

TULARE COUNTY



SUPPORTS A DRUG FREE WORKPLACE

Tulare County Drug Free Workplace Policy

TULARE COUNTY
DRUG FREE WORKPLACE POLICY

INTRODUCTION

The **Drug-Free Workplace Act of 1988** is a federal law which obligates certain federal contractors and grant recipients to undertake specified actions directed to ensuring a "drug-free workplace." Failure to comply can result in the loss of federal contracts and grants. The **Drug-Free Workplace Act of 1990** is a law of the State of California which requires state contractors and grantees to undertake similar action directed to ensuring a "drug-free workplace."

These acts require that the affected agencies certify that a drug-free workplace will be afforded by providing notice of the program requirements to each employee and by establishing a drug-free awareness program which informs employees about the dangers of drug abuse, about the employer's policy of maintaining a drug-free workplace, about available drug counseling, rehabilitation and employee assistance programs and about the penalties that may result from drug abuse violations in the workplace.

The Acts do not require drug testing.

POLICY

This statement sets forth the policy of Tulare County pursuant to the Federal Drug-Free Workplace Act and the California Drug-Free Workplace Act, herein jointly referred to as the "Act". All references to employee or management personnel shall mean those employees and managers in departments covered by the Act.

It is the intention of this policy to eliminate drug abuse and the effects of such abuse in the workplace and to thus provide and maintain an efficient and safe workplace for all employees. Drug abuse increases the potential for accidents, absenteeism, substandard performance, poor employee morale and damages the public service and Tulare County.

It is the policy of Tulare County that while any employee is on duty, on Tulare County property, at work locations or on "on-call" time, such employee shall not be under the influence of, or in possession of controlled substance;¹ shall not sell or provide drugs to any other employee or any other person; shall not engage in the unlawful manufacture of drugs; and shall not utilize or otherwise have his or her ability to work impaired as a result of the use of drugs. For purposes of this policy, "on-call" time is time during which an employee is required by the Department Head to be available to perform duties for the county as set forth in Tulare County Personnel Rule 4.4.

¹. The term "controlled substance" is defined by the Drug Free Workplace Act of 1988 as one set forth in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812), a copy of which is attached [Copies of the Drug Free Workplace Act are available for review at your Department]. The term "drug", when used in this policy, shall mean a "controlled substance."

Tulare County will act to eliminate any drug abuse which could impair an employee's ability to safely and effectively perform the functions of his or her job. Accordingly, supervisors within the affected departments will be trained to recognize drug abusers and to become involved in the control of drug abuse in the workplace.

Employees who believe that they may have a drug problem are encouraged to voluntarily seek confidential assistance through the Employee Assistance Program. While it is Tulare County Policy to be supportive of those who seek help voluntarily, it is also policy that abuse of drugs will not be tolerated and disciplinary action, up to and including termination will be used as necessary to implement this policy and assure a drug free workplace.

It is the further policy of Tulare County that all employees should be made aware of the dangers of abusing drugs, of guidelines for the detection and deterrence of drug abuse, of the responsibilities of managers and employees alike, and of resources available for treatment of drug abuse.

EMPLOYEE RESPONSIBILITIES

An employee shall not:

- A. Report to work while his or her ability to perform job duties is impaired due to any on or off duty illegal drug use;
- B. Have his or her ability to perform job duties impaired due to illegal drug use while on "on-call" time.
- C. Possess or use impairing illegal drugs during working hours or while on "on-call" time, on breaks, during work day or shift meal periods or at any time while on Tulare County property;
- D. Sell or provide, directly or through any third person, any illegal drugs to any person, including any employee while either employee or both employees are on duty or on "on-call" time;
- E. Manufacture any drugs during working hours or "on-call" time, during work day or shift meal periods, during breaks or at any time while on Tulare County property.

An employee shall:

- A. Notify the Department Head of any criminal drug statute conviction, including a plea of guilty or nolo contendere, for an offense which occurred in the workplace or while on duty, no later than five days after such a conviction or plea.
- B. Attend such programs as Tulare County may designate for the purposes of instructing employees generally of the dangers of drug abuse, which will be scheduled as work time.
- C. Read this policy, agree to its terms and provide written acknowledgment of receipt of a copy of this policy.

