



CITY OF PETALUMA
ADMINISTRATIVE POLICY
Revised: December 2022

Drug and Alcohol-Free Workplace Policy

Purpose and Scope:

The City has determined that it is in the best interest of its employees to maintain a work environment free from the use of or being under the influence of alcohol, illegal or legal drug use, that may adversely affect an employee's job performance or jeopardize the safety of the employee, other employees, the public, or City equipment, including but not limited to medically and/or non-medically authorized prescription drugs and/or marijuana.

The purpose of this Policy is to promote a drug and alcohol-free workplace and to eliminate drug and alcohol-related inefficiencies and risks. This Policy applies to all City of Petaluma employees¹ and volunteers, whether they are on City property, or they are performing City related business elsewhere, except as this Policy is superseded by a memorandum of understanding or federally mandated drug and alcohol policies or law including Department of Transportation regulations (DOT). If working remotely, alcohol/drugs may be on the premises but employees are not to use/be under the influence during work hours. Compliance with this Policy is a condition of employment. Violations of this policy may be grounds for disciplinary action, up to and including termination. Refusal to submit immediately to an alcohol and/or drug analysis, pursuant to this policy, when requested by management will constitute insubordination, which alone will form a basis for discipline.

In addition to any other disciplinary action due to violation of the Drug and Alcohol-Free Workplace Policy, the City may require participation in a substance abuse program. The employee shall faithfully participate in such a program. Failure to agree to and fully participate in such a program may be cause for dismissal.

Awareness Program:

The City commits itself to maintain an Employee Assistance Program (EAP). An employee is encouraged to seek such assistance before the use of alcohol or illegal drugs affect job performance. The City EAP will be available to help an employee and their family with alcohol and/or drug related issues or concerns. Voluntary participation in the EAP is treated on a confidential basis and does not affect an employee's job status.

The City's employee assistance provider offers counseling and treatment of drug or alcohol-related problems. The employee assistance provider can provide information about: (a) the

¹ Unit 6, Unit 7, and Unit 10 are subject to their applicable Lexipol Policy used within their departments to address drug and alcohol related issues. This may be subject to change at a future date dependent on future negotiations.

dangers of drug or alcohol abuse in the workplace and (b) any available drug or alcohol counseling, rehabilitation, or employee assistance programs.

Any employee who voluntarily comes forward to his or her supervisor or the City's EAP requesting assistance with dependency on alcohol and/or prescription and/or illegal/legal drugs shall have such requests treated confidentially. Participation in the Employee Assistance Program does not relieve employees of their responsibility to meet all work performance requirements and standards.

The City shall notify all employees of this policy. Each new employee shall be required to certify understanding of the requirements of this policy by signing an Acknowledgment and returning the acknowledgment within thirty (30) days of hire. Employees employed by the City at the time of adoption of this policy shall be provided a copy of this policy and be required to sign an Acknowledgment and return said Acknowledgement within thirty (30) days to Human Resources.

Prohibited Conduct

The following include, but are not limited to, examples of prohibited conduct:

1. The manufacture, distribution, sale, dispensation, possession, or use of alcohol or any controlled substance in either City workplaces or wherever City business is performed. If working remotely, alcohol/drugs may be on the premises but employees are not to use/be under the influence during work hours.
2. Working or being subject to standby or call in if impaired by alcohol or any controlled substance, narcotic, or prescription drug that has or has not been lawfully prescribed to the employee.
3. An employee's failure to notify his/her manager/supervisor before beginning work when taking medications or drugs which could interfere with the safe and effective performance of duties or operation of City equipment.
4. An employee's criminal conviction for a drug violation that occurred in the workplace.
5. An employee's failure to notify Human Resources of any criminal conviction for a drug and/or alcohol violation that occurred in the workplace or while working within five days after such conviction.

Over the Counter/Prescription Medications:

Employees are responsible for ascertaining the known, potential side effects of prescribed and over the counter medications that they may take. This may include, but is not limited to, review of the warning labels on such medications, consultation with the employee's physicians, consultation with a pharmacist, review of the drug side effect information included with the prescription. Employees are responsible for:

1. Performing their duties in a safe and productive manner.
2. Notifying his/her supervisor, before operating City equipment, when taking any medications or drugs, prescription or non-prescription, with potential adverse effects

which may create an unsafe or dangerous situation for the public or the employee's co-workers, including but not limited to valium, muscle relaxants, and painkillers.

3. Carefully monitoring the employee's ability to perform services fully and safely.
4. Removing themselves from duty, in accordance with departmental procedures, in the event that the employee perceives that the medication is having an adverse effect on safety, judgment, productivity or work quality.

In fulfilling their responsibility above, the employee is not required to disclose the illness or medical condition for which they are taking medication nor indicate the type of medication.

The City also retains the right and authority to remove an employee from duty in the event that the City has a reasonable basis for concluding that the employee's safety, judgment or ability to work has been affected by ingestion of a prescription or over the counter drug.

