

City of
SACRAMENTO

Drug & Alcohol Policy

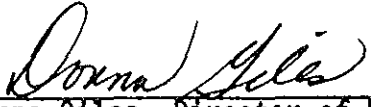
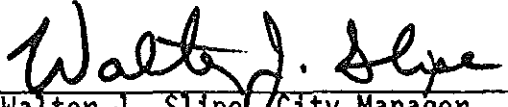
City On-the-Job Alcohol/Drug Policy Instructions, Effective Date 6/1/88

Drug-Free Workplace Policy Memorandum, Dated 6/1/89

Drug-Free Workplace Policy Memorandum, Dated 3/15/91

City Zero Tolerance Policy on Drugs and Alcohol Memorandum, Dated 4/20/98

CITY OF SACRAMENTO
PERSONNEL POLICY INSTRUCTIONS

TOPIC:	City On-the-Job Alcohol/Drug Policy Instructions	REVISED:	6/1/88
		EFFECTIVE DATE:	6/1/88
TO:	Department Heads/Division Chiefs	SUPERSEDES:	IV-85-7
		SECTION NUMBER:	IV-88-9
FROM:	 _____ Donna Giles, Director of Personnel		
APPROVED:	 _____ Walter J. Stipe, City Manager		

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PERSONNEL POLICY INSTRUCTIONS

1. Purpose

It is in the best interest of the City and its employees that immediate action be taken whenever there is sufficient cause to believe that an employee is unfit for duty due to the influence of alcohol or drug abuse while at work.

2. Scope

All City management and supervisory employees shall follow this policy when dealing with subordinate personnel in both civil service and exempt classifications. This policy shall not apply to exempt employees who serve at the pleasure of their appointing authorities.

3. Procedure

If the supervisor observes that while at work the employee has the odor of alcohol, slurred speech, hand tremors, unsteadiness, disorientation, drowsiness, difficulty in performing job duties, or exhibits other behavior reasonably indicative of being under the influence of alcohol or drugs, the following action shall be taken:

A. Initial Action

If the supervisor is reasonably suspicious that there is a job performance problem due to drugs or alcohol, the employee shall be immediately relieved of duty. The supervisor shall obtain a concurring opinion, if circumstances permit, from another supervisor or higher authority. The supervisor shall meet with the employee, describe what was observed, and ask the employee for an explanation. The supervisor should, whenever possible, arrange to have another employee present as a witness.

- 1) If the supervisor is satisfied that the employee's behavior is related to medication prescribed by his/her physician, the supervisor shall determine if the employee is able to continue working, should be temporarily reassigned or should be relieved of duty and transported home. Accrued leave time may be authorized when the employee is relieved of duty. The employee shall be directed to obtain from the City physician medical clearance to return to work, including verification of any prescribed medication and dosage, including a statement of the probable effects of the medication on job performance.
- 2) If the employee admits to the supervisor, in the presence of another employee to being under the influence of alcohol or illegal drugs not prescribed by his/her physician, the employee shall be relieved of duty and placed on unpaid status for the balance of the shift.

B. Medical Evaluation

In the absence of an admission, or if the supervisor is not convinced that the employee's condition is due to prescribed medication, the supervisor shall contact the Employee Relations Department at 449-5424. If the Department of Employee Relations is not available, the supervisor shall telephone higher departmental authority for instructions.

- 1) If available, the Employee Relations Department will determine whether the employee is to be examined by a City physician and will make necessary priority arrangements through the Personnel Department to have the employee examined by a City physician. The Personnel Department will advise the supervisor when and where to transport the employee.
- 2) If the Employee Relations Department is not available and higher departmental authority has determined that the employee should be examined by a City physician, such higher authority shall contact the following to make a priority appointment to have the employee examined for possible testing:

Primary Facility Medical Clinic of Sacramento
2235 Hawthorne Street
Sacramento, CA 95815
Phone: 925-3509 (Monday-Friday 8:00 a.m.
to 5:00 p.m.)
OR
733-3333 (after hours, ask for
Dr. John Agnew)

Secondary Facility Sutter General Hospital (Emergency Room)
(Only if Dr. Agnew
is unavailable) 29th and "L" Streets
Phone: 454-2222 (ask for "Emergency Room")

The City physician shall, after personally observing the employee and conducting such reasonable physical examination of the employee as is necessary under the circumstances, determine by reasonable medical judgment whether the employee is to be tested for being under the influence of alcohol or drugs.

