

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT	Number 97.00	Issue 2	Page 1 of 11
SUBSTANCE ABUSE POLICY	Effective Date August 9, 2019		

1. PURPOSE

- 1.1. In recognition of the public service responsibilities entrusted to all City employees, interns, volunteers and City contractors that *Substance Abuse* hinders a person's ability to perform their duties safely and effectively, the City adopts the following Policy against *Substance Abuse*.
- 1.2. It is the intention of this Policy to eliminate *Substance Abuse* and its effects in the workplace. This Policy provides guidelines for the detection and deterrence of *Substance Abuse*.
 - 1.2.1. While the City has no intention of intruding into the private lives of its employees, interns, volunteers or City contractors, involvement with *Controlled Substances* and alcohol on and off the job can take its toll on job performance as well as the public and employee's safety. Our concern is that City employees, interns, volunteers and City contractors are in a condition to perform their duties safely and efficiently, in the interests of their fellow workers and the public, as well as themselves.

2. SCOPE

- 2.1. This regulation applies to all City employees, interns, volunteers and City contractors.

3. DEFINITIONS

- 3.1. Controlled Substance - unless otherwise specified, a drug, substance, or immediate precursor that is listed in any schedule in Section 11054, 11055, 11056, 11057, or 11058 of the California Health and Safety Code.
- 3.2. Employee Assistance Program (EAP) - A program that assists employees with personal or workplace problems affecting job performance. The *EAP* provides comprehensive assessment/evaluation services, referral to service or treatment resources and follow-up evaluation.
- 3.3. Impaired - the inability of an employee, intern, volunteer or City contractor to perform his/her job duties effectively or efficiently due to being under the influence of a *Controlled Substance* or alcohol.

(Supersedes Administrative Regulation 97.00, Issue 1, effective February 2, 1989)

Authorized _____

Signature on File
CHIEF OPERATING OFFICER

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT	Number 97.00	Issue 2	Page 2 of 11
SUBSTANCE ABUSE POLICY	Effective Date August 9, 2019		

3.4. Reasonable Suspicion – a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee, intern, volunteer or City contractor is under the influence of *Controlled Substances* or alcohol in the workplace. Also known as a “For Cause” drug and/or alcohol test.

3.4.1. Reasonable Suspicion may result from the following:

- a. Actual observation of the use or ingestion of a *Controlled Substance* or alcohol by a City employee, intern, volunteer or City contractor;
- b. Reliable information that a City employee, intern, volunteer or City contractor is currently under the influence or has recently used, ingested or possessed a *Controlled Substance* or alcohol.
- c. Observation of several indicators listed in the Reasonable Suspicion Reference Guide (Attachment 2).

3.5. Safety Service and Related Employees - personnel that operate City vehicles and equipment, and/or perform safety-sensitive functions.

3.6. Substance Abuse - the improper or excessive use of *Controlled Substances*, such as an illegal drug, prescription drug, or any other substance or alcohol which impairs the ability of a City employee, intern, volunteer or City contractor to safely, effectively, and efficiently perform their job duties.

3.7. Work Shift - all time, compensated or not, between the time a City employee, intern, volunteer or City contractor reports to work and the time they depart from work for the day.

4. POLICY

4.1. The City is committed to eliminating *Substance Abuse* in the workplace because it can lead to workplace injuries, accidents, absenteeism, reduced productivity, low employee morale, and damage to the City’s property and reputation.

4.2. All City employees, interns, volunteers and City contractors are prohibited from consuming alcoholic beverages or being under the influence of a *Controlled Substance* or alcohol during their *Work Shifts*.

4.3. To ensure the ongoing safety of all City employees, interns, volunteers, City contractors, and the public, the City will take appropriate action against any individual who violates this Policy, including discipline, up to and including termination.

4.4. Employees who think they may have a *Substance Abuse* problem are urged to voluntarily seek confidential assistance from the *Employee Assistance Program* or from a healthcare provider.

