

**CITY OF HEALDSBURG
ADMINISTRATIVE POLICY**

**SUBJECT: CODE OF CONDUCT:
ALCOHOL AND DRUGS**

EFFECTIVE: SEPTEMBER, 1987

I. PURPOSE

The purpose of this Administrative Policy is to set forth explicit written rules regarding alcohol and drugs as they relate to the work place and job performance. This policy has no bearing on separate or concurrent police action.

This Policy is not issued at this time because of any concern about drug or alcohol abuse among city employees, but rather, because of the increased attention given this subject throughout the country.

II. PROHIBITED CONDUCT

A. No city employee, including part-time or temporary employees, shall:

1. Bring, use, or possess any drug or any alcohol on any city premise, at the employee's job site, or in any city vehicle, or assist others in such prohibited acts.
2. Report to work during a normal work shift, or respond to a call to work while serving in an "on-call" status, under the influence of alcohol or drugs.
3. Drive a city vehicle while under the influence of alcohol or drugs.

III. EXCEPTIONS AND EXCLUSIONS

- A. The City Manager may make exceptions to Section II.A.1. to accommodate the serving of alcoholic beverages at certain organized social events.
- B. Substances prescribed as medicine by a person licensed to prescribe such substances are excluded from the prohibition of Section II.A.1. provided such use does not impair job performance or constitute a safety hazard to the employee or others or a hazard to property.

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- C. Upon being advised by any employee, the Department Head may make exceptions to the prohibitions of Paragraph II hereof for such employee within his or her Department who is taking substances prescribed by a person licensed to prescribe such substance, provided the use of such substance will not likely pose a threat to the safety of the employee or others or to property. Any such exceptions shall be made in writing with a copy to the City Manager. Medical information obtained from the employee shall be treated in strict confidence and revealed only to persons with a clear need to know.

IV. DEFINITIONS

- A. "Alcohol" includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of 1 percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- B. "Drug" means any:
1. controlled substance as identified by the Federal Drug Enforcement Administration;
 2. hallucinogenic substance;
 3. behavior altering substance; and
 4. any other substance the use or possession of which, without proper authority, is illegal under the laws of the United States or the laws of the State of California.
- C. "Under the influence" means a person so affected by the intake of alcohol or a drug that:
1. that person's job performance is impaired or that person causes the job performance of other city employees to be impaired; or
 2. that person's mental or physical alertness might be even slightly adversely affected when, in the performance of that person's job, such adverse affect on mental or physical alertness might constitute a threat to the safety of that person or others, or a threat to the safety of property; or
 3. that person manifests clear and obvious behavioral characteristics which are commonly recognized as caused by drugs or alcohol, such as, but not limited to:

- (a) slurred speech;
 - (b) staggered walking;
 - (c) extreme drowsiness;
 - (d) inability to comprehend simple statements;
 - (e) verbal alterations;
 - (f) radical changes in that person's customary behavior or personality.
- D. "Job performance is impaired" means that, after taking into account the normal fluctuations in levels of performance, the person involved is not performing at the level of efficiency and effectiveness usual for that person or reasonably to be expected of that job.
- E. "City premise(s)" means any property, whether owned or leased or under easement, occupied by a city office or other facility such as, but not limited to, a plant, warehouse, garage, park, open air storage or parking area.
- F. "Job site" means any place other than city premises at which that employee is required to perform duties, such as but not limited to, field locations where work is being performed by or on behalf of the city, or a private premise at which that employee is required to perform inspection services.

V. DISPOSITION OF VIOLATIONS OF ALCOHOL OR DRUGS PROHIBITION

- A. Any employee found to be in violation of this prohibition is subject to discipline, up to and including termination of employment.
- B. The City recognizes that the abuse of alcohol or drugs is a progressive illness which can be arrested if treated in a sensitive and timely manner; therefore, any disciplinary action shall consider the appropriateness of and commitment to treatment programs pursued by the employee, the employee's work record, and the problems created by the employee's absence for treatment.
- C. While undergoing treatment for an alcohol or drug abuse related problem, he/she shall authorize the City Manager sufficient access to records, and treatment providers, to adequately monitor progress of treatment and determine capacity to carry on his/her job.
- D. Failure, of an employee who has committed himself/herself to follow a treatment program, to rigidly adhere to that program, will result in disciplinary action, up to and including termination.

