



City of Santa Clarita
POLICY/PROCEDURE

Number III-9.5

SUBJECT: DRUG-FREE WORKPLACE

ORIGINAL ISSUE

EFFECTIVE: 07/01/1991

CATEGORY: HUMAN RESOURCES

CURRENT ISSUE

EFFECTIVE: 10/13/2020

SUPERSEDES: III-9.4

RESPONSIBLE DEPARTMENT: CITY MANAGER'S OFFICE

STANDARD MANAGEMENT PROCEDURE

I. PURPOSE

It is the goal of the City to create a healthy and safe working environment in order to deliver the best and most efficient municipal service to the citizens of Santa Clarita. It is the responsibility of all City employees to cooperate in efforts to protect the life, personal safety, and property of co-workers and fellow citizens.

Substance abuse has been found to be a contributing factor to absenteeism, substandard performance, increased potential for accidents, poor morale, and impaired public relations. It is the goal of this policy to prevent substance and alcohol abuse in the workplace by clearly stating employee responsibilities relative to substance and alcohol abuse and by providing managers and supervisors with guidelines and procedures for the detection of such abuse and the enforcement of related rules. Employees must, therefore, take all reasonable steps to abide by and cooperate in the implementation and enforcement of these policies and regulations.

The City encourages employees who believe that they may have a drug or alcohol problem to voluntarily seek counseling, assistance, and/or rehabilitation, and will be supportive of those employees who voluntarily seek help before the City discovers that the employee has a drug or alcohol problem. However, the City will be equally firm in identifying and disciplining those employees who are substance abusers and do not seek help.

Drug or alcohol abuse will not be tolerated on or off the job for any employee, and disciplinary action, up to and including termination, will be used as necessary to achieve the goal of eliminating substance abuse in the workplace.

II. APPLICABILITY

This policy applies to all applicants and employees of the City of Santa Clarita. Certain City employees are also subject to the Omnibus Transportation Employee Testing Act of 1991 (Pub. L. No. 102-143, 105 Stat. 952, as amended), which requires alcohol and drug testing of safety-sensitive transportation employees who are required to have a commercial driver's license (49 CFR Parts 40, 382, 391, 392, and 395, as amended). In order to comply with the Department of Transportation regulations, the City of Santa Clarita has developed specific guidelines regarding when and how drug-alcohol testing will occur, as well as provisions on rehabilitative

services available to all covered City employees. The specific guidelines for City employees who are required to have a commercial driver's license are set forth in Policy III-20.1.

City employees who are required to have a commercial driver's license are covered by this Policy except to the extent that it conflicts with Policy III-20.1 or with the Omnibus Transportation Employee Testing Act of 1991, as amended, the Federal Highway Administration Regulations, as amended, Federal Motor Carrier Safety Administration, as amended, or any other applicable Department of Transportation Agency regulations governing drug testing of employee's required to possess a commercial driver's license.

III. DEFINITIONS

- A. **Alcohol**: Any liquid containing ethyl alcohol (ethanol).
- B. **Applicant**: Any person applying for employment with the City who has been extended a conditional offer of employment.
- C. **Controlled Substance**: Any drug that is classified by the federal Drug Enforcement Administration into the five schedules or classes on the basis of their potential for abuse, accepted use, and accepted safety under medical supervision. Examples of controlled substances include, but are not limited to, marijuana metabolites, cocaine metabolites, opiate metabolites, amphetamines, and phencyclidine (PCP).
- D. **Drug(s)**: Legal and/or illegal drugs, as defined herein.
- E. **Illegal Drug**: A controlled substance, a legal drug which has not been legally obtained, or a legal drug which was legally obtained, but that is being sold or distributed unlawfully.
- F. **Legal Drug**: Any drug, including any prescription drug or over the counter drug, that has been legally obtained and that is not unlawfully sold or distributed.
- G. **Reasonable Suspicion**: A belief based upon objective facts sufficient to lead a reasonably prudent person 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:
 - 1. Slurred speech;
 - 2. Alcohol or drug odor on breath or person;
 - 3. Unsteady walking and movement;
 - 4. Physical impairment (e.g., glassy eyes, eye dilation, shaking, or erratic movement);

5. An accident involving City property;
6. Physical altercation;
7. Verbal altercation;
8. Unusual behavior;
9. Job impairment;
10. Possession of alcohol or drugs and/or paraphernalia; or
11. Information obtained from a reliable source with personal knowledge.

