

**HUMAN RESOURCE  
POLICIES AND PROCEDURES**



<b>Policy:</b> Substance Abuse Policy		
<b>Date:</b> April 15, 1996	<b>Revision Date:</b>	<b>Approved by:</b> Human Resources

**PURPOSES AND SCOPE**

Eastern Municipal Water District ("District") recognizes that substance abuse is a national problem and that substance abuse results in injury, physical and monetary loss, death and human suffering. In response to this problem, the District hereby adopts a policy of zero tolerance that prohibits the possession, use, unlawful manufacture, distribution or dispensing of intoxicating substances that affect the performance of employees in the work setting. Zero tolerance means any employee found in violation of this policy is subject to immediate discipline consistent with the District's Employee Discipline Policy. Employees performing safety-sensitive assignments are also subject to Department of Transportation (DOT) regulations as noted in the District's Drug & Alcohol policy which is attached and made a part of this policy.

Furthermore, the District recognizes that in order to maintain a safe, effective, and productive work environment it is necessary to identify job applicants and employees who are currently using intoxicating substances that might interfere with job performance.

**POLICY STATEMENTS:**

The purposes of this policy are as follows:

1. To reaffirm our commitment to providing the highest caliber of public service available while building upon the public trust we have worked hard to develop.
2. To establish and maintain a safe, healthy working environment for all employees.
3. To reduce the incidence of accidental injury to persons or property.
4. To reduce absenteeism, tardiness and indifference to job performance.
5. To provide assistance toward rehabilitation for any employee who seeks the District's help in overcoming any addiction to, or problem with, alcohol or other drugs.

This policy supplements, but does not replace, the District's disciplinary policies, rules and procedures relating to the use of alcohol or other drugs or to job performance. (See Eastern Municipal Water District Discipline Policy for specific corrective actions).

**DEFINITIONS**

A. Drugs

Any chemical substance which produces physical, mental, emotional or behavioral changes in the user. For purposes of this policy, the word A drugs@ includes but is not limited to: Alcohol, Marijuana, Cocaine, Heroin, PCP, Methadrine, LSD, all prescription medications, sedatives and narcotics.

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B. Alcohol

Alcohol is a drug. It is a central nervous system depressant. Alcohol is the major intoxicating ingredient in beer, wine, and distilled liquor.

C. Illegal Drugs

All drugs as defined above, the possession or use of which is unlawful pursuant to the laws of the State of California, or any Federal Law or regulation. Alcohol and legally prescribed medicine are not considered illegal drugs.

D. Intoxicating Substance

Any substance which produces physical, mental, emotional or behavioral changes in the user, including, but not limited to, alcohol, glue, paint thinner, etc.

E. Masculine

Whenever the masculine form of any word is used herein, it also includes the feminine gender unless the context clearly indicates a contrary intent.

**PROCEDURES**

**I. PRE-EMPLOYMENT TESTING**

The District will test all job applicants as part of the pre-employment medical examination, in order to identify those applicants whose current use of intoxicating substances could interfere with their prospective job performance.

1. All applications for employment will contain a statement to prospective applicants advising them that the selection procedure includes taking and passing a pre-employment medical examination, which includes testing for the presence of drugs or other intoxicating substances.
2. Applicants who are referred for a pre-employment examination will be required to sign consent forms authorizing the testing for intoxicating substances and the release of the test results to the District.
3. Any applicant who refuses to sign the consent form(s) or to submit to testing will not be considered for employment by the District.
4. Test results are confidential and will not be released except to appropriate District personnel, the applicant upon written request, or pursuant to Court Order.
5. Testing will be conducted by a clinical laboratory licensed by the State Department of Health Services or a public health laboratory certified by the State.

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6. Applicants whose test results are negative for drugs will be deemed to have passed that portion of their medical examination.
7. Test results indicating the presence of an intoxicating substance will automatically require a re-analysis of the original sample.
8. If the re-analysis reflects a negative indication, the applicant will be deemed to have passed that portion of the medical examination.
9. If the re-analysis results in a second indication of the presence of an intoxicating substance, the applicant will not be considered for employment by the District for a period of one year after the date of the test results.
10. Applicants who are taking medication prescribed by a physician will have so indicated on the examination form, and any positive indications related to the presence of that medication will not prohibit employment, if the applicant's physical condition would not otherwise prevent employment.

**II. EMPLOYEE SUBSTANCE ABUSE TESTING AND ASSISTANCE**

It is the District's intention to not only identify employees with substance abuse problems, but also to offer assistance to those employees who are willing to accept help with their problems and are not concurrently charged with violation of this policy.

As required by the Drug Free Workplace Act of 1988, employees are required to notify the General Manager of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

**Notification and Instruction**

1. The District will give each employee a copy of this Policy, receipt of which will be acknowledged by the signature of each employee, to be kept in the employee's personnel file.
2. The District will conduct employee staff meetings prior to the initiation of this policy to explain the policy and procedure.
3. Supervisors will be given instruction in the implementation of this policy prior to its effective date.