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT	Number 97.00	Issue 2	Page 3 of 11
SUBSTANCE ABUSE POLICY	Effective Date August 9, 2019		

4.5. Training

4.5.1. Training will be provided to all supervisors regarding detecting signs of *Substance Abuse* in the workplace and appropriate actions to ensure the ongoing safety of the workplace and the public. This training will include current *Substance Abuse* data, a detailed overview of the City's policy, and procedures to be followed.

4.5.2. The training will be conducted on a regular, reoccurring basis and as needed.

4.6. EAP

4.6.1. This section applies to City employees only.

4.6.2. Discussions between the employee and *EAP* will be kept confidential unless the employee consents to disclosure.

4.6.3. Employees who self-identify as having a *Substance Abuse* problem may seek assistance from *EAP*.

4.6.4. The City may require employees who test positive for a *Controlled Substance* or alcohol to meet with *EAP*.

4.7. Actions Related to Positive Testing and/or Illegal Conduct

4.7.1 The City may take appropriate disciplinary action against an individual based on the outcome of a *Reasonable Suspicion* drug and alcohol testing, past performance, or other relevant factors in accordance with full due process and representation rights.

4.7.2. City employees, interns, volunteers and City contractors who are involved in illegal activity pertaining to the use, sale, distribution, purchase or possession of any *Controlled Substances* or alcohol during the course of City employment, may be investigated by the Police Department or other law enforcement agencies.

4.8. Compulsory Medical Examinations and Mandatory Drug and Alcohol Testing

4.8.1. City employees maybe required to undergo a mandatory drug and alcohol testing or screening (see Attachment 1) if *Reasonable Suspicion* exists in accordance with this Policy.

4.8.2. Employees involved in an on-the-job accident while operating a vehicle or power

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT	Number 97.00	Issue 2	Page 4 of 11
SUBSTANCE ABUSE POLICY	Effective Date August 9, 2019		

equipment are required to undergo a compulsory medical examination which may include drug and alcohol testing.

- 4.8.3. Employees who are required to submit to a mandatory drug and alcohol test or screening will also be required to authorize, in writing, the disclosure of such testing or screening conducted under this Policy to the Personnel Department. Failure to do so may result in appropriate disciplinary action, up to and including termination, in accordance with full due process and representation rights. Refusal to immediately submit to testing or screening when required by City management or law enforcement personnel will constitute insubordination and may be grounds for discipline, up to and including termination. The results of such testing or screening will be kept confidential as required by law.

4.9. Controlled Substances

- 4.9.1. All City employees, interns, volunteers and City contractors are prohibited from engaging in the unlawful use, sale, distribution or possession of drug paraphernalia, as defined in Section 11014.5 of the California Health and Safety Code, a *Controlled Substances*, or alcohol.
- 4.9.2. The lawful use or possession of a *Controlled Substances*, for example when prescribed by a licensed healthcare provider and taken in accordance with the prescription, or a non-prescription medication, is not prohibited. However, an individual whose job performance may be affected by such use must immediately advise their supervisor if the use could compromise the safety of the employee, fellow employees or the public.

5. PROCEDURES

5.1. Evaluate the Need for a *Reasonable Suspicion* Testing

5.1.1. This section applies to City employees only.

5.1.2. A request for *Reasonable Suspicion* testing is triggered when an employee is observed by a supervisor or manager, or is reported by a co-worker, to be demonstrating the indicators of alcohol or drug use or abuse. Supervisors and managers should utilize the “Indicators of Alcohol and Drug Users/Abusers Reference Guide” (Attachment 2) to identify specific physical and behavioral indicators.

5.1.3. If the behavior was observed by anyone other than a supervisor or manager, it is required that a supervisor or manager evaluate the need for testing and then consult with another supervisor or management representative, when possible.

