

Substance Abuse Program and Policy

Section 1.4

PURPOSE

It is the policy of the City to maintain a safe, healthful and productive work environment for all employees. The City will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee's ability to safely and effectively perform the functions of the particular job), which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or tends to undermine public confidence in the City's workforce.

This policy provides guidelines for self-referral and rehabilitation/treatment options for employees that may be experiencing a problem with alcohol and/or drug use and for-cause alcohol and/or drug testing for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of management and employees. All persons covered by this policy should be aware that violations of the policy may result in discipline, up to and including termination.

In recognition of the serious duty entrusted to employees of the City, with knowledge that drugs and alcohol do hinder a person's ability to perform duties safely and effectively, the following policy against drug and alcohol abuse is enforced by the HR/RM Department.

This policy is applicable to the following:

- Personnel:
 - All employees

- Substances:
 - Alcohol
 - Illegal drugs; and
 - Prescription drugs and other substances which may impair an employee's ability to effectively perform the functions of the job.

POLICY

It is the policy of the City that employee's:

- Shall not report to work under the influence of alcohol or drugs or exhibit symptoms of alcohol or drug use;
- While on duty shall not use, possess, sell or provide drugs or alcohol;
- Shall not have the ability to work or be on paid stand-by when impaired as a result of the use of alcohol or drugs.

An employee is required to notify his/her supervisor when any medications or drug he/she is taking could create an unsafe and dangerous situation.

In the event there are questions regarding an employee's ability to safely and effectively perform assigned duties when using such medications or drugs, clearance from the City's designated medical treatment facility or health care provider will be required. If an employee is prescribed medication or drugs in relation to a work-related injury or illness, the doctor treating the employee for the work-related injury or illness shall provide the required clearance.

The City has established an Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol or drug problems. Employees could contact their supervisors or the HR/RM Department for additional information.

Employees reasonably believed to be under the influence of alcohol or drugs, as described under Paragraph B in the *Management Responsibilities and Guidelines* below, shall be prevented from engaging in further work and shall be instructed to wait for a reasonable time until a Department designee can transport the employee from the worksite to home or an appropriate medical facility.

Violations of this policy should be grounds for disciplinary action, up to and including termination for serious or repeated infractions. Refusal to submit immediately to an alcohol and/or drug analysis, pursuant to this policy, when requested by management will constitute insubordination, which alone will form a basis for discipline.

OPERATIONAL PROCEDURE / RESPONSIBILITIES

Employee

Not report to work while his/her ability to perform job duties is impaired due to alcohol or drug use;

Not possess or use, or have the odor of alcohol or drugs on his/her breath during working hours while operating any City vehicle or equipment;

Not directly or through a third party sell or provide drugs or alcohol to any person or to any other employee while either employee or both employees are on duty, or paid stand-by;

Submit immediately to reasonable requests for alcohol and/or drugs analysis when requested by a designee of a Department Director and if in a bargaining unit, may request union representation;

Notify his/her supervisor, before operating City equipment, when taking any medications or drugs, prescription or non-prescription, which may create an unsafe or dangerous situation for the public or the employee's co-workers, including but not limited to valium, muscle relaxants, and painkillers, and

Provide within twenty-four (24) hours of request a current valid prescription for any drug or medication identified when a drug screen/analysis is positive. The prescription must be in the employee's name.

Management Responsibilities & Guidelines

Managers and supervisors are responsible for consistent enforcement of this policy. Any supervisor who knowingly permits a violation of this policy by employees under his/her direct supervision shall be subject to disciplinary action.

A Department Director or designee may request that an employee submit to a drug and/or alcohol analysis when a manager or supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol. "Reasonable

suspicion" is a belief based on objective and articulable facts sufficient to lead a reasonable prudent supervisor to suspect that an employee is under the influence of drugs or alcohol 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/her job safely is reduced.

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

1. A pattern of documented abnormal or erratic behavior;
2. Direct observation of drug or alcohol use; or information provided by a reliable and credible source that an employee has engaged in drug or alcohol use, the identity of which source shall be available to the employee and if employee is in a bargaining unit;
3. Presence of the mental or physical symptoms of drug or alcohol use (e.g., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
4. A work related accident in conjunction with other facts which together support reasonable cause.

Any manager or supervisor should immediately notify another supervisor to meet him/her to observe the employee's behavior prior to directing an employee to submit to a drug and/or alcohol analysis. If the employee is in a bargaining unit and requests union representation, the employee will be allowed the opportunity to secure such representation. The process for directing an employee to submit to a drug and/or alcohol test is outlined below (numbers 1 - 7).

