

SDCRAA HUMAN RESOURCES STANDARDS AND PROCEDURES

Section:	Workplace Practices
Standard:	SUBSTANCE ABUSE/DRUG-FREE WORKPLACE
Section #:	D-5
Effective:	May 13, 2008
Revised:	January 1, 2024

See Also:	Workplace Privacy; Mandatory Drug & Alcohol Testing Program; Accommodation of Substance Abuse Rehabilitation; Misconduct; Corrective Action; Formal Discipline; Employee Assistance Program; Attendance; Work Schedule; Work Hours – At-Will Employees
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GENERAL STANDARD

The Authority prohibits the unlawful use, sale, dispensing, manufacture, or possession of controlled substances by employees in the workplace. Violation of this prohibition will result in corrective action, up to and including termination. As a condition of employment, all employees are required to abide by this standard.

The Authority is committed to maintaining a safe and healthy work environment for all its employees. Employees who abuse the use of controlled substances or alcohol may affect productive and efficient job performance and potentially endanger themselves, co-workers, tenants, and customers. The Authority has established an Employee Assistance Program (EAP), as well as in-house education and awareness programs to assist employees on a strictly voluntary basis with substance abuse problems. In addition, employees may be eligible for rehabilitation programs through their medical plans.

SPECIFIC STANDARDS

- ❑ Compliance is a requirement for all employees.

- ❑ Substance abuse in the workplace will not be tolerated and is grounds for corrective or disciplinary action, up to and including termination of employment. When reporting to work or while on duty, all employees are required to have no impairment from illegal drugs, alcohol, or illegal use of any other controlled substance. Employees are also prohibited

from unlawfully using, selling, dispensing, manufacturing or possessing controlled substances in the workplace.

- ❑ “Controlled Substances” is defined as the controlled substances listed in Schedules I through V in 21 U.S.C. section 812.
- ❑ While on duty, no alcoholic beverages can be brought to or consumed on Authority premises, except for moderate consumption at designated Authority gatherings or under circumstances authorized by the Authority. Violation may result in corrective or disciplinary action, up to and including termination of employment, even for a first offense.
- ❑ Prescription drugs are not allowed on Authority premises by any employee while on duty, other than a prescription drug in the possession of the employee for whom the drug is prescribed. Said drug must be prescribed by a licensed medical practitioner and must be used only in the manner, combination, and quantity prescribed. Any other use; possession; sale; offer to sell, transfer, or purchase of prescribed drugs is prohibited. Violation can result in corrective or disciplinary action, up to and including termination of employment.
- ❑ If an employee is concerned about their ability to perform their job safely while on prescription drugs, they have an obligation to report this to their supervisor, but the employee is not required to disclose the type of medication.
 - The supervisor may consult with a Human Resources representative to determine whether the employee’s or the Authority’s physician should be contacted.
 - Upon request, the employee shall provide all necessary information to the Authority’s physician. The physician will advise the Director of Human Resources as to whether the employee is able to perform job duties safely. Where safety is an issue, the employee may be required to take a leave of absence or comply with other appropriate actions as determined by the Authority.

- Failure to report prescription drugs that interfere with work performance or safety can result in corrective or disciplinary action, up to and including termination of employment.

Note: Substance abuse problems are personal and confidential. The supervisor should not discuss the abuse problem with anyone other than management and/or Human Resources representative unless directed otherwise by the Director of Human Resources.

GUIDELINES

The supervisor shall not confront or accuse any employee(s) of substance abuse unless the supervisor directly observes the actual use of an illegal drug or alcohol, the misuse of a prescription drug, or an employee intoxicated, impaired or under the influence of a controlled substance or alcohol in the workplace. The supervisor should advise the employee of the availability of services through the Employee Assistance Program. Human Resources staff can provide the supervisor with guidance.

The supervisor should be aware of the signs and signals of substance abuse, and that there are other medical conditions that resemble substance abuse.