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT	Number 97.00	Issue 2	Page 5 of 11
SUBSTANCE ABUSE POLICY	Effective Date August 9, 2019		

5.2. Observe the Employee and Document Observations

5.2.1. If multiple indicators of alcohol or drug use or abuse are observed, the supervisor or manager should ask a Department management representative or designee to observe the employee's behavior and physical appearance. The supervisor or manager should also communicate with the employee, as appropriate, in order to thoroughly evaluate the need for *Reasonable Suspicion* testing. If the employee appears to be in medical distress, the supervisor/manager should offer to call for medical assistance for the employee.

5.2.2. If both the supervisor or manager and a Department management representative or designee agree there is *Reasonable Suspicion*, the supervisor or manager who initiated the observation will document what was observed utilizing the "Reasonable Suspicion Supervisor Observation/Incident Documentation Form". (Attachment 3)

5.3. Take Immediate Action When Safety Risk

5.3.1. In cases of there is an immediate danger or safety risk to the public, other employees, or to the alleged *Impaired* employee, a supervisor or manager should take immediate corrective action, such as not allowing the *Impaired* employee to drive while on duty or relieving the employee from their assigned duties.

5.3.2. If the alleged *Impaired* employee attempts to leave, a supervisor or manager should issue a direct order for the employee to stay. If the alleged *Impaired* employee is posing a threat to themselves or others, a supervisor or manager should immediately call the police for assistance.

5.4. Report the Need for *Reasonable Suspicion* Testing

5.4.1. The supervisor must notify the Department Director or Deputy Director of the need for *Reasonable Suspicion* testing and provide the documentation of the observations. If the Director or Deputy Director is not available, the supervisor will contact the next person in the chain of command.

5.4.2. The Department Director or Deputy Director will call the Human Resources (HRO) Department for approval of *Reasonable Suspicion* testing.

5.4.3. The HR Director or a HR Deputy Director will approve the *Reasonable Suspicion* testing of employees.

5.5. Employee Testing

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT	Number 97.00	Issue 2	Page 6 of 11
SUBSTANCE ABUSE POLICY	Effective Date August 9, 2019		

- 5.5.1. Once approved by Department Management and HR, HR will contact the Personnel Department to arrange an appointment for the employee with the City's designated medical testing facility.
- 5.5.2. The supervisor or Department management designee must speak with the employee to clearly explain what has been observed and documented by Department management, that *Reasonable Suspicion* exists, and that the employee will be taken for a drug and/or alcohol testing.
- 5.5.3. The supervisor or Department management designee must drive the employee to the City's designated medical testing facility, stay with the employee during the testing, and after testing, ensure that the employee arrives safely home to their place of residence. The supervisor or Department management designee must ensure that the alleged *Impaired* employee does not drive.
- 5.5.4. If an employee refuses to take a drug and/or alcohol testing or leaves during the test, this is considered an automatic positive testing result and insubordination of a direct order. Disciplinary action will be taken, up to and including termination.
- 5.5.5. The employee may have someone pick them up after the testing, take another mode of transportation, or the supervisor can drive the employee to the employee's residence.
- 5.5.6. If the circumstances warrant, the Department Director or Deputy Director will also notify the Police Department to determine if an investigation of the possession of a *Controlled Substance* or the use of alcohol is warranted and to request, if necessary, a police escort.
- 5.6. Receipt of Test Results
 - 5.6.1. Drug and alcohol testing results are received within two to five working days depending on when the test occurred. During this time, the Department will keep the employee in the workplace, if it is safe to do so.
 - 5.6.2. If a Department determines that the ongoing safety of the employee and the Department requires the employee's removal from the workplace, the Department must confer with HR.
 - 5.6.3. Positive drug and alcohol testing results are provided to employee's Department Director or designee.
- 5.7. Respond to the Testing Results

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT	Number 97.00	Issue 2	Page 7 of 11
SUBSTANCE ABUSE POLICY	Effective Date August 9, 2019		

5.7.1. When the drug and/or alcohol testing results are negative, and the employee has been out of work, the supervisor or Department management designee should contact the employee and require the employee to return to work.

