I
Behavioral Case Manager II
Buildings and Grounds Maintenance Worker I
Buildings and Grounds Maintenance Worker II
Buildings and Grounds Superintendent
Community Mental Health Nurse I
Correctional Officer Sergeant
Correctional Officer/Dispatcher I
Correctional Officer/Dispatcher II
Correctional Officer/Dispatcher III
Correctional Officer/Juvenile Counselor I
Correctional Officer/Juvenile Counselor II
Correctional Officer/Medical Assistant I
Correctional Officer/Medical Assistant II
Custodian
Custodian/Office Maintenance Worker
Deputy Probation Officer I
Deputy Probation Officer II
Deputy Probation Officer III
Deputy Sheriff I
Deputy Sheriff II
Deputy Sheriff III
District Attorney Investigator I
District Attorney Investigator II
Emergency Operations Manager
Employment and Training Supervisor
Employment and Training Worker I
Employment and Training Worker II
Employment and Training Worker III
Equipment Operator Driver II
Equipment Operator Driver I
Equipment Operator Driver III
Equipment Shop Supervisor
Evidence Technician I
Evidence Technician II
Gate Attendant I
Gate Attendant II

Human Services Fraud Investigator
Juvenile Hall Superintendent
Maintenance Worker/Custodian
Mechanic Apprentice
Mechanic I
Mechanic III
Mechanic III
Mental Health Clinician I
Mental Health Clinician II
Mental Health Clinician III
Peer Specialist
Probation Assistant
Public Health Nurse Director
Public Health Nurse I
Public Health Nurse II
Road Maintenance Lead Worker I
Road Maintenance Crew Supervisor I
Road Maintenance Crew Supervisor II
Road Maintenance Lead Worker I
Road Maintenance Lead Worker II
Road Maintenance Worker I
Road Maintenance Worker II
Road Maintenance Worker III
Road Maintenance Worker IV
Road Superintendent
Senior Juvenile Counselor
Sheriff's Sergeant
Social Services Aide
Social Worker III
Social Worker I
Social Worker II
Social Worker IV
Social Worker Supervisor I
Social Worker Supervisor II
Solid Waste Equipment Operator Driver I
Solid Waste Equipment Operator Driver II
Solid Waste Equipment Operator Driver III
Solid Waste Technician III
Substance Abuse Counselor
Substance Abuse Specialist I
Substance Abuse Specialist II
Substance Abuse Specialist III
Supervising Deputy Probation Officer
Transit Coordinator

Transit Driver
Transportation Aide/Custodian
Transportation Coordinator
Transportation Aide
Undersheriff
Vocational Assistant
Vocational Trainee
Work Crew Leader