

YUBA COUNTY WATER AGENCY

Drug- and Alcohol-Free Workplace Policy

Adopted: April 16, 2019

1.0 Purpose of this Policy

The Yuba County Water Agency intends to maintain a workplace that is free of drugs and alcohol and to discourage drug and alcohol abuse by its employees. The Agency has a vital interest in maintaining safe and efficient working conditions for its employees. Drug and alcohol abuse are incompatible with health, safety, efficiency and success at the Agency. Employees who are under the influence of a drug or alcohol on the job compromise the Agency's interests, endanger their own health and safety and the health and safety of others, and can cause a number of other work-related problems, including absenteeism and tardiness, substandard job performance, increased workloads for co-workers, behavior that disrupts other employees, delays in the completion of jobs, inferior quality of service, and disruption of customer service and relations. To further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees and others, and to protect its operations, property and equipment, the Agency has established and intends to enforce this policy, which includes drug and alcohol testing in certain circumstances. Each employee shall comply with this policy. This policy, and the distribution of it to Agency employees, constitutes the Agency's drug free awareness program. Agency employees who drive a commercial vehicle in the course and scope of employment are subject to applicable federal and state regulations and Agency policies, in addition to this policy.

2.0 Definitions

1. "Illegal drug" means any drug or substance that: (i) is not legally obtainable; (ii) is legally obtainable but has not been legally obtained; (iii) is legally obtainable but is being sold or distributed unlawfully; or (iv) is legally obtainable but is being used for any purpose other than the purpose for which it was prescribed or manufactured or in a quantity, frequency or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer. "Illegal drug" includes marijuana (and other marijuana and cannabis based products) that may be lawful under California law, but that are illegal to possess or use under federal law.

2. "Legal drug" means any drug, including any prescription drug and over-the-counter drug, that has been legally obtained and that is not unlawfully sold, used or distributed.
3. "On duty" means any time when the interests of the Agency may be adversely affected by an employee who is under the influence of or impaired by illegal drugs, or is abusing a legal drug, alcohol or marijuana, including any time the employee is on duty, on Agency premises, operating an Agency vehicle or equipment, or conducting or performing Agency business, regardless of location.
4. "Possession" means that an employee has the substance on his or her person or otherwise under his or her control.
5. "Reasonable suspicion" means observable phenomena, such as direct observation of drug or alcohol use or possession and/or the physical symptoms of being under the influence of a drug or alcohol; a pattern of abnormal conduct or erratic behavior; arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, trafficking and/or distribution; information about the use of illegal drugs, the abuse of legal drugs or on-duty use of alcohol or marijuana provided by a reliable and credible source; or, newly discovered evidence that the employee tampered with a previous drug or alcohol test.

3.0 Prohibited Acts

The following acts are prohibited and may subject an employee to discipline:

1. The on-duty use, possession, purchase, sale, manufacture, distribution, transportation or dispensation of any illegal drug.
2. Being under the influence of or impaired by alcohol or marijuana, or an illegal drug while on duty.
3. The on-duty purchase, sale, manufacture, distribution, transportation, dispensation or possession of any legal drug in a manner inconsistent with law.
4. Being on duty while impaired by the abuse of a legal drug whenever such impairment might: (a) endanger the safety of the employee or some other person; (b) pose a risk of significant damage to Agency property or equipment; or (c) adversely interfere with the employee's job performance or the efficient operation of the Agency's business or equipment.

4.0 Drug and Alcohol Testing on Reasonable Suspicion

If the General Manager or a supervisor has reasonable suspicion that an employee while on duty may be under the influence of or impaired by alcohol, marijuana or an illegal drug, then the employee will be asked about any observed behavior or other indicator(s) and offered an opportunity to provide a reasonable explanation. If the employee cannot reasonably explain the behavior or other indicator(s) to the satisfaction of the Agency, then the employee shall be directed to submit to a drug and alcohol test. The employee shall proceed immediately to submit to the testing.

The drug and alcohol screening shall be conducted by a testing clinic certified by the National Institute on Drug Abuse (NIDA) as selected by the Agency. The exam shall be conducted in accordance with the following: The screening examination shall be conducted by urinalysis by a qualified and competent NIDA-certified laboratory. Any positive finding of an illegal drug shall be confirmed by gas chromatography/mass spectrometry or another accurate confirmation test before any report of a positive drug screening result to the Agency. The collection of urine specimens shall be done in a professional manner and in such a way as to assure a proper and documented chain of custody, including proper identification, labeling and handling of test specimens. Medical personnel shall not observe the act of urination itself. In connection with the screening examination, the employee shall be asked to list those legal drugs that he or she has consumed in the recent past. An employee, upon request, shall be furnished with a portion of the specimen which he or she may use for independent laboratory analysis, at his or her own expense.

If the drug and alcohol screening examination results are positive for the presence of an illegal drug, alcohol or marijuana, then the testing clinic shall report this finding to the Agency. If the drug or alcohol test results are positive, then the employee shall be in violation of this policy and subject to discipline as provided below.

5.0 Discipline

Any violation of this policy may result in discipline, up to and including dismissal, depending on the circumstances. In lieu of discipline, the General Manager also may allow an employee who violates this policy to voluntarily participate in and satisfactorily complete a drug or alcohol abuse assistance, rehabilitation or counseling program. If an employee refuses to cooperate with and complete the alternative program, then the General Manager shall impose appropriate discipline. The first violation of this policy likely will result in immediate discharge whenever the prohibited conduct: (i) caused serious injury to the employee or any

other person, or, in the opinion of the General Manager, unreasonably endangered the safety of the employee or any other person; (ii) resulted in significant damage to Agency property or equipment, or, in the opinion of the General Manager, posed a risk of significant damage; or (iii) involved the sale or manufacture of illegal drugs.

6.0 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. Employees shall notify the General Manager of any conviction under a criminal drug statute. Upon receiving notice of a conviction of an employee for any such violation, the Agency shall either: (i) take appropriate disciplinary action in accordance with this policy; and/or (ii) provide for the employee to participate in and satisfactorily complete a drug abuse assistance, rehabilitation or counseling program.

7.0 Counseling and Rehabilitation Programs

Counseling and rehabilitation programs are available through the Agency's Employee Assistance Program. Contact information is posted at each of the Agency's employee information bulletin boards.

8.0 Policy Review

The Board Secretary shall ensure that this policy is reviewed at least every two years.

8.1 Version History

Date	Version#	Description
December 22, 2016	1.0	Initial Release
April 16, 2019	2.0	Bi-Annual Review