

MENDOCINO COUNTY POLICY #24	DRUG FREE WORKPLACE
ADOPTED: April 14, 1992 <u>REVISED: JULY 23, 2019</u>	ADOPTED BY: Minute Order  <u>REVISED BY: Minute Order</u>

The purpose of this Policy is to promote a drug- free workplace and to provide a drug-free, healthful, safe and secure work environment.

Application of Policy: This Policy applies to all County employees, whether they are (1) on County premises, or (2) conducting County business off County premises. Violations of this Policy may will result in disciplinary action, up to and including termination, and may in addition have "legal" consequences.

**Prohibitions: This Policy prohibits:**

Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is our intent and obligation to provide a drug-free, healthful, safe and secure work environment.

- The ~~unlawful~~ manufacture, distribution, ~~sale~~, dispensation, possession, ~~exchange~~, or use of any controlled substance (see definition below) ~~on in either County premises-workplaces or while wherever conducting County business is performed, off County premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have "legal" consequences.~~
- Working or being subject to call in when impaired by or under the influence of any controlled substance.
- Being impaired by or under the influences of any medication or drug (including over-the-counter and lawfully prescribed and used drugs) while conducting or performing County business that interferes with the employee's ability to safely and effectively perform the duties or operations of the County.
- Any employee's failure to notify his/her department head before beginning work when taking medications or drugs (including over-the-counter and lawfully prescribed and used drugs) that could interfere with the safe and effective performance of the duties or operations of the County. The employee is not required to disclose the name of the medication or the employee's underlying medical condition, but should disclose how the medication affects the employee's ability to work (e.g., feel sleepy when take the medication, affects or could affect driving, etc.). An employee whose work could be impaired for a legitimate reason, such as the use of a medically-supervised and lawfully prescribed (under both federal and state law) medication, should contact his/her supervisor to arrange for whatever reasonable accommodation is needed or available to perform the employee's essential job functions.

**Definition of Controlled Substance:** For the purpose of this Policy, "controlled substance" means any drug prohibited for manufacture, distribution, sale, dispensation, possession, exchange, or use by either state or federal law, and includes cannabis (i.e., marijuana). Controlled substance under this Policy also includes a prescription drug that has been misused, such as: (1) taking a medication in a manner or dose other than prescribed; (2) taking someone else's prescription, even if for a legitimate medical complaint such as pain; and (3) taking the medication to feel euphoria (i.e., to get high).

**Drug Assistance Programs:** The County recognizes drug dependency as an illness and a major health problem. The County also recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to seek professional help and assistance as appropriate. Information on public and private drug counseling, rehabilitation, and employee assistance will be made available on a confidential basis from the Mendocino County Employee Assistance Program, which is administered by the ~~Drug and Alcohol Division of the County Public Health~~

~~Department~~ Human Resources Department. Conscientious efforts to seek such help and assistance will not jeopardize any employee's job, and will not be noted in any personnel record.

**Duty to Report Drug Convictions:** Employees must, as a condition of employment, abide by the terms of the above policy and report to the County when they are criminally convicted for a drug violation that occurred ~~any conviction under a criminal statute for violations~~ on or off County premises while they were conducting County business. The employee must ~~A report of a~~ conviction ~~must be made~~ within five (5) days after the conviction (This requirement is mandated by the Drug-Free Workplace Act of 1988, Subpart 23.5 (23.504, 3(ii))).