

City of Red Bluff
Administrative Policies & Procedures – Personnel Manual

Subject: Drug & Alcohol Free Workplace / Testing Policy		Number: 22-7
		Effective Date: 10/17/2023
Departments Affected: All		Supersedes (Number/Date): Alcohol-Free & Drug Free Workplace Policy - 7/2/1996
Authority: Section 2.82-A. Red Bluff City Code	File References:	
	Approved: Approved by City Council on: 10/17/2023	

Overview: The City of Red Bluff prohibits the use or possession of drugs or alcohol while on duty and reporting to work or at the work site under the influence.

Applicable to: All employees

Guidelines: The City of Red Bluff is committed to enhancing the safety, health, and well-being of employees and the people they serve.

Employees who are commercial drivers for the City of Red Bluff are subject to Department of Transportation standards and should consult the City of Red Bluff Drug and Alcohol Testing Policy for Positions Requiring a Commercial Driver's License for more information. See AP&P 22-8: Drug & Alcohol Testing for Positions that Require a Commercial License.

Performance Standards

City of Red Bluff employees shall not:

- Be under the influence or impaired during the course, or performance, of their assigned duties due to on or off-duty use of drugs, prescription medications, alcohol, or other intoxicants.
- Report to the work site under the influence or impaired due to on or off-duty use of drugs, alcohol, or other intoxicants.
- Use any drugs or alcohol while assigned to on-call duties.
- Purchase, possess, use, sell, manufacture, or furnish any drug or alcohol while in the course or performance of their assigned duties, during breaks, or during their lunch period.
- Directly, or through a third party, illegally provide or sell drugs or alcohol to any person, including any fellow employees, while in the performance of their assigned duties or subject to being called to duty (Exception: Law Enforcement under the authority of the City and in the official capacity of their duties.)
- Take any prescription or over-the-counter medications or drugs which may interfere with the safe and effective performance of their assigned duties or during the operation of City of Red Bluff equipment.
- Refuse to provide a bona fide verification of a current valid prescription for any potentially impairing drug or medication when requested.

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Prescription and Over-the-Counter Medications

The illegal or unauthorized use of prescription medications is prohibited by law and is a violation of this policy. Prescription drugs are not prohibited when taken according to a physician's prescription. Employees taking prescribed medications will be responsible for consulting the prescribing physician to ascertain whether the medication may interfere with the safe performance of their job duties.

Over-the-counter medications are not prohibited when taken in standard dosage. Employees taking over-the-counter medications will be responsible for consulting a pharmacist to ascertain whether the medication may interfere with the safe performance of their job duties.

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or needs to take any such medication shall report that need to the member's immediate supervisor before commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities without a written release from the member's physician.

Employee Responsibility to Disclose

As a matter of privacy, an employer may not ask an employee what medications they are taking. However, if an employee is prescribed medications or taking over-the-counter medications which carry a warning label indicating mental function, motor skills, or judgment may be adversely affected, it is the employee's responsibility to notify a supervisor before beginning work.

When notified of an employee's use of prescription or over-the-counter medications, the supervisor should assess whether there is a risk to the individual's safety or the safety of others and/or whether there is an impact on cognitive ability or judgment. Because of the diverse duties of City employees, the supervisor must make a determination on a case-by-case basis as to whether the employee has the ability to perform the job safely and effectively. Should the supervisor determine the employee should not work while on the medication, he/she may dismiss the employee for the day. The employee may use sick leave or any other leave available to them in this circumstance. If the employee is expected to be on the medication for several days or on a long-term basis, an interactive meeting may be scheduled, or a more thorough assessment will be performed.

Should an employee be unexpectedly contacted by a supervisor to report to work, and they have consumed alcohol or drugs, they should inform their supervisor that they may be impaired and are not available for work.

Workplace Searches

The City reserves the right for Department Heads or their designees to search, without employee consent, all areas and property in which the City maintains control or joint control with the employee, except the lockers of peace officers and firefighters or other space for storage which may be assigned to peace officers or firefighters. No peace officer or firefighter shall have their locker or other space for storage which may be assigned searched except in the peace officer's or firefighter's presence, or with consent, or unless a valid search warrant has been obtained or where the peace officer or firefighter has been notified a search will be conducted. This section shall

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apply only to lockers or other space for storage owned or leased by the City.

Except as otherwise lawfully permitted (e.g., search required for entering a secured facility), no persons shall physically search an employee, nor shall they search the personal possessions of employees without the freely given consent of, and in the presence of, the employee.

If there is a reasonable basis to conclude drug possession, the City may notify the appropriate law enforcement agency that an employee may have drugs in their possession or in an area not jointly or fully controlled by the City.

