

REGIONAL WATER AUTHORITY
PERSONNEL RULES – POLICY 400.1, APPENDIX D

Policy Type: Employment
Policy Title: Drug Free Workplace
Policy Number: 400.1 Appendix D
Date Adopted: January 10, 2019
Date Amended:

I. PURPOSE

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 Authority employees, whether they are on Authority property, or they are performing Authority-related business elsewhere, except as this Policy is superseded by a federally mandated drug and alcohol policies. Compliance with this Policy is a condition of employment.

Disciplinary action, up to and including termination, will be taken against those who violate this Policy.

II. PROHIBITED CONDUCT

1. The manufacture, distribution, sale, dispensation, possession, or use of any controlled substance in either Authority workplaces or wherever Authority business is performed. (41 U.S.C. §§ 701-702; Gov. Code § 8355(a)(1).)
2. Working or being subject to call in if impaired by alcohol or any controlled substance.
3. An employee's failure to notify the employee's supervisor or Executive Director before beginning work when taking medications or drugs that could interfere with the safe and effective performance of duties or operation of the Authority.
4. An employee's failure to notify the Executive Director or designee of any criminal conviction for a drug violation that occurred in the workplace within five days after such conviction. (41 U.S.C. §§ 701-702.)
5. An employee's criminal conviction for a drug violation that occurred in the workplace.

III. DRUG AND ALCOHOL TESTING

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

1. Reasonable Suspicion Testing: The Authority may require a blood test, urinalysis, or other drug and/or alcohol screening of those employees who are

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reasonably suspected of using or being under the influence of a drug or alcohol at work, under the following circumstances.

- a. “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, an accident involving agency property or equipment, or other evidence of recent drug or alcohol use.
- b. 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 Executive Director or designee. Any reasonable suspicion testing must be pre-approved by the Executive Director.
- c. Testing Protocol: If the documentation and analysis show that there is a reasonable suspicion of drug or alcohol abuse at work, upon approval by the Executive Director, the employee will be relieved from duty, and transported to the testing facility and to the employee’s home after the test. The employee will be placed on sick or other paid leave until the test results are received.

IV. CONVICTION FOR DRUG-RELATED OFFENSE

An employee who is convicted under a federal or state criminal drug statute relating to any conduct prohibited by this policy will be deemed to have violated this Policy. Upon receiving notice of a conviction of an employee for any such violation, the Authority will either (a) take appropriate disciplinary action in accordance with this Policy, and/or (b) require the employee to participate in and satisfactorily complete a drug abuse assistance, rehabilitation or counseling program. Employees will notify the Executive Director of any conviction under a criminal drug statute.