

3.9 Drug-Free/Alcohol-Free Workplace

MCWD has a critical interest in assuring the health, safety, and well-being of its employees and the maintenance of a safe and efficient work environment. Illegal drugs and/or alcohol in the workplace are a danger and inconsistent with the behavior expected of our employees.

As such, MCWD is committed to maintaining a work environment free from the influence of alcohol and drugs. MCWD has adopted standards and guidelines in accordance with the Drug-Free Workplace Act of 1990, the federal Department of Transportation regulations and other federal laws applicable to public entities including those employing "safety sensitive" positions. Such positions shall be designated by MCWD using federal standards in order to identify which positions are subject to discretionary random drug testing.

In this connection, any location at which MCWD business is conducted, whether on MCWD property or at any other site, is declared to be a drug-free workplace. This means that:

- A. All employees are absolutely prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, sale, or use of an illegal drug, alcohol, or controlled substance in the workplace or while engaged in MCWD business. Any employee violating the policy is subject to discipline, up to and including termination.
- B. Should an employee be required to take any kind of prescription or nonprescription medication, which could affect job performance or the ability to operate machinery he/she is required to report this to his/her immediate supervisor. A written statement may be required. An employee may continue to work if MCWD determines the employee does not pose a safety threat and/or that job performance is not affected by use of the medication. Otherwise, the supervisor will determine if it is necessary to temporarily place the employee on another work assignment in order to reasonably accommodate a medical condition or to take other action as appropriate.
- C. Employees have the right to know the dangers of drug abuse in the workplace, MCWD's policy, and what help is available to combat drug problems. MCWD will provide educational material and conduct training for all employees on this subject. MCWD also recognizes that substance abuse is treatable and is willing to provide referral assistance to those who want to understand and correct his/her problem before it impairs his/her performance and jeopardizes his/her employment. One source of treatment for drug/alcohol dependency is provided to MCWD employees through coverage under the Association of California Water Agencies (ACWA) sponsored health plan.

- B. Any employee convicted of violating a criminal drug statute must inform MCWD of such conviction (including pleas of guilty and nolo contendere) within five (5) days of its occurrence. Failure to do so will subject the employee to disciplinary action, up to and including immediate termination.
- C. If MCWD has reason to suspect that an employee may be using drugs or alcohol, or may be under the influence of or impaired while at work, or when reporting for work, that employee may be ordered to submit to a blood test, urinalysis, breathalyzer, or other test conducted by a professional medical staff and laboratory. Likewise, when MCWD reasonably suspects that an employee's impairment from drugs or alcohol may have been a factor in an injury or accident during work or while operating MCWD equipment or a vehicle, that employee may also be required to take a blood test, urinalysis, or other drug/alcohol test. Such examination and/or tests, when requested, will be on MCWD time, are considered a condition of employment, and will be at the sole expense of MCWD. Transportation will be provided to and from the medical facility. If the employee tests positive, the employee may be subject to immediate termination. Should an employee refuse to submit to the requested examination or test, the employee will be subject to corrective action, up to and including termination.
- D. MCWD retains the right to search and inspect all MCWD-owned property and premises including common areas used by employees to detect the presence of drugs, controlled substances, or alcohol. MCWD-owned property includes, but is not limited to, machinery, equipment, furniture, lockers, buildings and vehicles. In addition, MCWD may question employees and inspect any of his/her packages, vehicles, or belongings when entering or leaving MCWD premises. Such inspections may occur at any time, with or without notice. As a condition of employment, every employee is expected and required to cooperate fully with any search being conducted to detect the presence of drugs or alcohol on MCWD property.
- E. An employee who may have an alcohol or drug problem is encouraged to seek treatment before his/her performance or conduct is affected. MCWD will reasonably accommodate any employee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program, unless it imposes an undue hardship on MCWD. Employees may use any available sick leave, as well as any accrued, unused vacation or compensation benefits for the purpose of entering and participating in such a rehabilitation program.

If such a program is offered, and accepted by the employee, then the employee must satisfactorily participate in the program as a condition of continued employment.