Reasonable Suspicion

The process of observing an employee for being under the influence is initiated when a supervisor obtains information from a reliable person or directly observes the behavior.

To determine reasonable suspicion, two trained observers monitor the condition and behavior of an employee suspected of being under the influence and determine if enough supporting evidence exists to perform drug and alcohol testing.

The following conditions or behaviors may constitute reasonable suspicion but are not limited to:

- Incoherent, slurred speech or rapid, excessive talking.
- Odor of alcohol on the breath or odor of marijuana on a person.
- Staggering or unsteady gait, disorientation, or loss of balance.
- Red and watery eyes.
- Dilated or constricted pupils.
- Involvement in a physical or verbal altercation.
- Possession of alcohol or illegal drugs.
- Paranoid, abnormal, erratic, or unexplained behavior, or drastic change in behavior.
- Drowsiness or sleeping on the job.
- Any observable, objective phenomena (i.e., physical symptoms such as passing out).
- Unsafe operation of City vehicles or equipment.

Upon conclusion of observation, the trained observers shall immediately notify the Department Head or their designee of their findings. The trained observers will be required to complete an Incident Report Form documenting their observations.

The City of Red Bluff will periodically provide reasonable suspicion training for Department Heads, managers, supervisors, or their designees to ensure an adequate number of trained observers exist City-wide.

Testing Procedures

Based on the information received from the observers, the Department Head or their designee may order the employee to submit to drug and alcohol testing. Employees believed to be impaired shall be prevented from engaging in further work. If working off-site, the employee may be transported to a testing facility or back to the department or office by a supervisor, their designee, and/or a management group member.

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The Department Head or their designee shall notify the employee of their right to have a Union representative present for the testing procedures. The drug and alcohol test shall not be delayed more than 15 minutes if the Union representative is not immediately available. If the employee declines Union representation, this information shall be documented on the Incident Report Form.

The supervisor shall arrange all transportation for the employee. If an employee refuses transportation and indicates he or she will drive a vehicle, the supervisor shall notify the employee that law enforcement will be contacted and be prepared to follow through.

Any refusal to submit or consent to testing, tampering with testing procedures, or departure before testing, will be considered insubordination and a violation of this policy and could result in discipline up to and including termination.

Testing shall be conducted at an authorized facility. Employees will be asked to sign a consent form authorizing the laboratory to obtain the specimen. The consent form shall provide space for an employee to indicate current or recent use of prescription drugs and over-the-counter medications. Testing during normal business hours will occur at the contracted vendor. After-hours testing will occur at St. Elizabeth Hospital.

The testing results will be released to the Human Resources Department and the applicable Department Head. Information from an employee's drug and alcohol testing will be considered confidential for purposes other than determining whether a violation of this policy has occurred and any resulting proceedings.

Test Results

For a drug test, the specimen sample will be split into two samples and a standard ten (10) panel drug test will be performed. Cutoff concentration amounts will be in accordance with State and Federal guidelines. If the initial screening test results in a positive test, a second or confirmation test may be conducted on the second specimen sample. Upon receiving notification of a positive drug test, the Union and/or employee shall have seventy-two (72 hours) to request further action be taken with respect to the second specimen sample.

For a breath-alcohol test, a screening test is conducted first by using a preliminary alcohol screening (PAS) device. Any result less than .02 alcohol concentration is considered a "negative" test. If the alcohol concentration is .02 or greater, a second or confirmation test must be conducted.

Positive test results will include specific quantities.

If the laboratory concludes the reasonable suspicion test resulted in a negative dilute, the City will immediately conduct one additional retest. The result of the second test will be considered the test of record.

A Medical Review Officer (MRO) will review and interpret all confirmed positive test results obtained through the City testing program. An employee who tests positive will be contacted by the MRO and will be given the opportunity to provide the MRO any reasons he or she may have which would explain the positive drug and/or alcohol test, other than the presence of alcohol or the illegal use of drugs. If the employee provides a legitimate medical explanation for the presence of alcohol and/or drugs in his or her system, the positive test result will be disregarded and

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reported to the City as negative. Otherwise, the MRO will report the results of the test as positive.

Due to safety concerns, a Department Head or their designee may place employees who are found to be under the influence on administrative leave pending test results.

Violations

The employee and the Union shall be presented with a copy of the laboratory report before any discipline is imposed.

If the results of the test determine the employee was under the influence of drugs or alcohol while on duty, appropriate disciplinary action may be imposed, up to and including termination.

All disputes concerning the interpretation or application of this drug and alcohol abuse and drug testing policy will be subject to the applicable grievance procedure of the collective bargaining agreement, if any.

Reasonable Accommodation

The City of Red Bluff is committed to providing reasonable accommodation to those employees whose drug or alcohol problem qualifies as a disability under federal and/or state law.