Additionally, if a manager or supervisor believes an employee not under his/her supervision has a problem and should be tested or referred, he/she should contact the HR/RM Department who will notify the Department Director or designee. Should the Department Director or designee concur that the employee appears to be in violation of the policy, the following procedure shall immediately be applied:

1. The manager or supervisor shall document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs.
2. Any manager or supervisor requesting an employee to submit to a drug and/or alcohol analysis shall be responsible for the employee's transport to the City's designated medical treatment facility or emergency room where a drug and/or alcohol test will be requested.

1. All test results will be treated as confidential and returned to the HR/RM Department.
2. Any manager or supervisor encountering an employee who refuses to submit to a drug and/or alcohol analysis upon direction shall remind the employee of the requirements and consequences of this policy. The manager or supervisor should ask the employee to wait a reasonable time until an authorized City representative can transport the employee home.
3. Managers and supervisors shall not physically search employees.
4. Managers and supervisors shall notify the Police Department when they have reasonable suspicion to believe that an employee may have illegal drugs in his/her possession.
5. Managers and supervisors shall not confiscate, without consent, prescription drugs or medications from an employee who has a prescription.
6. The employee will be informed of the requirement that he/she undergo testing in a confidential manner, by one of the supervisory employees who made the reasonable suspicion determination.

A manager or supervisor may require an employee to attend an initial screening session with the Employee Assistance Program (EAP) as an alternative to drug or alcohol testing. The employee shall provide proof of attending the initial appointment. Failure to attend or to provide proof of such attendance may subject the employee to disciplinary action. Actual results of the initial screening shall be subject to disciplinary action. Actual results of the initial screening shall be subject to normal confidentiality provisions. The employee's decision to attend or not attend follow-up sessions shall be voluntary.

Demands for drug or alcohol analysis by supervisors or managers, which are determined to be malicious or vexatious will not be tolerated and will subject the directing individual to disciplinary action.

Results of Drug and/or Alcohol Analysis:

1. Upon a negative result, the employee shall return to work if otherwise fit for duty. All records and documentation shall be purged.
2. If the test result is positive, the following shall apply:

First Offense:

In an effort to encourage the employee to take responsibility for his/her problem, the first violation of this policy will result in a formal, mandatory referral to the EAP, using the established referral procedures in addition to any disciplinary action the City may impose for violations of this policy. A written record of this referral will be maintained in a restricted confidential employee medical file. EAP will assess the employee's need for treatment. An employee declining to be evaluated by EAP may be subject to disciplinary action independent of any other misconduct.

Treatment will be offered to the employee on a voluntary basis for a plan approved by the EAP for the employee and the City will pay treatment costs, which are not covered by the employee's health insurance for one (1) treatment program. The employee will be responsible for costs associated with second treatments and/or follow-up visits.

No disciplinary action will be imposed for refusal of treatment; however, misconduct including being under the influence of drugs and/or alcohol in the workplace and/or while on duty and/or while on standby or any action constituting a violation of this policy will continue to be subject to discipline, subject to applicable due process for City employees.

Second Offense:

During an employee's career, a second opportunity for treatment may be offered in the event of a relapse. Discipline, which could result in termination, will be imposed City for the second violation of this policy, subject to due process. If a second treatment program is allowed, the employee will be responsible for the cost. The employee may request a split sample be tested at another facility at City expense to provide a second independent result.

Confidentiality:

Laboratory reports or test results, if positive only, shall appear in an employee's confidential medical file. The reports or test results may be disclosed to a Department Director or designee and HR/RM Director on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without patient consent, may also occur when:

- (1) the information has been placed at issue in a formal dispute between the employer and employee, including employee discipline;
- (2) the information is to be used in administering this program;
- (3) the information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

Procedure - Drug Testing:

The City's *Drug Testing Procedures* contains procedures for handling testing for drugs if the test is conducted by a medical provider during normal business hours. Tests required on nights or weekends will be handled in a medical facility determined by the City. Presence of drugs in the employee's system will be reported as positive in the initial and confirmation test if the amount exceeds the minimum detection levels. In addition to drug screening, alcohol level will be reported as positive if it is present at greater than or equal to 0.04g.

Substance Abuse Treatment:

The City will make substance abuse treatment available to employees in the following way:

- **Self-Referral:**
 - If an employee believes he/she has a substance abuse problem, he/she may make a confidential appointment with a counselor at EAP.
 - The counselor will evaluate the case and determine the appropriate level and type of treatment, if any. The EAP will approve a plan and facility. These decisions will be made jointly with the individual seeking treatment.
 - The counselor will notify the City by an employee code number that treatment and funding is authorized. Claims administration will be handled confidentially as are other health insurance claims.