5.7.2. When the drug and/or alcohol testing results are positive, the recommended next steps are as follows:

- a. Refer the employee to the *Employee Assistance Program*.
- b. Take disciplinary action, up to and including termination.

6. RESPONSIBILITY

6.1. Supervisor

6.1.1. Ensures that immediate responsive and corrective action is taken when they suspect the Policy has been violated.

6.1.2. Documents what was observed.

6.1.3. Follows the procedures outlined in this Policy and notifies management.

6.1.4. When applicable, ensures the employee undergoes testing and arrives home safely after.

- a. This includes reminding the employee to bring photo identification to the testing facility.
- b. Ensures that the employee does not drive themselves, either to or from the testing facility.
- c. Ensures the employee has transportation home after the testing.

6.1.5. Refers the employee to the *Employee Assistance Program*.

6.2. Deputy Director

6.2.1. Reviews facts and determines if *Reasonable Suspicion* exists.

6.2.2. Advises supervisor when employee needs to undergo drug and/or alcohol testing.

6.2.3. Contacts HR for approval of *Reasonable Suspicion* testing.

6.2.4. If the circumstances warrant, contacts the Police Department to determine if an investigation or Police escort is needed.

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT	Number 97.00	Issue 2	Page 8 of 11
SUBSTANCE ABUSE POLICY	Effective Date August 9, 2019		

6.2.5. Takes appropriate action based on test results.

6.3. HR Department

6.3.1. Based on the information provided by the employee's Department, HR approves or denies the *Reasonable Suspicion* testing, and if appropriate, contacts the Personnel Department to arrange for an appointment for the employee at an appropriate testing facility.

6.3.2. Designates who will be available at all times, including weekends, and who will have the authority to approve and arrange for *Reasonable Suspicion* testing.

6.4. Police Department

6.4.1. Designates a representative to act as a 24-hour duty liaison to other departments for implementation of this Policy. Departments may contact the watch commander's office at 619-531-2205 to be directed to the duty liaison.

6.4.2. Initiates investigation of employees or incidents, when requested by a Deputy Director or equivalent, and approved by HR. Assists departments in conducting investigations, as appropriate.

6.4.3. Provides Police assistance concerning any employee, when requested by a Deputy Director or equivalent.

6.5. Personnel Department

6.5.1. Ensures that a competent medical provider, supervised by a qualified physician, is available to collect the sample for testing, using proper sample collection procedures, and that the chain of evidence is maintained at all times.

6.5.2. Ensures that a competent, licensed, professional medical laboratory, supervised by a qualified physician, is available at all times, including weekends, to conduct testing.

6.5.3. Ensures that the laboratory protects the evidence of any examination including the samples and testing results, and makes them available to the City and employee after testing and for re-testing, as appropriate.

6.5.4. Provides positive *Reasonable Suspicion* testing results to the employee's Department Director or designee.

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT	Number 97.00	Issue 2	Page 9 of 11
SUBSTANCE ABUSE POLICY	Effective Date August 9, 2019		

6.6. Employee Assistance Program (EAP)

6.6.1. Develops training programs designed to increase the ability of supervisors and managers to identify and handle employee problems caused by *Substance Abuse* in the workplace.

6.6.2. Offers training programs to all City supervisors on a regular, reoccurring basis as needed.

APPENDIX

Legal References

Memoranda of Understanding (MOUs) with each of the recognized employee organizations

Forms

- Attachment 1 - City of San Diego Drug and Alcohol Testing Procedures
- [Characteristics of Alcohol and Drug Users/Abusers](https://citynet.sandiego.gov/sites/default/files/rs-reference-guide.pdf)
(<https://citynet.sandiego.gov/sites/default/files/rs-reference-guide.pdf>)
- [Supervisor Observation / Incident Documentation Form](https://citynet.sandiego.gov/sites/default/files/rs-documentation-form.pdf)
(<https://citynet.sandiego.gov/sites/default/files/rs-documentation-form.pdf>)
- [Quick Guide: Reasonable Suspicion \(Request for Drug and/or Alcohol Testing\)](https://citynet.sandiego.gov/sites/default/files/rs-test-request.pdf)
(<https://citynet.sandiego.gov/sites/default/files/rs-test-request.pdf>)