Subsequent violation of this policy, after completion of a treatment program will result in further disciplinary action.

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VI. PROCEDURES

A. Determination of a violation of this Policy.

1. Each supervisor is responsible for the consistent enforcement of this Policy.
2. When a supervisor has a reasonable suspicion that there is alcohol on city premises, the supervisor shall take all reasonable steps to locate the alcohol, confiscate it, and determine who is responsible for its presence. Searches may be made of all city property including desks and desk drawers. The person's clothing, purses, and personal brief cases may not be searched by supervisor without permission.
3. When a supervisor has a reasonable suspicion that drugs are on city premises, the supervisor shall immediately report the matter to the Healdsburg Police for further action as a police matter.
4. When a supervisor has a reasonable suspicion that an employee is under the influence of drugs or alcohol, he/she will remove the employee from the work site to his/her office and notify the Department Head. "Reasonable suspicion" is a belief based on objective and articulable facts sufficient to lead a reasonable and prudent supervisor to suspect that an employee is under the influence of drugs or alcohol.

For example, any of the following, alone or in combination, may constitute reasonable suspicion:

- (a) slurred speech;
- (b) alcohol on breath;
- (c) inability to walk a straight line;
- (d) possession of alcohol or drugs;
- (e) information obtained from a reliable person with personal knowledge.

The following situations may prompt a supervisor to investigate further for evidence of objective symptoms which may constitute reasonable suspicion that the employee is under the influence of drugs or alcohol:

- (a) an accident involving city property;
- (b) physical altercation;
- (c) verbal altercation;
- (d) behavior which is so unusual that it warrants summoning a supervisor or anyone else with authority;
- (e) possession of alcohol or drugs;
- (f) information obtained from a reliable person with personal knowledge.

The supervisor shall document in writing the facts constituting reasonable suspicion that the employee in question is under the influence of drugs or alcohol.

5. Department heads and supervisors, other than law enforcement personnel, shall not physically search employees.
6. After the Department Head has gathered sufficient facts, he/she shall send the suspected employee home if there is any likelihood as to the employee constituting a disruption or a danger to himself/herself, other city employees, or the public. An authorized city representative may transport the employee home, if appropriate. If the employee refuses to be taken home voluntarily, the supervisor should not force the issue, but treat it as a police matter and call the police if appropriate.
7. The Department Head shall take all appropriate steps to determine the existence of a violation of this Policy and if there has been a violation, the Department Head shall follow established disciplinary procedures.

VII. ACCESS

- A. Employees are hereby notified that all city property including, but not limited to desks, cabinets, lockers, and vehicles are subject at all times to search either for cause or at random times without cause, and that all items contained therein or thereon may be searched excepting only the person, clothing, purses, and brief cases of employees, which, however, might be searched by police under police guidelines. Accordingly, employees are advised that they should not expect any privacy excepting only the person, clothing, purse, and brief case.
- B. Searches authorized by paragraph VII.A. may be conducted by a supervisor when the supervisor is investigating a possible violation of this policy based on a reasonable suspicion that there has been a violation. A random search may be conducted only upon the authorization of the city manager.
- C. No search authorized by paragraph VII.A. may be made of the locker or other space assigned to a public safety officer unless such officer has been notified that a search will be conducted, and, in such circumstances, such officer shall be given an opportunity to be present if reasonably convenient to the supervisor.

VIII. RESPONSIBILITY

- A. Department Heads shall disseminate this policy and insure that all subordinate employees comply with the provisions of this policy.
- B. Department Heads shall be responsible for the issuance of supplemental departmental policies not covered by this policy.