- 3) The supervisor shall direct and accompany the employee to a City physician who will determine the employee's fitness for duty. The supervisor shall inform the employee of the following: a) the employee appears to be unfit for duty due to being under the influence of alcohol or drugs; b) the employee will be on authorized City-paid time while taking the test; c) the City will pay for the test; and d) the City will provide transportation to and from the medical facility.
 - a) If the employee refuses to comply with the supervisor's direct order to submit to medical evaluations and necessary tests, the supervisor, with a witness present, shall advise the employee that failure to comply with this direct order is

insubordination, which in and of itself may cause for disciplinary action, up to and including termination. The supervisor shall then repeat the direct order. If the employee still refuses to comply, the supervisor shall immediately relieve the employee of duty and advise the employee that a) the employee has been insubordinate; b) the employee will be off work on paid administrative leave status for the balance of the shift; c) the employee is subject to disciplinary action, up to and including termination; and d) to report to the supervisor's office the next working day at a specified time.

b) If the employee agrees to medical evaluation and testing, the supervisor, with another employee to assist and act as a witness, if available, shall transport the employee to the examination site, remaining with the employee at all times possible. The supervisor should make appropriate arrangements to have another employee assume the supervisory responsibilities, if necessary. The supervisor shall ask the physician if tests were ordered and shall confirm that the employee actually complied with the order and that specimens were taken. After the physician has completed the examination and any ordered specimen(s) have been taken, the supervisor shall obtain the physician's immediate written determination of the employee's fitness for duty at that time and when the employee can be returned to duty. The supervisor shall then return with the employee to the department.

c) Disciplinary Action

If the supervisor determines that the employee is unfit for duty due to alcohol or drug abuse, the supervisor shall advise the employee that the employee is (1) unfit for duty; (2) will be off on unpaid status for the balance of the shift; and (3) is subject to disciplinary action up to and including termination. The supervisor will further direct the employee when and where to report for duty, based upon the physician's written determination.

4. General

- A. If the employee is sent home for being under the influence of alcohol or drugs, the supervisor shall make arrangements for the employee to get home without driving.
- B. The supervisor shall document in detail his/her personal observations of the incident prior to the end of the workshift.
- C. The supervisor shall contact the Employee Relations Department at 449-5424 for assistance and to initiate appropriate disciplinary action.



OFFICE OF THE
CITY MANAGER

CITY OF SACRAMENTO
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CITY HALL
ROOM 109
915 I STREET
SACRAMENTO, CA
95811-2084

916-442-5704

June 1, 1989

MEMORANDUM

TO: All City Employees

SUBJECT: Drug-Free Workplace Policy

In accordance with the federal grant requirements established by the Drug-Free Workplace Act of 1988, the policy of the City of Sacramento regarding a drug-free workplace is as follows:

- 1) Unless legally authorized to do so, employees are prohibited from manufacturing, distributing, dispensing, using, consuming, injecting, possessing, being under the influence of, selling or offering for sale, in the workplace or while on duty, any controlled substance as the latter term is defined in the California Health and Safety Code.
- 2) An employee shall notify his/her immediate supervisor of any criminal drug statute conviction he/she received for a violation occurring in the workplace or while on duty no later than five (5) calendar days after such conviction.
- 3) A violation of this policy will subject an employee to disciplinary action, up to and including termination.

The City is committed to providing a safe workplace for its employees. An essential part of this commitment is keeping the work environment free from drugs. The Employee Assistance Program was established in recognition that substance abuse can be effectively treated and abusers rehabilitated. With your cooperation, we can achieve our goal of reducing drug abuse in the workplace to zero.