H. **Under the Influence of Drugs or Alcohol:** The use of (1) any alcoholic beverage; (2) any illegal drug or substance, or (3) the use or misuse of any prescribed drug or cannabis, in a manner and to a degree that impairs the employee's work performance or ability to use City property or equipment safely.

IV. **POLICY**

A. **Employee Responsibilities:** All employees must:

1. Sign and submit to Human Resources the Acknowledgement of Receipt of Drug-Free Workplace Policy (attached to this policy), noting specifically that the employee has read, understood, and agreed to abide by the provisions of this policy as a condition of continued employment.
2. Not report to work or be subject to duty while under the influence of illegal drugs or alcohol.
3. Not report to work or be subject to duty while under the influence of a legal drug whenever the use of the legal drug might do any of the following:
 - (a) Endanger the safety of the employee or another person;
 - (b) Pose a risk of significant damage to City property or equipment; and/or
 - (c) Substantially interfere with the employee's job performance or the safe or efficient operation of the City's business or equipment.
4. 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 City equipment.
5. Not manufacture, possess, use, trade, offer to sell, sell, or buy drugs or alcohol during working hours or while on duty, on breaks, during meal periods, or anytime while on City property or wearing a City uniform. This policy is not intended to prevent

an employee from possessing alcoholic beverages in sealed containers in his/her personal vehicle. Nor is this policy intended to prevent presentation of alcohol as a gift.

6. Not store in a locker, desk, automobile, or other repository on City property, any alcohol or illegal drug. This policy is not intended to prevent an employee from possessing alcoholic beverages in sealed containers in his/her personal vehicle. Nor is this policy intended to prevent presentation of alcohol as a gift.

7. Not directly or through a third party sell or provide drugs or alcohol to any person, including any employee, while either employee or both employees are on duty or subject to duty.

8. Submit to an alcohol and/or drug test when requested to do so by the employee's Director in accordance with the guidelines set forth in this policy.

9. Provide, within 24 hours of a request, bona fide verification of a current, valid prescription for any potentially impairing drug or medication identified when a drug test result is positive. The prescription must be in the employee's name.

10. File an "Employee Report of Conviction for Violating Criminal Drug Statutes in The Workplace" form to the Personnel Officer within five (5) days of any conviction based on violation of any state or federal drug statute relating to conduct in the workplace or while on City business. Employees must submit this form to the Personnel Officer regardless of whether the conviction has been or will be appealed.

B. City Responsibilities:

1. The Personnel Officer and the Directors are responsible for reasonable enforcement of this policy.

2. The Personnel Officer or Director may request that an employee submit to a drug and/or alcohol test in accordance with the guidelines set forth herein.

3. Whenever an employee refuses an order to submit to a drug or alcohol test upon appropriate request, the employee shall be reminded of the requirements of this policy and the disciplinary consequences for his/her refusal. Such refusal may be considered insubordination and are grounds for disciplinary action as provided for in the City's Personnel Rules up to and including termination.

4. Where there is reasonable suspicion that an employee is under the influence of drugs and/or alcohol, the employee will be detained for a reasonable time until he/she can be safely transported home at the employee's own cost.

5. Neither the employee nor the physical property of any employee covered by this policy shall be physically searched without that employee's consent in the presence of

the Personnel Officer. However, City employees may not have a reasonable expectation of privacy with respect to City property.

6. Directors and supervisors shall notify the Personnel Officer, when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the City. Additionally, where criminal activity is suspected, the appropriate law enforcement agencies or authorities shall be notified.

C. **Rehabilitation:**

1. **General:** The City encourages those employees who think that they may have a problem with drugs and/or alcohol to seek assistance and rehabilitation at an early date prior to notification of drug and/or alcohol testing and/or prior to discovery by the City of the employee's drug and/or alcohol problem. However, the City reserves the right to discipline employees, up to and including termination, who are discovered to have a problem with drugs and/or alcohol and do not come forward for help prior to the City's discovery or the City's demand that the employee submit to a drug and/or alcohol test.

2. **Employee Assistance:** The Employee Assistance Program (EAP) is available to assist employees in these efforts to overcome problems with drugs and/or alcohol. Information pertaining to such programs may be obtained by direct contact with the EAP agency or by contacting the Human Resources Division.