Supervisors should be alert to the effect of medication or illness on an employee's ability to perform work safely and productively. The employee's supervisor has a responsibility to ensure that the employee is performing their duties in a safe manner and if the supervisor suspects that an employee is working in an unsafe manner due to drugs or alcohol the supervisor is responsible for taking those actions necessary to ensure that reasonably safe working conditions are maintained, including, but not limited to informing Human Resources. Human Resources will engage in the interactive process with the employee as appropriate or required to determine if the employee is fit for duty. Such disclosure shall be kept confidential as required by applicable law.

Potential adverse effects, include, but are not limited to, the following:

- Adverse effects on judgement,
- Adverse effects on alertness,
- Adverse effects on physical balance or the ability to accomplish strenuous physical acts, and/or
- Adverse effects on the ability to perform all job functions safely and expertly.

An employee is required to provide, within 24 hours of a request, a current valid prescription for any drug or medication identified when a drug screen/analysis is positive. The prescription must be in the employee's name.

Procedures:

Evidence of an employee who possesses, is under the influence, uses, or is involved in furnishing, selling, or offering alcohol or illegal or legal drugs, that may adversely affect an employee's job performance or jeopardize the safety of the employee, other employees, the public, or City equipment, including but not limited to medically and/or non-medically authorized prescription drugs and/or marijuana while on the job must be reported to the employee's Department Director, who shall notify Human Resources immediately. Human Resources will consult with appropriate parties to evaluate the circumstances and determine next steps.

If a supervisor reasonably suspects that an employee is working in an unsafe manner due to drugs or alcohol, the supervisor is responsible for taking those actions necessary to ensure that reasonably safe working conditions are maintained and notifying the Department Director. The City retains the right and authority to remove an employee from duty in the event that the City has a rational basis for concluding that the employee's safety, judgement, or ability to work has been adversely affected.

If the City has reasonable suspicion to suspect that an employee is under the influence of drugs or alcohol, it may require the employee to submit to a medical examination by a City designated medical facility. It is the responsibility of the City's designated medical facility to determine, after examination, whether the employee is fit or unfit for duty. During the examination, the medical facility will determine the appropriate testing method which may require the employee to provide a breath, saliva or urine sample for drug and alcohol screening. The employee may also consent to a blood sample for drug and alcohol screening. If an employee refuses to be tested, the refusal will serve as a positive test.

Drug and Alcohol Testing:

The City has discretion to test applicants and employees for alcohol and drug use under the following circumstances. The City will use an outside laboratory to perform testing.

A. Pre-Employment Testing for External Applicants for Certain Jobs: Those external applicants who apply for certain jobs where a special need for pre-employment drug and alcohol testing exists must take and pass a drug and alcohol test following a conditional offer of employment. The categories of jobs subject to pre-employment drug and alcohol testing include, but are not limited to the following:

1. Safety sensitive jobs that have public safety implications, such as operating heavy trucks to transport hazardous material, protecting national security, enforcing drug laws, and/or operating natural gas pipelines; and
2. Jobs that involve the direct influence over children.

B. Reasonable Suspicion Testing: The medical facility will determine the appropriate testing that may require the employee to submit to breath, saliva, or urine sample for drug and/or alcohol screening of those employees who are reasonably suspected of using or being under the influence of a drug or alcohol at work, under the following circumstances.

1. "Reasonable suspicion" to test exists if, based on objective factors, a reasonable person would believe that the employee is under the influence of drugs or alcohol at work. Examples of objective factors, include, but are not limited to: unusual behavior, slurred or altered speech, body odor, red or watery eyes, unkempt appearance, unsteady gait, lack of coordination, sleeping on the job, a pattern of abnormal or erratic behavior, a verbal or physical altercation, puncture marks or sores on skin, runny nose, dry mouth, dilated or constricted pupils, agitation, hostility, confused or incoherent behavior, paranoia, euphoria, disorientation, inappropriate wearing of sunglasses, tremors, or other evidence

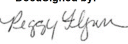
of recent drug or alcohol use. If the City suspects drugs or alcohol may have played a role in an accident involving City property or equipment, that will also constitute reasonable suspicion.

2. Document and Analysis: In order to receive authority to test, the supervisor must record the factors that support reasonable suspicion in writing and analyze the matter with the Director of Human Resources or designee. Any reasonable suspicion testing must be pre-approved by the Director of Human Resources or designee in consultation with the City Attorney's Office.
3. Testing Protocol: If the documentation and analysis show that there is a reasonable suspicion of drug or alcohol abuse at work, and the Director of Human Resources or designee has approved, the employee will be relieved from duty, transported to the testing facility and to the employee's home after the test. The employee will be placed on paid leave until the test results are received.

The employee may also consent to a blood sample being used for drug and alcohol testing.

If any provision and/or appendix within this Policy conflicts with current local, state, and/or federal regulations, current regulations prevail. The City shall follow and implement according to current regulations and law.

Approved:

DocuSigned by:

03D99C70B34748C...

Peggy Flynn, City Manager

1/5/2023

Date

ACKNOWLEDGEMENT
City of Petaluma Drug and Alcohol-Free Workplace
Policy

I, _____, (employee's name) hereby acknowledge that I received, read and understand the City of Petaluma Drug and Alcohol-Free Workplace Policy.

SIGNATURE _____ DATED _____

*return signed form to Human Resources