Walter J. Slupe

Walter J. Slupe
City Manager



OFFICE OF THE
CITY MANAGER

CITY OF SACRAMENTO
CALIFORNIA

CITY HALL
ROOM 109
915 I STREET
SACRAMENTO, CA
95814-2684

March 15, 1991

MEMORANDUM

916-449-5704

TO: All City Employees

SUBJECT: Drug-Free Workplace Policy

In accordance with the federal grant requirements established by the Drug-Free Workplace Act of 1988, the policy of the City of Sacramento regarding a drug-free workplace is as follows:

- 1) Unless legally authorized to do so, employees are prohibited from manufacturing, distributing, dispensing, using, consuming, injecting, possessing, being under the influence of, selling or offering for sale, in the workplace or while on duty, any controlled substance as the latter term is defined in the California Health and Safety Code.
- 2) An employee shall notify his/her immediate supervisor of any criminal drug statute conviction he/she received for a violation occurring in the workplace or while on duty no later than five (5) calendar days after such conviction.

The City will notify the federal agency in writing within ten (10) calendar days after receiving notice of conviction from the employee. The City will also take, at its discretion, one of the following actions within thirty (30) calendar days of receiving notice of conviction from the employee:

- a. Take appropriate personnel action against the employee, up to and including termination; or
 - b. Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program.
- 3) A violation of this policy will subject an employee to disciplinary action, up to and including termination.

The City is committed to providing a safe workplace for its employees. An essential part of this commitment is keeping the work environment free from drugs. The Employee Assistance Program was established in recognition that substance abuse can be effectively treated and abusers rehabilitated. With your cooperation, we can achieve our goal of reducing drug abuse in the workplace to zero.

This memorandum supersedes the previous Drug-Free Workplace Policy dated June 1, 1989.

Walter J. Slize

Walter J. Slize
City Manager

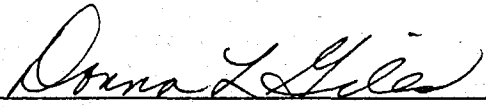
CITY OF SACRAMENTO


HUMAN RESOURCES POLICY INSTRUCTIONS

TOPIC: Policy Relating to Controlled Substances and Alcohol Use and Testing Effective Date: 01-01-95

FROM: Department of Human Resources Supersedes: New

TO: Department Heads/Division Chiefs Section: IV-95-01


DONNA L. GILES
Director of Human Resources

APPROVED: 
WILLIAM H. EDGAR
City Manager

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CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING
POLICY AND PROCEDURE

1. PURPOSE AND SCOPE

- 1.1 To establish an alcohol and controlled substance testing program with the primary purpose to deter covered employees from reporting to work or working with controlled substances and/or alcohol in their systems.
- 1.2 The testing program will meet the requirements of the Omnibus Transportation Testing Act of 1991, including pre-employment, random, post accident, reasonable suspicion, return to work and follow-up testing.

2. POLICY

- 2.1 It is the policy of the City of Sacramento that employees covered by this policy shall not report to work or work with any controlled substances or alcohol in their systems.
- 2.2 Covered employees shall participate in the City's Controlled Substances and Alcohol Abuse Testing Program.
- 2.3 Covered employees shall comply with the prohibitions listed in Section 4 of this policy.
- 2.4 Covered employees are encouraged to voluntarily seek assistance through a management referral to a substance abuse professional (SAP) for evaluation and treatment prior to return to work. Covered employees who self refer will be granted a one-time leave of absence for a City-approved rehabilitation plan subject to a clean (negative) result on a return to duty controlled substance and alcohol test.
- 2.5 Job announcements for classifications of covered employees shall state that a pre-employment controlled substance and alcohol test shall be administered.

3. DEFINITIONS

- 3.1 Accident - a motor or revenue-generating transit vehicle accident involving either, a) the loss of human life, or; b) resulting in a moving violation citation issued at the scene to a covered employee from the law enforcement agency investigating the accident and, either (i) property damage so extensive as to require that a vehicle be towed from the accident scene, or (ii) injuries to a person which require immediate medical treatment away from the scene.