- **Formal Referrals:**
 - If an employee's pattern of work behavior indicates a problem is potentially related to substance abuse, the supervisor may contact the EAP and define issues.
 - The employee will be advised to go to the EAP for evaluation. Any participation in treatment is voluntary.
 - If the employee accepts treatment, the procedures for developing a plan and the payment of bills by the City are the same as for the person who self refers.

Positive Drug Test:

The first time an employee tests positive on a drug test, the Department Director or designee will contact the EAP and initiate a formal referral. An evaluation by the EAP is mandatory. Participation in treatment is voluntary.

The employee will sign a release allowing the EAP to advise the City about whether the employee is participating in and cooperating with treatment. No information can be released about the problem or treatment.

Settlement of a Proposed Discipline:

If an employee has received a *Notice of Intended Discipline* for misconduct or job performance, either on or off the job, which has a substance abuse component, the City may agree to waive the discipline, if the employee will agree to and successfully comply with a treatment program.

The specific terms of the agreement are determined on a case-by-case basis, including requiring the employee to submit to follow-up random drug and/or alcohol testing for a specified period of time. The intent, however, is not to relieve the employee of responsibility for his/her actions. It is to encourage maximum access to rehabilitation.

SCOPE OF EAP SERVICES

Provide case management for chemical dependency problems of employees. This service is to include assessment, referral to high quality treatment facilities, precertification, and post-treatment case management.

Provide orientation to the services provided via programs coordinated through the City Training Program.

COMPONENTS OF EAP SERVICES

Assessment:

Covered employees may be self-referred to EAP or referred by a supervisor/manager. EAP will provide a clinical assessment for the most appropriate level of treatment (See Tracks A, B, C). Treatment options include:

- Structured Inpatient Program: Inpatient facilities are licensed by the California Department of Health Services under two ratings:
 - CDRH: Chemical Dependency Recovery Hospital located in an acute-care hospital.
 - CDRS: Chemical Dependency Recovery Service, which is a free-standing residential facility.

Inpatient treatment may be required when a client has a lengthy history of abuse, is in an advanced stage dependency, has significant associated medical problems, or has little family support. This program would include detoxification waiting period.

- Structured Outpatient Program: Outpatient facilities are not currently licensed. This treatment may be appropriate when a client is in the early or middle stages of dependency, is not resistant to treatment, and has family support.
- Alcoholics Anonymous and Al-Anon: When chemical dependency is in an early stage, intensive participation in assistance programs, such as Alcoholics Anonymous or Al-Anon, in conjunction with supportive counseling at EAP may be appropriate. This approach has proven successful when a client is very strongly motivated to recover and has the support of the family.

Referral:

Criteria have been developed at EAP to assist counselors in making a referral to the most appropriate level of treatment. Counselors are required to document referrals based on this criteria. The Clinical Coordinator reviews all alcohol/drug cases referred to treatment to ensure that the most cost effective recommendations are made. Referrals are made to quality programs to ensure the best chance of success.

Pre-certification:

Provide required pre-certification for coverage for all chemical dependency treatment. All covered employees requesting treatment should be directed to EAP prior to contacting a treatment facility. EAP will evaluate and refer the employee to a recommended facility and notify the City of the referral for billing purposes. Should an emergency or a self-admission be initiated, EAP will evaluate the employee

within forty-eight (48) hours and make a recommendation for continued treatment, and notify the HR/RM Department.

Case Management:

EAP counselors will coordinate the chemical dependency treatment of employees from initiation of treatment for up to one (1) year after treatment. This is a critical component of recovery because treatment programs have little investment in clients once they have left their program. Quality case management can reduce the high risk of relapse and assist employees who have relapsed to resume the recovery process. Case management involves the following activities on the part of EAP. In addition, EAP counselors will:

- Act as liaison with the treatment program team and City to monitor progress and facilitate the return to work.
- Participate in the development of a recovery plan with the client, the family and the treatment team.
- Continued counseling with client and family as necessary after discharge from treatment facility for one year.
- Should a relapse occur, provide crisis intervention and assistance in developing a stronger recovery plan to increase the involvement of employer, family, after-care team, etc.
- Provide relapse prevention education and therapy groups as appropriate.