MANAGEMENT RESPONSIBILITIES

Management shall:

- A. Provide each employee with a copy of this policy, of the Federal and State Drug-Free Workplace Acts, and of a list of available drug abuse treatment resources.
- B. Establish a Drug-Free Workplace awareness program to inform employees about the dangers of drug abuse in the workplace, of the County's policy of maintaining a drug-free workplace, of available counseling, rehabilitation and employee assistance programs, and of the penalties that may be imposed upon employees for violations of this policy and for drug abuse violations.
- C. Notify the Federal sponsoring agency within ten days after receiving notice from a covered employee of a conviction for a criminal drug statute violation occurring in the workplace.
- D. Take one of the following actions within 30 days of receipt of notice from an employee of any conviction for a drug statute violation occurring in the workplace:
 - (1) Take appropriate personnel action against such employee, up to and including termination; or
 - (2) Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, state or local health, law enforcement, or other appropriate agency. (Failure to participate satisfactorily in such program may result in personnel action as set forth in paragraph D. (1) above).
- E. Make a good faith effort to continue to maintain a drug-free workplace.

ABUSE IDENTIFICATION

Tulare County is committed to providing reasonable accommodation to employees whose drug problem classifies them as handicapped under federal or state law. Where appropriate, the employees will be referred to the Employee Assistance Program.

Any manager or supervisor who has a reasonable suspicion that an employee is under the influence of illegal drugs should document the facts constituting reasonable suspicion in writing.

If a manager or supervisor has a reasonable suspicion that an employee may have illegal drugs in his or her possession or stored at or in any County property, they shall notify their Department Head. If the Department Head agrees that there is a reasonable suspicion of illegal drug possession, the Department Head shall notify the appropriate law enforcement agency.

For purposes of this policy, "reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his or her job safely is reduced.

Employees reasonably believed to be under the influence of drugs shall be prevented from engaging in further work and shall be detained for a reasonable time to assure he or she can be safely transported from the work site.

Reasonable suspicion may, without limitation, include any of the following, singly or in combination:

1. Slurred speech
2. Unsteady walking or movements
3. An accident
4. A pattern of unusual mood swings
5. Physical or verbal altercations
6. Possession of drugs
7. Information obtained from a reliable source with personal knowledge.
8. Dilated or restricted pupils or other demeanor unusual for the particular employee, or consistent with impairment of ability to perform normal duties.

This policy shall be applicable to all Tulare County employees whether regular or probationary, full or part time.

Copies of the Federal Drug-Free Workplace Act of 1988, of the California Drug-Free Workplace Act of 1990 and of a list of available drug treatment resources are attached [Copies of the Federal Drug-Free Workplace Act of 1988 and the California Drug-Free Workplace Act of 1990 are available for review through your department].

Any inquiries regarding any aspect of this policy, the Federal Drug-Free Workplace Act of 1988, the State Drug Free-Workplace Act of 1990, the Employee Assistance Program, or other available drug abuse treatment resources, should be directed to the Tulare County Personnel Department.

Other Alcohol and Drug Related County Policies

The following policies may be found on page 77, Tulare County Personnel Rules Handbook.
(Ref: RES. #88-0917, Tulare County Personnel Rule, Rule 12)

12.1 EMPLOYEE CONDUCT GENERALLY

It is expected that all County employees shall render the best possible service and reflect credit on the County, and therefore high standards of conduct are necessary.

12.2 CONDUCT SUBJECT TO DISCIPLINE

Any employee may be disciplined for cause, and such cause shall be based upon employee conduct during or outside of duty hours which reflects discredit upon the public service, the employee, the effective performance of the duty assignments of other County employees, or the effective performance of the department in which employed.