3. **Voluntary Referral:** Prior to the City's discovery of or request for a drug or alcohol test, a decision by an employee to voluntarily seek treatment or rehabilitation for the first time, will not be used as the basis for disciplinary action. However, the City may in such cases require such employees to comply with the provisions of the Last Chance Agreement and Follow-Up Testing. Additionally, an employee who tests positive for drugs under the provisions of this policy who then attempts to enroll in a treatment or rehabilitation program does not qualify under this provision. Similarly, an employee does not qualify under this provision if the City discovers his/her drug or alcohol use prior to the employee's admission and request for treatment or rehabilitation.

4. **Leave:** If necessary, the employee may be granted a leave of absence without pay in order to participate in treatment and rehabilitation. Such a leave of absence shall be unpaid and subject to the requirements of the City's Personnel Rules regarding unpaid leaves of absences. An employee is required to exhaust all paid leaves prior to being granted an unpaid leave of absence for the purpose of receiving treatment and rehabilitation. The City reserves the right to deny such leave if granting the leave would impose an undue hardship on the City.

5. **Last Chance Agreement:** Employees who undergo treatment and/or rehabilitation will be required to sign a Last Chance Agreement as a condition of continued employment with the City. By signing the Last Chance Agreement, the

employee promises to complete the treatment or the rehabilitation program and to comply with other conditions stated therein. If the employee refuses to sign the Last Chance Agreement or violates the agreement, he/she may be subject to disciplinary action, up to and including termination. Copies of the Last Chance Agreement are available from Human Resources.

6. Return to Duty and Follow-up Testing: An employee entering a rehabilitation program will be required to submit to a return to duty drug and/or alcohol test prior to his/her return to work or duty. An employee entering a rehabilitation or treatment program may be required to submit to random testing for up to one (1) year after completion of the program. If the employee fails to comply or if further substance abuse is detected upon subsequent testing, the employee may be subject to disciplinary action as provided for in the City's Personnel Rules, up to and including termination.

D. Drug Testing Guidelines:

1. Drug Testing: Employees subjected to a drug test shall be tested by submitting to a urinalysis test. The urinalysis test will be administered by the medical facility designated by the City of Santa Clarita, according to its testing protocol. The drug test will test for the following classes of drugs: marijuana metabolites, cocaine metabolites, opiate metabolites, amphetamines, and phencyclidine (PCP).

(a) Recreational and Medical Cannabis: The City recognizes that the State of California has legalized the use of cannabis for recreational and certain medical uses. However, in accordance with state and federal law, the City treats recreational and medical cannabis the same as any other drug that is subject to regulation under this policy. Moreover, although the use of cannabis is legally permissible in the State of California, it remains a prohibited and controlled substance under federal law. The City reserves the right to take any action under this policy when cannabis is involved, whether it is used for medical or non-medical purposes.

2. Alcohol Testing: Employees subjected to an alcohol test shall be tested by submitting to a breathalyzer test. The breathalyzer test will be administered by the medical facility designated by the City of Santa Clarita, according to its testing protocol.

3. Pre-Employment Examinations:

(a) Required: Certain pre-employment physical examinations shall include drug and alcohol testing. No drug and/or alcohol test shall be administered prior to the applicant receiving a conditional offer of employment. Only positions that present a "special need" for drug and/or alcohol testing will be subject to this section. The City shall designate whether the position presents a "special need" in the job announcement. For purposes of pre-employment drug/alcohol testing, "special need" shall be defined to include the following categories of positions:

(1) Safety-Sensitive: Safety-sensitive positions include those positions with duties that are fraught with such risks to others that even a momentary lapse of attention can have disastrous consequences.

(2) Interaction with Children: Positions that include interaction with children are those in which employees are directly responsible for protecting children or have continuous interaction or supervision that puts them in a position of influence over children.

(3) History of Drug/Alcohol Use: Positions that have a history of drug or alcohol use include those where the City has established the existence of documented problems with drug or alcohol use by employees in a particular position or particular department.

(b) Results: A positive result for a drug and/or alcohol analysis may result in the applicant not being hired. If a drug screen is positive at the pre-employment physical, the applicant may be requested to provide, within 24 hours of the 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 if 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.