Treatment Program:

Treatment Program is considered to have the following components:

- Inpatient or outpatient treatment, or a combination of both;
- Treatment aftercare program;
- EAP case management for up to one (1) year following treatment. A treatment program is considered ended when all three (3) of the above have been completed or when an employee terminates participation in any of the components. Treatment will be covered if it is provided by one (1) of EAP's recommended facilities. If these facilities are not used, coverage will be limited to that normally covered under the employee's medical benefits plan.

Tracks:

There are three (3) sets of procedural tracks for initiating chemical dependency treatment:

- **TRACK A:** Assessment at EAP and Referral to Treatment facility
 - Client is assessed at EAP with a chemical dependency problem requiring treatment. If the counselor is clear that outpatient or inpatient is required, the client may be sent directly to the recommended treatment facility and Step B would be initiated. If the counselor desires, the client may be sent for additional assessment at a treatment facility. An outpatient assessment counselor may be utilized in these cases, especially if the client falls in a "gray area" regarding type of necessary treatment.
 - Counselor obtains a release of information to authorize report of participation to the HR/RM Department.
 - Treatment program is contacted by telephone to notify them that the client is coming and that:

1. Treatment is pre-authorized for a specific number of days and the authorization form is mailed to them.
 2. The program should contact the HR/RM Department to confirm eligibility.
- Counselor fills out the pre-authorization form within one (1) working day of admission and sends it to:
 - Treatment facility
 - HR/RM Department
 - Client (at home address)
 - Counselor interaction with treatment program during treatment will be as follows:
 - Outpatient: Telephone contact weekly for the duration of treatment. If necessary, schedule a meeting with the client and treatment counselor for post-treatment planning.
 - Inpatient: Meet with staff during the first fifteen (15) days of authorized treatment to determine the subsequent treatment course. Ask them to justify inpatient treatment beyond the fifteen (15) authorized days. Generally speaking, the City wants them to follow the recommendations of the program.
 - Keep in contact on a weekly basis via telephone or letter.
 - Attend discharge planning meeting at facility, and set-up first after-care appointment. Request that staff remind client to contact EAP therapist for appointment and that there are resources available to the employee via the employee's bargaining unit, as applicable, or the EAP.
 - Provide authorization for alterations or extension of treatment as necessary.
 - Continue contact a minimum of once a month for the first six (6) months. Monitor the client's progress and participation in aftercare. (EAP will verify that the facility has obtained a release of information from the client.) Identify indicators of potential relapse and refer to prevention group if appropriate. Make referrals for additional necessary services; i.e., family counseling, adult and child support groups, etc.
 - The treatment program will be considered terminated when the client has successfully completed treatment, aftercare, and EAP case management, or:
 - If the client fails to attend aftercare.
 - No more than two (2) unexcused absences.
 - Reasons for non-attendance must be cleared through EAP therapist.
 - Failure to attend follow-up counseling with EAP as agreed upon with their counselor.
 - Notify the HR/RM Department and the client, in writing, when the "treatment program" is terminated or completed.
- **TRACK B: Emergency Admission to Treatment Facility**
 - Employee presents to a treatment facility. Facility calls the HR/RM Department to determine eligibility and coverage.
 - The HR/RM Department will confirm eligibility and notify the facility that authorization is required through EAP beyond the initial forty-eight (48) hour period of coverage.
 - EAP will visit the treatment facility and assess the client within the first forty-eight (48) hours.
 - If it is determined the client needs inpatient treatment, and
 - The treatment facility is an EAP recommended facility, authorization will be given as outlined in Track A;

- If the treatment facility is not an EAP recommended facility; EAP will facilitate a transfer to a recommended facility.
- If outpatient treatment is recommended and client agrees with the treatment course, EAP will facilitate the referral and authorize as indicated in Track A.
- **TRACK C: Second Treatment**

Eligible employees who have relapsed following an initial treatment would not be authorized for a second treatment without assessment by EAP. The procedures would be the same as for Track A or Track B, and approval would be based on professional judgment.

RECOMMENDED TREATMENT PROGRAM:

Programs are evaluated on the basis of:

- Skill and experience of the staff
- Intensity of treatment model
- Use of group and family therapy
- Inclusion of a strong education component
- Availability of a well-structured aftercare program
- Involvement of the family in all phases of the program

Referrals to specific programs are made on the basis of:

- Quality of program to meet the needs of the employee
- Location in relation to employee, and
- Cost

EAP will assist in the negotiation of preferred provider rates at the City's request.

The City will provide a head count of all covered employees to EAP each month. EAP will bill the City each month the contracted rate per covered employee for all case management services. The City will be responsible for the cost of all recommended treatment services for covered employees.