



**COUNTY OF SAN BERNARDINO
POLICY MANUAL**

No. 07-17

ISSUE

PAGE 1 OF 4

By

EFFECTIVE 9/12/06

**SUBJECT
SUBSTANCE ABUSE/REASONABLE SUSPICION
DRUG AND ALCOHOL TESTING**

APPROVED

Chair, Board of Supervisors

POLICY

The County of San Bernardino is committed to providing a safe work environment. This commitment is placed in jeopardy when any employee participates in the illegal use or abuse of drugs or alcohol on or off the job. Substance abuse is a serious problem that can endanger County operations and the safety of employees and those who seek services from the County. Employees who abuse drugs and/or alcohol, on or off duty, tend to be less productive and have substandard performance, be less reliable and prove to have greater absenteeism, accidents, injury to themselves and others resulting in the potential for increased loss, delay, risk, and liability.

It is the policy of the County to strictly prohibit the possession, consumption, sale, purchase, distribution, manufacture, or being under the influence of alcohol and/or illegal drugs (or prescription drugs, if use adversely affects the employee's ability to perform County employment safely and effectively) during employee's work hours, in County vehicles, personal vehicles used for County business, while in County uniform, or on County property. It is the intent and goal of this policy to provide a supportive process for intervention and rehabilitation while also protecting the working environment. Moreover, this policy authorizes the County to require an employee to immediately submit to substance abuse screening based on reasonable suspicion. No Department policy shall be less restrictive than the County's policy.

POLICY AMPLIFICATION

When the employee exhibits on-duty behavior indicative of substance abuse, the appointing authority or designee shall have the right to direct the employee to submit to substance abuse testing based on reasonable suspicion.

DEFINITION

Reasonable suspicion is a belief based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, and/or body odors of the employee and reasonable inferences drawn from those facts related specifically to job performance, a threat to themselves or the safety of others.

Alcohol is any beverage containing alcohol. Although the purchase and consumption of alcohol is legal, the use of alcohol as outlined in this policy is in direct violation of this policy.

Drugs are any controlled or illegal substance (subject to regulation by the state or federal government) capable of altering the mood, perception, or judgment of the individual consuming it.

Prescription drugs are any drug or medication prescribed by a licensed physician for a medical condition. Use of prescribed drugs are not in direct violation of this policy, however, inappropriate use or prescribed use that may cause significant impairment, thus creating a safety hazard on the job, is in direct violation of this policy.

RESPONSIBILITY

Employee Responsibilities

1. It is the responsibility of all employees to abide by and cooperate in the implementation, administration, and enforcement of this policy.
2. Employees shall notify their supervisor when there is a reasonable suspicion that a co-worker is under the influence of drugs or alcohol or in possession of drugs or alcohol.
3. No employee shall report to work or be subject to duty while under the influence of alcohol, illegal drugs and/or other mind-altering chemicals. Any employee who has alcohol or illegal drugs in their system when they report to work or during working hours that leads to a reasonable belief the employee may be under the influence, is in violation of this policy, regardless of when or where the substance entered the employee's system (this includes during off-duty hours).
4. No employee shall possess or use alcohol and/or drugs (including prescription drugs without a prescription) during working hours or while subject to duty, on breaks, during meal periods, while in uniform (including before, during, or after work), in a County vehicle, or at any time while on County property.
5. No employee shall manufacture, sell, distribute or otherwise provide, directly or through a third party, alcohol or drugs to any person, including any other County employee, while either employee or both employees are on duty or subject to being called for duty, nor shall an employee store any alcohol or illegal drugs in County vehicles or on County property.
6. Prescription drugs could adversely affect the employee's ability to perform County employment safely and effectively. Prior to beginning work, an employee must notify his supervisor if he is taking any medication or drugs, prescription or non-prescription, which could be foreseen as interfering with the safe and effective performance of duties. (If there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medication or drugs, clearance from The Center for Employee Health and Wellness or a qualified physician may be required.)
7. An employee must report any alcohol and/or drug-related criminal arrests for possible violations no later than five (5) days after such arrest so that the County may determine whether the conduct that led to the arrest is reasonably related to and/or may affect the employee's ability to perform the duties of his/her position. Such reporting shall be made to the Human Resources Officer assigned to the employee's department. Access to information pertaining to the employee's arrest shall be limited to the Human Resources Officer and Director of Human Resources or authorized representatives. Any report filed by the employee that is not found to be job-related shall not become part of the employee's personnel file.
8. An employee is required to submit to a drug and/or alcohol test when their supervisor is exercising their discretion under this policy.