3. DEFINITIONS (continued)

- 3.2 Alcohol - the intoxicating agent in beverage alcohol, ethyl alcohol, or other low-molecular-weight alcohols, including methyl or isopropyl alcohol.
- 3.3 Alcohol Concentration - the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test.
- 3.4 Alcohol Use - the consumption of any beverage, mixture or preparation, including any medication or food, containing alcohol.
- 3.5 Commercial Motor Vehicle - a vehicle with a gross combination weight of at least 26,001 pounds, or a gross vehicle weight of at least 26,001 pounds, or designed to transport 16 or more passengers, including the driver; and any vehicle used to transport hazardous materials as identified in the Hazardous Materials Transportation Act.
- 3.6 Controlled Substances - marijuana, amphetamine, opiates, phencyclidine (PCP), cocaine or methamphetamine.
- 3.7 Covered Employee - an employee who is required to operate, drive or maintain a commercial motor vehicle and possess the applicable commercial driver license in his/her regular classification or in an out-of-classification assignment; or a sworn officer who provides security to the Sacramento Regional Transit District.
- 3.8 Memorandum of Understanding (MOU) - a last chance agreement between the City and an employee in which the employee agrees to specific conditions including but not limited to rehabilitation, random testing and to remain free from drugs and/or alcohol.
- 3.9 Negative Tests - a test result which is reported to the City and indicates that there are insufficient or no controlled substances and/or alcohol present in a sample in an amount sufficient to generate a positive result.
- 3.10 Positive Test - a confirmed test result which is at or above the positive test threshold for controlled substances pursuant to the Department of Health and Human Services (DHHS) guidelines or blood alcohol equivalent for alcohol of .02% or higher .
- 3.11 Refusal - a failure to comply with the testing process including an inability to provide a urine specimen or breath sample without a valid medical explanation, a verbal refusal, obstructive behavior or physical absence which precludes completion of the test, or leaving the accident scene without a valid reason before the test has been conducted.

4. PROHIBITED CONDUCT

4.1 Covered employees shall not:

- a. report for duty or remain on duty with any alcohol concentration of .02% or higher;
- b. possess alcohol while on duty;
- c. use or consume alcohol, including in medication or food, while on duty;
- d. consume alcohol, including in medication or food, within eight (8) hours of scheduled reporting for duty;
- e. consume alcohol within eight (8) hours after an accident or until completion of a post-accident alcohol test, whichever occurs first;
- f. refuse to submit to a post-accident, random, reasonable suspicion, or return to work controlled substance and/or alcohol test;
- g. report for duty or remain on duty when the employee has used any controlled substance, including over-the-counter and prescribed medication which may cause a positive alcohol and/or controlled substance test result, unless a physician has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle, and the City has been notified in writing of the use of the controlled substance; or
- h. report for duty or remain on duty if the employee tests positive for a controlled substance.

5. CONTROLLED SUBSTANCE TESTING PROCEDURES

- 5.1 All controlled substance test urine samples shall be collected by qualified medical personnel in a manner which assures privacy and security and is consistent with Department of Transportation (DOT) regulations set forth in 49 Code of Federal Regulations (CFR) 40.
- 5.2 Controlled substance test samples shall be analyzed at a laboratory having DHHS certification.
- 5.3 Controlled substance test samples shall initially be screened using radioimmunoassay (RIA) or another equally reliable method.

5. CONTROLLED SUBSTANCE TESTING PROCEDURES (continued)

5.4 All specimens initially screened positive shall be confirmed by gas chromatography/mass spectrometry analysis (GC/MS) according to DHHS cutoff levels.

6. ALCOHOL TESTING PROCEDURES

6.1 All alcohol breath test samples shall be collected by qualified personnel in a manner consistent with DOT regulations set forth in 49 CFR Part 40.

6.2 Alcohol test shall be conducted by a Breath Alcohol Technician (BAT) utilizing an evidential breath testing device (EBT) which produces a print out and is approved by the National Highway Traffic Safety Administration, consistent with DOT regulations set forth in 49 CFR Part 40.

6.3 If the first sample is positive, a second sample shall be taken. The BAT shall report as a negative test any result in which one sample is negative. The BAT shall report as a positive test any result in which both samples are positive.

7. RANDOM TESTING

7.1 Random tests for alcohol will be conducted annually on 25% of the covered employees and for controlled substances on 50% of covered employees.

7.2 The random selection of employees shall be made by a scientifically valid method. Each employee shall have an equal chance of being tested each time selections are made.

7.3 An employee may be tested at any time during the work shift.

8. REASONABLE SUSPICION TESTING

8.1 A covered employee shall be tested when the City has a reasonable suspicion that the employee has violated any of the prohibitions of Section 4 above.