Typical signs of substance abuse may include, but are not limited to, the following:

Changes in attendance	Changes in work performance
Inattention to dress/personal hygiene	Red eyes
Unexplained possession of syringes	Obvious lethargy
Needle marks on arms	Slurred speech
Mood swings or other erratic behavior	Distorted sense of time and distance
Dilated or constricted pupils	Impaired motor problems

Sub-standard job performance or attendance, whether the result of substance abuse or other cause, is subject to the Authority’s normal corrective action and discipline processes. Documentation and discussion regarding such performance and attendance difficulties should focus on job-related issues only.

Any employee convicted for a violation of a criminal drug statute occurring in the workplace must inform the Authority of such violation in writing within five calendar days of conviction. Failure to comply will result in corrective or disciplinary action, up to and including termination of employment, even for a first offense. Upon receiving written notice from an employee of a conviction, the Authority will provide written notice to the Federal Aviation Administration (FAA) within 10 calendar days.

Within 30 days of being notified of the conviction, the Authority will (1) take appropriate personnel action, up to and including termination, and (2) require the employee to participate satisfactorily in drug abuse assistance or rehabilitation programs approved by an appropriate agency.

Possession of alcohol in unopened containers on Authority premises does not violate this Standard.

PROCEDURES

Contact a representative of the Human Resources Department for assistance in handling substance abuse questions and problems.

If a supervisor observes an employee on Authority property illegally using, selling, buying, manufacturing or possessing any controlled substance, they should call Harbor Police immediately and also contact the Director of Human Resources, as soon as possible. Such actions are considered willful misconduct and are subject to corrective action/discipline up to and including termination of employment. Employees may be suspended, with or without pay, pending a complete investigation of the incident.

If a supervisor observes an employee who is ill or otherwise incapacitated due to the suspected use of a controlled substance or alcohol, the supervisor shall contact a representative of the Human Resources Department for immediate advice.

Should an employee appear to require medical attention, the supervisor shall dial "9-911" (if from an Authority phone), and then contact a representative of the Human Resources Department and inform the representative of the situation.

- If an employee cannot work due to their condition and requires assistance with transportation, arrangements can be made by the supervisor or through a representative of the Human Resources Department.
- A supervisor shall not volunteer or encourage another employee to drive an impaired employee home.

An employee operating Authority vehicles, tools, or machinery who becomes involved in an accident, generally will be required to submit to an alcohol/drug test unless drugs and alcohol can be ruled out with a high level of certainty as a contributing cause to the accident. When in doubt, testing is a necessity.

An employee who sustains serious injuries on the job generally will be required to submit to an alcohol/drug test as part of the physician's exam unless drugs and alcohol can be ruled out completely as a contributing cause to the injury.

An employee may be required to submit to a drug and alcohol screening to determine their actual condition. Refusal to submit to testing may be considered insubordination and may result in corrective action, up to and including dismissal. Any employee who fails the drug and/or alcohol test will be subject to disciplinary action, up to and including dismissal.

An employee who provides false information in connection with a urine or blood test, or attempts to falsify test results through tampering, contamination, adulteration, or substitution, is subject to corrective or disciplinary action, up to and including termination of employment.

For timekeeping purposes, as this provision relates to non-exempt employees, absence from work in either partial or full days due to the effects of substance abuse is to be reported as PTO, if available. For exempt employees, full-day absences from work due to the effects of substance abuse are to be reported as PTO, if available. A member of the Human Resources staff will provide guidance in this area.

If an employee discloses that they have a substance abuse problem, it is the supervisor's responsibility to:

- Contact Human Resources staff for advice in dealing with the problem appropriately;
- Advise the employee of help available through the EAP, or their own doctor or medical facility;
- Refrain from offering their own medical or moral advice or opinions;
- Be supportive in offering help but be firm in communicating work and performance expectations.

If an employee discloses that they have a substance abuse problem and wishes to seek treatment, the Authority may grant the employee a leave of absence in order to undergo treatment. The Authority's actions shall comply with its obligations to provide reasonable accommodation as required by applicable law. (See the ***Accommodation for Substance Abuse Rehabilitation*** Standard.)