Conduct which shall be deemed to constitute cause for discipline as described above, shall include, but not be limited to the following:

- a) Conviction of any felony, or conviction of a misdemeanor committed while engaged in the performance of duties. A plea or verdict of guilty, or a plea of nolo contendere, to a charge of a felony or a misdemeanor as described in this section 12.2(a) is deemed to be a conviction within the meaning of this section.
- b) Being under the influence of intoxicating beverages or unprescribed narcotics or drugs, or prescribed narcotics or drugs in excess of the prescribed amount, while on duty.
- c) Insubordination.
- d) Inefficiency
- e) Incompetence.
- f) Inattention to duty, carelessness, damage to, or negligence in the care and handling of County property.
- g) Improper or unauthorized use of County vehicles or equipment, or misappropriation of supplies.
- h) Excessive and/or unexcused absences/tardiness, or the claim of sick leave under false pretenses.
- i) Misrepresentation of facts in securing or maintaining appointment.
- j) Absence from duty without leave, failure to report after leave of absence has expired, or after such leave of absence has been disapproved, revoked, or canceled.
- k) Dishonesty.
- l) Discourteous treatment of the public or other employees.
- m) Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age, against the public or other employees while acting in the capacity of a County employee.
- n) Violation of these Rules, Department policies, or any written policies which may be prescribed by the County.
- o) Acceptance by an employee of any bribe, gratuity, kickback, or other form of remuneration in addition to regular compensation with an attempt to influence the action or opinion of an employee in the performance of the employee's duties.

DRUG AND ALCOHOL PROBLEM SELF ASSESSMENT

- 1) HAS ANYONE CLOSE TO YOU EVER EXPRESSED CONCERN ABOUT YOUR DRINKING OR DRUG USE?

People don't lightly suggest that someone else has a problem. Even in the case of close friends or family, we are reluctant to speak up because we aren't sure it's any of our business. If someone does tell you they think you're in trouble with alcohol or drugs, they've probably decided things are pretty serious. It's worth paying attention to them.

- 2) HAVE YOU EVER TRIED TO CUT DOWN ON YOUR DRINKING AND DRUG USE AND BEEN UNSUCCESSFUL, OR HAD SOME LUCK AT FIRST AND THEN HAD YOUR USE LEVELS CREEP BACK UP AGAIN?

"Loss of Control", being unable to set limits on your use and stick to them, is a prime sign you're in trouble. While many people find themselves being excessive in their habits--drinking too much or too often, for instance--those without dependency problems can cut back to non-problem levels easily and stick with those levels indefinitely.

- 3) DO YOU EVER CONCEAL HOW MUCH YOU DRINK OR USE FROM FELLOW USERS OR OTHERS?

A good sign you're in trouble is when you don't want others to know how much you're drinking or using. It shows that you yourself are aware that something is wrong.

- 4) HAVE YOU EVER GOTTEN INTO TROUBLE WITH THE LAW OR AT WORK BECAUSE OF YOUR DRINKING OR DRUG USE?

The vast majority of drinkers (and quite a large percentage of drug users) never run afoul of employers or the law. Work or legal problems is a sign that your drinking or using are "slopping over" into areas of your life where they cause trouble. This is another sign of the "loss of control" that signals alcohol or drug dependence.

- 5) HAS YOUR LEVEL OF USE (HOW MUCH AND/OR HOW OFTEN) INCREASED OVER THE PAST FEW YEARS?

The need to use more shows that you are developing Tolerance to the drug; this is bad because you can expect to continue to need more and more as time goes by. The need to use more often is bad because it shows drinking or drug use is becoming part of more and more areas of your life.

- 6) HAVE YOU EVER QUIT OR TRIED TO QUIT AND GONE BACK TO DRINKING OR USING?

Nobody who likes to drink or use gives it up without a good reason. If you quit once, it's because you realized it was a serious problem. If you went back to it, it's because your quitting attempt failed. Chances are, things haven't gotten much better since. It makes sense to get some help and try again to give it up.

- 7) HAS THERE BEEN MORE THAN ONE OCCASION IN RECENT YEARS WHEN YOU HAVE DONE SOMETHING WHILE DRINKING OR USING DRUGS THAT YOU WISH YOU HADN'T DONE AND WOULDN'T HAVE DONE IF YOU HAD BEEN STRAIGHT?

Alcohol and Drugs can cloud the judgement and loosen the inhibitions. Many users have had an occasion when they did something dumb. But non-dependent people usually decide at this point that it's time to clean up their act. People who continue to have embarrassing incidents are those who can't straighten up.

- 8) DO YOU HAVE PEOPLE YOU DRINK OR USE WITH THAT YOU WOULDN'T WANT TO BRING INTO THE "RESPECTABLE" PART OF YOUR LIFE?