**When testing will occur**

An employee will be required to submit to a test for the detection of drugs or other intoxicating substances when the employee:

1. Reports to work and is apparently intoxicated or under the influence of an intoxicating substance (for example, staggers, smells of alcohol, exhibits thick or slurred speech or is incoherent);

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2. Drinks alcoholic beverages or uses drugs while on the job;
3. Or when any of the following incidents occur and a supervisory investigation (as described below in Part 3., Supervisory Investigation) indicates the possibility of intoxicating substance abuse of the employee:
  - a. An employee is involved in an accident while using a company vehicle.
  - b. An employee is involved in an accident which causes injury to persons or property.
  - c. An employee's attendance record indicates absenteeism beyond an acceptable rate, and the customary methods of improving attendance have failed to result in a positive change.
  - d. An employee exhibits dangerous or bizarre behavior.

**Supervisory Investigation**

When any of the above incidents triggers the possibility of requiring the employee to submit to a test for intoxicating substances, a trained supervisor should, if at all possible:

1. Make personal contact with the employee to determine if there are factors present that would indicate that the employee may be under the influence of, or may have used an intoxicating substance.
2. Collect and record all facts pertinent to the reasons for suspecting intoxicating substance use.
3. If it appears that the employee may be involved in such use of intoxicating substances, refer the employee to the appropriate testing lab, or, if the employee is injured and being treated for injury, arrange for the collection of a test specimen at the treatment facility.

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**Results of Test**

1. If test results are negative, the employee will continue with service.
2. Test analysis that results in a positive indication of the presence of an intoxicating substance will automatically require a re-analysis of the original sample.
3. If the re-analysis reflects a negative indication, the employee will continue in service.
4. If the second test results in an indication of the presence of an intoxicating substance, the employee will be disciplined pursuant to disciplinary procedures set forth in existing District policy, and may be placed on non-work related health leave of absence until found to be medically fit to return to work.

**Voluntary Assistance**

Alcoholism and drug addiction are treatable illnesses and the District encourages employees with substance abuse problems to seek professional assistance.

The following procedure is hereby implemented for those employees who voluntarily seek competent medical assistance:

1. Any employee who requests time off work to enter into a certified substance abuse treatment program, such as a hospital or a state licenses treatment center, will be given a non-work related health leave of absence until found to be medically fit to return to work.
2. The cost of the treatment is the employee's responsibility in conjunction with his/her medical insurance.
3. An employee will not receive any pay or salary while on non-work related health leave except for accrued sick leave, compensatory, vacation or floating holiday benefits or other disability benefits to which he/she is individually entitled.
4. An employee on non-work related health leave may return to work, upon furnishing a physician's statement which reflects that the employee is medically fit to return to work.
5. The personnel records of an employee who voluntarily seeks assistance shall not reflect the reason that a non-work related health leave was granted, nor shall there by any diagnosis, the nature of the problem, or the place or type of treatment sought.

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6. Any information received by the District in regard to an employee who is requesting a non-work related health leave for this purpose will be kept strictly confidential.
7. The fact that a District employee has been on non-work related health leave for treatment of a substance abuse problem shall not effect consideration for future advancement or transfer.
8. An employee may request up to two separate periods of non-work related health leave for substance abuse treatment while employed by the District. After a second leave is granted, the District may refuse to grant additional leave depending upon the medical circumstances of each case.

**Employee Assistance**

The District will make arrangements with a local provider for the services of an Employee Assistance Counselor.

The Counselor will be available to all employees to provide assistance in cases in which substance abuse is detected or suspected, or work performance indicates some type of problem that is affecting job performance.

**III. PROCEDURES FOR REFERRAL TO EMPLOYEE ASSISTANCE COUNSELOR**

1. **Supervisory Referral**

- a. When a supervisor has noted a decline in an employee's job performance, and supervisory action has failed to affect the desired change, a supervisor may refer the employee on a voluntary basis to the counselor for evaluation and recommendation.
- b. The Counselor will determine if the employee's poor job performance is due to a substance abuse or other personal problem and will recommend a course of treatment or action as appropriate.
- c. Participation by the employee in the evaluation and recommended course of treatment is voluntary.
- d. Whether or not the employee enters or completes treatment, the District will take the usual and customary disciplinary steps pursuant to District procedure, in the event that job performance does not improve.
- e. The District personnel records will only reflect that, as part of establishing better job performance, the employee was referred to the Counselor, and shall not reflect any diagnosis or

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recommendation, unless the employee consents, in writing, to the release of such information by the Counselor.

2. Self-Referral

- a. Any District employee may contact the Employee Assistance Counselor directly, and in strict confidence, for help with substance abuse.
- b. The Employee Assistance Counselor will assist the employee in terms of evaluation and guidance in obtaining proper treatment.
- c. If the employee and Employee Assistance Counselor determine that a non-work related health leave of absence is appropriate, the District will grant the leave, upon request of either the employee or the counselor.
- d. The District personnel records will only reflect that, as part of establishing better job performance, the employee was referred to the Counselor, and shall not reflect any diagnosis or recommendation unless the employee consents, in writing, to the release of such information by the counselor.

**AUTHORIZED SIGNATURES ON FILE**

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**SUBSTANCE ABUSE POLICY ACKNOWLEDGMENT FORM**

This is to acknowledge that I have received a copy of Eastern Municipal Water District's Substance Abuse Policy and have attended an employee orientation regarding my responsibilities under this policy.

Further, I understand that Eastern Municipal Water District reserves the right to change, rescind or add to this policy and its procedures in the District's sole and absolute discretion with or without prior notice.

\_\_\_\_\_  
EMPLOYEE'S SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINT OR TYPE NAME