Supervisor's Responsibilities

When there is reasonable suspicion that an employee may have illegal drugs and/or alcohol in his/her possession or the employee is under the influence of drugs and/or alcohol, the supervisor shall follow the procedures outlined in this policy as appropriate.

Procedure

1. A supervisor or County official must witness the conduct which constitutes reasonable suspicion. Hearsay or secondhand information is not sufficient cause to require an employee to submit to a drug and/or alcohol test. Once the supervisor has observed the behavior, or if the suspect employee has been reported to the supervisor and, the supervisor has observed the behavior, the supervisor or County official should complete the *Observed Behavior – Reasonable Suspicion Record* form to record the behavior. If possible, a second person should be present to corroborate the behavior. A separate form should be completed for each witness observing the behavior. Supervisor or County official will notify the department Human Resources Officer or the Employee Relations office to notify another Human Resources Officer.
2. Once the observation is made, the supervisor or County official will discuss the conduct with the employee. If, after the observation and questioning the employee, it is reasonable to suspect substance abuse, the supervisor or County official will direct the employee to submit to an alcohol and/or drug test for reasonable suspicion.
3. If the employee refuses to submit to the tests, the supervisor or County official will inform the employee that this is a directive and failure to follow the directive will be considered insubordination and result in an assumption they are under the influence and appropriate disciplinary action will be taken. The employee should be immediately relieved of duties and transported to his/her home by a responsible party. If an employee attempts to leave work site unescorted, the supervisor should inform the employee that law enforcement will be notified. If an employee leaves unescorted, supervisor should contact proper law enforcement indicating an employee is leaving the premises driving a vehicle and it is believed they are under the influence.
4. If the employee complies with the directive for drug and/or alcohol screening, the supervisor or County official will arrange transport of the employee by a responsible party to the location from the list of authorized collection sites with the appropriate forms, both available from the department Human Resources Officer.
5. A urinalysis test will be given when testing for drugs or alcohol, unless a department has their own approved policy. A 10-panel drug screen will test for the following drugs:
 - Cannabinoids as Carboxy-(THC)
 - Cocaine Metabolites as Benzoyllecgonine
 - Phencyclidine (PCP)
 - Opiates (codeine/morphine)
 - Amphetamines (amphetamine/methamphetamine)
 - Barbiturates
 - Benzodiazepines
 - Methadone

- Methaqualone
- Propoxyphene

Other tests not listed above may be requested by department if the observed behavior warrants such test.

6. The supervisor or a responsible party must wait with the employee until the drug and/or alcohol screen has been conducted and transport the employee after the test to his/her home.
7. If the employee complies with the directive for drug and/or alcohol screening, but provides a specimen that is diluted or altered, or the temperature is out of the normal range (normal range is 32-38 degrees Centigrade or 90-100 degrees Fahrenheit) the test will be considered a verified positive test, and disciplinary action may be taken for providing a diluted or altered specimen.
8. Drug testing is performed by an independent laboratory certified to perform the given test. The laboratory will contact the Employee Relations Division with the results of the drug test. Positive test for alcohol shall be .02 alcohol concentration, and positive drug test shall be in accordance with the threshold levels ("screening cutoff" and "confirmation cutoff") under the Department of Transportation (DOT) procedures for Transportation Workplace Drug Testing Programs.
9. Departments should also refer employees to the Employee Assistance Program to provide for remedial treatment as appropriate.
10. The County of San Bernardino may, in its sole discretion, impose administrative/disciplinary measures, up to and including termination, upon employees for violation of any County policy, rule, Personnel Rule, and/or work-related problems on a case-by-case basis.

Attachments

[Observed Behavior – Reasonable Suspicion Record](#)

Last updated 8/23/06