8.2 Reasonable suspicion is based on an articulable, specific, and contemporaneous observation concerning the appearance, behavior, speech, body odor, or indications of the chronic use or withdrawal effects of alcohol and controlled substances. These observations shall be made by a trained supervisor immediately prior to, during or immediately after the

8. REASONABLE SUSPICION TESTING (continued)

employee's workshift and shall be documented within twenty-four (24) hours by the observer.

- 8.3 A covered employee shall be tested for alcohol within two hours from the observation, and under no circumstances later than eight hours. The supervisor shall document the observations made, and if the testing is not completed within two hours, shall document the cause for the delay.
- 8.4 After a reasonable suspicion assessment has been made and no test is given, a covered employee shall not return to work until the employee has a negative alcohol test result or 24 hours have elapsed since the observation.
- 8.5 The employee shall remain in paid status until the completion of testing.

9. POST ACCIDENT TESTING

- 9.1 After any accident as defined herein involving a commercial motor vehicle, the covered employee(s) driving the vehicle(s) shall be tested for alcohol and controlled substances.
- 9.2 A covered employee shall remain readily available for testing after an accident until a test(s) is completed or until two (2) hours after the time period set forth below have expired.
- 9.3 A covered employee shall be tested for alcohol within two (2) hours following the accident and under no circumstances later than eight (8) hours. If the testing is not completed within two (2) hours, the supervisor shall document the cause for the delay.
- 9.4 Employees shall be tested for controlled substances within thirty-two (32) hours following an accident. If the testing is not completed within 32 hours, the supervisor shall document why the testing was not conducted.
- 9.5 The employee shall remain in paid status until the completion of testing.
- 9.6 Failure of the covered employee to remain available for testing as set forth in 9.2 constitutes a refusal.
- 9.7 Nothing in this policy is intended to delay obtaining medical treatment after the accident, or to prohibit a covered employee from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary medical care.

9. POST ACCIDENT TESTING (continued)

9.8 An accident that does not involve a fatality or citation may result in reasonable suspicion testing of covered employee(s) if the criteria for such testing are met.

10. PRE-EMPLOYMENT TESTING

10.1 An applicant seeking a position which requires the operation, driving, or maintenance of a commercial motor vehicle and possession of a commercial driver license shall be tested. An applicant shall not be hired unless the test is negative.

10.2 A current employee applying for, and who is not currently appointed to, a classification in which the employee is required to operate, drive or maintain a commercial motor vehicle and possess a commercial driver license shall be tested. The employee shall not be appointed unless the test is negative.

10.3 A current employee who fails a pre-employment test will be referred to Employee Relations for evaluation pursuant to this policy, the City's existing Drug and Alcohol Policy and applicable departmental policies.

11. RETURN TO WORK TESTING

11.1 No covered employee shall return to duty after engaging in conduct prohibited by Section 4 of this policy without successfully passing a controlled substance and/or alcohol test.

12. FOLLOW-UP TESTING

12.1 A covered employee who has been referred to a SAP pursuant to this policy shall be subject to unannounced controlled substance and/or alcohol testing as directed by the SAP.

12.2 There shall be a minimum of six (6) tests conducted within the first twelve (12) months following return to duty.

12.3 The period for follow-up testing shall not exceed (5) years from the date of return to work.

12.4 Follow-up testing is separate from and in addition to the random testing process.

13. CONFIDENTIALITY

- 13.1 Reporting of test results shall be consistent with the requirements of 49 CFR 40.
- 13.2 Test results will be maintained in segregated confidential locked medical files in the Department of Human Resources under the control of the City Safety Officer.
- 13.3 A positive test result will be forwarded to the Risk Manager or City Safety Officer, and Employee Relations.

14. NON-COMPLIANCE WITH POLICY

- 14.1 A covered employee who violates any of the prohibitions outlined in Section 4 shall:
 - a. be relieved of duty;
 - b. be referred to and submit to an examination by a substance abuse professional (SAP);
 - c. at the employee's expense, undergo treatment as indicated by the SAP; and
 - d. have a clean (negative) alcohol and/or controlled substance test prior to return to duty.
- 14.2 Refusal to submit to any required test shall be deemed insubordination and treated as if a positive test result.
- 14.3 An employee who refuses to comply with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty, and is subject to disciplinary action, up to and including termination.
- 14.4 A covered employee who violates this policy may be liable for penalties as provided in federal statute, and is subject to disciplinary action, up to and including termination.