Subject Index

Substance Abuse
Reasonable Suspicion
Controlled Substances

Administering Department

Human Resources Department

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT	Number 97.00	Issue 2	Page 10 of 11
SUBSTANCE ABUSE POLICY	Effective Date August 9, 2019		

ATTACHMENT 1

CITY OF SAN DIEGO DRUG AND ALCOHOL TESTING PROCEDURES

1. Upon arrival at the medical provider's facility, the employee completes a drug screening consent form that includes testing authorization, release of testing results to the City, and recent drug and/or alcohol usage. The medical receptionist will ask for and will visually check the employee's identification (Identification presented must include a photograph of the employee), and a photocopy of the employee's identification is made and maintained in medical file.
2. After the necessary paperwork has been completed, and prior to the employee being escorted to a lavatory to provide a urine specimen, the medical assistant will advise the employee that the urine specimen collection will be done under direct observation. The medical assistant will accompany the employee into the lavatory and provide a collection cup to collect a urine specimen. The giving of the urine specimen will be observed by a medical assistant of the same sex as the employee.
3. In the presence of the employee, the medical assistant will open the plastic bag containing the empty urine specimen bottle and unscrew the cap. The medical assistant will pour the urine sample from the collection cup into a specimen bottle and cap the bottle. The medical assistant will remove one preprinted, numbered, and tamper-evident seal from the preprinted and numbered chain of custody document and place the seal over the cap and down the sides of the bottle. (The preprinted identifying number on the seal is identical to the number on the chain of custody document.) The medical assistant will ask the employee to verify the sealing of the specimen bottle and to initial and date the seal.
4. With the employee observing, the medical assistant will write the employee's name and demographic information on the chain of custody document. The employee will sign and date the chain of custody document certifying the following: that the specimen bottle was sealed; that the seal bears the same identifying number as the one on the chain of custody document; that the specimen was theirs; and that the specimen was not altered.
5. With the employee observing, the medical assistant will sign and date the chain of custody document, certifying that the urine specimen was provided by the person named on the document on the date indicated, that the specimen was collected in accordance with specified collection procedures, and that the specimen has been prepared for transport to the laboratory. The medical assistant also indicates on the chain of custody document that the specimen submitted is urine, and that one specimen is being submitted.

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT	Number 97.00	Issue 2	Page 11 of 11
SUBSTANCE ABUSE POLICY	Effective Date August 9, 2019		

6. With the employee observing, the medical assistant will place the sealed urine specimen bottle and the laboratory copy of the chain of custody document in a plastic transport bag and seal the bag. Before placing the laboratory copy of the chain of custody document in the plastic transport bag, the medical assistant will verify with the employee that the area containing the name and demographics are blacked out on this copy to ensure confidentiality. The employee is asked to verify that the bag is sealed. The bag is then placed in the specimen transport box and the medical assistant will place the red-colored security seal over the lid and down a side of the box.
7. The urine specimen is then picked up by courier for delivery to the testing laboratory. Upon receipt of the urine specimen by the laboratory, a laboratory official signs and dates the chain of custody document certifying that the specimen has been examined and handled in accordance with applicable requirements.
8. The laboratory analyzes a portion of the urine specimen and reports the results to the medical provider. The remainder of the specimen is retained for further testing as necessary.
9. If the specimen tests positive, the report and paperwork completed earlier will be reviewed to determine if the drug test was positive because of legal drug usage. Satisfactory proof of legal drug usage may include written confirmation by the employee's private medical doctor that the employee was taking prescription medications. If satisfactory proof is supplied, the drug screen will be acceptable.
10. If the drug screen was positive for illegal drugs, or if it was positive for unsatisfactorily explained legal drugs, the City may initiate appropriate disciplinary action against the employee in accordance with full due process and representation rights