4. Alcohol/Drug Testing of Employees:

(a) Cause: With the exception of the pre-employment drug and alcohol tests, employees shall only be required to submit to drug and/or alcohol tests in the following circumstances:

(1) When a Director and/or the Personnel Officer or their designee(s) has a reasonable suspicion that the employee is under the influence of drugs or alcohol while on the job or subject to being called to the job.

(2) When a Director and/or the Personnel Officer has a reasonable suspicion that the employee is in possession of drugs and/or alcohol in a manner which is in violation of this Policy.

(3) When an employee who suffers a work-related injury, which requires medical treatment other than first aid, may be required to submit to a drug and/or alcohol test at the time they receive medical treatment for their injuries only if there is reasonable suspicion that drugs and/or alcohol played a part in causing the work-related injury.

(4) When the employee is subjected to Return to Duty and/or Follow-Up Testing following the employee's return from rehabilitation and/or treatment.

(b) Documentation: When a Director and/or the Personnel Officer request that an employee submit to a drug and/or alcohol test based on reasonable suspicion, that person shall document in writing the facts constituting the reasonable suspicion that the employee in question is under the influence of drugs and/or alcohol. When possible, the employee's behavior should be witnessed and separately documented by another Director or Supervisor.

(c) Prerequisite: Prior to the administration of any drug and/or alcohol testing, the City Physician and/or the Director shall attempt to obtain from the employee to be tested a completed and signed consent form. This form will provide the employee's consent in writing to physical and/or psychological examination and testing and will authorize the release of such information by the City Physician to the City. Refusal by the employee to sign a consent form is considered insubordination and may be grounds for disciplinary action, up to and including termination.

(d) Interference With a Required Test: An employee will be subject to the same consequences as a positive test if he or she:

- (1) Refuses the screening or test;
- (2) Adulterates or dilutes the specimen;
- (3) Substitutes the specimen with that of another person, or sends an imposter to provide a specimen;
- (4) Refuses to sign the required forms or documentation;
- (5) Refuses to cooperate in the testing process in such a way that prevents completion of the test.

(e) Results: If the drug screen is positive, the employee may be requested to provide, within 24 hours of the test results, 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.

E. Confidentiality: Laboratory reports and/or test results shall not appear in an employee's general personnel file. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the Human Resources Division. The reports or test results may be disclosed to Supervisors on a strictly need-to-know basis and to the tested employee upon request.

1. Disclosures, without employee consent, may also occur when:
2. The information is compelled by law or by judicial or administrative process;

3. The information has been placed at issue in a formal dispute between the City and the employee;
4. The information is to be used in administering an employee benefit plan; or
5. The information is needed by medical personnel for the diagnosis or treatment of the employee, when he/she is unable to authorize the disclosure.

F. **Disciplinary Action:** Disciplinary action, up to and including termination, may be taken against an employee for any violation of this policy, including, but not limited to the following reasons:

1. Failure to comply with any of the Employee Responsibilities set forth in this policy.
2. Signs of impairment or Positive results from a drug and/or alcohol test.
3. Refusal to be tested in accordance with this policy.
4. Violation of or refusal to enter into a Last Chance Agreement.

V. **CONSTITUTIONALITY**

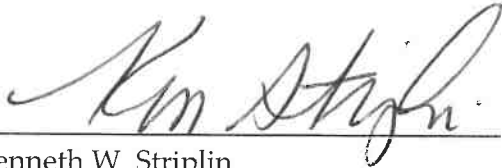
It is the intent of this policy to conform to state and federal constitutional guarantees. Should any provision of this policy not conform to statutory, constitutional, or court restrictions, such non-conforming provision(s) shall no longer be enforced.

VI. **EXCEPTIONS**

There are no exceptions to this policy without express authorization of the City Manager.

VII. **AUTHORITY**

By the authority of the City Manager.



Kenneth W. Striplin
City Manager

**CITY OF SANTA CLARITA
DRUG-FREE WORKPLACE POLICY**

ACKNOWLEDGEMENT OF RECEIPT

By my signature below, I acknowledge that I have received, read, and understood the City of Santa Clarita Policy III-9.5, Drug-Free Workplace Policy, and I will abide by its terms. I understand that failure to fully comply with all terms set forth in the policy may lead to disciplinary action, up to and including termination.

Employee's Name (PLEASE PRINT)

Employee's Signature

Date