A sign that drinking (to say nothing of drug use) is no longer "social" is needing to find a special group of people who won't see anything wrong with how you drink or use. If these people wouldn't fit very well into your "normal" life, then your drinking is no longer normal either.

- 9) HAS A DOCTOR EVER SUGGESTED THAT YOU OUGHT TO CUT DOWN ON YOUR DRINKING OR THAT IT MIGHT FIGURE INTO A MEDICAL PROBLEM YOU WERE HAVING?

If drug or alcohol use is causing a health problem and you're still using, you're either substance dependent or not too bright. Of course, many people aren't honest with their doctors about the extent of their drinking--and this goes double for drugs. But it's probably fair to say, for example, that anyone who's drinking is causing a health problem is probably in serious trouble with booze.

- 10) HAVE YOU EVER SUSPECTED THAT YOU HAD A DRUG OR ALCOHOL PROBLEM?

In general, this idea doesn't pop into one's head out of nowhere. It probably won't occur to anyone without some basis in fact. If my drinking or using patters, amounts or behavior is of concern to me, there's probably a good reason. It is rare for someone without a problem to falsely suspect themselves of having one.

THESE QUESTIONS ARE MEANT TO GET YOU THINKING. IF YOU'VE ANSWERED "YES" TO ANY OF THEM, YOU NEED TO EXPLORE YOUR DRINKING OR DRUG USE FURTHER.

Tulare County Health & Human Services Agency

Alcohol and Other Drug Programs

The following is a list of the alcohol and other drug providers contracting with H.H.S.A. who provide prevention, treatment and recovery services. For additional information call Tulare County H.H.S.A., AOD Programs (559) 733-6123, ext. 227

For referral to programs: Call the Assessment and Referral Team, (559) 733-6123, ext: 227 M-Th 8:00 am - 5:30 p.m., Fri. 8:00- am – 12:00 pm. After hours emergencies or weekends call H.H.S.A. 1-800-320-1616.

ALCOHOL AND DRUG OUTPATIENT TREATMENT/RECOVERY

BAART-Methadone

1646 So. Court St.
Visalia, CA 93277
(559) 625-8890

Kings View Substance Abuse-Methadone

559 East Bardsley
PO Box 688
Tulare, CA 93275
(559) 688-7531

New Heights Recovery

213 No. West St.
Visalia Ca. 93291
(559) 732-4885

Turning Point Youth Services-Youth Facility

220 No. Locust Street
Visalia, CA 93291
(559) 627-1490

RESIDENTIAL TREATMENT

Mothing Heights

Perinatal

705 So. Court St.
Visalia, CA 93277
(559) 635-8010

New Hope

Residential Programs for Women w/Co-occurring Disorders

1425 W. Walnut Ave. "B"
Visalia, CA 93292
(559) 625-0440

New Visions

Residential Womens Facility

1425 W. Walnut Ave.
Visalia, CA 93292
(559) 625-4072

Pine Recovery Center
Residential Mens Facility
Central Valley Recovery Services
120 W. School Ave.
Visalia, CA. 93291
(559) 625-4100

PREVENTION SERVICES

Central Valley Recovery Services, Inc.
120 W. School St.
Visalia, CA. 93291
(559) 625-2995

Family Services of Tulare County
815 West Oak Street
Visalia, CA 93291
(559) 741-7310

National Council on Alcoholism and
Drug Dependence, Inc
525 East Bardsley Avenue/PO Box 249
Tulare, CA 93275
(559) 688-2994

Proteus, Inc.
1830 No. Dinuba Blvd.
Visalia, CA 93291
(559) 733-5423

Tulare County Office of Education
School Health Program/Choices
7000 Doe Avenue, Bldg 300
Visalia, CA 93291
(599) 651-0155

Tulare County Health & Human Services Agency
Alcohol and Other Drug (AOD) Programs
132 No. Valley Oaks Drive
Visalia, CA 93292
(559) 733-6123

Turning Point Youth Services
220 South Locust Street
Visalia, CA 93291
(559) 627-1385

DUI PROGRAMS

Alternative Services, Inc.
420 No. Court St.
Visalia, CA 93291
(559) 651-8090