DEPT. HEAD/DIV. MGRS.
DISTRIBUTION:
#9817

OFFICE OF
LABOR RELATIONS

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95814-2711

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FAX 916-264-8110

April 20, 1998

MEMORANDUM

TO: Department Heads and Division Managers

RE: City Zero Tolerance Policy on Drugs and Alcohol

This is to reaffirm that the City of Sacramento has a zero tolerance policy on drugs and alcohol in the workplace. Zero tolerance means that all employees are prohibited from possessing, using, or being under the influence of prohibited drugs or alcohol while on duty, on City property, in City equipment, in the employee's vehicle, on their person, or in the work place. Employees subject to testing pursuant to the Department of Transportation drug testing requirements are also precluded from using alcohol within eight (8) hours of starting their shift.

This zero tolerance approach means that an employee who consumes alcohol at lunch, for example, or prior to commencing work, may nonetheless be subject to disciplinary action, up to and including termination, if the employee tests positive for alcohol. Since employees may assume that activities off-duty and at lunch are their own, it is important they understand the consequences of a positive test in such cases. Depending on the employee's age, size, food consumption, even one drink at lunch can result in a positive test.

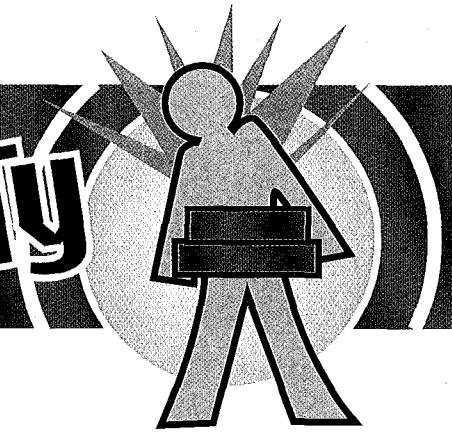
All use of illegal or restricted substances is prohibited, whether on-duty or off-duty. Some illegal substances stay in the system long after use and may result in a positive test substantially later. Prescription drugs must be taken in accord with their directions. The taking of such drugs in violation of medical direction may be included in the definition of substance abuse.

If you have any questions regarding the City policy in this matter or if we can provide assistance, please feel free to contact your department's labor relations officer.

Dee Contreras

Dee Contreras
Director of Labor Relations

WORKPLACE SAFETY



WHAT IS THE CITY'S POLICY ON DRUGS AND ALCOHOL?

The City of Sacramento has a zero tolerance policy on drugs and alcohol in the workplace.

ZERO TOLERANCE MEANS THAT:

All employees are prohibited from possessing, using or being under the influence of prohibited drugs or alcohol while on duty, on City property, in City equipment, in the employee's vehicle, on their person, or in the work place.

Pursuant to Department of Transportation drug testing requirements for operators of commercial vehicles, employees subject to testing are precluded from using alcohol within eight hours of starting their shift.

The zero tolerance approach means that an employee who consumes alcohol at lunch may be subject to disciplinary action up to and including termination, if the employee tests positive for alcohol. Since employees may assume that activities off-duty and at lunch are their own, it is important they understand the consequences of a posi-

tive test in such cases. Some illegal substances stay in the system long after use and may result in a positive test substantially later. Depending upon a person's age, size and food consumption, even one drink at lunch can result in a positive test.

If a supervisor has sufficient cause to believe that an employee is unfit for duty due to the influence of alcohol or drug abuse, a medical evaluation will be required. The examining physician will determine if there is cause to conduct a drug and alcohol test. Failure to submit to the medical evaluation and tests recommended by the physician is considered insubordination, which will be cause for disciplinary action up to and including termination.

Prescription drugs must be taken in accord with their directions. Use of prescription drugs in violation of medical direction may be included in the definition of substance abuse. If you have questions regarding the City policy, please contact your department's Labor Relations Officer at 264-5424.

We would like to thank Dee Contreras, Director of Labor Relations, for providing this information.



ZERO TOLERANCE